

The National Registry
of
EXONERATIONS

UPDATE: 2012
The National Registry of Exonerations
April 3, 2013

The [National Registry of Exonerations](#) was launched on May 21, 2012, as a joint project of the University of Michigan Law School and the Center on Wrongful Convictions at Northwestern University School of Law. At that time the Registry listed 891 cases.

Ten months later the Registry now includes 1089 exonerations, an increase of 198 or 22%.

When the Registry was launched we released a report, [Exonerations in the United States, 1989-2012](#) (the *Exoneration Report*) that described the 873 exonerations that we had identified and coded by the end of February 2012. That report also included a description of 12 “group exonerations” – sets of cases in which corrupt police officers systematically framed innocent defendants for non-existent crimes, mostly possession of illegal drugs or guns. Those group exonerations included at least 1100 additional exonerated criminal defendants who are not listed in the Registry itself.

In this *2012 Update* we describe the status of the Registry at the end of 2012 and identify continuing trends and new developments since the Registry was launched. In final section, we describe several recently-added exonerations that exemplify some of our findings.

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UPDATE: 2012

The National Registry of Exonerations

I. WHAT'S NEW?

1. New Cases Added

We added 178 exonerations to the Registry in the ten months from March 1 through the end of last year, and removed one case which we determined did not qualify as an exoneration by our criteria.

With these additions the Registry listed 1050 exonerations on December 31, 2012.

The 178 exonerations we added from March through December 2012 are divided into two unequal groups:

- **New exonerations.** Nearly a third of the exonerations we added (58/178) took place in 2012.
 - These 58 cases raised the total number of known 2012 exonerations to 63, second only to 2009 when there were 75 known exonerations, as of the end of 2012. (We have continued to add cases since; our current totals are 67 for 2012 and 76 for 2009.)
- **Old exonerations.** About two-thirds of the cases we added (120/178) – occurred in earlier years but were not previously identified.
 - We added 14 exonerations from 2011, an increase of 39% over the 36 exonerations we previously knew about in 2011. The remaining 106 were spread out reasonably evenly from 1989 to 2010, a 13% increase in known exonerations for that entire period.

This rapid increase confirms our claim in the Exoneration Report that the exonerations we now know about are only a fraction of all exonerations that have occurred.

2. What's Changed and What Hasn't

- **In 2012 there was a dramatic increase in the number and the proportion of exonerations that prosecutors or police participated in obtaining.**
 - Of the 63 exonerations in 2012, prosecutors or police initiated or cooperated in 34, or 54%.
 - Over the past 24 years, prosecutors and police have cooperated in 30% of the exonerations we know about (317/1050). Last year for the first time they

cooperated in a *majority* of exonerations, and the number of such cases is a large increase from the previous high (22 of 57 in 2008, or 39%).

- This increase may be due to a confluence of related factors: changes in state laws that facilitate post-conviction DNA testing, the emergence of Conviction Integrity Units in several large prosecutorial offices, and, perhaps, a change in how law enforcement officers view the possibility of false convictions at trial.
- **In other respects the new exonerations that occurred in 2012 are generally similar to the exonerations discussed in our previous report.**
 - They are overwhelmingly homicide cases (57%, 36/63) – including two exonerations of defendants who had been sentenced to death – and sexual assault cases (24%, 15/63); 30% involved DNA; 8% of the exonerees were women (5/63); 57% were African American (36/63).
- **Overall trends:**
 - Official cooperation is least common among exonerations for highly aggravated and publicized crimes – murders with death sentences and mass child sex abuse prosecutions – and most common among exonerations for robberies and drug crimes.
 - The number of exonerations in cases in which the defendant pled guilty has increased across these two reports from 8% (71/873) to over 9% (99/1050).
 - The proportion of rape and murder exonerations is dropping. Most known exonerations still involve homicide or sexual assault or both, but that proportion is down from 83% on March 1 to 80% on December 31, 2012. It was 96% in the best available study in 2004.
 - The proportion of DNA cases continues to decline, from 35% in the previous report to 33%. The rate of DNA exonerations has leveled off below its peak while the number of other known exonerations, old and new, continues to climb.
 - The number of known exonerations in cases where no crime occurred also increased, from 15% (129/873) to 19% (195/1050).
- **These trends reflect sharp changes among the old exonerations we have added, which account for the noticeable shifts we see in a short period of time:**
 - 16% of the old exonerations added were cases in which the defendant pled guilty.
 - 38% of the old exonerations we added did not include sexual assault or homicide, compared to 17% in the Exoneration Report.

- In 37% of the old cases added, no crime occurred, compared to 15% in the Exoneration Report.
- None of the old exonerations we added to the list involved DNA

These trends are related. The exonerations they concern – those without DNA, where the defendant pled guilty, where no victim was killed or raped, or no crime actually occurred – appear to be less publicized and less well-known than the archetypal exoneration we have all seen and read about repeatedly: a defendant is sentenced to death or life imprisonment after a trial for a rape-murder, and is exonerated decades later by DNA.

Our work over the past year suggests that there are many of these less dramatic exonerations that have escaped notice. We expect to find more of them in the years to come.

- **There has been a recent increase in exonerations in cases in which the defendant pled guilty.**

The older guilty plea cases we have added are disproportionately exonerations that occurred in the past few years. There have been 39 guilty-plea exonerations in the last 4 years – an average of 10 a year (and more per year than in any previous year), up from an average of 3 a year from 1989 through 2008. Through 2008, guilty-plea cases made up 7.5% of known exonerations; since 2009 they are 15.5%

This may reflect greater willingness by authorities to reconsider the guilt of innocent defendants who accepted plea bargains rather than risk higher penalties at trial.

- **The case we added are unevenly distributed by state.** That pattern does not reflect the frequency of exonerations across those states. Since the release of the Exoneration Report, we focused on finding cases in California, the most populous state in the union, with a comparatively low rate of known exonerations per capita – and as a result we added more exonerations in California than any other state:

CA – 39	FL – 6	LA – 4
TX -29	MI – 6	MA -4
NY – 17	WI – 6	IN – 3
Federal – 13	PA - 5	<i>All Others – 30</i>
IL – 12	IA – 4	

As we turn our attention elsewhere, we expect to find more previously unknown exonerations in other states.

II. SUMMARY: KNOWN EXONERATIONS IN THE UNITED STATES AT THE END OF 2012

1. Who's Exonerated, and by What Procedure

Of the 1050 individual exonerations from January 1989 through December 2012:

- 93.2% were men (979/1050) and 6.7% were women (71/1050).¹
- We know the race of the defendants in 97.6% of the cases (1025/1050):
 - 47.3% were black (485/1025),
 - 38.5% were white (395/1025),
 - 12.2% were Hispanic (126/1025), and
 - 1.8% were Native American or Asian (19/1025).
- 9.4% pled guilty (99/1050) and the rest were convicted at trial, 82.2% by juries (864/1050) and 7% by judges (73/1050). In 1.2% (13/1050), we don't know whether the trial conviction was by a jury or judge.
- 32.4% were cleared at least in part with the help of DNA evidence (341/1050).
- 67.5% were cleared without DNA evidence (709/1050).
- Almost all had been in prison for years; half for at least 9 years; more than 75% for at least 4 years.
- As a group, the defendants had spent nearly 11,000 years in prison for crimes for which they should not have been convicted – an average of more than 10 years each.²

As a procedural matter, these exonerations occurred in several ways; in some cases, in more than one way:

Pardons: In 104 cases, governors (or in some states, other government officers or bodies) issued pardons based on evidence of the defendants' innocence, including 41 cases of defendants whose charges had previously been dismissed, and three who had been acquitted on retrial by a jury or a judge.³

Dismissals: In 828 cases, criminal charges were dismissed by courts, generally on motion by the prosecution, after new evidence of innocence emerged (not counting those in which the defendant was later pardoned).

¹ Because of this lopsided distribution, we generally refer to exonerated defendants using male pronouns.

² This is a conservative estimate of the direct consequences of these wrongful convictions. We have not counted time spent in custody before conviction. Nor have we included time spent on probation or parole, or time on bail or other forms of supervised release pending trial, retrial, or dismissal, even though all of these conditions involve restrictions on liberty – some mild, some onerous.

³ Under the Texas Wrongful Imprisonment Act (the "Tim Cole Act"), for example, an exonerated defendant may need a pardon even after a dismissal or an acquittal in order to be eligible for compensation for wrongful incarceration. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 103.001 (2011).

Acquittals: In 95 cases, the defendants were acquitted on retrial on the basis of newly presented evidence that they were not guilty of the crimes for which they were originally convicted, mostly by juries (at least 84 cases), occasionally by judges (at least six cases).⁴

Certificates of Innocence: In a small but growing number of cases – 18 to date – courts have issued “certificates of innocence,” “declarations of wrongful imprisonment,” or similar judgments of innocence.⁵ (In one case, the defendant had already received an executive pardon.)

Posthumous Exonerations: Eleven defendants received posthumous exonerations; two of them also received a judicial declaration of innocence.

2. Exonerations by Crime

As before, the great majority of known exonerations at the end of 2012 are homicide cases (47%) and sexual assault cases (33%). But the proportion of exonerations in cases that do not involve homicide, rape or child sex abuse continues to climb, from 4% in the first comprehensive national report on exonerations,⁶ to 18% in the Exoneration Report, to 20% in this 2012 Update. From March 2012 until the end of that year, there was a corresponding decrease for homicide exonerations, (from 48% to 47%), and for adult sexual assault exonerations, (from more than 23% to 21%). See Table 1.

⁴ In several cases, we know that an exonerated defendant was acquitted at retrial but not whether it was a jury or bench trial.

