



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

Nina Azella Milliken

276 Turkey Farm Road
Blue Hill, ME 04614

Residence: (207) 412-8828

Nina.Milliken@legislature.maine.gov

(207) 287-1400

TTY: MAINE RELAY 711

February 24, 2025

Testimony of Representative Nina Milliken presenting
**LD 425, An Act to Establish a Conviction Integrity Unit in the Attorney
General's Office**

Before the Joint Standing Committee on Judiciary

Good morning, Senator Carney, Representative Kuhn, and friends and colleagues on the Joint Standing Committee on Judiciary. My name is Nina Milliken and I am honored to represent the towns of Blue Hill, Brooksville, Castine, Sedgwick, Surry and Trenton in the Maine House. Today, I am very happy to be before you to present **LD 425, An Act to Establish a Conviction Integrity Unit in the Office of the Attorney General**.

This bill does exactly what the title indicates, it would establish a conviction integrity unit (CIU) within the Office of the Attorney General to look at criminal convictions, review them and make sure that those convictions were arrived at by just means. They would be responsible for reviewing any case where there are facts that suggest a plausible claim of innocence, constitutional violations or prosecutorial misconduct.

When we convict an innocent person, we not only destroy their life but also fail to hold the actual perpetrator accountable. The creation of a CIU is a crucial step in ensuring that our criminal justice system produces actual justice—not just favorable prosecutorial outcomes.

Nationally, conviction integrity units have played a key role in righting the wrongs of our justice system. In Dallas County, Texas, their CIU has exonerated dozens of wrongfully convicted individuals, including men like Cornelius Dupree, who spent 30 years in prison for a crime he did not commit. In Brooklyn, New York, their CIU has led to more than 30 exonerations, uncovering misconduct and failures in a system that disproportionately harmed poor defendants and people of color.

These cases are not outliers; they are symptoms of a legal system that, too often, prioritizes closing cases over ensuring fairness. When prosecutorial misconduct, flawed forensic evidence, false confessions or ineffective legal counsel result in wrongful convictions, we must have a mechanism to correct those errors — a CIU would provide some safeguarding.

The issue of wrongful convictions is not only a national crisis but one that disproportionately affects the most vulnerable among us. Research consistently shows that wrongful convictions are far more likely to impact people of color and those without the financial means to secure adequate legal defense. The National Registry of Exonerations has documented that Black Americans make up 13% of the U.S. population but account for nearly half of known wrongful convictions. These individuals often lacked competent legal representation and were subjected to biased policing and prosecution.

This is particularly relevant in Maine, where, as this committee is well aware, access to indigent legal defense is severely lacking. Our state ranks among the worst in the country in providing adequate legal counsel to those who cannot afford it. The Maine Commission on Indigent Legal Services has struggled for years with underfunding and a shortage of qualified attorneys. Without meaningful legal representation, the likelihood of wrongful convictions increases exponentially.

Many of you may know already, but I spend a great deal of my personal time in the Maine Department of Corrections. I have met a number of men within the Department whom I truly believe are innocent of the crimes that they are serving time in prison for. One of those men is Foster Bates. Mr. Bates is a black man and he's serving a life sentence for the rape and murder of a white woman in South Portland from 1994. Mr. Bates has been in prison for nearly 25 years already, despite the discovery in his case indicating that there had been a video recording of a police interview with another suspect where that suspect made a confession. When Bates's defense team asked for that video recording, they were told by the prosecutor's office and police that they couldn't find the video. Additionally, the other suspect referenced details of the crime that were not made public and only would have been known by the perpetrator of the homicide. Mr. Bates admitted to having had a sexual relationship with the victim and his DNA was found in her body. But his DNA was not found on key items of evidence in the crime. I believe that Mr. Bates is factually innocent of the crime he is currently in Maine State Prison for. Mr. Bates is not the only likely-innocent man in our prison system.

The fear of letting a guilty person walk free often drives prosecutorial zeal, but I ask this committee: what is more egregious—letting one guilty man go free or condemning an innocent man to years, even decades, behind bars? I firmly believe that our justice system must be guided by the principle of truth and that we must consider the serious ramifications of imprisoning even one innocent person.

Establishing a CIU is not about undermining prosecutors or weakening our legal system — it is about strengthening its integrity. It is about ensuring that the immense power of the state is

wielded responsibly and that the pursuit of justice does not become a pursuit of convictions. When we acknowledge our system's fallibility and take active steps to correct its mistakes, we enhance public trust and ensure that justice is served in its truest form.

I urge this committee to take action now. The establishment of a Conviction Integrity Unit will not only protect the innocent but will also reinforce the credibility of Maine's justice system. We have the opportunity to lead with integrity, fairness, and an unwavering commitment to the truth.

Please vote to pass this important bill. I appreciate your time and consideration and I am happy to try and answer any questions you might have.