

EXONERATIONS IN THE UNITED STATES BEFORE 1989

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National Registry of Exonerations
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NATIONAL REGISTRY OF EXONERATIONS
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of
EXONERATIONS

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Executive Summary

The National Registry of Exonerations searches for, investigates, and reports every exoneration in the United States that we can find that occurred after the beginning of 1989.

This year we have added stories and data about [369 earlier exonerations](#), from 1820 through 1988. We will continue to add such cases, but will not attempt to locate every possible exoneration from before 1989.

Our pre-1989 database is different from the Registry itself in two important respects: (i) The list of cases is less complete and less representative of all exonerations in its time period than our list of 2,180 exonerations since 1989, and (ii) We have less information on exonerations before 1989. Both differences reflect the difficulty of studying cases that are more than 30 years old.

Almost all the pre-1989 exonerations occurred in the twentieth century, most of them since 1950. Some of them are historically important cases that had substantial impacts on criminal justice policy, including the “Scottsboro Boys” exonerations (starting in 1937), and the exonerations of Clarence Gideon in 1963 and George Whitmore, Jr. in 1973.

In many respects, the pre-1989 exonerations are similar to those that happened later. There are, however, several differences, including:

- The pre-1989 exonerees we list were cleared more quickly than those who were exonerated later, 5.9 years after conviction on average, compared to 10.5 years.

- More exonerations before 1989 were homicide cases—60% compared to 40% for those since 1989—mostly because of a large difference for homicides that resulted in death sentences, 21% to 6%.
- Many fewer of the pre-1989 exonerations were for sexual assaults (8% vs. 26%), probably because DNA technology was not available to identify the true criminals, and more of the pre-1989 exonerations were for robberies (18% to 5%).
- We know of no drug crime exonerations before 1989 and very few exonerations for child sex abuse, possibly because there were far fewer prosecutions for those crimes; on the other hand, there were more exonerations for forgery and counterfeiting.
- Fewer exonerations before 1989 were for convictions known to be tainted by official misconduct, 34% compared to 52% for exonerations since 1989.

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I. Introduction

In 1819, Jesse Boorn was arrested in Manchester, Vermont, for the murder of his brother-in-law, Russell Colvin, who had disappeared seven years earlier. Soon after the arrest, a man who shared a jail cell with Boorn told the police that Boorn had confessed to him. Faced with that claim, Jesse Boorn confessed to the police but placed the blame primarily on his brother Stephen, who was in New York.

Based on Jesse's statement, Stephen was arrested and returned to Vermont, where he too confessed to the killing, but said he had acted in self-defense. The Boorn brothers were convicted and sentenced to death. In 1820, however, shortly before Stephen was scheduled to be hanged, Russell Colvin was found alive—working on a farm in New Jersey. He returned to Vermont and his brothers-in-law were exonerated and released.

There are scores of exonerations like that of the Boorn brothers, from the nineteenth century into the 1980s. Until now, however, we did not list or describe these older exonerations because, as we

say on our website, the Registry “provides detailed information about every known exoneration in the United States *since 1989*.”

The temporal limitation is essential. Our goal is to compile a set of exonerations that is as complete as possible. This entails a commitment to investigate and search for them. Because our resources are limited, we have restricted our coverage to a manageable period. It is increasingly difficult to find and study cases the farther back in time we look. We chose 1989 as the starting point because the first DNA exonerations in the United States took place in that year—a convenient marker for a largely arbitrary starting date, although that was the beginning of a new era of discovery and insight into the causes of wrongful convictions.

At the inception of the Registry, we knew of hundreds of exonerations that occurred before 1989, and, without systematically searching for them, we regularly hear of others. Over the past several years we have researched these cases, coded data about them, written narrative summaries, and, where possible, located photographs of the defendants. The result is a new database of [Exonerations Before 1989](#) that appears on our web site as of today.

This pre-1989 database currently includes 369 exonerations that occurred in the United States between 1820 and 1988; we will continue to add to this database. The formats in which we display these cases look similar to the case pages and the Detailed View that we use for the exonerations since 1989. There are, however, two important differences.

