Wheeler Trigg O'Donnell

WTO Urges Colorado Supreme Court to Revisit Standard for Post-Conviction Relief

News
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Denver: Wheeler Trigg O'Donnell (WTO) lawyers, acting as amicus counsel, asked the Colorado Supreme Court to revisit the standard for denying a pro se criminal defendant post-conviction relief.

WTO's **Clarissa Collier** and **Nicole Jones** filed the brief pro bono for the University of Colorado Law School's **Korey Wise Innocence Project** to support Jamale Townsell's certiorari petition to the Court.

Townsell was convicted for robbery based, in part, on DNA evidence. He sought post-conviction relief pro se based on his trial counsel's failure to retain a DNA expert or otherwise attack the prosecution's DNA evidence. In their brief, WTO lawyers argued that the Court of Appeals wrongly denied Townsell's requests for postconviction counsel and an evidentiary hearing to challenge the DNA evidence.

The Court of Appeals opinion inhibits pro se petitioners' access to justice, WTO's brief said.

"It is all but impossible for someone who is indigent, unrepresented, and incarcerated to obtain or test DNA evidence, let alone prove how that evidence would have changed the outcome of their case," Collier and Jones wrote.

Related Professionals

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WTO lawyers asked the Colorado Supreme Court to vacate the opinion, clarify the proper standard for appointing postconviction counsel and granting evidentiary hearings in cases involving DNA evidence, and remand the case to the district court with directions to take these steps.

By filing the brief, WTO is supporting the Korey Wise Innocence Project in advocating for criminal defendants to have postconviction access to counsel and DNA testing, regardless of their financial means. The priorities are part of the Project's broader mission to end wrongful convictions in Colorado.

Wheeler Trigg O'Donnell lawyers have taken more than 1,100 trials and arbitrations to verdict or award and 300 appeals to opinion all across the nation, with exceptional results for our clients.

Established in 1998, WTO today numbers more than 110 trial lawyers and litigators. The firm represents sophisticated clients in high-stakes civil trials, appeals, and related litigation ranging from complex commercial to class actions to catastrophic torts.

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