



How To Apply for Legal Assistance

Washington Innocence Project (WashIP) provides legal assistance to people in prison who are factually innocent and can establish their innocence through newly discovered evidence, including but not limited to DNA.

Do you qualify for our assistance? ALL of the following must be true:

- You were found guilty of a felony crime (state or federal) in Washington State;
- You were not involved in the crime (we do not take cases involving affirmative defenses such as duress, consent, self-defense, accidental death, or insanity);
- Your actual innocence can be proven with new evidence—like a recanting witness or DNA test results—that was not available to you during trial or before your plea;
- You have completed your direct appeal or can no longer file one;
- You do not have a right to a public defender or other appointed attorney; and
- You cannot afford a private attorney.

If all of the above are true, and you want us to evaluate your case, follow these steps:

- 1) Fill out as much of our Application for Legal Assistance as you can. You do not need to answer every question to be considered and providing a complete application does not guarantee our services. However, having all the information will help us evaluate your case completely and efficiently.
- 2) Sign the consent forms. We cannot review your application without a signed copy of the (1) Authorization for Case Evaluation & Preservation of Evidence and (2) Consent for Release of Information.
- 3) Return the application and signed forms (without this page of instructions or the glossary of terms) as LEGAL MAIL to:

Washington Innocence Project
P.O. Box 85869
Seattle, WA 98145

For mailing purposes, the 8-page application and (2) signed forms will weigh approximately 1.7 ounces. Do not send additional materials until requested. We will write to confirm when we receive your application. Please be aware that it can take us several months to complete our first review of your application.

We recognize how difficult it can be to revisit the events that led to your conviction. While we are unable to accept every case where an injustice has occurred, our team is committed to reviewing your communications carefully while maintaining a compassionate and respectful application process.



Application for Legal Assistance

CONFIDENTIAL LEGAL MAIL

Please fill out as much of this Application as you can. If you cannot answer a question, leave it blank. If you are unsure what a word means, please check the "Glossary of Terms" at the back.

APPLICANT INFORMATION

Legal Name: _____

Preferred Name: _____

Date of Birth: _____

Primary Language: _____

Race: _____

Gender/Pronouns: _____

Current DOC Facility: _____

DOC Number: _____

Expected Release Date: _____

- Are you serving time on any other conviction(s)? Yes No

Highest Grade Level Completed: _____

- In What Country: _____

Have You Ever Received

- Special Education Services Yes No
- Mental Health Services Yes No
- Accommodation for Other Physical or Medical Issue(s): Yes No

If yes, explain: _____

Are you currently represented by any attorney? Yes No

If yes, who? _____

If you are not the applicant, please provide your contact information and relationship to the person. **The applicant or legal guardian must sign the consent and authorization forms.**

COURT CASE INFORMATION

Please fill out as much of this as you can. It is ok to leave a question blank if you cannot recall the answer.

What crime(s) were you found guilty of? _____

Are you factually innocent of **all** the above crimes? Yes No

If no, which crime(s) are you innocent of: _____

Were you found guilty after (check all that apply):

Jury Trial? _____

Guilty Plea? _____

Bench Trial? _____

Alford Plea? _____

If you went to trial, were there multiple trials (for any reason) in this case? Yes No

Superior Court (or Federal District Court) Case Number: _____

Date of crime(s): _____ Location of Crime(s): _____

County of Conviction: _____ Sentencing Date: _____

What was your sentence? _____

Defense attorney name(s): _____

Did you represent yourself (*pro se*)? Yes No

Trial/Sentencing judge name(s) (if known): _____

Prosecutor name (if known): _____

Name(s) of **victim(s)**: _____

If you know the victim(s), please explain how: _____

Did the victim(s) testify? Yes No **If yes**, did they testify against you? Yes No

Was anyone else charged as a **co-defendant** in relation to this crime? Yes No

If yes, please provide the name(s) of any co-defendant(s): _____

If yes, did the co-defendant(s) go to trial (check all that apply)?

Yes, same trial _____ Yes, but a different trial _____ No, took a plea _____

Did any co-defendant testify? Yes No **If yes**, did they testify against you? Yes No

ARREST, PHYSICAL EVIDENCE & INVESTIGATION

Please fill out as much of this as you can. It is ok to leave a question blank if you cannot recall the answer.

