

North Carolina Post-conviction Review Commission Claim

Innocence Claim Initiated

A claim may be initiated by Claimant, Court, State or Local Agency, or a Claimant's Attorney.



Claim Processing

The Claimant gives written consent for review and completes a detailed questionnaire. Case will remain in this stage until receipt of the questionnaire. If questionnaire is not returned within 90 days, case will be closed.



Initial Review

The questionnaire and public documents are reviewed. This stage will typically take no longer than two weeks.



Further Review

Legal documents (e.g. transcripts) and other evidence are reviewed. The time for review begins to increase depending on the amount of evidence to be reviewed.



Investigation

Field investigation is conducted. Files may be obtained. DNA Testing may be conducted.



Formal Inquiry

Claimant has right to counsel and waives all protections and safeguards.
Crime victims (or next of kin) are notified.



Commission Hearing

Case is presented by Commission Staff to eight-member Commission panel.
Standard of proof is "Sufficient Evidence of Factual Innocence to Merit Judicial Review".



Three-Judge Panel Hearing

Claimant must prove innocence by "Clear and Convincing Evidence".
Commission staff may be called to testify.
Judges must be unanimous to exonerate.



Claim is
Denied

Claim is
Denied

Claimant
Exonerated

Claim is
Denied