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The National Registry of EXONERATIONS

EXONERATIONS IN 2016

The National Registry of Exonerations

March 7, 2017

EXECUTIVE SUMMARY

- A RECORD NUMBER OF EXONERATIONS

  2016 set another record for exonerations in the United States—166[1] that we know of so far in 25 states, the District of Columbia, federal courts, and Puerto Rico. This record continues a trend: the rate of exonerations has been increasing rapidly for several years.

- THE CRIMES

  Homicide: Fifty-four defendants were exonerated of homicide—52 for murder and two for manslaughter.

  Sexual Assault: Twenty-four defendants were exonerated of sex crimes, including 16 for child sexual abuse.

  Other Violent Crimes: Fifteen defendants were exonerated of convictions for other violent crimes, such as arson, robbery, and attempted murder.

  Non-Violent Crimes: Seventy-three defendants were exonerated of non-violent offenses. The vast majority of these exonerations were for drug possession or sale, and most of these exonerations came from a single county—Harris County, Texas (home to Houston).

[1] The hyperlinks embedded in this report link to the Detailed View of the data on the National Registry of Exonerations web site. Because we update the data whenever we add an exoneration, over time the numbers presented in this report may differ from those reflected on the webpages to which they are linked. The website will reflect the most up-to-date information.

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- CHARACTERISTICS OF THE CASES

Official Misconduct: We know of official misconduct in 70 exonerations in 2016, a record number.

Guilty Pleas: Seventy-four exonerations in 2016 were for convictions based on guilty pleas, more than any previous year. The great majority of these were drug cases (57/74), but six were homicide exonerations—four of which included false confessions—and three for child sex abuse.

No-Crime Cases: A record 94 exonerations in 2016 were cases in which no crime actually occurred. Almost two-thirds were drug cases, but one was for murder and 16 were for sex crimes, all but one for child sex abuse.

- CONVICTION INTEGRITY UNITS

A Conviction Integrity Unit (CIU) is a division of a prosecutorial office that works to prevent, identify and correct false convictions. There were 29 CIUs in the United States in 2016, more than double the number in 2013 and almost five times the number in 2011.

A record 70 CIU-exonerations took place in 2016. Overall, CIUs have helped secure 225 exonerations from 2003 through 2016; more than 80% occurred since 2014.

The performance of these CIUs has been highly variable.

- More than half of all CIU exonerations since 2003 come from one unit (Harris County, Texas) (128/225), and almost a third (69/225) occurred in three other counties.
- Half of all CIUs have never been involved in an exoneration—and four others have had only one—including several units that have existed for several years.
- Several CIUs have no contact information publicly available on the web or by telephone, including some that have been in operation for years.

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EXONERATIONS IN 2016

The National Registry of Exonerations
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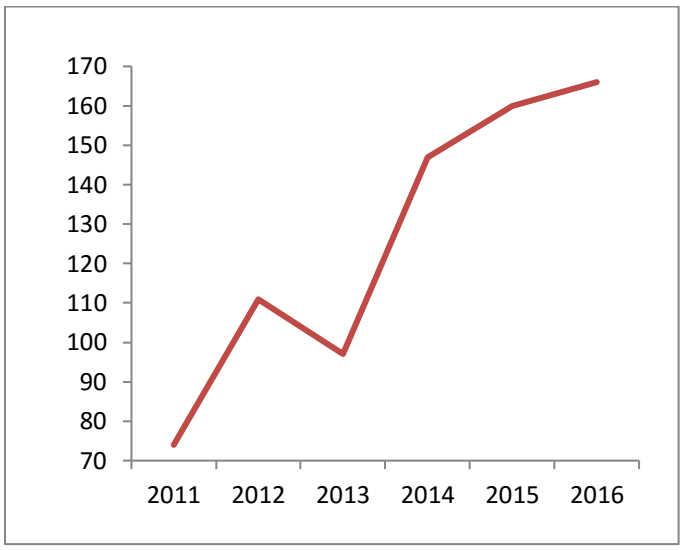
2016 was another record-breaking year for exonerations in the United States.

