**ATTACHMENT A**

# Summaries of 46 Cases in Which Mistaken or Perjured Eyewitness Testimony Put Innocent Persons on Death Row

**Adams, Randall Dale** (convicted 1977, exonerated 1989) — Mr. Adams was sentenced to death for the murder of a police officer in Dallas County, Texas. A purported eyewitness, who in fact was the actual killer, framed Mr. Adams and received immunity from prosecution in exchange for his testimony. Mr. Adams was not involved in the crime. The facts came to light after film-maker Errol Morris took an interest in the case and produced a now-famous documentary — *The Thin Blue Line* — about the case. Mr. Adams and the victim were white. Time lapsed from arrest to exoneration: 147 months.

**Beeman, Gary** (convicted 1976, exonerated 1979) — Mr. Beeman was sentenced to death for the murder of a man in Ashtabula County, Ohio. The conviction rested on the testimony of a prison escapee who claimed he saw Mr. Beeman with the victim at about the time the coroner estimated the murder occurred and saw him again shortly thereafter with blood on his clothes. The witness also claimed Mr. Beeman had admitted the crime. The Ohio Supreme Court reversed the conviction because the trial judge had prevented Mr. Beeman from calling an exculpatory witness. At the retrial, Mr. Beeman was acquitted after five witnesses testified that the man who had been the prosecution's star witness at the first trial had confessed that he committed the crime and that Mr. Beeman was not involved. Both Mr. Beeman and the victim were white. Time lapsed from arrest to exoneration: 11 months.

**Bigelow, Jerry** (convicted 1981, exonerated 1988) — Mr. Bigelow was sentenced to death for a murder, robbery, and kidnaping in Merced County, California. He and a companion were hitchhiking when the victim gave them a ride. In exchange for immunity from the death penalty, the companion testified that Mr. Bigelow shot the victim. After the companion accused Mr. Bigelow of the murder, the police persuaded him to confess by promising him leniency — a promise that would not be kept. Mr. Bigelow eventually was exonerated by several witnesses who testified that the companion had admitted committing the crime while Mr. Bigelow was sleeping and without Mr. Bigelow's knowledge. Both Mr. Bigelow and the victim were white. Time lapsed from arrest to exoneration: 96 months.

**Bloodsworth, Kirk** (convicted 1984, exonerated 1993) — Mr. Bloodsworth was twice sentenced to death for the rape and murder of a nine-year-old girl in Baltimore County, Maryland. No physical or circumstantial evidence linked Mr. Bloodsworth to the crime, but five witnesses placed him either with the victim or near the crime scene at the time the crime was believed to have occurred. DNA testing ultimately established Mr. Bloodsworth's innocence — he was the first U.S. death row prisoner to be exonerated by DNA — and he received a full pardon from the governor of Maryland.
Both Mr. Bloodsworth and the victim were white. Time lapsed from arrest to exoneration: 107 months.

**Bowen, Clifford Henry** (convicted 1981, exonerated 1986) — Mr. Bowen was sentenced to death for the execution-style murders of three men beside a swimming pool at an Oklahoma City motel after two eyewitnesses testified they saw him standing beside concession machines near the pool shortly after the crime. After exhausting state remedies, Bowen filed a petition for a federal writ of habeas corpus, which was granted on a showing that prosecutors had failed to provide to the defense evidence that someone else committed the crime. Prosecutors vowed to retry Bowen, but finally dropped the charges, saying they could not win the case because a key witness had died. Both Mr. Bowen and the victims were white. Time lapsed from arrest to exoneration: 70 months.

**Brown, Willie** (convicted 1983, exonerated 1988) — Mr. Brown and co-defendant Larry Troy were sentenced to death for the murder of a fellow inmate in Florida's Union Correctional Institution. The conviction was based entirely upon the testimony of another prisoner who testified that he saw them leave the victim's cell shortly before his body was discovered. A German anti-death-penalty activist took an interest in the case and, fitted with a hidden microphone, obtained an admission from the witness that he had lied about the two men's involvement. The witness was then convicted of perjury and Messrs. Brown and Troy were released. Mr. Brown was black, the victim white. Time lapsed from arrest to exoneration: 66 months.

**Brown, Joseph Green** (convicted 1974, exonerated 1987) — Mr. Brown was sentenced to death for the murder and rape of a woman in Tampa, Florida. The state's case rested on the testimony of a man who claimed he was riding in a car with Mr. Brown and another man when, for a reason unclear to the witness, they stopped at a clothing shop. Mr. Brown and the other man, who was never found or identified, went inside while the witness stayed in the car. A few minutes later, the witness claimed he heard a gunshot and rushed inside, where he saw the victim on the floor, apparently dead. On cross examination, the witness denied he had been promised anything in exchange for his testimony, but after Mr. Brown's conviction it came to light this was not true. Based on the apparent perjury, and the fact that the prosecution had failed to correct it, the U.S. Court of Appeals for the Eleventh Circuit ordered a new trial. After that, the witness who had tied Mr. Brown to the crime recanted, saying he had lied because he was angry that Mr. Brown had implicated him in the robbery case that had been dropped in exchange for the testimony that sent Mr. Brown to death row. Mr. Brown was black, the victim white. Time lapsed from arrest to exoneration: 156 months.