First, our information about the pre-1989 exonerations is less extensive and less complete than for later exonerations. We collect data on fewer variables—for example, our pre-1989 display does not indicate whether the case involved a guilty plea or if no crime occurred like we do under the Detailed View of Registry cases—and there are more missing data on the variables we do use.

Second, and more important, this is a much less complete list of exonerations. We work hard to identify every exoneration since 1989, whether it occurred one week or 25 years ago. We’ll never find every case—it’s clear that many have eluded us thus far—but we’re committed to trying. We have no similar plan to expend significant effort to hunt for other exonerations that occurred before 1989. While we will add to these 369 cases as we learn about them, we remain focused on the post-1989 period.

II. Pre-1989 Exonerations Over Time

In general, the pre-1989 exonerations we list become more frequent over time, from 1820 to 1988. See Table 1:

Table 1: Pre-1989 Exonerations Over Time

1820	2
1851	1
1888 & 1889	2
1890 – 1899	9
1900 – 1909	10
1910 – 1919	20
1920 – 1929	44
1930 – 1939	59
1940 – 1949	26
1950 – 1959	39
1960 – 1969	29
1970 – 1979	57
1980 – 1988	73

We know of only five exonerations from before 1890, although there were certainly more. After that, the number of exonerations we list grows steadily from nine in the 1890s to 59 in the 1930s, declines from the 1940s through the '60s, and increases again in the 1970s and '80s.

It's easy to explain the general increase in listed exonerations over time: The United States population grew steadily from less than 10 million in 1820 to 237 million in 1980, and, as we mentioned, more information about past cases is available the closer we come to the present. But why was there a dip in the 1940s, '50s and '60s? Did it have something to do with World War II? Does it reflect something about our sources of information?¹ Or is there some alternative or additional explanation? We don't know.

We should keep the increase in the number of known exonerations in the 1970s and '80s in perspective. We list 73 exonerations in the nine years from 1980 through 1988—about 25% more than in any previous *ten*-year period. But we also know of 332 exonerations in the nine-year period that immediately followed, 1989-1997, four-and-a-half times as many. Some of that increase may

¹ For example, we used several books on false convictions that focus on cases in the 1920s and '30s: Edwin Borchard, *CONVICTING THE INNOCENT* (1932); Erle Stanley Gardner, *THE COURT OF LAST RESORT* (1952); Jerome and Barbara Frank, *NOT GUILTY* (1957); Edward Radin, *INNOCENT* (1964).

be due to a rise in the actual number of exonerations, but most of it likely reflects the effort we make to find exonerations that occurred since 1989, but not before.

III. Time to Exoneration

The average time from conviction to exoneration is nearly twice as long for exonerations since 1989, 10.5 years compared to 5.9 years for those before 1989. In both periods, the average time gap is larger for murders than for other crimes by about the same ratio. See Table 2:

Table 2: Average Time from Conviction to Exoneration

	1820 – 1988 (N = 369)	1989 – 2017 (N = 2,161)
ALL CRIMES	5.9 years	10.5 years
Murder	7.1 years	14.1 years
Other Crimes	4.1 years	8.3 years

There's no shortage of explanations for this increase in average time to exoneration after 1989: the advent of DNA evidence that opened the door to scientific re-examination of the guilt of defendants in a large number of criminal convictions from earlier decades; the proliferation of conviction integrity units in prosecutorial offices and of innocence organizations representing convicted defendants, both of which are dedicated to correcting false convictions regardless of their age; changes in law and practice that have made courts and prosecutors more willing to reopen old cases; and so forth. But which of these factors actually made a difference, and by how much? We don't know.

