

## **Innocence Project Questionnaire**

Instructions:

- Please respond as fully as possible to each of the following questions regarding your case. Complete and accurate answers will allow us to make faster and better decisions about what action we should take on your case.
- If you need more space to answer a question please write on the back or attach another sheet.
- If a question does not apply to your case, please indicate “N/A.”

Thank you for your time and effort in completing this questionnaire.

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

FPS Number (if in prison): \_\_\_\_\_

Phone Number: \_\_\_\_\_

Alternate Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

### **I. Brief Summary**

1. Please describe briefly why your case should be taken on by The Innocence Project:

2. Date of alleged incident:
3. Date of arrest:
4. Investigating detective (Name, Rank and Police Force):
5. Charges:
6. Name(s) of alleged victim(s):
7. Date of conviction and length of sentence:
8. Place of conviction and what level of court (City, Region and Province):
9. What were you convicted of?
10. Do you currently have a lawyer? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_  
If **Yes**, please list his/her name, address and telephone number:

## **II. About You**

11. What is your first language?
12. What is the highest grade you completed in school?
13. Do you have a learning disability? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_  
If **Yes**, please specify:

14. Do you have any medical problems or conditions? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**, please specify:

15. Did you have a criminal record prior to this alleged incident? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**, please list your convictions with dates:

16. Is there anyone outside prison who we can speak with about your case (Example: family members)? We may contact anyone listed here and talk to them about your case and things you tell us.

### **III. Case Materials**

17. Check those documents you can make available to us:

a. Hearing Transcript(s), i.e., bail/preliminary hearing transcripts \_\_\_\_\_

b. Trial Transcript(s) \_\_\_\_\_

c. Police Report(s) \_\_\_\_\_ (Please describe below)

d. Laboratory Report(s) \_\_\_\_\_ (Please describe below)

e. Appeal Facta (i.e., written arguments):

Appellant (defence) \_\_\_\_\_

Respondent (prosecution) \_\_\_\_\_

- f. Post-Conviction Briefs  
 Appellant (defence) \_\_\_\_\_  
 Respondent (prosecution) \_\_\_\_\_

*Please send us any of these documents that are in your possession by courier.*

## **IV. Your Case**

### **Trial**

*If you did not go to trial (i.e., you pleaded guilty), please skip to Question 31.*

18. Preliminary Inquiry Lawyer (Name, Address, Telephone):

19. Preliminary Inquiry Crown Attorney (Name, Address, Telephone):

20. Preliminary Inquiry Judge (Name):

21. Trial Lawyer (Name, Address, Telephone):

22. Trial Crown Attorney (Name, Address, Telephone):

23. Trial Judge (Name):

24. Did you testify at trial? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **No**, why not?

25. Did the alleged victims testify? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

26. Were there any legal motions (Examples: Charter applications, applications to exclude evidence)? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**, please list and explain:

27. Did experts testify for the defence or the prosecution (Examples: doctor, handwriting expert, scientist)? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes** please list (include area of expertise, names, address, telephone):

a. Defence Experts:

b. Prosecution Experts:

28. Who else testified at your trial? If there are too many to list, please include the most important witnesses (include name, address, telephone).

a. For the Defence:

b. For the Prosecution:

29. Did the alleged victim identify you? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**, when and where (Examples: At the scene of the crime; During a line up; In court)?

30. Did anyone else identify you? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**, when and where?

### **Guilty Pleas**

31. Did you plead guilty? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

*If you did not plead guilty, please skip to Question 45.*

32. When did you go to court and plead guilty?

33. Did you want to plead guilty or did you want to go to trial?

34. Why did you plead guilty?

35. Did the judge ask you if you understood that you were giving up your right to a trial and whether you were doing so voluntarily? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

36. Was your lawyer with you in court when you pleaded guilty? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **No**, did you ask for your lawyer? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

37. Did you know that you could try to withdraw your guilty plea? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**, did you try to withdraw your plea? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

38. Did you know that you could appeal the conviction or the sentence after a guilty plea? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

### **Plea Agreements**

39. Did you make a plea agreement with the Crown? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

*If you did not make a plea agreement with the Crown, please skip to Question 45.*

40. Did your lawyer talk to you about the plea agreement? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**, what did he/she say to you?

