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— SHELBY COUNTY —
JUSTICE REVIEW UNIT

JUSTICE REVIEW UNIT PROTOCOL

I. OVERVIEW

The mandate of the Justice Review Unit (JRU) is to ensure the reliability, accuracy, and credibility of Shelby County, TN felony convictions by carefully considering claims of a wrongful conviction, an unfair procedure or an unjust sentence. An Applicant may submit only one application requesting review of a case. Subsequent applications on the same case may be dismissed and denied.

II. ELIGIBILITY

The JRU only has jurisdiction to consider cases resulting from a conviction and/or sentence in Shelby County. The JRU will consider claims of wrongful felony convictions involving actual innocence, unfair procedure, or an unjust sentence. Applications involving currently incarcerated Applicants claiming actual innocence will be given priority.

III. REVIEW PROCESS

a. Stage 1 : Application

1. All requests or applications for review must be made by the convicted person (Applicant) or their counsel.
2. The request or application must be in writing. No telephone application will be considered.
3. The standard JRU Application is preferred and is available online at justicereview@scdag.com.
4. A request received without the standard JRU application will be considered an Application *if enough information* is provided to move the Application to the next state of the Review Process. If there is not enough information, a JRU Attorney will provide the standardized JRU Application to the Applicant or their attorney. The Application must be returned to the JRU.
5. The claim(s) in the Application must not be frivolous.
6. **IMPORTANT NOTICE**
 - A. **A JRU Application will not toll any post-conviction time limits.**
 - B. **Providing a JRU Application does not create an attorney-client relationship between the Applicant and the JRU.**

b. Stage 2: Initial Review

1. When an Application is received, a JRU Attorney will notify Applicant or their counsel that the request or application has moved forward to the next step in the Review Process, the Initial Review.
2. The Initial Review by a JRU Attorney will determine whether the case has a sufficient basis to consider the merits further. The Initial Review will include: a review of files within the Office of the District Attorney General; files available from the law enforcement agencies involved in the case; information from the Office of the Court Clerk and the Tennessee Department of Corrections; consultations with trial defense counsel(s) and the original prosecutor(s); appellate counsel for the defense and prosecution; and any post-conviction counsel for the defense and the prosecution.
3. If the result of the Initial Review is that the Application has a basis, it will move to Stage 3 of the Review Process: In-depth Review. A JRU Attorney will notify the Applicant or their counsel in writing of this determination.
4. If the result of the Initial Review is that the Application does not have a basis, no further review will be undertaken. A JRU Attorney will notify the Applicant or their counsel in writing of this determination.
5. The Stage 2-Initial Review may also determine there is a conflict with the JRU. If there is a conflict, the case will be referred to another Tennessee conviction integrity unit or an independent exoneration organization. A JRU Attorney will notify the Applicant or their counsel in writing of this determination.
6. The determination of whether or not to further review a claim or that a conflict exists is at the sole discretion of the Office of the District Attorney General, Steve Mulroy (District Attorney General Steve Mulroy)

c. Stage 3: In-Depth Review

1. Each case will be reviewed on an individual basis. The In-Depth Review will be a thorough review which may include
 - a. information from or interviews with the Applicant, as agreed to by Applicant and counsel,
 - b. interviews of those involved with the case including witnesses at trial for either the defense or prosecution, potential witnesses, law enforcement officers, defense and prosecuting attorneys,
 - c. review of physical evidence,
 - d. consideration of new scientific/technological advances,
 - e. cooperation and coordination with Applicant's counsel,
 - f. cooperation and coordination with other conviction integrity units or innocence organizations, and
 - g. any other steps, regardless of admissibility in a court proceeding, that will assist in a full and fair review.
2. Once the In-Depth review is completed, the Chief of the JRU will determine whether a valid claim has been made.
3. The Chief of the JRU will draft a report summarizing the opinion of the JRU and shall include a recommendation.
4. The Chief of the JRU shall present the report and recommendation to District Attorney General Steve Mulroy.

IV. FINAL DECISION

1. The final decision as to whether the Applicant's submission for relief will granted or denied is solely at the discretion of the District Attorney General Steve Mulroy. The final decision shall be communicated in writing to the Applicant or their counsel. There is no timeframe in which the JRU or the District Attorney General Steve Mulroy must decide on the Application

V. CASE INTEGRITY ASSURANCE

1. Each case file shall be maintained with all due care.
2. The JRU shall secure files within a locked area of its offices. Only members of the JRU authorized by the Chief of the JRU may have keys to the secured files.
3. Digital data shall be maintain in a segregated electronic file accessible only to members of the JRU authorized by the Chief of the JRU.
4. The JRU shall maintain a tracking system.
5. Each Application shall be tracked with activity dates, data points, activities, communications, and the outcome.

VI. INCLUSION OF VICTIM(S) AND SURVIVOR(S)

At the direction of the Chief of the JRU or an Attorney with the JRU, a representative of District Attorney General Steve Mulroy's Victim/Witness Unit will notify the victim(s) or survivor(s) if an In-Depth Review is undertaken. Such notification may take place at any other point in the process as deemed necessary by the Chief of the JRU. Victim advocate services will be offered to the victims or survivors.

VII. DISCRETIONARY REVIEW

Because these reviews, recommendations and decisions are discretionary and not required under the law, the Applicant will be bound by the District Attorney General Steve Mulroy's decision. There is no court review of that decision.