



FREQUENTLY ASKED QUESTIONS

Structure of the Conviction Review Unit

Q: Is the CRU part of the Attorney General's Office?

A: Yes. The CRU is a specialized unit within the Post-Conviction Justice Division of the Office of the Minnesota Attorney General. The CRU is staffed by an Assistant Attorney General with experience investigating claims of wrongful conviction.

Q: What kind of cases are reviewed by the Conviction Review Unit?

A: The CRU reviews felony convictions where the applicant makes a strong indication of wrongful conviction. The CRU prioritizes claims of actual innocence brought by individuals who are currently in custody for a felony conviction. The claim must be capable of being substantiated by credible evidence.

Q: What if my case is pending an appeal? Will the CRU review it?

A: The CRU will not review your case until your appeal is final. The CRU is not staffed to litigate appeals. If your appeal is not yet final, please consult with your appellate attorney. Until your appeal is final, we strongly urge you not to send us information about your case. The information you send to the CRU is not protected by confidentiality rules and the information could harm your case on appeal. Please consult with your attorney before you send anything to the CRU. If you cannot afford an attorney to advise you regarding an appeal, contact the Minnesota Appellate Public Defender at 651-219-4444.

Q: Will the prosecutors who convicted me participate in the CRU's screening or review of my case, or in the CRU's final recommendation?

A: No. The original prosecutors will not take part in (1) the CRU's decision as to whether to accept the case for review, (2) the CRU's investigation of the case (other than to provide requested assistance or information), or (3) the CRU's determination as to whether to recommend that relief be granted.

Starting the CRU screening process

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

A: Please request and fill out the CRU's application for review, sign it, and send it to: Office of Minnesota Attorney General Keith Ellison, Attn: Conviction Review Unit, 445 Minnesota Street, Suite 1400, St. Paul, MN 55101. If you are represented by an attorney, please consult your attorney prior to submitting a request for review. Keep in mind that if you are represented by an attorney, the CRU will communicate only with your attorney about your case.

Q: Where can I find an application for CRU Review?

A: The CRU's Application will be available at all Minnesota Department of Corrections facilities, and **Applicants may request the Application through the Transitions Resource Center, or the Facility Library.**

You may also download a copy of the application from the CRU website or request an application from the Attorney General's Office by email, phone, or mail.

Email: CRUinfo@ag.state.mn.us

Phone: (651) 296-3353

Mail: Office of Minnesota Attorney General Keith Ellison, Attn: Conviction Review Unit, 445 Minnesota Street, Suite 1400, St. Paul, MN 55101

Q: Should I send documents to support my application to the CRU along with my application?

A: Do not send any additional materials unless we specifically request that you do so. We do not have the capacity to store additional materials, and we cannot guarantee that documents submitted to this unit will be returned.

Q: Will all wrongful conviction claims be reviewed?

A: The CRU screens all applications to determine whether there are plausible claims of a wrongful conviction. For applications that pass this initial screening, the CRU reviews the case further and may begin a more in-depth investigation to thoroughly explore the applicant's claim.

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

A: Yes. The CRU reviews and investigates wrongful conviction claims that were resolved 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 the CRU on behalf of someone else who I believe was wrongfully convicted?

A: No. The applicant must apply directly to the CRU. If for some reason you believe the applicant is incapable of completing an application himself or herself, please let us know and special arrangements may be made.

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

A: The CRU'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 was wrongly convicted.

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

A: Sometimes. If there is a plausible claim of a wrongful conviction and the DNA results could support the applicant's claim, the CRU will recommend DNA testing.

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

A: The CRU is not reviewing unjust sentences yet. However, if your application indicates that you received an unjust sentence, the CRU will notify you if and when the CRU has the resources to investigate unjust sentences.

How the CRU works

Q: What happens after I submit an application?

A: The CRU will confirm that it received your application. The CRU will review your application and let you know whether the application has been selected for a more in-depth review or whether

additional information is needed.

