

SENATE JOINT RESOLUTION 10

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By: **Senator Kelley**

Introduced and read first time: February 5, 2018

Assigned to: Judicial Proceedings

SENATE JOINT RESOLUTION

1 A Senate Joint Resolution concerning

2 **Postconviction Review – Convictions Resulting From Pleas**

3 FOR the purpose of stating the intent of the General Assembly that a criminal defendant
4 who seeks postconviction review under a certain provision of law may not be
5 precluded from seeking relief because a certain conviction was the result of a certain
6 plea; and generally relating to postconviction review.

7 WHEREAS, Nationally, 353 innocent men and women have been exonerated
8 through the use of DNA evidence that proved they were not the perpetrators of crimes for
9 which they were wrongfully convicted; and

10 WHEREAS, The National Registry of Exonerations, which tracks both DNA and
11 non-DNA cases of wrongful conviction, now counts the total number of wrongfully
12 convicted men and women who have been exonerated at 2,161; and

13 WHEREAS, In Maryland, 25 innocent men and women have been exonerated
14 through the use of DNA and non-DNA evidence, having spent a total of 287 years in prison
15 for crimes that they did not commit; and

16 WHEREAS, The statistics on wrongful convictions demonstrate that innocence does
17 not guarantee an acquittal; and

18 WHEREAS, Nationally, 11 percent of DNA exonerees accepted plea agreements,
19 and, in Maryland, two wrongfully convicted men who entered guilty pleas were ultimately
20 exonerated of the underlying crimes by DNA testing that identified the person who actually
21 committed the offense; and

22 WHEREAS, Plea bargaining accounts for 95 percent of the outcomes in criminal
23 cases, making it the most prevalent mechanism by which criminal cases are resolved in the
24 United States; and

25 WHEREAS, Defendants, including the innocent, are frequently unable to obtain a



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1 full disclosure of all exculpatory evidence that exists in a criminal case, and are
2 nevertheless confronted with the difficult decision of how to proceed in the face of
3 potentially lengthy prison sentences; and

4 WHEREAS, While a statement of facts offered by the State in support of a plea is
5 necessarily shorter than a trial record, the statement of facts tendered by the State in
6 support of a plea is typically a lengthy, comprehensive, and detailed summary of all
7 incriminating evidence available to the State at the time of the plea; and

8 WHEREAS, Postconviction proceedings regularly involve problems regarding
9 locating witnesses and evidence, regardless of whether the conviction arose from a plea or
10 a trial; and

11 WHEREAS, Maryland's postconviction process was created to ensure that
12 individuals would have the ability to challenge unlawful and unjust convictions; and

13 WHEREAS, The State of Maryland is committed to creating and maintaining a fair,
14 just, and free society; now, therefore, be it

15 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That it is the intent
16 of the General Assembly that a criminal defendant who seeks postconviction review under
17 § 8–201 or § 8–301 of the Criminal Procedure Article of the Annotated Code of Maryland
18 may not be precluded from seeking relief because the conviction from which relief is sought
19 was the result of a guilty plea, an Alford plea, or a plea of nolo contendere; and be it further

20 RESOLVED, That a copy of this Resolution be forwarded by the Department of
21 Legislative Services to the Honorable Lawrence J. Hogan, Jr., Governor of Maryland; the
22 Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; the Honorable
23 Michael E. Busch, Speaker of the House of Delegates; and the Honorable Mary Ellen
24 Barbera, Chief Judge of the Court of Appeals.