

The National Registry
of
EXONERATIONS

EXONERATIONS IN 2015

The National Registry of Exonerations

February 3, 2016

EXECUTIVE SUMMARY

- A RECORD NUMBER OF EXONERATIONS

2015 set a record for exonerations in the United States—[149](#) that we know of so far, in 29 states, the District of Columbia, federal courts and Guam. This record continues a trend: the rate of exonerations has been increasing rapidly for several years. The 149 defendants who were exonerated in 2015 had served on average about 14-and-a-half years in prison.

- THE CRIMES

Homicides: A record [58](#) defendants were exonerated in homicide cases in 2015, [54](#) for murder and [4](#) for manslaughter. They came from 25 states and the District of Columbia. More than two-thirds were minorities, including half who were African American.

Drug Cases: 47 defendants were exonerated of drug possession in 2015—also a record; [42](#) of them had pled guilty in Harris County, Texas (Houston).

- CHARACTERISTICS OF THE CASES

False Confessions: [27](#) exonerations in 2015 were for convictions based on false confessions, another record. More than 80% of these false confessions were in homicide cases ([22/27](#)), mostly by defendants who were under 18 or mentally handicapped or both.

Official Misconduct: We know of official misconduct in [65](#) exonerations in 2015, a record number. Three-quarters of homicide exonerations in 2015 included known official misconduct ([44/58](#)).

Guilty Pleas: [65](#) exonerations in 2015 were for convictions based on guilty pleas, more than any previous year. The great majority were drug cases ([46/65](#)), but eight were homicide exonerations—all of which included false confessions.

No-Crime Cases: A record [75](#) exonerations in 2015 were cases in which no crime actually occurred. Almost two-thirds were drug cases ([48/75](#)), but [six](#) were murder convictions and 14 were convictions for other violent felonies.

- CONVICTION INTEGRITY UNITS

A **Conviction Integrity Unit** (CIU) is a division of a prosecutorial office that works to prevent, identify and correct false convictions. There were 24 CIUs in the United States in 2015, double the number in 2013 and quadruple the number in 2011.

A record [58](#) CIU-exonerations took place in 2015. Overall, CIUs have helped secure [151](#) exonerations from 2003 through 2015; nearly three-quarters occurred in 2014 and 2015 (109/151).

The performance of these CIUs has been highly variable and some have been criticized as mere window dressing.

- ◆ Nearly half of CIU exonerations come from one office (Harris County, TX) ([76/151](#)), and almost 90% (134/151) occurred in four counties.
- ◆ Half of all CIUs have not been involved in any exonerations—and four others worked on one only—including several units that have existed for three to five years.
- ◆ Several CIUs have no contact information that's publicly available on the web or by telephone, including some that have been in operation for years.

- COMMENTS

Exonerations are now common. Not long ago, any exoneration we heard about was major news. Now it's a familiar story. We average nearly three exonerations a week, and most get little attention.

There are now many more exonerations in contexts where they used to be rare, in particular, in cases with innocent defendants who **falsely confessed** or **pled guilty**.

The proliferation of Conviction Integrity Units reflects a recognition that **convicting the innocent is a serious public problem** that requires proactive government attention.

But progress so far is a drop in the bucket. This is not a problem that's limited to a few counties. By any reasonable accounting, there are tens of thousands of false convictions each year across the country, and many more that have accumulated over the decades.

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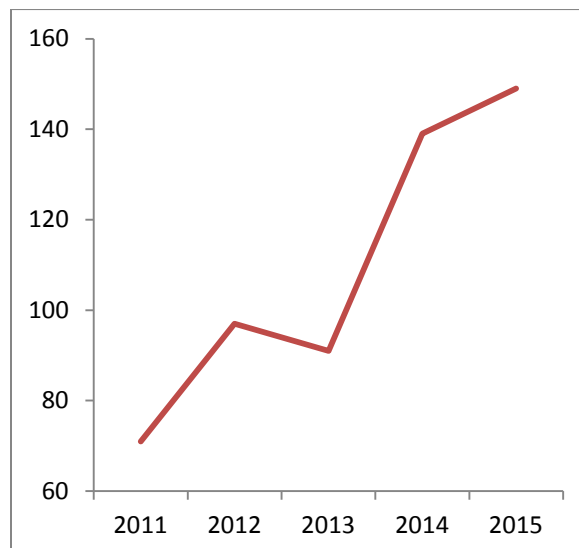
2015 was a record-breaking year for exonerations in the United States.

The National Registry of Exonerations has recorded [149 exonerations in 2015](#). The exonerated defendants had served, on average, more than 14 years in prison.

The previous record—139 exonerations—was set the year before, in 2014. All told, the National Registry of Exonerations has recorded [1,733](#) known exonerations in the United States since 1989 (as of January 27, 2016).

Last year's record is part of a striking trend. Since 2011, the annual number of exonerations has more than doubled. We now average nearly three exonerations a week. See Figure 1.

**Figure 1: Number of Exonerations per Year
2010 – 2015**



Most of the exonerations in 2015 came from opposite ends of the spectrum of criminal conduct:

- **Homicide:** A record [58](#) defendants who were exonerated in 2015—39% of the total—had been convicted of homicide. [Five](#) had been sentenced to death, 19 to life (usually without parole), and the rest to decades in prison.
- **Drug possession:** 47 exonerations in 2015—about a third of the total—involved drug possession, also a record number. The defendants had received sentences ranging from 2 years in jail to community service.

The exonerations in 2015 set several other records as well. They include more cases than any previous year in which:

- ♦ Defendants **Falsely Confessed**;
- ♦ Government **Officials** committed **Misconduct**;
- ♦ The convictions were based on **Guilty Pleas**;
- ♦ **No-Crime** fact occurred; or
- ♦ A prosecutorial **Conviction Integrity Unit** worked on the exoneration.

We will first describe some **basic patterns** across all [149](#) known exonerations in 2015, then focus on **homicides** and **drug cases**, in the context of these five factors, and last discuss **Conviction Integrity Units**.

I. Basic Patterns

- **Exonerations by Jurisdiction.** There were exonerations in 2015 in 29 states and the District of Columbia, plus three federal cases and one exoneration in Guam. The states with the most exonerations are, in order: Texas, New York, Illinois, Alaska, North Carolina, Alabama, California, Connecticut, Wisconsin, Florida, Pennsylvania, and Virginia. See Table 1 for a complete list.

Table 1: Exonerations in 2015 by Jurisdiction (n=149)

Texas – 54	Wisconsin – 4	Ohio – 2	Mississippi – 1
New York – 17	Florida – 3	Georgia – 2	Montana – 1
Illinois – 13	Pennsylvania – 3	Delaware – 1	Oregon – 1
Alaska – 6	Virginia – 3	Arizona – 1	South Carolina – 1
North Carolina – 5	Dist. of Columbia – 2	Kansas – 1	South Dakota – 1
California – 5	Massachusetts – 2	Louisiana – 1	Washington – 1
Alabama – 4	Missouri – 2	Maine – 1	Federal – 3
Connecticut – 4	Nevada – 2	Michigan – 1	Guam – 1

These numbers do not, for the most part, reflect the frequency of false conviction across jurisdictions. For example, California, with a population of 37 million, had 5 exonerations in 2015, while New York, with 19 million people, had 17 exonerations—and Texas, with 25 million, had 54. An obvious explanation for these differences is that more false convictions were *found* in New York and Texas, in large part because of the efforts of prosecutorial Conviction Integrity Units in Brooklyn, New York (8 exonerations in 2015) and Harris County, Texas (42 exonerations).

