Northwestern University School of Law
Center on Wrongful Convictions

The Snitch System

HOW SNITCH TESTIMONY SENT RANDY STEIDL AND OTHER INNOCENT AMERICANS TO DEATH ROW

A CENTER ON WRONGFUL CONVICTIONS SURVEY
WINTER 2004–2005

Center on Wrongful Convictions
www.law.northwestern.edu/wrongfulconvictions

A world-renowned program of the Bluhm Legal Clinic
at Northwestern University School of Law

BLUHM LEGAL CLINIC

By way of background...

The history of the snitch is long and inglorious, dating to the common law. In old England, snitches were ubiquitous. Their motives, then as now, were unholy. In the 18th Century, Parliament prescribed monetary rewards — blood money — for snitches, who were turned back onto the streets where they were, in the words of one contemporary commentator, "the contempt and terror of society."

The system produced a cycle of betrayal in which each snitch knew he might find himself soon in the dock confronted by another snitch. An example was the case of Charles Cane, who had provided evidence that sent two men to their deaths in 1755. A few months later, a snitch did unto him as he had done unto others. After Cane was hanged at Tyburn in 1756, the clergyman who ministered to him explained that Cane had expected "nothing less than hanging to be his fate at last, but not of the evil day's coming so soon."

If all cases ended so poetically, perhaps informant-dependent prosecutions would be more humorous than objectionable. In real life, however, O. Henry endings are rare. Consider Joshua Kidden, who came to a decidedly unpoetic end — convicted and hanged in 1754 for the highway robbery of one Mary Jones. After the execution, it was discovered that Mary was a member of a conspiracy to collect blood money. A cohort planted a coin on the hapless mark, another apprehended him, and Mary identified the coin as hers. The conspirators netted £140 per case, at the expense of an untold number of innocent lives.

The snitch system probably arrived in the New World with the Pilgrims. The first documented wrongful conviction case in the United States involved a snitch. The case arose in Manchester, Vermont, in 1819. Brothers Jesse and Stephen Boorn were suspected of killing their brother-in-law, Russell Colvin. Jesse was put into a cell with a forger, Silas Merrill, who would testify that Jesse confessed. Merrill was rewarded with freedom. The Boorn brothers were convicted and sentenced to death but saved from the gallows when Colvin turned up alive in New Jersey.

Artist's depiction of Russell Colvin's murder, as imagined by a jailhouse snitch in 1819

America's most infamous snitch, Leslie Vernon White, happened along 170 years later in California. A career criminal, White faked confessions in dozens of cases, worming details about the cases out of police and prosecutors by telephone from jail. In an interview on *Sixty Minutes*, White joked that the snitch system had spawned slogans: "Don't go to the pen, send a friend" and "If you can't do the time, just drop a dime."

The experience shows pretty much what you would expect — that when the criminal justice system offers witnesses incentives to lie, they will.

This report was researched and written by Rob Warden, Executive Director, Center on Wrongful Convictions
Design: Joanna Wilkiewicz.

Copyright © 2004, Northwestern University

CREDITS
Illustrations: This page by an anonymous illustrator of *The Dead Alive*, a novel by Wilkie Collins based on the Boorn-Colvin case and published in the United States by Shepard and Gill, 1874; Page 15 by Rob Warden.

Photographs: Cover by Kevin German. Facing page by (variously) Loren Santow, Andrew Lichtestein, Taryn Simon, and Jennifer Linzer; Pages 4, 5, 6, 7, 8, 9, 10, and 11 by Loren Santow; Page 12 by Jennifer Linzer. Page 13 courtesy of the Illinois Department of Corrections.

Snitch Testimony is the Leading Cause of Wrongful Convictions in Capital Cases

These men are among 51 nationally who have been exonerated of crimes for which they were sentenced to death based in whole or part on the testimony of witnesses with incentives to lie — in the vernacular, snitches. For the most part, the incentivised witnesses were jailhouse informants promised leniency in their own cases or killers with incentives to cast suspicion away from themselves. In all, there have been 111 death row exonerations since capital punishment was resumed in the 1970s. The snitch cases account for 45.9% of those. That makes snitches the leading cause of wrongful convictions in U.S. capital cases — followed by erroneous eyewitness identification testimony in 25.2% of the cases, false confessions in 14.4%, and false or misleading scientific evidence in 9.9%.

National Roster of Death Row Snitch Victims

Randall Dale Adams
Sentenced to death in 1977 for the murder of a police officer during a traffic stop in Dallas. Snitch: The actual killer who received immunity from prosecution in exchange for testifying. Exonerated by: Killer's recantation. Years lost: 13

Joseph Amrine
Sentenced to death in 1986 for the murder of a fellow prisoner in Missouri. Snitches: Two prisoners who claimed they saw Amrine kill the victim and a third who claimed Amrine admitted it. Exonerated by: Recantations by all three prisoners and exculpatory affidavits from two others. Years lost: 10

Gary Beeman
Sentenced to death in 1976 for a murder in Ohio. Snitch: A prison escapee, who claimed he saw Beeman with the victim around the time of the crime and later with blood on his clothes. Exonerated by: Five witnesses who testified the snitch told them Beeman had nothing to do with the crime. Years lost: 4

Dan L. Bright
Sentenced to death in 1996 for a murder in New Orleans. Snitch: A felon who testified in anticipation of leniency. Exonerated by: Disclosure of a suppressed FBI report indicating someone else committed the crime. Years lost: 8

Anthony Siliah Brown
Sentenced to death in 1983 in Florida. Snitch: The actual killer, who testified against Brown in exchange for leniency. Exonerated by: Killer's recantation at Brown's retrial. Years lost: 3

Shabaka Brown
Sentenced to death in 1974 for a robbery and murder in Florida. Snitch: A criminal who testified that he waited outside in a car while, unbeknownst to him, Brown committed the crime. Exonerated by: The snitch's admission that he fabricated the testimony in exchange for a previously undisclosed promise of leniency. Years lost: 14

National Roster

Willie A. Brown and Larry Troy
Sentenced to death in 1984 for the murder of a fellow prisoner in Florida. Snitch: A prisoner who testified that he saw Brown and Troy leave the victim's cell shortly before his body was discovered. Exonerated by: A surreptitiously recorded admission from the snitch that he had lied about the two men's involvement. Years lost: None

