

## Information about Your Case and the Crime

In order to make a decision on whether we will be able to assist you, it is important that we know as much as possible about your case and the crime that resulted in your conviction. Please complete this questionnaire (and any additional forms included) and return them to us as quickly as possible. Answer every question as fully as possible; you may use additional sheets of paper if you need more space. Where necessary, use D/K for Don't Know, N/A for Not Applicable to your case.

### THE CRIME

In the space provided below, please describe the crime(s) that you were alleged to have committed. By now, whether or not you were in any way involved, you know a great deal about the case. So please give us a description of what happened, when it happened, where it happened and all persons involved. Use additional sheets if necessary.

1. Please state the crime for which you are claiming innocence & the date and time of day it occurred. Please include victim's name and age.

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*I am innocent of aggravated assault and aggravated burglary committed on May 28, 1995 at 4:45am. The victim was Pepper Winstead age 36 years.*

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2. Where did the crime take place? (Address /location. Describe the scene as best you can. Note any unusual weather conditions.)

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*It took place at 1010 Chestnut Dr, a single-family residence in Portage county, Wisconsin with a population of 70,000.*

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3. List all persons involved? (Include full names and ages as well as his or her role. Include co-defendants, all others who were implicated in the crime and alternative suspects.)

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*The victim, Pepper Winstead, is age 36. Allen Colgate age 28, was convicted of the crime.*

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4. Describe what happened during the crime for which you were convicted. (Please be as detailed as you can in your response; if you are stating you were not present at the crime, then describe what others say happened during the crime.)

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*The victim woke suddenly to find a man standing over her bed. The man grabbed the victim and put a knife to her throat. The man pulled the victim out of bed and dragged her to her office. The man forced the victim to open a locked desk. The victim hit her head and knee when the assailant pushed her into the bookshelf near the window. The victim then grabbed the knife and struggled with the assailant. The victim stabbed the assailant in the right shoulder with the knife and he jumped out the window. On the way out the window, the assailant got stuck in the mini-blinds. The assailant left blood all over the blinds and on the floor in front of the window.*

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5. Please provide any other information on the crime you feel may be helpful to us in understanding what happened?

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*The victim initially described the assailant as a man wearing short-sleeved shirt and shorts. Did not mention or describe any tattoos. Allen Colgate has large tattoos on both arms, including a 3 1/2 inch tattoo of his name. Also Allen Colgate does not have any stab wounds on his shoulders or any other part of his body. The blood did match my blood type but no other testing was done.*

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**Arrest and Trial**

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1. Date and place of your arrest: *June 25, 1995*
2. Investigating police or sherriff's department and detective(s): *Detective Steven Rogers*

**ABOUT YOUR CASE**

3. Please explain why you are innocent.

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*I am innocent because I did not commit the crime. I was at home getting ready for work at the time of the crime.*

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- a. What factors do you believe led to your being wrongfully convicted?

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*Misidentification by the victim.*

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4. List each of the crimes of which you were convicted and for each, the sentence imposed. Please describe the defense raised at trial for each crime: *(For example, that you were wrongfully identified as the assailant by an eyewitness.)*

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Crime: *Driving under the influence*

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Sentence: *6months in county jail*

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Defense: *No contest*

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Crime: *Aggravated assault , aggravated burglary*

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Sentence: *Life in state prison, no probation*

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Defense: *Wrongfully identified*

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**Innocence Project Case File -Your Name: Allen Colgate Case#: 52**

5. List the evidence or testimony brought out at trial that you believe supports your claim that you are innocent.

If any of this evidence or testimony was incomplete, indicate the additional information you believe might be obtained and why it was not presented at trial.

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6. List all other evidence or testimony that you believe will show your innocence. For each, please indicate whether it (a) was available but not brought out at trial, (b) came to light after trial, or (c) is potentially new evidence you believe might be found with thorough investigation.

*Blood on knife blade and cells on knife handle were never tested*

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7. Identify all persons who have specific knowledge that supports your claim of innocence. Indicate what each knows. If the person was not called to testify at trial, indicate why.

Person's Name: *N/A*

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What does s/he know:

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Did the person testify at trial? If not, please explain why

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8. Who or what could establish your whereabouts at the time of the crime?

*N/A*

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9. Was physical and/or biological evidence recovered during the investigation of your case? If so, please list the items of evidence. (For example: *finger prints, blood or hair, vaginal swabs, anal swabs, semen stains from the victim's clothing, your clothing, the crime scene, or weapon(s).*)

*Blood from the blinds and window, blood on knife blade, epithelial cells on knife handle*

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- a. What physical and/or biological evidence was introduced at trial?

Please indicate whether the evidence was offered by the prosecution or the defense.

*Blood from blinds*

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- b. What kinds of scientific testing, if any, was done on physical/biological evidence?

(For example, *blood group typing (A, B, O), hair and fiber comparison, DNA testing, etc.*)

Please also indicate the results of the testing and on whose behalf (defense or prosecution) it was done

*Blood group typing*

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10. Did the victim(s) identify you? : *Yes*

If "Yes," was it in a lineup, in a photo array/lineup, or in some other way (please specify):

*In the second photo line-up she was shown one month after the crime.*

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**Innocence Project Case File -Your Name: Allen Colgate Case#: 52**

**11. List any other persons who identified you or who testified at your trial and the nature of their testimony.**

Please indicate the form of identification -- whether they identified you in a lineup, photo array, or otherwise. If this person was an expert witness indicate the nature of their testimony (*doctor, handwriting expert, scientist*). Also indicate whether the witness testified for the defense or for the prosecution.

Name: ***Michael Evans***

Nature of the testimony:

***Forensic biological fluids expert***

For whom did the witness testify?: ***testified for the prosecution***

**12. Samples available for DNA testing:**

<b>Sample #</b>	<b>Sample Information</b>
<b>52-1</b>	<b>Buccal swab from Pepper Winstead</b>
<b>52-2</b>	<b>Blood from Allen Colgate</b>
<b>52-3</b>	<b>Blood on blade of knife</b>
<b>52-4</b>	<b>Epithelial cells on knife handle</b>