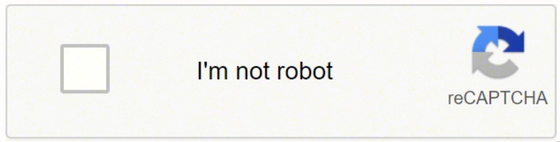


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Innocence For more information on the criteria for inclusion on DPIC's Innocence List click here. Florida — Conviction: 1963, Pardoned: 1975 Although no physical evidence linked them to the deaths of two white men, Lee and Pitts' guilty pleas, the testimony of an alleged eyewitness, and incompetent defense counsel led to their convictions. The men were sentenced to death but maintained their innocence. After their convictions, another man confessed to the crime, the eyewitness recanted her accusations, and the state Attorney General admitted that the state had unlawfully suppressed evidence. The men were granted a new trial (Pitts v. State 247 So.2d 53 (Fla. 1971)) but were again convicted and sentenced to death. They were released in 1975 when they received a full pardon from Governor Askew, who stated he was "sufficiently convinced that they were innocent." (Florida Times-Union, 4/23/98). Read "The Other 13 Survivors…," by Sydney Freedberg in The St. Petersburg Times Georgia — Conviction: 1973, Charges Dismissed: 1975 Creamer was sentenced to death for a murder allegedly committed with six other individuals who were sentenced to life. (Cobb Superior Court, Cobb County, Georgia, Certified record) After an investigation by the Atlanta Constitution, a federal judge declared that the prosecution had withheld and destroyed evidence, a witness admitted she had lied in court, and another man confessed to the crimes (Emmett v. Ricketts, 397 F. Supp 1025 (N.D. Ga. 1975)). The convictions against all seven men were overturned, and charges were later dropped. An appellate judge in a related case stated that all seven individuals in this case were sentenced to life. The Clerk of the Cobb Superior Court has certified that Creamer alone was originally sentenced to death. Creamer was resentenced to life in prison in September 1973. 6. Christopher Spicer North Carolina — Conviction: 1973, Acquitted: 1975 In 1975, a North Carolina jury acquitted Christopher Spicer of the murder of Donnie P. Christian. Spicer was convicted of the crime in September 1973, but the conviction was overturned the following year by the North Carolina Supreme Court. (State v. Spicer, 204 SE 2d 641 (1974)). At Spicer's trial, the State offered the testimony of Charles Pennington, a jailhouse snitch. Although the defense introduced two witnesses who testified that Pennington and Spicer were never cell mates, Pennington testified that Spicer admitted to the crime while he and Spicer shared a cell. After sharing this "confession" with police, Pennington's bond was reduced from $5,000 to $400 and he was released from jail. In overturning Spicer's conviction, the North Carolina Supreme Court held that the trial judge committed reversible error by not allowing defense counsel to cross examine Pennington "to discover whom the witness was indebted for such favors and to ascertain to what extent the favors colored his testimony against Spicer." Id. at 646. Defense counsel was unable to question Pennington as to who was paying the living expenses of Pennington and his wife, neither of whom was working at the time. The court also found that the trial court committed reversible error when it "succeeded in pressuring the defendant and his counsel into withdrawing the request for an appropriate instruction" with regard to how the jury should scrutinize the testimony of another witness for the State, Bertie Brailford. (Id. at 648). At Spicer's retrial, the jury took only 15 minutes to unanimously acquit him. (Wilmington Morning Star, February 21, 1975). 176. Howard Jackson Stack Georgia — Conviction: 1973, Charges Dismissed: 1975 Howard Jackson Stack was sentenced to death in 1973 in Fulton County, Georgia. Stack's codefendant pled guilty to voluntary manslaughter and received a sentence of 15 years in exchange for testifying against Stack. In 1975, the Georgia Supreme Court reversed Stack's conviction and death sentence on the grounds that the trial court had improperly allowed the operator of a lie detector test to testify in court. Prosecutors declined to retry Stack. Stack is one of 11 additional exonerations discovered by DPIC in 2021 during its research of all modern-era death sentences. See a list of all of the additional exonerations here. Sources: Stack v. State, 214 S.E.2d 514 (Ga. 1975). Georgia — Conviction: 1975, Charges Dismissed: 1978 Charles was convicted on two counts of murder and sentenced to death. He