

APPENDIX A: CASES OF INNOCENCE DENIED

Name: Thomas Lee Goldstein
Location: Los Angeles County, California
Crime: Murder
Convicted: 1980
Exonerated: 2004

Thomas Lee Goldstein was convicted of murder and sentenced to twenty-seven years to life in prison based on the false testimony of a jailhouse informant and a dubious eyewitness identification.⁵³⁴ In 2002, after the eyewitness had recanted and Goldstein presented evidence that the informant lied in numerous other cases, he was granted a new trial; the prosecution appealed the decision and lost. In December 2003, a federal appeals court ordered Goldstein's immediate release but state officials refused to comply. In 2004, a state judge dismissed the charges. Deputy District Attorney Patrick Connolly responded by saying that it planned to file new charges against Goldstein for the same crime, telling the *Los Angeles Times*, "I am very confident we have the right guy."⁵³⁵ Five months later, after a judge ruled in Goldstein's favor once more, he was finally released. In August 2010, Goldstein was awarded \$8 million by the City of Long Beach after filing a federal civil rights lawsuit.⁵³⁶

534. Stephanie Denzel, *Thomas Lee Goldstein*, NAT'L REGISTRY EXONERATIONS, <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3244> (last visited Feb. 3, 2019).

535. Nancy Wride & Henry Weinstein, *New Charges Keep Inmate Behind Bars*, L.A. TIMES (Feb. 3, 2004), <http://articles.latimes.com/2004/feb/03/local/me-goldstein3>. *But see* Denzel, *supra* note 534 (stating that the prosecution dropped the charges after a judge ruled the testimony of one eyewitness inadmissible).

536. Denzel, *supra* note 534.

Name: Sylvester Smith
Location: Brunswick County, North Carolina
Crime: Child Sex Abuse
Convicted: 1984
Exonerated: 2004

Sylvester Smith was sentenced to life in prison in North Carolina for sexually assaulting his girlfriend's two daughters.⁵³⁷ He was exonerated in 2004 after both daughters admitted their grandmother had pressured them to falsely accuse Smith to cover up for a cousin who had actually molested them. Smith sought a pardon so he could obtain \$400,000 in compensation from the State for the two decades he spent in prison, but North Carolina Governor Mike Easley—who had been the prosecutor at Smith's trial—refused to grant him one.⁵³⁸

Name: Marshall Hale
Location: Philadelphia County, Pennsylvania
Crime: Child Sex Abuse
Convicted: 1984
Exonerated: 2017

Marshall Hale was convicted in 1984 of raping a fourteen-year-old girl in Philadelphia and sentenced to up to forty-seven years in prison, “even though the prosecution had biological evidence excluding him as the rapist. When the evidence of his exclusion was” brought to their attention in 2010, the Philadelphia County District Attorney's Office, led by Prosecutor Seth Williams, “continued to fight to preserve Hale's conviction”⁵³⁹ In March 2017, Williams was indicted on unrelated public corruption charges and handed over control of his office.⁵⁴⁰ “Finally, on July 13, 2017, through the efforts of the Pennsylvania Innocence Project” and the work of the newly revamped CRU in the DA's Office, Hale was released from prison.⁵⁴¹ “By that time, he had

537. Maurice Possley, *Sylvester Smith*, NAT'L REGISTRY EXONERATIONS, <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3646> (last updated Nov. 6, 2017).

538. *Id.*

539. Maurice Possley, *Marshall Hale*, NAT'L REGISTRY EXONERATIONS (July 20, 2017), <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=5173>.

540. *Former Philadelphia District Attorney Gets 5-Year Prison Term for Bribe*, CBS NEWS (Oct. 24, 2017, 6:29 PM), <https://www.cbsnews.com/news/seth-williams-former-philadelphia-district-attorney-gets-prison-term-bribe>; see also *supra* note 426 and accompanying text.

541. Possley, *supra* note 539.

spent more than 33 years in custody for a crime he did not commit.”⁵⁴² Hale can expect to receive no compensation from Pennsylvania because it has no wrongful compensation statute.

Names: Rolando Cruz and Alejandro Hernandez

Location: DuPage County, Illinois

Crime: Murder

Convicted: 1985

Exonerated: 1995

Rolando Cruz and Alejandro Hernandez were convicted in 1985 of abducting, raping, and murdering a ten-year-old girl in Naperville, Illinois.⁵⁴³ After their convictions were reversed on appeal in 1989, they were convicted again. By then, a serial murderer named Brian Dugan, who had no known connection to Cruz or Hernandez, had confessed to committing the 1983 crime alone. Cruz and Hernandez were retried again in 1995 after DNA had proved Dugan was the rapist. This time, DuPage County Prosecutors Patrick King, Robert Kilander, and Thomas Knight claimed the two men had committed the crime with Dugan.⁵⁴⁴ After Cruz was acquitted, prosecutors dismissed the charges against Hernandez but continued to proclaim that both men were guilty. In 1996, King, Kilander, and Knight were indicted for conspiring to obstruct justice and committing perjury.⁵⁴⁵ They were acquitted.⁵⁴⁶ In 2000, Cruz and Hernandez were awarded \$3.5 million by DuPage County after filing a federal civil rights lawsuit.⁵⁴⁷ Hernandez was awarded \$170,000 and Cruz received \$120,300 under the Illinois compensation statute.⁵⁴⁸

542. *Id.*

543. *Alejandro Hernandez*, NAT'L REGISTRY EXONERATIONS, <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3292> (last updated Feb. 2, 2017); *Rolando Cruz*, NAT'L REGISTRY EXONERATIONS, <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3140> (last visited Feb. 3, 2019).

544. See Maurice Possley & Ken Armstrong, *Prosecution on Trial in DuPage: Former and Current County Officials Face Charges Over Misconduct in the Nicarico Murder Case*, CHI. TRIB. (Jan. 12, 1999), <http://truthinjustice.org/dupage.htm>; see also *Alejandro Hernandez*, *supra* note 543; *Rolando Cruz*, *supra* note 543.

545. Possley & Armstrong, *supra* note 544.

546. Andrew Bluth, *5 Law Officers Acquitted of Plotting to Frame Man in Killing*, N.Y. TIMES (June 6, 1999), <https://www.nytimes.com/1999/06/06/us/5-law-officers-acquitted-of-plotting-to-frame-man-in-killing.html>.

547. *Alejandro Hernandez*, *supra* note 543; *Rolando Cruz*, *supra* note 543.

548. *Alejandro Hernandez*, *supra* note 543; *Rolando Cruz*, *supra* note 543.

Names: Ronnie and Dale Mahan
Location: Jefferson County, Alabama
Crime: Sexual Assault
Convicted: 1986
Exonerated: 1998

Brothers Ronnie and Dale Mahan were convicted of rape and kidnapping in Jefferson County, Alabama in 1986.⁵⁴⁹ The prosecution originally claimed that semen recovered from the victim came from one of the two men. After DNA testing proved that claim was false in 1997, the prosecution argued that the victim (contrary to her trial testimony) had sex with her husband that day and that the rapist had failed to ejaculate. Prosecutors changed their story again, saying the victim had sex with her boyfriend. When further DNA testing disproved both of those claims and turned up a hair from an unknown stranger, the prosecution finally dismissed charges in 1998.⁵⁵⁰ Five years later, Jefferson County Assistant District Attorney Arthur Green said of the Mahans: “These sons of bitches are guilty as sin. . . . There’s no question in my mind. This is not a case of innocence These two bastards are guilty. I just can’t prove it.”⁵⁵¹ Neither Ronnie nor Dale received any compensation.⁵⁵²

Names: Dennis Halstead, John Kogut, and John Restivo
Location: Nassau County, New York
Crime: Murder
Convicted: 1986
Exonerated: 2005

Dennis Halstead, John Kogut, and John Restivo were convicted of the 1984 rape and murder of a sixteen-year-old girl on Long Island, New York.⁵⁵³ DNA testing began in 1994, and despite the fact that Halstead, Kogut, and Restivo were excluded time and again, the prosecution

549. *Dale Mahan*, NAT’L REGISTRY EXONERATIONS, <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3402> (last updated Oct. 19, 2017); *Ronnie Mahan*, NAT’L REGISTRY EXONERATIONS, <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3403> (last updated Oct. 19, 2017).

550. Maurice Possley & Steve Mills, *Crimes Go Unsolved as DNA Tool Ignored: Genetic Profiles in Rapes, Slayings Not Sent to FBI*, CHI. TRIB. (Oct. 26, 2003), <https://truthinjustice.org/unsolved-crimes.htm>.

