

Amanda Wallwin, Innocence Project
Testimony to the Criminal Justice Committee of the Michigan House of Representatives
27 February 2024

My name is Amanda Wallwin and I'm a State Policy Advocate with the Innocence Project. The Innocence Project is a national organization that represents wrongfully convicted clients across the country. We also work to enact state-level policy reforms that prevent and reveal wrongful convictions.

Our cases vary widely but there is one thing they all have in common: reinvestigating an innocence case requires information from the underlying case. In most cases, the first step for our attorneys is to request our clients' case files, whether that's through discovery, FOIA or directly from a prosecutor. Without that information, there's simply no way to make decisions about how to pursue an innocence claim.

In Michigan, 71 of the 173 exonerations involve Brady violations, that is, exculpatory evidence that was withheld from the defense. Those 71 exonerees could never have demonstrated their innocence without access to the information in their case, including the exculpatory evidence.

For incarcerated people who aren't represented by counsel, the only way to receive their case file is through using the Freedom of Information Act. However, Michigan law expressly prohibits incarcerated people from filing requests under FOIA. This leaves those people without an avenue to be able to see their case file, to understand the details in their case, and often, to be able to convince an attorney that they have a viable innocence claim.

House Bill 4427 is a narrowly tailored bill that will allow people who are incarcerated to access only their case files through FOIA requests. This legislation can make all the difference for wrongfully convicted people working to demonstrate their innocence, and is limited to only the information that will help them do that. The Innocence Project supports

this bill and we applaud Representative Stephanie Young for introducing this important legislation.

Thank you for the opportunity to testify.