

GUIDELINES FOR COMPLETING QUESTIONNAIRE

1. Before completing the questionnaire please note:

You **must not** be currently represented by counsel and the crime and conviction must have occurred in Michigan.

2. An inmate requesting the assistance of the Michigan Innocence Clinic must FULLY and LEGIBLY complete the following questionnaire. Please be sure to fill the questionnaire out in ink and sign the authorization on page 19. Return the completed questionnaire to the address on the questionnaire.
3. Please keep us informed of any address changes.
4. Please **DO NOT** send any transcripts, pleadings, or the like along with your questionnaire. If we need additional documentation to investigate your matter we will contact you at that time. Any additional documents sent in with a questionnaire will be returned to you.
5. An inmate will be notified after review of their questionnaire whether or not their case will move on for further investigation. Please understand that due to the overwhelming number of requests for assistance, there is a wait of several months before a questionnaire is reviewed.

THE MICHIGAN INNOCENCE CLINIC

CASE SCREENING QUESTIONNAIRE

Return to: **The Michigan Innocence Clinic**
University of Michigan Law School
625 South State Street
Ann Arbor, MI 48109-1215

INSTRUCTIONS: Please answer, as fully as you can, **all** questions that apply to your case. Your case cannot be considered for possible use in the clinic until **this questionnaire is completed, signed, and returned to the above address. DO NOT send us any documents of any kind when you return this questionnaire.** We may ask you to send us documents later, but do not send them to us now.

Name: _____

MDOC #: _____

Mailing Address: _____

I. THE BASIC FACTS ABOUT YOU AND YOUR CONVICTION

1. List all of the charges you were convicted of for which you are now in prison.

2. Are you **totally innocent of ALL** of these charges? Yes_____ No_____

If no, which of the charges are you totally innocent of? _____

3. Were you involved **at all in any** of the crimes for which you are now in prison?

Yes_____ No_____

If **YES**, please briefly tell us how you were involved _____

4. Were you present at the scene of the crime before, during, or after the crime?

Yes_____ No_____. If **YES**, please briefly explain _____

5. How were you convicted of the crimes for which you are now in prison?

Jury Trial ___ Bench Trial _____ Guilty or Nolo Plea _____

Did you have more than one trial? Yes _____ No _____

If **YES**, list the result of each trial (Examples: hung jury, mistrial, conviction reversed on appeal, conviction affirmed on appeal) _____

6. What is the length of the sentence you are now serving?_____

When is or was your first outdate? _____

What is your maximum discharge date? _____

7. What is your first language?_____

8. What is the highest grade you completed in school? _____

9. Were you employed at the time of your arrest? Yes _____ No _____

If **YES**, who was your employer (include address and phone number)?

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-
3. Have you taken a polygraph (lie detector) test about your involvement in the crime for which you are in prison? Yes _____ No _____

If **YES**, when did you take the test, who administered it, and did the examiner say that you passed or failed the test (include all polygraph tests you have taken about this crime; we understand that polygraphs test results are often not accurate)?

If you did take a polygraph test, do you have a written report of the results of the test?
Yes _____ No _____

If you did take and failed a polygraph test, why do you think you failed?

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4. Would you be willing to take a polygraph (lie detector) test at our request?
Yes _____ No _____

IV. THE CRIME, YOUR ARREST, AND THE POLICE INVESTIGATION

1. When did the crime occur (date and time of day)? _____
2. Where did the crime occur (location/address, **city**)? _____

3. When were you arrested (date and time of day)? _____
4. Where were you arrested (location/address, city)? _____

5. What were the names of the victims, if there were any? _____

6. Who was the officer in charge of the case? Name: _____

Police Department: _____

7. Did the police have any witnesses identify you or other possible suspects in a lineup or showup? Yes _____ No _____

If **YES**, tell us when and where the lineup or showup occurred, who the witnesses were, and whether each witness picked you or anyone else out of the lineup or showup. Please also tell us anything else you believe we should know about the lineup or showup.

8. Did the police have any witnesses identify you or other possible suspects from photographs before you were convicted? Yes _____ No _____

If **YES**, tell us when and where the photos were shown, who the witnesses were, and whether each witness picked you or anyone else out of the photographs. Please tell us anything else you believe we should know about the photographs.

9. Did you make any statements to the police before or after you were arrested? Yes _____ No _____

If **YES**, answer each of the questions below. If **NO**, skip ahead to Section V.

(a) How many times were you interviewed by the police where you made a statement? _____

(b) When did you make each statement? (Example: the day before the arrest, during the arrest, two weeks after the arrest, etc.) _____

Who was the judge? _____

2. Were other people charged in connection with this crime? Yes _____ No _____

If **YES**, list their names and briefly tell us what happened to them (Examples: convicted in the same trial with you, convicted in a separate trial, convicted of lesser charges, acquitted, died before trial, pled guilty, pled guilty and testified against you, etc.)