was released when evidence was found that substantiated his alibi. (State v. Charles, No. 23,392 (Ga. Super. Ct., 7/5/78)). After an investigation, the district attorney announced that he would not retry the case. Charles won a substantial settlement from city officials for misconduct in the original investigation. Read "Capital Punishment's Deathly Injustice," by John Boger in The Los Angeles Times 13. Jonathan Treadaway Arizona — Conviction: 1975, Acquitted: 1978 Treadaway was convicted of sodomy and first degree murder of a six-year-old and sentenced to death. The conviction was overturned, and he was acquitted of all charges at retrial by the jury after 5 pathologists testified that the victim probably died of natural causes and that there was no evidence of sodomy. Members of the jury reported noted that prosecutors had failed to prove that Treadaway was even inside the victims' home. (State v. Treadaway, 568 P.2d 1061 (1977)) 178. Gary Radi Montana — Conviction: 1975, Acquitted: 1978 Gary Radi was convicted and sentenced to death in 1975 for the murder of a grocery store employee during the course of a robbery. Radi was tried together with three codefendants. Edwin Bushman received immunity from prosecution in exchange for testimony implicating the four defendants, and the defense presented no evidence at trial. The Montana Supreme Court reversed Radi's and the other defendants' convictions, ruling that the defendants should have been tried separately. In 1978, Radi was acquitted on retrial. Radi is one of 11 additional exonerations discovered by DPIC in 2021 during its research of all modern-era death sentences. See a list of all of the additional exonerations here. Sources: Fitzpatrick v. McCormick, 869 F.2d 1247 (9th Cir. 1989). Oklahoma — Conviction: 1978, Charges Dismissed: 1981 Giddens, an 18-year-old black man, was convicted for the murder of a grocery store cashier primarily on the testimony of Johnnie Gray, who claimed he accompanied Giddens to the murder scene. Although Gray was never indicted, Giddens was sentenced to death after an all white jury deliberated for only 15 minutes. Giddens conviction and death sentence reversed by the Oklahoma Court of Criminal Appeals, which found Gray's testimony was unreliable and the evidence against Giddens insufficient. (Giddens v. State, No. F-78-164 (Ct. of Crim. App., 11/17/81)) The charges against Giddens were dropped. 18. Michael Linder South Carolina — Conviction: 1979, Acquitted: 1981 Linder was convicted and sentenced to death for the murder of a highway patrol officer. The prosecution maintained that Linder shot the officer without provocation but Linder insisted that he shot the officer in self-defense after the officer fired six shots at him. At re-trial, previously undisclosed ballistics evidence from a state crime lab confirmed Linder's self-defense theory and Linder was acquitted. (State v. Linder, 278 S.E.2d 335 (S.C. 1981)). 19. Johnny Ross Louisiana — Conviction: 1975, Charges Dismissed: 1981 Ross, a black 16-year old, was convicted and sentenced to death for the rape of a white woman. Ross confessed after being beaten by the police, and his trial lasted only a few hours. Investigations by the Southern Poverty Law Center sought a new trial for Ross and presented evidence that the Ross' blood type was not the same as the type in the semen found in the victim. When presented with this evidence the New Orleans District Attorney's office released Ross. (State v. Ross, 343 So.2d 722 (La. 1977)). California — Conviction: 1976, Acquitted: 1981 In November 1973, while incarcerated in a state prison facility, Ernest Graham and co-defendant Eugene Allen were charged with killing a state correctional officer. Graham's first trial resulted in a mistrial when the jury could not agree on a verdict. Graham was sentenced to death in 1976 after his second trial. The Supreme Court of California reversed the conviction because prosecutors improperly used their peremptory challenges to exclude prospective jurors who were black. Graham and Allen, who are both black, "belonged to the group whose members the district attorney had excluded whereas the alleged victim was a member of the group to which [all] of the remaining jurors belong." (People v. Allen, 590 P.2d 30, 34 (Cal.1979) (internal citations omitted)). Graham's third trial ended in another hung jury, and he was acquitted by the jury in his fourth trial. (Phone conversation with now Magistrate-Judge James Larson, October 6, 2003, who represented Graham) Visit