c. 278A Motion Review Process & Conviction Integrity Program

278A Motion

- Defendant submits c. 278A motion for forensic testing
- Motion treated separately and independently from appeal of conviction(s)
- If defendant is pro se, Director of Conviction Integrity Program ("Director") refers motion to CPCS

Assign

- Appellate ADA is assigned to address c. 278A motion and assigned c. 278A supervisor
- Notify victim of pending motion

§ 3 Review

- Search for disposed trial and appellate files (archives, Appeals & Training Bureau, trial prosecutor)
- Perform § 3 threshold determination

§ 7 Review

- If § 3 satisfied, consider necessity of § 7 hearing
- Confirm location of evidence and chain of custody

Propose Response

- Review all necessary information (facts, procedural history, history of testing)
- Develop draft response (including case summary and recommended course of action) to present to Director

Present

- Present draft response to Director
- Director makes determination as to whether to agree to testing and, if so, specifically what testing to agree to

Respond

- If agreeing to testing, file response approved by Director and work with defense on proposed order for post-conviction testing; notify victim of impending testing
- If testing opposed in whole or in part, file response as approved by Director

Refer

- Director reviews results of any post-conviction testing conducted pursuant to c. 278A
- Victim is notified of testing results
- If testing results raise colorable claim of factual innocence, case referred to Conviction Integrity Committee

Conviction Integrity Program
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