



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

| | | | |
|--|-------------|---|----------------------|
| BILL NUMBER: HB 1086 | | DATE: 2/27/2023 | |
| COMMITTEE: Judiciary | | | |
| TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES | | | |
| WITNESS NAME | | | |
| REGISTERED LOBBYIST: | | | |
| WITNESS NAME: BRIAN BERNSKOETTER | | PHONE NUMBER: 573-636-2822 | |
| REPRESENTING: MISSOURI ASSOCIATION OF CRIMINAL DEFENSE LAWYERS | | TITLE: | |
| ADDRESS: 101 E. HIGH | | | |
| CITY: JEFFERSON CITY | | STATE: MO | ZIP: 65109 |
| EMAIL: | ATTENDANCE: | SUBMIT DATE: 2/27/2023 12:00 AM | |
| THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo. | | | |



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| WITNESS NAME | | | |
| BUSINESS/ORGANIZATION: | | | |
| WITNESS NAME: DARRELL LEE MOORE | | PHONE NUMBER: 573-751-0619 | |
| BUSINESS/ORGANIZATION NAME: MISSOURI ASSOCIATION OF PROSECUTING ATTORNEYS; MISSOURI OFFICE OF PROSECUTION SERVICES | | TITLE: EXECUTIVE DIRECTOR | |
| ADDRESS: P.O. BOX 899, 200 MADISON STREET, SUITE 1060 | | | |
| CITY: JEFFERSON CITY | | STATE: MO | ZIP: 65102 |
| EMAIL: Darrell.Moore@prosecutors.mo.gov | ATTENDANCE: In-Person | SUBMIT DATE: 2/27/2023 7:42 AM | |
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Only two counties (Jackson and St. Louis) and the circuit attorney currently have conviction review units. There is a statewide need for such a unit for the 112 counties that do not have such a unit. MOPS would be responsible for reviewing actual innocence claims from 112 counties and any handled by the Attorney General as conflict prosecutor.



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| WITNESS NAME | | | |
| BUSINESS/ORGANIZATION: | | | |
| WITNESS NAME: ELYSE MAX | | PHONE NUMBER: 816-582-4522 | |
| BUSINESS/ORGANIZATION NAME: MISSOURIANS TO ABOLISH THE DEATH PENALTY | | TITLE: CO-DIRECTOR | |
| ADDRESS: 6320 BROOKSIDE PLAZA, SUITE 185 | | | |
| CITY: KANSAS CITY | | STATE: MO | ZIP: 64113 |
| EMAIL: elyse@madpmo.org | ATTENDANCE: Written | SUBMIT DATE: 2/27/2023 5:53 PM | |

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According to DPIC.org, for every 8 people executed, one person is exonerated. There are four people exonerated from death sentences in Missouri, and I know we have executed innocent people. We need to expand the use and strengthen CIUs. It's a life and death issue for innocent people on Missouri's death row.



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| WITNESS NAME | | | |
| BUSINESS/ORGANIZATION: | | | |
| WITNESS NAME: GWEN SMITH | | PHONE NUMBER: | |
| BUSINESS/ORGANIZATION NAME: EMPOWER MISSOURI | | TITLE: CRIMINAL JUSTICE POLICY MANAGER | |
| ADDRESS: PO BOX 104900 | | | |
| CITY: JEFFERSON CITY | | STATE: MO | ZIP: 65110 |
| EMAIL: gwen@empowermissouri.org | ATTENDANCE: Written | SUBMIT DATE: 2/27/2023 3:10 PM | |

THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.

As the largest and oldest anti-poverty non-profit in our state, Empower Missouri is committed to improving the quality of life for all Missouri residents through advocacy. Since our inception, Empower Missouri has focused on the criminal justice system and its impacts. Our Community Justice Coalition consists of community advocates and organizations from across the state who work with those who have been impacted by the criminal justice system. Many coalition members are formerly incarcerated or have currently incarcerated loved ones, and all are connected by a vision for a future without mass incarceration. We are providing testimony today in support of HB 1086, sponsored by Senator LaKeySha Bosley, which would establish a conviction review unit to investigate claims of actual innocence of any defendant, including those who plead guilty. This would address a pervasive issue in the criminal justice system: the unfortunate reality of wrongful convictions. In 2021, there were 161 exonerations throughout the U.S., indicating that there are likely many more incarcerated individuals in our country that are innocent of the crimes they are serving time for. There are many factors that contribute to this issue, including mitigating contributing factors, subjective assessments of information presented, unpredictable juror decision-making, and lack of complete information provided by law enforcement and witnesses. We also know that innocent defendants might plead guilty for a number of reasons, which HB 1086 addresses by including cases with a guilty plea in those eligible for review. Since 1989, Missouri has exonerated 56 people, the majority of whom were convicted of Class A Felony Murder and sexual assault. For those 56 individuals, a total of 646 years of life were spent in prison, removed from their loved ones and communities. National groups committed to the issue of wrongful convictions estimate that approximately 5% of incarcerated individuals are behind bars for a crime they did not commit. Currently in Missouri, there are just over 23,000 individuals incarcerated in Department of Corrections facilities. If the national estimates on wrongful conviction are true for our state, over 1000 incarcerated individuals in Missouri prisons might be serving time while innocent. This is clearly unacceptable, and HB 1086 proposes a necessary and timely solution to truly address this injustice. By enacting HB 1086, Missouri would join a growing list of states that have established conviction integrity review units to ensure that those who have been wrongfully incarcerated have a pathway to receiving justice and returning home. States that have statewide review units include Michigan, Minnesota, Delaware, Maine, New Jersey, New York, Pennsylvania, and Virginia. Empower Missouri urges this committee to take action to pass HB 1086 into law. Thank you for your time and consideration of this matter.



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| WITNESS NAME | | | |
| BUSINESS/ORGANIZATION: | | | |
| WITNESS NAME: MICHELLE SMITH | | PHONE NUMBER: 314-810-2910 | |
| BUSINESS/ORGANIZATION NAME: MISSOURI JUSTICE COALITION AND DREAM.ORG | | TITLE: FOUNDER | |
| ADDRESS: 6845 CREST AVE 1F | | | |
| CITY: ST. LOUIS | | STATE: MO | ZIP: 63130 |
| EMAIL: | ATTENDANCE: | SUBMIT DATE: 2/27/2023 12:00 AM | |
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| WITNESS NAME | | | |
| INDIVIDUAL: | | | |
| WITNESS NAME: SUSAN GIBSON | | PHONE NUMBER: | |
| BUSINESS/ORGANIZATION NAME: | | TITLE: | |
| ADDRESS: | | | |
| CITY: | | STATE: | ZIP: |
| EMAIL: Onesuegibson@protonmail.com | | ATTENDANCE: Written | SUBMIT DATE: 2/24/2023 6:48 PM |
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| WITNESS NAME | | |
| INDIVIDUAL: | | |
| WITNESS NAME: ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE | | PHONE NUMBER: |
| BUSINESS/ORGANIZATION NAME: | | TITLE: |
| ADDRESS: | | |
| CITY: | | STATE: ZIP: |
| EMAIL: arniedienoff@yahoo.com | ATTENDANCE: Written | SUBMIT DATE: 2/27/2023 11:44 PM |
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I am Opposed to this Bill and Legislation. The Law was changed to deal with situations and facts like this. In addition the Unit's Documents are Closed and kept secret, in Violation of Current Missouri Supreme Court Case Net Rules and Regulations.