



有罪判決審查單位之審查申請書

明尼蘇達州法院下轄之有罪判決審查單位 (CRU)職責是於刑事案件中，再次檢視法院是否得出錯誤的判決結果 (俗稱冤案)。若您認為受到錯誤的判決結果 (無論您是受到陪審團定罪或是在審判中您自行認罪)，皆得申請由本單位為其案件進行審查。

The Conviction Review Unit (CRU) reviews claims of wrongful conviction from people who were convicted of felony crimes in Minnesota state courts. You may apply for review regardless of whether you were convicted at trial or pled guilty.

案件須符合以下三個要件使得進入本單位審查：

The CRU will review your case only if you meet these requirements:

1. 您受到明尼蘇達州檢察署(Office of the Attorney General)或是明尼蘇達州地方檢察署起訴並被認定犯有重罪(felony)。
You must have been convicted of a felony that was prosecuted by either the Office of the Attorney General or by a County Attorney's Office in the State of Minnesota.
2. 您必須對於法院誤判的主張提出合理(plausible)的抗辯，主張自己並沒有犯罪卻受到法院定罪與判刑。
You must present a plausible claim that you were wrongly convicted of the crime charged. (You were wrongly convicted if you did not commit the crime for which you were convicted and sentenced.)
3. 需確實存有可以使法院合理相信為錯誤判決的證據存在。
There must be potential leads to reliable evidence that would back up your claim of wrongful conviction.

申請須知

HERE'S WHAT YOU NEED TO KNOW BEFORE YOU APPLY

明尼蘇達刑事有罪確定案件審查單位，即冤案審查單位(CRU)，為明尼蘇達州檢察署之獨立單位。明尼蘇達檢察長為明尼蘇達州之首席執法人員。

The Minnesota Conviction Review Unit, also known as the CRU, operates as an independent division of the Minnesota Attorney General's Office. The Attorney General is the chief law enforcement officer for the State of Minnesota.

當您填完此申請書，冤案審查單位將會為您的案件進行初步審查並檢視您的案件，並判斷此案是否符合進一步調查的案件資格。

If you complete this application, the CRU agrees to conduct an initial review of your case to determine whether you qualify for an in-depth investigation of your case.

在開始填寫此申請書之前，請您先了解冤案審查單位所能協助您的範圍。

Before you complete this application, please be aware of what the CRU can and cannot do for you.

冤案審查單位無法擔任您的律師。在冤案審查單位任職的律師為檢察官，他們並不是辯護律師，更不能為您辯護。也就是說，第一，冤案審查單位並不能提供您任何法律諮詢；第二，您提供的資訊皆不受律師與客戶保密規範所保護。

The CRU cannot serve as your attorney. The CRU attorneys are prosecutors. They are not defense attorneys, and they cannot represent you. That means the CRU cannot provide you with legal advice, and what you say to us is not covered by attorney-client privilege.

冤案審查單位能與您或是您的律師合作，透過蒐集先前可能因為限制而無法取得的證據、取得先前無法得到的證據（比如 DNA 證據），或是與可能促使您與對案件發展有重大突破的證人面談，共同調查您的案件。

The CRU can cooperate with you or your attorney to investigate your claims of wrongful conviction by gathering evidence that you may not have had access to, testing evidence that may not have been tested, and talking to witnesses who may shed light on your conviction.

如有位律師正為您辯護，請先諮詢該律師的意見再提交此申請書。因為您的律師能提供您寶貴的建議，比如申請審查利弊以及送出申請會對您的案件造成的影響。如果您與您律師討論後，決定向本單位提出申請，本單位將會與您的律師合作，共同蒐集資料並與您的律師分享任何進展。在沒有取得您的律師同意之前，冤案審查單位並不會擅自與您聯繫。

If you are currently represented by an attorney, please consult your attorney before you submit this application. Your attorney will have valuable advice about whether you should apply and how applying to the CRU may affect your legal claims. If you and your attorney decide to apply to the CRU, we will work with your attorney to gather information about your case and share the information we have gathered with your attorney. The CRU will not communicate with you unless your attorney agrees.