Date of your **arrest**: _____ Location of arrest: _____

Law Enforcement Agency That Arrested You: _____

Lead detective/investigator (if known): _____

Were you ever at the scene of the crime before, during, or after it occurred? Yes No

To the best of your knowledge, was anyone else ever arrested or investigated for the crime *other than* you or your co-defendants? Yes No

If yes, list name(s): _____

Did you ever provide a **statement** to the police or an informant? Yes No

If yes, who did you provide the statement to (if known)? _____

Circumstances/environment you were in when you provided a statement, if you did: _____

If you provided a statement, did you ever confess to the crime? Yes No

If yes, please describe why you confessed and what you told the police: _____

Was **physical or biological evidence** taken from the crime scene (regardless of whether it was ultimately presented at trial)? Yes No Unknown

If yes, what was taken (blood, semen, prints, clothing, hair, rape kit, weapons, etc.): _____

Was any **forensic testing** done in your case? Yes No

If yes, which items were tested and what were the results: _____

PLEA AGREEMENT CASES

Answer the following questions ONLY if you pleaded guilty. If you did not, skip ahead to "TRIAL EVIDENCE."

Why did you plead guilty? _____

Did you understand your plea agreement? Yes No

If not, what did you not understand and why? _____

Did you ever try to withdraw your guilty plea? Yes No

TRIAL EVIDENCE

Answer the following questions ONLY if you went to trial. If you pleaded guilty, skip ahead to "PRIOR POST-CONVICTION MOTIONS AND APPEALS."

What did the prosecutor say happened during the crime? How did they describe your role in the crime? _____

Did any victim, witness, or informant **identify you** as the person who committed the crime? If so, who, when, and how (example – at the scene, during a suspect line-up at the precinct, in-court during testimony): _____

Provide the names and roles of as many witnesses that **testified against you** during the trial as you can (including civilian, professional, and expert witnesses):

Did anyone who testified against you have a specific **reason to lie**? Yes No

If yes, please explain: _____

If the prosecutor presented (or tried to present) any **other kinds of evidence** besides witness testimony during your trial—including results of any forensic testing—please describe what that was: _____

What did you or your defense attorney say happened during the crime? _____

What defense(s) did your attorney raise at trial (Examples: alibi, self-defense, consent, mistaken identity, diminished capacity, etc.)? _____

Please provide the names, roles, and contact information (if known) of as many witnesses that **testified for you** during the trial as you can (including civilian, professional, and expert witnesses): _____

Did you **testify on your own behalf**? Yes No
If not, explain why you did not testify: _____

If you presented (or tried to present) **any other evidence** besides witness testimony during your trial, please describe what that was: _____

PRIOR POST-CONVICTION MOTIONS & APPEALS

Did you file a **Direct Appeal** after you were found guilty? Yes No
Case Number(s): _____ Date Filed: _____
If an attorney filed the Appeal, what is their name? _____

Did you file a **Petition for Review with the Washington Supreme Court**? Yes No
Case Number(s): _____ Date Filed: _____
If an attorney filed the Petition, what is their name? _____

Have you filed **Personal Restraint Petitions (PRP)** or **Motions for a New Trial**? Yes No
Case Number(s): _____ Date Filed: _____
If an attorney filed the Petition/Motion, what is their name? _____

Have you filed a **Habeas Corpus Petition** or any appeal in **Federal Court**? Yes No
Case Number(s): _____ Date Filed: _____
If an attorney filed the Petition/Appeal, what is their name? _____

ACTUAL INNOCENCE

Why do you believe you became a suspect and were wrongfully convicted? _____

In your own words, **what do you think really happened** at the time of the crime? If you don't know because you were somewhere else, please explain where you were and who you were with. If you know who committed the crime(s), please provide their name(s), any known contact information, and explain how you know they did it.

NEW EVIDENCE OF INNOCENCE

Do you have any reason to believe that a witness (victim, co-defendant, other) who testified against you has or would say something different (recant) now? If so, who?

How has their story changed and why do you believe it has changed? _____

Was this evidence known at the time of your trial? Yes No

Was this evidence presented at trial? Yes No

Has this been shared in any appeal, post-conviction motion, or PRP already? Yes No

Has any non-testifying victim or witness come forward with information that would be helpful for you? If so, who? Please describe what you know about the information they have and how we might locate the individual. _____

Was this evidence known at the time of your trial? Yes No

Was this evidence presented at trial? Yes No

Has this been shared in any appeal, post-conviction motion, or PRP already? Yes No

Since your trial or plea took place, have you learned of any other type of evidence that could help prove your innocence (including any additional testing)? If so, what?