**Burrows, Joseph** (convicted 1989, exonerated 1994) — Mr. Burrows was sentenced to death for the murder and robbery of an 88-year-old farmer in Iroquois County, Illinois. The only evidence against Mr. Burrows was the testimony of two purported eyewitness-accomplices who testified against him in exchange for leniency for themselves – sentences requiring each to serve no more than 15 years in prison while Mr. Burrows was sentenced to death. Both witnesses ultimately recanted their testimony, acknowledging that Mr. Burrows had nothing to do with the crime. The exoneration was in substantial part the result of reporting by Peter Rooney, of the C*hampaign-*

*Urbana News-Gazette.* Both Mr. Burrows and the victim were white. Time lapsed from arrest to exoneration: 70 months.

**Charles, Earl Patrick** (convicted 1975, exonerated 1978) — Mr. Charles was sentenced to death for the murder of a furniture store owner and his son during a robbery in Chatham County, Georgia. The key evidence against Mr. Charles was eyewitness testimony from a surviving witness who had failed initially to identify him in a photo spread. The prosecution also presented an informant who claimed to have heard Mr. Charles confess to the killing. While a motion for a new trial was pending, a reinvestigation by the prosecution discovered that a detective had coached both the eyewitness and the informant; the latter eventually admitted that he made up the story at the detective's behest. The prosecution joined in the motion for a new trial and, when it was granted, dropped the charges. Mr. Charles received a $75,000 civil rights settlement for the detective's misconduct. Mr. Charles was black, the victims white. Time lapsed from arrest to exoneration: 43 months.

**Clemmons, Eric** (convicted 1987, exonerated 2000) — Mr. Clemmons, a Missouri prison inmate, was sentenced to death for the fatal stabbing of another prisoner. The case rested solely on the testimony of a corrections officer who saw the murder. He testified that, during the actual stabbing, he was too far away to see who the killer was, but gave chase and saw that the man was Mr. Clemmons. At the trial in Greene County, Missouri, the defense called several prisoners who claimed the murder had been committed not by Mr. Clemmons but by a prisoner who died three months after the crime — a contention the prosecution portrayed as self-serving and unworthy of belief. After his conviction, Mr. Clemmons, working on his own appeal, discovered an internal prison memorandum, prepared by a prison supervisor immediately after the crime, stating that the murder had been committed by the prisoner whom the defense witnesses had identified at the trial. Based on that and other new evidence, the U.S. Court of Appeals for the Eighth Circuit granted Mr. Clemmons a new trial, at which he was acquitted. Mr. Clemmons was black, the victim white. Time lapsed from arrest to exoneration: 174 months.

**Cobb, Perry** (convicted 1979, exonerated 1987) — After two trials ended in hung juries, Mr. Cobb and a co-defendant, Darby Tillis (aka Williams), were convicted and sentenced to death at their third trial for the slaying of two men in an all-night diner in Chicago. The principal evidence against them was the testimony of a woman who portrayed herself as an unwitting accomplice to the crime. She was not an eyewitness — in fact, she claimed she learned of the murders later — but her testimony was corroborated at the third trial by a bartender who worked across the street from the diner and positively identified the defendants as the killers, although he had failed to make positive identifications at the first two trials. The Illinois Supreme Court ordered a new trial because of judicial error at the first trial. A monthly publication, *Chicago Lawyer*, published a lengthy article about the case, and a prosecutor in a neighboring county read it. That prosecutor testified at the defendants' retrial that the principal witness at the earlier trials had admitted committing the double murder with her boyfriend. Messrs. Cobb and Tillis were acquitted and subsequently received full pardons from the governor of Illinois. The defendants were black, the victims white. Time lapsed from conviction to exoneration: 117 months.

**Cousin, Shareef** (convicted 1995, exonerated 1999) — Mr. Cousin was sentenced to death for the murder of a man during a robbery on a street in the French Quarter of New Orleans. The case rested on the testimony of three eyewitnesses. One, who had been on a date with the victim when the attack occurred, positively identified Mr. Cousin in court — even though she initially had said she did not get a good look at the assailant and although she acknowledged that she was not wearing her prescription glasses at the time of the crime. The other eyewitnesses had only tentatively identified Mr. Cousin from a police photo spread and testified only that he looked like the killer. Mr. Cousin was convicted absent physical evidence and in the face of a strong alibi defense — at the time of the crime he was playing in an organized sporting event, of which there was a video tape, and his presence and the time of the event were confirmed by two athletic directors, his coach, and members of the opposing team. The Louisiana Supreme Court remanded the case based on prosecutorial and police misconduct, including improper argument at the trial and failure to disclose the existence of exculpatory witnesses. Mr. Cousin was black, the victim white. Time lapsed from conviction to exoneration: 46 months.

