



Midwest  
Innocence  
Project



OFFICE OF THE  
STATE PUBLIC DEFENDER

## INFORMATION SHEET

### **What is the Midwest Innocence Project?**

The Midwest Innocence Project (MIP) is a non-profit corporation dedicated to the investigation, litigation, and exoneration of wrongfully convicted people in Missouri, Arkansas, Kansas, Iowa, and Nebraska. Founded in 2001 through the UMKC School of Law, MIP seeks to exonerate the innocent, educate students, and reform the criminal justice system by identifying and remedying the causes of wrongful convictions. Since that time, the MIP has grown to include programs with other law schools, paralegal schools, and legal organizations, such as the UMKC School of Law, the University of Missouri School of Law, the University of Kansas School of Law, and the Iowa State Public Defender Wrongful Conviction Division. Together, MIP attorneys, partner attorneys, law school professors, and law students work to review cases, investigate, and litigate claims on innocence.

### **What is the Wrongful Conviction Division?**

The Wrongful Conviction Division of the Special Defense Unit in the Office of the State Public Defender (WCD) is dedicated to the release of indigent Iowa inmates who are innocent of the crimes for which they were convicted. The Wrongful Conviction Division is focused on post-conviction litigation for inmates claiming factual innocence.

### **How do these two organizations work together?**

Recognizing their shared interest in exonerating Iowa residents who have been convicted of crimes they did not commit, the organizations above have chosen to enter into a collaborative agreement to further promote justice and secure exonerations within Iowa.

### **What is the cost to me?**

We provide our services to applicants free of charge. Statutorily, the court may order you to pay attorney fees. As a matter of policy, we will always seek to waive any court-ordered fee payment for all legal proceedings we initiate on behalf of your innocence claim.

### **What types of cases do these organizations accept?**

They review cases where the applicant claims to be actually innocent of the crime(s) for which the person is convicted. In order to challenge a conviction, there must be substantial new evidence to support a claim of innocence. This newly discovered evidence could be physical evidence that was not previously subjected to forensic examination, such as DNA testing. Newly discovered evidence may also include non-physical evidence, such as testimony from an eyewitness who was previously unknown or a recantation from a victim or witness, if such a recantation is supported by other new evidence. They investigate cases where there is a substantial chance new evidence can be discovered.

### **What types of cases will the organizations NOT accept?**

We are unable to represent all applicants who apply to our organizations; we are only able to become involved in a select number of cases.

We **cannot** help if any of the following are true:

- You are currently awaiting trial or are still pursuing your direct appeal.
- You are not claiming actual innocence to the case for which you seek assistance.
- You have seven years or less left to serve on the incarceration portion of your sentence.
- You played a minor role in the crime.
- You feel you should have been convicted of a different crime.
- You acted in self-defense.
- You claim the defense of insanity or intoxication.
- You were convicted of sexual assault for an encounter that you say was consensual.
- There is no newly discovered evidence.

### **Can any of these organizations help me with other types of cases?**

No. Due to the large number of requests that we receive and our limited resources, we are only able to assist in cases where the applicant is claiming actual innocence. If we cannot help you because you are not claiming actual innocence, but your constitutional rights were violated, or you were otherwise treated unlawfully or wrongfully, you may still be able to file an application for post-conviction relief under Iowa Code Chapter 822. You may file your application with the appropriate clerk of district court and request a court appointed attorney to represent you, or otherwise seek relief under any other applicable state or federal law, if you timely file for relief.

### **How do I apply?**

You may apply by filling out an "Application for Assistance." You may request a copy of the application by writing to the following address: Midwest Innocence Project, 300 E. 39th St., Kansas City, MO 64111.

### **What should I expect if I apply?**

#### Application for Assistance

Our process begins with our Application for Assistance. All persons seeking our assistance must fill-out an application. Our application is twelve pages long and asks many questions about your conviction. We ask that all applicants complete the application to the best of their ability. It is important for us to have the answers to as many of the questions as possible. Completed applications should be returned to MIP's office at: 300 E. 39th St., Kansas City, MO 64111.

#### Intake Review

Once your application is returned to our office, it will be reviewed by our Intake Staff. Our Intake Staff reviews each application to determine if it meets certain basic program criteria. (See the explanation of cases MIP and WCD accepts and does not accept above.) After our Intake Staff makes their initial determination, we will write to you and inform you whether or not you will be placed on our waiting list.

#### Waitlist and Screening Process

If our Intake Staff decides that your case warrants further review, we will place your case on our waitlist to be screened. Please know that if your case is placed on the waitlist, MIP and WCD do not agree to do anything other than review your case for potential meritorious claims of actual innocence. During this time, intake staff or law students will contact you and/or other investigating or state agencies to collect documents related to your case. Such documents may include transcripts, lab reports, police reports, etc. Please do not send documents unless requested by MIP or WCD staff or representatives. If at any time during this process you have upcoming court dates or deadlines, MIP and WCD are unable to assist you with these matters.

Eventually, the cases on our waitlist will be assigned to attorneys or law students, working under the supervision of a project attorney, to be screened. The screening is an in-depth review of your case documents in which the reviewer reads and digests what happened in a case and produces a report with their findings. After the screening process has been finished and the results reviewed by the legal director, a determination will be made if investigation is warranted.

#### Investigation

We investigate cases where there is a substantial chance new evidence can be discovered. If it is determined that your case merits investigation, it will first go on our investigation waitlist. When your case is moved to active investigation, you will be contacted and given specifics regarding what activities we agree and do not agree to perform on your behalf.

### **How long will it take before MIP and WCD can start investigating my case?**

Because of resources and the likelihood for success, not every case will be investigated. In addition, every case is different which makes it impossible to give a specific time estimate of when we will be able to start actively investigating any given case. Additionally, due to high demand coupled with limited staff and resources, it can take up to 10 years before we are able to begin the process of reviewing and screening an application. Some other factors include how much of your legal file we can collect (police reports, medical reports, transcripts, appeal briefs, etc), the availability of evidence for testing, and the accessibility of witnesses (for the state and/or defense).

### **How can I contact you?**

While we prefer to respond to requests and questions from inmates via mail, we do accept collect calls from inmates as well as emails. We will speak with any person to whom you have given us permission in writing. MIP's mailing address is: 300 E. 39th St., Kansas City, MO 64111; phone number: 816.221.2166; email: intake@themip.org.

### **Where can I find more information?**

More information about each organization may be found on the internet at: <http://www.themip.org> or [www.spd.iowa.gov](http://www.spd.iowa.gov).