Name _____ Result _____

Name _____ Result _____

Name _____ Result _____

Name _____ Result _____

If you have current addresses and/or phone numbers for the people who were charged with you, write them here _____

3. What was the date you were convicted? _____

4. Who were your trial attorneys in the trial court (include all attorneys who represented you in the trial court)? _____

5. Who was the lead prosecutor in the trial court? _____

6. What motions, if any, did your trial attorneys file for you in the trial court, and how did the trial judge rule on each motion?

Motion and Judge's Ruling _____

Motion and Judge's Ruling _____

Motion and Judge's Ruling _____

Motion and Judge's Ruling _____

VI. GUILTY OR NOLO CONTENDERE (“NO CONTEST”) PLEA CASES

Answer these questions **only if you pleaded guilty or nolo contendere (“no contest”) to the charges for which you are now in prison. If you went to trial, skip ahead to Section VII.**

1. Type of plea: Guilty _____ Nolo Contendere (“no contest”) _____

2. Did your attorney talk to you about a plea bargain? Yes _____ No _____

If **YES**, what did your attorney tell you about the plea bargain? _____

3. Why did you decide to plead guilty or nolo contendere (“no contest”)? _____

4. Have you ever tried to withdraw your plea? Yes _____ No _____

If **YES**, **when** did you try to withdraw it (Examples: before sentencing, during the appeal, after the appeals)? _____

If **YES**, **what reason** did you (or your lawyer) give for trying to withdraw your plea? _____

If **YES**, what reason did the court give for not letting you withdraw your plea?

VII. TRIAL CASES

Answer these questions **only if you were convicted after a jury trial or a bench trial for the charges for which you are now in prison. If you were convicted by plea, skip ahead to Section VIII.**

1. Type of trial: Jury Trial _____ Bench Trial_____

If you had a **bench trial**, why did you decide to let the judge decide your case?

2. Did you testify at your trial? Yes _____ No _____

If **NO**, why didn't you testify? _____

3. Did any victims testify at your trial? Yes _____ No _____

If **YES**, list their names and tell us any information you have that could help us locate them now

4. Did any eyewitnesses to the crime other than the victims testify for the prosecution at your trial? Yes_____ No_____

If **YES**, list their names and tell us any information you have that could help us locate them now.

5. Did any eyewitnesses to the crime testify for you at your trial? Yes_____ No_____

If **YES**, list their names and tell us any information you have that could help us locate them now.

6. Did any expert witnesses testify for the prosecution? Yes_____ No_____

If **YES**, list their names, explain what kind of expert testimony they gave (Examples: fingerprint, ballistics, DNA, psychiatric, etc.), and tell us any information you have that could help us locate them now.

7. Did any expert witnesses testify for you? Yes_____ No_____

If **YES**, list their names, explain what kind of expert testimony they gave (Examples: fingerprint, ballistics, DNA, psychiatric, etc.), and tell us any information you have that could help us locate them now.

8. Did anyone else charged with the same crimes you were charged with testify against you? Yes _____ No_____

If **YES**, list their names and tell us any information you have that could help us locate them now.

If **YES**, which of the witnesses listed above, if any, admitted during the trial that they were getting a deal for testifying against you? _____

9. Did anyone else charged with the crimes you were charged with testify for you?
Yes ____ No _____

If **YES**, list their names and tell us any information you have that could help us locate them now. _____

10. Did anyone who was facing other criminal charges testify against you?
Yes ____ No _____

If **YES**, list their names and tell us any information you have that could help us locate them now. _____

If **YES**, which of the witnesses listed above, if any, admitted during the trial that they were getting a deal for testifying against you? _____

11. What do you believe was the most important evidence and testimony the prosecution introduced that caused the jury or judge to find you guilty?

12. What kind of defenses, if any, did your attorney present or argue at your trial?
(Examples: alibi, self-defense, consent, mistaken identification, insanity,
accident, etc.) _____

13. Did your attorney call any witnesses to support your defenses besides the
witnesses you have listed in your answers to questions 5, 7, and 9?
Yes ____ No _____

If **YES**, list the names of other witnesses who testified for you, briefly tell us what
they testified about, and tell us any information you have that could help us locate
them now _____

VIII. PHYSICAL EVIDENCE

1. Were any of the following pieces of evidence gathered from the crime scene or
from the victim? Check all that apply:

Hair ____ Semen ____ Blood ____ Fingernail Scrapings ____

Fingerprints ____ Victim's Clothing ____ Perpetrator's Clothing ____

Shoeprints ____ Footprints ____ Gun ____ Knife ____

Other Weapons ____ Broken Glass ____ Saliva ____ Skin ____

Sheets or Bed Covers ____ Cigarette Butts ____ Drinking Cups ____

Carpets/Rugs ____ Auto or Auto Interior ____ Rape Kit ____

Other: ____ Please describe other physical evidence _____

2. Was any testing done on any of this physical evidence? Yes _____ No _____

If **YES**, which pieces of evidence were tested, what kind of testing was done, and what were the results?