551. *Id.* (internal quotation marks omitted).

552. *Dale Mahan*, *supra* note 549.

553. *John Kogut*, NAT’L REGISTRY EXONERATIONS, <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3361> (last updated Jan. 22, 2018).

continued to demand more testing. Finally, in 2003, their convictions were vacated. Prosecutors took Kogut to trial a second time in 2005. After he was acquitted, the prosecution dismissed the charges against Halstead and Restivo.⁵⁵⁴ In 2012, the men's federal lawsuit seeking compensation was voluntarily dismissed, and Nassau County Attorney John Ciampoli said they were "criminals" who were "responsible for what happened" and had "been denied a chance to turn . . . a heinous crime into a payday that would cripple Nassau County."⁵⁵⁵ In 2014, after the lawsuit was reinstated by a federal appeals court, a jury awarded Halstead and Restivo a combined \$36 million. Kogut, who was not a party to the lawsuit, received \$1.5 million from the New York Court of Claims.⁵⁵⁶

Name: Jimmy Ray Bromgard
Location: Yellowstone County, Montana
Crime: Child Sex Abuse
Convicted: 1987
Exonerated: 2002

Jimmy Ray Bromgard was convicted in 1987 of breaking into a home in Billings, Montana and raping an eight-year-old girl. He was exonerated by DNA testing in 2002.⁵⁵⁷ In 2006, Montana Attorney General Mike McGrath (who went on to become the chief justice of the state's supreme court) said under oath in a civil suit that he believed Bromgard was guilty of the crime but had not ejaculated.⁵⁵⁸ McGrath suggested several possible explanations for why semen had been found in the victim's underwear—including that the eight-year-old was "sexually active with someone else" or that her parents had sex on their daughter's bed.⁵⁵⁹ Bromgard was awarded \$3.5 million in a settlement with the State, and another man was charged with the girl's rape in 2015.⁵⁶⁰

554. *Id.*

555. Ariel Levy, *The Price of a Life*, NEW YORKER (Apr. 13, 2015), <https://www.newyorker.com/magazine/2015/04/13/the-price-of-a-life> (internal quotation marks omitted).

556. *John Kogut*, *supra* note 553.

557. *Jimmy Ray Bromgard*, NAT'L REGISTRY EXONERATIONS <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3057> (last updated Dec. 4, 2015).

558. Jayme Fraser, *Justice McGrath Accepts that Exonerated Bromgard May Be Innocent*, BILLINGS GAZETTE (Dec. 4, 2015), https://billingsgazette.com/news/justice-mcgrath-accepts-that-exonerated-bromgard-may-be-innocent/article_cd56ae94-f112-5a41-a7ae-0b71b2cc7331.html.

559. *Id.*

560. *Jimmy Ray Bromgard*, *supra* note 557.

Name: Roger Dean Gillispie
Location: Montgomery County, Ohio
Crime: Sexual Assault
Convicted: 1991
Exonerated: 2017

Roger Dean Gillispie was convicted in 1991 of sexual assault, robbery, and kidnapping in Dayton, Ohio.⁵⁶¹ Twelve years later, DNA testing showed that hairs found on the victims were not his. In 2011, a detective testified that he had eliminated Gillispie as a suspect way back in 1991.⁵⁶² Even so, Montgomery County Prosecutor Mat Heck kept on fighting to preserve his conviction. Gillispie was finally exonerated in 2017, twenty-six years after his original conviction.⁵⁶³

Name: Juan Rivera
Location: Lake County, Illinois
Crime: Murder
Convicted: 1993
Exonerated: 2012

Juan Rivera was sentenced to life in prison in 1993 for the rape and murder of an eleven-year-old girl in Waukegan, Illinois.⁵⁶⁴ In 2005, DNA tests on semen found on the victim's body excluded Rivera as the rapist, and his convictions were vacated. Lake County State Prosecutor Mike Mermel took Rivera to trial again on the theory that the eleven-year-old victim was not raped but instead had consensual sex with someone else prior to the murder.⁵⁶⁵ Rivera was again convicted, but in 2011, an appeals court ruled the conviction was "unjustified and cannot stand," and he was released. In 2015, Rivera was awarded \$20 million by Lake County, Illinois after filing a federal civil rights lawsuit. He was also awarded \$213,600 in state compensation.

561. Maurice Possley, *Roger Dean Gillispie*, NAT'L REGISTRY EXONERATIONS (Apr. 7, 2017), <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=5182>.

562. *Id.*

563. *Id.*

564. *Juan Rivera*, NAT'L REGISTRY EXONERATIONS (Mar. 21, 2015), <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3850>.

565. Andrew Martin, *The Prosecution's Case Against DNA*, N.Y. TIMES MAG. (Nov. 25, 2011), <https://www.nytimes.com/2011/11/27/magazine/dna-evidence-lake-county.html>.

Name: Anthony Wright
Location: Philadelphia County, Pennsylvania
Crime: Murder
Convicted: 1993
Exonerated: 2016

Anthony Wright was sentenced to life in prison without parole for the 1991 rape and murder of a seventy-seven-year-old woman in Philadelphia.⁵⁶⁶ Wright's conviction was based primarily on a confession that he claimed was false. In 2013—after the prosecution fought for years to deny Wright access to DNA testing—DNA tests showed the rapist was Ronnie Byrd, a drug dealer who lived near the victim and had since died. Nonetheless, the Philadelphia District Attorney's Office, led by Seth Williams, took Wright to trial again in 2016, claiming for the first time that he committed the crime with Byrd. After five minutes of deliberations, Wright was acquitted on all counts. In 2018, Wright was awarded \$9.85 million by Philadelphia County, Pennsylvania, after filing a federal civil rights lawsuit.⁵⁶⁷

Name: Fred Steese
Location: Clark County, Nevada
Crime: Murder
Convicted: 1995
Exonerated: 2017

Fred Steese was sentenced to life in prison without parole for a 1992 murder in North Las Vegas, Nevada, despite evidence showing he was in Idaho at the time of the crime.⁵⁶⁸ William Kephart, the prosecutor who tried the case, was accused of egregious misconduct at trial; he had been previously reprimanded for similar misconduct by the Nevada Supreme Court.⁵⁶⁹ In 2012, Steese was granted a new trial based on newly discovered evidence establishing that it was “more likely than not [that] no reasonable juror would have found the defendant guilty beyond a reasonable doubt”⁵⁷⁰ But Assistant District Attorney Pamela

566. Possley, *Anthony Wright*, *supra* note 49.

567. *Id.*

568. Maurice Possley, *Fred Steese*, NAT'L REGISTRY EXONERATIONS (Dec. 1, 2017), <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=5236>.

569. Megan Rose, *Nevada Pardons Wrongfully Convicted Man Featured in V.F./ProPublica Story*, VANITY FAIR (Nov. 9, 2017, 2:55 PM), <https://www.vanityfair.com/news/2017/11/nevada-pardons-wrongfully-convicted-man-fred-steese#~o>.

570. Possley, *supra* note 568 (internal quotation marks omitted).

Weckerly told Steese he would have to enter an *Alford* plea⁵⁷¹ to second-degree murder in exchange for immediate release or face the possibility of further appeals.⁵⁷² In November 2017, the Nevada Board of Pardons, with the support of the governor and the entire Nevada Supreme Court, granted Steese a pardon based on innocence.⁵⁷³ Kephart went on to become a district court judge.⁵⁷⁴ Nevada is among the states that do not offer the wrongfully convicted any compensation.⁵⁷⁵

Names: Jonathan Barr, James Harden, Shainnie Sharp, Robert Taylor, and Robert Veal

Location: Cook County, Illinois

Crime: Murder

Convicted: 1994–1997

Exonerated: 2011

Jonathan Barr, James Harden, Shainnie Sharp, Robert Taylor, and Robert Veal—known as the Dixmoor Five—were falsely convicted of the rape and murder of a fourteen-year-old girl in Dixmoor, a suburb south of Chicago.⁵⁷⁶ The five men were convicted even though pretrial DNA testing had eliminated all of them as the source of semen recovered from the victim. All five, who had falsely confessed, were exonerated in 2011 when the DNA profile from the semen was sent to

571. *North Carolina v. Alford*, 400 U.S. 25, 31, 37 (1970) (holding that a court may accept a plea where the defendant refuses to allocute to each element of the crime charged, so long as the defendant intelligently and voluntarily chooses to enter the plea (especially where the defendant, by entering the plea, acts on the advice of competent counsel), and “the record before the judge contains strong evidence of actual guilt”).