The National Registry of Exonerations has recorded **166 exonerations in 2016**.

The previous record—160 exonerations—was set the year before, in 2015.[2] In total, the National Registry of Exonerations has recorded **1,994** known exonerations in the United States since 1989 (as of February 26, 2017).

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

Figure 1: Number of Exonerations per Year, 2011 – 2016



[2] Last year, in our 2015 report, we also announced a record, 149 known exonerations in 2015, at that time the highest number in a year. Since that report, we have learned of 11 additional exonerations in 2015, bringing the total to 160.

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Most of the exonerations in 2016 came from opposite ends of the spectrum of criminal conduct:

- **Violent felonies**: Ninety-three exonerations in 2016 involved violent felonies, including 54 homicides and 24 sexual assaults. Among the sexual assault exonerations, 16 were for child sex abuse, including the exonerations of the San Antonio 4, which received a great deal of attention and was the subject of a widely distributed documentary movie.
- **Drug possession:** Sixty-one exonerations in 2016—more than a third of the total—involved drug possession or sale, also a record number. The defendants had received sentences ranging from community service to 18 years in prison.

The exonerations in 2016 set several other records as well. They include more cases than any previous year in which:

- Government **Officials** committed **Misconduct**;
- The convictions were based on **Guilty Pleas;**
- **No crime** actually occurred; or
- A prosecutorial **Conviction Integrity Unit** worked on the exoneration.

Part I of this report describes **basic patterns** across all **166** known exonerations in 2016. **Part II** focuses **drug crimes,** and **Part III** on **Conviction Integrity Units.**

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I. Basic Patterns

- **Exonerations by Jurisdiction.** There were **166** exonerations in 2016, including 153 in 25 states and the District of Columbia, plus 10 federal cases, and 3 in Puerto Rico. The states with the most exonerations are, in order: Texas, Illinois, New York, California, North Carolina, Oregon, Pennsylvania, Michigan, Oklahoma, and Virginia. See Table 1 for a complete list ranked by the number of exonerations in 2016.

Table 1: Exonerations in 2016 by Jurisdiction (n=166)

Texas – 58	Virginia – 4	Dist. of Columbia – 1
Illinois – 16	New Jersey – 3	Georgia – 1
New York – 14	Ohio – 3	Iowa– 1
California – 9	Colorado – 2	Louisiana – 1
North Carolina – 8	Florida – 2	Maryland – 1
Oregon – 5	Indiana – 2	Washington – 1
Pennsylvania – 5	Massachusetts – 2	Wisconsin – 1
Michigan – 4	Missouri – 2	West Virginia – 1
Oklahoma – 4	Montana – 2	Federal – 10 Puerto Rico – 3

These numbers may not reflect the frequency of false conviction across jurisdictions. For example, California, with a population of 39 million, had 9 exonerations in 2016, while Illinois, with just under 13 million, had 16 exonerations and Texas, with almost 28 million, had 58. An obvious explanation for these differences is that more false convictions were *found* in Illinois and Texas. In Texas, that is in large part the work of the prosecutorial Conviction Integrity Unit in Harris County (48 exonerations).

- One defendant who was exonerated in 2016 was convicted in 1964; six others were convicted in the 1980s; the remaining 158 were convicted from 1990 through 2016. These exonerations are only a small fraction of all wrongful convictions in those years, most of which remain undiscovered.

- **DNA and non-DNA Exonerations.** Seventeen exonerations in 2016 were based in whole or in part on DNA identification evidence, just 10% of the total. This is a decrease from last year's total of 26 DNA exonerations. Overall, DNA exonerations now account for 22% of the exonerations in the Registry (442/1,994). From 1989 until 2008, the great majority of DNA exonerations were rape cases. Since then, a growing majority have been homicides, as the

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length of time from conviction to DNA exoneration grew from 6 years in 1993 to 20 years in 2015. These trends continued in 2016. Almost two-thirds of the DNA exonerations in 2016 were murder cases (11/17), and the average time from conviction to exoneration was 21 years. One exoneration in 2016 that turned on "touch DNA" was a car theft in which testable DNA was recovered from the owner's manual, and the defendant who had pled guilty was exonerated five months after conviction.