⁵ *See, e.g.*, 735 ILL. COMP. STAT. 5/2-702 (2012) (detailing Illinois’s procedure for filing a petition for a certificate of innocence).

⁶ Gross et al. ...

Table 1: Exonerations by Crime, 1989 – 2012

<u>CRIME</u>	
Homicide	47% (493)
Murder	46% (479)
Death sentences	10% (104)
Other murder convictions	36% (375)
Manslaughter	1% (14)
Sexual Assault	33% (348)
Sexual assault on an adult	21% (221)
Child sex abuse	12% (127)
Other Crimes of Violence	12% (126)
Robbery	6% (63)
Attempted murder	2% (21)
Assault	2% (22)
Arson	0.5% (6)
Kidnapping	0.5% (6)
Child Abuse	0.3% (3)
Supporting Terrorism	0.2% (2)
Miscellaneous	0.3% (3)
Non-Violent Crimes	8% (83)
Drug crimes	3% (33)
Tax/Fraud/Bribery & Corruption	1% (13)
Gun Possession	0.7% (7)
Theft/Stolen Property	0.5% (5)
Solicitation/Conspiracy	0.6% (6)
Sex Offender Registration	0.3% (3)
Destruction of Property	0.2% (2)
Immigration	0.4% (4)
Miscellaneous	1% (10)
TOTAL	100% (1050)

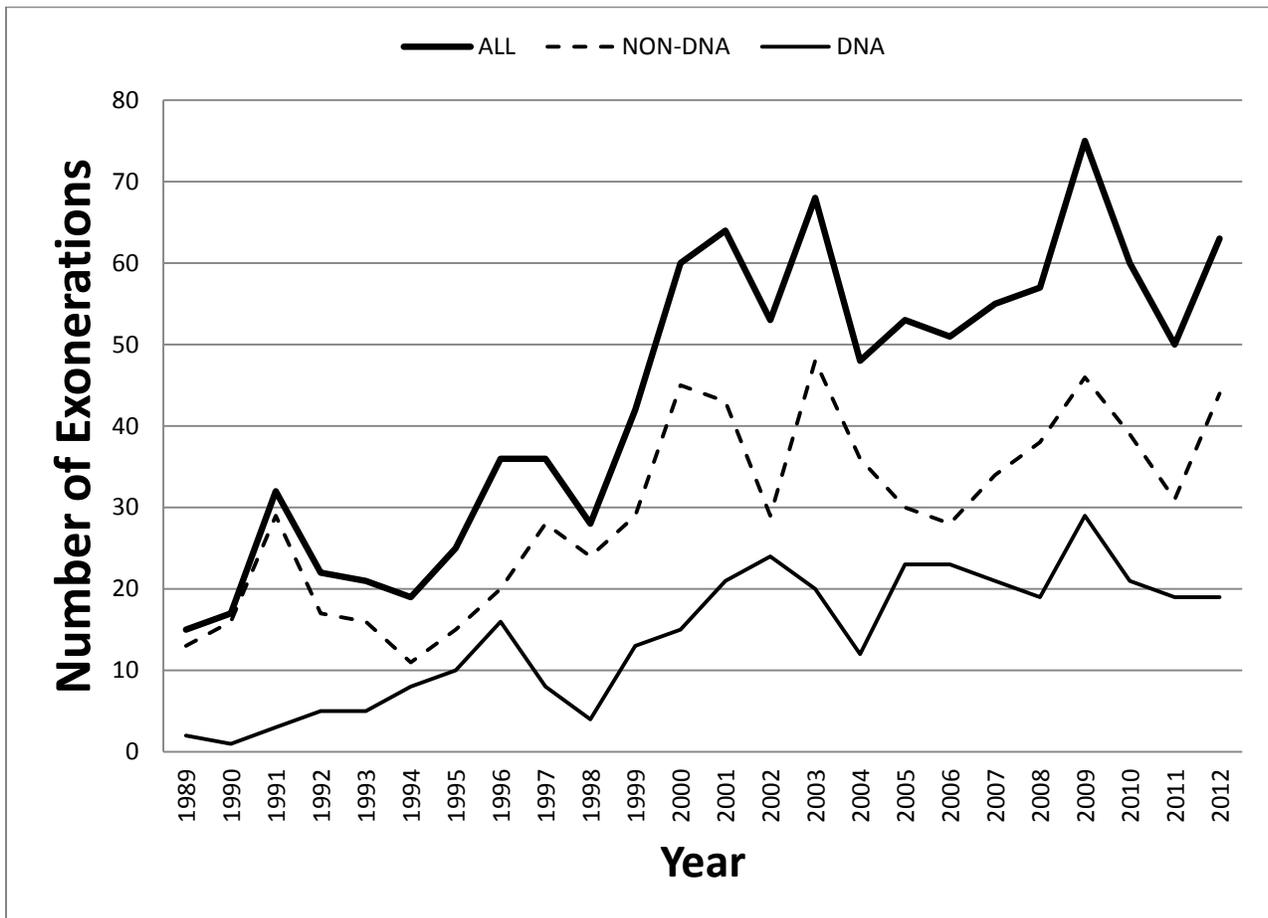
3. Exonerations over Time

As before, we see a rapid increase in the number of known exonerations, from 15 in 1989 to 42 in 1999, followed by an uneven plateau since 2000. But the number of exonerations we know about has increased across the entire range of years that we cover. From 2000 through 2012 the

annual total has ranged from 45 to 75, and averaged 58; in our previous report that average was 52 per year.

The increase occurred entirely among non-DNA exonerations. DNA exonerations now average 20 per year since 2000 – 34% of all known exonerations, down from 40% in the Exoneration Report. Overall, the proportion of known exonerations based on DNA dropped from 37% as of March 1 to 32% at the end of 2012.⁷ See Figure 1.

Figure 1: Number of Exonerations by Basis, Over Time



⁷ The actual numbers of exonerations by year and basis are tabulated below.

BASIS	'89	'90	'91	'92	'93	'94	'95	'96	'97	'98	'99	'00	'01	'02	'03	'04	'05	'06	'07	'08	'09	'10	'11	'12	Total
DNA	2	1	3	5	5	8	10	16	8	4	13	15	21	24	20	12	23	23	21	19	29	21	19	19	341 (32%)
Other	13	16	29	17	16	11	15	20	28	24	29	45	43	29	48	36	30	28	34	38	46	39	31	44	709 (68%)
Total	15	17	32	22	21	19	25	36	36	28	42	60	64	53	68	48	53	51	55	57	75	60	50	63	1050 (100%)

4. DNA and Non-DNA Exonerations, and Time to Exoneration

A majority of all DNA exonerations – 52% – are adult sexual assault cases (176/341); they accounted for 79% of all adult sexual assault exonerations. As we have noted, the proportion of DNA cases has dropped since March 2012 as we continue to identify other less well known exonerations. This drop has occurred across all categories of crime. See Table 2.⁸

Table 2: Proportion of Exonerations Based on DNA, by Category of Crime

Homicide	26% (130/493)
All Sexual Assaults	57% (200/348)
Sexual Assault on an adult	79% (176/221)
Child sex abuse	19% (24/127)
Other Crimes of Violence	9% (11/126)
Drug and Property Crimes	0% (0/83)
ALL CASES	32% (341/1050)

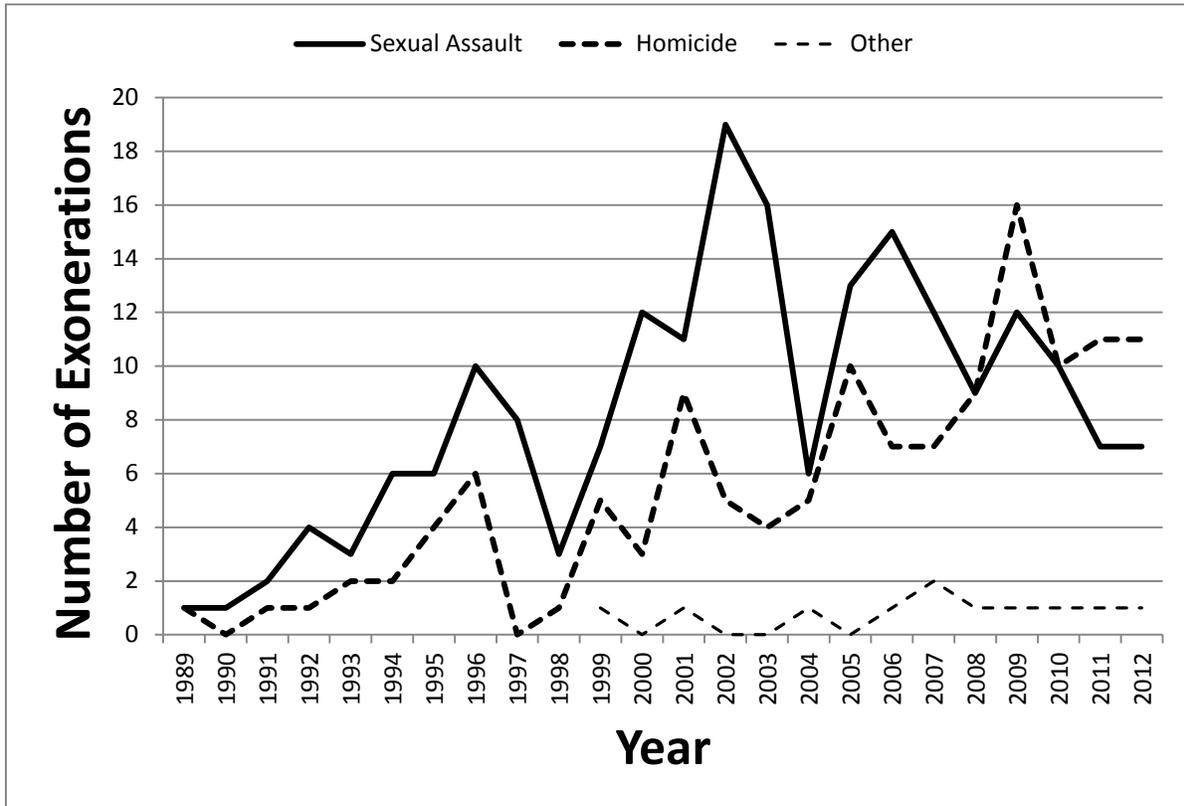
In the Exoneration Report last May we noted that in the past few years, the number of DNA exonerations in murder cases has exceeded the number in rape cases. That pattern has become better established. From 1989 through 2007, 66% of DNA exonerations were rape cases (155/234); since 2008, that proportion has dropped to 42%. See Figure 2.