Was this evidence available at the time of your trial? Yes No

Has this been shared in any appeal, post-conviction motion, or PRP already? Yes No

Do you know whether any physical evidence that was not previously collected or admitted as an exhibit is still available for testing? If so, what is it, where is it, and who has it? _____

Imagine you had a defense investigator to investigate your claim of innocence. What would you want that person to look into? _____

Is there **anything else you think could help us** prove your innocence or any other information about your case you think we should know? _____

Please provide the names and contact information of **family or friends** who may have helpful information about your case (please also indicate any individuals who we may speak with about you or your case): _____

CASE MATERIALS

Do not send any materials now, but please check which, if any, documents that you have or can make available to us upon request:

<input type="checkbox"/> Pretrial hearing transcripts	<input type="checkbox"/> Medical reports
<input type="checkbox"/> Trial or plea hearing transcripts	<input type="checkbox"/> Witness statements
<input type="checkbox"/> Police reports	<input type="checkbox"/> Probation/sentencing reports
<input type="checkbox"/> Appellate briefs	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Laboratory reports	

If these materials are in the possession of a relative or friend, please indicate how we can obtain them: _____

Are there any questions in this application you do not understand or think should be changed? _____

GLOSSARY OF TERMS

Actual (Factual) Innocence – The person did not do what they are accused of doing and had nothing to do with the crime charged. This concept is different than “legal” innocence, which suggests the person may have done what they are accused of but should not have been found guilty.

Affirmative Defense – The accused person engaged in the charged conduct but had a legally acceptable reason for doing so. Common examples of this include:

- Self-defense. “Yes, I hit the other person, but I only did it to protect myself or someone else.”
- Consent. “Yes, I had sexual contact with the other person, but they gave me permission.”
- Accidental death. “Yes, my actions contributed to another person’s death. But I did not intend for it to occur, and I was not otherwise acting negligently or unlawfully when the accident happened.

Alford Plea – A legal mechanism for pleading guilty without admitting guilt. Instead, the accused person accepts that the evidence against them is strong enough to result in a guilty verdict if the case went to trial.

Alibi – An explanation that shows it was physically impossible for the accused person to commit the crime because they were somewhere else and/or with someone else when it happened.

Bench Trial – A trial with no jury. Instead, a judge determines if the accused person is guilty.

Co-defendant – One of multiple individuals being accused of committing the same crime in a criminal case.

Confession – A statement where someone says that they did what they are being accused of.

Conviction – A judicial finding that someone is guilty of a particular crime.

Direct Appeal – A legal process where a convicted person asks the Court of Appeals to review a ruling or outcome from the trial court based on a violation of law, court rule, or individual right. Individuals who are found guilty after a trial have a right to appeal their case and challenge many kinds of issues. However, to access this important right, an accused person must follow very strict court rules and meet very strict deadlines.

DNA – All living organisms (humans, animals, plants) carry a set of blueprints or instructions for their growth and development that are different from all other living organisms. Those instructions are contained in long, spiraling strands of material that form a molecule called deoxyribonucleic acid or “DNA” for short.

DNA Testing – DNA scientists take samples of biological material (like hair, saliva, skin, or other materials) and identify their unique genetic code. They can then use that code to compare it with other samples to see if they came from the same source (person, animal, plant).

Expert Witness – Someone who has specialized or technical knowledge about a specific topic (like science, medicine, or technology) and is asked to share that knowledge in a court case to help a judge or jury understand the issue better.

Forensic Testing – This includes a broad range of scientific techniques used in criminal investigations to analyze evidence found at a crime scene or related to a crime. DNA testing is a type of forensic testing.

Habeas Corpus – A court process that allows someone who is in jail or prison to ask a judge to make sure that the person is being held there for a valid reason. In Washington, Personal Restraint Petitions (PRPs) have largely taken the place of Writs of Habeas Corpus in state court, and Writs of Habeas Corpus are mostly only filed in federal court.

Informant – Someone who has (or claims to have) knowledge about criminal activity and shares that knowledge with police on their own or at the request of an officer.

