

**TESTIMONY OF GERARD A. SMYTH, ESQ.
ON BEHALF OF JAMES C. TILLMAN CONCERNING SB 1456,
AN ACT CONCERNING THE COMPENSATION OF PERSONS WRONGFULLY
CONVICTED AND INCARCERATED**

**Judiciary Committee
April 10, 2007**

Section (2) of *SB 1456* would compensate James C. Tillman for his wrongful conviction in 1989 of kidnapping and sexual assault, and for the 18 years, 4 months and 11 days that he was incarcerated for a crime that he did not commit. In June 2006 DNA test results exonerated Mr. Tillman, leading to his release from prison and the dismissal of all of his charges.

SB 1456 proposes to pay Mr. Tillman an initial payment of \$500,000, followed by annual payments of an unspecified amount for the remainder of his life. The initial payment would come from unclaimed lottery prize funds of \$3.5 million, and the annual payments would be funded by investing the balance of the unclaimed prize funds in a manner to ensure annual payments to Mr. Tillman for life.

Another bill currently before this committee, *HB 6673, An Act Compensating James C. Tillman for his Wrongful Conviction and Incarceration* proposes alternatively to award Mr. Tillman a one time, lump sum payment of \$5 million in full satisfaction of any and all claims that Mr. Tillman has against the State of Connecticut and any of its agents, employees or officials. In separate testimony submitted today, I have urged the Committee's support for *HB 6673* and expressed Mr. Tillman's preference for a single, lump sum payment of \$5 million, which would enable him, in consultation with his financial advisors, to make his own decisions as to how to best use and invest his money. After 18 years of having his entire life controlled by others, he understandably would like to be in full control of his own life and decisions.

If, however, it is the judgment of this Committee and the General Assembly that Mr. Tillman should be compensated in accordance with the method set forth in *SB 1456*, then I would request the following amendments to the bill as written:

1. *Addition of the language that is included in HB 6673, which provides that "[a]ny payment received pursuant to this act shall be exempt from the tax imposed under chapter 229 of the general statutes". This would exempt such payments from state income tax.*
2. *Specification of a formula for determining the amount of the annual payment to Mr. Tillman, including a minimum annual amount. As written the bill provides for annual payments for life, but is silent as to how the amount of the payments would be determined by the State Treasurer. In order for Mr. Tillman to make an informed decision as to whether to accept such payments*

in full satisfaction of his claims against the state and its agents, as provided in Sec. 2(b), he would have to know what the approximate amount of the annual payments would be.

3. *Guarantee of a minimum of 25 years of annual payments to Mr. Tillman or his heirs, executors or assigns.* This would address the inequity that would arise if Mr. Tillman were to die before he received fair compensation for the injury that he has suffered.

In conclusion, I would respectfully urge the Judiciary Committee's support for fair and just compensation for James Tillman by a special act of the legislature, preferably in accordance with *HB 6673*. Thank you.