

Statement in Support of LD 425

Pedro E. Santiago  
Maine State Prison

My name is Pedro E. Santiago, and I am a resident at the Maine State Prison, serving a 40-year sentence for an incident that occurred in Portland, Maine, in 2003. The following is my testimonial in support of LD 425: An Act to Establish a Conviction Integrity Unit in the Attorney General's Office.

During pre-trial, I was unable to read or write, leaving me unaware of the contents of my pre-trial discovery. Fortunately, my cellmate at the time, Sammy Basu, assisted me by pointing out key police reports that referenced video footage from the actual area where the incident occurred. In exchange for his help, he made me promise to take the necessary steps to learn how to read and write. As part of this process, I was required to personally write all letters to my attorney, marking the beginning of my rehabilitation journey.

One crucial police report contained evidence that could have exonerated me of the charge of murder, potentially leading to either a plea bargain or a reduction to manslaughter. The report stated: "Vehicles could be seen where the incident occurred, but due to the angle and distance, only the roofs of vehicles and the heads of people were visible."

Despite sending numerous letters and motions through my attorney to preserve this evidence, the prosecution mishandled and lost the crucial portion of the video footage. During trial, the prosecution was able to retrieve the left and right portions of the footage, yet the central portion—where the incident occurred—was missing.

Over the past 22 years of incarceration, I have come to understand the ethical and legal obligations of prosecutors. According to Maine Rules of Court 3:8, § 3, a prosecutor has a continuing duty to disclose discovery materials, including: Books, paper documents, photographs, motion pictures, and videotapes. Any exculpatory evidence within their possession or control Any evidence that negates the guilt of the accused, mitigates the severity of the offense, or reduces punishment

In my case, the prosecutor failed to uphold these ethical duties, thereby securing false testimony to obtain a conviction. Prosecutorial Misconduct & Legal Precedents, A 2013 investigation found that actual discipline for prosecutorial misconduct was severely lacking. Prosecutors are tasked with seeking justice, not simply winning cases. In *United States v. Horney*, the U.S. Supreme Court affirmed: "The prosecutor is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all. The interest of the government in a criminal prosecution is not that it shall win a case, but that justice shall be done."

For centuries, public prosecutors have carried special ethical responsibilities. Unlike other attorneys, prosecutors must balance their role as legal advocates with their duty as government

officials. This dual role creates a corresponding obligation to uphold the constitutional rights of all citizens, including criminal defendants.

LD 425 is essential in ensuring that every defendant's constitutional rights are upheld. This bill will:

- ✓ Prevent prosecutorial misconduct by holding prosecutors accountable
- ✓ Ensure the integrity of criminal convictions through independent review
- ✓ Strengthen public trust in the justice system

I urge the legislature to pass LD 425 to protect due process and fairness for all accused individuals in the State of Maine.