⁸ For comparison, here is the same table as it appeared in the Exoneration Report that was released last May:

Table 3: Proportion of Exonerations Based on DNA, by Category of Crime

Homicide	30% (123/416)
All Sexual Assaults	63% (193/305)
Sexual Assault on an adult	84% (170/203)
Child sex abuse	23% (23/102)
Other Crimes of Violence	10% (9/94)
Drug and Property Crimes	0% (0/58)
ALL CASES	37% (325/873)

Figure 2: DNA Exonerations by Crime, Over Time

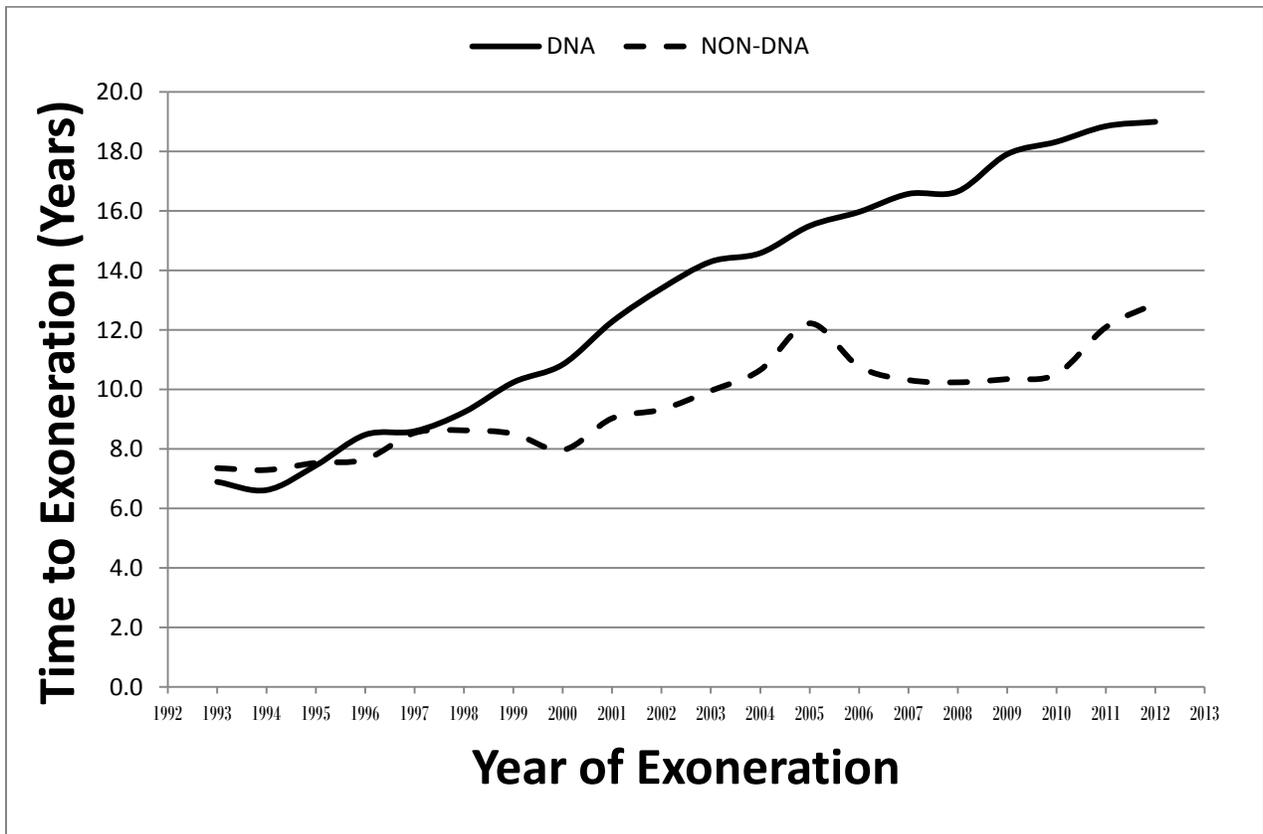


Despite this shift, rape remains the underlying factual basis for all DNA exonerations. In 51.5% of the DNA homicide exonerations in our data (67/130), the defendant was also convicted of a sexual assault, and in another 20.7% of DNA murder exonerations, there was a rape for which the defendant was not convicted, usually because it was not charged (27/130). In other words, DNA exonerations are increasingly about rape-murder rather than rape alone.

The main underlying reason for this shift is probably the aging pool of potential DNA exonerations. The average time to a DNA exonerations has increased from 7 years in 1993 to 19 years in 2012. See Figure 3. This should be no surprise. Nowadays, 24 years after the first DNA exonerations, if there is probative DNA in a major felony prosecution it is generally tested *before* trial. This has become increasingly true over the past 20 years. As a result, DNA exonerations are increasingly dominated by defendants who were convicted 20 to 30 years ago or longer. Innocent murder defendants are much more likely to be in prison 25 to 30 years after conviction than innocent rape defendants, and they and their supporters are more likely to continue to press for their release.

DNA has been used in a handful of robbery and attempted murder exonerations. Recently, a lot of attention has focused on the potential of DNA as an investigative tool for property crimes, from burglary to auto theft. While DNA may be gaining a foothold in pretrial investigations of such cases, it seems to have had little impact on reinvestigating property crimes after conviction, at least so far.

Figure 3: Time to Exoneration by Factual Basis (Five-Year Moving Average)



5. Exonerations by Race and Sex

African American defendants continue to be over represented among exonerees, particularly in sexual assault, robbery and drug cases. (The proportion of African American exonerees is also high in attempted murder cases, 62%, but there are only 21 such cases in the data.) As we noted last May, the disparity is greatest in sexual assault cases. African Americans constitute 25% of prisoners incarcerated for rape, but 62% of those exonerated for such crimes.

Overall, the proportion of African American exonerees has dropped a bit from the Exoneration Report, from 50% to 47%, with corresponding drops across most crime categories. See Table 3.

Table 3. Exonerations by Race Of Defendant and Type of Crime*

	White	Black	Hispanic	Other	TOTAL
Homicide (484)	37%	47%	14%	1%	99%
Sexual Assault (219)	32%	<u>62%</u>	5%	-	99%
Child Sex Abuse (123)	<u>65%</u>	24%	7%	2%	99%
Attempted Murder (21)	14%	<u>62%</u>	18%	6%	100%
Robbery (59)	18%	<u>63%</u>	20%	-	101%
Other Violent Crimes (38)	39%	37%	16%	8%	102%
Drug Crime (33)	24%	<u>55%</u>	21%	-	100%
Other Non-Violent Crimes (48)	<u>54%</u>	25%	15%	6%	100%
ALL CRIMES (1025)	39%	47%	12%	2%	100%

* Table limited to cases with data on race of defendant. Percentages may not add up to 100% due to rounding.

Fewer than 7% of known exonerations involved female defendants (71/1050). The crimes for which female exonerees were convicted were generally similar to those for male exonerees, with a conspicuous exception. More than a third of both genders were convicted of sexual assaults, but the men were overwhelmingly convicted of raping adult victims, and the women were all convicted of child sex abuse. See Table 4.

In general, women are heavily concentrated among exonerations in which the victims were children and in cases in which no crime was committed (as opposed to the great majority of cases, in which there was a crime but someone else did it). Overall, 57.7% of the female exonerees (41/71), were convicted of crimes that never occurred – mostly child sex abuse – but only 14.9% of the men were convicted in no-crime cases (146/979), and 52.1% of female exonerees were convicted of violent crimes against children (37/71), compared to 17.6% (172/979) of male exonerees.

Table 4: Exonerations by Gender and Crime

CRIME	MALE (979)	FEMALE (71)
Homicide	47%	41%
Sexual Assault	23%	-
Child Sex Abuse	11%	32%
Child Abuse	-	4%
Other Crimes of Violence	12%	8%
Non-Violent Crimes	7%	14%
TOTAL	100%	100%

6. Exonerations by Jurisdiction

The 1050 exonerations we knew about at the end of 2012 came from 45 states, the District of Columbia, the Commonwealth of Puerto Rico, 22 federal districts, and the military. In May 2012 we reported that the top four states in numbers of exonerations were, in descending order, Illinois, New York, Texas and California. Those states remained at the top of our list as of the end of 2012, but the order has changed. California now leads, with 119 exonerations, followed by Texas, Illinois and New York. See Table 5.

Table 5: Exonerations by State, Top Ten

<u>Exoneration Report</u>		<u>Update 2012</u>	
January 1989 - March 2012 (N = 873)		January 1989 - December 2012 (N = 1050)	
1. Illinois	101	1. California	119
2. New York	88	2. Texas	114
3. Texas	84	3. Illinois	112
4. California	79	4. New York	104
[Federal	39]	[Federal	52]
5. Michigan	35	5. Michigan	40
6. Louisiana	34	6. Florida	38
7. Florida	32	7. Louisiana	38
8. Ohio	28	8. Pennsylvania	32
9. Massachusetts	27	9. Massachusetts	31
10. Pennsylvania	27	10. Ohio	31

Some change in rank order is to be expected as a list such as this grows over time, but the surge in the number of exonerations in California has been dramatic: we added 40 cases in under a year, an increase of more than 50%. This rapid growth does not reflect a bumper crop of recent exonerations; only 5 of these exonerations occurred in 2012.