- **The crimes for which the defendants were convicted**. Most exonerations in 2016 were for violent crimes, especially homicide (34%) and adult and child sexual assaults (14%). The great majority of exonerations for non-violent crimes were drug-related cases. Table 2 lists exonerations in 2016 by the most serious crime for which the exonerees were convicted:

Table 2: Exonerations in 2016 by Crime

Homicide	**54**	**(33%)**
Murder	*52*	
Manslaughter	*2*	
Sexual Assaults	**24**	**(15%)**
Sexual assault of an adult	*8*	
Child sex abuse	*16*	
Other Violent Crimes	**15**	**(9%)**
Robbery	*4*	
Attempted murder	*2*	
Assault	*3*	
Arson	*3*	
Other Violent Felonies	*3*	
Non-Violent Crimes	**73**	**(44%)**
Drug crimes	*61*	
Gun Possession	*3*	
Miscellaneous	*9*	
TOTAL	**166**	**(100%)**

- **Official Misconduct.** Forty-two percent of exonerations in 2016 included official misconduct (70/166). Official misconduct encompasses a range of behavior—from police threatening witnesses to forensic analysts falsifying test results to child welfare workers pressuring children to claim sexual abuse where none occurred. But the most common misconduct documented in the cases in the Registry involves police or prosecutors (or both) concealing exculpatory evidence. The proportion of exonerations with official misconduct is

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the highest among homicide cases—more than two-thirds of the homicide exonerations involved misconduct by official actors (42/54). For example:

> In 1991, Andre Hatchett was arrested for the murder of a woman who was found naked and beaten in a park in Brooklyn, New York. Scrapes on her body indicated that she had been dragged to the location where she was discovered. A week later, a man arrested on an unrelated burglary charge told police that he was in the park on the day of the murder when he heard a woman scream and saw a man swinging his arm over a body on the ground. Although Hatchett had a cast on his leg and was on crutches at the time of the murder, police placed him in a lineup because he had visited his aunt who lived in the same building as the victim. The man identified Hatchett in the lineup, and later testified that Hatchett was the man he saw with the victim. He denied receiving any favorable treatment on his burglary charge in exchange for his testimony. Years later, a review of the trial prosecutor's files by the Kings County District Attorney's Conviction Review Unit revealed that the eyewitness originally identified a different person as the killer, and that he had been smoking crack the day of the crime. The file also showed that the pending burglary charges against the witness had been dismissed, which contradicted his testimony that he received no benefit for testifying. None of this information had been disclosed to the defense.

- **Guilty pleas.** Exonerations in cases in which defendants pled guilty used to be unusual, but they have become more common. In 2016, 45% of all exonerations (74/166) were in guilty plea cases, about the same rate as in 2015. In contrast, ten years ago just over 13% of exonerations occurred in cases where the defendant pled guilty (9/67). More than three-quarters of guilty pleas occurred in drug possession exonerations, which we discuss in the next section.

- **No-Crime Cases.** A record 94 exonerations in 2016 were cases in which we now know that no crime actually occurred, more than half of the total. As with guilty-plea exonerations, most no-crime exonerations were drug possession cases (59/94), but fifteen of the 16 child sex abuse exonerations were no-crime cases.

  Four of the no-crime child sex abuse exonerees—the San Antonio Four—were convicted as part of a nationwide epidemic of child sex abuse hysteria that led to dozens if not hundreds of criminal prosecutions and convictions of innocent defendants in the 1980s and 1990s. These prosecutions were based on aggressive and suggestive interviews of children who were thought to be victims, and usually included bizarre and implausible claims by the supposed victims, frequently featuring satanic rituals. The San Antonio Four are the most recent of 55 such exonerations in the Registry. They were convicted in 1998, at the tail end of the

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epidemic. We may see more such cases in the coming years, but most likely they have run their course.