Shujaa Graham's Homepage See "Shujaa Graham" by Journey of Hope 180. Charles Lee Bufford Alabama — Conviction 1978, Acquitted: 1981 Charles Lee Bufford was convicted for the April 1977 murder of a prominent local politician. Bufford's conviction was overturned on appeal as a result of the trial court's consideration of improper aggravating factors. On retrial, the defense raised questions about the accuracy of Bufford's statement to police and the investigation of the case. Bufford was acquitted of all charges. Bufford is one of 11 additional exonerations discovered by DPIC in 2021 during its research of all modern-era death sentences. See a list of all of the additional exonerations here. Sources: Bufford v. State, 382 So.2d 1162 (Ala. 1980); Jackie Walburn, Bufford jurors had 'reasonable doubt', The Selma Times-Journal, November 13, 1981. Florida — Conviction: 1981, Charges Dismissed: 1982 Jarramillo was sentenced to death for two counts of first degree murder, despite the jury's unanimous recommendation of life imprisonment. On appeal, his conviction was reversed when the Florida Supreme Court ruled the evidence used against him was not legally sufficient to support the conviction. (Jarramillo v. State, 417 So.2d 257 (Fla. 1982)). Evidence suggests that the murderer may have been the victims' roommate. Read "The Other 13 Survivors…," by Sydney Freedberg in The St. Petersburg Times 22. Lawyer Johnson Massachusetts — Conviction: 1971, Charges Dismissed: 1982 Johnson, a black man, was sentenced to death by an all-white jury for the murder of a white victim. In 1974, the Supreme Judicial Court of Massachusetts granted Johnson a new trial because the trial judge had improperly limited the defense's opportunity to cross-examine Kenneth Myers, the state's chief witness, about other persons who were present at the murder scene. The court noted that Myers had "chang[ed] his story in material respects at least three times" and that a newly discovered witness, who knew both Myers and Johnson, had seen three individuals—one of whom was Myers and none of whom was Johnson—fleeing the murder scene. Johnson was retried and, despite the testimony of this second witness, was convicted of second-degree murder. After the conviction, a previously silent eyewitness who had been 10 years old at the time of the murder, came forward and identified Myers as the actual killer. Based on this new evidence, the trial court, affirmed by the Massachusetts supreme court, overturned the second conviction. (Commonwealth v. Johnson, 429 N.E.2d 726 (1982)). The prosecution then dropped all charges against Johnson. In 1983, a bill was filed to obtain compensation for Johnson's wrongful conviction. Florida — Conviction: 1983, Acquitted: 1986 Brown was convicted of first degree murder and sentenced to death despite a jury recommendation of life imprisonment. At trial, the only evidence against Brown was a co-defendant who was sentenced to life for his part in the crime. At retrial, the co-defendant admitted that his testimony at the first trial had been perjured, and Brown was acquitted. (Brown v. State, 471 So.2d 6 (Fla. 1985)). Read "The Other 13 Survivors…," by Sydney Freedberg in The St. Petersburg Times 25. Neil Ferber Pennsylvania — Conviction: 1982, Charges Dismissed: 1986 Ferber was convicted of first degree murder and sentenced to death. Upon urging by the district attorney, the trial judge ordered a new trial. The charges against Ferber were dropped prior to the retrial when evidence surfaced that the conviction was based on the perjured testimony of a jail-house informant, exculpatory evidence was not disclosed to the defense, and an eyewitness to the crime was positive that Ferber was not the man she saw. Several other prosecutors and a homicide detective were convinced of Ferber's innocence. (Pittsburgh Post-Gazette, 8/18/96). Florida — Conviction: 1974, Charges Dismissed: 1987 Charges were dropped after the 11th Circuit Court of Appeals ruled that the prosecution had knowingly allowed false testimony to be introduced at trial. Brown was convicted of first-degree murder and sentenced to death on the testimony of Ronald Floyd, a co-conspirator who claimed he heard Brown confess to the murder. Floyd later retracted and admitted his testimony was lie. Brown came within 13 hours of execution when a new trial was ordered. Brown was released a year later when the state decided not to retry the case. (Brown v. Wainwright, 785 F.2d 1457 (11th Cir. 1986); Los Angeles Times, 5/10/87; and