

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS**

PEOPLE OF THE STATE OF ILLINOIS
vs.

CASE NO: _____

Defendant/Petitioner

PETITION FOR A CERTIFICATE OF INNOCENCE

The Defendant/Petitioner petitions the Court for a Certificate of Innocence pursuant to 735 ILC 5/2-702. In support of this verified petition, the Defendant/Petitioner states that he/she will establish by a preponderance of the evidence that:

1. I was convicted of one or more felonies in the above captioned case by the State of Illinois in the County of Will and was subsequently sentenced to a term of imprisonment and have served all or any part of the sentence; and
2. My judgment or conviction was reversed or vacated, and the indictment or information dismissed or, a new trial was ordered and either I was found not guilty at the new trial or I was not retried and the indictment or information was dismissed; or the statute, or application thereof, on which the indictment or information was based violated the Constitution of the United States or the State of Illinois.
3. My indictment or information was dismissed or I was acquitted, and I am filing the Petition within two (2) years of the dismissal of the indictment or information, or acquittal;
4. I am likely to succeed at trial in proving that I am innocent of the offenses charged in the indictment or information, or my acts or omissions charged in the indictment or information did not constitute a felony or misdemeanor against the State;
5. I did not, by my own conduct, voluntarily cause or bring about my conviction;
6. I have attached to this verified Petition documentation demonstrating the statements in paragraph 1-5, above.
7. I understand that the decision to grant or deny a Petition for a Certificate of Innocence shall be binding only with respect to claims filed in the Court of Claims and shall not have *res judicata* effect on any other proceedings. 735 ILCS 5/2-702(j);
8. I understand that I must serve a copy of this Petition on the Attorney General and the State's Attorney of the county where the conviction was had. 735 ILCS 5/2-702(e);
9. I understand that in the event that my Petition is granted and Certificate of Innocence Order is issued, the Clerk of the Circuit Court will transmit a copy of the certification, together with the current address, to the Court of Claims.

WHEREFORE, the Defendant/Petitioner prays that the Court find the Defendant/Petitioner is innocent of all offenses for which he/she was incarcerated in the above-stated case number(s) and grant a Certificate of Innocence.

(Signature of Defendant/Petitioner)

VERIFICATION BY CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, 735 ILCS 5/1-109, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true.

(Date)

(Signature of Defendant/Petitioner)

Attorney or Party, if not represented by an attorney

Name _____

ARDC # _____

Firm Name _____

Attorney for _____

Address _____

City & Zip _____

Telephone _____

E-mail _____

ANDREA LYNN CHASTEEN, CLERK OF THE CIRCUIT COURT OF WILL COUNTY