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Testing Act would be treated the same way as a motion to dismiss in a criminal case, and that standard is very high. Here is what the court set as that standard. A court may properly grant a motion to vacate and set aside the judgment under 29-4123 sub...I meant, yes, subsection (2), when: (1) the DNA testing results exonerate or exculpate the person, and (2) the results, when considered with the evidence of the case which resulted in the underlying judgment, show a complete lack of evidence to establish an essential element of the crime charged. This requires a finding that guilt cannot be sustained because the evidence is doubtful in character, and completely lacking in probative value. And what it also said is that it would have to be shown that if the newly discovered exculpatory evidence is of such a nature that if it had been offered during the trial, it probably would have produced a substantially different result. Well, the result in the original trial is a finding of guilt. The only substantially different result would be a finding of innocence. But if there's a finding of innocence, the person is cut loose, so the court used the wrong standard. Under the DNA act, it's not a matter of either being released or nothing. It's being released or entitled to new trial if the evidence does not prove actual innocence. So that would be...

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...modified. Number 6 requires that new trial. Number 5 would lay out the basis for the release. Number 7 establishes that this act is the only method for seeking relief under the DNA Testing Act, either where you're trying to have the judgment set aside altogether and be released, or you're seeking a new trial. There will not be multiple avenues and it would make the DNA Testing Act a self-standing process as was intended in the beginning but that was not achieved. If no relief is granted under the act as it would be amended, a person would have 30 days...

SENATOR CUDABACK: Time.

SENATOR CHAMBERS: ...to appeal that order. Thank you,