572. Possley, *supra* note 568; Rose, *supra* note 569.

573. See Possley, *supra* note 568.

574. Megan Rose, *Kafka in Vegas*, PROPUBLICA (May 26, 2017), <https://www.propublica.org/article/alford-pleas-fred-steese-conviction-without-admitting-guilt>.

575. *Compensating the Wrongly Convicted*, INNOCENCE PROJECT, <https://www.innocenceproject.org/compensating-wrongly-convicted> (last visited Feb. 3, 2019) (identifying Alaska, Arizona, Arkansas, Delaware, Georgia, Idaho, Indiana, Kentucky, Nevada, New Mexico, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, and Wyoming as the states that do not have compensation statutes).

576. Rob Warden, *James Harden*, NAT’L REGISTRY EXONERATIONS, <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3838> (last updated Dec. 18, 2016); Rob Warden, *Jonathan Barr*, NAT’L REGISTRY EXONERATIONS, <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3840> (last updated Dec. 18, 2016); Rob Warden, *Robert Taylor*, NAT’L REGISTRY EXONERATIONS, <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3828> (last updated Dec. 18, 2016); Rob Warden, *Robert Veal*, NAT’L REGISTRY EXONERATIONS, <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3827> (last updated Sept. 1, 2016); Rob Warden, *Shainnie Sharp*, NAT’L REGISTRY EXONERATIONS, <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3839> (last updated Sept. 1, 2016).

the FBI's DNA database and the real criminal, a known serial rapist, was identified.⁵⁷⁷ Even so, Cook County State Attorney Anita Alvarez insisted the actual rapist might have had sex with the victim's corpse after Barr and the others killed her.⁵⁷⁸ In June 2014, the Dixmoor Five were awarded \$40 million by the Illinois State Police after filing several federal civil rights lawsuits. The actual rapist was finally indicted in 2016.⁵⁷⁹

Name: Daniel Larsen

Location: Los Angeles County, California

Crime: Possession of a Concealed Knife

Convicted: 1999

Exonerated: 2014

Daniel Larsen was convicted of possession of a concealed knife in Los Angeles, California.⁵⁸⁰ He was sentenced under California's "three strikes" law⁵⁸¹ to twenty-eight years to life in prison. In 2005, Larsen presented evidence from a retired police chief and several other witnesses that the man with the knife was someone else and that the real perpetrator had admitted as much after Larsen was arrested. The State opposed reopening the case. In 2009, a federal judge found Larsen had established that he was actually innocent and ordered a new trial. The prosecution, led by then-California Attorney General Kamala Harris, appealed, and a federal appeals court affirmed the ruling.⁵⁸² In 2014, the Los Angeles County District Attorney's Office finally dismissed the charge rather than go to trial again, nine years after convincing evidence of innocence was first presented. Larsen sought compensation by filing a federal civil rights lawsuit in 2015 and filing for state compensation in 2017, but the claims were denied.⁵⁸³

577. Warden, *James Harden*, *supra* note 576; Warden, *Jonathan Barr*, *supra* note 576; Warden, *Robert Taylor*, *supra* note 576; Warden, *Robert Veal*, *supra* note 576; Warden, *Shainnie Sharp*, *supra* note 576.

578. *60 Minutes: Chicago: The False Confessions Capital*, *supra* note 497.

579. Warden, *James Harden*, *supra* note 576; Warden, *Jonathan Barr*, *supra* note 576; Warden, *Robert Taylor*, *supra* note 576; Warden, *Robert Veal*, *supra* note 576; Warden, *Shainnie Sharp*, *supra* note 576.

580. Maurice Possley, *Daniel Larsen*, NAT'L REGISTRY EXONERATIONS (Jan. 27, 2014), <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4350>.

581. CAL. PENAL CODE § 667(e)(2)(A) (West 2010 & Supp. 2018).

582. Jason Kandel, *After 13 Years in Prison, Man Found Innocent of Crime Freed*, NBC S. CAL. (Mar. 19, 2013, 10:06 AM), <https://www.nbclosangeles.com/news/local/Daniel-Larsen-Murder-Conviction-Overtured-Innocence-Project-198996291.html>.

583. Possley, *supra* note 580.

Name: Clarence Elkins
Location: Summit County, Ohio
Crime: Murder
Convicted: 1999
Exonerated: 2005

Clarence Elkins was convicted and sentenced to life in prison for raping and murdering his mother-in-law and raping and nearly killing his six-year-old niece in Barberton, Ohio.⁵⁸⁴ The only evidence against Elkins was his niece's identification, which she later recanted. Though the police interviewed the mother-in-law's neighbor, a convicted felon named Earl Gene Mann, they never followed up on that lead. In 2002, three years after Elkins was sent to prison, Mann was convicted of raping three girls, all under the age of ten. In 2004, DNA recovered from the crime scene was tested and found not to match Elkins. Summit County Prosecutor Sherri Bevan Walsh still opposed Elkins' motion for a new trial. In 2005, a cigarette butt containing Mann's DNA was matched to DNA evidence from the crime scene. Even so, Walsh did not agree to Elkins' release, relenting months later under pressure from the Ohio Attorney General. In 2006, Elkins was awarded \$1.075 million from the State of Ohio after filing for compensation under the state's wrongful imprisonment statute. In 2008, Walsh secured a guilty plea from Mann and apologized to Elkins. In November 2010, Elkins was awarded \$5.25 million from the City of Barberton after filing a civil suit against the Barberton Police Department.⁵⁸⁵

Names: Derek Tice, Danial Williams, Eric Wilson, and Joseph Dick, Jr.
Location: Norfolk County, Virginia
Crime: Murder (Tice, Williams, and Dick) and sexual assault (Wilson)
Convicted: 1999–2000
Exonerated: 2011–2017

Derek Tice, Danial Williams, Joseph Dick, Jr., and Eric Wilson—U.S. Navy sailors known as the Norfolk Four—were convicted of the 1997 rape and murder of a woman in Norfolk, Virginia, after being coerced into inconsistent false confessions.⁵⁸⁶ Before trial, DNA

584. Maurice Possley, *Clarence Elkins*, NAT'L REGISTRY EXONERATIONS, <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3202> (last visited Feb. 3, 2019).

585. *Id.*

586. Michael Shaffer & Maurice Possley, *Danial Williams*, NAT'L REGISTRY EXONERATIONS (Dec. 22, 2016), <https://www.law.umich.edu/special/exoneration/pages/casedetail.aspx?caseid=>

evidence identified a different man as the rapist, and he confessed that he committed the crime alone.⁵⁸⁷ Nonetheless, Prosecutors D.J. Hansen and Valerie Bowen secured convictions against the four innocent men and fought to keep them in prison for nearly two decades.⁵⁸⁸ The first of the four was exonerated in 2011, and all were finally granted absolute pardons by then-Governor Terry McAuliffe in March 2017. In March 2018, the Norfolk Four were awarded \$3.5 million by the State of Virginia after Governor Ralph Northam signed compensation legislation.⁵⁸⁹

Name: Julie Rea

Location: Lawrence County, Illinois

Crime: Murder

Convicted: 2002

Exonerated: 2006

Julie Rea was sentenced to sixty-five years in prison for the 1997 murder of her ten-year-old son in Lawrenceville, Illinois.⁵⁹⁰ In 2004, Tommy Lynn Sells, a notorious serial killer, confessed to the crime. Rea's conviction was vacated, but the prosecution took her to trial again, claiming Sells had falsely confessed. A jury acquitted Rea in 2006. Nonetheless, Special State Prosecutor Ed Parkinson continued to insist that Rea was guilty and labeled the defense's evidence "[n]onsense."⁵⁹¹

5054; Michael Shaffer & Maurice Possley, *Derek Tice*, NAT'L REGISTRY EXONERATIONS, <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3820> (last updated Apr. 3, 2018); Michael Shaffer & Maurice Possley, *Eric Wilson*, NAT'L REGISTRY EXONERATIONS (Mar. 23, 2017), <https://www.law.umich.edu/special/exoneration/pages/casedetail.aspx?caseid=5110>; Michael Shaffer & Maurice Possley, *Joseph Dick, Jr.*, NAT'L REGISTRY EXONERATIONS (Dec. 22, 2016), <https://www.law.umich.edu/special/exoneration/pages/casedetail.aspx?caseid=5055>; see also Tom Jackman, 'Norfolk 4,' Wrongly Convicted of Rape and Murder, Pardoned by Gov. McAuliffe, WASH. POST (Mar. 21, 2017), https://www.washingtonpost.com/news/true-crime/wp/2017/03/21/norfolk-4-wrongly-convicted-of-rape-and-murder-pardoned-by-gov-mcauliffe/?noredirect=on&utm_term=.20c028fdec9a.