Albert Ronnie Burrell and Michael Ray Graham Jr.
Sentenced to death in 1987 for a double murder in Louisiana. Snitch: A prisoner who claimed Graham admitted committing the crime with Burrell. Exonerated by: Prosecution's admission that the snitch lied. Years lost: 13 (each)

Joseph Burrows
Sentenced to death in 1989 for the robbery and murder of an elderly farmer in Illinois. Snitch: The actual killer. Exonerated by: Killer's confession. Years lost: 6

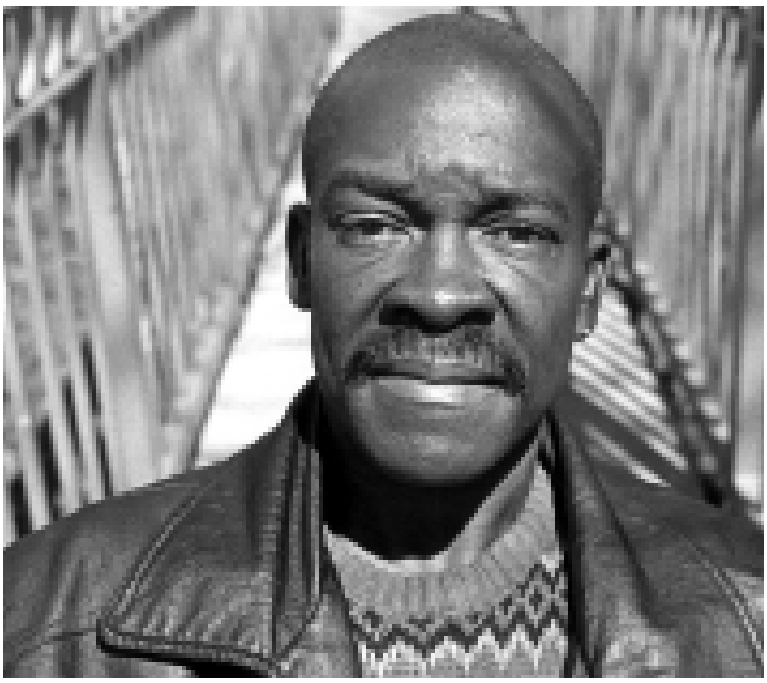
Earl Patrick Charles
Sentenced to death in 1975 for a double murder in Georgia. Snitch: A jailhouse informant. Exonerated by: Proof that Charles had been at work when the crime occurred. Years lost: 4

Perry Cobb and Darby Tillis
Sentenced to death in 1979 for a double murder in Chicago. Snitch: A woman who portrayed herself as an unwitting accomplice. Exonerated by: A prosecutor's testimony that the snitch had told him that her boyfriend committed the crime. Years lost: 10 (each)

James Creamer
Sentenced to death in 1973 for a double murder in Georgia. Snitch: A purported accomplice granted immunity from prosecution. Exonerated by: Discovery of tapes withheld at the trial showing that the snitch alone had committed the crime. Years lost: 3

Robert Charles Cruz
Sentenced to death in 1981 for a double murder in Arizona. Snitch: A convicted burglar given immunity in exchange for his testimony. Exonerated by: Acquittal upon retrial. Years lost: 14

Verneal Jimerson



In what would become known as the Ford Heights Four case, Verneal Jimerson was convicted in 1985 of a double murder in south suburban Chicago. His conviction rested on the testimony of a purported accomplice, Paula Gray.

Before Gray agreed to testify, the other members of the Ford Heights Four — Dennis Williams, Willie Rainge, and Kenneth Adams — had been convicted based on other snitch testimony. Williams was sentenced to death, Rainge and Adams to long prison terms.

After Williams and Rainge were granted a new trial, Gray also testified against them, leading to their re-convictions and reimposition of their sentences in 1986. In exchange for her testimony, Gray was released from prison, where she was serving 50 years for her supposed role in the case.

A decade later, the Ford Heights Four were exonerated by confessions of the actual killers corroborated by DNA testing. In 1999, Cook County agreed to pay $36 million to settle lawsuits filed on behalf of the men. That was, and is, the largest civil rights settlement in U.S. history.

Gordon (Randy) Steidl

When Randy Steidl walked free from the Illinois Correctional Center at Danville on May 28, 2004, he became the 18th man to be exonerated and released after having been sentenced to death under the current Illinois capital punishment law. His exoneration resulted from new evidence establishing that he and a co-defendant, Herbert Whitlock, were innocent of the murder of newlyweds Karen and Dyke Rhoads, whose bodies were discovered on July 6, 1986, in their burning home in Paris, Illinois.

The convictions rested on the testimony of two informants — Debra Reinbolt and Darrell Herrington, who claimed to have been present when Steidl and Whitlock repeatedly stabbed the victims and set their home afire. The evidence against Steidl also included the testimony of a jailhouse snitch, Ferlin Wells, who claimed Steidl confided that, if he had thought Herrington would come forward, "he would have definitely taken care of him."

Steidl was exonerated after it was discovered that a knife that Reinbolt had testified was the murder weapon in fact was not — its blade was too short to have inflicted the wounds — that a lamp in the victims' bedroom that Reinboldt testified had been broken during the crime actually was broken by firemen after they extinguished the fire, and that time-sheets and witnesses from the hospital where Reinboldt worked established that she could not have witnessed the crime because she was at work when it occurred.

For a more complete account of the Steidl case, please see the reprint of the *Springfield Journal-Register* series accompanying this report.

National Roster

Rolando Cruz and Alejandro Hernandez
Sentenced to death in 1985 for the kidnaping, rape, and murder of a little girl in Illinois. Snitches: Six informants, four of whom claimed Cruz admitted the crime and two of whom claimed Hernandez did. Exonerated by: DNA indicating the killer was a man who confessed that he alone committed the crime. Years lost: 12 (each)

Muneer Deeb
Sentenced to death in 1985 for the contract murder of a woman in Texas. Snitch: A jailhouse informant who testified that an alleged co-conspirator of Deeb's had admitted the murder-for-hire scheme. Exonerated by: Acquittal upon retrial. Years lost: 8

Charles Irvin Fain
Sentenced to death in 1983 for kidnaping, sexually assaulting, and drowning a 9-year-old girl in Idaho. Snitches: Two jailhouse informants. Exonerated by: DNA. Years lost: 18

