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## STATE OF WISCONSIN CLAIMS BOARD

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### CLAIM OF MARWAN MAHAJNI CLAIM NO. 2025-039-CONV

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#### Notice of Appeal Rights

This is a final decision of the Wisconsin Claims Board.

Any person aggrieved by this decision has a right to petition for judicial review in circuit court as provided in Wis. Stat. §§ 227.52 and 227.53. Any petition must be filed in court and served on the Board within 30 days of service of the decision. The time to file and serve a petition runs from the date the final decision is mailed. The petition shall name the Wisconsin Claims Board as the respondent.

Any person aggrieved may also file a petition for rehearing with the Board under Wis. Stat. § 227.49(1); that petition must be received by the Board within 20 days of service of this decision.

This notice of appeal rights is provided pursuant to Wis. Stat. § 227.48.

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## DECISION

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### Background

Claimant, Marwan Mahajni, filed a claim seeking Innocent Convict Compensation pursuant to Wis. Stat. § 775.05. Mahajni claims he was imprisoned for approximately 6 years for his 2014 convictions of kidnapping and second-degree sexual assault. Mahajni claims that he is innocent of the crimes for which he was imprisoned and seeks the maximum statutory compensation in the amount of \$25,000.00.

### Claimant's Facts and Argument

In support of his claim for compensation, Mahajni submitted a claim form and the following materials:

1. Statement of Facts.
2. Court of Appeals Decision dated June 27, 2019, *State of Wisconsin v. Marwan Mahajni*, Appeal No. 2017AP1184-CR.
3. Reply to Milwaukee County District Attorney's Office recommendation, dated September 9, 2025.

Mahajni declined the opportunity to be heard by the Claims Board (the Board) and requested the claim be decided based on the written submissions. Mahajni's claim was considered in closed session at the December 15, 2025, meeting of the Board.

According to Mahajni's claim submission, he was charged with five counts of kidnapping and four counts of second-degree sexual assault on August 8, 2013.<sup>1</sup> A five-day jury trial commenced on March 3, 2014; the case went to the jury for deliberations on March 7, 2014. Mahajni notes that two bailiffs – Deputy Do and Deputy Woida – were sworn and responsible for overseeing the jury. Mahajni alleges that on March 10, 2014, prior to the return of any verdicts, a juror asked Deputy Do if the jury could be hung on some of the counts. It is alleged that Deputy Do told the juror that the jury was "not allowed to be hung," and the jury instead needed to reach a guilty or not guilty verdict. It is further alleged that Deputy Do informed Deputy Woida of the conversation with the juror, but it was never shared with the Court or attorneys.

On March 10, 2014, the jury found Mahajni guilty of kidnapping and guilty on a single count of second-degree sexual assault. He was acquitted on the other counts of sexual assault. Mahajni contends that after the verdict was announced, a juror asked the Judge if they could have been hung, to which the Judge indicated they could have. Mahajni was taken into custody after the verdict.

A motion for new trial was filed on April 7, 2014. Mahajni notes that the Court instructed the attorneys to investigate whether the jury was influenced by the conversation with Deputy Do. On June 13, 2014, Mahajni's motion was denied without an evidentiary hearing. He was sentenced to 25 years on each of the two counts, to run consecutively.

Mahajni appealed the denial of his motion to the Court of Appeals. The Court of Appeals remanded the case back to the trial court for further proceedings. Ultimately, in January 2020, the trial court granted Mahajni's motion for a new trial. A new trial was scheduled to commence on October 24, 2022, at which time the State moved to dismiss the charges. Mahajni was released on July 28, 2020.<sup>2</sup>

Mahajni contends he is legally innocent; he is afforded the presumption of innocence and is not required to prove innocence. He seeks the maximum statutory compensation of \$25,000.00.