冤案審查單位會在最短的時間內與您初步面談。由於案件進入本單位審查所需的等待時間不一，受到冤案審查單位的人力分配以及收到的申請數量影響。冤案審查單位會定時與您聯絡申請調查的目前進度狀況如何。

The CRU agrees to conduct an initial review of your application as soon as it can. The time it takes to review your application will depend on the CRU's available resources and the number of applications we have received. The CRU will periodically update you in writing about the status of your application.

當冤案審查單位進行初步審查時，本單位有可能會聯繫您在此申請書裡列出的任何人，進一步探詢他們對案件的了解。本單位也有可能聯繫當初的檢察官、被害人以及曾經對您的案件提供證言的證人。

In its initial review, the CRU may contact the people you list in this application to find out more about what they know. The CRU may also contact the original prosecutor in your case, the victim, and witnesses who provided information or may have testified in your case.

案件經本單位初步審查後，如果冤案審查單位決定不受理您的案件，冤案審查單位會立即向您或是您的律師通知並解釋原因。

After an initial review, if the CRU denies your application for assistance, the CRU will notify you or your attorney immediately, and we will explain the reasons for the denial.

如冤案審查單位決定受理您的案件，本單位會與您或是您的律師合作，完整的調查您所提出的證據。如果您未聘有律師，在經過您的同意後，本單位能試圖為您尋找位能在審查過程中協助您的律師。

If the CRU accepts your case for a more thorough review, we will cooperate with you or your attorney to fully investigate the basis of your claims. If you do not have an attorney, with your permission, the CRU may attempt to find an attorney who can assist you as the CRU conducts a more thorough review of your application and your claims.

調查期間，如果您已遞交定罪後動議(post-conviction motion)或是有此計畫，冤案審查單位不能向您保證能夠因此而不受到刑事訴訟法的日期規範。如果您的訴訟仍在審查中，您仍然要遵守所有法院的規定與期限。

During the investigation process, the CRU cannot promise to waive deadlines you may be facing if you have filed or intend to file post-conviction motions. If you have legal claims you are pursuing, you will need to make sure you continue to follow the court's rules and all deadlines that apply to your case unless the court agrees to set aside those deadlines.

在您完成此申請書之前，請先在下方欄位簽名，表示您已閱讀並同意上訴申請須知。

Before you complete the application, please sign below to indicate that you read and understand "What You Need to Know Before You Apply."

簽名 Signature

日期 Date

審查案件之資訊

INFORMATION WE NEED TO REVIEW YOUR REQUEST

您的以下回答將協助冤案審查單位決定是否能夠協助您的案件。請您完整並確實的回答每個問題。如果您不知道如何回答某個問題，請表示「我不知道」。請清楚地填寫您的回答。

Your answers to these questions will help us decide whether the Minnesota Conviction Review Unit will be able to take action on your case. Please answer each question as fully and as truthfully as you can. **If you don't know the answer to one of the questions, just say that you don't know.** Please **PRINT or TYPE** your answers as clearly as you can.

關於您 ABOUT YOU:

姓名 Name: _____

矯正署編號 Department of Corrections ID # (OID): _____

如您目前人身自由 If you are not currently incarcerated:

現居住址 Current street address: _____

市，州，郵遞區號 City, State, Zip: _____

電話號碼 Phone number: _____

請在以下勾選是或否 Please check "yes" or "no" for each question.

- | | | |
|---|----------------------------|----------------------------|
| 您看得懂英文嗎？ Can you read in English ? | <input type="checkbox"/> 是 | <input type="checkbox"/> 否 |
| 您會寫英文嗎？ Can you write in English ? | <input type="checkbox"/> 是 | <input type="checkbox"/> 否 |
| 是否有人向你口頭敘述此申請書？ Is someone reading this form to you ? | <input type="checkbox"/> 是 | <input type="checkbox"/> 否 |
| 是否有人為您代填此申請書？ Is someone writing on this form for you ? | <input type="checkbox"/> 是 | <input type="checkbox"/> 否 |
| 您是否有視力受損或是眼盲？ Are you vision-impaired or blind ? | <input type="checkbox"/> 是 | <input type="checkbox"/> 否 |
| 您是否有聽力受損或是耳聾？ Are you hearing-impaired or deaf ? | <input type="checkbox"/> 是 | <input type="checkbox"/> 否 |
| 您是否使用手語進行交談？ Do you use sign-language to talk or listen ? | <input type="checkbox"/> 是 | <input type="checkbox"/> 否 |

如您不會讀、寫或是講英文，您希望用什麼語言溝通？ If you cannot read, write, or speak in English, what language do you prefer ?