41. Did you understand what the plea agreement meant and what charges you were pleading to? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **No**, please explain:

42. If English or French is not your first language, did an interpreter to explain the plea agreement to you? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_ **N/A** \_\_\_\_\_

43. Was the plea bargain in writing? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**, did you sign it? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**, was your lawyer with you when you signed the plea agreement?

**Yes** \_\_\_\_\_ **No** \_\_\_\_\_

44. Did the judge tell you he or she was not bound by the plea agreement?

**Yes** \_\_\_\_\_ **No** \_\_\_\_\_

### **Appeal**

45. Did you file an appeal? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **No**, why not? (*You must answer this question even if you pleaded guilty.*)

*If you did not appeal, please skip to Question 58.*

46. Date of decision of appeal and case reference number or citation (if known):

47. Appeal Lawyer(s) (Name, Address, Telephone):
48. Crown Attorney on Appeal (Name, Address, Telephone):
49. Judge(s) (Name(s)):
50. What legal arguments were presented in your appeal?
51. Did your appeal include “fresh evidence”? **Yes**\_\_\_\_\_ **No**\_\_\_\_\_
- If **Yes**, what was the evidence?

**Supreme Court of Canada**

52. Did you apply for leave to appeal to the Supreme Court of Canada?  
**Yes**\_\_\_\_\_ **No**\_\_\_\_\_
- If **No**, why not?

*If you did not apply for leave to appeal to the Supreme Court of Canada, please skip to Question 58.*

53. Date of application for leave to appeal to Supreme Court of Canada:
54. Was the application for leave to appeal successful (i.e., did you present an appeal to the Supreme Court of Canada)? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

*If you were not granted leave to appeal, please skip to Question 58.*

55. Date of appeal judgment at Supreme Court of Canada and case reference number or citation (if known)?
56. Lawyer(s) at Supreme Court of Canada (Name, Address, Telephone):
57. What legal arguments were presented in your Supreme Court of Canada appeal?

### **690/696.1 Application**

58. Have you made a s. 690/696.1 application? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **No**, why not?

*If you have not made a 690/696.1 application, please skip to Question 63.*

59. Date of application:

60. Who filed the application?

**You** \_\_\_\_\_  
**Lawyer** \_\_\_\_\_ Name, Address, Telephone:  
**Other** \_\_\_\_\_ Please specify:

61. What issues were raised in your s. 690/696.1 application?

62. Has the Minister of Justice responded to your s. 690/696.1 application?  
**Yes** \_\_\_\_\_ **No** \_\_\_\_\_

**If Yes:**

- i. Date Decided:
- ii. What was the Minister's response?

## **V. Evidence**

63. Is there evidence that was not known when you were convicted that could now help prove your innocence? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

**If Yes**, please describe the new evidence and why it is was not considered at previous trials or appeals:

64. If applicable, why do you think the alleged victim(s) made complaints against you?

65. Do you have an alibi that proves you could not have committed the crime?  
**Yes** \_\_\_\_\_ **No** \_\_\_\_\_

**If Yes:**

- a. Please describe your alibi:

b. Do you have some way to prove the alibi? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**, please explain:

c. Was the alibi presented at trial? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **No**, why not?

### **Statements and Confessions**

66. Did the police or investigating detective ever interview you? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

*If the police never interviewed you, please skip to Question 73.*

67. How many times were you interviewed?

68. How long were the interview(s)?

69. Did you ask to speak with a lawyer during the interview? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

70. When was the first time you spoke with your lawyer?

71. Did you sign papers during or after the interview? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**, what did you sign?

72. Did you make any admissions or give a confession? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**:

a. Who did you give the admission or confession to?

b. Was it a written statement? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**:

Did you sign it? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**, Was your lawyer with you when you signed it? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

c. Why did you make the admission or confession?

### **Physical/Biological Evidence**

73. Was any physical and/or biological evidence recovered during the investigation of your case? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

*If no physical or biological evidence was recovered in your case, please skip to Question 83.*

74. Were any bodily fluids (Examples: blood, saliva, semen) or was any trace evidence (Examples: hair, fibres) obtained from the alleged victim or his/her clothing?  
**Yes** \_\_\_\_\_ **No** \_\_\_\_\_ **N/A** \_\_\_\_\_

If **Yes**, what samples were obtained?