587. Shaffer & Possley, *Danial Williams*, *supra* note 586; Shaffer & Possley, *Derek Tice*, *supra* note 586; Shaffer & Possley, *Eric Wilson*, *supra* note 586; Shaffer & Possley, *Joseph Dick, Jr.*, *supra* note 586.

588. Margaret Edds, *The Norfolk Four: Clemency Petition Sits on Kaine's Desk*, HOOK (Apr. 10, 2008, 8:00 AM), <http://www.readthehook.com/82016/cover-norfolk-four-clemency-petition-sits-kaines-desk>.

589. Shaffer & Possley, *Danial Williams*, *supra* note 586; Shaffer & Possley, *Derek Tice*, *supra* note 586; Shaffer & Possley, *Eric Wilson*, *supra* note 586; Shaffer & Possley, *Joseph Dick, Jr.*, *supra* note 586.

590. *Julie Rea*, NAT'L REGISTRY EXONERATIONS, <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3278> (last visited Feb. 3, 2019).

591. Lynn Sherr et al., *Untangling a Murder Mystery*, ABC NEWS (Mar. 8, 2007), <https://abcnews.go.com/2020/story?id=2931404&page=1> (internal quotation marks omitted).

In November 2010, Rea was awarded \$87,057 by the Illinois Court of Claims.

Name: Kirstin Blaise Lobato

Location: Clark County, Nevada

Crime: Manslaughter (Originally Convicted of First-Degree Murder)

Convicted: 2002 and 2006

Exonerated: 2017

Kirstin Blaise Lobato was twice convicted of killing a homeless man in 2002 and in 2006.⁵⁹² The second time, she was sentenced to thirteen to forty-five years in prison. No physical evidence connected Lobato to the crime scene. She passed a lie-detector test and never wavered in her assertions of innocence. On December 29, 2017, a trial judge overturned Lobato's conviction after finding that scientific evidence showed that the murder had to have occurred shortly before the victim's body was found—when it was undisputed that Lobato was 170 miles away.⁵⁹³ The prosecutor, William Kephart, continued to insist that Lobato was guilty,⁵⁹⁴ leading the Nevada Supreme Court to issue a public reprimand.⁵⁹⁵ Kephart is the same prosecutor who denied the innocence of Fred Steese. He is now a trial judge in Las Vegas.⁵⁹⁶

Name: Ralph Armstrong

Location: Dane County, Wisconsin

Crime: Murder and Sexual Assault

Convicted: 1981

Exonerated: 2009

Ralph Armstrong was convicted of the murder and sexual assault of a young woman in 1981 and sentenced to life in prison plus sixteen

592. Maurice Possley, *Kirstin Lobato*, NAT'L REGISTRY EXONERATIONS (Jan. 4, 2018), <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=5254>; Jordan Smith, *17 Years After Being Convicted of a Grisly Murder in Vegas, Kirstin Lobato Sees Her Charges Dismissed*, INTERCEPT (Dec. 29, 2017, 8:55 PM), <https://theintercept.com/2017/12/29/las-vegas-murder-kirstin-lobato-wrongful-conviction>.

593. Possley, *supra* note 592.

594. Jenny Wilson, *Las Vegas Judge Faces Ethics Charges for Giving TV Interview*, LAS VEGAS REV. J. (May 30, 2017, 5:59 PM), <https://www.reviewjournal.com/news/politics-and-government/las-vegas/las-vegas-judge-faces-ethics-charges-for-giving-tv-interview>.

595. See Megan Rose, *Vegas Judge Had Long History of Prosecutorial Misconduct*, PROPUBLICA (May 26, 2017), <https://www.propublica.org/article/las-vegas-judge-bill-kephart-history-of-prosecutorial-misconduct>.

596. See *supra* notes 569-74 and accompanying text.

years.⁵⁹⁷ The original prosecutor was Assistant District Attorney John Norsetter.⁵⁹⁸ Armstrong's conviction rested on forensic evidence⁵⁹⁹ and an eyewitness identification made after the eyewitness underwent hypnosis at the police's direction.⁶⁰⁰ Despite obtaining evidence that excluded Armstrong as the source of semen on the victim's robe, he was denied a new trial.⁶⁰¹ In 2001, Armstrong again requested a new trial after more advanced DNA testing was conducted on the semen, blood, and hair samples which excluded Armstrong as the donor.⁶⁰² The Wisconsin Supreme Court overturned his conviction and granted him a new trial in 2005.⁶⁰³ While the retrial was pending, the defense learned that Norsetter had never disclosed a call he received in 1995 from a woman claiming that Armstrong's brother, Steve, had confessed to the murder in gruesome detail.⁶⁰⁴ With the knowledge that Steve might be the killer, Norsetter used up the remaining DNA evidence to run a test that failed to distinguish genetic material between male siblings.⁶⁰⁵ In 2009, a state circuit court judge dismissed the case based on the destruction of evidence and the prosecutor's withholding potentially exculpatory evidence.⁶⁰⁶

Name: David Munchinski

Location: Fayette County, Pennsylvania

Crime: Murder

Convicted: 1986

Exonerated: 2013

David Munchinski was falsely convicted in 1986 and sentenced to two consecutive life terms for the murder of Peter Alford and Raymond Gierke.⁶⁰⁷ The victims were found shot to death in a remote cabin in

597. *State v. Armstrong*, 329 N.W.2d 386, 391 (Wis. 1983); Maurice Possley, *Ralph Armstrong*, NAT'L REGISTRY EXONERATIONS, <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=2997> (last updated Feb. 7, 2017).

598. Bill Lueders, *Court Filing: Ralph Armstrong Was Framed for Madison Murder*, ISTHMUS (Apr. 25, 2008), <http://isthmus.com/news/news/court-filing-ralph-armstrong-was-framed-for-madison-murder>.

599. *See State v. Armstrong*, No. 92-0232-CR, 1993 WL 209119, at *1 (Wis. Ct. App. June 17, 1993); Possley, *supra* note 597.

600. *Armstrong*, 329 N.W.2d at 390.

601. *Armstrong*, 1993 WL 209119, at *1.

602. *State v. Armstrong*, 700 N.W.2d 98, 114 (Wis. 2005).

603. *Id.* at 130-31.

604. *Ralph Armstrong*, INNOCENCE PROJECT, <https://www.innocenceproject.org/cases/ralph-armstrong> (last visited Feb. 3, 2019).

605. Lueders, *supra* note 598; *Ralph Armstrong*, *supra* note 604.

606. *Ralph Armstrong*, *supra* note 604.

607. *Munchinski v. Solomon*, 618 F. App'x 150, 152 (3d Cir. 2015); Maurice Possley, *David*

Bear Rocks, Pennsylvania, where an autopsy revealed that they had been anally raped at least twenty-four hours before their bodies were discovered. District Attorney Gerald Solomon and Assistant District Attorney Ralph Warman prosecuted Munchinski. No physical evidence connected him to the crimes.⁶⁰⁸ The prosecution's case hinged on the testimony of a man named Richard Bowen, a known forger and burglar, who claimed to have witnessed the murders.⁶⁰⁹ Years after Munchinski was convicted, it was revealed that Solomon and a lead investigative officer coached Bowen⁶¹⁰ to testify against Munchinski in exchange for leniency in his own pending cases and concealed reports of witness statements implicating other suspects.⁶¹¹ Munchinski applied for habeas relief several times over the years, claiming that the prosecution withheld material exculpatory evidence.⁶¹² Finally, in 2013, Munchinski prevailed, convincing both the federal trial and appellate judges that the State's misconduct was so extreme, and the wrongful conviction so undeniable, that they had no choice but to intervene. "The scope of the *Brady* violations here is staggering," the Third Circuit Court of Appeals wrote, going on to say that "the murders *could not* have happened" as Solomon and Warman argued at trial.⁶¹³ Worse, they both knew it. "Munchinski has demonstrated his actual innocence by clear and convincing evidence," the judges wrote and voided his conviction.⁶¹⁴

Name: Eric Kelley & Ralph Lee

Location: Passaic County, New Jersey

Crime: Murder

Convicted: 1996

Exonerated: 2018

Eric Kelley and Ralph Lee, two young African-American men, were convicted and sentenced to life in prison in 1996 for murdering a store clerk. Kelley and Lee claimed that they were tricked into falsely confessing.⁶¹⁵ The eyewitness who identified Lee said he was wearing a

Munchinski, NAT'L REGISTRY EXONERATIONS (June 14, 2013), <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4200>.