Charlotte Observer, 3/8/87). Read "Yes, I'm Angry…," by Sydney Freedberg in The St. Petersburg Times Read "Fourteen Years…," by George Anderson in America Magazine 28. Perry Cobb, 29. Darby (Jesse) Tillis Illinois — Conviction: 1979, Acquitted: 1987 After two mistrials because of hung juries, Cobb and Williams were convicted and sentenced to death for the first degree robbery and murder of two white men in 1977. In 1983, the State Supreme Court reversed the convictions, and after several retrials where an assistant state attorney testified that the government's key witness, Phyllis Santini, had told him that her boyfriend actually committed the murders, Cobb and Williams were acquitted and released. (People v. Cobb, 455 N.E.2d 31 (Ill. 1983) and Chicago Tribune, 1/21/87). Read "The Snitch System," by Northwestern University School of Law Center on Wrongful Conviction Read "A Broken System: Darby Tillis and Perry Cobb" by The Justice Project UPDATE: Tillis died on Nov. 9, 2014. 30. Vernon McManus Texas — Conviction: 1977, Charges Dismissed: 1987 After a new trial was ordered, the prosecution dropped the charges when a key prosecution witness refused to testify. 31. Anthony Ray Peek Florida — Conviction: 1978, Acquitted: 1987 Peek was convicted of murder and sentenced to death, despite witnesses who supported his alibi. His conviction was overturned when expert testimony concerning hair identification evidence was shown to be false. He was acquitted at his third retrial. (Peek v. State, 488 So.2d 52 (Fla. 1986)). Read "The Other 13 Survivors…," by Sydney Freedberg in The St. Petersburg Times Oklahoma — Conviction: 1985, Acquitted: 1995 Adolph 'Abe' Munson, was convicted in 1985 for the murder of Alma Hall, who was abducted during her all-night shift at a local convenience store. Munson became a suspect once police realized that, at the time of the crime, he was on a work release program run by an Oklahoma prison where he was serving time for a barroom murder. Oklahoma's highest criminal appeals court unanimously upheld a lower court ruling granting Munson a new trial. The ruling by the Criminal Court of Appeals cited a "significant amount" of exculpatory evidence that was kept from Munson at the original trial. (Oklahoma v. Munson, 886 P.2d 999 (Okla. Crim. App. 1994)). The exculpatory evidence, according to Judge Charles S. Chapel, who wrote the court's opinion, "revealed photographs of the crime scene at odds with the State's theory of the case, reports on the other suspects and impeachment evidence." (Oklahoma v. Munson, 886 P.2d 999 (Okla. Crim. App. 1994)). Furthermore, Dr. Ralph Erdmann, the paleontologist who presented the forensic evidence at trial, was convicted of seven felony counts including the misrepresentation of facts in other cases and stripped of his license. Munson was acquitted at a re-trial in April 1995. (ABA Journal December 1993 , ABA Journal February 1995, and The Oklahoma Observer April 25, 1995). 56. Robert Charles Cruz Arizona — Conviction: 1981, Acquitted: 1995 Robert Charles Cruz, a former Tempe businessman, won instant freedom after more than 14 years behind bars as jurors returned verdicts acquitting him of murder and other charges. This was the fifth trial for the former death-row inmate accused in the 1980 contract killing of a Phoenix print-shop owner and his mother-in-law. His previous five trials included two convictions and two mistrials, before his acquittal on June 1, 1995. Prosecutors claimed that Cruz hired and paid three men to kill Patrick Redmond and Helen Phelps, co-owners of Graphic Dimensions, in a plot to take over the business. Jurors said the overriding reason for acquitting Cruz was the lack of credibility of some witnesses (The Arizona Republic, June 2, 1995). The chief prosecution witness, Arnie Merrill, was a convicted burglar and former drug dealer who was given immunity for his testimony. The absence of motive and the lack of a physical evidence connecting Cruz to the murders weighed heavily on jurors as they voted to acquit. "This is justice," said Kevin McNally, one of Cruz's lawyers. "This is the right decision." (State v. Cruz, 857 P.2d 1249 (Ariz. 1993), and The Arizona Republic, June 2, 1995). Texas — Conviction: 1982, Charges Dismissed: 1997 Guerra was sentenced to death for the murder of a police officer in Houston. Federal District Judge Kenneth Hoyt ruled on Nov. 15, 1994 that Guerra should either be retried in 30 days or released, stating that the actions of the police and prosecutors in this case