



CHRISTOPHER R. TUNNELL

**ASHLAND COUNTY
PROSECUTING ATTORNEY**

Ashland County Prosecuting Attorney Conviction Review

Conviction Review Submission Requirements and Application:

In order to conduct a preliminary review of a conviction, the following prerequisites must be met:

1. Your conviction must be in the Ashland County Court of Common Pleas.
2. To request a review of your conviction, you must be incarcerated or still in prison.
3. There must be a claim of actual innocence or wrongful conviction.
4. New and credible evidence of innocence must exist.
5. The claim must not be frivolous. We take these applications seriously.
6. The petition must be submitted by YOU or YOUR attorney.
7. This is a long form. If you cannot answer every question, you can still submit it.
8. Complete this form as best you can.
9. Print legibly or type your answers, if possible.
10. Additional sheets of paper for your answers can be added.

NOTE: If YOU are represented by counsel, this form MUST be submitted by counsel and all communications from the Ashland County Prosecutor will be through YOUR attorney. Furthermore a written waiver of attorney-client privilege must be submitted with this completed application.

WE DO NOT ACCEPT SUBMISSIONS FROM FRIENDS OR FAMILY.

Please complete the Conviction Review Application and return it to:

Conviction Review
Office of Christopher R. Tunnell
Ashland County Prosecutor
110 Cottage St.
Ashland, Ohio 44805

110 Cottage Street | Third Floor | Ashland County Office Building | Ashland, Ohio 44805
419-289-8857 | Fax: 419-281-3865
prosecutor@ashlandcounty.org



Ashland County Prosecutor's Conviction Review Application Acknowledgment Form

| | | |
|---|----------------------------------|---------------------------|
| State of Ohio v. _____ | | |
| Petitioner's Name: _____ | | |
| Case No. _____ | Convicted Offenses: _____ | |
| Date of Offense: _____ | Date of Conviction: _____ | Date of Sentencing: _____ |
| Are there any open appeals/post-conviction motions? If yes, please list: _____ | | |
| The Petitioner must agree to the following and indicate such agreement by initialing to the right of each statement: | | |
| 1. I acknowledge that I have been convicted of the offenses(s) noted above by the Ashland County Common Pleas Court. | Initials of Petitioner: _____ | |
| 2. I believe that credible evidence of my innocence exists that was not previously presented to the Judge/Jury. | _____ | |
| 3. I am requesting that the Ashland County Prosecutor review my claim of actual innocence/wrongful conviction. | _____ | |
| 4. I am willing to cooperate with the Ashland County Prosecutor's investigation. | _____ | |
| 5. I understand the Ashland County Prosecutor may determine that my case does not meet their criteria and at any point may reject my claim. | _____ | |
| 6. I understand that I have no right to appeal a rejection of my claim by the Ashland County Prosecutor. | _____ | |
| 7. I understand that a claim with the Ashland County Prosecutor will not extend the deadlines for any direct appeal or post-conviction remedies. | _____ | |
| 8. I understand the Ashland County Prosecutor does not represent me and cannot offer me any legal advice. | _____ | |
| 9. I understand acknowledgement or acceptance of this Petition does not indicate acceptance of a case for investigation or validity of a claim. | _____ | |
| <p>I have read and understand all of the above statements. By initialing above and signing below, I understand and agree to comply with any terms herein. No one has told me to agree to anything that I oppose or do not understand. I certify that all statements in my Acknowledgment and Application Forms are true and accurate.</p> <p>Signature: _____ Date: _____</p> | | |



Conviction Review Application Form

1. Are you currently incarcerated?

Yes No (**STOP!** We cannot assist you.)

2. Were you convicted in the Ashland County Common Pleas Court?

Yes No (**STOP!** We cannot assist you.)

3. What is your first language?

4. What is the highest grade you completed in school?

5. Is there any reason that corresponding in writing will be difficult for you?

Yes (describe below) No

6. Have you ever had mental health treatment?

Yes (describe below) No

7. Would you be willing to sign a release to allow us to review your medical records?

Yes No (describe why not)

8. Were you employed at the time of your arrest? If so please provide the name, address and telephone number of your employer.