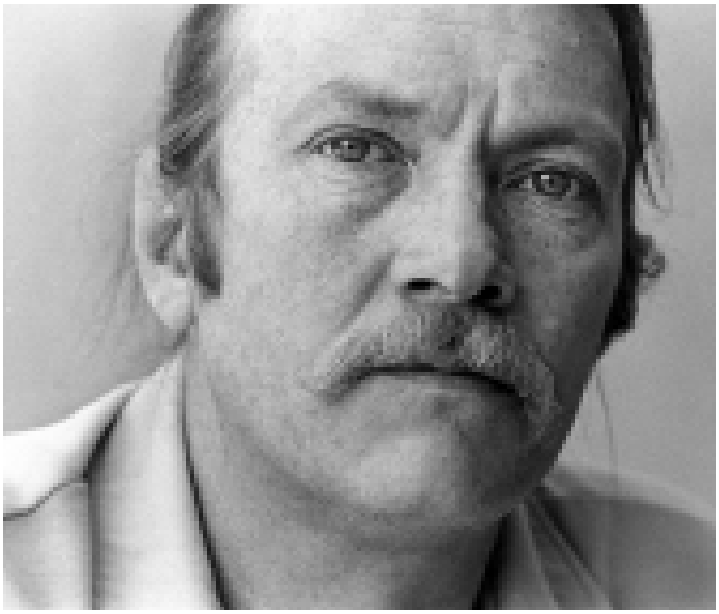
Neil Ferber
Sentenced to death in 1982 for a double murder in Philadelphia. Snitch: A jailhouse informant who claimed Ferber had confessed. Exonerated by: Informant's recantation and discovery of a police conspiracy to frame Ferber. Years lost: 5

Gary Gauger
Sentenced to death in 1994 for the murder of his parents in Illinois. Snitch: A jailhouse informant who testified that Gauger repeatedly admitted the crime. Exonerated by: Discovery that a Wisconsin motorcycle gang committed the crime. Years lost: 2

Alan Gell
Sentenced to death in 1998 for a murder in North Carolina. Snitches: The actual killers who were allowed to plead to second-degree murder in exchange for their "truthful testimony" against Gell. Exonerated by: New alibi evidence. Years lost: 9

Charles Ray Giddens
Sentenced to death in 1978 for a murder in Oklahoma. Snitch: A man whom police initially had arrested for the crime. Exonerated by: Dismissal of charges after the Oklahoma Court of Criminal Appeals ordered a new trial. Years lost: 4

Joseph Burrows



The body of William Dulan, an 88-year-old retired farmer, was found on November 8, 1988, at his home in Sheldon, Illinois. Hours later, Gayle Potter, a cocaine addict, tried to cash a check in Dulan's name and was arrested. There was a gash on Potter's head and blood consistent with hers was found at the scene. The murder weapon was recovered from her.

The situation looked bad for Potter, until she implicated Burrows and a mildly retarded friend of his, Ralph Frye. No physical evidence linked either man to the crime, and four witnesses placed Burrows 60 miles away when it occurred. After a lengthy interrogation, however, Frye corroborated Potter's version of events.

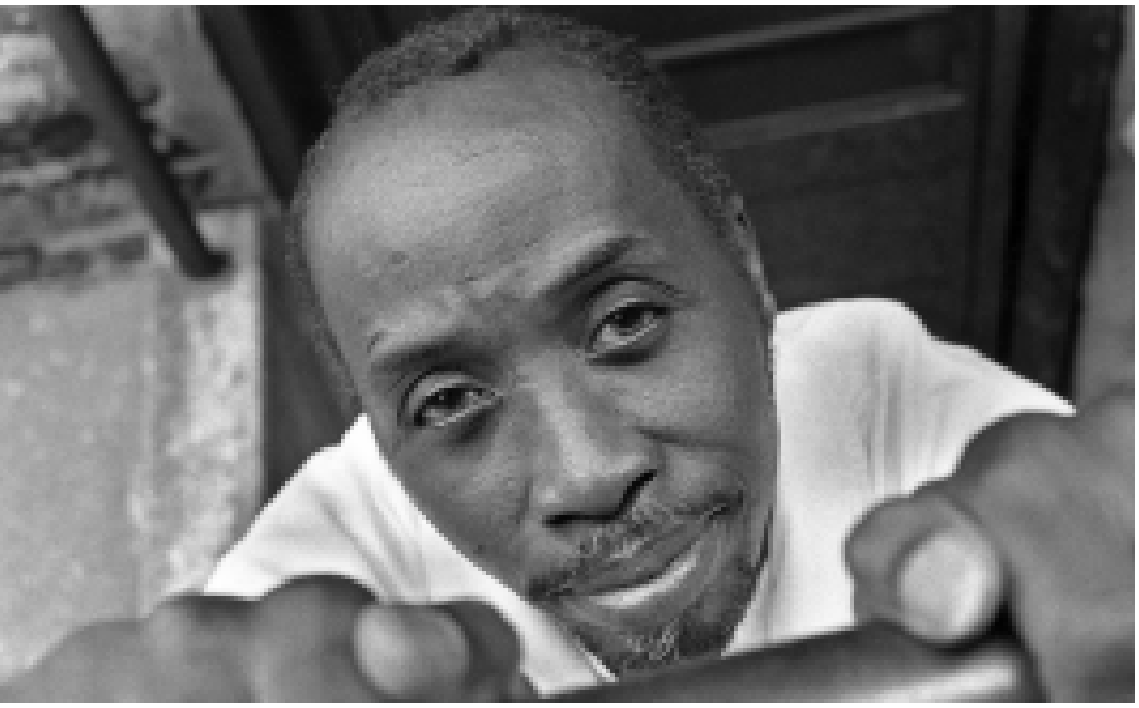
Burrows was sentenced to death, after which Potter and Frye were sentenced 30 and 27 years respectively. (Under an Illinois day-for-day good time policy then in effect, they would serve only half that time.) Two years later, both recanted and Burrows was granted a new trial. Potter then admitted under oath that she alone committed the crime, and the prosecution dismissed the charges.

Perry Cobb

Perry Cobb and Darby Tillis were convicted and sentenced to death for the 1977 murder and armed robbery of the owner and an employee of a restaurant on the north side of Chicago. Their convictions rested on the testimony of Phyllis Santini, who portrayed herself as an unwitting accomplice in the crime. Both men professed their innocence, but police found a watch taken from one of the victims in Cobb's room. Cobb told police he bought the watch for $10 from Johnny Brown. It took three trials to convict Cobb and Tillis. The first two ended in hung juries, but the third resulted in convictions and death sentences in 1979.