IV. Race and Sex

Three percent of the pre-1989 exonerees we list are women (12/369) compared to 9% of the post-1989 exonerees (203/2,161). This difference may be due in part to an increase in prosecutions of

crimes against children, a category of crime that's far more likely to involve female exonerees than other categories of crimes.²

The pre-1989 exonerations we have posted include a higher proportion of white exonerees than those since 1989 (53% to 39%), and lower proportions of black and Hispanic exonerees (27% and 5% compared to 46% and 12%, respectively).³ See Table 3:

Table 3: Exonerations by Race of Exoneree

	1820 – 1988 (N = 369)	1989 – 2018 (N = 2,161)
White	53% (196)	39%
Black	27% (101)	46%
Hispanic	5% (18)	12%
Other	1% (4)	2%
Unknown	14% (50)	- 0 -
TOTAL	100% (369)	100%

V. Exonerations by Crime

The distribution of the crimes for which defendants were exonerated before 1989 differs considerably from that for the post-1989 Registry exonerations, as we see in Table 4. (The **red figures** on Table 4 mark categories for which there is a substantially higher proportion of exonerations in the newly-added, pre-1989 database; the **blue figures** mark categories with substantially lower proportions.)

² See <https://www.law.umich.edu/special/exoneration/Pages/Features.Female.Exonerees.aspx>.

³ For 14% of the pre-1989 exonerations, the race of the exonerees is unknown. For the post-1989 exonerations, where our data are generally more complete, we have information on the race of all exonerees.

Table 4: Exonerations by Crime⁴

	1820 - 1988 (N = 369)	1989 - 2017 (N = 2,161)
Homicide	63% (234)	40%
Murder	60% (221)	39%
Death sentences	21% (77)	6%
Other murder convictions	39% (144)	35%
Manslaughter	4% (13)	2%
Sexual Assaults	8% (28)	26%
Death Sentences	3% (11)	---
Sexual assault on an adult	7% (25)	14%
Child sex abuse⁵	1% (3)	12%
Other Crimes of Violence	23% (85)	14%
Robbery	18% (68)	5%
Attempted murder	2% (6)	2%
Assault	2% (8)	4%
Arson	---	1%
Kidnapping	1% (3)	1%
Other Violent Felonies	---	1%
Non-Violent Crimes	6% (22)	18%
Drug crimes	---	12%
Forgery/Counterfeiting	2% (9)	0.1%
Fraud/Bribery & Corruption	1% (3)	1%
Theft/Stolen Property	1% (4)	1%
Burglary/Unlawful Entry	1% (3)	1%
Miscellaneous	1% (3)	3%
TOTAL	100%	100%

⁴ In this table we classify each case by the most serious crime for which the defendant was convicted and later exonerated.

⁵ We categorize any sexual assault on a person younger than 16 as “child sex abuse.”

1. Death-Row Exonerations

The proportion of homicides is higher among the pre-1989 exonerations than for exonerations since 1989, 63% compared to 40%. Most of the difference is due to a higher proportion of murder exonerations with death sentences, 21% vs. 6% of all exonerations. In addition, the pre-1989 exonerations include 11 cases in which the defendants were sentenced to death for rape—a punishment that has been unconstitutional since 1976⁶— while those after 1989 include none. The net effect is that 24% of pre-1989 exonerees had been sentenced to death, compared to 6% of those exonerated since 1989.

The most likely explanation for the high proportion of death-row exonerations before 1989 is simply that they're easier to find. Capital cases, and especially exonerations of defendants who were sentenced to death, attract much more attention than other criminal prosecutions. We can compensate for that bias to some extent by diligent searching, but less effectively as we look back farther in time and the available information thins out. In any event, we have not tried to conduct exhaustive searches for exonerations that are 30 to 200 years old.⁷

2. Rape and Robbery Exonerations

Among the post-1989 exonerations in the Registry, sexual assaults outnumber robberies three to one. Among pre-1989 exonerations, the pattern is reversed: robbery exonerations outnumber those for rape by more than two to one, 18% to 7%.

There's an obvious explanation for this switch. Both robbery and rape convictions that end in exoneration are overwhelmingly cases in which the victims of violent crimes by strangers misidentified the defendants as the attackers. Since robberies by strangers are several times more common than rapes by strangers, the pattern we see in pre-1989 cases is what we'd expect: many more exonerations for robbery than for rape.