Investigator – Like detectives, police investigators gather information about a crime by visiting crime scenes, getting records, and interviewing witnesses. Defense investigators do similar work, but oftentimes much later and on behalf of the defense team.

Newly Discovered Evidence – Evidence that was not known and could not have been located before a conviction. Examples include:

- New DNA results or recent advancements in science or technology.
- Witnesses who testified at trial but have changed their story.
- New witnesses that were not available to testify during trial.
- A confession by the actual perpetrator.
- Objects, audio, or video connected to the crime that were previously lost or unrecoverable.
- WashIP can help to identify whether certain evidence qualifies as “newly discovered.”.

Personal Restraint Petition (PRP) – PRPs are like direct appeals in that the convicted person can ask a higher court to take a second look at their case to see if any mistakes were made or if any rights were violated. Unlike a direct appeal, however, nobody has a right to a PRP and the issues that can be raised in a PRP are often narrower.

Petition for Review – When a person is unsatisfied with the result of their appeal or PRP in front of the Court of Appeals, that person might ask the Washington Supreme Court to consider the case. People do not have a right to have their case considered by the Washington Supreme Court and very few petitions are heard or granted.

Plea – An accused person’s official response to a criminal charge. Common examples are:

- Guilty. The person admits that they did what they are accused of and gives up their right to trial.
- Not Guilty. The person denies the accusation and challenges the prosecutor’s charge.

Recantation – When someone who previously said something in court or to law enforcement changes their story.

Self-Defense – A type of “affirmative defense” where the accused person says they only acted in a particular way (which might otherwise be a crime) in order to avoid harm to themselves, others, or, sometimes, property.

Sentence – The official punishment given to someone by a judge after they are found guilty of breaking the law. A sentence may include a period of confinement as well as conditions or rules the person must follow.

Testimony – This often refers to statements made under oath by a witness, victim, or the accused person in court or during court proceedings.

Trial – A process open to the public where the prosecutor must prove “beyond a reasonable doubt” that the accused person committed the crime they are charged with. An accused person has the right to insist this process take place before a jury (made up of 12 citizens) who will decide if they are guilty or not. A person may also decide to waive (give up) their right to a jury trial and have a judge hear the evidence (bench trial).



CONSENT FOR RELEASE OF INFORMATION

This document authorizes and directs any persons or government agencies—including, but not limited to, police, prosecutors, probation and parole officers, and officials—to release to Washington Innocence Project (WashIP) and any licensed attorney, staff member, volunteer, or student who is working under its purview, any and all documents and other materials in their possession pertaining to me or my case.

This document authorizes and directs attorneys who have previously represented me or from whom I have sought legal advice and their agents, to release to WashIP and any licensed attorney, staff member, volunteer, or student who is working under its purview, any documents pertaining to me or my case and to disclose to WashIP any confidential information or privileged communications.

This document serves as authorization for WashIP evaluation purposes only. This document serves as authorization for WashIP for ten (10) years from this date.

I fully understand that there may be statutes, rules, and regulations that protect the confidentiality of some of the records, files, reports, and information covered by this release; it is my specific intent to waive the protection of all such statutes, rules, and regulations. I also understand that I may revoke this consent in writing at any time except to the extent that action has been taken in reliance on it. By my signature below, I represent that this waiver is voluntary and given without any reservation.

Signed this ____ day of _____, 20 ____.

Signature: _____

Printed Name: _____



AUTHORIZATION FOR CASE EVALUATION & PRESERVATION OF EVIDENCE

This document authorizes any licensed attorney, staff member, volunteer, or student who is working with Washington Innocence Project (WashIP) to communicate with any persons or organizations—including but not limited to members of the Innocence Network—regarding the status, progress, and/or evaluation of my request for legal assistance.

This document authorizes any licensed attorney, staff member, volunteer, or student who is working with WashIP to communicate with any persons, entities, or organizations who had or maintain physical custody of evidence in my case. This authorization includes, but is not limited to, communications to determine whether the evidence is preserved, and requests to preserve the evidence while WashIP conducts its evaluation.

In all other respects—except as authorized by my signed consent—my interactions and communications with WashIP will remain confidential.

I understand WashIP is not agreeing to represent me in any current or future legal proceedings at this time.

Signed this ____ day of _____, 20____.

Signature: _____

Printed Name: _____