The reason for the rapid increase in the number of California exonerations is that we concentrated our search for past exonerations on California. This was a natural choice. California is the most populous state in the union and had a comparatively low per capita exoneration rate – three quarters the national average – so we thought might find many cases we had missed. As we move on to other smaller states, we expect to continue to find exonerations from years past that we do not yet know about.

California is still below average in the rate of known exonerations per capita, if only slightly so. See Table 6.⁹ The order of the top ten states in exonerations per capita has changed relatively little since the Exoneration Report, with one exception. Texas (which added 11 new exonerations and 19 previously unknown old ones) moved onto the list, in position 6, and Alabama dropped off the bottom. See Table 7.

Table 6: Number of Exonerations, Top Ten States

State	Number of Exonerations	Rate per Capita, Standardized
1. California	119	0.939
2. Texas	114	1.333
3. Illinois	112	2.567
4. New York	104	1.578
5. Michigan	40	1.190
6. Florida	38	0.594
7. Louisiana	38	2.465
8. Pennsylvania	32	0.741
9. Massachusetts	31	1.392
10. Ohio	31	0.790
NATION	1,050	1.000

Table 7: Exonerations Per Capita, Top Ten States

State	Rate per Capita, Standardized	Number of Exonerations
1. Illinois	2.567	112
2. Louisiana	2.465	38
3. New York	1.578	104
4. Wisconsin	1.396	27
5. Massachusetts	1.392	31
6. Texas	1.333	114
7. Mississippi	1.288	13
8. Oklahoma	1.254	16
9. Michigan	1.190	40
10. Washington	1.137	26
NATION	1.000	1,050

⁹ The number of exonerations per capita is standardized. The raw number is divided by the national average (0.340 per 100,000). Thus the standardized rate per capita for the nation as a whole is 1.000, by definition; the rate for Illinois, for example, means that Illinois had 2.567 times more exonerations per capita than the national average; and the rate for Florida means that Florida had 0.594 times the national average of exonerations per capita. All rankings are based on the 2010 United States census, which reported a national population of 308,745,538.

Criminal prosecutions in the United States are almost always handled by county rather than state authorities. There are 3,028 counties in the United States; we know of exonerations in 337 of them. In Table 8 we display the top 10 counties in the country by number of exonerations. In Table 9 we show the top counties in exonerations per capita, for counties with populations over 300,000.¹⁰

Table 8: Number of Exonerations, Top Ten Counties

County	Number of Exonerations	Rate per Capita, Standardized
1. Cook IL (Chicago)	85	4.811
2. Dallas TX	49	6.084
3. Los Angeles CA	44	1.318
4. Kern CA	22	7.704
5. Bronx NY	21	4.458
6. Suffolk MA (Boston)	20	8.145
7. Kings NY (Brooklyn)	19	2.230
8. Wayne MI (Detroit)	18	2.907
9. New York NY (Manhattan)	17	3.152
10. Harris TX (Houston)	16	1.150
NATION	1,050	1.000

Table 9: Exonerations Per Capita, Top Ten Counties with Population over 300,000

County	Rate per Capita, Standardized	Number of Exonerations
1. New Orleans LA	11.972	14
2. Suffolk MA (Boston)	8.145	20
3. Kern CA	7.704	22
4. Jefferson LA	6.798	10
5. Dallas TX	6.084	49
6. Cook IL (Chicago)	4.811	85
7. Bronx NY	4.458	21
8. District of Columbia	4.398	9
9. Clark WA	3.456	5
10. New York NY (Manhattan)	3.152	17
NATION	1.000	1,050

Table 9 is similar to the comparable one we released in the Exoneration Report. The top 6 counties reappear in the same order, and nine of the ten counties appear on both lists. But the numbers of exonerations have almost all increased – by one or two in the smaller counties (e.g., one additional exoneration each in New Orleans, population 343,829, and in Boston, population 722,023); by larger numbers in the larger counties (e.g., 7 in Cook County, population 5,194,675, and 13 in Dallas County, population 2,368,139).

¹⁰ If we included smaller counties, the list would consist entirely of counties with fewer than 100,000 people that happened to have a single exoneration or a group of several. See note 9, above, for a description the standardized rate of exonerations per capita. For the purpose of this analysis, we treat the District of Columbia as a county.

On the other hand, there are no known exonerations in nearly 90% of all counties in the United States, including some with large populations. Table 10 lists the 10 counties with more than 900,000 people but no exonerations, or just one.

Table 10: Counties with More than 900,000 People and No More than One Exoneration

County	Population	Number of Exonerations
Riverside CA	2,189,641	1
San Bernardino CA	2,035,210	0
Alameda CA	1,510,271	1
Hennepin MN	1,152,425	1
Orange FL	1,145,956	1
Fairfax VA	1,081,726	0
Honolulu HI	953,207	0
Pinellas FL	916,542	1
Bergen NJ	905,116	0
Wake NC	900,993	1

We believe these numbers reflect our ignorance of exonerations that we have not yet identified. For example, we know of only one exoneration in Alameda County, California, with 1.5 million people, compared to 10 in Santa Clara County, which borders Alameda on the south and has 1.8 million people. The Northern California Innocence Project in Santa Clara County may have increased the number of exonerations there. Still, it’s hard to believe that Alameda County, which has an excellent Public Defender’s Office and many more violent crimes than Santa Clara,¹¹ has had only one exoneration in the past 24 years. More likely there have been at least several exonerations in Alameda County, but without a local innocence project, they didn’t generate enough attention for us to find them, so far.¹²

¹¹ In 2009, for example 11,189 violent crimes were reported in Alameda and 5,013 in Santa Clara County. *Reported Crimes and Crime Rates*, CALIF. DEP’T OF JUSTICE, OFFICE OF THE ATT’Y GEN., available at <http://ag.ca.gov/cjsc/statisticsdatatabs/CrimeCo.php>.

¹² Two additional exonerations occurred in Alameda County in 2013, after the period of this Update, and received substantial attention. See <http://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4104> and <http://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4116>.

This pattern is changing. The Exoneration Report, based on data from March 2012, listed 16 large counties with no more than one exoneration. We're now down to 10. Overall, the number of counties with known exonerations has increased by 12%, from 301 to 337. We expect that pattern to continue as we continue to learn about more cases from years past.

A complete list of the number of exonerations by state and county is available with this report (see pg 35.) It is now possible sort exonerations by county on the [Summary View](#) page of our website in order to obtain the names of exonerees in each county.

7. Causes of False Convictions

For all exonerations, the most common causal factors that we have identified are: perjury or false accusation (52%); official misconduct (43%); and mistaken eyewitness identification (41%). These proportions are similar to those in the Exoneration Report, except that official misconduct (formerly 42%) and mistaken witness identification (formerly 43%) have switched positions. See Table 11.

Table 11: Exonerations by Crime and Contributing Factors
(N=1050)

	Mistaken Witness Identification	Perjury or False Accusation	False Confession	False or Misleading Forensic Evidence	Official Misconduct
Homicide (493)	27%	<u>65%</u>	22%	24%	<u>57%</u>
Sexual Assault (222)	<u>79%</u>	25%	7%	<u>36%</u>	18%
Child Sex Abuse (125)	21%	<u>78%</u>	6%	20%	<u>34%</u>
Robbery (63)	<u>86%</u>	13%	2%	6%	25%
Other Violent Crimes (64)	<u>55%</u>	<u>38%</u>	9%	13%	<u>41%</u>
Non-Violent Crimes (83)	12%	<u>53%</u>	4%	2%	<u>61%</u>
ALL CASES (1050)	<u>41%</u>	<u>52%</u>	14%	22%	<u>43%</u>

We noted in the Exoneration Report that the proportion of exonerations with mistaken eyewitness identifications is lower than previous reports, primarily because we have done a more careful job than before in separating eyewitness errors and eyewitness lies. That remains true.

The other main finding of the Exoneration Report in this regard was that, as best we can tell, false conviction is not one pathology with a single set of contributing risk factors but a set of several different problems with different causal structures depending on the crime. That too remains true:

- For homicide exonerations, the leading cause of false conviction is *perjury or false accusations*, mostly *deliberate misidentifications*. Homicide cases also include a high rate of *official misconduct*, and 74% of all *false confessions* in the database.
- The great majority of sexual assault and robbery exonerations include *mistaken eyewitness identifications*, mostly by the victims. Many sexual assault cases also include *bad forensic evidence*.
- Child sex abuse exonerations, by contrast, primarily involve false testimony by victims who *fabricated crimes* that never occurred at all.
- The small number of drug crime exonerations we have found have a high rate of *deliberate misidentifications* in the context of crimes that did occur.

8. Prosecutor and Police Cooperation in Exonerations

Police and prosecutors have always cooperated in a substantial minority of all exonerations. In 2012, for the first time that became a majority – 54% of the cases (34/63).