Starting in 1989, however, DNA has been used to exonerate some innocent defendants in the United States. DNA can only identify the perpetrator of a crime if he left biological trace evidence at the scene, which is true in the great majority of rapes but only a small minority of robberies. Not surprisingly, rape exonerations shot up after 1989 and now greatly outnumber robbery exonerations. Two thirds of rape cases among the 2,161 exonerations since 1989 include DNA

⁶ *Coker v. Georgia*, 433 U.S. 584 (1977).

⁷ We also see this pattern *among the pre-1989 exonerations*: the proportion of capital exonerations increases the farther back we go. It's 57% for the few exonerations we list from the nineteenth century (8/14); 41% of those we found in the first hundred years we cover, 1820-1919 (18/44); and 22% for pre-1989 exonerations since 1920 (70/325), a period that includes more than 80% of the pre-1989 exonerations we list (325/369).

evidence (205/310), unlike robbery exonerations, only 13% of which have any DNA evidence (14/113).

3. Child Sex Abuse

We know of 250 child sex abuse cases among the 2,161 exonerations in the Registry as of December 31, 2017, the third most common crime with 12% of the total, but only three from before 1989, fewer than 1%. That stark difference no doubt reflects more aggressive prosecution of sexual assaults on children starting in the 1980s, including the period of a national epidemic of child sex abuse hysteria prosecutions in the 1980s and early '90s⁸ that led to [58](#) exonerations from 1989 to 2017.

4. Forgery and Drugs Crimes

Nine of the pre-1989 exonerations we list were for forgery or counterfeiting, mostly from the 1920s and '30s. The last was in 1958; there are none among the 159 exonerations from 1960 and through 1988, and only 3—one-tenth of 1%—among the 2,161 exonerations since 1989. Why have exonerations for these crimes essentially ground to a halt? Is it because fewer cases are prosecuted, or because those that are receive lighter penalties? Have changes in investigative procedures made errors less likely? We don't know.

On the other hand, there were no drug crime exonerations before 1989, but since then, 12% (249/2161) of the exonerations listed in the Registry are drug crimes. That change is easy to explain. The number of convictions for drug crimes has skyrocketed since the 1980s. For example, there were about 41,000 people in American jails and prisons for drug crimes in 1980 and 470,000 in 2015.

VI. Factors that Contribute to Wrongful Convictions

We collected data on several factors that contributed to the false convictions of the defendants who were exonerated before 1989, as we do for the post-1989 exonerations in the Registry. The proportions of cases with these factors are displayed in Table 5, for all pre-1989 exonerations and for murder, rape, and robbery cases separately:

⁸ See [Exonerations in the United States, Update: 2012](#)

Table 5: Exonerations by Crime and Contributory Factors
1820-1988 (N = 369)

	Mistaken Witness ID	False Confession	Perjury or False Accusation	False or Misleading Forensic Evidence	Official Misconduct
Murder (221)	29% (63)	16% (36)	59% (130)	13% (28)	43% (96)
Death Sentences (77)	23% (18)	19% (15)	61% (47)	14% (11)	39% (30)
Rape (25)	52% (13)	56% (4)	48% (12)	4% (1)	28% (7)
Robbery (68)	85% (58)	4% (3)	4% (3)	1% (1)	18% (12)
ALL CASES (369)	43% (160)	14% (50)	44% (161)	10% (36)	34% (126)

For the most part, the distribution for contributory factors resembles that for post-1989 exonerations, with a couple of exceptions:

- The rate of eyewitness identification errors is somewhat higher in the pre-1989 exonerations, 43% compared to 29% for the cases since 1989. That mostly reflects a higher proportion of robbery exonerations (18% vs. 5%), 85% of which have mistaken eyewitness identification—plus, all nine of the forgery and counterfeiting exonerations from before 1989 had eyewitness misidentifications.
- The proportion of cases with official misconduct is lower among the pre-1989 exonerations than those that occurred later, 34% compared to 52%. Most of that difference is due to a larger difference in the rate of misconduct among murder exonerations—43% before 1989, 70% after—and a huge difference among capital murder exonerations: 39% of the pre-1989 death-row exonerations included official misconduct, compared to 81% of those since 1989.

