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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2013-14

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on... State Affairs and Government Operations (AC-SAGO)

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (December 2014)

Assembly

Record of Committee Proceedings

Committee on State Affairs and Government Operations

Assembly Bill 290

Relating to: an expenditure of \$90,000 from the general fund for payment of a claim against the state made by Robert Lee Stinson.

By Representatives Kooyenga, Spiros, Barnes, Sinicki, Knudson, Kessler, Hebl, Ohnstad, Goyke, Hintz, Pope, Murphy, Bies, T. Larson, Brooks and Bernier; cosponsored by Senators Grothman, L. Taylor and Hansen.

March 04, 2014

Public Hearing Held

Present: (11) Representative Weininger; Representatives Swearingen, Craig, Knodl, Neylon, Kooyenga, Hutton, Sinicki, Ringhand, Kessler and Hulsey.
Absent: (0) None.
Excused: (5) Representatives Kleefisch, Ripp, Nass, Zamarripa and Kahl.

Appearances For

- Dale Kooyenga - Rep - 14th ASM District
- Byran Lidistein - Wisconsin Innocence Project

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Glenn Grothman - Sen. - 20th Senate District

Registrations Against

- None.

Registrations for Information Only

- None.

March 06, 2014

Executive Session Held

Present: (13) Representative Weininger; Representatives Swearingen, Craig, Knodl, Ripp, Neylon, Hutton, Sinicki, Zamarripa, Ringhand, Kessler, Kahl and Hulsey.
Absent: (0) None.
Excused: (3) Representatives Kleefisch, Kooyenga and Nass.

Moved by Representative Craig, seconded by Representative Sinicki that **Assembly Bill 290** be recommended for passage.

Ayes: (13) Representative Weininger; Representatives Swearingen, Craig, Knodl, Ripp, Neylon, Hutton, Sinicki, Zamarripa, Ringhand, Kessler, Kahl and Hulsey.

Noes: (0) None.

Absent: (3) Representatives Kleefisch, Kooyenga and Nass.

PASSAGE RECOMMENDED, Ayes 13, Noes 0

Alison Zikmund
Committee Clerk

**Glenn
Grothman**
STATE SENATOR
20TH SENATE DISTRICT

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March 4, 2014

To: Members of the Assembly Committee on State Affairs and Government Operations
From: Senator Glenn Grothman
Re: Assembly Bill 290

Thank you for the opportunity to testify in favor of this bill to award Mr. Lee Stinson compensation for wrongful conviction and unjust incarceration.

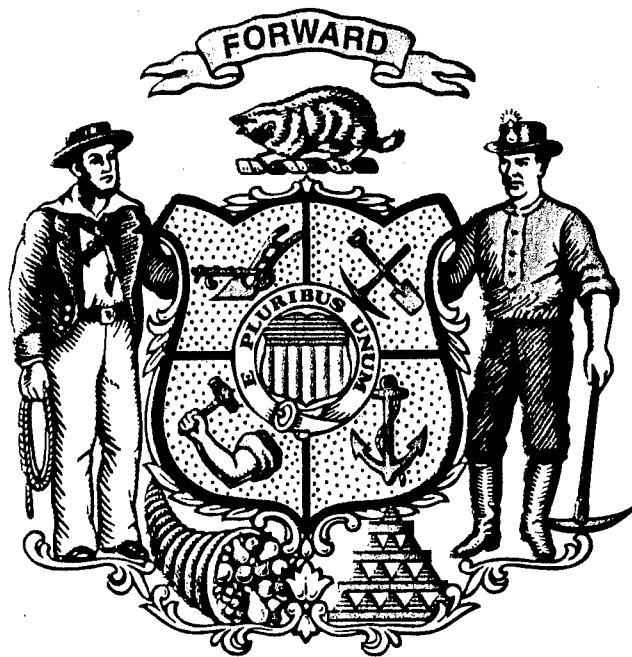
In 1985, Mr. Stinson was convicted at the age of 21 for a murder he did not commit and spent more than twenty-three years in prison. In 2009, he was exonerated at the age of 44 with the help of the Wisconsin Innocence Project and the re-examination of DNA evidence which cleared his name.

I had the opportunity to visit with Lee at his home in Milwaukee to hear his story and get to know him personally. I was humbled to meet such a gentle, mild-mannered, and caring man. He endured a great injustice but has since received his criminal justice associates degree, has enrolled in college, is engaged to his high school sweetheart and is currently providing care to his ailing mother during her cancer treatments. He is using his new lease on life to support the ones he loves and better himself.

