



# OFFICE OF THE ILLINOIS ATTORNEY GENERAL

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### OFFICE OF THE ILLINOIS ATTORNEY GENERAL CONVICTION INTEGRITY UNIT

The Office of the Illinois Attorney General works with every part of Illinois' criminal justice system to ensure that victims' rights are preserved, the innocent are protected, and the guilty are convicted and punished.

To further pursue the truth and protect the innocent, the Office of the Illinois Attorney General has established a Conviction Integrity Unit to investigate claims of actual innocence for cases where new, credible evidence of innocence has been discovered, or where new technologies now exist to test or retest remaining evidence.

#### ELIGIBILITY CRITERIA

**To qualify for a post-conviction review, the applicant's claim MUST meet all of the eligibility criteria listed below.**

1. The applicant must have been convicted by an Illinois state court; the applicant's case CANNOT be a federal case.
2. The conviction must have been for a forcible felony; misdemeanors and infractions will NOT be reviewed. **NOTE:** "Forcible felony" means any felony which involves the use or threat of physical force or violence against any individual that results in great bodily harm or permanent disability or disfigurement, such as first or second-degree murder, criminal sexual assault, robbery, arson, kidnapping, or aggravated battery. (See 720 ILCS 5/2-8 for a complete definition)
3. The applicant must make a claim of actual innocence (i.e., the applicant did not commit or participate in the crime of which s/he was convicted).
4. The applicant MUST be incarcerated, currently serving time on the sentence imposed for the asserted claim of actual innocence.
5. There is newly discovered evidence that was NOT presented during trial NOR during postconviction appeals (for example, direct appeal, habeas corpus, etc.).
6. The new evidence must be credible, verifiable, and create a substantial probability of exoneration.
7. There cannot be any pending habeas corpus petitions, appeals, or litigation of any kind.

**NOTE 1:** The OAG-CIU may redirect an applicant to first apply for a post-conviction review through his/her local State's Attorney's Office (SAO) (for example, if the applicant's SAO operates an independent CIU). If an applicant has a pending post-conviction case review with their State's Attorney's Office/CIU, the OAG-CIU may defer its initial intake screening and/or subsequent review until the local State's Attorney's Office has made a determination.

**NOTE 2:** *The CIU shall be authorized to investigate and review cases that do not meet its intake criteria, IF doing so serves the interests of justice. The interests of justice shall be served where the applicant alleges and the CIU concludes that further investigation is warranted to determine whether there is a substantial probability that the applicant is actually innocent (e.g., a showing that the investigative or fact-finding process that led to the conviction was so fundamentally flawed that the guilty verdict cannot reasonably be relied upon as accurate). Such decisions are left to the discretion of the CIU.*