This change could mean that official misconduct that contributes to false convictions is more common now than it was thirty years ago or longer, especially among murder cases. It seems likely to us, however, that some if not all of the difference reflects the information that's available. Official misconduct, by its very nature, is concealed; we miss much of it because it has not come to light or is not described in the documents that we have access to. That problem is intrinsically worse for older cases because we know less about them in all respects. It is likely to be worse yet for official misconduct because our information on that

topic often comes from post-exoneration civil litigation by exonerees seeking compensation, and that sort of litigation is much more common now than it was before 1989. What's more, changes in what courts consider to be misconduct means that the same behavior that can now—if discovered—provide a basis for relief would not have led to an exoneration in the past.

VII. Exonerations by State

Table 6 shows the numbers of cases in the eleven states with the most pre-1989 exoneration (Georgia and New Jersey are tied for 10th), and similar proportions for post-1989 exoneration for comparison.

Table 6: Exonerations by State

1820 - 1988 (N = 369)		1989 - 2016 (N = 2,161)	
1. New York	13% (49)	1. Texas	15%
2. California	11% (39)	2. New York	11%
3. Illinois	8% (28)	3. Illinois	10%
4. Florida	6% (21)	4. California	8%
5. Massachusetts	5% (19)	5. Michigan	4%
6. Michigan	5% (17)	6. Florida	3%
7. Ohio	5% (17)	7. Pennsylvania (tie)	3%
8. North Carolina	4% (16)	7. Ohio (tie)	3%
9. Pennsylvania	4% (14)	9. North Carolina	3%
10. Georgia (tie)	3% (12)	10. Massachusetts	3%
10. New Jersey (tie)	3% (11)		

For the most part, the distribution by state is similar across time periods. The top three states in exoneration before 1989 are all in the top four since 1989; five of the top six before 1989 are in the top six after 1989; all of the top nine before 1989 are in the top ten after 1989.

The state that breaks the pattern is Texas, which tops the 1989-2017 list, but isn't in the top ten for exonerations before 1989. Texas has 10 known exonerations before 1989, less than 3% of the total, but 330 since 1989, or 15% (330/2,161).

Part of the reason is that Texas had 135 drug-possession guilty-plea exonerations that were in Harris County (Houston) from 2014 through 2017. These exonerations were obtained by the Harris County District Attorney's Conviction Integrity Unit after they learned that local crime labs had tested the "drugs" that many defendants pled guilty to possessing, and found, in a surprising number of cases, that they contained no controlled substances.

The Harris County drug possession cases only explain part of this change. Even without them, Texas would have 195 exonerations since 1989, 9% of the total and third after New York (233) and Illinois (203). Texas now has a generous and widely used statutory procedure for exonerees to obtain compensation for wrongful imprisonment; that process makes it more likely that we will learn about exonerations in Texas than in most other states. In addition, it is likely that the high number of exonerations in Texas since 1989 also reflects changes on the ground in both the broader legal culture and more specifically in the treatment of post-conviction claims of innocence in the Lone Star State.

VIII. Notable Exonerations:

1. Condy Dabney (1927)



In 1925, 14-year-old Mary Vickery disappeared from Coxton, Kentucky. Several people reported seeing her riding in a taxicab driven by 31-year-old Condy Dabney on the day of her disappearance. When the bones of a young teenage girl were found in a nearby abandoned mine two months later, many locals concluded that they were Vickery's bones.

Police did not arrest Dabney until early 1926, when a young woman named Marie Jackson claimed she had been in the taxi with Vickery and Dabney on the day in question and had witnessed Dabney murder Vickery. After a one-day trial and one-day deliberation by the jury, Dabney was convicted of murdering Vickery and sentenced to life in prison.

A year after the trial, Mary Vickery returned to Coxtan—to much fanfare—having learned about Dabney’s conviction from a police officer. She denied any acquaintance whatsoever with Dabney or Jackson and said she had been traveling around since August 1925 to avoid family problems. Within weeks of Vickery’s return, Jackson admitted she had committed perjury at Dabney’s trial, and the governor pardoned Dabney. Reports from the time refer to both the reward money offered by Vickery’s father and to a grudge against Dabney as Jackson’s likely motives for her false accusation.