Yes No



9. Please list all crimes and the corresponding sentence for which you are currently incarcerated.

10. Besides your direct appeal, please list all other post-conviction motions and petitions filed in both state and federal court (for example, federal habeas corpus petition, motion for new trial, etc.) **DO NOT SEND COPIES UNTIL YOU ARE ASKED FOR THEM.**

11. Do you have any litigation regarding this case pending in court (civil or criminal)?

Yes (list all cases below) No

12. Are you claiming actual innocence? Actual innocence means that you were not involved in ANY way (e.g., self-defense is not actual innocence).

Yes No

13. Are you claiming that you were wrongfully convicted, but not actually innocent? Wrongfully convicted but not actually innocent means that, although you had some involvement in the crime, the evidence used against you at trial was tainted in some way (for example, the primary evidence against you was a confession that was obtained after using physical force) or there was a constitutional violation of your right to a fair trial.

Yes No

14. Are you claiming that you received a disproportionately and/or unfairly long sentence (e.g., your co-defendant has been released and you are serving a life sentence or a de facto life sentence)?

Yes No



15. Please describe in detail what the **prosecutors** presented at your trial?

16. Please describe in detail why you are innocent and the facts of your case the way **you** think the crime happened (e.g., was there a struggle, were any fluids discharged like semen, saliva, or blood; did the perpetrator touch several items at the crime scene?). Or, if you are stating that no crime happened, please explain (e.g., your child died because he/she was sick, not because of a criminal act).

17. Please provide the names, addresses, and telephone numbers of any individuals who might have information regarding your case. *By providing these names, you are giving us permission to talk to them about your case.*



18. Do you have copies of documents given to you by your trial attorney (e.g., police reports, discovery, bill of particulars, etc.)? If yes, please list the documents you possess below. **DO NOT SEND COPIES UNTIL YOU ARE ASKED FOR THEM.**

Yes No

19. What was the name of the victim(s)?

20. Did you know the victim(s)? How did you know the victims(s)?

21. How did you become a suspect in the case?

22. Describe your arrest: where were you, when did it happen, and how did it happen?

23. Who were the investigating detectives on your case?

24. Did the police or investigating detective interview you BEFORE you were arrested?

Yes No

If yes, how many times were you interviewed, and for how long? _____



25. Did the police or investigating detective interview you AFTER you were arrested?

Yes No

If yes, how many times were you interviewed, and for how long? _____

26. Was any part of the interview(s) recorded or videotaped?

Yes No

If yes, do you have a copy of the interview?

Yes No

27. Did you give a written statement?

Yes No

28. If you gave a statement in any form, please explain why you decided to give a statement, and briefly describe what you told the police.

29. Was any victim or witness asked to identify you prior to trial with a line-up or photos? If so, please describe who identified you and how.

Yes No

30. Do you know of anyone who was asked to identify you but could not? If so, who, when, and where?

Yes No



31. Did any eyewitness testify, either for you or against you (an eyewitness is someone who claims he or she actually saw the crime being committed)? If so, please list their names and any information you have about how to contact them.

Yes No

32. Did you have any co-defendants? Please list all of your co-defendants and any information you have about how to contact them, including their prison number (if known). Did they plead guilty or go to trial? Did any of your co-defendant(s) testify against you?

Yes No

33. Were there any co-defendants who were never charged? If yes, what are their names?

Yes No

34. Did you testify on your own behalf? If not, why?

Yes No

35. Did any victims testify? If so, list their names.

Yes No

36. Did any experts testify during trial? If so, who testified and what did they say?

Yes No



37. Did any police informants or snitches testify against you at your trial? If so, who testified and what did they say?

Yes No

38. Did anyone testify that you confessed to, or admitted being involved in, the crime?

Yes No

39. Did anyone testify against you in exchange for a promise of leniency (a deal) in his or her own case?

Yes No

40. Did anyone who testified against you, including the alleged victim, have a reason to lie? If yes, please explain.

Yes No

41. Who else testified for the **prosecution** at your trial?

42. Who testified for the **defense** at your trial?



43. Do you have an alibi that proves you could not have committed the crime?

Yes (describe below) No

44. Did you try to prove your alibi at trial? If so, how? If not, why? Did you discuss your alibi with your attorney? If not, why?

Yes No

45. Did the prosecution use any of the following against you to convict you?
If you check one of the boxes, please explain.