**Creamer, James** (convicted 1973, exonerated 1975) — Mr. Creamer was sentenced to death for the murder of two physicians during a robbery in Cobb County, Georgia. The state's case was built on testimony provided by an accomplice/eyewitness under a grant of immunity. The witness initially claimed to have been high on drugs and able to recall nothing. Through hypnosis, however, she recalled that Mr. Creamer had committed the murders. The Georgia Supreme Court unanimously upheld the conviction, but after the *Atlanta Constitution* turned up evidence that the prosecution had withheld exculpatory evidence from the defense, Mr. Creamer won a new trial in a federal habeas corpus proceeding. Tapes of the hypnotic sessions, which initially had been withheld from the defense, showed that the witness at one point had confessed that she had killed the doctors. She subsequently admitted lying at the original trial, and Mr. Creamer was released. Both Mr. Creamer and the victims were white. Time lapsed from arrest to exoneration: 28 months.

**Drake, Henry** (convicted 1977, exonerated 1987) — Mr. Drake was sentenced to death for the murder of a 74-year old barber during a robbery in Madison County, Georgia. The state's case rested on the eyewitness testimony of an accomplice who portrayed Mr. Drake as the main culprit. Years later, the man signed an affidavit stating that he had lied to falsely implicate Mr. Drake in the crime and that Mr. Drake, in fact, had nothing to do with it. The Georgia Board of Pardons and Paroles released Mr. Drake based on factual innocence. Both Mr. Drake and the victim were white. Time lapsed from arrest to exoneration: 120 months.

**Ferber, Neil** (convicted 1982, exonerated 1986) — Mr. Ferber was sentenced to death for the murder of a reputed mobster and a female companion in a Philadelphia restaurant. Two witnesses — a man and his wife — said they saw the killer run out of the restaurant, remove a ski mask, and flee down the street. The woman identified Mr. Ferber in a police photo spread, but changed her mind at the police lineup, saying she was certain he was not the man. Her husband, however, disagreed and positively identified Mr. Ferber. The prosecution also presented the testimony of a jailhouse informant who said Mr. Ferber confessed to the killings.

Later, it was discovered that the informant had failed a polygraph test, a fact that had not been made known to the defense, and the informant recanted his trial testimony. On that basis, the trial judge granted Mr. Ferber a new trial. After evidence came to light that a detective and police sketch artist might have conspired to frame Mr. Ferber, the prosecution dropped the charges. Mr. Ferber has since received a $1.9 million payment to settle the claim that he was framed. Both Mr. Ferber and the victims were white. Time lapsed from arrest to exoneration: 56 months.

**Giddens, Charles Ray** (convicted 1978, exonerated 1981) — Mr. Giddens was sentenced to death for the murder of a grocery store clerk. The prosecution's evidence against him rested solely on the uncorroborated and self-contradictory eyewitness testimony of a man whom the police initially had arrested for the crime but not charged. The Oklahoma Court of Criminal Appeals reversed the conviction, holding that the uncorroborated testimony of a person with much to gain by blaming the crime on someone else could not support a conviction. Because there was no other evidence against Mr. Giddens, he was freed. Mr. Giddens was black, the victim white. Time lapsed from arrest to exoneration: 52 months.

**Gladish, Thomas** (convicted 1974, exonerated 1976) — Mr. Gladish and three co-defendants (Richard Greer, Ronald Keine, and Clarence Smith) were sentenced to death for the kidnaping and murder of a college student in Albuquerque, New Mexico. The prosecution's key witness was a motel maid who claimed she saw the defendants, who were members of a Los Angeles motorcycle gang, commit the crime. Sixteen months after the trial, a drug-addicted drifter walked into a South Carolina police station and confessed that he had committed the murder. He identified the murder weapon, which it turned out he had stolen from the father of his former girlfriend. The eyewitness subsequently acknowledged that she fabricated her trial testimony under pressure from police and prosecutors. The four were exonerated and released. An investigation by the *Detroit Free Press* was instrumental in the exonerations. The wrongfully convicted men and the victim all were white. Time lapsed from arrest to exoneration: 31 months.

