

APPELLATE INVESTIGATION PROJECT CASE CRITERIA

1. The defendant is indigent and represented by MAACS appointed counsel
2. Counsel identifies a meritorious legal issue and a need for investigation or expert testimony to support that issue
3. Counsel has conducted a preliminary investigation to assess the potential that additional factual investigation or expert testimony could help substantiate the claim
4. An objective review of the evidence supports a conclusion that the potential new/unpresented evidence undermines confidence in the verdict or sentence
5. Highest priority will be given to cases in which:
 - a. The defendant was convicted of a serious felony
 - b. The defendant is currently incarcerated
 - c. The request for investigative support is timely made

The following are examples of cases that may be particularly appropriate for investigative support:

- Cases in which additional factual investigation could help substantiate a claim of innocence—either factual or legal
- Cases in which additional factual investigation could help substantiate a claim that the plea was involuntary or unknowingly entered
- Cases in which additional factual investigation is necessary to present critical mitigation evidence at sentencing
- Cases where eyewitness identification is the sole or primary evidence of guilt at trial
- Claims of a false or coerced confession
- Cases in which there is an alleged recantation by a complainant or other critical witness or where there is evidence that an admission of guilt has been made by someone other than the defendant
- Cases in which a conviction was based in whole or in part on DNA or other scientific evidence or testing and where further testing or expert consultation could potentially lead to evidence that is probative to innocence – especially where the forensic field that was relied upon at trial has been called into question or discredited
- Cases in which there is reason to believe that the defendant was not criminally responsible or not competent to stand trial and additional factual investigation and/or expert consultation is necessary to substantiate the claim

The Appellate Investigation Project (AIP) is managed by the State Appellate Defender Office (SADO) and the Michigan Appellate Assigned Counsel System (MAACS). Please contact Katherine Marcuz, Principal Attorney of the AIP at 313-256-9833 with any questions. Visit www.sado.org for more information.