Four years later, the Illinois Supreme Court reversed the convictions based on judicial error. Michael Falconer, a recent graduate of DePaul University College of Law, happened to read an article about the reversal that mentioned Santini and described her role in the case. Falconer knew Santini. Before beginning law school, he had worked with her in a factory. She had confided to him that she and her boyfriend — none other than Johnny Brown — had robbed a restaurant and shot someone. Falconer did not take her seriously at the time, but the article persuaded him that she was not kidding.

Falconer contacted the defendants' lawyers. By the time the case came up for retrial, Falconer was an assistant state's attorney in neighboring Lake County. Cook County prosecutors pressured him not to testify, but he resisted and provided testimony that led to the exoneration of Cobb and Tillis in 1987. In 2001, they received gubernatorial pardons based on actual innocence. Brown and Santini were never charged.



National Roster

Larry Hicks
Sentenced to death in 1978 for a double murder in Indiana. Snitches: Two women who claimed to be eyewitnesses. Exonerated by: The women's recantations. Years lost: 2

Madison Hobley
Sentenced to death in 1990 for an arson fire that claimed seven lives in Chicago. Snitch: A suspect in another arson fire in the same neighborhood. Exonerated by: Pardon based on innocence. Years lost: 13

Verneal Jimerson
Sentenced to death in 1985 for a double murder in Illinois. Snitch: A purported accomplice promised release for testifying. Exonerated by: DNA and convictions of three actual culprits. Years lost: 11

Richard Neal Jones
Sentenced to death in 1983 for a murder in Oklahoma. Snitch: One of the actual killers. Exonerated by: Confession of one of the snitch's confederates. Years lost: 4

Curtis Kyles
Sentenced to death in 1984 for a murder in New Orleans. Snitch: The actual killer. Exonerated by: Evidence that the snitch lied. Years lost: 14

Fredrico M. Macias
Sentenced to death in 1984 for a double murder in Texas. Snitch: A purported accomplice who testified pursuant to a plea agreement. Exonerated by: A solid alibi. Years lost: 10

Steve Manning
Sentenced to death in 1993 for a murder and armed robbery in Illinois. Snitch: A jailhouse informant. Exonerated by: Dismissal of charges. Years lost: 10

Walter McMillian
Sentenced to death in 1988 for a murder in Alabama. Snitch: The actual killer. Exonerated by: Exculpatory documents withheld at the trial. Years lost: 10

Juan Roberto Melendez
Sentenced to death in 1984 for a murder and armed robbery in Florida. Snitch: A convicted felon who testified in anticipation of leniency. Exonerated by: Withheld police reports. Years lost: 18

Steven Smith

Virdeen Willis Jr., an off-duty assistant warden at the Illinois penitentiary in Pontiac, was shot to death in the parking lot of a Chicago tavern in 1985. Steven Smith, 36, who had been in the bar, as had Willis, was charged with the crime several days later after he was identified by Debra Caraway, who claimed to have witnessed the murder. Her testimony persuaded a jury to send Smith to death row.

The jury, however, was told neither that Caraway's boyfriend, Pervis (Pepper) Bell, was in custody as the primary suspect when she accused Smith nor that she was high on cocaine when the crime occurred. Caraway's testimony was all the more dubious because she claimed that only Willis and Smith were in the parking lot, but, in fact, Willis was accompanied by two friends.

In 1999, the Illinois Supreme Court reversed the conviction outright, holding that Caraway's testimony was less reliable than the testimony of the men who were with Willis when he was shot, neither of whom identified Smith. There was no physical evidence, or evidence of any kind other than Caraway's testimony, linking Smith to the crime.

Gary Gauger

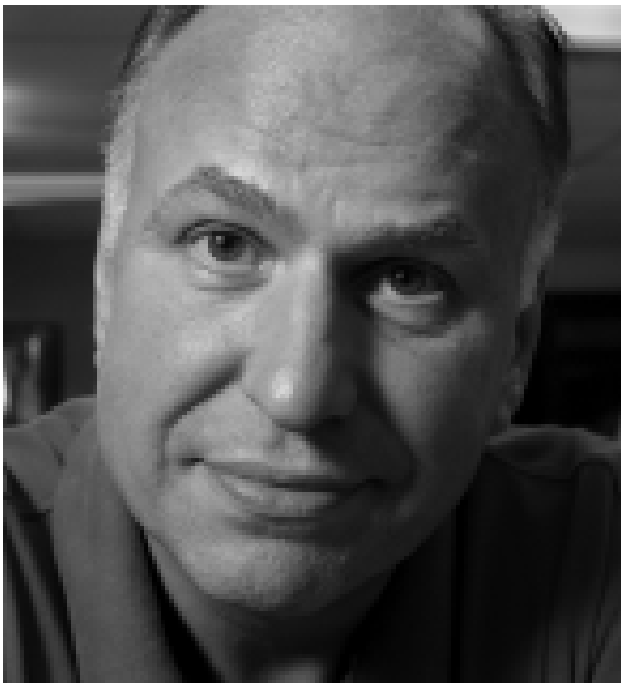
Gary Gauger was sentenced to death in 1994 for the murder of his parents, Morris and Ruth Gauger, on their farm in northern Illinois the previous year. The conviction stemmed primarily from an alleged confession that the authorities claimed Gauger made during interrogation. However, the prosecution also relied in part on a jailhouse snitch — Raymond Wagner, a twice-convicted felon, who testified that Gauger repeatedly admitted the crime.

The conviction was reversed on appeal in 1996 on the ground that the purported confession should have been suppressed at the trial because it was the fruit of an arrest made without probable cause. With no remaining evidence, other than Wagner's dubious testimony, prosecutors dropped the charges and set Gauger free, although they continued to insist publicly that he had committed the crime.

A year later, Gauger's innocence became apparent when a federal grand jury in Milwaukee indicted two members of a motorcycle gang on multiple counts of racketeering, including the murder of the Gaugers. One of the Outlaws, James Schneider, pleaded guilty in 1998, and the other, Randall E. Miller, was convicted in June of 2000. At Miller's trial, federal prosecutors played tape recordings in which Miller was heard boasting that the authorities would never link him and Schneider to the Gauger murders because they had worn hairnets and gloves to avoid leaving physical evidence.

In 2002, Gauger received a gubernatorial pardon based on innocence.