608. *Munchinski*, 618 F. App'x at 152; Possley, *supra* note 607.

609. *Munchinski v. Wilson*, 807 F. Supp. 2d 242, 248-51 (W.D. Pa. 2011); Possley, *supra* note 607.

610. *Munchinski v. Wilson*, 694 F.3d 308, 316-18 (3d Cir. 2012).

611. Possley, *supra* note 607.

612. *See id.*

613. *Munchinski*, 694 F.3d at 313, 336.

614. *Id.* at 314.

615. Possley, *Eric Kelley*, *supra* note 219; Maurice Possley, *Ralph Lee*, NAT'L REGISTRY

distinctive green plaid cap, which was found at the murder scene near the victim's body.⁶¹⁶ In 2008, defense lawyers sought DNA testing on the hat using more sophisticated methods than were available at trial.⁶¹⁷ Camelia Valdes, the Passaic County Prosecutor, opposed the motion. After years of litigation, the testing was finally performed. The results came back in 2015: the DNA on the hat matched a man named Eric Dixon.⁶¹⁸ At the time of the murder, Dixon had been out of prison for only three months after committing a similar armed robbery.⁶¹⁹ Valdes' office never told the Passaic County detectives about the hit to Dixon. The lead detective in the case first learned of Dixon while on the witness stand at an evidentiary hearing in January of 2017.⁶²⁰ In September of 2017, a trial judge overturned Kelley and Lee's convictions. Valdes finally dismissed the case on April 6, 2018, after losing an appeal seeking to reinstate the convictions.⁶²¹ Valdes continues to insist that Kelley and Lee are guilty, citing the "powerful evidence" of their false confessions.⁶²² Dixon has never been prosecuted.

Name: Kennedy Brewer

Location: Noxubee County, Mississippi

Crime: Murder and Sexual Battery

Convicted: 1995

Exonerated: 2008

Kennedy Brewer was convicted in 1995 for the murder and sexual assault of his girlfriend's three-year-old daughter in 1992. Brewer's conviction resulted almost entirely on bite mark analysis performed by Dr. Michael West, a forensic odontologist whom District Attorney Forrest Allgood frequently called as an expert to testify in his cases.⁶²³ In a 2010 deposition, West remarked that he no longer believes in bite

EXONERATIONS (Apr. 18, 2018), <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=5307> [hereinafter Possley, *Ralph Lee*]; Sullivan, *supra* note 214.

616. Editorial, *Passaic Prosecutor's Refusal*, *supra* note 211.

617. Interview with Vanessa Potkin, *supra* note 216; Possley, *Eric Kelley*, *supra* note 219; Possley, *Ralph Lee*, *supra* note 615; *supra* text accompanying notes 225-26.

618. Editorial, *Passaic Prosecutor's Refusal*, *supra* note 211.

619. *See id.*

620. *See* Interview with Vanessa Potkin, *supra* note 224.

621. *NJ Murder Case Dropped After 2 Men Spend 24 Years in Prison*, FOX 29 (Apr. 7, 2018, 9:57 AM), <http://www.fox29.com/news/local-news/nj-murder-case-dropped-after-2-men-spend-24-years-in-prison>; Possley, *Eric Kelley*, *supra* note 219; Possley, *Ralph Lee*, *supra* note 615.

622. *NJ Murder Case Dropped After 2 Men Spend 24 Years in Prison*, *supra* note 621.

623. *Kennedy Brewer*, NAT'L REGISTRY EXONERATIONS, <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3047> (last updated June 30, 2017); *see also supra* text accompanying notes 507-11.

mark evidence.⁶²⁴ DNA testing was performed in 2001 at the behest of Innocence Project attorneys; it excluded Brewer as a suspect but suggested another suspect.⁶²⁵ Allgood failed to run the DNA sample through the state's database of criminal offenders, which could have excluded Brewer. After a special prosecutor was assigned to the case, the DNA sample was finally run through the state database in 2008.⁶²⁶ The test linked a well-known sex offender, Justin Albert Johnson, to the crime. Johnson had been an initial suspect in both Brewer's case and an identical case of another child homicide in Noxubee County.⁶²⁷ In a 2017 interview, Allgood insisted that Brewer was somehow involved in the crime, despite the DNA evidence exonerating him.⁶²⁸

Name: Jerome Morgan

Location: Orleans Parish, Louisiana

Crime: Murder

Convicted: 1994

Exonerated: 2016

Jerome Morgan was eighteen when he was convicted for the 1993 murder of Clarence Landry in New Orleans, Louisiana.⁶²⁹ The gunman immediately fled the scene; he was chased unsuccessfully by Landry's friend, Kevin Johnson.⁶³⁰ Johnson and another witness ultimately identified Morgan as the shooter. Both later recanted, stating that they had been coached by the police.⁶³¹ Morgan's post-conviction lawyers discovered that prosecutors had suppressed evidence that the ballroom had been sealed within minutes of the shooting and that Morgan had been locked inside, making it impossible that he was the fleeing gunman.⁶³² Orleans Parish District Attorney Leon Cannizzaro continued to insist that Morgan was guilty and fought his release.⁶³³ A trial judge

624. Billy Watkins, *Not Guilty: Photos Tell Powerful Story of Men Wrongly Convicted of Murders, Rapes*, CLARION LEDGER (Feb. 15, 2018, 4:00 AM), <https://www.clarionledger.com/story/magnolia/books/2018/02/15/mississippi-books-photos-tell-story-wrongly-convicted-men/331625002>.

625. *Kennedy Brewer*, *supra* note 623.

626. *Id.*

627. *Id.*

628. Chris Francescani et al., *Did 'Bite Mark' Expert Fabricate Evidence?*, ABC NEWS (Feb. 20, 2008), <https://abcnews.go.com/TheLaw/story?id=4311309&page=1>.

629. Possley, *Jerome Morgan*, *supra* note 76.

630. Affidavit of Kevin Johnson, *supra* note 79, at 1.

631. Affidavit of Hakim Shabazz, *supra* note 78, at 1-2; Affidavit of Kevin Johnson, *supra* note 79, at 1.

632. *See supra* text accompanying note 85.

633. *See supra* text accompanying note 88.

overturned Morgan's conviction in 2014.⁶³⁴ At that point, he had served twenty years.⁶³⁵ Cannizzaro unsuccessfully opposed Morgan's release on bail, then appealed to the state's intermediate appellate court seeking to reinstate his conviction.⁶³⁶ "When that effort failed, he appealed again, this time to the state's highest court."⁶³⁷ In May 2016, two weeks before Morgan's scheduled retrial, the Orleans Parish District Attorney's Office finally dismissed the charges, saying the high court's ruling had tied its hands.⁶³⁸ Cannizzaro indicted Johnson and the second witness for perjury; following a trial, they were acquitted. On May 26, 2017, Morgan filed a federal civil rights lawsuit against the Orleans Parish District Attorney's Office and the New Orleans Police Department seeking damages.⁶³⁹

Name: William Richards

Location: San Bernardino County, California

Crime: Murder

Convicted: 1997

Exonerated: 2016

In 1993, William Richards was charged with the murder of his wife, Pamela.⁶⁴⁰ The state's first three attempts to convict Richards were unsuccessful.⁶⁴¹ At the fourth trial, new expert testimony was introduced.⁶⁴² A dentist told the jury a bite mark photographed on Pamela's arm was consistent with Richard's teeth, and that the bite mark was so unusual—being found in just one to two percent of the population.⁶⁴³ Richards was convicted and sentenced to twenty-five years to life in prison in 1997.⁶⁴⁴ Richards's case caught the attention of the CIP, which filed a motion for DNA testing on the physical evidence at the crime scene.⁶⁴⁵ When results came back in 2007, they excluded

634. Possley, *Jerome Morgan*, *supra* note 76.

635. *See id.*

636. *See* Bazelon, *Innocence Deniers*, *supra* dagger note; Freund, *supra* note 92.

637. *See id.*

638. *Id.*

639. Daley, *supra* note 99.

640. *See supra* text accompanying note 103.