- **Conviction Integrity Units.** Conviction Integrity Units (CIUs) in nine counties were involved in a record 70 exonerations in 2016, ten more than 2015, the next leading year. We discuss these CIU cases in more detail in Section IV. Forty-eight of the CIU exonerations in 2016—69%—were drug-conviction guilty-plea cases from Harris County, Texas, which we also discuss in the next section. Nine additional CIU exonerations in 2016 were for drug crimes in other counties, 10 were for homicides, and three for other violent crimes.

III. Drug Cases

This is the third straight year with record numbers of exonerations in drug cases: 43 in 2014, 53 in 2015, and 61 in 2016. In each year, the great majority of drug exonerations were CIU cases from Harris County (Houston) Texas—72% in 2014 (31/43), 83% in 2015 (44/53), and 79% (48/61) in 2016.

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

In mid-2014, the Post Conviction Review Section embarked on a program to address these problems. The section started handling all cases of defendants who were cleared by drug tests after pleading guilty. It streamlined the process and began to address the backlog of cases from past years. The result has been 126 drug-crime exonerations by the Post Conviction Review Section so far, including 48 in 2016, and no doubt more to come.

This is a problem that disproportionately affects minorities and especially African Americans, an issue we discuss in detail in our companion report on **Race and Wrongful Convictions in the United States**. We see racial disparities in exonerations for all types of crime, but the disparities are especially stark for drug cases. About half of the people exonerated for non-drug related crimes in 2016 were African-American. In contrast, roughly two-thirds of those exonerated for drug possession or sale in 2016 were African American (41/61), including 71% of the guilty-plea drug exonerations in Harris County, where African Americans are 20% of the population.

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Why did so many defendants plead guilty when they were innocent? Some likely thought that they were carrying illegal drugs but were not. Most agreed to plea bargains at their initial court appearances, despite their innocence, rather than remain in pretrial custody for months and risk years in prison if convicted, especially since many had undoubtedly been told that the substance they had been carrying had field-tested positive for illicit drugs already. This explanation is especially likely for defendants with criminal records, who generally cannot post the comparatively high bails set for them and who risk substantial prison sentences if convicted.

There is some evidence that pretrial detention and the fear of long terms of imprisonment did influence these false guilty pleas. Seventeen of the 20 Harris County drug exonerees from 2016 who pled guilty to significant terms of imprisonment (3 months to 2 years) had felony records that we know about, while 3 of the 5 who had no known criminal records got no time in jail at all.

Faulty forensic tests are partly to blame. In 94 of all 140 drug crime exonerations in Harris County the defendants were arrested on the basis of "field tests" that indicated the presence of controlled substances. (In the other cases, the arresting officers mistook an innocent white powder for cocaine, a hand-rolled cigarette for marijuana, or non-prescription pills for controlled drugs.)

Commonly-used drug field tests are notoriously unreliable; they routinely misidentify everything from Jolly Ranchers to soap to cat litter as illegal drugs.[3] They are inadmissible as evidence in court but sufficient to justify an arrest—and they may convince an innocent defendant that she is bound to be convicted at trial, so she would do better to plead guilty.

In 2016, the New York Times Magazine and ProPublica published an article that focused on the scores of defendants who pled guilty in Harris County after faulty field tests and were later exonerated by negative lab tests. Prompted by the article, the Conviction Integrity Unit of the Multnomah County, Oregon District Attorney's office checked all drug possession guilty pleas since 2010. They discovered five cases in which defendants had pled guilty and received probation but subsequent lab tests found no controlled substance. All five were exonerated in 2016.

The Harris County CIU has done an excellent job of addressing the problem of false guilty pleas in drug cases. Testing after guilty pleas in Harris County has sped up, and the DA's office no longer offers plea bargains in felony drug cases without lab tests unless the bargain includes no further incarceration. Multnomah County has gone farther, instituting a policy that "(a)ll

[3] See Randy Balko, *Faulty field tests bring false confessions, bad convictions*, The Washington Post, February 11, 2016; Claire Z. Cardona, *Texas man arrested on meth possession charge says substance deputy found was cat litter*, Dallas News, January 10, 2017.