were "outrageous," "intentional" and "done in bad faith." He further said that their misconduct "was designed and calculated to obtain … another 'notch in their guns.'" (Guerra v. Collins, 916 F. Supp. 620 (S.D. Texas, 1995)). Judge Hoyt's ruling was unanimously upheld by the U.S. Court of Appeals. (Guerra v. Johnson, 90 F.3d 1075 (5th Cir. Tex. 1996)). Although Guerra was granted a new trial, Houston District Attorney Johnny Holmes dropped charges on April 16, 1997 instead. Guerra returned to his native Mexico. (New York Times, 4/17/97). Read "Mexican Long Held…," in The New York Times 69. Benjamin Harris Washington — Conviction: 1985, Charges Dismissed: 1997 On March 2, 1994, U.S. District Judge Robert Bryan overturned Harris' conviction and vacated his sentence of death for the 1984 murder of Jimmy Turner on the basis that his original trial lawyer had been incompetent. Harris's attorney interviewed only 3 of the 32 witnesses listed in police reports and spent less than 2 hours consulting with Harris before trial. Harris's co-defendant was acquitted. Bryan ordered Harris released from custody if not brought to a speedy retrial. (Harris by & Through Ramseyer v. Blodgett, 853 F. Supp. 1239 (W.D. Wash. 1994)). The decision was upheld by the 9th Circuit Court of Appeals on September 12, 1995. (Harris by & Through Ramseyer v. Wood, 64 F.3d 1432 (9th Cir. Wash. 1995)). The prosecution decided not to retry Harris but tried to have him confined as insane. (They had previously argued that he was competent to stand trial.) On July 16, 1997, a jury decided that Harris should not be imprisoned at Western State Hospital. Harris maintains his innocence and says he was framed. (The Seattle Times, 8/19/97). Read "Exonerated but Never Set Free," by Maureen O'Hagan in The Seattle Times Florida — Conviction: 1991, Acquitted: 1997 Hayes was convicted of the rape and murder of a co-worker based partly on faulty DNA evidence. The Florida Supreme Court threw out Hayes's conviction and the DNA evidence in 1995 (Hayes v. Florida, 660 So. 2d 257 (1995)). The victim had been found clutching hairs probably from her assailant. The hairs were from a white man, whereas Hayes is black. Hayes was acquitted at a retrial in July, 1997. (Ft. Lauderdale Sun Sentinel, 7/17/97). Read "The Other 13 Survivors…," by Sydney Freedberg in The St. Petersburg Times 71. Christopher McCrimmon Arizona — Conviction: 1993, Acquitted: 1997 Christopher McCrimmon was convicted and sentenced to death for a triple murder that occurred in Tucson's El Grande Market in 1992. Two other co-defendants, Andre Minnitt and Martin Soto-Fong, were also sentenced to death for the same crime. At McCrimmon's trial, one juror hesitated about his vote for conviction. The trial judge met with the jury, which then shortly returned a unanimous guilty verdict. The Arizona Supreme Court overturned McCrimmon's conviction in 1996 because of the judge's undue pressure on the jury. (Arizona v. McCrimmon/Minnitt, 927 P.2d 1298 (1996)). Subsequently, it was discovered that the lead prosecutor against all 3 co-defendants, Kenneth Peasley, presented false evidence in the original case. With this knowledge, McCrimmon was quickly acquitted at his re-trial in 1997. (See Arizona v. Minnitt, 55 P.3d 774, 779 (2002) (vacating co-defendant Minnitt's conviction and sentence and barring re-trial because of deliberate prosecutorial misconduct)). In commenting on the prosecutor's deceit, the Arizona Supreme Court wrote: "The record is replete with evidence of Peasley's full awareness that [evidence he presented] was utterly false. Peasley's misdeeds were not isolated events but became a consistent pattern of prosecutorial misconduct that began in 1993 and continued through re-trial in 1997." (See J. Toobin, "Killer Instincts," The New Yorker, Jan. 17, 2005). In 2004, the Court unanimously voted to disbar Peasley, stating that his behavior "could not have been more harmful to the justice system." (Ibid.). Peasley had twice been selected as the state prosecutor of the year. Both McCrimmon and Minnitt remained incarcerated on other unrelated charges. Soto-Fong, whose conviction has not been overturned, was removed from death row because he was a juvenile at the time of the crime. (See also, J. Barrios, "Case Discarded: Tucson Convict Off Death Row," Arizona Daily Star, Oct. 12, 2002). Oklahoma — Conviction: 1988, Charges Dismissed: 1998 Robert Lee Miller was convicted of the rape and murder of two elderly women in 1988 and subsequently sentenced to death. In 