641. *Richards II*, 371 P.3d 195, 197 (Cal. 2016); Dolan, *supra* note 107; Maurice Possley, *William Richards*, NAT'L REGISTRY EXONERATIONS (July 1, 2016), <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4929>.

642. *Richards II*, 371 P.3d at 197.

643. Smith, *supra* note 112.

644. *Richards II*, 371 P.3d at 201-02.

645. *Id.* at 196-97.

645. Stiglitz, *supra* note 114.

Richards.⁶⁴⁶ A year later, the dentist recanted his testimony⁶⁴⁷ and in 2009, a trial judge overturned Richards's conviction.⁶⁴⁸ The San Bernardino County District Attorney's Office, led by Michael Ramos, appealed the judge's order.⁶⁴⁹ Another seven years of legal dueling followed.⁶⁵⁰ In May of 2016, the California Supreme Court ruled unanimously to overturn Richards's conviction.⁶⁵¹ In June of 2016, Ramos's office announced it would be trying Richards for the fifth time.⁶⁵² On June 20, 2016, CIP filed a motion to dismiss the case citing vindictive prosecution,⁶⁵³ and eight days after, Ramos's office finally dismissed the murder charge.⁶⁵⁴ In 2017, Richards filed a civil rights lawsuit against the County of San Bernardino, two sheriff's deputies, one sergeant, one detective, and three criminalists.⁶⁵⁵

Name: Davontae Sanford

Location: Wayne County, Michigan

Crime: Murder

Convicted: 2008

Exonerated: 2016

Davontae Sanford was fourteen when he confessed to murdering four people in a drug house on Runyon Street in Detroit, Michigan's East Side.⁶⁵⁶ Left alone with detectives in a late-night interrogation, Sanford says he broke down after being told he could go home if he gave them "something."⁶⁵⁷ Sixteen days after Sanford was sentenced, a hitman, Vincent Smothers, told the police that he had committed the Runyon Street murders.⁶⁵⁸ Smothers explained that he had worked with an accomplice, Ernest Davis, and Smothers provided a wealth of corroborating details to back up his account.⁶⁵⁹ But Smothers and Davis were never charged for the murders. Neither the Detroit Police

646. *Id.* at 1361-62.

647. *Id.* at 1363, 1367-68; Possley, *supra* note 640.

648. *Richards I*, 289 P.3d 860, 868 (Cal. 2012); Possley, *supra* note 640.

649. *Richards II*, 371 P.3d at 205.

650. *Id.* at 197; *William Richards Released on June 21, 2016!*, *supra* note 121.

651. *Richards II*, 371 P.3d at 211.

652. Smith, *supra* note 124.

653. Richards's Motion to Dismiss, *supra* note 127, at 1.

654. Bazelon, *Innocence Deniers*, *supra* dagger note.

655. Richards's Complaint, *supra* note 129, at 2-4.

656. *Davontae Sanford's Statement*, *supra* note 165; Phippen, *supra* note 165; Possley, *Davontae Sanford*, *supra* note 168.

657. Bazelon, *Innocence Deniers*, *supra* dagger note.

658. *Id.*

659. *Id.*; *see also* Kaplan, *supra* note 170.

Department nor the Wayne County Prosecutor's Office ever informed Sanford's attorneys of Smothers' confession.⁶⁶⁰ When that information was leaked in 2009, Sanford's attorneys sought to reverse his conviction.⁶⁶¹ Wayne County Prosecuting Attorney, Kym Worthy, opposed this effort.⁶⁶² In 2015, Sanford's attorneys filed a motion for post-conviction relief, and the Michigan State Police began to reinvestigate the case.⁶⁶³ One year later, the State Police issued a report stating that Smothers and Davis were guilty, that Sanford was innocent, and that Detroit Deputy Police Chief James Tolbert had lied to convict Sanford.⁶⁶⁴ Nine years into Sanford's incarceration, Worthy finally agreed to his release, but only on account of Tolbert's misconduct.⁶⁶⁵ She continued to insist that Sanford was guilty.⁶⁶⁶ In July of 2017, Sanford filed a civil suit under Michigan's wrongful compensation statute.⁶⁶⁷ Four months later, the Michigan Attorney General conceded Sanford's innocence.⁶⁶⁸ On December 21, 2017, the judge awarded Sanford \$408,356.16.⁶⁶⁹

Name: James Dennis

Location: Philadelphia County, Pennsylvania

Crime: Murder

Convicted: 1992

Released: 2017

James Dennis was convicted for the 1991 murder of a seventeen-year-old girl.⁶⁷⁰ His conviction rested primarily on the testimony of three eyewitnesses. A federal trial judge ordered a new trial for Dennis, citing

660. Bazelon, *Innocence Deniers*, *supra* dagger note; Kaplan, *supra* note 170.

661. Bazelon, *Innocence Deniers*, *supra* dagger note; *see also* Sanford's Motion, *supra* note 182, at 45.

662. Bazelon, *Innocence Deniers*, *supra* dagger note.

663. Sanford's Motion, *supra* note 182, at 15; Possley, *Davontae Sanford*, *supra* note 168.

664. MICH. STATE POLICE, *supra* note 183, at 33, 36-38, 85, 109, 114; Wells, *supra* note 183.

665. Bukowski, *supra* note 184.

666. Hunter, *Case in Limbo*, *supra* note 176.

667. Sanford's State Complaint, *supra* note 189, at 1, 8-9.

668. State of Michigan's Answer, *supra* note 190, at 8.

669. Stipulated Order of Judgment, *supra* note 191, at 1-2; Hunter, *Michigan to Pay \$408,000*, *supra* note 191.

670. *Judge Overturns Conviction of Man on Death Row for 21 Years*, N.Y. DAILY NEWS (Aug. 22, 2013, 12:40 PM), <https://www.nydailynews.com/news/national/penn-judge-overturns-conviction-man-death-row-article-1.1433823>; *Pennsylvania Capital Murder Conviction Overturned*, INNOCENCE PROJECT (Aug. 22, 2013), <https://www.innocenceproject.org/pennsylvania-capital-murder-conviction-overturned>; Jon Schuppe, *From Death Row to Freedom: The Long Journey of James Dennis*, NBC NEWS (May 16, 2017, 6:10 AM), <https://www.nbcnews.com/news/us-news/death-row-freedom-long-journey-james-dennis-n759656>.

multiple *Brady* violations in which the State had withheld exculpatory evidence, writing: “The Commonwealth of Pennsylvania has committed a grave miscarriage of justice in convicting Dennis and sentencing him to die”⁶⁷¹ The Philadelphia District Attorney, Seth Williams, who denied the innocence of Anthony Wright and Marshall Hale, appealed to the Third Circuit, which ruled in an en banc decision, 9-4, that Dennis was entitled to a new trial.⁶⁷² The District Attorney’s Office pledged to retry the case unless Dennis took a no contest plea in exchange for time served. Dennis “took the only path he knew would keep him from execution” and pleaded no contest.⁶⁷³ His lawyer told the judge that Dennis “maintains the same position that he has maintained for 25 years: that he is innocent of this crime”⁶⁷⁴ Dennis was released after serving twenty-five years in prison.⁶⁷⁵ The Philadelphia District Attorney’s Office stated: “We accepted this plea not because of doubts about guilt, but because of the inherent difficulties of retrying a complex case more than a quarter century after the crime.”⁶⁷⁶

Name: Robert Jones

Location: Orleans Parish, Louisiana

Crime: Sexual Assault

Convicted: 1996

Exonerated: 2017

In 1996, Robert Jones was convicted for a 1992 crime spree in the infamous New Orleans French Quarter.⁶⁷⁷ His conviction was the result of mistaken witness identifications, perjury, and other police misconduct. In 2004, the Innocence Project of New Orleans got involved in Jones’s case after Jones wrote to them seeking help. Several post-conviction petitions later, the Louisiana Court of Appeal reversed the conviction and granted Jones a new trial in 2014. Orleans Parish District Attorney Leon Cannizzaro, the same prosecutor who denied Jerome Morgan’s innocence, fought Jones’s release at every stage of the case.⁶⁷⁸

671. *Dennis v. Wetzel*, 966 F. Supp. 2d 489, 491-92, 497 (E.D. Pa. 2013).

672. *Dennis v. Sec’y, Pa. Dep’t of Corr.*, 834 F.3d 263, 264, 269, 311-12 (3d Cir. 2016); Schuppe, *To End Decades on Death Row*, *supra* note 75; *supra* text accompanying notes 58-66, 539-40.