75. Were any bodily fluids or trace evidence obtained from you or your clothing?  
**Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**, what samples were obtained?

76. Were bodily fluids or trace evidence found at the crime scene? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**, what was found?



79. Were the results of the tests used at trial? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **No**, why not?

80. Were the results of the tests used on appeal? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **No**, why not?

81. Was testing done on all of the physical/biological evidence recovered during the investigation of your case? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **No**, what was recovered and not tested?

82. Is there any other physical evidence that you think can be subjected to a DNA or other scientific test to help establish your innocence? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**:

a. What is it and how can it help establish your innocence?

b. Where is it?

c. Was it used at trial? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**, what was it used for?

## VI. CHILD SEXUAL ABUSE CASES

*If your case is not a child sexual abuse case, do not answer Questions 83 – 98. Please skip to the instructions at the end of the questionnaire.*

83. How many children accused you of sexually abusing them?

84. For each child, list age at the time of the alleged abuse, gender, and your relationship to each child (Examples: father, family friend, mother):

Child 1 \_\_\_\_\_  
 Child 2 \_\_\_\_\_  
 Child 3 \_\_\_\_\_  
 Child 4 \_\_\_\_\_

85. How old are the children now?

Child 1 \_\_\_\_\_  
 Child 2 \_\_\_\_\_  
 Child 3 \_\_\_\_\_  
 Child 4 \_\_\_\_\_

86. Who did the children tell about the alleged abuse?

87. Were the children's first complaints against you taped? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**:

a. Were the tapes used during your trial? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

b. Where are the tapes now?

88. Why do you think the children made complaints against you?

89. Were parts of the children's stories impossible to believe? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**, please explain why:

90. Was a child protection service involved? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**, what was the name of the social worker(s)?

91. Did your lawyer interview the children either before your trial or before you pled guilty? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**, what if anything did your lawyer tell you about the interviews?

92. If you went to trial, did any of the children testify against you? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

93. Did a doctor examine the children? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**:

a. List the doctor's name, address and phone number:

b. Who arranged for a doctor to see the children?

**Defence** \_\_\_\_\_  
**Prosecution** \_\_\_\_\_  
**Other** \_\_\_\_\_ Please specify:

94. Did a different doctor do a second exam? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**:

a. List the second doctor's name, address and phone number:

b. Who arranged to have the second exam done?

**Defence** \_\_\_\_\_  
**Prosecution** \_\_\_\_\_  
**Other** \_\_\_\_\_ Please specify:

95. Was the medical evidence used at trial? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

If **Yes**, who used the evidence at trial? **Defence** \_\_\_\_\_ **Prosecution** \_\_\_\_\_

If **No**, why not?

96. Did the children have psychological exams? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

**If Yes:**

a. List the name, address and phone number of the person who did the exam:

b. Who arranged to have the psychological exams done?

**Defence** \_\_\_\_\_

**Prosecution** \_\_\_\_\_

**Other** \_\_\_\_\_ Please specify:

c. Were the children's psychological evidence used at trial? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

**If No**, why not?

**If Yes**, who used the evidence at trial? **Defence** \_\_\_\_\_ **Prosecution** \_\_\_\_\_

97. Have these children accused other people of abusing them? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

**If Yes:**

a. Who were they?

b. Were they convicted? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

98. Were you given a psychological exam? **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

**If Yes,**

a. List the examiner's name, address and phone number:

b. Were the results of your psychological exam used during the trial?

**Yes** \_\_\_\_\_ **No** \_\_\_\_\_

**If Yes**, who used the results at trial? **Defence** \_\_\_\_\_ **Prosecution** \_\_\_\_\_

This is the end of the Innocence Project Questionnaire.

Please check to make sure you have fully answered all questions that apply to your case.  
**Remember to fill out the required Direction to your former counsel and include it with this questionnaire.**

Return your completed questionnaire to:

The Innocence Project  
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4700 Keele Street  
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