1995, Oklahoma County prosecutors agreed to a new trial for Miller after DNA testing proved it was not Miller's semen found on bedclothes at both crime scenes. During the original trials, prosecutors argued that this semen was Miller's because it matched his blood type. Despite the DNA results, prosecutors still claimed Miller was involved in the crimes. In February 1997, Oklahoma County Special Judge Larry Jones dismissed the charges against Miller, saying that there was not enough evidence to justify his continued imprisonment. One month later, Oklahoma County District Judge Karl Gray reinstated the charges in response to an appeal by the District Attorney's office; however, the prosecution ultimately decided to drop all charges and Miller was released. Read "When the Evidence Lies," by Belinda Luscombe in Time Magazine 74. Curtis Kyles Louisiana — Conviction: 1984, Charges Dismissed: 1998 Kyles was first tried in November 1984, but the ended with a hung jury and a mistrial. In his second trial, in December 1984, Kyles was convicted and sentenced to death. On April 19, 1995, the U.S. Supreme Court reversed Kyles' conviction citing prosecutorial misconduct in suppressing exculpatory evidence: The state had withheld considerable information about a paid informant who may have been the actual murderer. (Kyles v. Whitley, 514 U.S. 419 (1995)). Kyles's successful appeal was in the form of a federal habeas corpus petition, since he had lost all of his appeals in state court. Kyles's third trial ended in October 1996 when the jury deadlocked. In two additional trials, one in September 1997 and another in February 1998, each ended with a jury deadlock. After the fifth mistrial, prosecutors decided to drop charges and Kyles was released. (The Times-Picayune, 2/18/98). Florida — Conviction: 1993, Charges Dismissed: 2000 Joseph Nahume Green was convicted of the 1992 killing of the society page editor of the weekly Bradford County Telegraph, Judith Miscally, and was subsequently sentenced to death. Prosecutors dismissed charges on March 16, 2000 of the murder. (St. Petersburg Times March 17, 2000). Green, who has always maintained his innocence, was convicted largely upon the testimony of the state's only eyewitness, Lonnie Thompson. In appeals process, the Florida Supreme Court questioned Thompson's fitness in ordering a new trial Green, citing that Thompson's testimony was "often inconsistent and contradictory." (Nahume Green v. Florida, 688 So. 2d 301 (1996)). Considering the importance of Thompson's testimony to the prosecution's case, the Florida Supreme Court overturned the conviction and ordered a new trial in Alachua County. During the re-trial, Green's attorneys challenged Thompson's competency. The court found that Thompson was mildly retarded and had suffered head traumas that caused memory problems. Based on these facts, the trial judge found Thompson incompetent to testify, and the 1st District Court of Appeal affirmed the decision. This dismissal of testimony, coupled with the fact that the prosecution could not present any physical evidence linking Green to the crime, led Circuit Judge Robert P. Cates, who had originally sentenced Green to die, to dismiss all charges, saying that there was no evidence tying Green to the murder (St. Petersburg Times, November 28, 2001). Read "Ex-Death Row Inmate…," by Sydney P. Freedberg in The St. Petersburg Times North Carolina — Conviction: 1998, Acquitted: 2004 Alan Gell was arrested for a 1995 robbery and murder of a retired truck driver named Allen Ray Jenkins. The two key witnesses presented by prosecutors were Gell's ex-girlfriend and her best friend, who were both teenagers. Both girls, who were at Jenkins' house and pled guilty to involvement in the murder, testified that they saw Gell shoot Jenkins on April 3, 1995. However, prosecutors withheld valuable evidence that might have cleared Gell in the initial trial, including an audio tape of one of the girls saying she had to "make up a story" about the murder. (News and Observer, December 10, 2002) In 2002, a State Superior Court Judge found that the prosecutors withheld evidence "favorable" to Gell, and vacated Gell's conviction. (North Carolina v. Gell, No. 95 CRS 1884, Order (Superior Court of Bertie County, December 16, 2002) (Vacating conviction and granting new trial.) Gell was re-tried in February 2004. The defense team was able to present evidence that Gell was out of state or in jail at the time of Jenkins' murder, which was placed closer to April 