

**Gwinnett County District Attorney
Conviction Integrity Unit
Frequently Asked Questions**

Q: Is the CIU part of the Innocence Project?

A: No. The CIU is part of the District Attorney's Office only. However, we may collaborate with various innocence projects and key stakeholders when reviewing and re-investigating cases.

Q: Does the CIU represent me as my attorney?

A: No. The CIU works for the District Attorney on behalf of the State of Georgia. CIU attorneys are NOT able to offer legal advice to you. You should consider hiring private counsel, contacting the public defender's office, or seeking the assistance of an innocence project or other organization.

Q: How do I know whether the CIU received my letter?

A: Sometimes, letters are delayed in transit to our office. When the Gwinnett County DA's Office CIU receives your letter, we will send you an acknowledgment of receipt via email or mail.

Q: Is the CIU part of the appellate/post-conviction process provided by Georgia law or the District Attorney's office?

A: No. The CIU was not created by statute, its investigations are not part of a court action, and it is not governed by court rules of procedure. The CIU is an independent unit from the appellate unit/post-conviction legal remedies.

Q: Who will investigate and evaluate the claim of actual innocence?

A: The applications submitted to the CIU are reviewed and investigated by the CIU. No prosecutor, police officer, or investigator who was involved in the prosecution of the case under review by the CIU will play any investigative role in evaluating the applications brought to the CIU.

Q: How will I know what conclusions have been reached by the CIU?

A: Applicant will be informed of the conclusions reached by the CIU about their application. Applicants do not, however, have an absolute right to have notice of all investigative activities or results obtained by the CIU. To protect the integrity of its investigation, the CIU reserves the right to determine whether or when investigative efforts and results should be disclosed.

Q: How quickly will the CIU let me know that a decision has been made?

A: The CIU receives many applications each year, we cannot guarantee a time frame of when you should expect to hear back from us about a decision. However, we make every effort to process your application as soon as possible.

Q: I received a letter from the CIU which states that the CIU is unable to re-open an investigation into my case. Why can't the CIU re-investigate my case?

A: The CIU is part of the District Attorney's Office, we cannot offer legal advice, nor represent anyone in the defense of their case. As such, we will often refer your case to an innocence project because they are sometimes better situated to communicate and discuss confidential matters.

Also, the CIU does not generally review cases where the only claim is procedural, for example, that the convicted person received ineffective assistance of counsel. We do not review cases where there is only a request for a time-cut or complaint that an inmate has not made parole.

Most importantly, however, is that the CIU's determination does not prevent you from attempting to obtain relief through the normal legal process, such as filing a writ of habeas corpus. Also, the CIU's determination should not be taken as legal advice that your claim does or does not have merit. You are always free to seek legal advice from a defense attorney at any time regarding your case, and/or pursue any legal claim you believe you may have.

Q: Is the CIU able to receive Applications and/or investigate cases where the convicted person does not - or witnesses do not – speak, read, or write English?

A: Yes. If the application is not written in English, we make every effort to obtain a translation. The Application will be treated the same as ones where the Application is written in English. Additionally, **the CIU is currently able to assist Spanish-speakers.**

Q: Does the CIU only review cases where there is forensic evidence available for DNA testing?

A: No. However, re-investigating cases without the benefit of DNA evidence is more difficult and slow-moving because these types of cases are very time consuming to investigate.

Q: If the CIU informs me it is reviewing my case, does that mean I will be exonerated?

A: No. Each case is unique and simply because the CIU reviews the case does not mean that it will result in an exoneration.

Q: If I disagree with the conclusions of the CIU investigation, what rights do I have for further review?

A: The existence of the CIU does not create or confer any "rights" on those who bring a claim. For this reason, there is no "right" to appeal its determinations. Because the CIU's investigation is not part of a court proceeding, the CIU's decisions or recommendations do not prevent an Applicant from raising the same claims of innocence in another forum, such as through a Motion for Relief from Judgment.