2013 DRAFTING REQUEST

Bill

Received:	**8/2/2013**	Received By:	**jkuesel**
Wanted:	**As time permits**	Same as LRB:	
For:	**Dale Kooyenga (608) 266-9180**	By/Representing:	**Rachel Geary**
May Contact:		Drafter:	**jkuesel**
Subject:	**State Finance - claims agnst st**	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
Requester's email: **Rep.Kooyenga@legis.wisconsin.gov**
Carbon copy (CC) to: **Sen.Taylor@legis.wisocnsin.gov**
Sen.Grothman@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Robert Lee Stinson claim

Instructions:

Per LRB-1211/1.

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	jkuesel 8/2/2013	evinz 8/2/2013	jmurphy 8/2/2013	_____ _____			
/1				_____ _____	lparisi 8/2/2013	lparisi 8/2/2013	State

FE Sent For:

At Intro.

<END>

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/? /1	jkuesel 8/2/13	/1 eev 8/2/13	8/2	scf			

FE Sent For:

<END>

-2834/1

State of Wisconsin
2013 – 2014 LEGISLATURE

LRB-1211/1
JTK:ejs:ph

2013 BILL

1 AN ACT **relating to:** an expenditure of $90,000 from the general fund for payment
2 of a claim against the state made by Robert Lee Stinson.

Analysis by the Legislative Reference Bureau

This bill directs expenditure of $90,000 from the general fund in payment of a claim made by Robert Lee Stinson against the state. In November 1984, the body of Ione Cychosz was found in the city of Milwaukee. Ms. Cychosz was beaten to death and there were numerous bite marks on her body. In December 1985, the claimant was tried and convicted of her murder. There were no witnesses against him, and the only physical evidence was expert witness testimony purporting to match the claimant's dentition with the bite marks on the victim's body. The bite marks did not match because the claimant was missing a tooth, and the bite marks showed the perpetrator did not have that tooth missing, but the claimant's attorney failed to raise that issue. The claimant was sentenced to life imprisonment. After his conviction, the claimant obtained a reexamination of the bite mark evidence using more modern odontological techniques that excluded the claimant as the perpetrator. The state crime laboratory examined samples of the blood and saliva found on the victim's clothing and conclusively excluded the claimant as the source of the samples. The claimant asserted that at the time of the crime he was at a party, which was corroborated by five other persons. In January 2009, the circuit court for Milwaukee County vacated the claimant's conviction and sentence. In July 2009, the state dismissed all charges against the claimant. In July 2009, the DNA of another man, Moses Price, was matched to the crime scene and Mr. Price confessed to the crime. The claimant claimed $5,000 per year for 23 years of wrongful imprisonment

plus $14,000 in attorney fees on behalf of the Wisconsin Innocence Project, which provided assistance to the claimant (total $129,000).

Under section 775.05 of the statutes the Claims Board may award compensation to a person who is imprisoned for a crime of which he or she is innocent if the board finds that the evidence is clear and convincing, that the person is innocent, and that the person did not by his or her act or failure to act contribute to bring about the conviction for which he or she seeks compensation. The amount awarded by the board may not exceed a total of $25,000, nor may an award be based upon a rate of compensation exceeding $5,000 per year. Compensation awarded by the board must include any amount to which the board finds that the claimant is entitled for attorney fees, costs, and disbursements. Under the law, if the board finds that the amount it is able to award is not adequate, it must recommend an adequate amount to the legislature.

On December 27, 2010, the claims board awarded compensation to the claimant in the amount of $25,000, which was paid to the claimant on January 4, 2011. In addition, the board recommended that the claimant be paid an additional $90,000 for wrongful imprisonment (total $115,000). See *2011 Senate Journal*, pp. 24–25.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1. Claim against the state. (1)** There is directed to be expended
2 from the appropriation under section 20.505 (4) (d) of the statutes, as affected by the
3 acts of 2011 and 2013, $90,000 in payment of a claim against the state made by
4 Robert Lee Stinson, Milwaukee, Wisconsin, to compensate the claimant for wrongful
5 imprisonment during the period from 1985 to 2009 as a result of his conviction on a
6 charge of first degree intentional homicide of which he was innocent. Acceptance of
7 this payment, together with all other compensation received by the claimant from
8 the claims board, releases this state and its state officers, employees, and agents
9 from any further liability in connection with the arrest, conviction, and
10 imprisonment of the claimant during the above period.

11 **(END)**

Parisi, Lori

From: Geary, Rachel
Sent: Friday, August 02, 2013 2:06 PM
To: LRB.Legal
Subject: Draft Review: LRB -2834/1 Topic: Robert Lee Stinson claim

Please Jacket LRB -2834/1 for the ASSEMBLY.