

## What happens after an application is made?

The DNA Review Panel will consider the application and determine whether or not DNA comparison might assist in determining the applicant's innocence.

If, after consideration, the Panel considers that DNA comparison might assist the applicant, it will ask the NSW Police and NSW Health to undertake searches for the specified items or samples taken from those items.

If samples still exist, they will be analysed to see whether a DNA profile can be extracted so that it might be compared with the DNA sample provided by the applicant.

For serving prisoners, if a DNA sample has not already been taken, the Prisoner Testing Team will take a sample next time they visit the prison.

For other applicants arrangements will need to be made for testing as a volunteer and the applicant will be contacted in regard to this.

**A sample volunteered for the DNA Review Panel will not be placed on the DNA database.**

The DNA Review Panel will arrange for the comparison and inform the applicant of the outcome.

Only if the Panel is of the view that the DNA testing will affect the claim of innocence and that there is reasonable doubt as to guilt would it refer the matter to the Court of Criminal Appeal for a review of the conviction and consideration as to whether it should be set aside.

## What else should I know?

Finding and analysing crime scene samples is complicated and it will take some time before an applicant hears from the DNA Review Panel.

It is possible that a crime scene exhibit will no longer exist. Once a conviction has been recorded and the time for appeal has lapsed the exhibit may have been destroyed.

Even if forensic samples analysed in laboratories before trial still exist, it may not be possible to extract usable DNA profiles from them.

In the event that DNA is found in the crime scene sample and that an applicant's DNA does not match, this will not automatically prove innocence.

There may have been many other factors that were taken into consideration in reaching a verdict of guilty.

After receipt of the outcome of the comparative DNA testing applicants may wish to seek legal advice.

For more information go to [www.lawlink.nsw.gov.au/dna](http://www.lawlink.nsw.gov.au/dna)



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New South Wales



## The DNA Review Panel

## What is the DNA Review Panel?

The role of the DNA Review Panel is to facilitate DNA testing for people who have been convicted of crimes and believe that DNA evidence may assist their claim of innocence.

The DNA Review Panel is responsible for facilitating searches to locate crime scene samples and, if DNA can be extracted from these samples, to arrange for comparisons to be made with the convicted person's DNA.

The DNA Review Panel is not a court and does not have the power to overturn a conviction. The DNA Review Panel can, however, recommend to the Court of Criminal Appeal that a review of the conviction be commenced.



## Who can apply?

A person is eligible to make an application to the DNA Review Panel if:

- > The person's claim of innocence may be affected by DNA information as specified in the application form, **AND**
- > The person was convicted before 19 September 2006 for an offence that is punishable by life imprisonment or for a period of 20 years or more, **OR**
- > The person was convicted before 19 September 2006 for an offence punishable by imprisonment in respect of which the Panel considers that there are special circumstances that warrant the application, **AND**
- > The convicted person continues to be subject to the sentence (whether in custody or on parole) or is subject to supervision or detention under the *Crimes (Serious Sex Offenders) Act 2006* in connection with the offence to which innocence is claimed.



## How are applications made?

In order for the DNA Review Panel to consider an application a form must be completed and sent to:

**The DNA REVIEW PANEL**  
**GPO Box 6**  
**SYDNEY NSW 2001**

Application forms are available in each NSW correctional facility or can be obtained through legal advisory bodies or by ringing (02) 9228 8073.

The application form is designed to give the Panel sufficient information to conduct its inquiries and to ascertain whether a DNA review would assist the applicant in proving his or her innocence.

The applicant should set out the reasons for his or her claim and specify the items that person wishes the DNA Review Panel to search for.

Information should be as accurate and detailed as possible.