673. Schuppe, *To End Decades on Death Row*, *supra* note 75.

674. *Id.* (internal quotation marks omitted).

675. *Id.*

676. *Id.* (internal quotation marks omitted).

677. Possley, *Robert Jones*, *supra* note 104.

678. Maw, *supra* note 106; Possley, *Robert Jones*, *supra* note 104.

Jones was finally exonerated on January 26, 2017 and filed a federal civil rights lawsuit seeking money damages in January 2018.⁶⁷⁹

Name: Lamarr Monson

Location: Wayne County, Michigan

Crime: Murder

Convicted: 1997

Exonerated: 2017

Lamarr Monson was convicted in the 1996 murder of a twelve-year-old girl and sentenced to thirty to fifty years in prison.⁶⁸⁰ Monson claimed he had been tricked into signing a false confession.⁶⁸¹ Nearly twenty years later, Monson's post-conviction attorneys sought testing on bloody fingerprints found on the ceramic toilet tank lid that the medical examiner identified as the likely murder weapon.⁶⁸² The Michigan State Police found that all the fingerprints matched a man named Robert Lewis, who was living in the same building as the victim at the time of the murder.⁶⁸³ Wayne County Prosecuting Attorney Kym Worthy's office fought to preserve Monson's conviction during an evidentiary hearing in late 2016.⁶⁸⁴ On January 30, 2017, a judge granted Monson a new trial and he was subsequently released on bond.⁶⁸⁵ Seven months later, in August 2017, a few weeks before Monson's retrial, Worthy's office finally dismissed the case.⁶⁸⁶ Worthy stated that her decision not to re-prosecute Monson was not based on her belief that he was innocent but instead was "[d]ue to the destruction of evidence, issues surrounding the way the police obtained Monson's confession and the passage of time"⁶⁸⁷ Lewis was never charged.⁶⁸⁸ Monson filed a federal civil rights lawsuit naming as defendants the City of Detroit and the Detroit Police Department.⁶⁸⁹

679. Jones's Complaint, *supra* note 105, at 42, 45; Possley, *Robert Jones*, *supra* note 104.

680. Possley, *Lamarr Monson*, *supra* note 193.

681. Bartkowiak, *supra* note 194.

682. Possley, *Lamarr Monson*, *supra* note 193; Terry & Hutchinson, *supra* note 197.

683. Possley, *Lamarr Monson*, *supra* note 193; Terry & Hutchinson, *supra* note 197.

684. Hunter, *supra* note 199; *supra* text accompanying note 199.

685. Williams, *supra* note 200.

686. Bartkowiak, *supra* note 194.

687. *Id.*

688. Bazelon, *Innocence Deniers*, *supra* dagger note.

689. Monson's Complaint, *supra* note 207, at 4, 25-27.

Name: Darryl Hunt
Location: Forsyth County, North Carolina
Crime: Murder
Convicted: 1985
Exonerated: 2005

At nineteen years old, Darryl Hunt, who is African-American,⁶⁹⁰ was convicted for the rape and murder of Deborah Sykes, a young white woman. His trial was racially charged, and in prison, he faced constant death threats from white supremacists.⁶⁹¹ Some of that time was served in solitary confinement and caused deep psychological harm.⁶⁹² His story became an HBO film, *The Trials of Darryl Hunt*. The State fought Hunt's release even after DNA tests, which came back in 1994, excluded Hunt as the rapist.⁶⁹³ Hunt was freed in 2005 after the DNA was run through a database and matched a man named Willard E. Brown, who subsequently pleaded guilty to Sykes' murder.⁶⁹⁴ Hunt received compensation from the State, got married, and gained a national reputation as a criminal justice advocate.⁶⁹⁵ However, he remained haunted, became addicted to drugs, and suffered from depression.⁶⁹⁶ In 2016, Hunt committed suicide.⁶⁹⁷

Name: Michael Morton
Location: Williamson County, Texas
Crime: Murder
Convicted: 1987
Exonerated: 2011

Michael Morton was wrongfully convicted of murdering his wife in 1987.⁶⁹⁸ At trial, Prosecutor Ken Anderson withheld crucial exculpatory

690. Interview with Mark Rabil, *supra* note 256.

691. *Id.*; Zerwick, *supra* note 253.

692. Zerwick, *supra* note 253; *see supra* text accompanying notes 258-59.

693. *Darryl Hunt*, NAT'L REGISTRY EXONERATIONS, <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3314> (last updated Nov. 6, 2016).

694. *Id.*

695. Zerwick, *supra* note 253.

696. *Id.*

697. Blau, *supra* note 259.

698. Josh Levs, *Innocent Man: How Inmate Michael Morton Lost 25 Years of His Life*, CNN, <https://www.cnn.com/2013/12/04/justice/exonerated-prisoner-update-michael-morton/index.html> (last updated Dec. 4, 2013); *Michael Morton*, NAT'L REGISTRY EXONERATIONS, <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3834> (last visited Feb. 3, 2019).

evidence.⁶⁹⁹ After his conviction, Anderson and other prosecutors fought against Morton's release tooth and nail, even though DNA evidence found on a bandana near the crime scene pointed to a man named Mark Alan Norwood as the real killer.⁷⁰⁰ Two years after Morton was convicted and sent away, Norwood had gone on to kill another woman in a nearly identical manner.⁷⁰¹ Morton spent nearly twenty-five years in prison. Patricia Cummings, the former head of the CRU in Dallas County, was crucial in helping to free Morton. Her efforts and the efforts of the Innocence Project led to the disbarment and jailing of Anderson.⁷⁰² Morton received \$1.9 million in compensation from the State of Texas and a monthly annuity of \$12,000.⁷⁰³

Name: Edward Garry

Location: Bronx County, New York

Crime: Murder

Convicted: 1997

Exonerated: 2018

Edward Garry was convicted for the 1995 murder of a former police officer who had been shot while trying to stop a robbery carried out by multiple men.⁷⁰⁴ Two eyewitnesses identified Garry from a selection of mug shots.⁷⁰⁵ The Bronx District Attorney's Office prosecuted Garry, who was then sentenced to twenty-five years to life.⁷⁰⁶ But two decades later, new evidence came to light, including a confession from two of the perpetrators who identified the shooter as a man named Steven Martinez, who looked very similar to Garry.⁷⁰⁷ The Bronx District Attorney's Office continued to insist that Garry was

699. Colloff, *The Innocent Man, Part One*, *supra* note 467; *Michael Morton*, *supra* note 698.

700. Colloff, *The Innocent Man, Part Two*, *supra* note 299.

701. Pamela Colloff, *Mark Alan Norwood Found Guilty of Christine Morton's Murder*, TEX. MONTHLY (Mar. 27, 2013), <https://www.texasmonthly.com/articles/mark-alan-norwood-found-guilty-of-christine-mortons-murder> ("The turning point in the eight-day trial, however, came the previous Friday at 1:50 p.m., when Williamson County district judge Burt Carnes decided to allow the jury to hear evidence of another, eerily similar murder: the 1988 bludgeoning death of Debra Masters Baker. (The jury would never learn that Norwood has been indicted for the crime, but they did learn that his DNA—specifically, two of his pubic hairs—were found at the murder scene.)").

702. Colloff, *The Innocent Man, Part Two*, *supra* note 299; *supra* text accompanying notes 431-32.

703. *Michael Morton*, *supra* note 698.

704. Clifford, *An Ex-Cop's Remorse*, *supra* note 275; Maurice Possley, *Edward Garry*, NAT'L REGISTRY EXONERATIONS (Feb. 9, 2018), <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=5275>.

705. Clifford, *An Ex-Cop's Remorse*, *supra* note 275.

706. *Id.*

707. *Id.*

guilty, and according to his lawyers, fought his release “tooth and nail.”⁷⁰⁸ Finally, in 2017, a Bronx judge overturned Garry’s conviction.⁷⁰⁹ But Bronx County District Attorney Darcel Clark continued to insist that Garry was guilty.⁷¹⁰ In 2018, Clark’s office retried Garry for the murder.⁷¹¹ Peter Forcelli, one of the detectives who helped convict Garry in the first trial, testified for the defense in the second trial, and the jury acquitted Garry after deliberating for less than thirty minutes.⁷¹²

Name: Keith Cooper and Christopher Parish

Location: Elkhart County, Indiana

Crime: Robbery

Convicted: 1997

Exonerated: 2017

Keith Cooper and Christopher Parish were both convicted in 1997 for the armed robbery of a seventeen-year-old and each sentenced to forty years in prison.⁷¹³ In 2004, DNA on a hat left behind by one of the robbers was matched to Johlanis Cortez Ervin, who was serving a prison sentence for a 2002 murder—a crime committed after Cooper and Parish were convicted.⁷¹⁴ Parish’s attorney brought the new evidence to Judge Stephen E. Platt, who asked Elkhart County Deputy Prosecutor Charles C. Wicks for his response. Wicks opposed Parish’s petition for release, filing a pleading which contained multiple false statements, including assertions that three witnesses had identified Parish as the shooter when they had not.⁷¹⁵ Judge Platt adopted “wholesale” the false representations of Wicks and ruled against Parish.⁷¹⁶ Although Cooper and Parish’s convictions were ultimately overturned by the State Court

708. *Id.* (internal quotation marks omitted); see also Clifford, *No Freedom Yet*, *supra* note 286.