Death sentences. [Five](#) defendants who had been sentenced to death were exonerated in 2015: one each in Alabama, Arizona, Georgia, Mississippi and Texas. They had been imprisoned for 30, 25, 28, 19 and 10 years, respectively. The number of new death sentences in the United States has plummeted in recent years and the number of executions is at a 20-year low,¹ but it appears that among the thousands of death sentenced defendants who remain in prison, there are still many who were convicted in error.²

- **DNA and non-DNA Exonerations.** Twenty-six exonerations in 2015 were based in whole or in part on DNA identification evidence, 17% of the total. Overall, DNA exonerations now account for 24% of the exonerations in the Registry ([419/1,733](#)).

¹ See: <http://www.deathpenaltyinfo.org/>.

² See: <http://www.pnas.org/content/111/20/7230.full.pdf+html?with-ds=yes>.

- **The crimes for which the defendants were convicted.** Most exonerations in 2015 were for violent crimes, especially homicide ([39%](#)) and adult and child sexual assaults (10%). The great majority of exonerations for non-violent crimes were drug possession and distribution cases. Table 2 lists exonerations in 2015 by the most serious crime for which the exonerees were convicted:

Table 2: Exonerations in 2015 by Crime

Homicide	58 (39%)
<i>Murder</i>	54
Death sentences	5
Other murder convictions	49
<i>Manslaughter</i>	4
Sexual Assaults	15 (10%)
<i>Sexual assault on an adult</i>	10
<i>Child sex abuse</i>	5
Other Violent Crimes	15 (10%)
<i>Robbery</i>	4
<i>Attempted murder</i>	2
<i>Assault</i>	3
<i>Arson</i>	1
<i>Kidnapping</i>	3
<i>Other Violent Felonies</i>	2
Non-Violent Crimes	61 (41%)
<i>Drug crimes</i>	51
<i>Gun Possession</i>	2
<i>Theft/Stolen Property</i>	1
<i>Sex Offender Registration</i>	2
<i>Burglary/Unlawful Entry</i>	3
<i>Miscellaneous</i>	2
TOTAL	149 (100%)

II. Homicide—Unmaking Murderers

Homicide exonerations set a new record in 2015—[58](#)—up from 51 in 2014: [54](#) cases of murder, [four](#) of manslaughter. There were homicide exonerations in 25 states and the District of Columbia, but only Illinois ([11](#)), New York (9) and Alaska ([4](#)) had more than three each.

Fifty-five of the homicide exonerees are men and [three](#) are women. Half are African American ([29/58](#)), 31% white ([18/58](#)), 10% Hispanic ([6/58](#)) and 9% Native American or Asian (5/58). The

defendants' age at the time of the crime ranged from 14 to 54. Eight were under 18 years old and 23 were under 20.

[Five](#) of the exonerated homicide defendants had been sentenced to death; [14](#) were sentenced to life in prison without the possibility of parole; [five](#) others were sentenced to life with the possibility of parole; and the rest were sentenced to prison for terms ranging from 5 to 120 years and averaging 37 years. They spent an average of almost 18 years in prison before they were released.

The most striking thing about these exonerations, however, is the nature of the underlying convictions. The list of exonerations in 2015 includes record numbers of homicide cases with **false confessions** and **official misconduct**, with convictions based on **guilty pleas**, and cases in which **no crime** in fact occurred.

- **False Confessions.** A record [27](#) exonerations in 2015 were for convictions based on false confessions, and more than 80% of them were homicides. [Twenty-two](#) of 27 false confession exonerations in 2015 were homicides—39% of all homicide exonerations in 2015—more than any previous year.

Most of the homicide exonerees who falsely confessed were less than 18 years old or suffered from mental illness or intellectual disability, or both (13/22). For example:

In 2006, [Bobby Johnson](#), a barely-literate 16-year-old with an IQ of 69, was interrogated by two New Haven, Connecticut detectives about the murder of Herbert Fields. The detectives told Johnson (falsely) that they had physical evidence tying him to the murder and that he would face the death penalty if convicted (also a lie). They promised him probation if he confessed. Johnson did confess and was convicted and sentenced to 38 years. He was exonerated in 2015, nine years later, after it was discovered that the police had concealed evidence that identified the real killer.

- **Official Misconduct.** Seventy-five percent of homicide exonerations in 2015 included official misconduct ([44/58](#)). That proportion is even higher among cases with false confessions: 82% of homicide exonerations in 2015 with false confessions also involved misconduct by government officials ([18/22](#)). Bobby Johnson's case was one of those. Debra Milke's was another:

In 1990, [Debra Milke](#) was sentenced to death in Phoenix for conspiring with the two men who abducted and murdered her four-year old son, ostensibly in order to collect on a \$5,000 insurance policy. The only substantial evidence against her was testimony by Detective Armando Saldate, Jr., who was sent to interrogate her with an explicit order to record the interrogation—which he did not do. Saldate told the jury that Milke flashed her breasts at him, offered sex, and then later confessed to the murder. Milke denied it all. Milke was exonerated in 2015 because her attorneys eventually discovered that the state had concealed Saldate's

extraordinary history. It turned out that Saldate (in addition to other types of misconduct) was responsible for four earlier cases in which judges tossed out confessions or indictments because he committed perjury, and four other cases in which judges suppressed confessions or vacated convictions because Saldate violated the constitution in conducting interrogations.

- **Guilty pleas.** Exonerations in cases in which defendants pled guilty used to be rare, but they have become more common in the last seven years and much more so in the past two years. In 2015, 44% of all exonerations ([65/148](#)) were in guilty plea cases, more than any previous year. Most guilty pleas occurred in drug possession exonerations; we'll talk about them in the next section. In this section we address the eight homicide exonerations in 2015 that were based on guilty pleas—again, a record number for any year.

All eight guilty-plea homicide exonerations included false confessions; six of the eight also included official misconduct. Bobby Johnson's case was one of those; he pled guilty to murder in July 2007. Shawn Whirl's case was another:

In 1991, [Shawn Whirl](#) pled guilty to first-degree murder in Chicago to avoid facing the death penalty. He had confessed to murdering cab driver Billy Williams. In 2011 Whirl's lawyers presented evidence that in fact Whirl had been attacked and chased by another man and managed to escape in Williams' cab, and that his assailant later killed Williams in retaliation for rescuing Whirl. In 2012 the Illinois Torture Inquiry and Relief Commission found that Whirl had been tortured into confessing by a subordinate of the notorious Chicago Police Lieutenant Jon Burge, who by then was serving a federal prison sentence for lying about his role in the systematic torture of numerous suspects. Whirl was exonerated in October 2015, after the Illinois Appellate Court reversed his conviction.

- **No-Crime Cases.** A record [75](#) exonerations in 2015 were cases in which we now know that no crime actually occurred, half of the total (75/149). As with guilty-plea exonerations, most no-crime exonerations were drug possession cases ([48/74](#)), which we will get to below. Here we will discuss the [six](#) exonerations that involved *homicide* convictions in cases in which no crime in fact occurred, also a record number. Five of the six no-crime homicide exonerations were arson-murder convictions in which advances in science demonstrated that the original evidence that the fire *was* arson proved nothing. For example:

In 1981, [Raymond Mora](#), [William Vasquez](#) and [Amaury Villalobo](#) were convicted on six counts of murder each for setting a fire in Brooklyn that killed a mother and her five children. The evidence against them consisted of testimony from a fire marshal that the fire had multiple points of origin and was started with accelerants, and from the building's owner that she saw the defendants leave the building just before the fire exploded. In 2015, lawyers for the defendants presented evidence to the Brooklyn District Attorney's office that fire scientists now know that the evidence the fire marshal relied on does not prove arson. The Brooklyn DA's conviction integrity unit

picked up the investigation and learned that the building's owner had admitted she lied when she testified that she saw the defendants at the fire. In December of last year the DA's office moved to dismiss the charges.