**Green, Joseph Nahume** (convicted 1993, exonerated 2000) — Mr. Green was sentenced to death in Starke, Florida, for the murder of the society editor of the local newspaper who in a dying statement described her attacker as a skinny black man. Police focused on Mr. Green, who recently had arrived in the area from Miami and fit the description. A purported eyewitness with a 67 IQ initially described the killer as a white man wearing brown pants. Later, however, the witness positively identified the African American Mr. Green in a one-person police lineup. Although Mr. Green appeared to have an airtight alibi, he was convicted based on the testimony of the lone eyewitness. The Florida Supreme Court ordered a new trial, however, based on an erroneous pretrial ruling and ordered that a retrial, if any, be held in a different venue. The case was moved to Gainesville, where a judge found the purported eyewitness was incompetent to testify; the state was forced to drop the charges. Mr. Green was black, the victim white. Time lapsed from arrest to exoneration: 91 months.

**Greer, Richard** (convicted 1974, exonerated 1976) *See Gladish, Thomas.* Mr. Greer, his co-defendants, and the victim were white. Time lapsed from arrest to exoneration: 31 months.

**Guerra, Ricardo Aldape** (convicted 1982, exonerated 1997) — Mr. Guerra was sentenced to death for the murder of a Houston, Texas, police officer, even though the physical evidence pointed to another man who was killed in a shootout with police a few minutes after the officer was slain. The case against Mr. Guerra rested substantially on the testimony of the 10-year-old son of a bystander who was killed in the shootout in which the alternative suspect died. The murdered officer's service revolver was recovered from the other suspect's body, but the prosecution contended that Mr. Guerra could have given it to him. After the Texas Court of Criminal Appeals affirmed the conviction and death sentence, a pro bono team from the law firm of Vinson & Elkins took up Mr. Guerra's cause. The firm devoted more than $3 million in time and money to the case, ultimately prevailing on a petition for a federal writ of habeas corpus. The federal courts found the prosecution had intimidated witnesses, conducted a suggestive lineup, hidden exculpatory evidence, and injected false evidence into the trial. The charges against Mr. Guerra were dropped. Mr. Guerra was Hispanic, the victim white. Time lapsed from arrest to exoneration: 179 months.

**Hayes, Robert** (convicted 1991, exonerated 1997) — Mr. Hayes was sentenced to death for the rape and murder of a 32-year-old woman who worked with him at a horse racetrack in Broward County, Florida. The case was based in substantial part on the testimony of a witness who claimed to have seen Mr. Hayes with the victim and heard her reject his advances shortly before the murder. In addition, the prosecution presented a DNA analysis purporting to link Mr. Hayes to the crime. However, the defense attacked the forensic analysis as sloppy and established that several light-colored hairs had been found in the victim's hands. These could not have come from Mr. Hayes, because he was black. The Florida Supreme Court ordered a new trial after holding the allegedly incriminating DNA unreliable. New DNA testing was conducted with proper controls and it exonerated Mr. Hayes. Mr. Hayes was black, the victim white. Time lapsed from arrest to exoneration: 89 months.

**Hennis, Timothy B.** (convicted 1986, exonerated 1989) — Mr. Hennis was sentenced to death for the murder of a woman and her two children in Cumberland County, North Carolina. The only direct evidence was the testimony of a man who claimed to have seen him in the driveway of the victims' home around the time of the crime. In addition, a bank employee testified she saw a man resembling Mr. Hennis use an automatic teller machine; someone had fraudulently used the dead woman's ATM card. The North Carolina Supreme Court reversed the conviction because the trial judge permitted the prosecution to project gruesome photographs of the victims' bodies on a large screen in front of the jury. The North Carolina Supreme Court found the slides inflammatory and ordered a new trial. Upon retrial, it was established that the witness who placed Mr. Hennis at the victims' home had been pressured by the prosecution to make a positive identification, although he did not believe Mr. Hennis was the person he saw. The defense also established that the bank employee who thought she might have seen Mr. Hennis had not arrived at work at the time the dead woman's ATM card was used. Moreover, semen recovered from the adult victim came from someone with a different blood type than his. Mr. Hennis was acquitted. Both he and the victims were white. Time lapsed from arrest to exoneration: 179 months.

**Hicks, Larry** (convicted 1978, exonerated 1980) — Mr. Hicks was convicted of a double murder in Lake County, Indiana. The only evidence against him was the testimony of two women who said they had seen Mr. Hicks arguing with the victims and waving a knife; the victims were stabbed. After the conviction, no appeal was filed. Mr. Hicks's execution was only two weeks away when the warden of the prison where he was being held persuaded two lawyers to look into the case. The lawyers obtained a stay and, after Mr. Hicks's trial counsel acknowledged that he interviewed no witnesses and was unaware that his client faced the death penalty until a week before the trial, the trial judge overturned the conviction. Then, with funds provided by the Playboy Foundation, the lawyers hired an investigator who interviewed the original witnesses, both of whom recanted their testimony. Mr. Hicks was acquitted on retrial. Mr. Hicks was black and the victims also were black. Time lapsed from arrest to exoneration: 33 months.