Steven Manning



Steven Manning, a former Chicago police officer and FBI informant, was sentenced to death in 1993 for the murder of his former business partner, a suburban trucker.

The conviction rested primarily on the testimony of a jailhouse informant, Thomas Dye, a cocaine dealer with a record of ten felony convictions dating to 1978. Dye testified that Manning admitted the murder to him. In exchange for his testimony, a 14-year prison sentence Dye was serving on theft and firearms charges was cut to six years already served and he was released into the federal witness protection program.

The Illinois Supreme Court awarded Manning a new trial in 1997 based on trial errors and the Cook County State's Attorney's Office dropped the charges in 2000. Manning was then sent to Missouri, where he had been sentenced to prison on unrelated charges. In 2004, he was exonerated of those charges as well.

Manning claimed he had been framed in both cases by his former FBI handlers out of spite because he stopped cooperating with them.

National Roster

Adolph H. Munson
Sentenced to death in 1984 for a murder in Oklahoma. Snitch: A prisoner with whom Munson was incarcerated. Exonerated by: Discovery of previously withheld evidence establishing that the killer was white, Munson being black. Years lost: 11

Larry Osborne
Sentenced to death in 1999 for murdering an elderly Kentucky couple. Snitch: A purported accomplice who died in an accident before the trial but whose grand jury testimony was erroneously admitted against Osborne. Exonerated by: Acquittal at retrial. Years lost: 4

Aaron Patterson
Sentenced to death in 1989 for the murder of an elderly couple in Chicago. Snitch: A cousin of an alternative suspect in the case who claimed Patterson admitted the crime. Exonerated by: Gubernatorial pardon. Years lost: 14

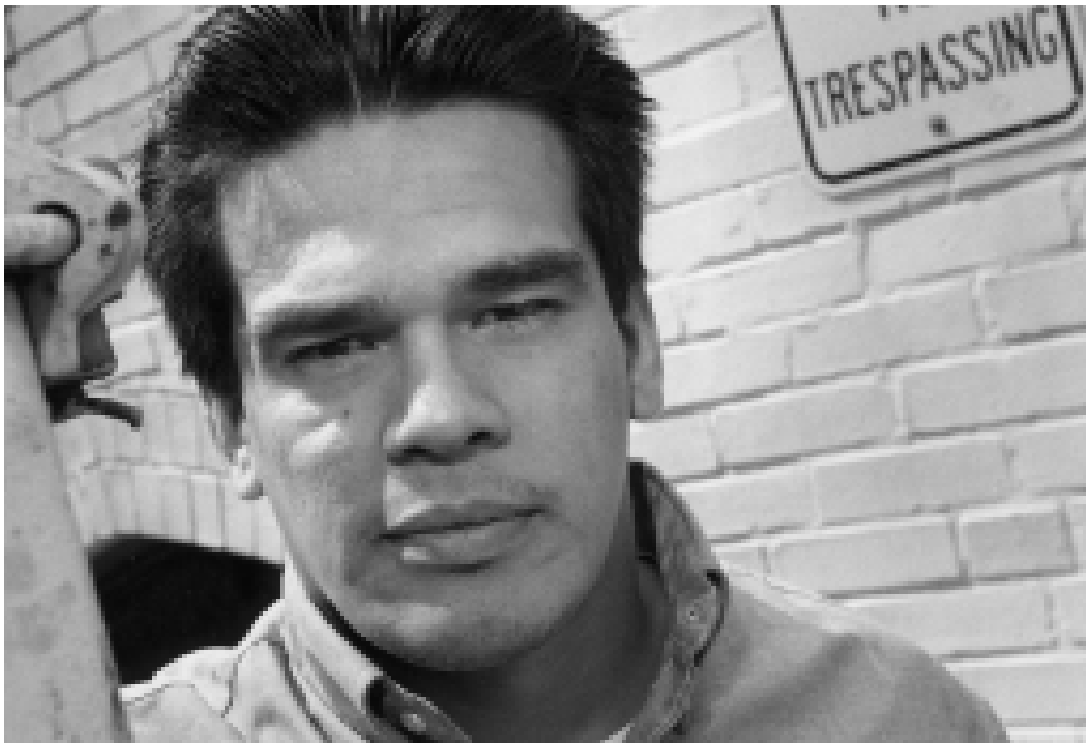
Alfred Rivera
Sentenced to death in 1997 for a double murder in North Carolina. Snitches: Three informants who received leniency on pending charges. Exonerated by: Acquittal at retrial based on a credible alibi. Year's lost: 3

James Robison
Sentenced to death in 1977 for the conspiracy murder of a Phoenix newspaperman. Snitch: A criminal admittedly involved in the murder who received leniency in exchange for testifying. Exonerated by: Acquittal at retrial. Years lost: 16

Jeremy Sheets
Sentenced to death in 1997 for a murder in Nebraska. Snitch: The actual killer, who made a tape-recorded statement accusing Sheets in exchange for promise of leniency. Exonerated by: The snitch's recantation. Years lost: 4

Charles Smith
Sentenced to death in 1983 for a murder in Indiana. Snitch: A purported accomplice granted immunity from prosecution. Exonerated by: An alibi that the judge did not allow Smith to present because his lawyer failed to file a pretrial notice. Years lost: 8

Rolando Cruz



Rolando Cruz and Alejandro Hernandez were twice convicted of the 1983 abduction, rape, and murder of 10-year-old Jeanine Nicarico in DuPage County. They initially were tried together and sentenced to death in 1985. After their convictions were reversed in 1988 on the ground that their trials should have been severed, separate re-trials ended in another sentence of death for Cruz and 80 years for Hernandez.

In all, six snitches testified at the trials. Four — Stephen Ford, Steven Pecoraro, Dan Fowler, and Robert Turner — claimed Cruz had admitted the crime, and the others — Jackie Estremera and Armindo Marquez Jr. — claimed Hernandez had. After Ford came forward, prosecutors dismissed burglary charges against him. Pecoraro, Fowler, and Turner denied being offered or receiving anything in return for testifying, but one of the prosecutors later testified on Turner's behalf at a re-sentencing hearing. Estremera was facing contempt sanctions at the time he implicated Hernandez, and Marquez received leniency on pending burglary charges.

Shortly after the first trial, Brian Dugan, a repeat sex offender, confessed that he alone committed the crime. Although his confession was detailed and compelling, prosecutors insisted he and Cruz and Hernandez had committed the crime together. They clung to that theory even after DNA linked Dugan but not Cruz and Hernandez to the rape after the second trial.

