

## Criminal Justice Issues and Prisoners' Rights

**<https://www.acluohio.org/en/press-releases/aclu-encouraged-house-approval-dna-testing-bill>**

## Public Facing Advocacy Writing

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COLUMBUS, OH- The American Civil Liberties Union of Ohio was pleased by the passage of Senate Bill 262 yesterday by the Ohio House. The bill, which received widespread support from criminal justice advocates, law enforcement and various legislators, extended the window of opportunity for convicted criminals to petition the state to test DNA evidence to prove their innocence.

This bill is a needed first step that can help correct some of the deficiencies in our justice system and increase the chances that innocent persons imprisoned or on death row can get released, said ACLU of Ohio Legal Director Jeffrey Gamso. But he warned that, In too many cases there is no DNA to test and this bill will do nothing for those wrongly convicted prisoners.

The bill allows certain inmates who went to trial to obtain DNA testing. However, the law gives prosecutors virtually unfettered and unreviewable discretion to deny DNA testing to prisoners who entered pleas of guilty or no contest even if they strenuously denied their guilt as they were entering the plea. Additionally, it sets too high the standard a prisoner must meet in order to qualify for DNA testing.

Study of DNA exonerations reveals that when innocent people are convicted, they have often confessed to police; there are often eyewitnesses who identify them with certainty; and there are often others who claim to have heard confessions, Gamso continued.

Yet where there are any of these, testing could be denied under this bill as it might not eliminate substantial, even if false, evidence of guilt, said Gamso.

In Ohio, the Innocence Project, a non-profit organization at the University of Cincinnati has been responsible for several exonerations. Just last week, 30 year old Christopher Bennett was released four years into his nine year term for vehicular homicide after DNA evidence proved he was not driving the car that killed his best friend, Ronald Young. Nationally, Innocence Projects have been responsible for the release of over 130 people who were falsely imprisoned for crimes they did not commit. Even now, we are awaiting scientific testing that may help prove whether John Spirko is actually guilty of the crime for which he is due to be executed in July by the State of Ohio.

Added Gamso, Whenever an innocent person is convicted of crime, the guilty party goes free. That is a disservice to the victim, to the state, to the idea of justice, and of course to the innocent. Unfortunately, for too many innocent persons, there is no DNA to test and this bill will do no good. It remains no more than a needed first step.

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