



120 Tremont Street Suite 735, Boston, MA, 02108

*April 5, 2017*

Senator Lisa Keim, Chair  
Representative Matthew Moonen, Chair  
Joint Standing Committee on the Judiciary  
100 State House Station, Room 438  
Augusta, ME 04330

**RE: LD 677 An Act to Amend the Laws Governing Post-Conviction Review in Order to Facilitate the Fair Hearing of All Evidence in Each Case Involving a Claim of Innocence**

Dear Senator Keim, Representative Moonen, and Members of the Judiciary Committee,

The New England Innocence Project supports legislation which would expand access to post-conviction evidence in the state of Maine.

Of the greater than 2000 exonerations tallied by the National Registry of Exonerations, a mere two come from Maine, and neither of those exonerations relied on the state's post-conviction review statute. Both cases were for misdemeanor verdicts. This gives Maine the distinction of being the only US state without a felony exoneration – a statistic that should be a matter of great concern to all who live in Maine, not just those involved in legal work.

The New England Innocence Project can speak to the success of legislation expanding access to post-conviction evidence. For example: there have been 59 documented exonerations in Massachusetts to date, many of which can be attributed to judicial interpretation of Massachusetts Rule of Criminal Procedure 30 as well as Massachusetts General Law chapter 278A, both of which provide claimants of innocence with greater opportunity to present evidence.

When there's a claim of actual innocence accompanied by credible evidence, there should not be any time limit imposed. The Maine post-conviction review statute should open the doors to such claimants, as well as others, where they can present all the relevant evidence in their cases. LD 677 would provide a procedural remedy to the restrictive time limit of one year to file after the discovery of new evidence. No matter how many years have passed, it is vitally important that new evidence always be permitted to be heard and weighed alongside the rest of the evidence in totality.

Both the New England Innocence Project and the Innocence Project have received applications from and assisted people in Maine asserting innocence. It is clear that there are wrongfully convicted individuals incarcerated in Maine. Using the conservative estimate of the rate of wrongful convictions at approximately 3.5%, it is predicated that at least 75 innocent men and women are imprisoned in Maine. It currently costs \$30-35,000 per year to house an inmate in Maine – a price tag of over \$2.5 million annually for the estimated 75 innocent Maine inmates.

As we have seen thousands of times in the United States, exculpatory evidence can emerge years – even decades – after a conviction. Overly restrictive policies surrounding post-conviction review in Maine serve only to further punish the wrongfully convicted and allow the real perpetrators to remain free to commit more crimes.

Maine's criminal justice system is, like every other state's, fallible. It is key to the integrity of the criminal justice system that the wrongfully convicted be given opportunity to prove their innocence. The moral arc of the universe must bend towards justice.

Sincerely,

  
Denise McWilliams

*Executive Director*