This bill and the award amount of \$90,000 come at the recommendation of the Wisconsin Claims Board. Robert told me that he plans to use this money as a down payment on a house and to pay for his college tuition. This will be an incredible and meaningful contribution to his new life with his new family and will go a long way towards building his bright future.

The Senate version of this bill (Senate Bill 249) passed out of committee 5-0 and passed on a voice vote on the Senate Floor. The amount of \$90,000 is embarrassingly low, but it at least constitutes an apology on behalf of the state for this extreme miscarriage of justice. Hopefully, through endeavors to reform the claims board process, we will be able to more fully compensate wrongfully convicted and imprisoned individuals.

It is my hope that members of this committee and the Assembly will join the Senate in support of this bill and pass it swiftly to ensure that this session does not expire without Lee receiving this compensation and symbol of our sincerest apology.





DALE KOOYENGA

STATE REPRESENTATIVE • 14th ASSEMBLY DISTRICT

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March 4, 2014

Assembly Committee on State Affairs and Government Operations
Public Hearing
1:00 PM – 328 Northwest

Chairman Weininger and Members of the Committee:

I want to thank you for the opportunity to testify on behalf of AB 290/SB 249. This legislation allocates \$90,000 in compensation to Mr. Robert Lee Stinson. The compensation is based on the recommendation of the Wisconsin Claims Board.

I begin my testimony by simply stating any words and sentiment expressed in this testimony will fall short of what is owed to Mr. Stinson. The additional compensation, of any amount, also falls short. It is with a heavy heart we acknowledge that although we have one of the most effective justice systems, there are still injustices that occur. What do we owe an innocent man who was unable to learn a skill and participate in the workforce? What do we owe a man who saw his friends and family begin a life and raise children while he sat alone in a jail cell? What do we owe a man who had a community shake their head at him in disgust because his photo was placed alongside the details of a horrific rape?

As a community we can simply apologize and constantly rededicate ourselves to ensure our laws, the media and citizens honor the constitutional principal that the accused are innocent until proven guilty.

Mr. Stinson is an innocent and free man today because of the Wisconsin Innocence Project. Mr. Stinson was falsely imprisoned at the age of 21 in 1985. He was released and exonerated in 2009. Mr. Stinson was robbed of twenty-three years of his life.

Pursuant to state statute 775.05, the state dictates that Mr. Stinson is entitled \$5,000 per year for the 23 years of wrongful imprisonment. On December 27, 2010, the claims board awarded compensation to Mr. Stinson in the amount of \$25,000, which was paid to him on January 4, 2011. In addition the board recommended that Mr. Stinson is entitled to an additional \$90,000 in addition to the \$5,000 per year restitution.

We cannot right the wrongs of the past. The amount being asked for in this bill represents an opportunity for Mr. Stinson to make up for lost time. It will take him resources to purchase a home and catch up to his peers that have been able to use this time to plan for retirement and build equity in a home. At 49 years old, he would have to work until 79 to pay off the typical 30 year mortgage. The resources also present an opportunity to update his marketable skills, support transportation to a job or simply travel to visit friends and family he has not seen in years.

As a productive member of society, Mr. Stinson would have made far more than \$5,000 per year. As it stands now, the state has compensated Mr. Stinson with a little over \$1,000 per year that he was falsely imprisoned.

AB 290/SB 249 does not bring justice to Mr. Stinson after being wrongfully imprisoned of a crime he never committed. However, it is a small act of good faith that this committee take up AB 290/SB 249 to assist Mr. Stinson with his transition. For more information on Mr. Stinson's case, and the remarkable story of perseverance and hope that the Innocence Project is dedicate to, please visit:

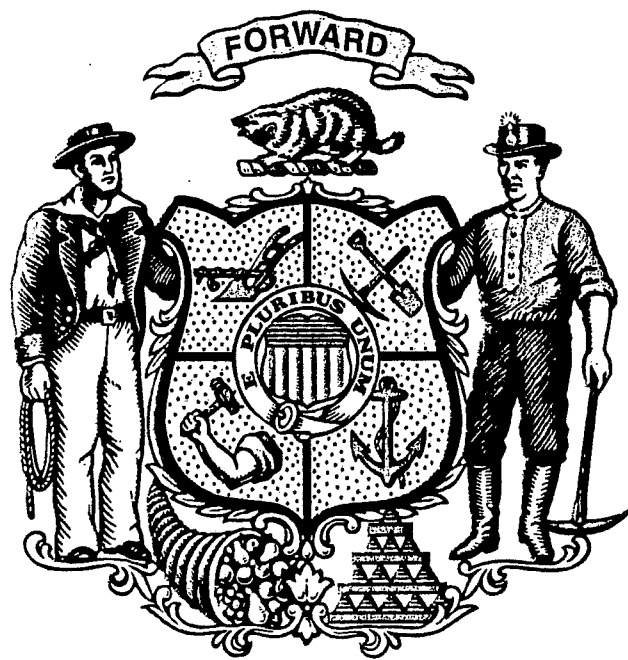
(http://www.innocenceproject.org/Content/Robert_Lee_Stinson.php).