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controlled substance based prosecutions must be accompanied by a request for, and report of, confirmatory testing from the Oregon State Police (OSP) Forensic Laboratory for the presence of a controlled substance."

Some other prosecutorial offices may also require testing before they file charges or agree to a plea bargain in a drug case, but we know of no others that systematically test suspected drugs after guilty pleas, and dismiss convictions that are not supported by the test results. In most jurisdictions, forensic drug testing is rarely done, if ever, once a defendant has pled guilty. And if testing is done and no illegal drugs are found, the results may well be lost or ignored, as many were in Harris and Multnomah counties until recently.

But even if the Harris County CIU's procedures become standard practice, there is a larger problem that is much harder to solve: What about innocent defendants who plead guilty to other misdemeanors and low-level felonies—assault, trespassing, resisting arrest—to avoid pretrial detention and the risk of long terms of imprisonment after trial? Or innocent drug defendants who plead guilty to possession of actual illegal drugs that belong to someone else?

There is no easy test for guilt or innocence in those cases. Very few such convictions ever result in exoneration, but the number of false convictions in misdemeanors and low-level felonies probably dwarfs the number for the serious violent felonies that make up most of the exonerations in the Registry.

IV. Conviction Integrity Units

A Conviction Integrity Unit (CIU) is a division of a prosecutorial office that works to prevent, identify, and remedy false convictions. In our reports on exonerations in 2014 and 2015, we discussed the rapid growth in the number of CIUs and CIU exonerations since 2007. These trends have continued. Three new CIUs began operation in 2016, and one folded. In addition, we have learned of two CIUs that were in existence in 2015 but not included in our Report, bringing the total to 29. See Figure 2.

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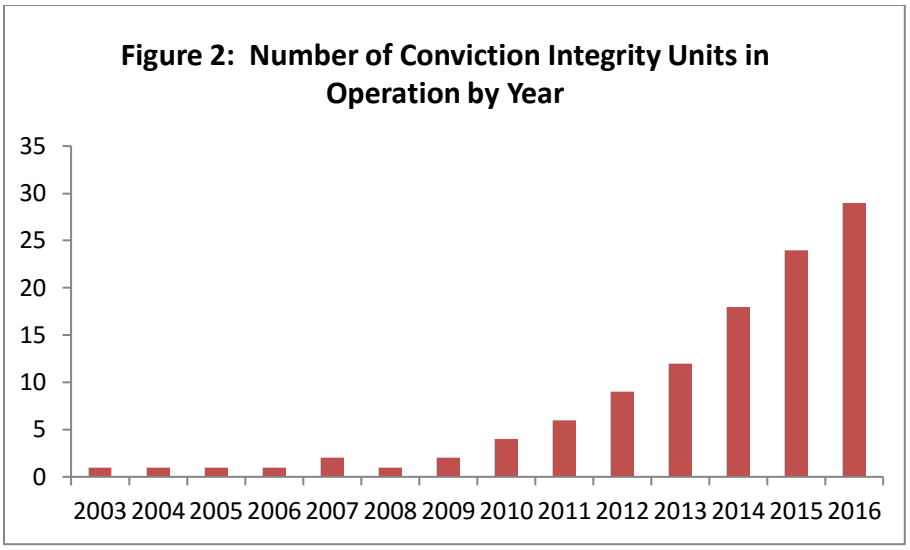
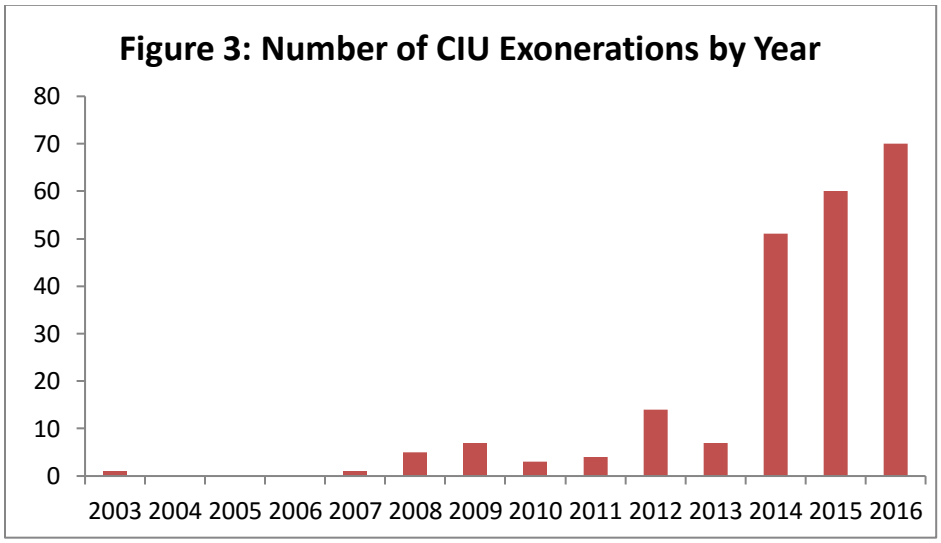


