

**Winnie Ye, State Policy Advocate, Innocence Project
Testimony in Opposition to HB 1749, HB 1413, HB 1737
in the House Criminal Justice and Public Safety Committee
January 14, 2025**

Good afternoon, Chair Roy, Vice Chair Rhodes, and members of the committee.

My name is Winnie Ye and I am a State Policy Advocate at the Innocence Project. Today, alongside our partners at the New England Innocence Project, we are expressing opposition to any legislation that would reinstate the death penalty.

We have represented innocent people who were wrongly convicted of murder and condemned to death in cases that were compromised by the root causes of wrongful conviction – police and prosecutorial misconduct, ineffective assistance of counsel, eyewitness misidentification, unreliable forensic evidence, coerced false confessions, and more. In some instances, our clients have come within days of execution.

Our work, and the past and current clients we represent, powerfully establish that the capital punishment system is deeply flawed and poses an unconscionable threat to innocent people. For these reasons, the death penalty cannot stand.

Since 1973, there have been 202 known exonerations from death row. These are individuals who were able to overcome substantial procedural barriers and a very high burden in order to receive relief. Not only did they have to prove their innocence but they typically had the impossible task of identifying the true culprit, all while being behind bars.

At the same time, there are many individuals with compelling evidence of innocence who have been executed by the state. Individuals like Cameron Todd Willingham, Ruben Cantu, Carlos DeLuna, and Marcellus Khalifah Williams – who faced systemic and procedural challenges to proving their innocence. Not only were they wrongfully convicted, but they were wrongfully executed.

We urge you to reject these bills that would reinstate the death penalty. The risk of executing an innocent person is too great, and therefore unacceptable. Rather than focusing limited resources on the death penalty, we urge New Hampshire to instead shift attention and resources to the prevention and correction of wrongful conviction. By addressing the systemic weaknesses that cause wrongful convictions, we can protect the innocent and protect communities.