In 1992 the National Fire Protection Association issued a major report, *NFPA 921, Guide for Fire and Explosion*. NFPA 921 marks a dividing line between arson investigations based on the personal experience of investigators and investigations based on scientific principles and data.³ All five of the 2015 no-crime exonerations in arson-murder cases were for convictions that occurred 25 to 34 years earlier, before NFPA 921.

It's taken some time for the major changes brought about by NFPA 921 to persuade courts to reconsider arson findings that are unsupported by scientific evidence. There have been 22 exonerations since 1989 in which defendants were cleared because new scientific evidence has undermined earlier findings of arson—8 arson convictions and 14 arson-murder convictions. The pace seems to be picking up. Half of the no-arson exonerations have been in the last four years, and nearly a quarter (5 of 22) in 2015 alone—again, a record.

- **Conviction Integrity Units.** Conviction Integrity Units (CIUs) in seven counties were involved in a record [58](#) exonerations in 2015, seven more than 2014, the next leading year. [Forty-two](#) of the CIU exonerations in 2015—72%—were drug-conviction guilty-plea cases from Harris County, Texas, which we discuss in the next section. But 12 CIU exonerations in 2015 were homicides, half of them in Brooklyn—including the arson-murder exonerations of Mora, Vasquez and Villalobo.

III. Drug Cases

This is the second straight year with record numbers of exonerations in drug cases: 42 in 2014 and [51](#) in 2015. In both years, the great majority of drug exonerations were CIU cases from Harris County (Houston) Texas—74% in 2014 (31/42) and 82% in 2015 ([42/51](#)).

We described these exonerations a year ago, in our report on Exonerations in 2014. Here's a brief summary:

In early 2014 Deputy District Attorney Inger Chandler, the newly assigned head of the Harris County District Attorney's Post Conviction Review Section (the county CIU), noticed that her office was processing a steady trickle of cases in which defendants pled guilty to possession of illegal drugs, and then, months or years later, a report from the crime lab would reveal that the materials seized from the defendant contained no controlled substances. She investigated and found that there were many more such cases waiting in the wings, and that they were being handled haphazardly and slowly.

³ See Fred Durso, [Guided by Science](#), NFPA Journal, March-April 2014.

In mid-2014, the Post Conviction Review Section embarked on a program to address these problems. The handling of all cases of defendants who were cleared by drug tests after pleading guilty was centralized in that section, the process was streamlined, and the section began to address the backlog of cases from past years.

The upshot has been [73](#) drug-crime exonerations by the Post Conviction Review Section since mid-2014. There are likely to be many more to come; some 200 additional guilty-plea drug conviction cases with lab reports indicating no illegal drugs are still being processed.

Why did these defendants plead guilty? Inger Chandler offers two explanations: some probably *thought* the pills or powders they were carrying contained illegal drugs when in fact they didn't; others—especially defendants with criminal records, who generally cannot post the comparatively high bails that are set for them and who risk substantial terms in prison if convicted—agreed to attractive plea bargains at their initial court appearances, despite their innocence, rather than remain in pretrial custody and risk years in prison.

There is some evidence that pretrial detention and the fear of long terms of imprisonment did influence these false guilty pleas. Twenty of the 25 Harris County drug exonerees who pled guilty to significant terms of imprisonment (3 months to 7 years) had felony records that we know about, while 15 of the 23 who had no known criminal records got no time in jail at all.

In [41](#) of the [73](#) drug crime exonerations in Harris County the defendants were arrested on the basis of “field tests” that indicated the presence of controlled substances. (In the other cases the arresting officers mistook an innocent white powder for cocaine, a hand-rolled cigarette for marijuana or non-prescription pills for controlled drugs.) Commonly-used drug field tests are notoriously unreliable; they routinely misidentify everything from Jolly Ranchers to chalk to motor oil as illegal drugs.⁴ They are inadmissible as evidence in court but sufficient to justify an arrest and they may convince an innocent defendant that she is bound to be convicted at trial.

The Harris County drug guilty-plea exonerations are a window into the world of plea bargaining in misdemeanors and comparatively light felonies across the country.

The Harris County CIU has done an excellent job of addressing the problem of false guilty pleas in drug cases. Testing after guilty pleas has been sped up, and the DA's office will no longer offer plea bargains in drug cases without lab tests unless the bargain includes no further incarceration.

Some prosecutorial offices in other counties may also require testing before they will engage in plea bargaining in drug cases, but we know of no other office that systematically tests suspected

⁴ See Randy Balko, [A partial list of things that field testing drug kits have mistakenly identified as contraband](#), The Washington Post, February 26, 2015.

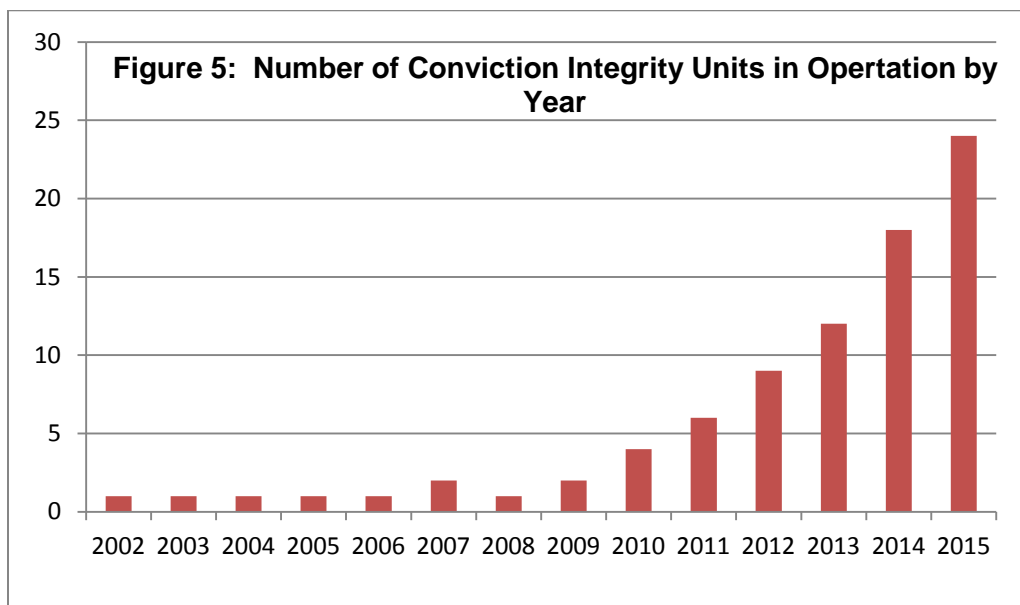
drugs after guilty pleas and dismisses all convictions that are not supported by the test results. In most jurisdictions, forensic drug testing is rarely done, if ever, once a defendant has pled guilty. And if testing is done and no illegal drugs are found, the results may well be lost or ignored, as many were in Harris County until last year.

But even if the Harris County CIU’s procedures became common practice, there’s a larger problem that’s much less tractable: What about innocent defendants who plead guilty to other misdemeanors and low-level felonies—assault, shoplifting, breaking and entering—in order to avoid pretrial detention and the risk of long terms of imprisonment after trial? Or innocent drug defendants who plead guilty to possession of actual illegal drugs that belong to someone else?

