

**WRITTEN STATEMENT OF MARTIN TANKLEFF, BEFORE THE NEW YORK  
STATE SENATE DEMOCRATIC TASK FORCE ON CRIMINAL JUSTICE REFORM**

**(SENATOR ERIC SCHEINDERMAN, CHAIR)**

**PREVENTING WRONGFUL CONVICTIONS IN NEW YORK STATE:  
SYSTEMATIC REFORMS TO CONVICT THE GUILTY  
AND PROTECT THE INNOCENT**

Friday, April 11, 2008

My name is Martin Tankleff, and on December 27, 2007 after being in prison for six thousand three hundred and thirty eight days I was released from a maximum security prison after the Appellate Division, Second Department, unanimously reversed my conviction and 50-years-to-life sentence, based on newly discovered evidence.

For each day I was in prison, I never gave up hope. Even as all of those days started with the sounds of alarms, wooden sticks banging on metal bars, toilets flushing, and the collective groans of men realizing that another day in prison was ahead of them. For prisoners who are innocent, those days are filled with heartache, pain, and more struggles than any free person could imagine. But as each day began, I knew that someday I would prove my innocence and rejoin my family and friends. I knew that day would not come without the unfailingly relentless pursuit of justice - by me, my family, friends, attorneys, and the many loyal people who stood by my side from day one – including the media in recent years. Dedicated people sought to expose the injustice, and they paved the way for others to realize the truth.

Many have asked, “What can we do to improve the system?” I have a few initial ideas, which should be accepted and implemented:

- (1) The well-known standard for prosecutors, as put forth by the American Bar Association, is "to seek justice, not merely to convict." States should implement the measure recently passed unanimously by the ABA, which

would make them amend their ethics rules to require prosecutors to disclose evidence creating a reasonable likelihood that a defendant did not commit the crime for which he or she was convicted, and take the steps to remedy such convictions in a post conviction posture.

- (2) We need better investigators. I was fortunate to have the best in Jay Salpeter, but many defendants are not that lucky. I once heard that a good attorney can present a great case with great evidence – but to get that evidence you need a great investigator.
- (3) Some other easy but significant changes – electronically record all interviews and interrogations. The legislation proposed here only seeks to record post-*Miranda*, and I oppose that. Every part of the interview and interrogation needs to be recorded. I know had my entire interrogation been recorded, I would not have served 17+ years for crimes I am innocent of. From the moment a person speaks to law enforcement, their conversations should be recorded. With today’s technology, there is no excuse not to record everything. Additionally, we should change the way lineups are conducted to make them more reliable, and less suggestive.

Ralph Waldo Emerson said, “When a person is pushed, tormented and defeated, he has a chance to learn something, he gains facts, learns his ignorance and real skill.” I have learned that we have a system of justice that is flawed, that makes mistakes, and that sometimes imprisons the innocent. But I also know that the system doesn’t run itself. Too many of those entrusted to uphold the truth have lost their way, choosing to turn their heads, preferring to preserve wrongful convictions instead of pursuing justice. One must wonder, then, how many more innocent people will have to suffer in a system where there is such opposition to justice.

Who pays the price for wrongful convictions? It’s not just the wrongfully convicted and their family and friends, who often spend years and thousands of dollars in legal fees to help overturn the injustice. The whole community suffers because when someone is wrongfully convicted, it means that a criminal walks the street committing additional crimes. It means that prosecutors were not interested in pursuing the truth.

Thank you for giving me the opportunity to be heard. I would also like to thank my family, friends, attorneys, investigators, Lonnie Soury & Rick Friedman, and so many others who have never stopped believing in me and fighting for me. Rick and Lonnie created a website, [www.martytankleff.org](http://www.martytankleff.org), which got the truth about my case out to the world, and enabled people to become involved and informed. And to all the people around the world who have become involved, thank you.

I would also like to recognize the Innocence Project in New York, Barry Scheck and his staff, and innocence projects across the country for shedding light on serious problems in our criminal justice system, and ones that can only be addressed by people dedicated to justice and the pursuit of truth.