In addition to Dabney and the Boorn brothers, the pre-1989 cases include seven other exonerees who were convicted of murder only to later discover that the supposed murder victim was still alive.

2. Scottsboro Boys (1937 and 1976)



The prosecution of the “Scottsboro Boys” in Alabama may have been the most significant criminal case in the United States in the first half of the 20th century. It commanded nationwide attention for years, and led to two landmark U.S. Supreme Court decisions.

The Scottsboro Boys were nine young black men and boys, ages 12 to 21: Charles Weems, Andy Wright, Haywood Patterson, Clarence Norris, Willie Roberson, Eugene Williams, Roy Wright, Ozie Powell, and Olen Montgomery. On March 25, 1931, they were accused of raping two young white women on a freight train on which they were all travelling as stowaways. By April 10, less than three weeks after the alleged crimes, eight of the Scottsboro Boys were convicted and sentenced to death in three one-day trials, based entirely on the testimony of the two women. When some jurors refused to impose the death penalty on 12-year-old Roy Wight, a mistrial was declared in his case. In March 1932, the Alabama Supreme Court upheld seven of the convictions and death sentences but granted a new trial to 13-year-old Eugene Williams because he was a juvenile.

In 1932, in the case titled *Powell v. Alabama*,⁹ the U.S. Supreme Court reversed the convictions because the defendants had not received meaningful representation from defense counsel. *Powell v. Alabama* was the first case in which the Supreme Court reversed state criminal convictions because the defendants had been denied due process of law, as required by the Fourteenth Amendment of United States Constitution.

At a retrial, one of the women admitted she had not been raped and that her previous testimony was a lie. Nonetheless, the defendants were convicted again, but the trial judge set aside the convictions. After Patterson and Norris were convicted again, their case was appealed while the remaining defendants waited behind bars.

In 1935, in *Norris v. Alabama*,¹⁰ the U.S. Supreme Court reversed those convictions and held that the systematic exclusion of prospective black jurors from the juries in their retrials was unconstitutional. *Norris v. Alabama* was the first case in which the Court applied the equal protection clause of the Fourteenth Amendment to a state that claimed to choose juries without discrimination but in fact excluded all African Americans from jury service.

In 1937, the prosecution dismissed the charges against Willie Roberson, Olen Montgomery, Eugene Williams, and Roy Wright. Ozie Powell pled guilty to assaulting a deputy while in custody and the rape charges against him were also dismissed. Patterson, Weems, Wright, and Norris were convicted again of the rapes and sentenced to prison.

Norris, Weems, and Wright were paroled in 1943 and 1944. Patterson died in prison in 1948. Norris was pardoned in 1976 and Weems, Wright, and Patterson were pardoned posthumously, in 2013, more than 80 years after their convictions.

3. Maude Storick (1949)



In 1921, after Claude Cushing died in Dowagiac, Michigan, his physician said the cause of death was a stomach ailment. Three weeks later, after Cushing's widow, Maude, went to Benton Harbor and married resort owner Emory Storick, she came under suspicion. As a result, Claude's body was exhumed and an autopsy determined his body contained large amounts of the poisonous compound bichloride of mercury. Police concluded that Maude, now known as Maude Storick, poisoned Claude so she could marry Emory.

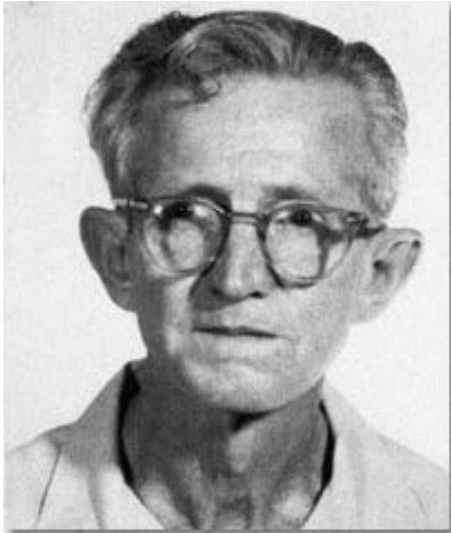
⁹ *Powell v. Alabama*, 287 U.S. 45 (1932).