In 1995, Cruz and Hernandez were exonerated when it became obvious that sheriff's deputies had fabricated an inculpatory statement that they attributed to Cruz at both trials. Cruz and Hernandez received pardons based on innocence in 2002.

Madison Hobley

At least four men were sentenced to death for murders they did not commit during the 1980s based primarily on confessions extracted by a group of rogue Chicago police officers later found by their own department to have engaged in "methodical" and "systematic" torture of suspects. The convictions of two of the innocent men — Madison Hobley and Aaron Patterson — also rested in part on snitch testimony.

Hobley was accused of setting a fire that claimed seven lives, including those of his wife and infant son, in an apartment building on the south side of Chicago in 1987. The snitch was Andre Council, a suspect in another arson fire in the same neighborhood. In exchange for police agreeing to drop the investigation in which he was a target, Council testified that he saw Hobley purchase gasoline at a filling station and a little later, after hearing fire engines, saw him standing outside the burning building. Hobley was convicted and sentenced to death.

Patterson was accused of a double murder on the south side in 1986. A few days after the victims' bodies were discovered, Marva Hall, a 16-year-old cousin of a suspect in the case, told police that Patterson had admitted the crime to her. She later provided an affidavit saying she had lied to protect her cousin, but not before her testimony helped send Patterson to death row.

In 2003, both men received pardons based on actual innocence from Illinois Governor George H. Ryan and were released from prison.

National Roster

Steven Smith
Sentenced to death in 1985 for the murder of an off-duty prison guard in Chicago. Snitch: A cocaine-addled girlfriend of an alternative suspect in the case. Exonerated by: Outright reversal by the Illinois Supreme Court. Years lost: 14

Christopher Spicer
Sentence to death in 1973 for a murder in North Carolina. Snitch: A jailhouse informant. Exonerated by: Discovery that Spicer and the informant did not share a cell. Years lost: 2

Gordon (Randy) Steidl
Sentenced to death in 1987 for the murder of an Illinois couple. Snitch: A jailhouse informant and a purported accomplice allowed to plead to lesser charges. Exonerated by: Evidence disproving the purported accomplice's testimony. Years lost: 17

John Thompson
Sentenced to death in 1985 for a murder in New Orleans. Snitches: A man originally charged with the crime but allowed to plead to lesser charges after implicating Thompson, and a second man who claimed that Thompson had admitted the crime and applied for a $15,000 reward. Exonerated by: Exculpatory physical evidence concealed by the prosecution at trial. Years lost: 9

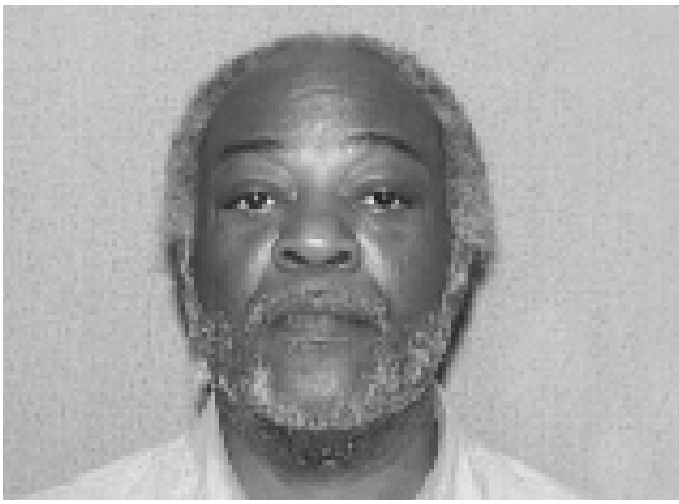
Dennis Williams
Twice sentenced to death, in 1978 and 1986, for a double murder in Illinois. Snitches: At the first trial, a jailhouse snitch; at the second, a purported accomplice who testified in exchange for release. Exonerated by: DNA, recantation of the purported accomplice, and convictions of the actual killers. Years lost: 16

Ronald Williamson
Sentenced to death in 1988 for a rape and murder in Oklahoma. Snitches: The actual killer and two jailhouse informants. Exonerated by: DNA. Years lost: 16

Nicholas Yarris
Sentenced to death in 1982 for a kidnaping, rape, and murder in Pennsylvania. Snitch: A jailhouse informant. Exonerated by: DNA. Years lost: 22

A Quintessential Snitch

Darryl Moore



Not much good has ever been said of Darryl Moore. He is a hit man, drug pusher, robber, rapist, junkie, parole violator, and, perhaps foremost, perjurer. "For money," an assistant Cook County state's attorney once told a jury, "Mr. Moore either beats people, maims them, or, if need be, he will kill them for the right price."

Rather than protecting society from Moore, however, prosecutors entered into a pact with him. He would testify for the state concerning an alleged contract murder. In return, he would be paid cash. Pending drug and weapons charges against him would be dropped. He would be immunized from prosecution for a contract murder in which he admittedly participated. And he would be turned loose on the streets of Chicago.

The deal seemed ill-advised even to Moore's mother, who took the stand as a defense witness after her son testified for the prosecution in a murder case. "Do you know Darryl's reputation … for being truthful?" asked a defense lawyer. "Yes," Ethel Moore answered. "Is that reputation good, or is it bad?" "Bad." "Would you believe Darryl Moore under oath?" "No, I wouldn't."

If Moore had been convicted of drug and unlawful-use-of-a-weapon charges pending when prosecutors decided to let him go, he would have faced a long prison term. Because of his prior convictions for rape and armed robbery, he could have been sentenced as an habitual criminal.

In exchange for the testimony of this man whose own mother would not believe him, however, prosecutors set him free and spent some $66,000 in public funds to, among other things, house him and a woman friend in a Holidome hotel.

The purpose of the deal was to convict a drug kingpin, Charles Ashley, who allegedly paid two co-defendants to murder a suspected informant. The prosecutors' efforts to put Ashley out of business, ironically, were soon rendered moot by natural causes — at the time of his trial, Ashley was dying of cancer. Moore did testify for the state. Ashley was convicted of murder and sentenced to spend the brief remainder of his life in prison.

Ashley's co-defendants, James Allen and Henry Griffin, also were found guilty. Allen was sentenced to life, Griffin to death (later commuted to life). As their convictions were appealed, Moore recanted, claiming that the state's attorney's office paid him to lie as part of a scheme to frame Ashley. In truth, said Moore, he knew nothing of the crime of which Ashley, Griffin, and Allen had been convicted.

