Death Penalty Information Center

PRESS RELEASE:
July 13, 2009

CONTACT: Corinne Farrell
Communications Director
(202) 289-2275, cfarrell@deathpenaltyinfo.org

TWO MORE DEATH ROW INMATES EXONERATED IN ILLINOIS AND FLORIDA

Five Inmates Have Been Freed in 2009 Alone

WASHINGTON, DC – All charges were dismissed against Ronald Kitchen and he was released from prison in Illinois after spending almost 13 years on death row for murders prosecutors now concede cannot be proven. A few days later, Herman Lindsey was released from Florida's death row after the state's Supreme Court ruled unanimously that his case lacked sufficient evidence of guilt. Five people have now been exonerated from death row in 2009, bringing the total number of people exonerated since 1973 to 135. Fifty-one of these exonerations have occurred since the start of 2000.

On July 7, 2009, Ronald Kitchen was released from prison as prosecutors dropped all charges against him and his co-defendant, citing insufficient evidence to retry them for five murders that occurred in 1988. "It really hasn't hit me yet," said Kitchen, upon leaving the courts building after serving more than two decades in prison for the murders. "It's, like, surreal."

The Illinois attorney general's office conducted DNA tests that were unavailable at the time of the murder and found nothing incriminating against either Kitchen or his co-defendant, Marvin Reeves. Kitchen's case and about 20 others were turned over to the attorney general's office for review by Judge Paul Biebel after allegations of torture arose. After re-investigating the court record and the evidence, the office concluded that the evidence was too weak to continue. Deputy Chief of Staff for Illinois Atty. Gen. Lisa Madigan, Cara Smith, said, "We conducted a very thorough and independent investigation ... and determined that we could not sustain our burden of proof."

Kitchen's case is yet another exoneration linked to disgraced former Chicago Police Commander Jon Burge. Kitchen had claimed that detectives under Burge's command coerced him into confessing to the murders through torture, including hitting him in the head with a telephone, punching him in the face, striking him in the groin, and kicking him. Years after Kitchen's conviction, Police Commander Burge was fired after the Police Department Review Board ruled that he had used torture. Burge currently awaits trial on charges of obstruction of justice and perjury in relation to a civil suit regarding the torture allegations against him.

Kitchen is the 134th person to be exonerated from death row and the 20th in Illinois since 1973.

"The five exonerations this year demonstrate that innocent people still face a significant danger of execution in this country," said Richard Dieter, Executive Director of the Death Penalty Information Center. "The risks posed by the death penalty are far too high to allow this process to continue. Such a high error rate would not be tolerated in any other area of society where human lives are at stake."

In the second case, the Florida Supreme Court ruled unanimously on July 9, 2009, that Herman Lindsey be acquitted and freed from death row, holding that there was insufficient evidence to convict him. Lindsey had been convicted in 2006 of a murder that had occurred 12 years earlier. The court said that "the state failed to produce any evidence in this case placing Lindsey at the scene of the crime at the time of the murder," and that the evidence presented was "equally consistent with a reasonable hypothesis of innocence."

According to DPIC's Innocence List, Lindsey is the 135th person to be exonerated from death row since the death penalty was reinstated and the fifth person exonerated from death row in 2009. Lindsey is the 23rd exoneration in Florida -- the state that leads the country in death row exonerations.

DPIC's Innocence List consists of former death row inmates who have been acquitted of all charges related to the crime that placed them on death row; had all charges dismissed by the prosecution; or been granted a complete pardon based on evidence of innocence.

To arrange an interview with DPIC's Executive Director, Richard Dieter, or for more information about the Innocence List, please contact Corinne Farrell at (202) 289-2275 or cfarrell@deathpenaltyinfo.org.

# # #