709. Clifford, *Edward Garry Cleared*, *supra* note 288; Possley, *supra* note 704.

710. Clifford, *No Freedom Yet*, *supra* note 286 (“So why has the D.A.’s office dug its heels in on this case? Its fierce opposition to clearing Garry’s name illustrates a difficulty inherent in seeking justice for wrongful convictions: the offices that seek convictions are, years later, the same ones tasked with fairly assessing whether they might have been wrong.”).

711. Clifford, *Edward Garry Cleared*, *supra* note 288; Possley, *supra* note 704.

712. Clifford, *Edward Garry Cleared*, *supra* note 288; Possley, *supra* note 704.

713. Maurice Possley, *Christopher Parish*, NAT’L REGISTRY EXONERATIONS (Feb. 10, 2017), <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3524>; Maurice Possley, *Keith Cooper*, NAT’L REGISTRY EXONERATIONS (Feb. 18, 2017), <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=5091>.

714. Possley, *Christopher Parish*, *supra* note 713; Possley, *Keith Cooper*, *supra* note 713.

715. Christian Sheckler & Ken Armstrong, *Standing By Their Convictions*, PROPUBLICA (July 27, 2018), <https://features.propublica.org/south-bend/wrongful-conviction-pardon-keith-cooper-christopher-parish-indiana-elkhart-police>.

716. *Id.*

of Appeals,⁷¹⁷ they each took a plea to get time served rather than risk conviction at a retrial.⁷¹⁸

Keith Cooper's lawyers sought a pardon, and in 2014, the Indiana Parole Board recommended to then-Governor Mike Pence that he grant the request.⁷¹⁹ The City of Elkhart, represented by attorney Martin Kus, filed a lengthy opposition, arguing that if the pardon was granted the city could be liable for millions of dollars.⁷²⁰ Kus also disputed the police misconduct allegations and argued that it was possible Cooper had worn the hat with Ervin's DNA on it.⁷²¹ One month after taking office, Indiana's new governor, Republican Eric Holcomb, granted Cooper's pardon request, stating: "I believe he is innocent of that crime."⁷²² Christopher Parish was also pardoned by Governor Holcomb.⁷²³

Name: Louis Taylor

Location: Pima County, Arizona

Crime: Arson

Convicted: 1970

Released: 2013

Louis Taylor, who is African-American, was sixteen years old when he was arrested on suspicion that he had deliberately set a fire that burned down a landmark hotel, killing twenty-eight people in 1970.⁷²⁴ For nine hours, detectives interrogated Taylor.⁷²⁵ Despite enormous pressure, he did not confess.⁷²⁶ The case against Taylor was "weak."⁷²⁷

717. Possley, *Christopher Parish*, *supra* note 713; Possley, *Keith Cooper*, *supra* note 713.

718. Possley, *Christopher Parish*, *supra* note 713; Possley, *Keith Cooper*, *supra* note 713; Sheckler & Armstrong, *supra* note 715.

719. Possley, *Christopher Parish*, *supra* note 713; Possley, *Keith Cooper*, *supra* note 713.

720. See Response in Opposition to a Petition for Executive Pardon for Keith D. Cooper at 2 (n.d.), <https://assets.documentcloud.org/documents/4615596/Elkhart-Memo-to-Pence.pdf>.

721. *Id.* at 24-25.

722. Fatima Hussein et al., *Gov. Holcomb Pardons Keith Cooper*, INDYSTAR (Feb. 9, 2017, 11:28 AM), <https://www.indystar.com/story/news/2017/02/09/gov-holcomb-pardons-keith-cooper/97692148>.

723. Possley, *Christopher Parish*, *supra* note 713.

724. John M. Glionna, *Man Convicted in 1970 Arizona Fire Pleads No-Contest for Freedom*, L.A. TIMES (Apr. 2, 2013), <http://articles.latimes.com/2013/apr/02/nation/la-na-nn-man-convicted-in-1970-arizona-fire-pleads-no-contest-gains-freedom-20130402>; *Hotel Fire Re-Examined*, *supra* note 130.

725. *Man Convicted*, *supra* note 132.

726. *Id.*

727. *Hotel Fire Re-Examined*, *supra* note 130.

But an all-white jury did convict Taylor, based in large part on forensic testimony by an expert named Cyrus Holmes, who testified that the fire had to be arson.⁷²⁸ More than forty years after Taylor had been incarcerated, five nationally renowned arson experts⁷²⁹ re-examined the evidence in the case, applying the NFPA Guide.⁷³⁰ In 2012, they issued an exhaustive report finding that Holmes' purported expert methods were proven scientifically unsound.⁷³¹ Holmes, meanwhile, stuck to his trial testimony that the fire was arson.⁷³² Following Holmes' deposition and the release of the report, Pima County Prosecutor Barbara LaWall directed the Tucson Fire Department to conduct its own re-investigation.⁷³³ In 2013, Wayne Cummings, an investigator with the City of Tucson Fire Department, released a forty-two-page report which concluded that the fire could have been an accident.⁷³⁴ Nevertheless, LaWall promised to fight Taylor's release to the United States Supreme Court unless he pleaded no contest to twenty-eight counts of murder in exchange for a sentence of time-served.⁷³⁵ Taylor, who had professed his innocence for four decades, saw no way out.⁷³⁶ He took the deal,

728. Taylor's Petition, *supra* note 135, at 8, 30. Based on his "depth of char measurements," Holmes concluded that "the fire had at least two areas of origin" and thus "were separate and independent occurrences that could only have been a product of arson . . ." *Id.* at 8.

729. LENTINI REPORT, *supra* note 134, at 21-22 (listing the credentials of the authors of the Arson Review Committee Report).

730. LENTINI REPORT, *supra* note 134, at 9, 12, 15, 24-25; NFPA GUIDE, *supra* note 138.

731. LENTINI REPORT, *supra* note 134, at 8-16. More specifically, the authors noted that "Holmes failed to interview early witnesses to the fire, and further, he failed to review interviews conducted by the Tucson Police Department." *Id.* at 4. This failure breached the arson investigation standards that existed even in the 1970s, which "stressed the importance of witness information when analyzing the origin and cause of a fire." *Id.* at 5. Holmes's conclusion that the fire was arson "rested entirely upon the determination that the fire started in two places." *Id.* at 3. Eyewitness accounts directly contradicted Holmes's conclusion that the fire had two points of origin that were separate from one another. *Id.* at 13. "Had Mr. Holmes considered this important information, it should have substantially altered his findings and conclusions." *Id.* at 5. "[T]he photographs, videotape of the fire scene, [and] notes" also contradicted Holmes's conclusions that the fire had two separate points of origin. *Id.* at 6.

732. Prosecution's Memorandum, *supra* note 141, at 8.

733. See *supra* text accompanying notes 144-47; see also Smith, *supra* note 145.

734. CUMMINGS, *supra* note 145, at 2, 40-41; see also Smith, *supra* note 145. In reaching his conclusions, Cummings relied upon "studying and reviewing audio, video, electronic, and paper-based documentation that was obtained from the archived records of the Tucson Fire Department, the Tucson Police Department, and the Pima County Attorney's Office." CUMMINGS, *supra* note 145, at 2.

735. *I Had No Choice*, *supra* note 130; *supra* note 149 and accompanying text.

736. *I Had No Choice*, *supra* note 130.

pleading no contest.⁷³⁷ After Taylor filed a federal civil rights lawsuit in 2015,⁷³⁸ LaWall's office used his no contest plea to argue that he was ineligible for compensation.⁷³⁹

737. *Id.*

738. McNamara, *supra* note 157.

739. Prosecution's Motion Against Taylor, *supra* note 158, at 9.