Before he recanted, however, with the freedom prosecutors bestowed upon him, Moore descended on Chicago's Uptown neighborhood, his home away from jail and the Holidome. There, on a February evening in 1987, he came upon an 11-year-old girl who was on her way to the grocery store. He dragged her into an alley, pushed her down, and raped her. For this, Moore was charged, convicted, and sentenced to 60 years. With day-for-day good time, he is eligible for release in 2017.

Griffin and Allen, who lost their appeals, are serving life without parole.

Major Causes of Wrongful Convictions in U.S. Capital Cases Since 1973

CASES ANALYZED: 111*

Key:
A = Snitch: 50 (45%)
B = Erroneous identification: 28 (25.2%)
C = False confession: 16 (14.4%)
D = False or misleading science: 11 (9.9%)

name	A	B	C	D
Adams, Randall Dale	✓		✓	
Amrine, Joseph	✓			
Banks, Jerry				
Beeman, Gary	✓	✓		
Bloodsworth, Kirk		✓		
Bowen, Henry		✓		
Brandley, Clarence				
Bright, Dan L.	✓			
Brown, Anthony	✓			
Brown, Shabaka	✓			
Brown, Willie A.	✓			
Burrell, Albert R.	✓			
Burrows, Joseph	✓		✓	
Butler, Sabrina				✓
Charles, Earl P.	✓	✓		
Clemmons, Eric				
Cobb, Perry	✓	✓		
Cochran, James				
Cousin, Shareef		✓		
Cox, Robert				
Creamer, James		✓		
Cruz, Robert Charles	✓			
Cruz, Rolando	✓	✓	✓	
Deeb, Muneer	✓			
Dexter, Clarence R.				
Drinkard, Gary				
Fain, Charles I.	✓			✓
Ferber, Neil	✓	✓		

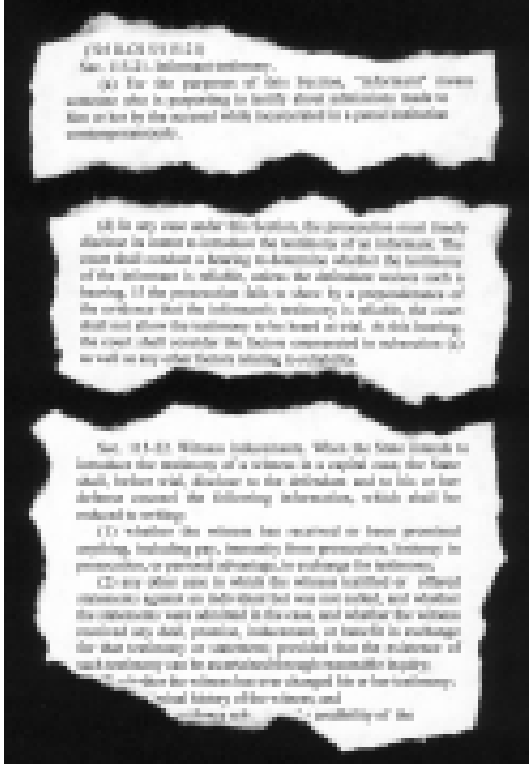
name	A	B	C	D
Gauger, Gary	✓		✓	
Gell, Alan	✓			
Giddens, Charles	✓			
Gladish, Thomas	✓			
Golden, Andrew				
Graham, Ernest				
Graham, Michael Ray	✓			
Grannis, David W.				
Green, Joseph N.		✓		
Greer, Richard	✓			
Guerra, Ricardo A.		✓		
Harris, Benjamin				
Hayes, Robert				✓
Hennis, Timothy		✓		
Hernandez, Alejandro	✓		✓	
Hicks, Larry	✓			
Hobley, Madison	✓		✓	
Holton, Rudolph				
Howard, Stanley			✓	
Howard, Timothy				
James, Gary Lamar				
Jarramillo, Anibal				
Jimerson, Verneal	✓	✓	✓	
Johnson, Lawyer				
Johnston, Dale		✓		
Jones, Richard Neal	✓			
Jones, Ronald			✓	
Jones, Troy Lee				

name	A	B	C	D
Keaton, David		✓	✓	
Keine, Ronald	✓			
Kimbell, Thomas H.				
Krone, Ray				✓
Kyles, Curtis	✓	✓		
Lawson, Carl				✓
Lee, Wilbert		✓		
Linder, Michael				
Macias, Fredrico M.	✓			
Manning, Steve	✓			
Manning, Warren D.				
Martinez, Joaquin				
Mathers, Jimmy Lee				
Matthews, Ryan		✓		
McManus, Vernon				
McMillian, Walter	✓			
Melendez, Juan R.	✓			
Miller, Robert Lee, Jr.				
Morris, Oscar Lee				
Munson, Adolph H.	✓			
Nelson, Gary				
Nieves, William		✓		
Orange, Leroy			✓	
Osborne, Larry	✓			
Padgett, Randall				✓
Pitts, Freddie		✓		
Patterson, Aaron	✓		✓	
Peek, Anthony Ray				✓

name	A	B	C	D
Poole, Samuel A.				
Porter, Anthony		✓		✓
Prion, Lemuel		✓		
Quick, Wesley				
Ramos, Juan				
Rivera, Alfred	✓	✓		
Robison, James	✓			
Ross, Johnny			✓	
Scott, Bradley		✓		
Sheets, Jeremy	✓			
Skelton, John C.				
Smith, Charles	✓			
Smith, Clarence	✓			
Smith, Jay C.				
Smith, Steven	✓			
Spicer, Christopher	✓			
Steidl Gordon	✓			
Thompson, John	✓			
Tibbs, Delbert		✓		
Tillis, Darby	✓	✓		
Treadaway, Jonathan				✓
Troy, Larry	✓	✓		
Washington, Earl			✓	
Wilhoit, Greg				✓
Williams, Dennis	✓	✓	✓	
Williamson, Ronald	✓		✓	✓
Yarris, Nicholas	✓			

* This is a Center on Wrongful Convictions analysis of cases identified as exonerations by the Death Penalty Information Center. The criteria are that the defendant was convicted after 1973 and subsequently restored to a state of legal innocence. Most commonly, the conviction was overturned on appeal and the defendant was acquitted upon re-trial, the charges were dropped by the prosecution, or the defendant received a gubernatorial pardon based on innocence. When no cause of the wrongful conviction is checked above, none of the factors analyzed was present.

