

Favorably for Senate Bill 534
Eric Simmons, *Baltimore Exoneree*
Senate Judicial Proceedings Committee February 19th, 2020

My name is Eric Simmons and my brother J.R. McPherson and I spent nearly a quarter of a century in prison for a murder we did not commit. We were exonerated by the Baltimore City State's Attorney's Conviction Integrity Unit in May of 2019.

When I was sent to prison I was 24 years old. I finally walked free at age 48, after living as much of much life behind bars as in the outside world. My brother and I both had sons who we had to raise from prison. My wife and I had our dreams for the future that we can never get back.

The justice system failed my entire family, and also the victim's family. The only one who won in this case was the person who got away with murder. The state of Maryland needs to do everything it can to prevent what happened to my brother and me from happening to other innocent people.

Incentivized testimony played a big role in our wrongful conviction. A witness claimed that she saw us shoot the victim, but the prosecution never revealed that she was a paid police informant who was rewarded for her cooperation with a new apartment. Because the state withheld that evidence, my defense attorney could not reveal her motivations to lie to the jury, and they believed her.

When my brother and I heard that State's Attorney Marilyn Mosby was setting up a Conviction Integrity Unit we asked her to reinvestigate our case. The CIU found multiple witnesses who confirmed that my brother was at a party at the time of the murder and my mother had sent me to go check on him. The team also discovered that it was impossible for the paid police informant who said she saw us shoot the victim to have seen what she claimed.

While this bill would not have impacted my case because it only applies to incarcerated witnesses, it is still an important step in protecting against false testimony. In prison I saw how easy it is for inmates to lie to try to get out of their own situations. I know people who were convicted because their cellmates went through their belongings and found their court documents. They made up details about either seeing the crime or hearing them confess and no matter how flimsy the story was, it seemed like the state was willing to put them on the witness stand.

The expression that "snitches get stitches" doesn't apply to jailhouse witnesses. The state already puts them in protective custody before they testify, and they do not interact with the general population. There shouldn't be any concerns that there would be more witness intimidation.

Hopefully the state of Maryland will learn the lessons of what went wrong in my case and others. This bill can prevent wrongful convictions from happening in the future and I hope you will support it.