Thank you again for taking the time to discuss AB 290/ SB 249. I am open to any questions the committee may have.

Thank you,

A handwritten signature in black ink, appearing to read "Dale P. Kooyenga", with a long horizontal flourish extending to the right.

Dale P. Kooyenga





**Robert Lee Stinson:
An innocent man awarded just \$25,000 for 23 years in prison**

Introduction: Incarcerated for a Crime He Did Not Commit

In 1985 Robert Lee Stinson was convicted of the murder of his 62-year-old neighbor. The victim, Ione Cychosz was found dead on Nov. 3rd, 1984. She had been beaten, stabbed and bitten. The police used a forensic dentist, who looked at the bite marks and made a sketch of what he thought the perpetrator's teeth would look like. The police canvassed the neighborhood, attempting to compare suspects' teeth to the sketch. They interviewed Robert Lee Stinson, a young man with no history of violence, and concluded that his teeth resembled the sketch. They then brought Mr. Stinson in for a more thorough dental examination with the forensic dentist. The dentist concluded that Stinson's teeth matched the marks. A second dentist confirmed the match.

After a 3-day jury trial Mr. Stinson was convicted of first-degree murder and sentenced to life in prison. The trial centered largely on the testimony of the two dentists who claimed that Mr. Stinson's teeth matched the bite marks left on the victim's body. Mr. Stinson testified and proclaimed his innocence, but the jury believed the experts over him.

Mr. Stinson applied to the Wisconsin Innocence Project in 2004. Our project accepted his case and began investigating. Our law students collected case records, searched for physical evidence, interviewed witnesses, and recruited expert testimony. In 2009, after serving 23 years in prison Mr. Stinson was exonerated using DNA evidence and a new bite mark analysis. DNA from saliva on the victim's sweater not only excluded Mr. Stinson, but also implicated another man, who later confessed to the crime. The new bite mark analysis made clear that Mr. Stinson was missing a tooth in a place where the perpetrator clearly had a tooth. The State agreed to dismiss all charges and release Mr. Stinson immediately. Eventually the State prosecuted and convicted the real perpetrator

The Quest for Compensation

Unfortunately, Robert Lee Stinson's story exemplifies how woefully insufficient Wisconsin's current wrongful conviction compensation scheme is. When Mr. Stinson walked out of prison, he walked out with nothing. He had no access to monetary assistance, housing, health care, or counseling. He had to rely on the support of family, who themselves are of modest means and who had had only limited contact with him for 23 years.

Once the Claims Board finally heard Mr. Stinson's claim, he was eligible under the current statute for only \$5,000 per year of incarceration up to a total of \$25,000. The Claims Board awarded him the full \$25,000, but recognizing that the \$25,000 is inadequate, the Board took the additional step of recommending this supplemental bill. This bill is an important acknowledgement that the Government made a mistake, and it will provide important assistance to Mr. Stinson as he struggles to rebuild his life.

How Mr. Stinson is doing now

Mr. Stinson has made many positive steps since his release. He has re-established strong bonds with family, re-united with a woman he had a relationship with before he went to prison, and gotten an associate's degree in criminal justice. He has struggled to find work. Currently, he is taking care of his elderly mother, who is having cancer treatment. That's why he could not be here today. He asked me to thank the legislature for considering his bill. Working with Mr. Stinson has been the most rewarding part of my career. He has been an unfailingly kind and gracious client. Numerous students worked on his case through the years, and they all care deeply about him. Every holiday, without fail, I hear from Lee. I get a short, cheerful text message, saying "Hi Byron, Merry Christmas, I hope you're doing well, I'm thinking about you." He's a decent, thoughtful human being.

The Wisconsin Innocence Project Fully Supports AB 290

The Wisconsin Innocence Project encourages the Committee to pas the additional appropriation of \$90,000 and to consider systemic solutions to ensure that compensation for the wrongly convicted is fair and adequate.