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DEATH PENALTY INFORMATION CENTER

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CHARLES RAY FINCH EXONERATED IN NORTH CAROLINA 43 YEARS AFTER BEING SENTENCED TO DEATH

It is the 166th Death-Row Exoneration and the 18th to Have Taken 25 Years

Washington, D.C. – In July 1976, false forensic testimony and an eyewitness identification manipulated by police misconduct sent Charles Ray Finch to North Carolina's death row. Forty-three years later, he has become the 166th person in the United States since 1973 to be exonerated after having been wrongfully convicted and sentenced to death. On June 14, 2019, after a federal appeals court said Finch had proven his "actual innocence" and a federal district court had given the state 30 days to decide whether to attempt to retry him, the Wilson County District Attorney quietly and without advance notice to counsel dismissed all charges against Finch, completing his exoneration.

Finch is the second person this year to be exonerated more than forty years after having been sentenced to death. According to the Death Penalty Information Center's (DPIC) innocence list, it is the 10th time this decade an exoneration has taken 30 years or more. All of those exonerees have been black. In 18 cases – more than 10% of the exonerations – it has taken a quarter century before the exoneree's rights have been vindicated.

Robert Dunham, DPIC's Executive Director, called the more than four-decade wait to free Finch "unconscionable." "Mr. Finch's exoneration illustrates the continuing failure of the judicial system to protect the innocent in death-penalty cases, and particularly prisoners of color. Mr. Finch was freed not because of the legal system, but in spite of it. He won his freedom only because of the dogged determination of volunteer lawyers and students at the Duke Innocence Project. If the death-penalty statute under which he was convicted had not been declared unconstitutional, he would have been executed long before these volunteers uncovered the serious misconduct that put Mr. Finch on death row."

Finch's conviction rested upon false forensic testimony and the perjured testimony of an eyewitness who wrongfully identified Finch after unconstitutionally suggestive police line-ups. For the line-ups, police had Finch wear a three-quarter length jacket that was the same style of clothing that a store employee had said the perpetrator was wearing. No other person in the line-up was similarly dressed. The prosecution did not disclose the police manipulation of the line-up, and the police officer who conducted the line-up later lied about it in court. Finch did not

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resemble the description of the shooter initially provided to the police, but at trial, the state's eyewitness changed his description of the shooter to match Finch. Several other witnesses for the prosecution later revealed they had been pressured into providing false testimony implicating Finch.

The prosecution also presented false scientific evidence in an effort to tie Finch to the murder. When police arrested Finch, they found a shotgun shell in his car. The prosecution claimed that this shell matched the bullet casings found at the murder scene, and the local pathologist who conducted the autopsy testified that the victim had been killed with a shotgun. A review of the autopsy evidence decades later revealed that the victim had been killed with a pistol, not a shotgun, and new ballistics evidence contradicted the prosecution testimony that the bullets at the scene matched the shotgun shell from Finch's car.

Charles Ray Finch is the ninth innocent man since 1975 to have been exonerated in North Carolina after a wrongful conviction and death sentence. Seven of the exonerees are black; an eighth is Latino. All of the cases involved witness perjury or false accusation, and eight also involved official misconduct. Those two factors are the most prevalent causes of wrongful capital convictions in the United States.

To be included on DPIC's Exoneration List, defendants must have been convicted, sentenced to death, and subsequently either (a) acquitted of all charges related to the crime that placed them on death row, (b) had all charges related to the crime dismissed by the prosecution, or (c) granted a complete pardon based on innocence.

To speak with Robert Dunham, DPIC's Executive Director, call (202) 289-4022 or email at dpic@deathpenaltyinfo.org.

The Death Penalty Information Center (www.deathpenaltyinfo.org) is a non-profit organization serving the media and the public with analysis and information on issues concerning capital punishment. DPIC was founded in 1990 and prepares in-depth reports, issues press releases, conducts briefings for the media, and serves as a resource to those working on this issue.