**Jacobs, Sonia** (convicted 1976, exonerated 1992) — Ms. Jacobs and her boyfriend, Jesse Tafero, were sentenced to death for the murder of two policemen at a highway rest stop in 1976 in Broward County, Florida. A purported accomplice/eyewitness — who had gunpowder residue on his hands — received a life sentence after pleading guilty and testifying against Ms. Jacobs and Mr. Tafero. The prosecution also presented the testimony of a jailhouse informant who claimed that Ms. Jacobs had confessed to her. Film-maker Micki Dickoff, a childhood friend of Ms. Jabobs, became interested in the case and helped uncover evidence that exposed the purported eyewitness and the informant as liars. A federal court overturned Ms. Jacobs's conviction on a writ of habeas corpus. After discovering that the purported eyewitness had failed a polygraph test, the prosecution offered to release her immediately if she would enter a plea in which she did not admit guilt. She took the deal. Mr. Tafero, whose conviction was based on much of the same evidence, had been executed in 1990 before the evidence of innocence had been uncovered. Ms. Jacobs and Mr. Tafero were white, as was the victim. Time lapsed from arrest to exoneration: 176 months.

**Jent, William** (convicted 1980, exonerated 1988) — Mr. Jent and his stepbrother, Earnest Miller, were sentenced to death for the rape and murder of an unidentified woman whose badly burned body was found in a Pasco County, Florida, game preserve. The convictions rested on the testimony of two purported eyewitnesses who claimed they saw the defendants beat the woman until she collapsed, put her into the trunk of a car, drive to a game preserve, and set the body afire. A third purported eyewitness corroborated parts of the story. The convictions were twice affirmed by the Florida Supreme Court, and the defendants came within 16 hours of execution in 1983 before winning a stay from a federal judge because the prosecution had withheld exculpatory information. In 1986, the victim finally was identified and it was determined that her death occurred at a different time than the eyewitnesses had contended. The defendants had a solid alibi. Moreover, it turned out, the victim's former boyfriend had been convicted in Georgia of an eerily similar crime. A new trial was then ordered, but prosecutors refused to drop the charges. In 1988, the defendants pleaded guilty to second-degree murder in order to be released immediately from prison. Once free, however, they repudiated the pleas. The original witnesses

subsequently made statements indicating that they had been coerced by sheriff's officers to fabricate the story presented at trial. In 1991, the Pasco County Sheriff's Department paid the men $65,000 to settle civil rights claims. The defendants and the victim were white. Time lapsed from arrest to exoneration: 102 months.

**Jimerson, Verneal** (convicted 1985, exonerated 1996) — Mr. Jimerson was sentenced to death for the murders of a young engaged couple in Cook County, Illinois. A girlfriend of one of three men previously convicted of the crime testified that she was present when the four men, including Jimerson, raped the female victim seven times. Her eyewitness account, which ultimately proved to have been fabricated, was corroborated by a man who lived near the murder scene and claimed to have seen Mr. Jimerson there at about the time of the crime. Mr. Jimerson and the others were exonerated by DNA and confessions by the actual killers. An investigation of the case by undergraduate journalism students and a private investigator working under the supervision of Northwestern University Professor David Protess was instrumental in the exonerations of the innocent men. Mr. Jimerson and his co-defendants were black, the victims white. Time lapsed from arrest to exoneration: 137 months.

**Johnson, Lawyer** (convicted 1971, charges dropped 1982) — Johnson, a young black man, was found guilty

**Johnston, Dale** (convicted 1984, exonerated 1990) — Mr. Johnston was sentenced to death for the murders of his stepdaughter and her boyfriend in Hocking County, Ohio. The conviction rested principally on the testimony of a witness who claimed to have seen a man angrily order a couple to get into his car on a street in the town of Logan. After undergoing hypnosis 19 days after the victims' bodies were found in a cornfield, the witness identified Mr. Johnston as the man he had seen from a photograph published in a newspaper. The witness repeated his positive identification at Mr. Johnston's trial. The only other substantial prosecution evidence was the testimony of an anthropologist from North Carolina who claimed that a boot print found near the bodies had been made by Mr. Johnston; this witness's methods and integrity ultimately were discredited. After the Ohio Court of Appeals vacated Mr. Johnston's conviction on the ground that the "hypnotically induced testimony was admitted without even minimal demonstration of its reliability," Mr. Johnston's attorneys discovered four independent witnesses who had seen the couple walking along railroad tracks near the cornfield and heard gunshots. If these witnesses were correct, the couple whom the hypnotized witness saw in Logan could not have been the victims. The new witnesses had been known to authorities prior to trial, but had not been disclosed to the defense. The charges against Mr. Johnston were dropped. Mr. Johnston and the victims were white. Time lapsed from arrest to exoneration: 91 months.

