

INNOCENCE AND WRONGFUL CONVICTIONS



TEXAS CRIMINAL JUSTICE COALITION

I WAS CONVICTED OF A CRIME I DIDN'T COMMIT. IS THERE ANYONE WHO CAN HELP ME?

Yes. There are many organizations that help prisoners try to prove their innocence.

DO I QUALIFY FOR HELP?

Maybe. Each organization has rules about what cases it takes. Most will only take your case if you had no part in the crime at all, for example, cases where there is mistaken identity or a false accusation.

HOW DO I PROVE I HAD NO PART IN THE CRIME AT ALL?

In most cases, there must be new evidence that was not at the trial. There are two types of new evidence, physical evidence - such as DNA evidence and other physical evidence - and evidence of constitutional error.

Some examples of constitutional error are:

- An alibi that was not offered at the trial
- Someone else confessed to the crime
- You were forced to confess or plead guilty
- Other facts not offered at the trial that prove you had no part in the crime at all

HOW CAN I GET DNA TESTING?

You, or your attorney, must tell the court that you want to file a Motion for a DNA test. Next, an attorney will look over your case. If you can't afford an attorney, the court will appoint one. The attorney will look at the evidence and decide whether to ask for a DNA test by filing a Motion for DNA testing with the court.

WHAT INFORMATION MUST BE IN THE MOTION FOR DNA TESTING?

These facts must be in the Motion for DNA testing:

- DNA evidence is important to your case
- The State has the DNA evidence
- The DNA evidence hasn't been altered or tampered with (it is "in the chain of custody")
- The DNA evidence can be tested
- Identity was, or is, a question in your case, AND
- You probably wouldn't have been prosecuted or convicted if the new DNA evidence was available AND the DNA evidence:
 - Wasn't tested during your trial, OR
 - Was tested, but new, better testing is available

WHAT HAPPENS AFTER THE DNA EVIDENCE IS TESTED?

The court will have a hearing. At the hearing, the court will decide if the DNA results are favorable. Favorable means you probably wouldn't have been prosecuted or convicted if the DNA evidence was offered at your trial.

<p>If the results are favorable, the court can:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Order a new trial, or <input type="checkbox"/> Order new sentencing 	<p>If the results are NOT favorable, the court can:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Hold you in contempt <input type="checkbox"/> Deny you parole <input type="checkbox"/> Take away your good time 	<p>If the results are unclear, the court can order more testing or deny your claim.</p>
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WHERE CAN I GET HELP?

Here are some organizations that might help you prove your innocence:

<p>Texas Innocence Network helps if you had no part in the crime at all. It does not require new physical evidence, like DNA. For help, call or write to:</p> <p>University of Houston Law Center 100 Law Center Houston, TX 77204-6060 Call: (713) 743-2100</p>	<p>Innocence Project of Texas helps if you had no part in the crime at all. It does require new physical evidence, like DNA. For help call, email, or write to:</p> <p>Innocence Project of Texas 1511 Texas Avenue Lubbock, TX 79401 Call: (806) 744-6525 Email: info@ipoftexas.org</p>
<p>Thurgood Marshall School of Law Innocence Project helps if you had no part in the crime at all. It does require new physical evidence, like DNA. For help, fill out and mail in a form found at: http://www.earlcarlinstitute.org/Centers/Criminal_Justice/Innocence_Project.shtml. Or call or write to:</p> <p>Earl Carl Institute for Legal and Social Policy Texas Southern University 3100 Cleburne Street Houston, TX 77004 Call: (713) 313-1139</p>	<p>Texas Center for Actual Innocence helps if you had no part in the crime at all. It does not require new physical evidence, like DNA. An inmate must ask for help. Family or friends can't ask for help. For help, write to:</p> <p>Texas Center for Actual Innocence The University of Texas School of Law 727 E. Dean Keeton St. Austin, TX 78705</p>

WHAT ELSE SHOULD I KNOW ABOUT INNOCENCE AND WRONGFUL CONVICTIONS?

- ❑ The Office of Capital Writs represents people who are sentenced to death and can't afford an attorney. For help, call (512) 463-8600 or write to:

Office of Capital Writs
 Stephen F. Austin Building
 1700 N. Congress Avenue, Suite 460
 Austin, TX 78711

- ❑ If you were exonerated, you are eligible for \$80,000 for every year you were in prison, on parole, or registered as a sex offender. If the exonerated person has died, the money can go to the surviving family. The money is available even if the person was pardoned after he or she died.
- ❑ If someone testified against you AND that person was in the same correctional facility as you, the law says that there must be some other evidence against you besides that person's testimony. This is only true if you were convicted after September 1, 2009.