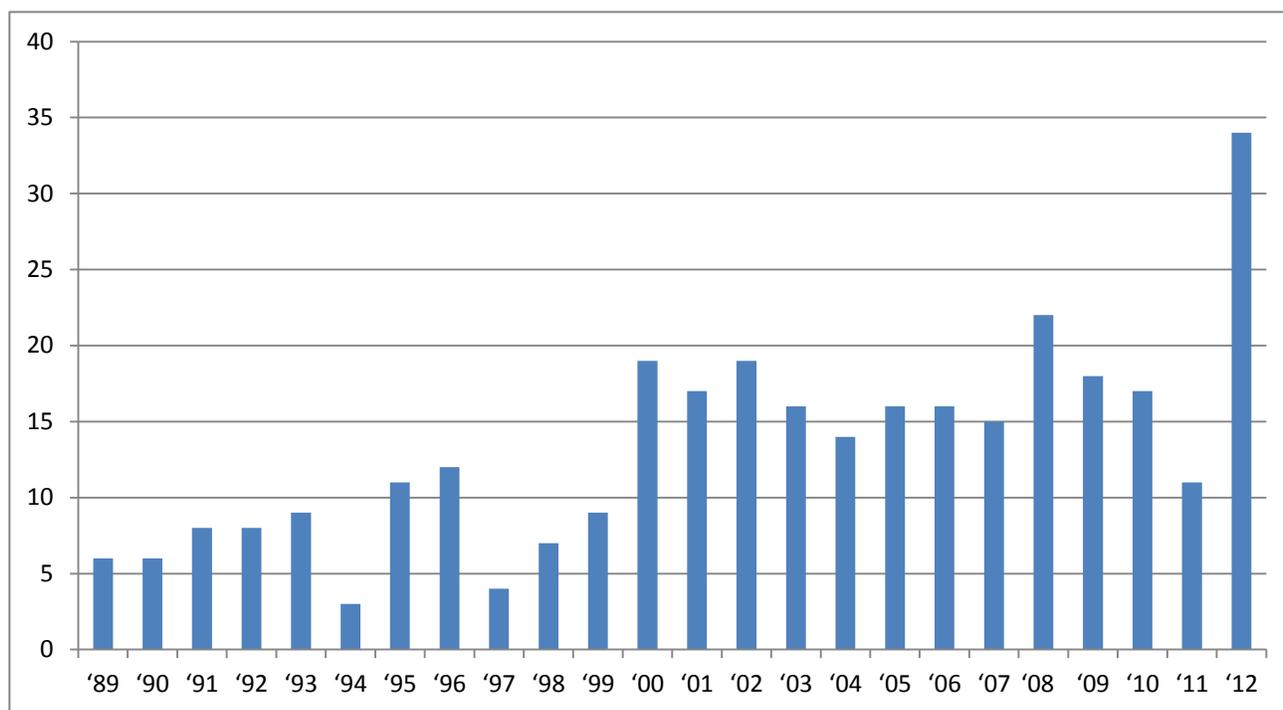
From 1989 through 2011 the proportion of exonerations with official cooperation ranged from 11% in 1997 to 39% in 2008, while the number of cases varied from 4 to 22. Last year, 2012, appears to be a break from the past, with sharp increases both in the proportion of cases with official cooperation and in the number of such exonerations.¹³ See Figure 4.

¹³ The actual numbers of exonerations by year and official cooperation are tabulated below.

Exonerations With Prosecutor or Police Cooperation (PPC) Over Time

	'89	'90	'91	'92	'93	'94	'95	'96	'97	'98	'99	'00	'01	'02	'03	'04	'05	'06	'07	'08	'09	'10	'11	'12	Total
PPC cases	6	6	8	8	9	3	11	12	4	7	9	19	17	19	16	14	16	16	15	22	18	17	11	34	317
All cases	15	17	32	22	21	19	25	36	36	28	42	60	64	53	68	48	53	51	55	57	75	60	50	63	1050
% PPC	40%	35%	25%	36%	43%	16%	44%	33%	11%	25%	21%	32%	27%	36%	24%	29%	30%	31%	27%	39%	24%	28%	22%	54%	30%

Figure 4: Number of Exonerations with Official Cooperation



There is probably no single explanation for this dramatic development.

- It may be due in part to the creation of Conviction Integrity Units in several large and medium-sized prosecutorial offices: Dallas, founded in 2007; Harris County (Houston), in 2009; New York County (Manhattan), 2010; Santa Clara County (San Jose) and Kings County (Brooklyn) in 2011; Cook County (Chicago) and Lake County Illinois, in 2012. In addition, some state Attorneys General have undertaken programs to facilitate exonerations, or helped in exonerating particular defendants (for example, in [Virginia](#) and in [Colorado](#).)
- It may also be due in part to the cumulative effects of DNA testing laws across states that permit post-conviction DNA testing and, in some cases, direct prosecutors and police to cooperate in obtaining such testing.
- More generally, it may reflect a change in climate, a growing recognition by prosecutors and other law enforcement officers that false convictions are a serious problem that they need to address.

Innocence organizations – the Innocence Project, the Center on Wrongful Convictions, Centurion Ministries or one of a few dozen similar groups that have emerged in the past two decades – had a hand in about 20% of the exonerations we know about (213/1050). The rate of law enforcement cooperation was essentially the same in cases with innocence organizations, 31% (67/213), and without, 29% (246/837).

What prosecutors and police did in the exonerations that we classify as including their cooperation differs from case to case. In some prosecutors and police officers were entirely responsible for the exonerations: they initiated the post-conviction investigation, found convincing evidence of innocence, and only then contacted defense attorneys or courts (see [George Shull](#), [Johnathan Moore](#) and [David Shawn Pope](#) as examples.) In other cases they strenuously opposed re-investigation for years, but ultimately changed their view (see [Michael Morton](#), [Troy Hopkins](#) and [Terence Garner](#). In each case in this category, however, prosecutors, police officers or both contributed to the process of obtaining the exoneration and concurred in that outcome.¹⁴ (The numbers of exonerations with official cooperation are all likely to be underestimates because there are likely to be cases in which cooperation that occurred is not apparent from the records at our disposal.)

The proportion of cases with law enforcement cooperation is somewhat higher for DNA exonerations, 38% (128/341), than for non-DNA exonerations, 27% (189/709). The rate of cooperation in DNA cases changed over time. From 1989 through 1995 DNA exonerations averaged about 5 a year, and more than half included such cooperation (18/34). Perhaps at that early stage DNA exonerations were novel and unlikely to succeed without official support. Since 1996 the number of DNA exonerations rose to an average of 20 a year; the rate of cooperation across that period is 35% (108/307). It seems to be rising recently. From 2008 through 2011, 39% of DNA exonerations had cooperation from prosecutors or police (34/88); for 2012 it was 53% (10/19).

The proportion of exonerations with cooperation from state officials varies greatly depending on the category of the crime. It is lowest – 0% – for the exonerations that grew out of the child sex abuse hysteria prosecutions (CSH) in the mid-1980s to early 1990s.¹⁵ It is next lowest for cases in which the defendants were sentenced to death, 15%; jumps to 31% in murder cases without death sentences; then to 33% for non-CSH child sex abuse cases; 36% for adult sexual assaults; 41% for drug crimes; and 44% for robbery exonerations. The underlying logic seems apparent: authorities are more likely to resist exoneration in cases where the crimes were more severe, and especially in cases that attracted a great deal of public attention. See Table 12.

¹⁴ An exoneration includes cooperation by police or prosecutors if at any point one or more such agencies conducted or participated in an investigation (including DNA testing) that produced evidence of innocence that led to the exoneration, or responded promptly to new evidence of innocence by taking actions that resulted in exoneration – for example, by moving or joining in a motion to dismiss charges against the defendant or by helping seek a pardon for the defendant – or stated at the time of exoneration that they believe the defendant is innocent. It is not sufficient for these agencies to fail to oppose actions taken by others to exonerate the defendant, such as motions to dismiss, petitions for pardon or DNA tests by private parties.

¹⁵ See the original [Exoneration Report](#), pgs. 75-78, for more information on child sex abuse hysteria prosecutions.

Table 12: Rate of Law Enforcement Cooperation in Exoneration by Type of Crime

Child Sex Abuse Hysteria (CSH)	0% (0/49)
Death Sentence	15% (16/104)
Murder without Death Sentence	31% (115/375)
Non-CSH Child Sex Abuse	33% (25/76)
Adult Sexual Assault	36% (81/222)
Drug Crime	41% (14/34)
Robbery	44% (28/63)
ALL CRIMES	30% (317/1050)

The rate of law enforcement cooperation in exonerations also varies greatly by state and by county. We display those rates in Tables 13 and 14 for, respectively, the 10 states and the 10 counties with the largest number of exonerations.

Table 13: Law Enforcement Cooperation in States with Most Exonerations

1. California	26% (31/118)
2. Texas	46% (53/114)
3. Illinois	26% (29/112)
4. New York	37% (38/104)
5. Michigan	25% (10/40)
6. Florida	42% (16/38)
7. Louisiana	16% (6/38)
8. Pennsylvania	38% (12/32)
9. Massachusetts	29% (9/31)
10. Ohio	16% (5/31)
NATION	30% (313/1,050)

Table 14: Law Enforcement Cooperation in Counties with Most Exonerations

1. Cook IL (Chicago)	27% (23/85)
2. Dallas TX	57% (28/49)
3. Los Angeles CA	32% (13/44)
4. Kern CA	0% (0/22)
5. Bronx NY	38% (8/21)
6. Suffolk MA (Boston)	45% (9/20)
7. Kings NY (Brooklyn)	35% (7/20)
8. Wayne MI (Detroit)	22% (4/18)
9. New York NY (Manhattan)	44% (8/18)
10. Harris TX (Houston)	50% (8/16)
NATION	30% (313/1,050)

Some of the differences by county reflect factors we have discussed. All but two of the 22 exonerations in Kern County, California, were child sex abuse hysteria prosecutions, for which the national rate of official cooperation is 0%; not surprisingly, that is also the rate for Kern

County. On the other hand, Harris (Houston) (50%) and especially Dallas (57%) are both counties with active prosecutorial Conviction Integrity Units.

