



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chair and
Members of the Judiciary Committee

FROM: Chief of Staff David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 1, 2022

RE: **HB 249 – Attorney General - Wrongful Convictions - Investigations**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE HB 249**. This bill would require the Attorney General to investigate any order to exonerate a person who was found to be wrongly convicted to determine whether the law enforcement officer, State's Attorney, or judge involved in the conviction or prosecution committed misconduct.

In our system of jurisprudence, cases are presented and tried before the court based upon evidence that supports that the individual charged actually committed the crime. The Sixth Amendment guarantees the rights of criminal defendants, including the right to a public trial without unnecessary delay, the right to a lawyer, the right to an impartial jury, the right to a fair trial, and the right to know who their accusers are and the nature of the charges and evidence against them. Any finding of the court resulting in a conviction, whether the result of a bench trial or a trial by jury, is based upon "proof beyond a reasonable doubt," not proof beyond any or all doubt. Appeals of those convictions is a common practice within our justice system, again to ensure fairness. It is not unheard-of for an appellate court, including the United States Supreme Court, to overturn a conviction and remand a case back to the court of original jurisdiction. In these instances, the court is not ruling on guilt or innocence, but on the foundation of Constitutional principles.

To advocate that in these rare instances, where a person is charged, tried, and convicted by a jury of their peers, to be later overturned at the appellate level, somehow suggests nefarious, immoral or wrongful acts on the part of a law enforcement officer, prosecutor, or judge serves as an indictment of our entire judicial process. Such a supposition is as reprehensible an act as that which would accuse honorable public servants in the criminal justice system of such behavior.

For these reasons, MCPA and MSA **OPPOSE** HB 249 and urge an **UNFAVORABLE** report.

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