**Jones, Richard Neal** (convicted 1983, exonerated 1987) — Mr. Jones was sentenced to death for the murder of a Grady County, Oklahoma, man in retaliation for threats the man was said to have made against a sister of two of Mr. Jones's three co-defendants. The third co-defendant — an accomplice-eyewitness — testified against Mr. Jones and the brothers of the purportedly threatened woman. All four ultimately were sentenced to death following separate trials. The

Oklahoma Court of Criminal Appeals reversed Mr. Jones's conviction based on new evidence from a witness who stated that he had passed out from heavy drinking before the crime. The prosecution dropped charges against Mr. Jones after one of the brothers, then under death sentence, admitted his own role in the crime and corroborated the new witness's statement. All of the defendants and the victim were white. Time lapsed from arrest to exoneration: 44 months.

**Keine, Ronald** (convicted 1974, exonerated 1976) – *See Gladish, Thomas.* Mr. Keine, his co-defendants, and the victim were white. Time lapsed from arrest to exoneration: 31 months.

**Kyles, Curtis** (convicted 1984, exonerated 1998) — Mr. Kyles was sentenced to death for the murder of a woman in a store parking lot in the Parish of Gretna, Louisiana. The case against him was based in part on the testimony of four eyewitnesses, but there also was strong physical evidence — the murder weapon, a spent cartridge, and the victim's purse were found in Mr. Kyles's apartment. While Mr. Kyles's appeal was pending, however, one of the eyewitnesses recanted, proclaiming in an affidavit that she had not seen the killer's face but had identified him under pressure from police and prosecutors; one prosecutor allegedly told her "all the other evidence pointed to him as the killer." To assure that she would pick out Mr. Kyles in the courtroom, the affidavit continued, she was told "that the murderer would be the guy seated at the table with the attorney and that [he] was the one I should identify." After the Louisiana Supreme Court and the U.S. Court of Appeals for the Fifth Circuit affirmed the conviction, the U.S. Supreme Court remanded the case based on failure of police and prosecutors to turn over exculpatory information before the trial. New evidence indicated that Mr. Kyles had been framed by an informant motivated both by a desire to cast suspicion away from himself and to receive a reward; it appeared that the informant planted the murder weapon and other items in Mr. Kyles's apartment. The prosecution dismissed the case and Mr. Kyles, who came within 30 hours of execution, was freed. Mr. Kyles was black, the victim white. Time lapsed from arrest to exoneration: 50 months.

**Macias, Federico M.** (convicted 1984, exonerated 1993) — Mr. Macias was sentenced to death for hacking an El Paso, Texas, couple to death with a machete during a home invasion. The state's case was built on the testimony of a purported accomplice-eyewitness who testified against Mr. Macias pursuant to a plea agreement. That witness's testimony was corroborated by the testimony of a playmate of Mr. Macias's daughters who claimed to have seen Mr. Macias with blood on his hands and shirt the day of the murders. Mr. Macias's lawyer failed to call disinterested alibi witnesses who would have placed him elsewhere at the time of the crime and to present evidence that the corroborating witnesses had not in fact been at the Macias home on the day of the murders. After the Texas Court of Criminal Appeals affirmed the conviction, a volunteer legal team from the law firm of Skadden Arps Slate Meagher & Flom took the case, devoting more than $1 million in time and money to the case. The pro bono team prevailed in a federal habeas corpus proceeding, winning a reversal for ineffective assistance of counsel. The prosecution was then abandoned for lack of probable cause. Mr. Macias was Hispanic, the victims white. Time lapsed from arrest to exoneration: 107 months.

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**McMillian, Walter** (convicted 1988, exonerated 1993) — Mr. McMillian was sentenced to death for the murder of a store clerk during a robbery in Monroe County, Alabama. The case, which was tried in Baldwin County on a change of venue, rested on the testimony of a career criminal who, while being questioned as a suspect in the murder, placed Mr. McMillian at the scene of the crime. Eventually, the three witnesses who had testified against Mr. McMillian admitted that they had lied. In addition, it became clear that the prosecution had hidden exculpatory evidence, including the existence of a witness who had seen the victim alive after the time at which the prosecution contended the crime had occurred. The Alabama Court of Criminal Appeals reversed the case,
prosecutors dropped the charges and acknowledged that the case had been bungled. Mr. McMillian's exoneration resulted from pro bono efforts of attorney Bryan Stevenson, of the Equal Justice Initiative of Alabama. Mr. McMillian was black, the victim white. Time lapsed from arrest to exoneration: 56 months.

**Miller, Earnest** (convicted 1980, exonerated 1988) – *See Jent, William.* Mr. Miller and the victim were white. Time lapsed from arrest to exoneration: 102 months.