¹⁰ *Norris v. Alabama*, 294 U.S. 587 (1935).

In 1923, she was convicted of Claude's murder and sentenced to life in prison. While in prison, the defense located the doctor who had treated Claude prior to his death. This doctor reported that Claude had been using bichloride of mercury for throat pain, and that the doctor had urged him to discontinue ingesting it because it was poisoning him. Notwithstanding this new evidence, Maude was denied a retrial and parole as well.

In the 1940s, a Detroit attorney, Alean B. Clutts, became interested in the case and arranged for Maude to take a lie detector test, which she passed. Clutts was a prominent lawyer in Detroit when there were few female members of the bar. She also represented another exoneree – Rose Veres. On October 25, 1949, after spending 26 years in prison, Maude Storick was granted an unconditional pardon by Michigan Governor G. Mennen Williams, the only such pardon Governor Williams granted in his six terms in office.

4. Clarence Gideon (1963)



In 1963, the United States Supreme Court held that the Sixth Amendment to the Constitution requires the state to appoint an attorney to represent every criminal defendant charged with a serious crime who does not have the funds to hire a lawyer. This was a momentous decision, one of its most important in the history of the Court, but it was triggered by a crime almost singularly petty.

In 1961, Clarence Earl Gideon was charged with breaking into a poolroom in Panama City, Florida, and stealing about \$50 in change and some beer. Gideon, who could not afford a lawyer, asked the trial judge to appoint one for him. He was told that under Florida law he was not entitled to appointed counsel because he was not charged with a capital crime. Gideon, who had little education and no legal background, was forced to represent himself. Not surprisingly, he did a poor job; he was convicted and sentenced to five years in prison.

After his appeal was denied, Gideon filed a handwritten petition in the United States Supreme Court, claiming that he had a constitutional right to be represented by an attorney at his trial, regardless of his ability to pay. The Court took the case, appointed Abe Fortas (later a Supreme Court Justice himself) to represent Gideon. In 1963, the Court ruled in his favor in the landmark case *Gideon v. Wainwright*.¹¹

¹¹ *Gideon v. Wainwright*, 372 U.S. 335 (1963).

After Gideon’s conviction was vacated, the prosecution took the case to trial a second time. This time Gideon was represented by a court-appointed attorney—the same one he had asked for before his first trial. His lawyer investigated the crime scene and presented evidence showing that due to obstructions in his line of vision, the eyewitness who had identified Gideon could not possibly have seen what he had claimed he saw on the night of the crime. The attorney also introduced a new witness who testified that the eyewitness had told him that he was “not sure” Gideon was the perpetrator.

In 1963, a jury acquitted Gideon.

5. George Whitmore, Jr. (1973)



The 1964 false confession by George Whitmore, Jr., an eighth grade dropout, to two infamous murders in Manhattan was credited with contributing to some of the most significant legal reforms in U.S. history.

The 1963 murders of Emily Hoffert and Janice Wylie in their upper East Side apartment in Manhattan—dubbed the “Career Girls Murders” by the media—were still unsolved in April 1964 when Whitmore was arrested in Brooklyn. Police picked him up after they saw him walking near where Elba Borrero had been raped several hours earlier. After Borrero identified him through a peephole in the interrogation room door, Whitmore signed a confession to not only raping Borrero, but also to the murders of Hoffert and Wylie and a third unrelated murder of Minnie Edmonds.

Whitmore was convicted twice of the assault on Borrero, but both times the convictions were set aside—the first time because jurors read newspaper accounts of the case that referred to him as the suspect in the Career Girls murders, and the second because the jury was racially biased.

In the meantime, a detective obtained recorded conversations in which another man—Richard Robles—confessed in detail to committing the Career Girl Murders. Robles was arrested for the murders in January 1965.

