

SJC rebukes DA for participating in witness reward program

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NEW BEDFORD — The state Supreme Judicial Court on Monday upheld the murder conviction of reputed Monte Park gang member Wayne Miranda, but issued strong disapproval for the prosecution's participation in a reward program that helped convict him.

Miranda was convicted in July 2008 of second-degree murder, assault and battery with a dangerous weapon, and unlawful possession of a firearm in connection with the 2005 shooting death of Christopher A. Barros.

The justices said they "expressly disapprove" of the prosecution's involvement in the reward program sponsored by the New Bedford Area Chamber of Commerce through which witnesses are paid for testimony that leads to a conviction, the ruling stated.

Two of the prosecution's witnesses received payments through the program, according to the ruling.

The court ruled that, in the future, prosecutors may not provide, or participate in providing, conviction-contingent monetary awards to witnesses.

"The interests of justice ... are not well served when a witness's reward is contingent on the conviction of a defendant rather than the provision of truthful information or testimony," the justices wrote in their ruling.

The chamber's program offers witnesses a \$3,000 reward if they provide information that leads to a defendant's indictment and another \$2,000 if the information results in a conviction.

Payment of the rewards is conditioned on the chamber receiving a verification letter from the District Attorney's Office stating that a given witness had provided information that led to an indictment, conviction or both.

The Bristol County District Attorney's office did provide the chamber with those letters for the two witnesses in the Miranda case, according to Roy Nascimento, the chamber's president.

"With the absence of any prior ruling on this issue, the District Attorney's Office's minor

role in this program was merely to confirm what was already public information regarding witness cooperation and testimony," Bristol County District Attorney C. Samuel Sutter said in a statement.

"However, because of today's ruling, our office will no longer have any role in the programs in question and will not submit letters verifying a witness's cooperation or testimony."

Sutter said he hoped this ruling will not hinder efforts to persuade witnesses to come forward with information regarding violent crimes.

According to Nascimento, the chamber is in the process of phasing out its reward program, so the ruling will have little effect.

"It has been successful in helping make New Bedford a safer community," Nascimento said. "Law enforcement has been using all of the tools at their disposal to combat crime, and I think it's having an impact."

Robert F. Shaw Jr., Miranda's attorney, said he thought the conviction-contingent rewards paid to two of the prosecution's witnesses were the most troubling aspect of the case.

"The process by which someone like Wayne Miranda is prosecuted and convicted has to be a fair process," he said.

"To be holding out cash incentives to government witnesses, conditioned upon there being an outcome that the government wants, we think it's fundamentally unfair and tainted this entire proceeding."

Shaw said he was in the process of conducting a thorough analysis of the SJC's ruling.

"We'll be evaluating all of our options for pursuing it further," he said. "We feel quite strongly that the outcome was wrong."

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