

EXHIBIT "A"



MICHAEL C. O'MALLEY
Cuyahoga County Prosecutor
Conviction Integrity Unit
Application

To make a claim that you have been wrongfully convicted of a felony, complete this application and a Limited Waiver and Agreement Form and send them together with all relevant documents to: Cuyahoga County Prosecutor's Office, **ATTENTION: Conviction Integrity Unit**, 1200 Ontario Street, 9th Floor, Cleveland, Ohio 44113.

Applicant name: _____

Other names applicant has used: _____

Counsel for applicant (if applicable): _____

Address/phone no. of counsel: _____

Applicant's address: _____

Inmate Number (if applicable): _____

Applicant's telephone no. (if applicable): _____

Case Number: _____

Year convicted/sentenced of the crime: _____

Date of application: _____

In order to qualify for an initial evaluation of your application, the following criteria must be met:

- The conviction must have been for a felony offense in Cuyahoga County Common Pleas Court;
- The applicant must currently be a living person;
- The applicant must be seeking to vacate his or her own wrongful conviction;
- The applicant must not have alleged a legal argument in any post-conviction pleading that, in general, conflicts with the applicant's current claim that his or her conviction should be vacated; and,
- Your claim of wrongful conviction cannot involve a strictly legal claim such as claimed procedural errors at trial or those raised previously during the appellate or post-conviction process.

5. Explain how any scientific testing that took place supports your claim or how any scientific testing you are now requesting could support your claim.

6. Explain how the CIU may further investigate your claim, including but not limited to:

- **the name(s) and current address(es) of witnesses who are relevant to your claim:**

- **whether or not you or your representative has had any contact with the witness(es) and the content of that contact:**

- **the location of where any additional evidence may be obtained:**

All applicants must read the following very carefully:

1. Any person convicted of a felony offenses in Cuyahoga County is eligible to submit a claim that he/she was wrongfully convicted to the CIU.
2. A person with a wrongful conviction claim must submit a fully completed Application and a fully completed Waiver and Agreement Form. The Waiver and Agreement Form must be notarized. Both the Application and the Waiver and Agreement Form must be signed by the applicant, but the forms may be submitted to the CIU by the applicant or the applicant's attorney.
3. The CIU accepts cases for review for the sole purpose of investigating wrongful convictions. The CIU will conduct an initial evaluation to determine if initial requirements are met. If initial requirements are met, a full investigation MAY be conducted, at the discretion of the Prosecutor. The decision to conduct an initial evaluation and/or to conduct a full investigation does not mean that a claim has merit.
4. If the CIU conducts a full investigation, and/or agrees to allow DNA or other testing, it does not mean that the CIU agrees to the significance of the results to your claim.
5. Applications requesting vacation of a conviction(s) shall be accepted for review by the CIU after exhaustion of all available state statutory and other post-conviction relief.
6. Because of the many remedies that are available through statutory or other means, the following types of applications must go through the normal post-conviction process:
 - applications based on legal issues that were previously raised and/or could have been raised at trial or after conviction;
 - applications that conflict with a legal theory presented at trial or in a post-conviction pleading; and,
 - applications seeking to negotiate lesser charges and/or reduced sentences.
7. Wrongful conviction claims by individuals who have pled guilty may be evaluated, but in rare circumstances since there is a presumption that a guilty plea was made knowingly, intelligently and voluntarily and with the assistance of counsel.
8. Cases with pending appeals or any other motions filed after conviction will not be accepted.
9. Expunged cases will not be reviewed.
10. The CIU has the right to terminate the application process of any applicant who fails to fully cooperate with the CIU, fails to tell the truth during this process, or fails to abide by the terms for submission, initial evaluation, and/or full investigation of a claim. If an applicant does not fully cooperate, tell the truth, or abide by the terms of this process, the CIU may terminate

the application. Termination for these reasons may result in rejection of a re-submission based on the same claim.

11. Attorneys for applicants who fail to abide by the terms of the CIU process or otherwise act in bad faith may be prohibited from participation.
12. Applicants may at any time voluntarily revoke participation in the CIU process by advising the CIU in writing. Re-application of a claim is necessary after voluntary termination.
13. The CIU and CCPO do not act as legal counsel to any person or applicant during this process.
14. The Prosecutor's decision on the applicant's claim is FINAL and not subject to further review or appeal to any court.