



## **Middlesex District Attorney Marian T. Ryan Conviction Integrity Unit**

Middlesex District Attorney Marian T. Ryan has established a Conviction Integrity Unit (“CIU”) to provide a framework for the Middlesex District Attorney’s Office (“MDAO”) to facilitate review of colorable post-conviction claims of factual innocence and wrongful convictions. The structure and implementation of the procedures of the CIU are designed to minimize the impact of cognitive biases through a *de novo* review by attorneys who were not part of the original prosecution team.

The CIU reviews a request for post-conviction forensic testing and colorable claims of factual innocence or claims of potential miscarriages of justice. All claims of factual innocence, including those contained in a motion filed pursuant to Mass. R. Crim. P. 30, are initially reviewed by the Director of the CIU (“Director”). If the Director determines that the claimant has not established that their claim casts doubt on the justice of the conviction, they shall so notify the claimant. If the Director determines that the claimant has established a colorable basis to conclude that there is a doubt as to the integrity of the conviction, the Director shall forward the claim to the Conviction Integrity Committee (“CIC”).

Prior to presenting the case to the CIC, the Director will confer with a Victim Witness Advocate (“VWA”). The VWA will provide the victim (or the victim’s family if the victim is deceased) notice that they have the right to convey their views and concerns to the CIC.

The CIC is comprised of the following senior and experienced trial and appellate prosecutors in the Office:

- First Assistant District Attorney
- Chief of Appeals
- Deputy Chief of Appeals
- Chief of the Cold Case Unit
- Chief of Homicide
- Senior Trial Counsel

Senior Appellate Counsel  
Regional Chiefs – Cambridge, Malden, Framingham and Lowell  
Chief of Child Abuse  
Deputy Chief of Child Abuse  
Chief of Elder and Disabled Abuse Unit  
Chief of Special Investigations Unit  
Director of Racial Justice Initiatives  
Director of Conviction Integrity Unit (present but non voting member)

The CIC is co-chaired by the Chief of Appeals and the Chief of the Cold Case Unit, and shall meet as often as necessary. If neither the Chief of Appeals nor Chief of the Cold Case Unit is available to chair a meeting of the CIC, the District Attorney will select a chairperson for that meeting from the available members. In order for the CIC to meet, a quorum of at least seven voting members must be present.

The Director will present the claim to the CIC and may request the assistance of the Appeals & Training Bureau with such presentation. The CIC shall conduct a thorough review of all materials presented and any additional information or statements provided by the claimant or their counsel. The CIC may also consider any additional available evidence that may assist it in its evaluation of the case, including information provided by Assistant District Attorneys who have had prior involvement in either the trial or post-conviction proceedings. However, any Assistant District Attorney who has been previously assigned to the claimant's case shall not participate in the CIC deliberation nor have any role in deciding whether the requested relief should be granted.

After the presentation and review, the CIC will deliberate and determine by majority vote whether the CIC has continued confidence in the integrity of the claimant's conviction. In making such determination, the CIC will determine whether the claim(s) raised represent a substantial likelihood of a miscarriage of justice or that no other result is more consonant with justice. Based on this vote, the CIC will make its recommendation to the District Attorney. The CIC shall keep a record of its recommendation(s), but the individual votes of CIC members shall not be recorded.

After the CIC completes its deliberations, one or more of the co-chairs shall report the CIC's recommendation(s) and rationale to the District Attorney. The final determination regarding the MDAO's response to the claim is solely that of the District Attorney. The final determination will be communicated to the victim (or victim's family), and to the claimant and their legal representative.

*Effective April 2023*