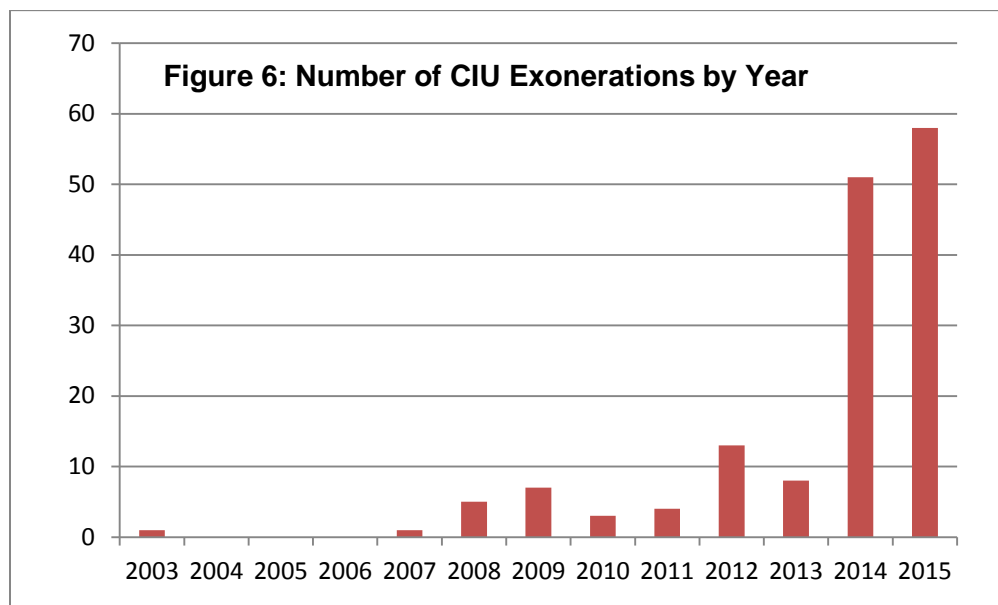
There is no cheap, reliable test for guilt or innocence in those cases. Very few such convictions ever result in exoneration, but the number of false convictions involved probably dwarfs the number for the serious violent felonies that make up the bulk of the exonerations in the Registry.

IV. Conviction Integrity Units

A Conviction Integrity Unit (CIU) is a division of a prosecutorial office that works to prevent, identify and remedy false convictions. In our report on exonerations in 2014, we discussed the rapid growth in the number of CIUs and CIU exonerations from 2007 through 2014. These trends have continued. Six new CIUs began operation in 2015, bringing the total to 24. See Figure 5:



Conviction Integrity Units⁵ have been involved in [152](#) exonerations (including one so far in 2016), mostly in the last two years. A record [58](#) of these CIU exonerations occurred in 2015. See Figure 6:



In Table A in the Appendix, we summarize a great deal of information about these units including the numbers, dates and crimes of any exonerations they participated in. As Table A shows, the 151 CIU exonerations through 2015 are very unevenly distributed among the offices. Nearly half are drug-crime guilty plea cases from Harris County (73/151), and almost 90% (134/151) occurred in four counties: Harris ([76](#)), Dallas ([25](#)), Brooklyn ([20](#)) and Cook ([13](#)).

In our Report a year ago, we said that “several Conviction Integrity Units have accomplished a great deal in a short period of time. They may have initiated a fundamental change in the way false convictions are addressed in the United States, but that remains to be seen.”

Both parts of that statement still apply: A few of the Conviction Integrity Units have indeed accomplished a lot, and it is still too soon to know how much of a change this trend will produce. But we can say something about what these units have been doing. (Much of the basis for the comments that follow is contained in the information presented in Table A in the Appendix.)

⁵ The Conviction Integrity Units we count are long-term operations that work to prevent, to identify and to remedy false convictions. These units all operate under the authority of local prosecutors with primary responsibility for prosecuting crimes in a county or district. Most but not all are called “Conviction Integrity Unit,” the term we use as a general reference. We have attached a list of the names of the units in the Appendix. We do not include four one-shot projects that we know of that were set up to review particular sets of cases for possible errors: (i) a review of cases with potentially flawed forensic evidence in Wayne County, Michigan, *see* Doug Guthrie, “Legal unit to monitor Detroit gun cases,” *Detroit News*, December 13, 2008; (ii) a review of homicide cases by the [Milwaukee](#) County DA’s office because of concerns about DNA collection procedure; (iii) a state-wide effort to identify old cases for DNA testing in [Connecticut](#); and (iv) a similar state-wide project in [Colorado](#).

- **County Populations.** There are over 2,300 local prosecutorial offices in the United States, serving populations that range from several hundred to several million. Table A shows that Conviction Integrity Units are concentrated in large counties. The three most populous counties all have CIUs (Los Angeles, Cook and Harris); so do six of the top 10, 10 of the top 20, and 14 of the top 50.

As we noted last year, a dedicated Conviction Integrity Unit is not feasible in a small office with only a handful of prosecutors. It makes sense that several CIUs are located in some of the largest prosecutorial offices in the country. As a result, the 24 offices with CIUs serve over 45 million people. But there is plenty of room for expansion. So far, only about 15% of the national population lives in jurisdictions with CIUs, and over 60% of counties with populations over one million have no CIUs (24/39).

- **Numbers of Exonerations.**

- ♦ **The CIU exonerations we list.** The CIU exonerations we count are, of course, all exonerations by [the criteria](#) for listing in the Registry. In addition we [require](#) that:

“A Conviction Integrity Unit in the prosecutorial office that prosecuted the exoneree helped secure the exoneration. (This does not necessarily mean that the prosecutorial office in question made a factual determination that the defendant is innocent.)”

Since we are not privy to the internal workings of prosecutorial offices, we contacted all CIUs in counties that have had exonerations to ask which ones they “helped secure.” Our classifications are based on their designations.

How much the CIU did to help secure the exoneration varies greatly from case to case. At the high end, for example, [Stephen Brodie](#) was exonerated in 2012 in Dallas, 17 years after he was falsely convicted of child sex abuse, based entirely on an investigation that was initiated by the Dallas County CIU after Brodie’s father wrote to the unit. Most CIU exonerations, however, were initially investigated by defense attorneys, innocence organizations, journalists or others. We leave it to the CIUs themselves to decide whether their role qualifies under our criteria.

We are puzzled, however, by the position taken on several cases by the Cook County CIU. For example, in 1989, [James Kluppelberg](#) was convicted of arson and murder in a case that featured a confession that was beaten out of him, eyewitness perjury that was later recanted, misleading forensic evidence and police and prosecutorial misconduct. In 2009, lawyers for Mr. Kluppelberg filed a petition for relief based on extensive new evidence of innocence. The Cook County State’s Attorney’s Office fought the petition for the next three years until, on May 30, 2012, the prosecution announced that it no longer believed it could carry its burden of proof of guilt. Nonetheless, the Cook County State’s Attorney’s CIU describes Kluppelberg’s case as an exoneration that they “helped secure.”

The description of [Nicole Harris's](#) case is even more baffling. In 2012, seven years after Harris was convicted of murdering her son, the United States Court of Appeals for the Seventh Circuit reversed her conviction and ordered a new trial because constitutional violations had undermined the reliability of the verdict. The Cook County State's Attorney's Office fought that decision as long as it could and only dismissed the case in June 2013, two weeks after the Supreme Court refused to consider their appeal—a sequence of events that the Cook County CIU also counts as “helping secure” Harris's exoneration.⁶

- ◆ **Numbers of CIU exonerations by county.** Half of all CIUs have not been involved in any exoneration (12/24). In part, that's inevitable. Six CIUs began their operations in 2015 and may need time to get underway. (But three of the six units that were founded in 2015 *have* already participated in exonerations—those in [Bexar](#), [Ventura](#) and [New Orleans](#).) On the other hand, the CIU in Suffolk County, Massachusetts, has had no exonerations in five years of existence, those in Nassau and Oneida Counties have had none in three years, six others have had none in two years, and a few CIUs that had one or more exonerations in the past have had none for years.