請問您是否有其他願意告訴我們的身體上障礙？ Do you have any disabilities that you want to tell us about ?

關於您的案件 ABOUT YOUR CASE:

請問您被以何種罪名定罪？ What crime were you convicted of? _____

請問您的刑期為多久？ How long was your sentence? ____ 您出獄的日期 What is your release date? _____

請列出所有共同被告 List any co-defendants in this case: _____

請勾選以下所有屬實的陳述。如果沒有一項適用於您，請勾選「以上陳述皆不適用」。 Please check every box for every statement **that is true**. You can check as many boxes as you need. If none applies, check the box saying, "None of the above statements applies to me."

- 被定罪的罪行中，我沒有參與任何犯罪行為。 I had no role in the crime I was convicted of.
- 被定罪的罪行中，我參與了一部分犯罪行為。 I did some of what I was convicted for, but not all of it.
- 我做了違法的行為，但是行為當下我是喝醉或是精神恍惚的。 I did something illegal, but I was drunk or high at the time of the incident.
- 我做了違法的行為，但是我有個會影響正常思考、行動、認知是非對錯的身體疾病。 I did something illegal, but I have a condition that affects my ability to act or understand right from wrong.
- 我做了違法的行為，但是該行為是受人脅迫的。 I did something illegal because I was forced to do it by someone else.
- 我做了違法的行為，但是刑期過重。 I did something illegal, but I got too much time in prison for it.
- 以上陳述皆不適用 None of the above statements apply to me.

您是如何被定罪的？ How were you convicted？

- 陪審團或是法官做出有罪判決 A jury or judge found me guilty at trial.
- 我認罪或是並未做出反對意見(no contest) 之答辯 I pled guilty or no contest.

您是否有為自己作證 Did you testify at trial？ 是 否

您向本單位申請審查案件的原因為何？ WHY ARE YOU ASKING THE CONVICTION REVIEW UNIT TO REVIEW YOUR CASE？

您是否主張您並未犯下上述罪名？ Are you claiming that you did not commit the crime you listed above？

- 是 否

您是否主張您得到違法或是過重的刑期？ Are you claiming that you received an unlawful or unjust sentence？

- 是 Yes 否 No

法院及案件資訊 Court and Case Information

1. 請問您是在哪裡被定罪的？ Where were you convicted？ (城市、郡、州 City, County, State):

2. 州法院案件編號 State Court File Number: _____

辯護律師資訊 Current Representation

請問您是否有律師為您辯護？ Are you currently represented by an attorney？

- 是 Yes 否 No

如是，請提供辯護律師的名字 If yes, provide your current attorney's name:

與無辜計畫聯繫 Contact with Innocence Organizations

請問您是否曾經因為您的案件聯繫過任何無辜計畫？ Have you contacted any innocence organizations about your case？

- 是 Yes 否 No 我不確定 I'm not sure

如是，請表示哪個無辜計畫 If yes, which organization(s)？ _____

如是，請問該無辜計畫是否仍然在調查您的案件？ If yes, are they currently investigating your case?

- 是Yes 否No 我不知道 I don't know

關於罪行的問題 Questions About the Crime

1. 請問犯罪行為為何時發生？ When did the crime happen? _____

2. 請問犯罪行為在哪個地點發生的？ Where did the crime happen?
(比如說「在我家」或是「在加油站」。請提供地址或是儘量詳細的資訊。 *Some examples of places might be "at my house" or "at a gas station." Please write down as much information as you know. Write the address if you know it.*):

如犯罪行為當下您在現場請勾選此選項 Check this box if you were there when the crime happened.

