

SPECIAL DIRECTIVE 19-06

TO: ALL DEPUTY DISTRICT ATTORNEY PERSONNEL

FROM:  JOSEPH P. ESPOSITO
Chief Deputy District Attorney

SUBJECT: CONVICTION REVIEW UNIT - REVISIONS TO LEGAL POLICIES
MANUAL § 17.07; REQUIREMENTS TO HAVE A CONVICTION
REVIEWED

DATE: MAY 20, 2019

This Special Directive (SD) expands the types of cases eligible for review by the Conviction Review Unit (CRU) by eliminating the requirement that the underlying conviction be for a serious or violent felony. Any felony conviction is now eligible for review as long as the defendant is currently in custody. This SD supersedes SD 16-04 and SD 17-13 to the extent that they are inconsistent with this change.

Paragraph one of Section 17.07 of the Legal Policies Manual (LPM) is hereby amended to read as follows:

The Conviction Review Unit's (CRU) responsibility is to review qualifying post-conviction claims of innocence. In order for the CRU to accept a request to review a conviction, the request shall meet the following requirements:

1. The person must have been convicted of a felony;
2. The person convicted must still be in custody on the original commitment offense;
3. New and credible evidence pointing to innocence must be presented which was unknown to defense counsel at the time of the plea, or trial;
4. The appellate process must be complete;
5. There must be no pending state habeas petition.

In all other respects, Section 17.07 of the LPM remains in effect.

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