- | | |
|--|---|
| <input type="checkbox"/> Bite mark analysis | <input type="checkbox"/> Shaken-Baby Syndrome |
| <input type="checkbox"/> Microscopic hair comparison | <input type="checkbox"/> Blood typing (AB, O, etc.) |
| <input type="checkbox"/> Arson science | <input type="checkbox"/> Microscopic fiber or carpet analysis |
| <input type="checkbox"/> Gunshot residue | <input type="checkbox"/> Bullet/Ballistic comparison |
| <input type="checkbox"/> Fingerprints | <input type="checkbox"/> DNA |

46. Please describe the defense that you or your attorney raised at trial (for example, if you were convicted of rape, did you claim the sex was consensual, or that you were wrongfully identified, or, if you were convicted of murder, did you argue self-defense, present an alibi, or raise some other defense?).



47. Was any physical and/or biological evidence recovered during the investigation of your case (examples of this type of evidence are blood, hair, clothing, weapons, etc.). If so, please describe it.

Yes No

48. If applicable, was a rape kit obtained from the alleged victim?

Yes No

49. Did you ever see or hear about a report of the test results? If so, what did it say? If you have the DNA report, **please send a copy along with this application.**

Yes No

50. Were any DNA results used at trial?

Yes No

51. Do you know what lab or individual conducted the test? If yes, please provide.

Yes No

52. Is there new evidence in your case - or do you think new testing could develop new evidence in your case - which the jury did not hear in your original trial that would demonstrate your actual innocence/wrongful conviction?

Some possible examples could include:

- a) A DNA test that a lab could perform on the crime scene evidence that would conclusively prove you did not commit the crime.
- b) A DNA test that a lab could perform that would point to someone else having committed the crime.



- c) A DNA test on the crime scene evidence that could be put in the national DNA database of convicted felons that might match to a convicted felon showing that person actually committed the crime.
- d) A key state witness against you at the time you were convicted who has recanted his or her testimony. By “recanted,” we mean the witness is now saying he or she lied against you before, or was mistaken before, and that they are now saying something different that shows you are innocent.
- e) A new witness who has recently come forward, and who did not testify before, who can now testify that you are innocent. This can be someone who saw the crime and says it was someone else they saw do it, or someone who provides you with a solid alibi because they were with you somewhere else when the crime occurred.
- f) Other new science other than DNA, such as gunshot residue analysis or new arson science, which could be performed on the crime scene evidence and would show you are innocent. (Note: lead bullet analysis and arson science have really advanced in recent years. Many old methods that might have been used to convict you are now considered inaccurate. If you were convicted as a result of arson science or gunshot residue analysis, new studies showing those methods were flawed and could constitute new evidence).
- g) Evidence your lawyer did not present that could have proven you innocent.
- h) Do you have any “new evidence” or is there any “new testimony” that you believe could develop new evidence? Please state what that is.

**Note: The above list is not a complete list of examples and this type of evidence does not necessarily demonstrate actual innocence/wrongful conviction in every case. The list is included simply to provide some examples of evidence the jury did not hear which could, depending on the facts of your case, be used to demonstrate actual innocence or that you were wrongfully convicted.



53. If you are writing to the Ashland County Prosecutor claiming you are wrongfully convicted, but not actually innocent OR received a disproportionately and/or unfairly long sentence, please explain if there is new evidence supporting these claims, e.g., evidence of an officer's misconduct has come to light through another case or a new witness has come forward that demonstrates you are guilty of a lesser charge or crime rather than the crime for which you were sentenced.

54. If you are saying you did not commit the crime, do you know who committed the crime(s) of which you were convicted? If yes, please name them below and provide that person's whereabouts (if known).

Yes No

55. How do you know that this person committed the crime?

56. Have you contacted any innocence organizations in regards to your claim? If so, which organizations?

Yes No



57. Please tell us anything else that could help us prove your innocence or explain why you were wrongfully convicted or sentenced.

NOTE: THE PROSECUTOR'S OFFICE CANNOT PROVIDE YOU WITH INFORMATION AS TO WHEN THE REVIEW OF THIS SUBMISSION WILL BE COMPLETED. HOWEVER, DEPENDING ON THE VOLUME OF REQUESTS, IT MAY BE SOME TIME BEFORE WE CAN REVIEW YOUR SUBMISSION. WE WILL CONTACT YOU IF WE NEED MORE INFORMATION OR HAVE MADE A DECISION.

Signature of Defendant

Date