Most of the counties with the largest numbers of exonerations are large urban counties with above average rates of law enforcement cooperation in exonerations. The exceptions – in addition to Kern – are Wayne County (Detroit), 22%, and Cook County (Chicago), also 27%, which has by far the largest number of exonerations of any county in the country and a somewhat low rate of official support for those exonerations.

Some of the state rates reflect the practices in high-exoneration counties within them. If we exclude Kern County, the rate for California goes from 26% to 32%, slightly above the national average. The high rate in Texas, 46% – which leads the country – is driven by Houston and Dallas, which account for a majority of the exonerations in that state. The New York State rate, 37%, is close to the average for the Bronx, Brooklyn and Manhattan, 39% (23/59), which between them have a majority of the cases in that state. And Illinois, 26%, is entirely dominated by Cook County, which has nearly three-quarters of all exonerations in that state (85/118).

II. ILLUSTRATIVE EXAMPLES OF RECENTLY ADDED EXONERATIONS

The following 7 cases, all added to the Registry since the Exoneration Report, exemplify trends in the cases we see:

- A variety of crimes are represented here, not just rape and murder.
- Just two of the seven are DNA exoneration.
- The first three are all cases in which no crime actually occurred, though defendants were convicted of rape, child abuse, or manslaughter.
- In two of these no-crime cases, the defendants pled guilty to avoid long prison terms.
- Three of the cases described here – Brian Banks, Damon Thibodeaux, and Robert Dewey – received a great deal of media attention when the defendants were exonerated. The other 6 exoneration received relatively little public attention or almost none at all.
- In several of these cases, prosecutors assisted in the exoneration process.



(1) Brian Banks

State: CA

Crime: Rape

Exonerated: 2012

Key Factors: No-crime case (rape), guilty plea to avoid a long prison term, exonerated when accuser admitted she lied, prosecutor cooperation, significant publicity

In 2003, 16-year-old Brian Banks was falsely convicted of rape by a classmate. He was exonerated 9 years later when his accuser admitted she had lied.

In July 2002, 15-year-old Wanetta Gibson, who was attending summer school in Long Beach, California, returned to class after requesting a bathroom pass half an hour earlier. She then told a friend that 16-year-old Brian Banks had just raped her and she was no longer a virgin. After repeating the claim to her sister that afternoon, Gibson reported what happened to school officials.

That night, Banks, a blossoming football star who had recently accepted a scholarship to the University of Southern California, was arrested at his parents' home. He was charged with two counts of forcible rape and one count of sodomy with a special circumstance of kidnapping.

Facing a potential prison term of 41 years to life, Banks pleaded no contest on July 8, 2003. He was sentenced to six years in prison.

Banks appealed his decision, contending there was no evidence that a rape had occurred, but the conviction was affirmed. In the meantime, Gibson's family filed a lawsuit against the school district alleging inadequate security. The suit was settled for \$1.5 million, split evenly between the family and their attorney.

After serving five years in prison, Banks was released on parole with an ankle monitor. He was required to register as a sex offender.

On February 28, 2011, Gibson sent Banks a friend request on Facebook. Banks messaged back and arranged a time to meet with her. He also contacted the California Innocence Project.

During a video-taped interview, Gibson admitted Banks had not raped her. The two had kissed, hugged and fondled, but not had sex, she said. But she was afraid of coming forward because she thought her family might have to give back the \$750,000 they received in the lawsuit.

On August 15, 2011, the California Innocence Project filed a petition for a state writ of habeas corpus, seeking to vacate Banks' conviction based on Gibson's recantation. According to the petition, in addition to the videotaped statements, Gibson previously confessed to a classmate that she made up the accusation because she did not want her mother to know she was sexually active, and prior to filing the civil lawsuit, she told her attorney that she had not been raped, but the lawyer told her to keep quiet.

On May 24, 2012, the conviction was set aside and the charges against Banks, 26, were dismissed at the request of Los Angeles Deputy District Attorney Brentford Ferreira.



(2) Yvonne Eldridge

State: CA

Crime: Child Abuse

Exonerated: 2003

Key Factors: No-crime case (child abuse), ineffective defense counsel, exonerated when new attorneys presented evidence of innocence, some publicity

In 1996, Yvonne Eldridge was wrongly convicted of abusing medically fragile foster children in her care. She was exonerated six years later because her trial lawyer was ineffective, failing to call experts who could have explained the children's ailments.

In 1987, Eldridge, an experienced foster mother in Walnut Creek, California, was recruited to serve as a foster parent in a special program for medically fragile babies. Most of these infants were born drug-addicted or with life-threatening conditions, and required frequent visits to the hospital.

In 1991, doctors alleged that Eldridge had intentionally interfered with the medical treatments of several of the children in her care, and in 1993, investigators testified at an administrative hearing that Eldridge was responsible for the deaths of three children and tried to harm eight others. The state claimed that Eldridge suffered from a rare psychiatric disorder that caused her to lie about the children's physical conditions in order to receive attention from medical professionals, leading doctors to order unnecessary medicines and perform unneeded surgeries on some of Eldridge's foster children.

In March 1993, California Child Protective Services took custody of Eldridge's newborn grandson, who was living in her home, claiming the infant was not safe there. In April, Eldridge lost her foster care license, and in November 1994, Eldridge was indicted on two charges felony child abuse.

At her 1996 trial, the two doctors who testified against Eldridge were inexperienced in treating the severe medical conditions that the foster children were born with, and one had never even treated the children Eldridge was accused of abusing. Yet on June 3, 1996, a jury convicted Eldridge of abusing two medically fragile babies in her care.

On July 10, 1996, Eldridge was sentenced to three years in prison. She hired new attorneys who immediately filed a motion for a new trial, and was allowed to remain free on bond pending this motion.

Eldridge's new attorneys argued that her trial lawyer was ineffective because he failed to call numerous witnesses who could have supported Eldridge's defense. Among other evidence, they presented a declaration from a pediatrician saying he could provide medical explanations for all of the children's ailments. The lawyers also presented evidence that one of the doctors who wanted to investigate Eldridge had a history of falsely accusing foster parents of abuse.

On December 21, 2000, a judge ordered a new trial based on the ineffectiveness of Eldridge's trial attorney, and in January 8, 2003, prosecutors dismissed the charges against Eldridge.



Dr. Thomas Bennett, whose false testimony led to the conviction.
Photo: qctimes.com

(3) Teresa and Joel Engberg-Lehmer

State: IA

Crime: Manslaughter

Exonerated: 1998

Key Factors: No-crime case (manslaughter – Shaken Baby Syndrome), guilty plea to avoid a long prison term, exonerated when expert testimony used to convict was proved false, prosecutor cooperation, little publicity

Teresa and Joel Engberg-Lehmer were convicted of shaking their infant son to death in 1997 and exonerated a year later when experts demonstrated that the child had in fact died of Sudden Infant Death Syndrome.

On April 4, 1997, Teresa Engberg-Lehmer checked on her three-month-old son at home in Council Bluffs, Iowa, and found him cold and unresponsive. The boy, Jonathan, was rushed to the hospital, where he was pronounced dead. Iowa State Medical Examiner Dr. Thomas Bennett performed an autopsy and declared the child's death a homicide. Bennett said that Jonathan was a victim of Shaken Baby Syndrome, concluding that he had been violently shaken to death by one or both of his parents. In July 1997, Teresa and her husband Joel Lehmer were charged with first degree murder.

Coined in 1972, the term Shaken Baby Syndrome (SBS) is said to describe a situation in which an infant is shaken so hard that the brain rotates inside the skull, causing severe and potentially deadly brain injury, but often without any external signs of harm. SBS is said to involve certain tell-tale symptoms which, when present in an infant who has no outward signs of abuse, definitively indicate that the child has been violently shaken. In recent years, medical research has cast serious doubt on the legitimacy of Shaken Baby Syndrome. New studies conducted since 1997 show that it's impossible to kill a baby by shaking alone, that any shaking that came close to producing that result would also produce severe damage to the child's neck or chest or both, and that other injuries and diseases can cause the symptoms said to identify SBS.

The Engberg-Lehmers insisted they had never shook their son, but faced with apparently persuasive medical evidence and the potential of long prison terms if convicted, they pleaded guilty to involuntary manslaughter in October 1997. They were each sentenced to 15 years in prison.

Two weeks later, Bennett resigned as medical examiner amid an investigation of the administration of his office.

In November, Teresa sought help from attorney Stephen Brennecke, who had successfully defended another SBS case earlier that year in which Dr. Bennett had also made the SBS diagnosis. At Brennecke's request, an Iowa City pathologist studied the records, and concluded that there was no evidence of Shaken Baby Syndrome, but rather that Jonathan had died of Sudden Infant Death Syndrome.

When this report was given to Pottawattamie County Attorney Rick Crawl, he sent the file to another forensic pathologist, who agreed that there was no evidence of shaking. Crawl then moved to vacate the convictions and to dismiss the charges, and the Engberg-Lehmers were released from prison on September 28, 1998.



(4) Michael Hash

State: VA

Crime: Murder

Exonerated: 2012

Key Factors: Police and prosecutorial misconduct, false testimony by police informant and others, some publicity

In 2001, 20-year-old Michael Hash was convicted of the 1996 murder of a 74-year-old woman in Lignum, Virginia. He was exonerated 11 years later after a judge ruled that police and prosecutors had hidden evidence of his innocence from the defense and knowingly allowed witnesses to commit perjury. The judge also found that Hash's trial lawyer had not properly investigated the case and had therefore failed to provide an adequate defense.

On July 14, 1996, 74-year-old Thelma Scroggins, a retired mail carrier and church organist, was found dead in her home in Lignum, Virginia. She had been shot four times in the head. At first, a neighbor came under suspicion because he owned the type of gun used in the shooting, but he was not charged and the investigation went cold.