Reining in the Snitch System



Given the unreliability and tragic consequences of incentivised testimony, some legal authorities — and not just criminal defense lawyers — have called for banishing snitches outright from the courtroom. "If justice is perverted when a criminal defendant seeks to buy testimony from a witness, it is no less perverted when the government does so," observed Judge Paul J. Kelly Jr., of the U.S. Court of Appeals for the Tenth Circuit. "The judicial process is tainted and justice is cheapened when factual testimony is purchased, whether with leniency or money."*

Be that as it may, the reality is that neither legislatures nor courts are about to ban snitch testimony in the prevailing tough-on-crime political climate. There are, however, less drastic safeguards against wrongful convictions based on snitch fabrications that may be more politically palatable.

Among the ideas are requiring that:

- Snitches be wired to electronically record incriminating statements made by suspects, at least when the relevant conversations occur in jails or prisons. (There is precedent for wiring snitches. It was done in the Steven Manning case in Illinois, discussed on page 10. Extensive conversations between Manning and the informant, Tommy Dye, were surreptitiously recorded in jail. Although the conversations were not incriminating, the fact that they were recorded demonstrates the feasibility of the idea.)
- Law enforcement authorities electronically record their discussions with potential snitches and provide copies of the recordings to the defendant. (This would not be a major imposition on law enforcement, since most such discussions occur in custodial settings. It merely would be an extension of the increasingly prevalent practice of recording custodial interrogations of suspects.)
- Prosecutors disclose to defendants whether snitches — be they jailhouse informants, purported accomplices, or eyewitnesses — have received or been promised leniency, immunity from prosecution, cash, or anything else of value. (The impact of this reform might be limited because the snitch system sometimes operates on implicit promises. Even absent a formal understanding, the reward inevitably comes — because failing to deliver in one case would chill prospective future snitches.)

No state has adopted either of the first two ideas, but the Illinois General Assembly in November 2003 adopted the third, as part of a sweeping package of death penalty reform legislation. Also in Illinois, in any capital case in which the prosecution proffers jailhouse snitch testimony, the reform package requires the judge to conduct a pretrial hearing "to determine whether the testimony of the informant is reliable." If not, the court must deny admission of the testimony into evidence.

At this writing, it is too early to gauge the effectiveness of the Illinois measure, but it appears to have rendered snitches less ubiquitous than they were in the recent past. In the first 11 months that the reform was in effect, in fact, prosecutors have not proffered snitch testimony in any potential capital case.

* *United States v. Singleton*, 144 F.3d 1343 (10th Cir., 1998). Vacated by rehearing en banc.

Northwestern University School of Law

Center on Wrongful Convictions

Dedicated to identifying and rectifying wrongful convictions and other serious miscarriages of justice

Lawrence C. Marshall
Legal Director

Rob Warden
Executive Director

Thomas F. Geraghty
Director, Bluhm Legal Clinic

David E. Van Zandt
Dean, Northwestern University School of Law

STAFF ATTORNEYS

Karen L. Daniel
Steven A. Drizin
Jane E. Raley
Jeffrey Urdangen

EXECUTIVE STAFF

Edwin Colfax
Zakia Holly
Jennifer Linzer
Karen Ranos
A. Sage Smith

COOPERATING ATTORNEYS

Danielle Carter
John H. Gallo
Stephanie Horten
Jonathan D. King
Betsy Lehman Levisay
Joe Matthews
Michael B. Metnick
David Morris
Stuart Reynolds
Judith Royal
Ronald S. Safer
Jennifer L. Schilling
Jennifer Smiley

ADVISORY BOARD

Thomas P. Sullivan*
Chairman

Jane Beber Abramson
Kimball Anderson*
Jamie Alter
Jeanne Bishop
Thomas M. Breen
Stephen B. Bright
Stuart J. Chanen*
Donald Connery
Philip H. Corboy
Phoebe C. Ellsworth
Michael Farrell
Marshall B. Front
Thomas H. Geoghegan
Leonard C. Goodman
Samuel R. Gross
Robert A. Helman
Walter Jones*
Michael Kurzman
George N. Leighton
Jeffrey P. Lennard*
John G. Levi*
Ellen Liebman
Terri L. Mascherin*
Donald J. Mizerk
Joseph T. Monahan
Gareth Morris*
Peter Neufeld
R. Eugene Pincham
Dom J. Rizzi
George H. Ryan
Ronald S. Safer*
Barry C. Scheck
John R. Schmidt*
Seymour F. Simon
Phillip A. Turner*
Dan K. Webb*
Wayne W. Whalen*
Sheldon T. Zenner

*Executive Committee

BENEFACTORS

Jane and Floyd Abramson
Ace Foundation
Arca Foundation
Richard Armbrust
John W. Baird
Thomas M. Breen
Steven Cohen
Patricia D. Cornwell
Arie & Ida Crown Memorial Foundation
James and Judith K. Dimon Foundation
Gary M. Elden and Phyllis Mandler
Fifteen Two Four, LLC (James Newsome)
Jason Flom
Leonard C. Goodman
Robert Goodman
Jenner & Block
Jane Kaczmarek and Bradley Whitford
Kirkland & Ellis
Kovler Family Foundation
Lerer Family Charitable Fund
Peter B. Lewis
Michael Lynton and Jamie Alter
Mayer Brown Rowe & Maw
Kenneth F. and Harle G. Montgomery Foundation
New Prospect Foundation
Open Society Institute
Pittman Family Foundation
Ivy Lewis Powell and Marc Powell
Jay Pritzker Foundation
J.B. and M.K. Pritzker Family Foundation
Willie Raines Trust
Judith Royal
Keith Rudman
Skadden Arps Slate Meagher & Flom
Synapses Foundation
Sonnenschein Nath & Rosenthal
Scott Turow
Jeffrey Urdangen
Mike Wallace
Donald A. Washburn
Winston & Strawn

The Center on Wrongful Convictions is part of Northwestern University, which is exempt from federal taxation under Sections 501(c)(3) and 509(a)(1) of the Internal Revenue Code.

BLUHM LEGAL CLINIC

Center on Wrongful Convictions
Bluhm Legal Clinic
Northwestern University School of Law
357 East Chicago Avenue
Chicago, Illinois 60611
www.law.northwestern.edu/wrongfulconvictions
312 503-2391