



**OFFICE OF THE NORFOLK DISTRICT ATTORNEY  
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*Norfolk District Attorney's Office  
Policy on Requests for Post-Conviction Review*

The Norfolk District Attorney's Office (NDAO) maintains a Conviction Integrity Unit (CIU) and Conviction Integrity Committee (CIC) to promote transparency and accountability to the end of avoidance of wrongful convictions and of promotion of public confidence in the criminal justice system. The CIU and CIC examine colorable claims of innocence and wrongful convictions and issues concerning the integrity of current and prior cases.

A request for review of a criminal conviction may be filed by the person convicted of the offense or their counsel or another interested person. If the request is made by neither the person convicted of the offense or their counsel, the person convicted of the offense must consent to the request for review, absent extenuating circumstances, as determined by the NDAO. A request for a review of a conviction may also originate from a member of the NDAO, the Massachusetts State Police Detective Unit (MSPDU) of the NDAO, or the local investigating agency of the underlying offense.

All requests should set out the reasons the applicant is making the request for a review of their conviction(s). Cases for review must arise from a conviction from a Norfolk court. To qualify for review, the applicant must present information not previously addressed that raises a colorable claim of factual innocence or significant new material or information concerning the integrity of the conviction.

A person convicted of an offense, or counsel or screening counsel on their behalf, may request post-conviction discovery from the CIU, including discovery under G.L. c. 278A. The CIU may request a notice of appearance as counsel or screening counsel. The NDAO may request a protective order from the court of the criminal conviction under Mass. R. Crim. P. 14(a)(6) where there are interests that suggest disclosure of the information should be limited.

The request shall be reviewed by a member of or designee of the CIU. The CIU may request where appropriate that law enforcement personnel be assigned or consulting experts be retained to assist in investigation. Prosecutors or investigators who were assigned to the cases originally may be requested to provide necessary historical information on the case, but shall not otherwise participate in the review process. The CIU may screen out requests that do not raise new information regarding a colorable claim of actual innocence or wrongful conviction in a Norfolk case and shall so notify the applicant. The CIU shall review evidence, the case file and any

transcripts, and collateral materials as deemed appropriate in its discretion. The CIU may conduct additional investigation or interviews deemed to be necessary to determine whether there is reason to believe that a colorable claim of factual innocence has been shown or that the integrity of the conviction is undermined.

The CIU shall bring all cases being reviewed to the CIC. The CIC shall consist of: the First Assistant District Attorney, Chief Trial Counsel, Chief of the District Courts, and the Chief of the Appeals Unit, who shall act as chair, and other members that the Norfolk District Attorney may choose to appoint. The CIC shall report to the Norfolk District Attorney, who shall be informed of all meetings of the CIC. No member of the CIC or CIU will participate as to any request in which he or she was assigned at the trial or appellate level or in which their presence would present a conflict under the Massachusetts Rules of Professional Conduct. In the event the Chair is unable to sit, the First Assistant District Attorney shall act as chair.

When the CIC has come to a final recommendation, the results will be forwarded to the Norfolk District Attorney, who shall have, in his sole discretion, the final determination of any action to be taken. The victim or, where the victim is a minor, incompetent, or deceased, the victim's family, shall be notified by a victim witness advocate prior to any final action by the CIC as to a particular case.

After there has been a determination as to whether there should be action on a particular case, the CIU will so notify the applicant. Where no further action will be taken, the applicant will be provided a copy of Mass. R. Crim. P. 30. The notification will note that no legal advice is being or can be provided.

A subsequent request for review will be accepted where that request provides additional information which is new and credible.

Where through a review request or otherwise, the CIU receives new, credible, and material evidence presenting a reasonable likelihood that the convicted defendant did not commit the offense for which he or she was convicted, the CIU shall notify the appropriate court and/or persons in accordance with Mass. R. Prof. Cond. 3.8(i).

This policy, as well as an intake form that may be used to set forth a request for review will be posted [www.nfkda.com/conviction\\_integrity\\_unit.html](http://www.nfkda.com/conviction_integrity_unit.html). All requests for a review of a conviction may be directed to the Conviction Integrity Unit at [ndao.convictionintegrity@state.ma.us](mailto:ndao.convictionintegrity@state.ma.us) or by mail to: Conviction Integrity Unit, Norfolk District Attorney's Office, 45 Shawmut Road, Canton MA 02021. Those individuals with information that they would like to share with the CIU may also call 781-830-4909.

The CIU will keep a record of incoming requests, including: the date of request; the applicant; the nature of the case; the requested reason for review; demographic information about the person convicted of the offense if available; victim(s) and witnesses; and a brief summary of the action taken. The CIU shall annually compile the number of requests made, the reasons for review, demographics of the applicants, and actions taken and shall post such report on the NDAO public website.