At the other end of the range, three CIU's have been notably active and successful. The Dallas CIU has had [25](#) exonerations for violent felony convictions over the last eight years. Brooklyn has had 18 CIU exonerations—including 16 murder cases—in the past two years. And Harris County has had [73](#) drug crime exonerations since mid-2014.

- **Accessibility.** Three indications of accessibility are presented on Table A. Under “*Web Address*” we post a link to the Internet address of the CIU or, if we couldn't find one, say “None.” And under “*Contact Info*” we enter a “W” if contact information for the CIU can be found on the general office web site, and we enter a “P” if we were able to obtain such information by calling the general access telephone number for the prosecutorial office.

We found web addresses for nine CIUs, all of which could also be located on the general office web site or by phone or both. Eight CIUs without web addresses could be located on the office site or by telephone or both; six could not be found by any of these means. (We list these fields as “Not Applicable” to the New Orleans CIU because it was shut down in January 2016, as we discuss below.)

This does not mean that these seven units do not exist. We have been in contact with an attorney in each of these offices and confirmed its existence. Otherwise it would not be listed. But reaching them was not easy. It required significant research, repeated calls, or, especially, personal contacts within the offices.

⁶ We also have doubts about Cook County's designation of the exonerations of [Lewis Gardner](#), [Deon Patrick](#), [Paul Phillips](#) and [Daniel Taylor](#) as CIU cases. In all four cases, public information suggests that the Cook County State's Attorney's Office resisted the exonerations for years before conceding under pressure.

As a result, it appears that these units are not, as a practical matter, accessible to the public at large. In particular, innocent criminal defendants who seek exoneration are not likely to be able to present their cases to these CIUs, unless they can afford to hire lawyers.

Two CIUs that do not post or provide contact information by telephone were founded in 2015 (those in Los Angeles, and Travis counties). Very likely they will make that information available soon. But four others that are equally difficult to find—those in Multnomah, Nassau and San Diego counties and in the District of Columbia—have been in existence for two, three or four years.

Conviction Integrity Units have their critics. Some question the objectivity, commitment and openness of prosecutors who take on the task of reviewing convictions obtained by their own colleagues and predecessors. Particular units have been criticized as mere window dressing, or public relations ploys.⁷

Some CIUs with few or no exonerations and little public presence may have focused their efforts on preventing future wrongful convictions. The Suffolk County CIU, for example, takes partial credit for a program to reform the practice of obtaining eyewitness identifications. Others—for example the San Diego County CIU—are now expanding after operating for years with a minimal staff. That said, we could find little in the records of several CIUs to answer such criticisms.

A Conviction Integrity Unit is not the only model for a government program that works to identify and remedy false convictions. The [North Carolina Innocence Inquiry Commission](#) (NCIIC) is an independent state-wide agency established in 2006 by the North Carolina state legislature to investigate and evaluate post-conviction claims of innocence. The commission makes recommendations to a review board, which in turn may refer cases to a judicial tribunal which has the power exonerate convicted defendants. In nine years of operation, the NCIIC has been responsible for nine exonerations.

There's a lot to be said for agencies like the NCIIC—but there are no other agencies *like* the NCIIC in the United States. To create one would require legislative action and substantial funding by a legislature and a governor. Outside North Carolina, no state has been interested.

CIUs are much easier to create.

One of the striking facts about the American system of criminal justice is the extraordinary power that we give to prosecutors. They alone decide who to prosecute for criminal offenses, what charges to bring against them and what punishments to seek. They have unreviewable

⁷ See, e.g., Elizabeth Barber, "[Dallas targets wrongful convictions, and revolution starts to spread](#)," Christian Science Monitor, May 25, 2014; Hella Winston, "[Wrongful Convictions: Can Prosecutors Reform Themselves?](#)" The Crime Report, March 27, 2014.

power to dismiss criminal charges before trial, or never to file them at all. In practice, that power extends to convicted defendants as well. If a sitting prosecutor asks the appropriate court to vacate the judgment and dismiss the charges against a defendant who was convicted in her jurisdiction one or three or thirty years earlier, it will happen.

This means that the chief prosecutor of any county, on her own, can create a Conviction Integrity Unit with the power to investigate claims of innocence and exonerate convicted criminal defendants. The only requirement is a budget, and if the unit is small enough, that's not much of a constraint.

In other words, for an elected prosecutor, creating a CIU is an internal organizational choice, like creating a dedicated unit to deal with appeals or with domestic violence cases. That's why a mere seven years after Dallas had the only CIU in the country, we now have 24 CIUs operating in offices that serve dozens of millions of people.

This unconstrained prosecutorial authority has two sides. On the one hand, it permits rapid change. On the other hand, it means that a Conviction Integrity Unit will be whatever the prosecutor in charge makes it, no more, no less. In a few counties, that has led to CIUs that are important, active on-going operations. In others, we find no evidence that they have done anything much at all. And in several, it's too early to say.

One particular point of contention has been the relationship between CIUs and the criminal defense bar. Two of the most successful CIUs—those in Dallas and Brooklyn—were set up with close working relations with local defense attorneys, public defenders and innocence organizations. The Dallas CIU has always been run by an attorney with a background in criminal defense and innocence work. The Brooklyn CIU was designed with the assistance of a former public defender, and has an external review panel including defense lawyers.

There's a lot to be said for these practices,⁸ but many CIUs have no formal relations with the defense bar and no external oversight of any sort. And in at least one county, formal ties to lawyers who represent defendants were tried but failed. The New Orleans CIU was initiated in late 2014, during the district attorney's re-election campaign, as a one-of-kind partnership with the Innocence Project New Orleans. The unit began operation in January 2015, worked on one exoneration, and was disbanded one year later, in January 2016.⁹

⁸ See Barry Scheck, [Professional and Conviction Integrity Programs: Why We Need Them, Why They Will Work, and Models for Creating Them](#), 31 *Cardozo L. Rev.* 2215 (2010);

⁹ John Simerman, [Cannizzaro, Innocence Project call it quits on project to unearth false conviction](#), *The New Orleans Advocate*, Jan. 9, 2015.

IV. Comments

Every section of this Report points in the same direction:

There were more exonerations last year than ever before, nearly three a week. Exonerations used to be big news; now they're common.

Last year saw record numbers of exonerations of innocent defendants in categories in which they used to be especially rare: Defendants who falsely confessed; defendants who pled guilty; defendants who were convicted of low level drug offenses. It seems that prosecutors and judges are increasingly willing to reconsider the guilt of convicted defendants in circumstances in which not long ago substantial claims of innocence were routinely ignored.

There are now two dozen Conviction Integrity Units across the country; seven years ago there was one. Prosecutors—the most powerful players in the American system of criminal justice—increasingly recognize the seriousness of the problem and are moving proactively to discharge their duty to protect the innocent as well as punish the guilty.

The underlying message may seem clear: We have turned the corner in dealing with wrongful convictions. There's a lot more to do, but it's just a matter of time.

In fact, that is not our view.