14th. This refuted the April 3rd claim by the original prosecutors. Also challenging the state's timetable was a series of statements by as many as 17 witnesses who told investigators that they had seen Jenkins alive between April 7th and April 10th. The most important new evidence was the taped conversation mentioned above, in which the state's key witness referred to making up a story about the murder. Gell was originally convicted in 1998 and spent the next four years on death row until a new trial was ordered. On February 18, 2004, a jury found Gell not guilty on all counts, and he left the court with his family. (PHOTO: Alan Gell (Center), leaves the Courthouse in Bertie Countie, North Carolina, with his sister Frankie and mother Jeanette following his exoneration for the 1995 murder of Allen Ray Jenkins. Photo courtesy Scott Lewis, News & Observer.) (News and Observer, February 18, 2004) Read "Time of Death: A Murder Mystery," by Joseph Neff in The News and Observer Read "Gells Files Suit Over Prosecution," by Joseph Neff in The News and Observer Prosecutors in North Carolina on December 11, 2007 dropped all charges against Jonathon Hoffman, who had been convicted and sentenced to death for the 1995 murder of a jewelry storeowner. Hoffman won a new trial in 2004 (Order of the General Court of Justice Superior Court Division: 95-CRS-15695-97) because information favorable to Hoffman was withheld from the defense. During Hoffman's first trial, the state's key witness, Johnell Porter, received immunity from federal charges for testifying against his cousin. In fact, Porter received thousands of dollars for his testimony. Neither the defense attorney nor the judge knew of this deal—an omission that resulted in the criminal investigation of Ken Honeycutt and Scott Brewer, the prosecutors in the original trial. Porter has since recanted his testimony, stating that he lied in order to get back at his cousin for stealing money from him. Defense attorney Joseph Cheshire stated, "I think in the last five to six years, there's a fairly well-demonstrated pattern of wrongful convictions in North Carolina that are only now coming to light because of our new open discovery law." Hoffman, a black man charged with killing a white man, was tried and convicted by an all-white jury despite the fact that no physical evidence connected him to the murder of Danny Cook. He has been waiting for his new trial since in 2004, when allegations of prosecutorial misconduct first arose. Charges were finally dismissed in 2007 when the new District Attorney, John Snyder dropped the case due to "insufficient admissible evidence." Jonathon Hoffman spent 12 years on death row. ("Prosecutor Drops Charges Against Former Death Row Inmate", by Martha Waggoner, Associated Press, December 11, 2007). North Carolina — Conviction: 1994, Charges Dismissed: 2008 Glen Edward Chapman, a North Carolina man who was sentenced to death for the 1992 murders of Betty Jean Ramseur and Tenene Yvette Conley, was released from death row on April 2, 2008 after prosecutors dropped all charges against him. In 2007, North Carolina Superior Court Judge Robert C. Ervin granted Chapman a new trial, citing withheld evidence, "lost, misplaced or destroyed" documents, the use of weak, circumstantial evidence, false testimony by the lead investigator, and ineffective assistance of defense counsel. There was also new information from a forensic pathologist that raised doubts as to whether Conley's death was a homicide or caused by an overdose of drugs. Chapman's lawyers, Frank Goldsmith and Jessica Leaven, were pleased with their client's release. "Edward has always maintained, and we have always believed in, his innocence," said Goldsmith. "Justice has not been served for the families of Ms. Ramseur and Ms. Conley, and we hope their deaths will be reinvestigated." The state has also called for a re-opening of the investigation. Judge Ervin found fault with Chapman's defense attorneys at the original trial in 1994, one of whom has been disciplined by the North Carolina State Bar. The other defense attorney, Thomas Portwood, admitted drinking 12 shots of alcohol per day during a different death penalty trial. The defendant in that case, Ronald Frye, was executed in 2001. ("Death Row Inmate Freed After 15 Years," WRAL.com, April 2, 2008; also Press Release from attorneys Goldsmith and Leaven, April 2, 2008). Louisiana — Conviction: 1984, Charges Dismissed: 2014 Ford had spent 30 years on Louisiana's death row and was freed after