3. Do you know if any of this evidence is still available for testing? Yes ___ No ___

If **YES**, which evidence? _____

Who has each of these pieces of evidence? _____

IX. APPEALS, 6500 MOTIONS, AND FEDERAL HABEAS

1. After you were convicted, did you appeal to the Michigan Court of Appeals?
Yes ___ No _____

If **YES**, who was your appellate attorney? _____

What issues did he or she raise on appeal (list all of them)? _____

2. Did your appellate or trial attorney file any motions in the trial court after you were convicted but before your appeal was decided? (Examples: Motion for Resentencing, Motion for New Trial, Motion for Evidentiary Hearing, etc.)
Yes ____ No ____

If **YES**, what motions were filed and for each motion tell us whether the judge held a hearing and what ruling the judge made on that motion.

3. Before your appeal was decided, did your appellate attorney ask the Michigan Court of Appeals to remand your case back to the trial court for some kind of hearing? Yes ____ No ____

If **YES**, what kind of hearing did your appellate attorney request, was the remand granted, and, if the remand was granted, what was the result of the hearing in front of the trial judge?

4. If you appealed to the Michigan Court of Appeals after your conviction, did your appeal then go on to the Michigan Supreme Court? Yes ____ No ____

If **YES**, who was your attorney in the Michigan Supreme Court, if you had one?

5. Have you filed any Motions for Relief from Judgment (“6500 Motions”) in the trial court? Yes ____ No ____

If **YES**, when did you file the motion or motions? _____

If you had any attorneys for your 6500 motions, who were they?

List all of the issues raised in your 6500 motions and how the judge ruled on each issue:

If you did file a 6500 motion, was that motion appealed to the Michigan Court of Appeals?

Yes _____ No _____

If **YES**, what issues were raised on appeal, and how did the Michigan Court of Appeals rule on the appeal?

If your 6500 motion was appealed to the Michigan Court of Appeals, was it also appealed to the Michigan Supreme Court?

Yes _____ No _____

Do you still have a 6500 motion pending either in the trial court or on appeal?
If **YES**, in which court is the 6500 motion currently pending?

6. Have you filed a habeas corpus petitions in federal court? Yes _____ No _____

If **YES**, when did you file the habeas corpus petition?

Which federal judge heard your habeas petition? _____

If you had attorneys for your habeas corpus petition, who were they?

List all of the issues raised in your federal habeas corpus petition and how the federal judge ruled on each issue:

If you did file a habeas corpus petition, was there an appeal to the 6th Circuit?

Yes ____ No ____

If **YES**, what issues were raised on the appeal to the 6th Circuit? _____

Do you still have a federal habeas corpus petition motion pending either with the federal court or on appeal?

Yes ____ No ____

If **YES**, in which court is the habeas corpus petition currently pending?

7. Are you currently represented by any attorneys? Yes ____ No ____

If **YES**, who are your current attorney? _____

X. CASE MATERIALS

Please check the documents or materials below that you could make available to us if we requested them. **Do NOT send us any documents or materials now or at any time until and unless we request them.**

Pretrial Hearing Transcripts _____

Police Reports _____

Trial or Plea Transcripts _____

Sentencing Transcript _____

Physical Evidence, Laboratory, or Medical Reports _____

Presentence Report _____

Brief on Appeal or Application to Michigan Court of Appeals _____

Prosecutor's Brief to Michigan Court of Appeals _____

Opinion or Order of Court of Appeals _____

Motion for Relief from Judgment (6500 Motion) _____

Opinion or Order of Trial Court on 6500 Motion _____

Federal Habeas Corpus Petition _____

If you do not have some of these documents but someone else does, please provide us with the name, address, and telephone number of the person who does have them and tell us which of the above documents this person has.

AUTHORIZATION

I authorize any attorney, law student, or staff member working with the Michigan Innocence Clinic to communicate with all of my previous attorneys, the Michigan Department of Corrections, probation and parole officers, governmental agencies, and all other persons having information he or she deems necessary in evaluating my case, and to examine and photocopy all communications, correspondence, investigation reports, probation and presentence reports, custodial files, medical evaluations, employment records, and other documents pertaining to me in the possession of such persons or agencies.

I also authorize and direct my previous attorneys to release my files and discuss my privileged communications with the Michigan Innocence Clinic and/or any attorney, law students, or staff member working for the Michigan Innocence Clinic. Further, I authorize and direct the Michigan Department of Corrections, probation and parole officers, and all other persons and governmental agencies to release to the Michigan Innocence Clinic and/or any attorney, law student, or staff member working for the Michigan Innocence Clinic, for examination and photocopying, all such communications, correspondence, court documents, investigation reports, probation and presentence reports, custodial files, medical evaluations, employment records, and other documents pertaining to me, and any case involving me, in their possession. I understand that the Michigan Innocence Clinic's attorneys, law students, and staff members will keep all privileged files and communications confidential. I understand that the faculty, staff, and students at the University of Michigan Law School Innocence Clinic will keep track of any confidential information I disclose to them. I consent to the Clinic using confidential information about my case in research or publications so long as I am not identified by name.

Dated: _____

Signature

Printed Name