There is a growing awareness that false convictions are a substantial, widespread and tragic problem. The popularity of the recent Netflix documentary *Making a Murderer* reflects and contributes to that process. Increasingly, Americans realize that we convict innocent people of crimes on a regular basis.

How many? We don't know. We have reliable statistical evidence that the rate of false convictions among death sentences in the United States is about 4%,¹⁰ but we don't have comparable information about non-capital convictions. The rates for other types of criminal cases could be lower or higher. But even a false conviction rate of 1% translates into tens of thousands of miscarriages of justice a year, and thousands more who were convicted in past years but remain in prison.

The exonerations that we report point to a much larger number of false convictions that remain hidden:

In 2014 and 2015 there were 16 exonerations of defendants who were convicted of murder in Brooklyn from 1988 through 1994; other such cases are pending. This concentration of bad murder convictions from the years of the crack

¹⁰Samuel Gross, Barbara O'Brien, Chen Hu & Edward H. Kennedy, [Rate of false conviction of criminal defendants who are sentenced to death](#), Proceedings of the National Academy of Sciences, vol. 111 no. 20 pp. 7230–7235 (2014).

epidemic cannot be unique to Brooklyn. We have no doubt that similar numbers of cases would be found in other cities around the country if the prosecutors in charge devoted as many resources to finding them as the Brooklyn District Attorney's Office.

In 2014 and 2015, 73 innocent defendants who pled guilty to low level drug crimes in Harris County, Texas, were exonerated by lab drug tests—and more to come. But how many innocent defendants have pled guilty in Harris County in cases for which no lab tests are available? And how many thousands more in the thousands of other counties across the country?

So far, the changes are modest. Some conviction integrity units have taken dramatic steps, but only in a handful of counties and only for the most serious violent crimes and for some cases with exculpatory lab tests.

As with climate change, the significance of the issue of false convictions is now widely acknowledged, despite committed doubters. In other respects, we are far behind. We have no measure of the magnitude of the problem, no general plan for how to address it, and certainly no general commitment to do so.

We've made a start, but that's all.

The [National Registry of Exonerations](#), a project of the University of Michigan Law School, provides detailed information about every known exoneration in the United States since 1989—cases in which a person was wrongly convicted of a crime and later cleared of all the charges based on new evidence of innocence.

The National Registry
of
EXONERATIONS
EXONERATIONS IN 2015

APPENDICES

Appendix Table A: Conviction Integrity Units and CIU Exonerations, by County and Year

County	State	Population*	Web Address	Contact Info Web/Phone	2002	2003	2004-2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	TOTAL**
Santa Clara	CA	1,862,041	None	P		1M		1R	1SA				1SA				4
Dallas	TX	2,368,139	Yes	W, P					1M, 3SA, 1K	2M, 2SA, 2CSA	1CSA	3CSA, 1R	1M, 3SA, 3R		1SA, 1R		25
Harris	TX	4,092,459	None	W, P							2SA				1R, 31D	42D	76
Manhattan	NY	1,585,873	Yes	W									2R, 1A	1SA			4
Brooklyn	NY	2,504,700	Yes	P									1A	1M	10M	6M, 1B, 1G	20
Suffolk	MA	722,023	None	P													0
Baltimore City	MD	621,342	None	W, P											3M		3
Cook	IL	5,194,675	None	P									2M	3M, 1SA	4M	3M	13
San Diego	CA	3,211,252	None	-									1M				1
Lake	IL	703,462	None	P												1M, 1SA	2
Oneida	NY	234,878	None	P													0
Nassau	NY	1,339,532	None	-													0
Cuyahoga	OH	1,280,122	Yes	W, P													0
District of Columbia	DC	601,723	None	-													0
Multnomah	OR	756,530	None	-													0
Philadelphia	PA	1,526,006	None	P													0
Pima	AZ	1,003,235	Yes	W, P													0
Yolo	CA	204,593	Yes	W, P													0
Bexar	TX	1,714,773	Yes	W, P												1A	1
Los Angeles	CA	9,818,605	None	-													0
New Orleans	LA	343,829	N/A	N/A												1M	1
Tarrant	TX	1,809,537	Yes	W, P													0
Travis	TX	1,024,266	None	-													0
Ventura	CA	839,620	Yes	W, P												1M	1

TOTAL Population 45,363,215 **CIU Exonerations** 151

Key

Format:
For each county, the shaded years are those without a CIU, and the highlighted years are those with CIU exonerations.

Exonerations by crime:
For each year in which a county had one or more CIU exonerations, we list the number of CIU exonerations for each type of crime, coded as follows:

- A – Assault
- B – Burglary
- CSA – Child Sex Abuse
- D – Drug Possession
- G – Gun Possession
- K – Kidnapping
- M - Murder
- R – Robbery
- SA – Sexual Assault (adult)

For example, “2SA” means that there were two CIU sexual assault exonerations in the county in that year.

“Contact Info” Column:

- W – Contact information found on office Web site
- P – Contact information provided by Phone

* Population figures from 2010 United States Census.
** The pages at the links for Cook County and for the all CIU Exonerations include one additional exonerations that occurred in 2016.

The National Registry *of* **EXONERATIONS**

SEVEN ILLUSTRATIVE EXONERATIONS IN 2015



Floyd Bledsoe

State: *Kansas*

Crime: *Murder, Child Sex Abuse & Kidnapping*

Convicted: *2000*

Exonerated: *2015*

Key Factors: *Prosecutorial and Police Misconduct, False Accusation, Misleading Forensics*

In 1999, 14-year-old Zetta Camille Arfmann disappeared from the trailer home in Oskaloosa, Kansas where she lived with her older sister, nephews and brother-in-law Floyd Bledsoe.

Family members began searching, but could not find her. That night, Floyd's brother, Tom Bledsoe, left two messages on his church pastor's answering machine saying he knew where the girl was and asking for forgiveness.

Tom turned himself into the police, handed over the murder weapon, led police to her body and told them, "I did it. I killed her." She had been shot four times, dragged to the burial site and burned in a trash dump on the farm where Tom lived with his parents.

After he was jailed, Tom changed his story and said that Floyd actually killed Camille and told Tom how to find the body. He said he had falsely confessed after Floyd threatened to expose Tom's bestiality and pornography use.

Police released Tom and charged Floyd with first-degree murder, aggravated kidnapping and aggravated indecent liberties with a child. At trial Tom told the jury that Floyd confessed to him during a roadside conversation as they sat in separate cars. Floyd's defense attorney failed to confront Tom about his hearing problems that were so severe that it was extremely unlikely he could have heard anything Floyd said under those circumstances.

Tom and Floyd's father testified and provided an alibi for Tom to rebut the defense's suggestion that Tom was the killer. The prosecution presented no forensic evidence linking

Floyd to the crime, and falsely told the jury that tests on the rape kit found no male biological material.

The defense called alibi witnesses who said Floyd was with them during the murder. The defense also called the pastor's wife and Floyd's wife to testify that Floyd's two-year-old son, Cody, said Tom shot Camille. By eliciting that testimony, however, the defense opened the door to a second statement Cody made later that "Daddy" killed Camille.

Floyd was convicted sentenced to life in prison plus 16 years.

In 2014, lawyers for Floyd Bledsoe obtained DNA testing on the vaginal swab, the sexual assault kit, and the victim's clothing. DNA on the vaginal swab excluded Floyd, but matched Tom Bledsoe. Tom's father's DNA was on the victim's socks, suggesting that he helped drag the victim's body to the burial site.

During the investigation, the lawyers discovered an order signed by the prosecutor, the county sheriff and the Kansas Bureau of Investigation prior to the trial agreeing not to conduct DNA testing on the evidence. After Floyd's lawyers filed a motion to vacate Floyd's convictions, his brother Tom committed suicide and left several suicide notes admitting that he raped and killed Camille.