prosecutors filed motions to vacate his conviction and sentence. Louisiana Judge Ramona Emanuel ordered Glenn Ford to be "unconditionally released from the custody of the Louisiana Department of Corrections" on March 11, 2014*. * Prosecutors said they had received "credible evidence" that Ford "was neither present at, nor a participant in, the robbery and murder" of which he was convicted in 1984. Ford, who has always maintained his innocence, was tried and sentenced to death by an all-white jury. One of the witnesses against him said at trial that police had helped her make up her story. A state "expert" who testified about the victim's time of death had not even examined the body. Ford's lead trial attorney had never tried a jury case before. A second attorney, two years out of law school, worked at an insurance defense firm. They failed to hire any experts to rebut the prosecution's case because they believed they would have to pay for the experts themselves. The Louisiana Supreme Court earlier said it had "serious questions" about the outcome of the trial, but did not reverse Ford's conviction. Ford may have been involved in trying to pawn jewelry from the victim that he received from one of the original codefendants. (A. Cohen, "After 30 Years on Death Row, an Innocent Man in Louisiana is About to Go Free," The Atlantic, March 11, 2014. KTAL NBC News, Mar. 11, 2014). *UPDATE: *After Ford's exoneration, the lead prosecutor on his case, A.M. "Marty" Stroud III, issued a public apology, expressing his belief in Ford's complete innocence, saying, "There was no technicality here. Crafty lawyering did not secure the release of a criminal…Pursuant to the review and investigation of cold homicide cases, investigators uncovered evidence that exonerated Mr. Ford. Indeed, this evidence was so strong that had it been disclosed during of the investigation there would not have been sufficient evidence to even arrest Mr. Ford!" *UPDATE: *Ford died of cancer at age 65 on June 29, 2015. His case was cited by Justice Breyer in a dissenting opinion in Glossip v. Gross the same day. Alabama — Conviction: 1985 Charges Dismissed: 2015 Anthony Ray Hinton was exonerated after spending nearly 30 years on Alabama's death row. He was released on April 3, 2015. Hinton was convicted of the 1985 murders of two fast-food restaurant managers based upon the testimony of a state forensic examiner that the bullets in the two murders came from a gun found in Hinton's house. The prosecutor, who had a documented history of racial bias, said he could tell Hinton was guilty and "evil" just by looking at him. Hinton was arrested after a victim in a similar crime identified him in a photo lineup, even though Hinton had been working in a locked warehouse 15 miles away when that crime was committed. Hinton's lawyer did not know the law and mistakenly believed that funding to hire a qualified firearms expert was not available. Instead, he hired an expert he knew to be inadequate, and as a result failed to present any credible evidence to rebut the state's claim that the bullets were fired from Hinton's gun. In 2002, three top firearms examiners testified that the bullets could not be matched to Hinton's gun, and may not have come from the a single gun at all. In 2014, the U.S. Supreme Court unanimously held that Hinton had been provided substandard representation and returned his case to the state courts for further proceedings. (HINTON V. ALABAMA, No. 13–6440 (2014)). Prosecutors decided not to retry him after the state's new experts said they could not link the bullets to Hinton's gun. (See State's Motion for Order of Nolle Prosequi, Ala. v. Hinton, No. CC1985-3363, 10th Judic. Cir., Jefferson Cty. (Apr. 1, 2015)). Bryan Stevenson, Hinton's lead attorney, said, "Race, poverty, inadequate legal assistance, and prosecutorial indifference to innocence conspired to create a textbook example of injustice. I can't think of a case that more urgently dramatizes the need for reform than what has happened to Anthony Ray Hinton." W. Hester, Alabama man to be freed after nearly 30 years on death row, Reuters, April 2, 2015 Press Release, Equal Justice Initiative Wins Release of Anthony Ray Hinton, Equal Justice Initiative, April 2, 2015 Press Release, ALABAMA EXONERATES MAN WHO SPENT 30 YEARS ON DEATH ROW FOR A CRIME HE DID NOT COMMIT, DPIC, April 3, 2015.) Watch Scott Pelley's interview of Ray Hinton, Life After Death Row, CBS: 60 Minutes, January 10, 2016.

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