

Expand Access to Post-Conviction DNA Testing in Michigan

HB 5271 would promote justice in Michigan by expanding access to post-conviction DNA testing for individuals who pleaded guilty under pressure and those who were convicted after the arbitrary cutoff threshold of 2001.

Post-conviction DNA testing is an essential lifeline for the wrongly convicted to regain their freedom and return to their lives. Since 1989, DNA analysis has contributed to the exoneration of 633 innocent Americans. In Michigan, 18 people have been exonerated with the aid of DNA evidence, after serving an average of over 15 years in prison for crimes they did not commit.¹ Despite these important victories, steep eligibility requirements for post-conviction DNA testing still impose barriers to access in several states, lowering overall rates of exoneration and preventing wrongly convicted people from obtaining justice.²

Michigan law currently excludes those who pleaded guilty (rather than going to trial) from petitioning for DNA testing and imposes onerous requirements on petitions from individuals who were convicted after 2001. HB 5271 eliminates both of these restrictions, **protecting public safety and opening the door for more wrongly convicted people to attain exoneration.**

Innocent People Plead Guilty

The structure of the American criminal justice system creates powerful pressures for defendants to plead guilty, even to crimes they did not commit. Despite their innocence, 11% of those who have since been exonerated with DNA evidence pleaded guilty in their original cases.³ In serious felony cases, going to trial is associated with extreme risks, including much steeper sentences and the threat of incarceration for life without parole. Defendants facing these dangers often feel—or are told by their lawyers—that a guilty plea is the only way to protect their future freedom.⁴ Police have also coerced false confessions in several DNA exoneration cases by exploiting a suspect's confusion, fear, and isolation during the interrogation process.

For instance, Albion, Michigan resident Louis Wright falsely confessed to assaulting an 11-year-old girl during police interrogation in 1988. Wright testified that the interrogating detective had “promised...if I didn't confess to the crime, they was going to make sure I would never step on the streets of Albion again.” Wright attempted to retract his plea later on in the legal process, but the judge denied his motion. DNA evidence exonerated Wright in 2023, after he had spent over 35 years of his life in prison.⁵

Cases like Wright's—where the extreme pressures of consequential decision-making combine with the implicit or explicit coercions of the legal system to extract false confessions and obtain wrongful guilty pleas—are all too common. Systemic racism is an unmistakable factor in many of these instances, where Black defendants have chosen to plead guilty rather than face the prejudices of a predominantly or all-white jury.⁶ Despite comprising only 14.4% of the general population, Black Americans make up 52% of DNA exonerees with guilty pleas. Overall, innocent Black Americans are seven times more likely to face wrongful conviction than white Americans.⁷

Until broader structural reforms can be enacted to address these disparities, legislators must ensure that the remedial process of post-conviction DNA testing is open and accessible to all wrongly convicted Michiganders, guilty plea or not.

Access Should Not be Restricted for Those Convicted After 2001

Under current Michigan law, petitions for post-conviction DNA testing face additional procedural hurdles if the defendant was convicted after January 8, 2001.⁸ Specifically, a defendant with a post-2001 conviction is eligible only if DNA testing was conducted at the time of their original conviction, if the original DNA testing was “inconclusive,” and if they can demonstrate that the new DNA testing is likely to produce “conclusive results.”⁹ These provisions unfairly limit access to post-conviction DNA testing because they impose an unreasonably rigid standard that does not align with the real circumstances of many cases—or with modern developments in DNA testing technology.

Throughout the 1990s, forensic DNA testing methods were developed and deployed rapidly as part of a flourishing “Innocence Movement.”¹⁰ In light of these advancements in technology and legal practice, the 2001 threshold likely reflects an assumption that all viable DNA evidence would be collected and tested as a matter of course in all criminal cases moving forward, eliminating the need for post-conviction petitions except in the very specific set of circumstances outlined in the law. However, this assumption is often inconsistent with the realities of modern DNA testing, which is both more technologically advanced and less consistently applied than legislators may have envisioned in 2001.

In practice, the additional petition requirements for post-2001 convictions arbitrarily restrict access for defendants who cannot meet the law’s high standards, even when testing could help them achieve exoneration. For instance, since 2001, new methods have been developed to analyze DNA from much smaller quantities of biological materials.¹¹ These new methods can make previously untestable samples testable, or they can draw more accurate information from previously-tested samples.¹²

A Georgia case illustrates the importance of laws that account for these advancements in DNA testing technology. In 2001, Sonny Bharadia was wrongfully convicted of sexual assault and sentenced to life in prison. The real perpetrator’s gloves were collected as evidence, but were not tested at the time, because “touch” methods to detect a DNA profile from such a small sample were not available until 2003. Unlike in Michigan, Georgia law allowed Sonny to petition for post-conviction DNA testing based on these new touch methods despite the lack of testing in the original case. He was ultimately exonerated after spending 22 years in prison.¹³ If Sonny had been convicted in Michigan, he wouldn’t have met the criteria for eligibility—a barrier that could have meant the difference between freedom and life-long captivity.

