



Cases We Consider for Review (“Eligibility Guidelines”)

Applications for review will be assessed under the following guidelines:

1. Did the crime for which the applicant was convicted occur in British Columbia?
2. Does the applicant claim to be factually innocent of an indictable offence?

*For the purposes of the UBC Law Innocence Project, “**factually innocent**” means:*

- *that you are not the person who committed the crime or any included offence; you were not involved in any part of the crime,*

OR

- *that the physical act alleged to have been a crime did not in fact occur. For example, an individual was convicted of murder for strangling his wife but it was later discovered that she choked. Another example is a case in which the prisoner was convicted of murder for pushing the deceased down the stairs but it was later determined that she fell.*

3. Was the applicant sentenced to a term of imprisonment of 2 or more years?
4. Was the applicant convicted of homicide or sexual assault?

Please note that the UBC Law Innocence Project will NOT consider convictions of sexual assault where the issue at trial was credibility and there is no new and significant evidence to rebut the credibility finding made at trial (i.e. a known, reliable recantation by the complainant).

5. Did the applicant appeal or attempt to appeal the conviction to the Court of Appeal and/or the Supreme Court of Canada?
6. Is the applicant’s file being reviewed by any other agency or lawyer?

The UBC Law Innocence Project will consider cases **with OR without DNA** evidence available.

Consideration for review of a case may be dependent on **whether there is any important new evidence or new testing available** which would assist a claim of wrongful conviction. In cases where physical or scientific evidence was an issue at trial, the Project will review a case to see if new technologies may assist.

Applicants need not be currently incarcerated to have their case considered for review; however, the Project will give priority to those applicants who are still incarcerated. Please note that even if a case fits

within the guidelines set out above, in an attempt to allocate scarce resources, the Project maintains the discretion to reject an application for review.