

## **FREQUENTLY ASKED QUESTIONS**

### **About the Great North Innocence Project (GN-IP)**

Q: What is the Great North Innocence Project (GN-IP)?

A: GN-IP is a nonprofit organization that works to identify and remedy wrongful convictions of people who are factually innocent of the crimes for which they were convicted in Minnesota, North Dakota and South Dakota, to develop and advocate for reforms to our criminal justice system that will prevent future wrongful convictions, and to educate the public and legal professionals about wrongful convictions.

Q: What kind of cases are reviewed by GN-IP?

A: GN-IP reviews criminal convictions where the applicant makes a plausible claim of actual innocence. GN-IP prioritizes claims of actual innocence brought by individuals who are currently in custody for a felony conviction. The claim must be capable of being proven by credible new evidence of actual innocence.

Q: What is actual innocence?

A: Actual innocence for the purposes of GN-IP means the applicant played no role in the crime whatsoever. It does not mean: the applicant did an act, but it was in self-defense; that the sexual act giving rise to a conviction was consensual; that the applicant played a lesser role in the crime; or the state brought the wrong charges. It also does not mean that the state did not prove the case or that the applicant's rights were violated. Those are all valid issues, but they are not within the mission of GN-IP.

### **Starting the screening process**

Q: What if my case is pending an appeal? Will GN-IP review it?

A: No. GN-IP only reviews cases where the appeal process is complete or the time for appeal has passed. We also do not work on cases if you are already represented by an attorney. However, we are happy to consult with your attorney if that attorney reaches out to us directly.

Q: How do I request a review of my conviction?

A: You will need to complete an application. You should write to GN-IP at the address below and give us basic information about your case and we will send you an application if you meet the basic qualifications to apply.

Great North Innocence Project  
229 19<sup>th</sup> Ave South  
Minneapolis, MN 55455

Q: Will all actual innocence claims be reviewed?

A: GN-IP screens all applications to determine whether there are credible claims of innocence that can be proven with new evidence. For applications that pass this initial screening, GN-IP does a more in-depth review and investigation to thoroughly explore if there is new evidence of innocence that can be uncovered.

Common types of evidence of innocence include things like: new DNA testing that proves innocence; a new and credible recantation by a key witness; the forensic science theory underlying the conviction has changed in a significant way; or the true perpetrator comes forward and credibly admits they committed the crime. This is not an exhaustive list; there may be many other types of evidence of innocence.

Q: Can I apply for a review of my case if I entered a plea agreement?

A: Yes. GN-IP reviews and investigates innocence claims that occur after a trial, by guilty pleas, or with *Alford* or *Norgaard* pleas. Depending on the facts of the case, guilty pleas may face a heightened level of scrutiny.

Q: May I apply to GN-IP on behalf of someone else who I believe is innocent?

A: No. The person convicted must apply directly to GN-IP. If for some reason you believe that person is incapable of completing an application himself or herself, please let us know and special arrangements may be made for a staff member or volunteer at GN-IP to reach out to them directly.

Q: What information is needed for GN-IP to begin an in-depth investigation of a case?

A: GN-IP's determination whether to investigate a conviction depends on the facts and circumstances of the case, and whether credible evidence supports the claim that the applicant is factually innocent.

Q: Does GN-IP review cases where there is forensic evidence available for DNA testing? Does the GN-IP investigation include DNA testing?

A: Yes, GN-IP's investigation may include DNA testing if there is a plausible claim of innocence and the DNA results could prove the applicant's claim of innocence. GN-IP will inform the applicant and enter into a limited retainer agreement with the applicant before GN-IP will undertake DNA testing. Depending on the results, GN-IP's representation of the applicant may or may not continue beyond DNA testing.

Q: I am concerned about the sentence that was imposed in my case. Will GN-IP review sentences?

A: GN-IP does not review unjust sentences.

## How GN-IP works

Q: What happens after I apply?

A: GN-IP will let you know by mail that it received your application. GN-IP works with law students who will review the application and screen your case. The students are working under the supervision of a GN-IP attorney. If the supervising attorney and students believe your claim of innocence has the potential to be supported by new evidence, they will develop an investigation plan. This usually involves locating the police reports, trial transcripts and other documents in your case. Once they have that information and review it, the students, with their supervising attorney, will create and follow an investigation plan that might involve talking to witnesses, locating evidence, review by forensic science experts, or other possible kinds of investigation.

Q: How quickly will applications be processed?

A: GN-IP will make every effort to process your application in a timely fashion. Please keep in mind that the length of time this process takes depends on many factors, including the age and complexity of the case, the information available to GN-IP, the number of other viable applications GN-IP is reviewing at the time, and the complexity of the investigation required.

