

**TESTIMONY OF TIFFANY L. STEVENS, ESQ.
IN SUPPORT OF RAISED BILL NO. 5933,
AN ACT CONCERNING THE COMPENSATION OF WRONGFULLY
CONVICTED AND INCARCERATED PERSONS.**

**Judiciary Committee
March 20, 2008**

I am an attorney at McCarter & English, LLP, a law firm located in Hartford, Connecticut, and have represented James Tillman on a pro bono basis as he sought compensation from the State of Connecticut for damages relating to his eighteen years of wrongful incarceration for a crime that he did not commit.

The experience of James Tillman highlights the need for state compensation for persons wrongfully convicted of a crime. Mr. Tillman served a prison sentence of over eighteen years and ultimately was demonstrated innocent of the crime through the use of DNA evidence. He was robbed of eighteen years of freedom, his family and his livelihood and endured the unique horrors of prison. To partially rectify such injustices twenty-two states have enacted legislation that compensates the exonerated for the time they were forced to spend in prison.

I applaud the legislature and, in particular, the Judiciary Committee, for recognizing that individuals wrongfully convicted of crimes and subsequently imprisoned have undergone an extreme hardship and for undertaking efforts to determine a fair and equitable means by which to compensate individuals such as James.

The losses endured by an individual wrongfully convicted and imprisoned are considerable, and include the loss of liberty and enjoyment of life, mental suffering, psychological damage and physical injury. In addition, while incarcerated, one loses wages, has his future earnings capacity significantly reduced, and suffers loss of familial relationships. Many wrongfully incarcerated individuals are prevented from marrying, raising a family and owning a home.

These losses are not rectified by releasing an individual from the confines of a prison cell. I was there first-hand to assist James Tillman in the time following his release from a lengthy period of incarceration for a crime he did not commit. I found that James entered a society with no infrastructure or services in place to help him return to life as a free man. Even after a wrongfully convicted individual is released from his imprisonment, he re-enters society with a variety of distinct obstacles before him. There are immediate services that are needed: health care, basic shelter, food, support, education. With no money, housing, transportation, health services or insurance, and a criminal record that is rarely cleared despite innocence, the punishment lingers long after innocence has been proven. The State of Connecticut has a responsibility to restore the lives of these innocent people, who have been wronged in such an extreme and tragic way, to the absolute best of its ability.

Additionally, because an exoneree has a longing to move forward and to put these past wrongs behind him, he should not have to face a lengthy struggle in the court system -- the same system that failed him. These legal or legislative processes themselves are a big part of the problem -- having to convince the legislature of the need for compensation makes compensation a political issue, and successfully suing in court presents a new set of legal and financial obstacles to the wrongly convicted - when compensation should be a simple issue of justice. And there is simply no question that when an innocent person has had his life stripped from him only to endure the horror of prison, justice demands that the individual be compensated for the harm suffered. While a private bill compensating Mr. Tillman finally passed in the legislature, it took extraordinary advocacy work to get it.

The State of Connecticut should adequately and promptly provide justice and restoration to the wrongly convicted through a standard, navigable, and just process. I strongly support Raised Bill 5933 and encourage the legislature to set out a straightforward procedure to compensate the wrongfully convicted.

I also strongly encourage the legislature to exempt all awards made pursuant to raised Bill No. 5933 from state taxes. The legislature incorporated measures in HB 6673, which granted compensation to James Tillman for his wrongful conviction and incarceration, to ensure the award was not deemed personal income to be taxed at the state level.

No amount of money can possibly compensate someone for the horror of spending a lengthy time wrongfully imprisoned, secluded from friends and family for a crime that he did not commit. However, the proposed legislation is a valiant effort by the State of Connecticut to recognize its responsibility to make every effort to determine a fair and equitable means to assist exonerees in restarting their free lives.

It is in the best interests of the State of Connecticut to establish a means to partially right the wrongs endured by wrongfully convicted and imprisoned individuals. I would respectfully urge you to vote to approve this bill.

Thank you.