

**Gwinnett County District Attorney
Sentence Review Unit
Frequently Asked Questions**

Q: Does the SRU represent me as my attorney?

A: No. The SRU works for the District Attorney on behalf of the State of Georgia. SRU attorneys are NOT able to offer legal advice to you. You should consider hiring private counsel, contacting the public defender's office, or seeking the assistance of an innocence project or other organization.

Q: How do I know whether the SRU received my letter?

A: Sometimes, letters are delayed in transit to our office. When the Gwinnett County DA's Office SRU receives your letter, we will send you an acknowledgment of receipt via email or mail.

Q: Is SRU part of the appellate/post-conviction process provided by Georgia law or the District Attorney's office?

A: No. The SRU was not created by statute, its investigations are not part of a court action, and it is not governed by court rules of procedure. The SRU is an independent unit from the appellate unit/post-conviction legal remedies.

Q: Who will investigate and evaluate the claim of extremely punitive or excessive sentencing?

A: The applications submitted to the SRU are reviewed and investigated by the SRU. No prosecutor, police officer, or investigator who was involved in the prosecution of the case under review by the SRU will play any investigative role in evaluating the applications brought to the SRU.

Q: How will I know what conclusions have been reached by the SRU?

A: Applicants will be informed of the conclusions reached by the SRU about their applications. Applicants do not, however, have an absolute right to have notice of all investigative activities or results obtained by the SRU. To protect the integrity of its investigation, the SRU reserves the right to determine whether or when investigative efforts and results should be disclosed.

Q: How quickly will the SRU let me know that a decision has been made?

A: The SRU receives many applications each year, we cannot guarantee a time frame of when you should expect to hear back from us about a decision. However, we make every effort to process your request as soon as possible.

Q: I received a letter from the SRU which states that the SRU is unable to re-open an investigation into my case. Why can't the SRU re-investigate my case?

A: The SRU is part of the District Attorney's Office, we cannot offer legal advice, nor represent anyone in the defense of his/her case. Also, the SRU does not generally review cases where the only claim is procedural, for example, that the sentenced person received ineffective assistance of counsel. We do not review cases where there is only a request for a time-cut or complaint that an inmate has not made parole.

Most importantly, however, is that the SRU's determination does not prevent you from attempting to obtain relief through the normal legal process, such as filing a writ of habeas corpus. Also, the SRU's determination should not be taken as legal advice that your claim does or does not have merit. You are always free to seek legal advice from a defense attorney at any time regarding your case, and/or pursue any legal claim you believe you may have.

Q: Is the SRU able to receive Applications and/or investigate cases where the convicted person does not - or witnesses do not – speak, read, or write in English?

A: Yes. If the Application is not written in English, we make every effort to obtain a translation. The Application will be treated the same as ones where the Application is made in English. **Additionally, the SRU is currently able to assist Spanish-speakers.**

Q: If the SRU informs me it is reviewing my case, does that mean I will get a sentence reduction?

A: No. Each case is unique and simply because the SRU reviews the case does not mean that it will result in a sentence reduction.

Q: If I disagree with the conclusions of the SRU investigation, what rights do I have for further review?

A: The existence of the SRU does not create or confer any "rights" on those who bring a claim. For this reason, there is no "right" to appeal its determinations. Because the SRU's investigation is not part of a court proceeding, the SRU's decisions or recommendations do not prevent an Applicant from raising the same claims of excessive sentencing in another forum, such as through a Motion for Relief from Judgment.