

North Carolina Innocence Inquiry Commission Claim Review Process

Innocence Claim Initiated

A claim may be initiated by Claimant, Court, State or Local Agency, or a Claimant's Attorney.



Claim Processing

The Claimant gives written consent for review and completes a detailed questionnaire.



Initial Review

The questionnaire and public documents are reviewed.



Further Review

Legal documents (e.g. transcripts) are reviewed.



Investigation

Field investigation is conducted.
Files may be obtained.
DNA Testing may be conducted.



Formal Inquiry

Claimant has right to counsel and waives all protections and safeguards.
Crime victims (or next of kin) are notified.



Commission Hearing

Case is presented by Commission Staff to eight-member Commission panel.
Standard of proof is "Sufficient Evidence of Factual Innocence to Merit Judicial Review".

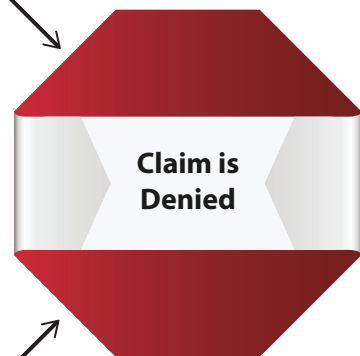


Three-Judge Panel Hearing

Claimant must prove innocence by "Clear and Convincing Evidence".
Commission staff may be called to testify.
Judges must be unanimous in order to exonerate.



or





THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION

The North Carolina Innocence Inquiry Commission is a neutral, fact-finding state agency charged with investigating post-conviction claims of factual innocence.

- In order to apply you must:
 - Be claiming complete factual innocence for the crime for which you are convicted and any related and/or lesser offense.
 - Be convicted of a homicide, robbery, sex offense, or class A-E felony in North Carolina State Court.

- In order for the Commission to review your claim there must be:
 - Credible and verifiable evidence of innocence.
 - New evidence of innocence that the jury did not hear or that was not reasonably available prior to a plea.

- By statute, the North Carolina Innocence Inquiry Commission:
 - Cannot review procedural errors, sentencing issues, or any other claims not associated with actual innocence.
 - Cannot represent claimants.
 - Requires that claimants waive all privileges, including, but not limited to, self-incrimination, attorney/client, spousal, doctor-patient, etc.
 - Turns over additional evidence of a crime(s), other's involvement, and new crimes to law enforcement.

If you would like to request a questionnaire or if you have additional questions, please contact the Commission at:

Administrative Office of the Courts
North Carolina Innocence Inquiry Commission
P.O. Box 2448
Raleigh, NC 27602

* A state agency created by the North Carolina General Assembly in 2006 pursuant to N.C.G.S. § 15A-1460-75. The Commission is not affiliated with the non-profit North Carolina Center on Actual Innocence.