State of Connecticut

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JUDICIARY COMMITTEE PUBLIC HEARING

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Senate Bill No. 901, An Act Appropriating Funds for the Connecticut Innocence Project

The Office of Chief Public Defender strongly supports Senate Bill No. 901, *An Act Appropriating Funds for the Connecticut Innocence Project.* The Connecticut Innocence Project (CTIP) is a specialized unit within the Office of Chief Public Defender of the State of Connecticut, Division of Public Defender Services. CTIP limits its case review to claims of inmates whose criminal cases were prosecuted in the state courts of Connecticut. CTIP maintains criteria and a case review process which insures that resources are expended only on cases of actual innocence which can be proven by DNA and/or other new evidence. As the members of this Committee know, it was the Connecticut Innocence Project that was responsible for the exoneration of James Calvin Tillman in the summer of 2006. Mr. Tillman was incarcerated for eighteen and one-half years for a crime he did not commit.

The Connecticut Innocence Project was formed in August 2004 at the direction of the former Chief Public Defender, Gerard A. Smyth. In February 2006, the Co-Chairs of CTIP filed their first appearances in court to represent a client, James Calvin Tillman. The CTIP is presently managed by two attorney Co-Chairs, both of whom have extensive experience in criminal defense including forensic analysis. With respect to this bill, it is critical to note that the two Co-Chairs have full time positions within the Division of Public Defender Services. Presently, they hold the positions of Deputy Chief Public Defender and the Public Defender for the Tolland Judicial District. There is no dedicated staff to the project. These obligations necessarily limit the time they can devote to the project. The Co-Chairs are assisted by an administrative assistant who holds a full time position within the Division unrelated to the work of CTIP. She receives

and processes inmate inquiries when she is able to find time to complete the tasks her full time job requires. While CTIP is also assisted by other Division of Public Defender staff as well as members of the private bar who volunteer their services, the day-to-day operation of the project necessarily must fall upon the Co-Chairs, who again, have full-time positions within the Division.

An ideal staff for this Public Defender unit would be a managing attorney, a staff attorney, an investigator and an administrative assistant. Such a staff could appropriately and expeditiously review the more than one hundred inquiries that have already been sent to the project. In terms of appropriately and expeditiously reviewing those requests, it is critical to the project that the Public Defender for the project be an experienced trial lawyer who has supervisory experience and experience in post-conviction DNA testing. The staff would be dedicated to work for the CTIP full time, thus allowing them to concentrate their efforts on identifying other Connecticut inmates who are incarcerated for crimes that they did not commit.

While the exoneration of James Calvin Tillman is a wonderful example of the work the Connecticut Innocence Project has done and must continue to do, it is also a stark illustration of the need for full time dedicated staff. Mr. Tillman's letter and request for assistance came to the project in January of 2005. His request was not considered and assessed until early 2006. That delay was not the result of preliminary work that needed to be done in Mr. Tillman's case. Rather, the cause of the delay was that due to the other obligations and workload of the Co-Chairs with respect to their full-time positions, they simply could not get to his request to consider his case. Once the case was reviewed by the CTIP, within five months Mr. Tillman was released from incarceration and within six months of that initial review, his case was dismissed. Had the project had dedicated staff in January 2005, it is likely that James Calvin Tillman would have been released a calendar year earlier.

In conclusion, this office urges support of this bill.