

INNOCENCE PROJECT EVALUATION CRITERIA

1. The applicant must be making a claim of actual innocence that, if successful, will result in the release of the applicant. Thus, for example, claims of inappropriate sentences and admission of guilt to less serious offenses are not appropriate for the Project.
2. The claim of innocence must be one that has a reasonable chance of being established through admissible evidence. Thus for example, an applicant who argues only that the jury should have believed him and not the victim does not present an appropriate claim. Preference is given to cases in which there is physical evidence that can be evaluated.
3. The applicant must have been sentenced to a significant amount of time, and have a significant amount of time remaining on his or her sentence. Due to fiscal and time constraints, the Project will accept only cases involving lengthy sentences. There is no particular length of sentence that is required.
4. The applicant must have exhausted all other reasonable remedies. The Project is not in business to assist appointed or retained counsel who are pursuing appeals or other post-conviction remedies, with the exception of federal habeas claims. We are lawyers of last resort; we generally will not get involved if appointed or retained counsel is already involved.
5. Preference will be given to those claims that involve forensic technologies that were not employed in the investigation of the case. A case that can be re-investigated using new DNA analytical techniques is preferable to one that simply calls for a re-investigation of factual issues already addressed.
6. When possible, and after a release of information has been obtained from the applicant, the applicant's trial and/or appellate lawyers will be contacted for the purpose of evaluating the legal and factual claims made by the applicant.
7. Cases in which the applicant proceeded to trial will be given preference over those cases in which the applicant pleaded guilty pursuant to a plea agreement.
8. Only cases arising in Colorado will be accepted by the Project. Both state and federal court cases will be considered. Cases from other states will be referred to an appropriate resource. We will attempt to coordinate with lawyers from other states in those cases which may need a filing in one state but an investigation in another state.
9. Strong consideration will be given to those cases which raise the issues most commonly found in cases of wrongful convictions: mistaken identification, ineffective assistance, testimony from 'cooperating witnesses' and police or prosecution misconduct.

10. None of these criteria establishes a hard and fast rule that cannot be violated. We will endeavor to give each case an independent evaluation.