In one of the notes, he asked his parents to "please tell Floyd I am sorry." In another he said that the prosecuting attorney ordered him to lie and implicate Floyd. In a third, he drew a map showing where a shell casing could be found. Using a metal detector, detectives found the shell casing.

In December 2015, a judge vacated Floyd's convictions, the prosecution dismissed the charges, and he was released.



Quentin Carter

State: *Michigan*

Crime: *Rape*

Convicted: *1992*

Exonerated: *2015*

Key Factors: *Perjury, Teenage Defendant*

In 1992, 16-year-old Quentin Carter was convicted of raping a 10-year-old girl and sentenced to six to 20 years in prison in Grand Rapids, Michigan. At the same time, Aurelias Marshall, the boyfriend of the girl's mother, was convicted of child abuse after he admitted he beat the girl until she identified Carter as being one of three youths who raped her.

Carter was repeatedly denied parole because he refused to admit that he had committed the crime. Ultimately, he served nearly 17 years before he was released in 2008.

In 2014, the Kent County Prosecutor's Office re-opened an investigation of the June 11, 1990 murder of Joel Battaglia in Grand Rapids. During the investigation—which focused on Marshall—investigators questioned the victim in the rape case, who by then was in her 30's. She told them that she had been raped by Marshall rather than Carter, and that Marshall beat her until she agreed to falsely accuse Carter of committing the rape along with two fictional accomplices.

The victim told police that she had also been sexually assaulted by her stepfather at age seven (he was convicted and imprisoned) and by a relative at age 13 (the relative was removed from her home).

She said that Marshall chose Carter because his name was found on a piece of paper in the garbage outside a neighborhood home. She later said in an interview with the media that she had spent much of her childhood locked in a room while her mother and various boyfriends smoked crack. Once Marshall moved in, she frequently urinated in her room even if the door was not locked, for fear of going out into the hallway if Marshall was in the house.

She also said that on two occasions over the years after Carter's conviction, she went to the Prosecutor's Office to try to tell them that she had lied, but no one believed her.

Investigators interviewed the victim's mother, who admitted that she knew at the time that Marshall was the real rapist and that he beat the victim to force her to identify someone else.

After Marshall was convicted of the murder of Mr. Battaglia, the Kent County Prosecutor's Office disclosed that Carter was innocent and that Marshall was the rapist. On June 25, 2015, on a motion by the prosecutor, Carter's conviction was vacated and the charge was dismissed.



[Zachary Handley](#)

State: *Pennsylvania*

Crime: *Arson*

Convicted: *2008*

Exonerated: *2015*

Key Factors: *False Confession, Perjury, Teenage Defendant*

In December 2007, police in Stockertown, Pennsylvania, told 13-year-old Zachary Handley that if he confessed to arson he would get counseling and would not to be locked up over Christmas.

He did confess, but despite their promise, the police arrested him on December 21 anyway and he spent Christmas in jail.

At an adjudicatory hearing without a jury in January 2008, Judge Anthony Beltrami found Handley delinquent for setting two fires—one in a restaurant dumpster and another that destroyed an apartment building. The sole witness against him was 25-year-old Karla Dewey, who said she saw Handley set the fires.

After a psychological evaluation, Handley was ordered to spend six to 12 months in a residential program for youths who intentionally set fires. At the time, Dewey submitted a victim impact statement saying that it was the second devastating fire she had been involved in—her family home had burned down in 2003. Judge Beltrami also ordered Handley to pay \$625,000 in restitution for the fire damage.

Handley, who repeatedly said his confession was false, was discharged in January 2009, after a year in the program.

More than three years later, in September 2012, Karla Dewey was charged with arson for setting two fires. She was accused of setting fire to her home in Nazareth, Pennsylvania—a town just three miles from her former residence in Stockertown—and setting a fire at St. John's United Church of Christ Church in Nazareth. The police said that Dewey was also a suspect in six other unsolved arsons in the Nazareth area.

In 2013, by coincidence, Dewey's cases were assigned to the courtroom of Northhampton County Common Pleas Judge Anthony Beltrami—the same judge who presided over Handley's juvenile arson case five years earlier.

Dewey pled guilty to arson and endangering the welfare of children for setting the fire at her home. She admitted that she used a lighter to set fire to a couch and then left, taking her three-year-old child with her, before they were harmed. After taking the plea, Judge Beltrami recalled that Dewey was also the witness who had implicated Handley in two fires in 2007.

Based on his "strong suspicion that it was not just a coincidence that three of Dewey's homes had been destroyed by fire and she just happened to be present at, and was an eyewitness to, both fires that (Handley) was accused of setting," Judge Beltrami vacated Dewey's guilty plea and recused himself from her case.

In August 2013, Dewey appeared before another judge, pled guilty again, and was sentenced to three to 10 years in prison for arson and a consecutive six to 12 month sentence for child endangerment.

In May 2015, Judge Beltrami vacated the delinquency finding and the restitution order against Handley and dismissed the case. The judge declared that “it has become abundantly clear to this Court that fire is an instrument of power and a weapon of choice to which Karla Dewey was no stranger. It has also become abundantly clear that it appears to be more than a mere coincidence that the common denominator in all of these fires is Karla Dewey.”



Lewis Fogel

State: *Pennsylvania*

Crime: *Murder, Rape*

Convicted: *1982*

Exonerated: *2015*

KeyFactors: *Perjury*

Lewis Fogle spent nearly 34 years in prison for a murder he confessed to, but did not commit. He was exonerated by DNA testing in 2015 nearly 40 years after a man picking blackberries discovered the partially-clad body of 15-year-old Deann Katherine Long in the woods near her home in Indiana County, Pennsylvania.

Long was last seen on July 30, 1976—the day before her body was found. She had been raped and shot once in the back of the head—not at close range, suggesting she may have been trying to flee when killed.

Five years later, a man name Earl Elderkin—who had attempted to admit himself to a psychiatric facility saying he was having recurring dreams about the murder—gave a statement about the crime while under hypnosis by an amateur hypnotist. Elderkin implicated Fogle, who was 28 years old, as well as Fogle’s brother Dennis and two other men.

Elderkin said that Lewis Fogle raped the victim on the front seat of the car, after which his brother raped her as well, and then Lewis Fogle shot Long in the back of the head.

The police picked up Dennis Fogle and questioned him, and eventually obtained a confession that matched Elderkin’s statement almost exactly. As a result, Lewis Fogle was arrested, as were his brother and the two other men. All four were charged with murder and rape.

By the time Lewis Fogle went to trial in Indiana County Court of Common Pleas in February 1982, three men who were in the jail with Fogle had agreed to testify that Fogle confessed

to the rape and murder. There was no forensic or physical evidence linking Fogle to the crime.

The trial judge excluded Elderkin's statement from evidence because the hypnotist who obtained it was untrained, made no written record of information given to him by the police prior to the session, made no record of what Elderkin remembered before he was hypnotized, and failed to record the session itself.

Fogle denied any involvement in the crime and said he spent the day with his parents and his brother, until 10 p.m. when they went to a bar. Fogle's parents testified and supported his alibi.

On February 26, 1982, the jury convicted Fogle of second-degree murder and rape. Fogle, who was married three months before he was arrested, was sentenced to life in prison without parole.

The prosecution later dismissed the charges against Dennis Fogle and the two others for lack of evidence.

