

Posthumous and Historical Exonerations

Posthumous Exonerations

Almost all exonerees live to see their exonerations, but 25 of the first 3,365 exonerees in the Registry—less than 1%—did not. These posthumous exonerations can be found by clicking the [PH code](#) under “Tags” on the Registry [website](#).

In general, when a defendant in an active criminal case in America dies, the court dismisses any ongoing proceedings as moot. In most states, there is no regular procedure for reconsidering the guilt of a convicted defendant after death; that’s one reason why posthumous exonerations are so rare. As a result, only four of the posthumous exonerees in the Registry were explicitly exonerated by name. Two received **posthumous pardons**¹ and two received **posthumous judicial declarations of innocence**.²

In the other 21 posthumous exonerations, state officials took action after the defendants’ deaths that unmistakably demonstrate that the defendants would have been exonerated if they had been alive.

- Three innocent defendants convicted in single-perpetrator murders died in prison before the **real killers were convicted** of the same crimes.³
- In two other murder cases, **police identified the killers by DNA** after the exonerees died in prison, but the actual killer could not be tried. One was also dead⁴ and the other was not competent to stand trial.⁵
- In 16 posthumous exonerations—nearly two-thirds of the total—the defendants died before **living co-defendants** who were falsely convicted of the same crimes were **exonerated** under circumstances that clearly indicate that the deceased defendants would also have been exonerated if they were alive. Half of those posthumous exonerees had co-defendants who were also exonerated posthumously, including four of the “Wilmington Ten” who were falsely convicted of assault and arson by perjured testimony in North Carolina in 1971, and exonerated in 2012 when the governor granted [pardons based on innocence](#) to the six who were still alive.⁶ In another multi-exoneree case, two of four

¹ [Timothy Cole](#), [Grover Thompson](#).

² [Juan Celestino](#), [Robert Johnson](#).

³ [Curtis Moore](#), [John Jeffers](#), [Henry Myron Roberts](#).

⁴ [Ronald Stewart](#).

⁵ [Frank Lee Smith](#).

⁶ The posthumous [Wilmington Ten exonerees](#) are Jerry Jacobs, Ann Shepard, Connie Tindall and William Wright, Jr.

defendants who were [framed by the FBI](#) and convicted of murder in Boston in 1968 were dead by the time their co-defendants were exonerated in 2001;⁷ and two of three defendants who falsely confessed to rape and murder in Mississippi in 1979 were dead by late 2011 when authorities exonerated the surviving defendant and acknowledged that [all three were innocent](#).⁸

Historical Exonerations

In 1949, three young Black men—Charles Greenlee, Walter Irvin and Samuel Shepherd—were falsely convicted of raping Norma Padgett in the town of Groveland in Lake County, Florida. The case against them consisted of perjury and false confessions obtained by torture. A fourth suspect, Ernest Thompson, was shot more than 400 times and killed when he was apprehended by a sheriff's posse.

Greenlee, a minor, was sentenced to life in prison. He was paroled in 1962 and lived until 2012. Irvin and Shepherd were sentenced to death; their death sentences were reversed by the United States Supreme Court in 1951. In November of that year, Shepherd was murdered by Lake County Sheriff Willis McCall, who falsely claimed that he and Irvin tried to escape while McCall was transporting them. McCall also shot Irvin three times, but he survived. Irvin was retried and sentenced to life in prison; he was paroled in 1968 and died the next year.

The Groveland Four case led to extensive violence beyond that inflicted on the falsely accused men, including a riot in which several houses of local Black residents were torched, and an explosion that killed the state chair of the NAACP and his wife shortly after he called on the governor of Florida to suspend sheriff McCall.

All of this was documented in detail in 2012 in Gilbert King's history of the case, [Devil in the Grove: Thurgood Marshall, the Groveland Boys, and the Dawn of a New America](#).

In his successful 2018 campaign for Governor of Florida, Ron DeSantis [promised to pardon](#) the Groveland Four. On January 11, 2019—three days after he was sworn in—DeSantis kept his promise and issued the pardons.

The process that led to those pardons began soon after King's book won a Pulitzer Prize in 2013. In 2016, the mayor of Groveland and the Lake County Commission apologized to family members of the dead defendants. In 2017, both houses of the Florida Legislature [passed resolutions](#) requesting the exoneration of the four men. And in late November 2021—nearly three years after the pardons—the circuit prosecutor for Lake County got into the act by obtaining an order from a Lake County Circuit Court judge setting aside the judgments and dismissing the indictments against the four.

⁷ [Louis Greco](#) and [Henry Tameleo](#).

⁸ The posthumous exonerees were [Bobby Dixon](#), and [Larry Ruffin](#) who also received posthumous judicial declarations of innocence. All three defendants were exonerated because DNA testing cleared them and implicated the actual murderer.

Charles Greenlee, Walter Irvin and Samuel Shepherd were exonerated by the usual [Registry criteria](#), twice. We have no doubt that they were innocent of the crimes for which they were convicted—as was Ernest Thompson, who could not be “exonerated” by those criteria because he was killed before trial and therefore never convicted of a crime. We think it is right and important that their innocence has been recognized in this fashion. Nonetheless, none of the Groveland Four appear in the Registry’s list of exonerations.

The Groveland Four cases are an important example of what we call “historical exonerations.”

We collect information on exonerations, and we report and memorialize their stories, in order to study the operation of our system of criminal justice and reduce convictions of innocent people. The main criterion for “exoneration” is not by innocence itself—which we do not judge—but the act of a state official who has the power to declare a convicted defendant innocent or to erase all the legal consequences of the conviction, and does so, with all the immediate effects that follow for the lives of people directly involved, especially the innocent defendant.

A dismissal or pardon of an unjust conviction from the deep past—after the defendant and any codefendants are dead, along with most or all of the other participants in the events at issue—may be laudable, educational and important, but it is primarily a political act, as the Groveland Four cases illustrate, rather than a product of the operation of the criminal justice system.

Accordingly, we do not include any official declaration, dismissal or pardon that would otherwise be a posthumous exoneration if it occurred:

- i. after the death of any codefendants who were exonerated based on the same evidence that exonerated the dead defendant; and*
- ii. either more than 50 years after the original conviction or after most of the principals to the crime and the conviction have died; and*
- iii. the exoneration appears to be primarily a symbolic or political act rather than a decision with concrete consequences for the defendant and others who were involved in the investigation and conviction.*

We are interested in historical exonerations, very much so, but they belong in a separate archive from the exonerations the Registry tracks. Unfortunately, we only know about a handful of such cases, and we don’t have the resources to search for more or to create and maintain such an archive.