In late 1999, the investigation was reopened. Police questioned Alesia Shelton, who had been convicted of a robbery and shooting, and who told police that she had heard her cousin, Michael Hash, and two others, Jason Kloby and Eric Weakley, say they planned to kill Scroggins. All three men were arrested.

Police questioned Weakley and said that he admitted that he had been involved in the crime and that Hash had shot Scroggins.

Weakley testified against Hash at his 2001 trial, as did Shelton and Paul Carter, a convicted drug dealer serving a federal prison sentence, who testified that Hash confessed to the murder when they were both in jail together after Hash was arrested. Hash was convicted and sentenced to life in prison.

Kloby was tried separately and acquitted, and Weakley pleaded guilty and was given a reduced prison term in exchange for testifying against Hash.

In 2012, a judge vacated Hash's conviction and ordered a new trial, finding that, among other misconduct, prosecutors had intentionally moved Hash to the same jail as Carter, who was a known police informant, and had lied to the jury when they said that Carter received no special deals in exchange for his testimony – in fact, his prison term had been significantly reduced. The judge also found that Hash's defense attorney had been ineffective in failing to investigate another suspect. At a hearing, Weakley recanted his testimony and said that he had no knowledge of the crime and police had provided him with the details.

On March 13, 2012, the prosecutor resigned. The following day, Hash was released from prison, and on August 20, 2012, the charges against him were dismissed.



Photo: yonkertribune.com

(5) Kian Khatibi

State: NY

Crime: Felonious Assault

Exonerated: 2008

Key Factors: Police misconduct, false testimony, exonerated when his brother confessed to the crimes, some publicity

Kian Khatibi was falsely convicted of stabbing two men after police threatened witnesses and rigged a photo lineup. He was exonerated 9 years later after his brother admitted that he himself had stabbed the men.

In January 1998, 22-year old Khatibi showed up at the Pleasantville, New York police station after getting into a confrontation at bar. A surveillance video showed him entering at 1:12 a.m. Police then received a call about a fight in front of the same bar and left the station. Near the scene of the fight, police encountered William Boyar and Brian Duffy walking down the street. Both were heavily intoxicated and bleeding from stab wounds.

Several days later, Khatibi learned that a warrant for his arrest had been issued. He went to the police station, and was immediately arrested for the stabbings.

At his trial in 1999, Khatibi's brother, Kayvan, told the jury Boyar had instigated an altercation that led to Kian's being kicked out of the bar. Kayvan said that he did not see and was not involved in the fight that left the two men wounded. Neither Boyar nor Duffy man could definitively identify Kian as the man who stabbed them, but Duffy said he believed Kian was the assailant. He was convicted on both counts and sentenced to a prison term of seven to 14 years.

Khatibi's appeals failed, and he was denied parole because he refused to admit his guilt.

Eight years later, Kayvan – who battled drug addiction for years and had been recently released from rehab – broke down in tears at a family dinner, admitting that he himself had stabbed both men. Based on this confession, Khatibi's conviction was vacated on September 23, 2008, his 33rd birthday, and the charges were dismissed several months later.

In 2010, Khatibi filed a federal wrongful conviction lawsuit against the Village of Pleasantville and two police officers who investigated the crime, charging that the officers had rigged the photo lineup used to identify him, punched a witness during interrogation, and, when Kayvan admitted his guilt to police not long after the crime, threatened him and told him to keep his mouth shut.

In May 2011, Khatibi graduated with honors from New York University, and in 2012, he was accepted as a law student at Benjamin N. Cardozo School of Law.



(6) Damon Thibodeaux

State: LA

Crime: Murder

Exonerated: 2012

Key factors: False confession under police pressure, exonerated by DNA and evidence of mistaken IDs, prosecutor cooperation, significant publicity

Damon Thibodeaux was sentenced to die after falsely confessing to a rape and murder under pressure and threats from police. Fifteen years later he was exonerated by DNA, as well as evidence of mistaken witness identifications, and evidence that his confession was coerced.

On July 19, 1996, 14-year old Crystal Champagne left for the supermarket near her home in Marrero, Louisiana, and never returned. Thibodeaux, Crystal's step-cousin, had been at the Champagne home when Crystal left for the store. He helped to search for her all night and into the next day, and then went directly to the police station for questioning, as investigators were interviewing everyone who had been with Crystal before she disappeared. The interview had just begun when police learned that Crystal's body had been found near the levee. She was partially naked and had been strangled with a wire.

The routine missing-person interview then became a homicide investigation. Thibodeaux insisted he knew nothing about the murder, but over the course of a nine hour interrogation, police mounted increasing pressure, saying they knew he was lying, claiming that his alibis had fallen through, and threatening him with the death penalty if he did not admit what he had done. Terrified and exhausted after 35 hours without sleep, Thibodeaux eventually broke down and said he had raped and murdered Crystal. As soon as he was allowed to eat and rest, he quickly recanted his confession, but it was too late; he had already been charged with rape and murder.

At Thibodeaux's trial, the prosecution built its case around his confession. On October 3, 1997, a jury convicted Thibodeaux of first-degree murder and rape. He was sentenced to death.

Thibodeaux filed multiple appeals, but all were denied.

In 2007, the Jefferson Parish District Attorney's Office agreed to reinvestigate the case along with a team of pro bono attorneys. The investigation revealed that two women who claimed to have seen Thibodeaux pacing near the crime scene had actually seen someone there the day after the body was found, when Thibodeaux was already in custody.

Extensive DNA testing failed to detect any biological material connecting Thibodeaux to the murder, testing on the cord used to strangle Crystal identified a male DNA profile that belonged

to someone else. The testing also showed that despite Thibodeaux's confession to rape, Crystal had not in fact been sexually assaulted.

The prosecution consulted an expert in false confessions, who concluded, as did the defense, that the confession was the result of police pressure, exhaustion, psychological vulnerability and fear of the death penalty.

On September 29, 2012, Jefferson Parish District Attorney Paul Connick, Jr., joined the Innocence Project, the Capital Post-Conviction Project of Louisiana and the law firm of Fredrikson & Byron in a motion to vacate Thibodeaux's conviction and death sentence and dismiss the charges against him, and he was released directly from death row that afternoon.



(7) Antonio Williams

State: AL

Crime: Child Sex Abuse

Exonerated: 2011

Key Factors: False accusation by a child victim, exonerated after victim recanted, prosecutor cooperation, little publicity

Antonio Williams was convicted of sexually abusing a child in 2007, and exonerated four years later when the girl admitted she had lied because the real perpetrator threatened to hurt her if she told.

After separating from his daughter's mother, Williams, who lived in Birmingham, Alabama, regularly visited his daughter at the home of her grandfather, who had custody of the girl. The girl's mother had three other children who also lived with their grandfather, and when Williams went to visit, he would help take care of all the children.

In 2003, it was discovered that one of the girls, who was seven years old, had a sexually transmitted disease. Social workers investigated, and in 2005, the girl said that Williams had sexually abused her. He was arrested April 27, 2005.

At his 2007 trial, there was no physical evidence implicating Williams – just the little girl's word. Nevertheless, Williams, who is African American, was convicted of two counts of rape by all-white jury. He was sentenced to life in prison.

Williams vehemently maintained his innocence. He appealed his case, but the conviction was upheld.

Four years later, in another interview with social workers on an unrelated matter, Williams' accuser admitted that he had never abused or raped her. She named another man as the rapist, saying she only accused Williams because the real rapist had threatened to hurt her if she ever told what he had done.

Jefferson County District Attorney Brandon Falls was notified and quickly took action. At a hearing before Circuit Judge Stephen Wallace, the girl again denied that Williams had ever raped or abused her and named the other man as the rapist. The girl's older half-sister testified that she had also been abused by the actual rapist. The director of the social service agency that interviewed the girl also testified, saying that after reviewing the original interview transcripts, she found that contrary to protocol, the questioner had not asked broad, open-ended questions, but instead had suggested information to the girl.

On May 16, 2011, Judge Wallace set aside the conviction and ordered a new trial. Prosecutors declined to re-try Williams, and on August 23, 2011, he was released from prison.



(8) Kristine Bunch

State: IN

Crime: Arson, Murder

Exonerated: 2012

Key Factors: Prosecutorial misconduct, faulty forensic science, some publicity

In 1996, Kristine Bunch was convicted of setting a fire that claimed the life of her three-year-old son, Anthony, in a trailer home they shared in Decatur County, Indiana. She was exonerated in 2012 after the court found that prosecutors had withheld from the defense parts of the arson investigation that could have proved Bunch's innocence.

At Bunch's trial, a state arson investigator testified that the fire had been started in two places using a liquid accelerant, and his testimony was corroborated by a forensic analyst with the U.S. Bureau of Alcohol, Tobacco, and Firearms (ATF).

An independent arson investigator testified for the defense that the cause of the fire should have been “classified as undetermined” because there was “a probability” that it had been accidental. On March 4, 1996, the jury found Bunch, then 22 and pregnant, guilty of murder and arson. She was sentenced to concurrent prison terms of 60 years for murder and 50 years for arson.

On June 9, 1998, the Indiana Supreme Court affirmed the murder conviction, but vacated the arson conviction on double jeopardy grounds.

In 2006, the Center on Wrongful Convictions began investigating the case, and found three fire forensic experts who agreed that the arson testimony presented by the prosecution at Bunch’s trial had likely been wrong. Attorneys obtained previously undisclosed documents from the ATF investigation showing that — contrary to the trial testimony the ATF analyst — no fire accelerant had been found in the bedroom. Kerosene had been found only in the living room, where there was an innocent explanation for its presence: The family had used a kerosene heater in the living room during winter months, and when filling it sometimes spilled kerosene on the floor.

