

Conviction Integrity Unit Frequently Asked Questions

Q: Does the CIU represent me as my attorney?

A: No, the CIU is a board of investigators and attorneys that reviews cases for the District Attorney. As such, CIU attorneys are not able to offer legal advice to you. If you desire representation or legal advice, you should consider hiring private counsel, contact the public defender's office, or seek the assistance of an innocence project.

Q: How can the CIU review my case, or the case of my loved one?

A: You or your loved one must fill out the application posted on the CIU website requesting review of the case. Part of this application will require specific information explaining why the claim is one of actual innocence. The application must be mailed to:

Conviction Integrity Unit
Office of the District Attorney
Twentieth Judicial District
1777 6th Street
Boulder, CO 80302

All received applications go through an initial screening process and are assigned to a CIU member for preliminary review. If the CIU makes a preliminary decision to re-open an investigation into the case, your request will be processed as described in the policy and application process memorandum.

Q: How long will the process take?

A: We do not have a traditional waiting list. Once the CIU makes a preliminary determination to re-open a case, we work to obtain as much information in each case as possible. This may include attempting to locate the District Attorney's file, the investigative agency's file, the defense attorney's file, and any information from the forensic laboratory, if applicable. Sometimes, obtaining information in the case may be faster or slower depending on many factors such as the age of the case, the original investigating agency, and the charge. Please be patient.

Q: How do I know whether the CIU received my application?

A: When the Boulder District Attorney's Office CIU receives your application, we will let you know that we have received it. Additionally, if you haven't received an acknowledgment that we've received your application, you may call us at 303-441-3700 and ask to speak to the CIU contact person who will be able to let you know if the CIU received your request.

Q: Will CIU consider a claim where a defendant plead guilty?

A: Yes, a defendant whose conviction resulted from a plea of guilty in the Boulder County Courts is eligible for consideration by the CIU. As noted, however, CIU only investigates claims by a person who asserts actual innocence, which requires that the claimant must have no criminal responsibility for the crime of conviction.

Q: How quickly will the CIU let me know that a decision has been made?

A: We cannot guarantee a time frame of when you should expect to hear back from us about a decision. However, we make every effort to process your request as soon as possible.

Q: I received a letter from the CIU which states that the CIU is unable to re-open an investigation into my case. Why can't the CIU re-investigate my case?

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A: The criteria for actual innocence claims and the way those claims are presented in court are governed by law. Sometimes the claims – as presented to the CIU – are insufficient to meet the criteria for the CIU's review. This may be due to many reasons, for example not enough information was provided in the review request letter, or the claim does not meet the actual innocence legal standards.

Since the CIU is part of the District Attorney's Office, we cannot offer legal advice, nor represent anyone in the defense of his/her case. As such, we will often refer your case to an innocence project or the Office of the Colorado State Public Defender because they are better situated to communicate, and discuss confidential matters, with the defendant. Once an innocence project or the Office of the Colorado State Public Defender is able to obtain more information related to the case, if they believe this is a case where the CIU should get involved, they will present the case to the CIU in an effort to request a re-investigation.

Also, the CIU does not generally review cases where the only claim is that the defendant received ineffective assistance of counsel, for example. We do not review cases where there is only a request for a reconsideration or modification of sentence.

Most importantly, however, is that the CIU's determination does not prevent you from attempting to obtain relief through the normal legal process, such as filing a writ of habeas corpus. Also, the CIU's determination should not be taken as legal advice that your claim does or does not have merit. You are always free to seek legal advice from a defense attorney at any time regarding your case, and/or pursue any legal claim you believe you may have.

Q: Are you able to receive letters and/or re-investigate cases where the defendant does not - or witnesses do not - speak English?

A: Yes. If the review request is not written in English, we make every effort to obtain a translation of the request. The request will be treated the same as ones where the request is made in English. Additionally, the CIU is currently able to assist Spanish speakers.

Q: If the CIU re-investigates my case, does that mean that I will be exonerated?

A: No. Each case is unique and simply because the CIU re-investigates the case does not mean that it will result in an exoneration. All cases in which exoneration is sought must go through the writ of habeas corpus legal process and meet rigorous legal standards in order to be submitted to, and considered by, the trial court, and ultimately the Colorado Court of Criminal Appeals. The District Attorney's Office – by law – does not have the power to reverse or "un-do" a conviction on its own. Applications for writ of habeas corpus cannot be submitted on your behalf by the CIU. Convictions can only be reversed by the Colorado Court of Criminal Appeals after a writ of habeas corpus is filed and in limited circumstances by the trial court or by pardon from the Governor or President.