Finally, it is simply unreasonable to expect defendants to prove that new DNA testing is “likely” to be conclusive before that testing has even occurred. For a defense attorney considering whether to pursue a petition for post-conviction DNA testing—or for a judge considering whether to accept one—these time-consuming and complicated procedural barriers could be the deciding factor against achieving exoneration for a wrongly convicted person.

HB 5271 eliminates these arbitrary, unnecessary, and confusing restrictions on post-2001 cases and allows courts the discretion to evaluate the specific nuances of the case at hand and grant petitions whenever they determine that doing so is “in the interest of justice.”

Pass HB 5271 to Promote Justice for the Wrongly Convicted

Michigan legislators must expand access to post-conviction DNA testing for cases after 2001 and cases involving guilty pleas. Other states, such as Maryland and New Hampshire, have recently removed similar legislative barriers based on trial processes and time periods.¹⁴ **Passing HB 5271 will open a critical pathway to justice and freedom for wrongly convicted people throughout Michigan.**

¹ “Explore Exonerations (Map),” National Registry of Exonerations, accessed October 1, 2025, <https://exoneratiregistry.org/Exonerations-in-the-United-States-Map#crimeState>.

² Adeshina Emmanuel, “13 States Have Never Exonerated a Prisoner Based on DNA Evidence. Here’s Why,” Injustice Watch, December 16, 2019, <https://www.injusticewatch.org/archive/2019/13-states-with-no-dna-exonerations/>.

³ “Research Resources,” Innocence Project, accessed October 1, 2025, <https://innocenceproject.org/research-resources/>.

⁴ Glinda Cooper, Vanessa Meterko, and Prahelika Gadtula, “Innocents Who Plead Guilty: An Analysis of Patterns in DNA Exoneration Cases,” *Federal Sentencing Reporter* 31, nos. 4–5 (2019): 234–38, <https://doi.org/10.1525/fsr.2019.31.4-5.234>.

⁵ Louis Wright, “National Registry of Exonerations,” last modified September 6, 2024, <https://exoneratiregistry.org/cases/13646>.

⁶ Chris Ochoa and Carlita Salazar, “How the Threat of the Trial Penalty Coerces the Innocent to Plead Guilty: A First-Hand Account of an Exoneree,” *Federal Sentencing Reporter* 31, nos. 4–5 (2019): 299–302, <https://doi.org/10.1525/fsr.2019.31.4-5.299>.

⁷ Samuel Gross, Maurice Possley, Ken Otterbourg, Klara Stephens, Jessica Weinstock Paredes, and Barbara O’Brien, *Race and Wrongful Convictions in the United States* (National Registry of Exonerations, 2022), <https://www.law.umich.edu/special/exoneration/Documents/Race%20Report%20Preview.pdf>.

⁸ House Bill 5271, 2023 Leg., (Mi. 2023), <https://legislature.mi.gov/documents/2023-2024/billintroduced/House/pdf/2023-HIB-5271.pdf>.

⁹ House Bill 5217, (Mi. 2023).

¹⁰ Keith Findley, “Innocence Found the New Revolution in American Criminal Justice,” in *Controversies in Innocence Cases in America*, ed. Sarah Lucy Cooper (Routledge Taylor & Francis Group, 2016).

¹¹ “Hope Seeks to Update Law Using DNA to Exonerate Wrongly Convicted,” MI House Democrats, October 27, 2023, <https://housedems.com/hope-seeks-to-update-law-using-dna-to-exonerate-wrongly-convicted/>.

¹² Penelope R. Haddrill, “Developments in Forensic DNA Analysis,” *Emerging Topics in Life Sciences* 5, no. 3 (2021): 381–93, <https://doi.org/10.1042/ETLS20200304>.

¹³ “Sonny Bharadia,” Georgia Innocence Project, May 16, 2025, <https://www.georgiainnocenceproject.org/general/sonny-bharadia-exonerated/>.

¹⁴ “Maryland Governor Signs Law to Expand Post-Conviction Relief for Individuals Who Accepted Guilty Pleas,” Innocence Project, May 16, 2018, <https://innocenceproject.org/news/maryland-governor-signs-law-to-expand-post-conviction-relief/>; Daniele Selby, “DNA and Wrongful Conviction: Five Facts You Should Know,” Innocence Project, last modified April 2, 2025, <https://innocenceproject.org/news/dna-and-wrongful-conviction-five-facts-you-should-know/>.