3. 請問誰被法院或是檢察官認定為被害人？ Who was the alleged victim?
(比如「我兒子」或是「無名氏」。請提供人名或是儘量詳細的資訊。 *Some examples of things you may write are "my son" or "Jane Doe Simpson." Please write down as much information as you know. Write the person's full name if you know it.*):

如您不知道被害人為何人請勾選此選項。 Check this box if you don't know who the victim was.

4. 請問您是如何認識被害人？ How do you know the alleged victim?
(比如「他是我老婆」或是「我在一場派對上認識他」 *Some examples of things you may write are "she was my wife" or "I met her at a party."*)

如您不認識被害人請勾選此選項。 Check this box if the victim was a stranger.

關於您案件的問題 Questions About the Case Against You

1. 請問您是在何時何地遭逮捕的？ When and where were you arrested? _____

2. 請問您是遭哪個警察單位逮捕的？ What police department arrested you? _____

3. 請問檢察官或是警察認為您做了什麼犯罪行為？ What did the prosecutor or police say you did to commit the crime?

(比如「他們指說我對無名氏開槍」或是「我的小孩摔傷了，他們說是我搖的」。 *Some examples are "they said I shot John Doe" or "my baby fell, and they said I shook him."*)

4. ____ 請問警察為何會覺得您與這個罪行有關係？ How did the police connect you to the crime?

(比如「小明說是我做的」、「門把上殘留著我的指紋」或是「一位目擊證人從一群人裡挑出我的照片」。 *Some examples are "Joe Smith said he saw me do it" or "my fingerprint was on the doorknob" or "a witness picked my picture out of a lineup."*)

5. 請勾選所有在您的案件舉證過的證據。可複選。 Please check the box next to any kind of evidence that was used in your case. You may check as many boxes as you need to.

一位證人從一群人中指認出我。 A witness picked me out of a line-up

一位共同被告指稱是我犯案的。 A co-defendant told someone I did the crime

被害人指證是我犯案的。 The victim said I did the crime

犯案時，我和被害人在一起。 I was with the victim around the time the crime occurred

警察說我認罪了。 Police said I confessed

警察或是醫生指稱我搖晃了一個嬰兒(被害人)。 Police or doctors said I shook an infant

victim

跟我同在看守所/監獄裡的人說我認罪了。 Someone I was in jail with said I confessed

我在看守所/監獄外認識的人說是我犯案的。 Someone I know from the outside said I did

the crime

警察指稱在犯案現場找到我的指紋。 Police said they found my fingerprint at the crime

scene

- 警察指稱在犯案現場找到我的鞋印。 Police said they found my shoeprint at the crime scene
- 警察指稱在犯案現場找到我的毛髮。 Police said they found my hair at the crime scene
- 警察或是醫生指稱我因為搖晃嬰兒而造成了傷害。 Police or doctors said I caused injuries by shaking an infant
- 警察指稱在犯案現場採集到我的精液。 Police said they found my semen (sperm) at the crime scene
- 警察指稱在被害人身上採集到我的精液。 Police said they found my semen (sperm) on the victim
- 警察指稱在犯案現場採集我的唾液。 Police said they found my saliva (spit) at the crime scene
- 警察指稱在被害人身上採集到我的唾液。 Police said they found my saliva (spit) on the victim
- 警察指稱在犯案現場採集到我的血液。 Police said they found my blood at the crime scene
- 警察指稱在我身上或是我的物品上採集到被害人的DNA。 Police said they found the victim's DNA on me or on my things
- 警察指稱在我身上找到被害人的齒痕。 Police said they found the victim's teeth marks on me
- 警察指稱在被害人身上找到我的齒痕。 Police said they found my teeth marks on the victim
- 警察指稱我有被害人的財產或是物品。 Police said I had the victim's property or belongings

請在以下空間敘述任何其他警察調查出的重要證據 Use this space to tell us about any other important evidence that the police recovered in the investigation of your case:

能夠證明冤情的新證據 New evidence that shows I was wrongly convicted:

請勾選以下所有屬實的陳述。可複選。如果沒有一項適用於您，請勾選「以上陳述皆不適用」。Please check every box for every statement **that is true**. You can check as many boxes as you need to. If none applies, check the box saying, "None of the above statements applies to me."