Q: What about statutory deadlines that might pass in my case while GN-IP reviews my case?

A: Because GN-IP will not represent you until it has new significant proof of innocence and we have formally agreed to take the case, important deadlines could pass during that process. You are encouraged to file anything you believe will be successful on your own or with another attorney in time to meet those deadlines, even if GN-IP has already indicated that it is reviewing your case. We encourage you to speak with other attorneys about your case.

Q: What happens when GN-IP completes its investigation?

A: Once GN-IP finishes its investigation, if it develops new proof of innocence that it believes satisfy the requirements for postconviction relief, it will present a recommendation to the Litigation Committee of the Board of Directors for GN-IP. The Litigation Committee must vote to approve litigation in the case. If the Litigation Committee votes to approve litigation and the applicant wishes to move forward with litigation, GN-IP will start a legal proceeding seeking to overturn the conviction.

If it develops new proof of innocence that it believes will **not** satisfy the requirements for postconviction relief but is very compelling, and the conviction occurred in Minnesota state court, it may also present a recommendation to the Litigation Committee that GN-IP present your case to the Conviction Review Unit at the Minnesota Attorney General's Office. The Litigation Committee must vote to approve this option too, and the applicant must agree as well. An applicant may decide they do not wish to work with the Conviction Review Unit.

For more information about the Conviction Review Unit, please see <https://www.ag.state.mn.us/Office/CRU/default.asp>.

In either case, if the Litigation Committee approves further involvement in the case, we will send a retainer agreement to the applicant. It is only once that agreement is signed, that the applicant becomes a client of GN-IP. Up until that time, the applicant is **not** a client of GN-IP.

Q: What if I was convicted on only circumstantial evidence?

A: Unfortunately, physical evidence such as DNA or fingerprints are not required to get a conviction. Juries can and do convict people on circumstantial evidence and we cannot secure your release based only on the lack of evidence presented at your trial.

Q: What if I was convicted on only the word of the alleged victim?

A: Unfortunately, like the situation above, if the jury finds that single witness to be credible, you can be convicted of a crime based only upon the testimony of a single witness (corroboration is required if that witness is an accomplice).

Q: I do not think there is new evidence in my case, but I am innocent.

A: Please apply to us. We will screen your case and try to determine if there are any avenues for new investigation. However, if there truly is no new evidence, we cannot go back into court to seek relief based on what was already known at the time of your trial and appeal. In some cases, such a situation might be reviewable by the Conviction Review Unit.

Q: Will I be exonerated if the GN-IP agrees to review my case?

A: Not necessarily. Only after completing a thorough investigation will GN-IP be able to determine whether the evidence it reviewed supports a claim of factual innocence. And even in cases where GN-IP seeks relief from a conviction, it cannot guarantee that you will be exonerated.

Q: If GN-IP investigates and believes I am innocent, does this mean that my conviction will be vacated and I will be exonerated?

A: Not necessarily. Getting a conviction vacated will also require the cooperation of the County Attorney and judge, or if the County Attorney disagrees, a successful challenge through the court system.

Q: Must I solve the case to get relief?

A: No. Although GN-IP will attempt to find the true perpetrator of the crime, it does not have to solve the crime to seek relief.

Q: If I disagree with GN-IP's conclusions, what rights do I have for further review?

A: The existence of GN-IP does not create or confer any right on those who bring claims

of innocence. For this reason, there is no right to appeal its determinations.

Because GN-IP investigations are not part of a court proceeding, GN-IP's decisions do not prevent you from raising the same claims in court or before the pardon board. If GN-IP decides not to represent you, GN-IP will provide you with the evidence it found in its investigation, and you may use that evidence in seeking relief from conviction through any available legal avenues, such as a motion for postconviction relief or an application for pardon or clemency.

Q: What can I do to speed up the process?

A: Each application takes time to review. The most effective way for you to speed up a review is to fill out the application as completely as you can. If you can, please provide **full names and current addresses** for all witnesses mentioned as well as correct dates and case numbers.

### **Additional Information**

Q: Does GN-IP represent me as my attorney?

A: Not unless or until it finds compelling new proof of innocence and the Litigation Committee votes to accept your case. If that occurs, you will be sent a retainer agreement, and once it is signed, GN-IP will represent you as an attorney.

Q: Can I come into your office to discuss my case or that of a loved-one?

A: No, GN-IP is not set up for in-person appointments.

Q: Does it cost me any money to have my case reviewed?

A: No, GN-IP does not charge for this service.

Q: What if I have questions not answered here?

A: Please contact GN-IP at the address above for additional information.