Q: How quickly will applications be processed?

A: The CRU will make every effort to process your application and timely inform you about the status of your application. Please keep in mind that the length of time this process will take depends on many factors, including the age and complexity of the case, the information available to the CRU, and the number of applications the CRU is reviewing at the time.

Q: If my case passes the screening process and is selected for review, will the CRU keep me informed of the status of the review?

A: Yes. The CRU will attempt to keep you informed during its review process and will inform you when a final decision has been made. If you are represented by an attorney, the CRU will keep your attorney informed, and it is your attorney's responsibility to keep you informed.

Q: What happens when the CRU completes its investigation?

A: Once the CRU completes its investigation, it will present its findings and recommendation to the Attorney General, who has the final decision-making authority about whether and what remedies to pursue. If the Attorney General determines that the applicant's case does not meet the requirements for relief from conviction or sentence, the CRU will notify the applicant immediately and will provide the reasons for the decision. If the Attorney General believes the applicant's case warrants relief, the CRU will determine what remedies to pursue, including recommending or seeking dismissal of the case, recommending and seeking a reduction in sentence, filing a joint application for post-conviction relief, advocating for early release, or supporting a request for clemency or pardon.

Q: Will I be exonerated if the CRU agrees to review my case?

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

Q: If the CRU investigates and determines that I was wrongfully convicted, does this mean that my conviction will be vacated?

A: Not necessarily. In most cases, the CRU does not have primary jurisdiction over the cases it reviews and will work with the local County Attorney who prosecuted the case to pursue the recommended relief. In most cases, getting a conviction vacated will also require the cooperation of a County Attorney and a judge.

Q: Must I solve the case to get relief?

A: No. The CRU exists to correct wrongful convictions. Although the CRU will attempt to find the true perpetrator of the crime, it does not have to solve the crime in order to seek relief from a wrongful conviction.

Q: If I disagree with the CRU's conclusions, what rights do I have for further review?

A: The existence of the CRU does not create or confer any right on those who bring claims of wrongful conviction. For this reason, there is no right to appeal its determinations. Because CRU investigations are not part of a court proceeding, the CRU's decisions and recommendations do not prevent an applicant from raising the same claims of wrongful conviction in another forum, such as in court or before the pardon board. The CRU will provide the applicant with the evidence it uncovered in its investigation, and the applicant may use that evidence in seeking relief from conviction through any available legal avenues, such as a motion for post-conviction relief under

Minnesota Stat. 590.01 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 address for all witnesses mentioned as well as correct dates and case numbers.

Q: If I've applied for a pardon or commutation, may I also apply to the CRU?

A: Filing a request for pardon does not prevent an applicant from applying to the CRU. But we ask that you keep us informed about your proceedings before the Board of Pardons.

Additional Information

Q: Is the CRU affiliated with the Great North Innocence Project or any other innocence organization?

A: No, the CRU is part of the Office of the Minnesota Attorney General. However, the Office of the Minnesota Attorney General and the Great North Innocence Project have worked together to establish the CRU, and the CRU will work cooperatively with the Great North Innocence Project to investigate some cases. The CRU may also work cooperatively with similar organizations and law schools to review applicants' cases.

Q: Does the CRU represent me as my attorney?

A: No, the CRU is part of the Attorney General's Office. For this reason, CRU attorneys are not able to provide you with legal advice. If you desire representation or legal advice during the CRU's investigation, the CRU may assist you in finding legal assistance from pro bono attorneys, the Great North Innocence Project, other innocence organizations, or law schools.

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

A: No, the CRU does not charge for this service.

Q: What if I have questions not answered here?

A: Please contact the CRU at CRUinfo@ag.state.mn.us, (651) 296-3353 or Office of Minnesota Attorney General Keith Ellison, Attn: Conviction Review Unit, 445 Minnesota Street, Suite 1400, St. Paul, MN 55101, for additional information.