Bunch’s lawyers filed a motion for post-conviction relief, which was at first denied, but in July 2012 the Court of Appeals of Indiana reversed the decision, ruling that Bunch was entitled to a new trial. This ruling was upheld by the Indiana Supreme Court, and in December 2012, the prosecution dropped the charges.



Photo: nytimes.com

(9) Robert Dewey

State: CO

Crime: Murder, Rape

Exonerated: 2012

Key Factors: Exonerated when DNA evidence revealed the real culprit, prosecutor cooperation, significant publicity

In 1996, Robert Dewey was convicted of the rape and murder of 19-year-old Jacie Taylor in Palisade, Colorado. He was exonerated in 2012 after DNA testing linked another man to the crime.

When Taylor was found raped and strangled in her bathtub in June 1994, investigators focused on 33-year-old Dewey, a motorcycle buff and recent arrival in town who was staying with friends of Taylor's roommate. In April 1995 Dewey was charged with rape and murder.

At his trial, a witness testified that Dewey was not at the apartment where he was staying on the night of the murder, and another witness testified that Dewey had commented on details of the murder before that information had been reported. Other witnesses testified that Dewey had scratch marks on his face the morning after the murder and that the victim, who had met Dewey prior to the crime, had said she was afraid of him.

Police testified that Dewey had made inconsistent statements about the source of scratches on his arm and tried to avoid police when they were investigating.

Tests on semen found on the victim showed it was not Dewey's, but authorities claimed this meant that Dewey had committed the crime with someone else. Dewey was convicted in 1996 and sentenced to life in prison.

In 2007, Dewey approached the New York-based Innocence Project to seek further DNA testing of the blood on the shirt.

Dewey's case was approved for testing through the DNA Justice Review Project, a joint effort to review cold cases on the part of the attorney general, the Colorado Bureau of Investigation and the Denver County District Attorney's Office. DNA tests performed on a blanket and on fingernail scrapings from the victim generated a single male profile which was submitted to the FBI's national DNA database (CODIS).

The profile matched that of Douglas Thames Jr., a convicted felon in prison for a rape and murder. Investigators later learned that Thames was staying within a block of Taylor's apartment on the night she was murdered.

Mesa County Assistant District Attorney Rich Tuttle conducted an extensive investigation and as a result, in May 2012, Tuttle joined with Dewey's lawyers in asking that the conviction be vacated. The motion was granted, the charges were dismissed, and Dewey was released.

On the same day, Thames was charged with Taylor's murder.

Exonerations by State and County 1989–2012

In order to obtain the names of exonerees in each county, sort exonerations by county on the [Summary View](#) page of our website.

Alabama (17)

Baldwin 1
Choctaw 1
Coffee 1
Jefferson 6
Marshall 1
Monroe 1
Montgomery 3
Morgan 2
Tuscaloosa 1

Alaska (1)

Petersburg 1

Arizona (12)

Maricopa 5
Pima 6
Yavapai 1

Arkansas (2)

Clark 1
Pulaski 1

California (119)

Alameda 1
Butte 1
Contra Costa 3
Fresno 2
Kern 22
Lake 1
Los Angeles 44
Marin 1
Merced 1
Monterey 2
Orange 9
Riverside 1
Sacramento 2
San Diego 9
San Francisco 4

San Joaquin 1
San Mateo 2
Santa Barbara 1
Santa Clara 10
Siskiyou 2

Colorado (3)

Denver 1
Larimer 1
Mesa 1

Connecticut (8)

Fairfield 3
Hartford 3
Middlesex 1
New Haven 1

District of Columbia (9)

Florida (38)

Bradford 1
Brevard 2
Broward 10
DeSoto 1
Duval 1
Hillsborough 4
Manatee 3
Martin 1
Miami-Dade 4
Monroe 1
Orange 1
Palm Beach 2
Pasco 2
Pinellas 1
Polk 4

Georgia (16)

Carroll 1
Chatham 2
Clayton 2
Cobb 1
DeKalb 2
Fulton 4
Hart 1
Meriwether 1
Tift 1
Whitfield 1

Hawaii (1)

Maui 1

Idaho (2)

Canyon 1
Kootenai 1

Illinois (112)

Champaign 2
Cook 85
DuPage 3
Edgar 2
Iroquois 2
Jackson 1
Kane 3
Lake 4
Lawrence 1
Madison 1
McHenry 1
McLean 2
St. Clair 4
Will 1

Indiana (14)

Allen 1
Decatur 1
Elkhart 2
Hancock 1
Henry 2
Knox 1
Lake 1
Madison 1
Marion 2
St. Joseph 1
Vigo 1

Iowa (5)

Marshall 1
Pottawattamie 3
Woodbury 1

Kansas (3)

Douglas 1
Riley 1
Shawnee 1

Kentucky (8)

Bullitt 1
Butler 1
Jefferson 4
Kenton 1
Whitley 1

Louisiana (38)

Caddo 1
Calcasieu 1
East Baton Rouge 1
Iberia 1
Jackson 1
Jefferson 10
Orleans 14
Sabine 1
St. Tammany 3
Terrebonne 2
Union 2
Washington 1

Maryland (12)

Baltimore 3
Baltimore City 5
Calvert 1
Howard 1
Montgomery 2

Massachusetts (31)

Berkshire 1
Bristol 1
Hampden 3
Middlesex 5
Suffolk 20
Worcester 1

Michigan (40)

Branch 1
Dickinson 1
Hillsdale 1
Ingham 1
Ionia 1
Jackson 1
Kent 1
Macomb 7
Newaygo 1
Oakland 2
Otsego 4
St. Clair 1
Wayne 18

Minnesota (6)

Douglas 1
Hennepin 1
Ramsey 3
St. Louis 1

Mississippi (13)

Bolivar 1
Forrest 3
Hinds 3
Lowndes 1
Noxubee 2
Oktibbeha 1
Panola 1
Sunflower 1

Missouri (21)

Cass 1
Clay 2
Cole 3
Greene 2
Jackson 1
Jasper 1
Jefferson 1
Osage 1
Scott 1
St. Louis 3
St. Louis City 4
Vernon 1

Montana (3)

Richland 1
Silver Bow 1
Yellowstone 1

Nebraska (7)

Gage 6
Lancaster 1

Nevada (5)

Churchill 2
Clark 2
Nevada 1

New Hampshire (1)

Rockingham 1

New Jersey (10)

Atlantic 1
Burlington 1
Essex 4
Hudson 1
Middlesex 1
Monmouth 1
Union 1

New Mexico (2)

Bernalillo 1
Grant 1

New York (104)

Bronx 21
Cayuga 2
Clinton 1
Dutchess 1
Erie 4
Kings 19
Madison 1
Monroe 5
Nassau 3
New York 17
Oneida 2
Onondaga 2
Ontario 1
Orange 1
Queens 12
Richmond 1
St. Lawrence 1
Suffolk 5
Tompkins 1
Westchester 4

North Carolina (25)

Alamance 1
Bertie 1
Brunswick 1
Buncombe 2
Catawba 2
Chowan 2
Duplin 1
Durham 1
Forsyth 3
Lee 1
Madison 1
Mecklenburg 2
Onslow 2
Union 1
Wake 1
Wayne 2
Wilson 1

Ohio (31)

Cuyahoga 8
Franklin 7
Hamilton 3
Hocking 1
Licking 1
Lucas 2
Montgomery 2
Pike 1
Portage 2
Summit 3
Tuscarawas 1

Oklahoma (16)

Cleveland 3
Custer 1
Oklahoma 4
Osage 1
Pontotoc 3
Tulsa 4

Oregon (7)

Clackamas 1
Lane 2
Multnomah 2
Polk 1
Yamhill 1

Pennsylvania (32)

Adams 1
Allegheny 6
Centre 1
Chester 1
Cumberland 1
Dauphin 5
Delaware 2
Erie 2
Lancaster 1
Lawrence 2
Montgomery 1
Philadelphia 9

Rhode Island (3)

Kent 1
Providence 2

South Carolina (3)

Dillon 1
Lexington 1
Orangeburg 1

Tennessee (8)

Jefferson 1
Maury 1
McMinn 1
Shelby 2
Sumner 2
Union 1

Texas (114)

Angelina 2
Atascaco 1
Bexar 1
Burlson 1
Cameron 1
Collin 1
Dallas 49
El Paso 3
Ellis 1
Hale 1
Harris 16
Hopkins 1
Hutchinson 1
Jefferson 2
Lamb 2
Lubbock 2
McLennan 4
Montgomery 3
Nueces 1

Pecos 1
Rains 2
San Jacinto 1
Smith 1
Tarrant 4
Travis 8
Upshur 1
Uvalde 1
Williamson 1

Utah (5)

Beaver 1
Juab 2
Salt Lake 2

Virginia (27)

Arlington 3
Augusta 1
Chesapeake City 1
Culpeper 3
Greensville 1
Hampton City 2
Hanover 1
Nelson 1
Newport News 1
Norfolk City 5
Powhatan 1
Richmond City 5
St. James 1
Virginia Beach 1

Washington (26)

Benton 1
Chelan 11
Clark 5
Cowlitz 1
Grant 1
King 3
Pierce 2
Spokane 1
Yakima 1

West Virginia (7)

Cabell 1
Kanawha 5
Pocahontas 1

Wisconsin (27)

Brown 1
Buffalo 1
Dane 4
Dodge 1
Douglas 1
Eau Claire 1
Jefferson 1
Kewaunee 1
Langlade 1
Manitowoc 1
Milwaukee 10
Racine 1
Rock 1
Washington 1
Wood 1

Wyoming (1)

Sublette 1