- 先前作證的證人或是線人已撤回或是改變了他們的證詞。A witness/informant who testified against me has recanted or changed their testimony.
- 有可以證明我清白的新證據，但是先前裁判時無法獲得。There is new evidence that proves my innocence that wasn't available when I went to trial or entered my plea.

請簡單的敘述該項新證據 Briefly explain what evidence:

- 有可以證明審判不公平的新證據，但是審判時無法獲得。There is new evidence that shows my trial was unfair that wasn't available when I went to trial or entered my plea.

請簡單的敘述該項新證據 Briefly explain what evidence:

- 在審判中有些科學證據或是證詞是錯誤或是不可信的。There was scientific testimony at my trial that was wrong or has been discredited.

請簡單的敘述該項科學證據或是證詞。Briefly explain what testimony:

- 我案子的 DNA 樣本從未被檢測過。There is DNA in my case that was never tested.
- 一位參與過我案件的警察後來被發現是不誠實、有偏見或是貪污的。An officer involved in my case was later found to be dishonest, biased, or corrupt.

該位警察的姓名 Name of officer: _____

以上陳述皆不適用於我的情況。 None of the above statements applies to me.

您冤案的主張。 Your Claim of Wrongful Conviction

1. 請在以下敘述您認為自己受冤的原因。 Please tell us why you believe you were wrongly convicted of the crime or crimes:

2. 請在以下敘述犯案當下您的所在地點。 Where were you at the time the crime or crimes happened?

3. 請問有什麼人事物可以證明您在犯案當下的所在地點。 Who, or what, could prove where you were at the time of the crime?

4. 請問您是否有真正犯罪人的資訊? Do you have information about who may have committed the crime?

5. 請問誰有能夠證明您清白的資訊? Who has information that would show that you were wrongly convicted?

姓名 Name: _____

地址與電話 Address and Phone number: _____

這人知道什麼資訊 What does this person know? _____

這人是否有在審判中作證 Did this person testify at trial? 是 Yes 否 No 我不確定 I'm not sure

姓名 Name: _____

地址與電話 Address: _____

這人知道什麼資訊 What does this person know? _____

這人是否有在審判中作證 Did this person testify at trial? 是 Yes 否 No 我不確定 I'm not sure

姓名 Name: _____

地址與電話 Address: _____

這人知道什麼資訊 What does this person know? _____

這人是否有在審判中作證 Did this person testify at trial? 是 Yes 否 No 我不確定 I'm not sure

姓名 Name: _____

地址與電話 Address: _____

這人知道什麼資訊 What does this person know? _____

這人是否有在審判中作證 Did this person testify at trial? 是 Yes 否 No 我不確定 I'm not sure

6. 如您認為您的審判過程有不公，請在以下欄位內解釋。If you believe your trial was unfair, please explain why:

7. 請問還有什麼能夠協助本單位審查的資訊? What other information would be helpful for us to know about your case?

在這份申請表上簽名即表示我了解我是向冤案審查單位，即明尼蘇達州檢察署下轄單位，申請審查我的刑事案件。我知道我是向檢察官辦公室提供這些訊息。我知道明尼蘇達州冤案審查單位並未而且無法為我辯護。冤案審查單位所能協助我的是調查我的案件並建議相關單位採取行動來糾正不公正的審判結果。

By signing this Application, I am asking the Conviction Review Unit, a division of the Minnesota Attorney General's Office, to review my conviction. I understand that I am providing this information to a prosecutor's office. I understand that the Minnesota CRU does not and cannot represent me. Instead, the CRU can assist me by cooperatively investigating my case and recommending that action be taken to correct an injustice.

我確認上述提供的資訊皆為屬實。

I affirm that the information in this application is true to the best of my knowledge.

簽名 Signature: _____ 日期 Date: _____

姓名 Printed Name: _____

請將此申請書交回至以下地址
Please return completed form to:

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