#### DA's Response and Argument

In its August 7, 2025, written response to Mahajni's claim, the Milwaukee County District Attorney's Office took no position and defers to the Board whether compensation to Mahajni is appropriate pursuant to Wis. Stat. § 775.05.

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<sup>1</sup>According to the Wisconsin Court of Appeals June 27, 2019 decision, Mahajni was charged with one count of kidnapping and five counts of second-degree sexual assault. The Milwaukee County District Attorney's Office references a "five-count criminal complaint" in its response to Mahajni's claim submission. Any discrepancy in the number of counts does not impact the Claims Board's decision in this matter.

<sup>2</sup>Dates in this paragraph are as stated in Mahajni's initial claim submission.

The State does not dispute the history of the case at the trial level. The Court of Appeals remanded the case back to the trial court to determine the impact of the appellate decision on the jury's guilty verdicts. Once re-opened, the trial court set aside the guilty verdicts on counts 1 (kidnapping) and 2 (second-degree sexual assault).

As the case moved toward re-trial, the Court ruled that the State would not be permitted to present evidence related to original counts 3, 4, and 5 (the second-degree sexual assault counts on which Mahajni was found not guilty). The State contends this was significant as those counts related to the same course of conduct and involved the same victim. The State concluded that its inability to present evidence about the alleged conduct in counts 3, 4, and 5 impeded its ability to meet its burden of proof on counts 1 and 2. For those reasons, the State determined it could not proceed to trial on counts 1 and 2 and moved to dismiss. The State notes that it never reached the conclusion that Mahajni was actually innocent of the charges.

### Discussion and Conclusion

Pursuant to Wis. Stat. § 775.05(3), the Board must review the evidence presented on the petition and determine whether the evidence is clear and convincing that Mahajni was innocent of the crime for which he was imprisoned.

In support of his position, Mahajni relies heavily on the fact that he was granted a new trial, and his convictions were set aside (apparently due to the jury having received allegedly extraneous prejudicial information during deliberations). But Wisconsin Stat. § 775.05 does not provide compensation to individuals who simply establish that their convictions have been set aside; it provides compensation to individuals who establish their *innocence* by clear and convincing evidence. Given the language of the statute, the Board cannot automatically equate vacation of conviction with innocence.

Mahajni further relies on the premise that he is legally innocent as he has not been proven guilty beyond a reasonable doubt. Unfortunately, Mahajni does not provide the Board with any additional information, evidence, or argument to support his claim of innocence under Wis. Stat. § 775.05(3). The Board lacks any specific details or explanation of the incidents leading to Mahajni's charges.

The Board notes that according to the State, the State's decision to ultimately dismiss the charges was based on pre-trial rulings that precluded the State from presenting evidence on similar, related counts on which Mahajni had previously been found not guilty. The State believed that based on those rulings, it would be unable to meet its burden of proof. The decision was not an assessment that Mahajni was innocent.

Based on the written submissions, the Board concludes and finds that the evidence is not clear and convincing that Mahajni was innocent of the crimes for which he was imprisoned. Because the Board does not find that the conditions of Wis. Stat. § 775.05(3) are met, the Board makes no further analysis of the claim under Wis. Stat. § 775.05(4).

For the above reasons, based on the record presented, the Board concludes and finds that the evidence is not clear and convincing that Marwan Mahajni was innocent of the

crime for which he was imprisoned. Accordingly, the Board concludes that Mahajni is not entitled to compensation under Wis. Stat. § 775.05. Vote: 5-0.

**Dated at Madison, Wisconsin this 13th day of January, 2026.**

Signed by:

*Lara Sutherlin*

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Lara Sutherlin, Board Chair  
Wisconsin Dept. of Justice

Signed by:

*Eric Wimberger*

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Senate Finance Committee

Signed by:

*Mel Barnes*

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Office of the Governor

Signed by:

*Jennifer Vandermeuse*

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Jennifer Vandermeuse, Board Secretary  
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Signed by:

*Alex Dallman*

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Assembly Finance Committee