**Miranda, Roberto** (convicted 1982, exonerated 1996) — Mr. Miranda was sentenced to death for the murder of a Clark County, Nevada, man during a robbery. The conviction was based solely on the testimony of a man who claimed he drove Mr. Miranda to the victim's home. After Mr. Miranda went inside, the witness said he waited for about an hour and then went inside himself. When he entered the home, he saw the victim's body on the floor and Mr. Miranda holding a bloody knife. The Nevada Supreme Court affirmed the conviction and death sentence, but Mr. Miranda won a new trial in a federal habeas corpus proceeding based on ineffective assistance of counsel. The trial lawyer failed to call a number of credible alibi witnesses and to present evidence that the witness had a motive to frame him — the witness's girlfriend recently had an affair with Mr. Miranda. The prosecution elected not to try Mr. Miranda again, dropping the charges. Mr. Miranda was Hispanic, the victim white. Time lapsed from arrest to exoneration: 167 months.

**Nieves, William** (convicted 1994, exonerated 2000) — Mr. Nieves was sentenced to death for the murder of a man with whom he allegedly was involved in drug distribution in Philadlephia. A police officer saw a bearded Hispanic man driving away in a Cadillac. The officer interviewed witnesses at the scene, but none identified the killer or offered a detailed description. Some time later, however, one of the witnesses the officer had interviewed came forward and claimed she had seen Mr. Nieves step out of a Cadillac and shoot the victim. The conviction rested on her testimony, corroborated by the police officer's sighting of a Cadillac at the scene. On direct appeal, the Pennsylvania Supreme Court vacated Mr. Nieves's death sentence and ordered a new trial based on ineffective assistance of counsel. In further discovery, Mr. Nieves's new counsel discovered police documents disclosing the existence of a credible eyewitness who indicated the crime was committed by someone else. Mr. Nieves was acquitted. Mr. Nieves was Hispanic, the victim white. Time lapsed from arrest to exoneration: 94 months.

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**Porter, Anthony** (convicted 1983, exonerated 1999) — Mr. Porter was sentenced to death — and came within 50 hours of being executed — for the murder and robbery of a young couple in a park in Chicago, Illinois. Two eyewitnesses positively identified Mr. Porter in court as the killer. Mr. Porter was exonerated after a private investigator working with Northwestern University journalism students under the supervision of Professor David Protess obtained a video-taped confession of the actual killer. Both Mr. Porter and the victims were black. Time lapsed from arrest to exoneration: 158 months.

**Rivera, Alfred** (convicted 1997, exonerated 1999) — Mr. Rivera was sentenced to death for two murders that occurred during the course of a robbery and kidnaping in Forsyth County, North Carolina. The prosecution theory was that Mr. Rivera committed the crime with another man suspected of the murders. The murder weapon had been found in the other man's possession, and his fingerprints were on it. Three purported eyewitnesses testified that they saw Mr. Rivera enter the victims' apartment and then heard gunshots. All three received leniency on unrelated charges pending against them after testifying against Mr. Rivera. The defense was that the man previously convicted of the murders had conspired with the three purported eyewitnesses to frame Rivera. The trial judge, however, would not allow a witness who claimed to know about the conspiracy to testify. The North Carolina Supreme Court found that to be judicial error and ordered a new trial. At his retrial, Mr. Rivera presented not only that witness but alibi witnesses who placed him elsewhere at the time of the crime. He was acquitted. Both Mr. Rivera and the victims were black. Time lapsed from arrest to exoneration: 32 months.

**Scott, Bradley P.** (convicted 1988, exonerated 1991) – Mr. Scott was sentenced to death for the murder of a 12-year-old girl in Charlotte County, Florida, 10 years earlier. Police originally dismissed Mr. Scott as a suspect because he had a strong alibi — placing him 50 miles away at the time of the crime. By the time Mr. Scott was charged, however, the evidence that originally confirmed his alibi had disappeared from police files. His conviction rested on the testimony of two witnesses who belatedly identified him The police also found two witnesses who testified — long after the crime — that they saw Mr. Scott talking to the victim near the store where she had been abducted on the day of the crime. On appeal, the Florida Supreme Court unanimously reversed the conviction due to insufficient evidence and ordered the trial court to enter an order of acquittal. Mr. Scott and the victim were white. Time lapsed from arrest to exoneration: 63 months

**Smith, Charles** (convicted 1983, exonerated 1991) — Mr. Smith was sentenced to death for the murder and robbery of a young woman in Allen County, Indiana. The state's case was based entirely on the testimony of a purported accomplice/eyewitness who was granted immunity from prosecution. Mr. Smith had a solid alibi, which he was prohibited from presenting by the trial judge because his attorney had failed to file a pretrial alibi notice. After initially affirming the conviction and death sentence, the Indiana Supreme Court four years later granted a retrial based on ineffective assistance of counsel. At retrial, the defense presented not only the alibi but also evidence that the original eyewitness had falsely accused Mr. Smith of the crime. Mr. Smith was black, and the victim was white. Time lapsed from arrest to exoneration: 103 months.