In 2015, an investigation instigated by the Innocence Project and the Pennsylvania Innocence Project located physical evidence from the crime scene, including the victim's pubic hair combings. DNA tests on that evidence revealed the DNA profile of an unknown male. Fogle's DNA was not found.

In August 2015, Fogle's conviction was vacated and he was released to the arms of his wife, Deb, who had staunchly supported his innocence for more than 34 years. In September 2015, the charges against him were dismissed.



Bobby Johnson

State: *Connecticut*

Crime: *Murder*

Convicted: *1990*

Exonerated: *2015*

Key Factors: *False Confession, Police Misconduct, Inadequate Legal Defense, Teenage Defendant*

On August 1, 2006, 70-year-old Herbert Fields was fatally shot as he sat in his car in New Haven, Connecticut, in an apparent robbery. Four witnesses told police that two black youths ran from the scene after the shooting. The witnesses said that prior to the shooting, the two youths approached the car, one on each side. One leaned into the driver's side and shot Fields. Both youths took items from the car and fled.

A month later, New Haven police detectives picked up 16-year-old Bobby Johnson, who had an IQ of 69 and was barely able to read or write. After two interrogation sessions—during which the detectives lied and said there was physical evidence linking Johnson to the crime, and falsely told him he could get the death penalty but that they would get him probation instead—Johnson confessed to the murder.

While that investigation was going on, the detectives were also investigating three other murders in New Haven—two that occurred before the killing of Fields and one that occurred afterwards.

On September 15, 2006—12 days after Johnson confessed and said the gun used to kill Fields came from his cousin—ballistics tests on a gun linked to the other three murders showed it was also the weapon used to kill Fields. The gun was found on the body of 16-year-old Larry Mabery.

The detectives did not attempt to link the perpetrators of the other murders to the Fields murder, despite the forensic evidence linking them to the crime. Instead, they brought Johnson back in and forced him to change his statement to say he had borrowed the gun from Mabery.

In July 2007, Johnson pled guilty to murder and was sentenced to 38 years in prison. His appointed attorney conducted no investigation, even though he had received the forensic reports linking the gun in the other murders to Fields' murder.

By 2008, the lead detective in the Fields murder was facing larceny and forgery charges for submitting false claims for funds to pay confidential informants and pocketing the money. He was later acquitted and resigned from the department. The City of New Haven later settled lawsuits brought by defendants who accused that detective of conducting coercive interrogations and making false statements.

In 2015, attorneys for Johnson finally obtained the police records on the other murders that were committed with the gun used to kill Fields. The records showed that those murders were committed in the same manner as the murder of Mr. Fields—each victim was shot while he sat in a car.

In September 2015, New Haven State's Attorney Michael Dearington filed a motion to vacate Johnson's conviction, the charge against Johnson was dismissed and he was released.



[Debra Milke](#)

State: *Arizona*

Crime: *Murder, Kidnapping, Child Abuse, Conspiracy*

Convicted: *1990*

Exonerated: *2015*

Key Factors: *False "Confession," Police & Prosecutorial Misconduct, Child Victim, Death Penalty*

In Phoenix, Arizona in 1989, James Styers asked his roommate, 25-year-old Debra Milke, to borrow her car to run errands and take Milke's 4-year-old son to a mall to see Santa Claus. A few hours later, Styers telephoned Milke and said that he had lost Christopher and that he and a friend, Roger Scott, were looking for him.

The next morning, when the boy had not been found, Phoenix police called in Detective Armando Saldate, Jr., who had a reputation for getting confessions. Detective Saldate interrogated Scott, who eventually led police into the desert where they found Christopher's body. The boy had been shot three times in the head. Detective Saldate asserted that Scott implicated Styers and Milke in the crime, saying they killed the boy to cash in on a \$5,000 insurance policy on his life.

Saldate then interrogated Milke and claimed she had confessed—which Milke denied. Saldate's supervisor had ordered that the interrogation be tape recorded, but it was not.

Even though no physical or forensic evidence linked Milke to the crime, she was charged with capital murder, conspiracy to commit murder, child abuse and kidnapping, as were Styers and Scott. Styers told police that Milke was not involved in the murder and Scott refused to testify against her, rejecting a prosecution offer to plead guilty to second-degree murder in exchange for his testimony.

The primary evidence against Milke was the testimony of Detective Saldate, who testified that during the interrogation Milke flashed her breasts, offered him sex, and admitted to conspiring to kill the boy for insurance money. Milke told the jury that Saldate's testimony was false.

In 1990, Milke was convicted and sentenced to death. Styers and Scott admitted taking part in the abduction and murder and both also were sentenced to death.

Milke spent the next 25 years appealing her case. After painstaking research, Milke's appellate attorneys eventually found that Detective Saldate had a history of fabricating confessions. In 2013, the U.S. Court of Appeals for the Ninth Circuit concluded that the prosecution committed "egregious misconduct" by failing to tell the defense about

Detective Saldade's history of obtaining false confessions, lying to his supervisors and other improper conduct. The court ordered a new trial.

The Maricopa County District Attorney's office said it would retry Milke. But in December 2014, the Arizona Court of Appeals found that the misconduct against Milke was so serious that retrying her would violate the prohibition against double jeopardy. The prosecution was ordered to dismiss the charges.

Milke was exonerated after 26 years in prison, 22 of them on death row.



[Raymond Mora](#), [Amaury Villalobos](#), and [William Vasquez](#)

State: *New York*

Crime: *Murder and Arson*

Convicted: *1981*

Exonerated: *2015*

Key Factors: *Invalid Forensic Evidence, Perjury, Inadequate Defense, Conviction Integrity Unit*

In 1980, a fire erupted in a three-story Brooklyn townhouse, killing 27-year-old Elizabeth Kinsey and her five children.

At the time the building's owner, Hannah Quick, was facing charges that she operated a "shooting gallery" in her apartment where people came to get high on heroin. She said that she had previously argued with one or two men over a bad batch of drugs.

Police charged three men with murder and arson: 25-year-old Raymond Mora, 30-year-old Amaury Villalobos, and 34-year-old William Vasquez.

They went to trial in Kings County in 1981. Quick testified that following the argument, one of the men threatened to burn the building down. She told a jury that she was awakened by a noise, looked out her window and saw the three men leave just before an explosion rocked the building.

The state fire marshal assigned to investigate the blaze concluded that the fire started at two separate locations on the first floor indicating that the fires were set intentionally.

In addition, he said areas of low burning along the baseboards indicated the fires started there. "Fire can't travel downward. Fire travels up," he testified. According to the fire marshal, puddle shapes on the tiles—called pour patterns—and the fact that the baseboards had burned down to the ground level indicated an accelerant was used.

Defense lawyers failed to introduce evidence that laboratory tests found no traces of accelerants in the debris.

Mora's and Villalobos's wives testified that they were with their husbands at the time the fire broke out. All three were convicted by the jury. They were each sentenced to 25 years to life in prison.

Their appeals were denied. Mora died in prison in 1989. Villalobos and Vasquez—who lost his eyesight in prison because of untreated glaucoma—were released on parole in 2012.

That same year arson expert John Lentini examined the fire records and concluded that the fire marshal's determination that there were two separate fires was incorrect. That mistake was based on what was known about fires in 1981.

In the spring of 2015, investigators for Brooklyn District Attorney Ken Thompson's Conviction Review Unit located Quick's daughter who said that before Quick died in 2014, she admitted she had lied about seeing Mora, Vasquez and Villalobos and that she regretted sending three innocent men to prison.

In December 2015, Villalobos and Vasquez were back in Kings County Supreme Court where their convictions—and Mora's—were vacated and the charges were dismissed.