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**TESTIMONY OF SUSAN O. STOREY, CHIEF PUBLIC DEFENDER
OFFICE OF CHIEF PUBLIC DEFENDER**

***Raised Bill No.7133, An Act Concerning Good Time Credits*
Judiciary Committee
March 20, 2017**

The Office of Chief Public Defender urges that this Committee take no action on House Bill No. 7133 which would prohibit persons who were sentenced prior to the abolishment of good time credits in 1993 from continuing to collect such credits. We are concerned about the ex post facto implications of this bill and rely on the written testimony submitted by Connecticut Criminal Defense Lawyers Association (CCDLA) on that issue.

The Office of Chief Public Defender has further concerns that the purpose of this bill is a misplaced and an emotional response to misinformation that has been disseminated to the public regarding the recent sentence modification and release of David Weinberg from prison. This case was a terribly tragic event for the Stochmal family and they are understandably shaken by Mr. Weinberg's release as the state had originally and for so long been so certain of his guilt. But the fact is that the calculation and application of Mr. Weinberg's good time credits have absolutely nothing to do with his release from his prison. Mr. Weinberg, who had only a minimal criminal record prior to his conviction for the murder of Joyce Stochmal, was released as a result of the collaboration and agreement of the Division of Criminal Justice and the Connecticut Innocence Project, with the

oversight of the court, and the knowledge of the Stochmal family. Mr. Weinberg was released because it was found by all involved in reinvestigating this case that his conviction for the murder of Joyce Stochmal lacked integrity and was based on false testimony, forensic test results now repudiated by the FBI, and the withholding by local and state police of the confession of a person who shortly after the murder claimed to be the actual perpetrator of the crime.

The Connecticut Innocence Project is a specialized Unit within the Office of Chief Public Defender. CTIP was created by former Chief Public Defender, Gerard Smyth, to address the wrongful conviction and incarceration of persons serving lengthy sentences for crimes they did not commit. This resulted in the exoneration of James Tillman, Kenneth Ireland, and Miguel Roman, and the subsequent arrest and conviction of the actual perpetrators of the crimes. The work of Innocence Projects across the country have resulted in the release of thousands of persons wrongfully convicted and incarcerated for serious crimes that they did not commit.

CTIP, under the direction of Attorney Darcy McGraw, herself a former prosecutor in New York, reviews and takes cases of inmates where there may be definitive DNA evidence as proof of innocence, as well as a select number of cases of persons incarcerated for serious crimes who have consistently maintained their innocence, and there is real reason to question the integrity of the conviction and quality of the evidence that resulted in their conviction. CTIP received federal grant funding due to a formal collaborative agreement with the Division of Criminal Justice and the State Forensic Lab to work together on further investigation of these cases. David Weinberg's case was one of the cases identified by CTIP as matching the criteria for further collaborative investigation for the possibility of wrongful conviction pursuant to the federal grant.

Prior to his trial for the murder of Joyce Stochmal, Mr. Weinberg declined a potential plea bargain of two years in prison, and subsequently declined an offer of no prison time to serve from State's Attorney John Connelly because he maintained that he was innocent of the crime. At trial, Attorney Connelly placed much emphasis on the importance of certain pieces of evidence, such as hair, blood and fibers in their circumstantial case against

Mr. Weinberg. It was not until CTIP became involved, that it was learned that another person had confessed to this crime soon after it occurred to the Meriden Police Department as well as to a State Police trooper. The confessions included credible details of the crime that were not known to the public. Why this information was never turned over to either then State's Attorney John Connelly or the defense should be considered a terrible miscarriage of justice.

According to current Waterbury State's Attorney Maureen Platt, the prosecution had no prior knowledge of the confessions and also had difficulties with the trial testimony of criminalist Henry Lee about a knife that Weinberg owned that was introduced as evidence by the state at trial. Dr. Lee had testified that trace material on hair and on the knife was blood, but because of the reinvestigation of the evidence initiated by CTIP it was determined that Dr Lee knew or should have known from the testing performed by the State Forensic Lab, that the material was either animal blood or not blood at all. Dr. Lee also testified that the three hairs found in the trunk of Weinberg's car were consistent with Joyce Stochmal's hair, but subsequent DNA testing refuted his testimony. One of three hairs did not come from Joyce Stochmal, the second was insufficient for DNA testing, and the third hair could not be definitively linked to her.

Additionally, the FBI has now totally discredited and repudiated testimony regarding microscopic hair and fiber analysis similarity characteristics given by their own staff that resulted in the convictions of thousands of defendants nationwide. These cases are now being reviewed by defense lawyers across the United States, including CTIP staff.

State's Attorney Connelly in argument and Dr. Lee in his testimony also stated to the jury that there was the presence of blood and tissue under one of Joyce Stochmal's fingernails and "emphasized" to jurors it was from her struggle with a violent assailant, which the jury would have assumed meant Mr. Weinberg. Subsequent DNA testing excluded Mr. Weinberg as the source of this material.

By 2013, the prosecution realized they no longer had a viable case against Mr. Weinberg. None of the forensic evidence presented at Mr. Weinberg's trial resulting in conviction would have any current scientific validity and

could not be introduced at a new trial, yet despite this knowledge, it was not until 2017 that Mr. Weinberg was finally released.

The Motion for a Sentence Modification resulting in Mr. Weinberg's freedom was done by agreement of the parties and the full yet painful knowledge of the Stochmal family. Mr. Weinberg agreed to let his murder conviction stand because waiting for a new habeas trial and a subsequent appeal would have resulted in yet more years of incarceration prior to any final resolution. Mr. Weinberg's conviction for a terrible crime lacked integrity and was a miscarriage of justice that has been recognized and corrected by the joint effort of the CTIP and the state's attorneys. This case is not an example of early release due to good time credits and should not be the emotional focus of passing legislation to abolish the good time credit calculations that apply to prisoners prior to 1993. The Office of Chief Public Defender and the Connecticut Innocence Project remain available to discuss any questions that Judiciary Committee members may have about this case or this legislation.