**Smith, Frank Lee** (convicted 1987, posthumously exonerated 2001) — Mr. Smith was sentenced to death for the rape and murder of an 8-year-old girl in Broward County, Florida. He was convicted on the testimony of three eyewitnesses, who had caught only brief glimpses of the killer. No physical evidence linked him to the crime. Eventually, defense investigators discovered that a serial rapist-murderer lived in the same area. When shown a photograph of the new alternative suspect, one of the original eyewitnesses said he — not Mr. Smith — definitely was the person she had seen. The witness said she had been uncertain about Mr. Smith's guilt from the beginning, but had succumbed to pressure from friends and police to identify him. When the alternative suspect became known, Mr. Smith's attorneys sought DNA testing. However, their client died of pancreatic cancer in January 2000 before the testing was approved. Eleven months later, Mr. Smith became the first death row prisoner in history to be posthumously exonerated by DNA. The tests also confirmed the culpability of the alternative suspect in the case. Both Mr. Smith and the victim were black. Time lapsed from arrest to exoneration: 188 months.

**Smith, Clarence** (convicted 1974, exonerated 1976) -- *See Gladish, Thomas.* Mr. Smith, his co-defendants, and the victim were white. Time lapsed from arrest to exoneration: 31 months.

**Smith, Steve** (convicted 1986, exonerated 1999) — Mr. Smith was twice sentenced to death for the murder of an off-duty assistant prison warden outside a bar in Chicago, Illinois. The prosecution postulated that the murder was in reprisal for a harsh line that the victim had taken against gangs in Illinois prisons. Both convictions rested entirely on the testimony of a woman who claimed to have witnessed the shooting from across the street. Her testimony was suspect for various reasons — she admitted she was smoking crack at the time of the crime, her boyfriend was an alternative suspect, the lighting conditions were poor, and she failed to notice that the victim was accompanied by two other men when he was shot to death. The first conviction was reversed for prosecutorial misconduct — an inflammatory closing argument relating to Smith's purported, but unproven, association with a street gang. The second conviction was reversed outright based on insufficiency of the evidence, and Mr. Smith was released. Both Mr. Smith and the victim were black. Time lapsed from arrest to exoneration: 128 months.

**Tibbs, Delbert** (convicted 1974, exonerated 1982) — Mr. Tibbs was convicted and sentenced to death for the murder of a 27-year-old man and the rape of the man's 16-year-old companion near Fort Myers, Florida. The victims had been hitchhiking when, according to the female victim, they were picked up by a black man who shot her boyfriend to death and left her bleeding and unconscious beside a secluded road. A few days later, Mr. Tibbs was hitchhiking 220 miles north of Fort Myers when he was stopped by police, questioned about the crime, and photographed. Because he did not fit the eyewitness's description, however, he was released. Nonetheless, the photo was sent to Fort Myers, where the victim positively identified him. Although Mr. Tibbs did not match the original description and had a solid alibi, he was convicted by an all-white jury. The Florida Supreme Court ordered a retrial, by a four-three vote, on the ground that the evidence did not support the verdict. By this time, the original prosecutor had become convinced

that Mr. Tibbs had been framed by police and the victim. In dropping the charges, the prosecutor declared that the case had been "tainted from the beginning and the investigators knew it." Mr. Tibbs was black, the victims white. Time lapsed from arrest to exoneration: 102 months.

**Tillis, Darby** (convicted 1979, exonerated 1987) — *See Cobb, Perry*. Mr. Tillis and his co-defendant were black, the victims white. Time lapsed from arrest to release: 117 months.

**Troy, Larry** (convicted 1983, exonerated 1988) – *See Brown, Willie*. Mr. Troy was black, the victim white. Time lapsed from arrest to exoneration: 66 months.

**Williams, Dennis** (convicted 1978, exonerated 1996) — Mr. Williams was twice sentenced to death in Cook County, Illinois, for kidnaping, robbing, and murdering a young man and woman engaged to be married and raping the woman. A purported eyewitness who lived near the murder scene testified that he saw Williams and other men there preceding the murders. The prosecution also introduced forensic testimony that several hairs found in Mr. Williams's car trunk, in which prosecutors theorized the victims had been transported, could have come from the female victim and that Mr. Williams could not be excluded as the source of semen recovered from the female victim. After the first conviction was reversed based on ineffective assistance of counsel, Mr. Williams was retried and again sentenced to death. At the second trial, a girlfriend of a previously convicted co-defendant testified that she was present when Mr. Williams, her boyfriend, and two other men raped the female victim seven times. Her eyewitness account, which ultimately proved to have been fabricated, was corroborated by the same witness who had claimed at the first trial to have seen Mr. Williams near the crime scene before the crime occurred. Mr. Williams and his three co-defendants were exonerated by DNA and confessions by the actual killers. An investigation of the case by journalism students and a private investigator working with Northwestern University Professor David Protess was instrumental in the exonerations of the innocent men. Mr. Williams and his co-defendants were black, the victims white. Time lapsed from arrest to exoneration: 217 months.