

MAINE STATE PRISON BRANCH OF THE



N.A.A.C.P.



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Criminal Justice & Public Safety Committee
State House Station 2
Augusta, Me 04333

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The Prison Branch of the NAACP Supports
L.D. 425 "An Act to Establish a Conviction Integrity Unit in the Attorney General's Office"

Dear Committee Members,

LD 425 is a constructive step toward Criminal Justice reform in Maine. "Dr. Martin Luther King Jr.", often said the "Arc of the moral universe is long, but bends toward justice". LD 425 is an integral part of that "Arc"; it bends moralism and integrity toward justice. The bill is fundamentally meaningful for several reasons: (1) safe-guard the Constitutionality of "Due Process"; (2) guarantees fundamental fairness to a defendant who stands accused; (3) hold Prosecutors and Law Enforcement agencies accountable to their sworn oath; (4) prevents wrongful convictions; (5) prevents prosecutorial misconduct; (6) strengthens public trust and faith in Maine's justice system.

Maine does not have the Death Penalty, however, retrospectively; a life sentence without the possibility of parole is "Death by Incarceration." LD 425 provides tangible solutions to ensure that innocent men and women are not wrongfully convicted and subjected to Maine's death by incarceration. Far too often, we have witnessed, wrongfully convicted men and women across our country be released after spending decades in prison for a crime they did not commit. And the vast majority of the wrongful convictions were caused by prosecutorial misconduct: racial bias; withholding of evidence, misidentification, falsifying evidence, coercing witnesses, presenting false testimony, or introducing illegally-seized evidence at trial. For example: the case of Noura Jackson, a woman accused of killing her mother. A New York Prosecutor withheld exculpatory evidence that would have found Noura Jackson not guilty. Right here in Maine, the Anthony Sanborn case should not escape our memory. The State's Attorney General's office withheld exculpatory evidence from Mr. Sanborn for nearly 30 years and refused to acknowledge any wrong doings. Its situations such as these that underscore the integrity between a prosecutor's

desire and self-ambition for a conviction at all cost and their Constitutional duty to disclose exculpatory evidence to the defendant. Another example of Maine's prosecutorial misconduct and integrity can also be found in the Foster Bates case. The State's admission to losing the exculpatory evidence the day before Mr. Bates trial was set to begin. The State is required by the Fourteenth Amendment of Maine's Constitution to produce all evidence to ensure that the Sixth Amendment is not violated. Courts hold that it's a prosecutor's duty under the Sixth Amendment and Brady v. Maryland to disclose exculpatory evidence, which includes the obligations to preserve such evidence from loss or destruction. Otherwise, the disclosure would be an empty formality which could be easily circumvented by suppression of evidence by simple means of destruction rather than mere failure to reveal.

LD 425 is a corrective measure that will uphold the moral compass of Maine's Criminal Justice System and prevent wrongful conviction from confiscating lives and destroying families. When State Prosecutors chose self-desire over the Constitution the system of justice cannot function normally, thus leading to wrongful convictions.

There are more innocent people in our jails and prisons today than ever before. The rate of exonerations continues to rise, revealing an unreliable system of criminal justice. "Dr. King Jr. frequently said "Injustice anywhere is injustice everywhere." Prosecutorial misconduct is everywhere. And the Maine State's Attorney General's Office has not acknowledged that innocent men and women have been wrongfully convicted by prosecutorial misconduct.

Wherefore, LD 425 should pass to protect the "Due Process" rights of defendants and prevent wrongful convictions in the State of Maine.

Respectfully submitted,

NAACP Prison Branch