

DNA TESTING



CAN I ASK THE COURT TO ORDER DNA TESTING IN MY CASE?

You can file a *Petition* with the court to start a DNA testing proceeding if:

- you were convicted of aggravated murder or a felony *and*
- DNA evidence could exist and related to the investigation or prosecution of your case

Fill out the *Petition to Commence DNA Testing Proceeding*. BE SURE TO FILL IN THE COUNTY NAME AT THE TOP OF THE PAGE!

If you can't afford an attorney, the court will appoint an attorney to represent you for the DNA testing proceeding

Do not fill in the "Case No:" line at the top of the *Petition*! Your DNA Testing Proceeding will use a new case number. Your original case number (the case you were convicted in) goes in the first line of the *Petition*.

NOTE: You will need to complete an affidavit for appointed counsel. Make sure you ask your attorney for the forms to do that. There are no statewide forms for appointment of counsel at this time.

Make 2 copies of your forms. One for your records, and one to serve on the District Attorney.

WHERE DO I FILE?

File in the county where you were convicted

Mail a copy of the *Petition* to the District Attorney for the county where you will file. Complete the *Certificate of Mailing* section on the copy you will file with the court and on your copy.

There is no fee to file this *Petition*

Go to www.courts.oregon.gov/courts/Pages/default.aspx for the location and address of each circuit court in the state

WHAT HAPPENS NEXT?

The court will appoint an attorney (if you don't already have one) to help you decide what to do next

If you change your mind and don't want to go ahead with the proceeding at any time after filing your *Petition*, you can dismiss your *Petition*. Dismissals are "without prejudice" unless the court orders "with prejudice." If your dismissal is without prejudice, you can file another *Petition* later if you choose. That will start a new case, so you will have to file a new *Petition* and may not be appointed the same lawyer.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

Case No: _____

Petitioner

and

**PETITION TO COMMENCE DNA
TESTING PROCEEDING**

State of Oregon

Respondent

DOB: _____

SID#: _____

PETITION

I am the Defendant in Case Number (*original criminal case #*): _____

☐ I was convicted of aggravated murder or a felony

☐ DNA evidence could exist and is related to the investigation or prosecution that resulted in the judgment of conviction

I ask the court to commence a DNA testing proceeding regarding evidence in the original case

I ask the court to order that I be provided with a copy of property and evidence control and disposition records for all evidence related to the investigation or prosecution that resulted in the judgment of conviction

☐ I ask the court to appoint an attorney for purpose of determining whether to file a motion under ORS 138.692 for DNA testing on specific evidence

☐ I am in prison

☐ I am not in prison but I cannot afford a lawyer

Name of the attorney who represented me in the criminal case: _____

I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for perjury.

Date

Signature

Name (typed or printed)

Address

City/State/Zip

Phone Number

Certificate of Mailing

I certify that on *(date)*: _____ I placed a true and complete copy of this
Petition in the United States mail to the District Attorney's office at *(address)*: _____

Date

Petitioner (signature)

Petitioner Name