Prosecutors pressed onward with the Minnie Edmonds murder case and the retrial for the attack on Borrero. The murder case ended in a mistrial when the jury was unable to reach a unanimous verdict. In March 1966, Whitmore was convicted again of assaulting Borrero. A year later, however, the conviction was overturned a third time because Whitmore's attorneys had not been permitted to cross-examine police about Whitmore's false murder confession.

Whitmore's false confession to crimes carrying a possible death sentence was touted as a reason to abolish the death penalty in New York in 1965, and his case was cited as "the most conspicuous example" of police coercion by the U.S. Supreme Court in its landmark decision in *Miranda v. Arizona*.¹²

Ultimately, the murder charge involving Minnie Edmonds was dismissed after Whitmore's confession was ruled inadmissible. But prosecutors pressed on, and in May 1967, Whitmore was again convicted of assaulting Borrero, almost solely on the basis of her identification. He was sentenced to five to ten years in prison.

In December 1972, with his appeals long exhausted, a journalist obtained an affidavit from Borrero's sister stating that Borrero had identified a different man as her attacker prior to identifying Whitmore. On the basis of this newly discovered evidence, Whitmore's conviction was vacated and the case was dismissed in 1973.

6. Lenell Geter (1984)



Lenell Geter was convicted of a 1982 robbery in Greenville, Texas, solely on the basis of eyewitness identifications even though nine co-workers said he was with them, on the job, 50 miles away. As one co-worker explained, Geter's absence could hardly have been overlooked since, as the only black person in the work group, he "stood out like a raisin in a bowl of rice."

Earlier in the year, Geter and five other young black men, all recent college graduates with engineering degrees, moved to predominantly white Greenville to begin new jobs working for a large military defense contractor. After several robberies of fast food restaurants, a woman reported to police that she had seen two

¹² *Miranda v. Arizona*, 384 U.S. 436 (1966).

black men sitting in a car parked two miles from one of the restaurants on the day it was robbed. The car was registered to Geter. When police showed his photo to robbery victims, several identified him as the robber.

Geter, who had a reputation as a kind, well-mannered man, maintained his innocence. Despite the testimony of his co-workers, the jury believed the eyewitness identifications and in October 1982, Geter was convicted and sentenced to life in prison.

During his appeal, defense attorneys were able to show that some of the police testimony at Geter's trial was false, and that another suspect in the robberies had been implicated. After viewing a photo of the other suspect, four of the five eyewitnesses who had previously identified Geter agreed that the new suspect was the robber. In March 1984, after the suspect failed a lie detector test, Geter's conviction was vacated and his indictment was dismissed.

7. Bradley Cox (1982) and Clarence Von Williams (1982)



Bradley Cox and Clarence Von Williams (pictured) were both wrongly convicted of seemingly unrelated crimes in two different states that were later discovered to have been committed by same serial rapist.

In 1979, Cox was charged with two robberies and rapes in Fairfield and Athens counties in Ohio. After eight hours of interrogation, he signed a confession that had been written for him by one of his interrogators. Almost immediately, Cox recanted the confession, claiming it had been coerced, but in April 1980, he was convicted and sentenced to 56 to 200 years in prison.

The following year, in October 1981, Clarence Von Williams was convicted of a 1979 rape in Bridge City, Texas, and sentenced to 50 years in prison. The victim, who had met Von Williams previously at a party, said she recognized him when she got a glimpse of her attacker's face through a slit in his mask.

Shortly after Von Williams's conviction, police in Lake Charles, Louisiana, arrested Jon Barry Simonis for burglary and sexual assault. Simonis, who wore a ski mask at the time of the crime, quickly confessed to that crime—and to nearly 80 other assaults across 12 states.

Simonis, who became known as the “ski mask rapist,” described the assaults in such great detail that police were able to conclude that he was responsible for the crimes for which Cox and Von Williams had been convicted. Von Williams' conviction was vacated and the charges were dismissed in December 1981. Cox's convictions were vacated and he was released in January 1982.

The [National Registry of Exonerations](#) is a joint project of the University of California Irvine Newkirk Center for Science and Society, the University of Michigan Law School, and the Michigan State University College of Law. It 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.