Conviction Integrity Units[4] have been involved in 225 exonerations through 2016, mostly in the last three years. A record 70 of these CIU exonerations occurred in 2016. See Figure 3.



[4] The Conviction Integrity Units we count are long-term operations that work to prevent, identify, and remedy false convictions. These units all operate under the authority of local prosecutors with primary responsibility for prosecuting crimes in a county or district. Most but not all are called "Conviction Integrity Units," the term we use as a general reference. We list every prosecutor's office that claims to have a Conviction Integrity Unit for which we were able to contact an employee of the office who verified the CIU's existence. We do not include structures within prosecutors' offices that have no dedicated staff or only function intermittently, such as innocence panels or committees that meet periodically to make recommendations on how to respond to claims of innocence from outside parties. We also do not include four one-shot projects that we know of that were set up to review particular sets of cases for possible errors: (i) a review of cases with potentially flawed forensic evidence in Wayne County, Michigan, *see* Doug Guthrie, "Legal unit to monitor Detroit gun cases," Detroit News, December 13, 2008; (ii) a review of homicide cases by the Milwaukee County DA's office because of concerns about DNA collection procedure; (iii) a state-wide effort to identify old cases for DNA testing in Connecticut; and (iv) a similar state-wide project in Colorado.

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Since 2014, a majority of all exonerations have been the work of CIUs, largely because of the high number of drug-possession guilty plea cases. (We also know of seven CIU exonerations to date in 2017, including 2 drug-possession guilty plea cases, out of a total of 21 exonerations thus far in 2017.) In addition, in 2016 the CIU in Cuyahoga County, Ohio initiated a 43-person "group exoneration" that is discussed in in our companion report on **Race and Wrongful Convictions in the United States**.

In Table A in the Appendix, we summarize information about these units, including the numbers, dates, and crimes of any exonerations they handled. As Table A shows, the 225 CIU exonerations through 2016 are very unevenly distributed among the offices. Eighty-five percent (193/225) occurred in four counties: Harris (128), Dallas (25), Kings (23) and Cook (20), and more than half are drug-crime guilty plea cases from Harris County (124/225).

In an earlier report, we said that "several Conviction Integrity Units have accomplished a great deal in a short period of time. They may have initiated a fundamental change in the way false convictions are addressed in the United States, but that remains to be seen."

That is still true. A few of the Conviction Integrity Units have indeed accomplished a lot, and there has certainly been an uptick in the number of offices that claim to have formed CIUs. It is still too soon to know how much of a change this trend will produce, but we can say something about what these units have been doing. (Much of the basis for the comments that follow is contained in the information presented in Table A in the Appendix.)

- **County Populations.** There are over 2,300 local prosecutorial offices in the United States, serving populations that range from several hundred to several million. Table A shows that Conviction Integrity Units are concentrated in large counties. The three most populous counties all have CIUs (Los Angeles, Cook, and Harris); so do six of the top 10, 11 of the top 20, and 18 of the top 50. In theory at least, there are CIUs in counties with approximately 17% of the national population.

  As we have noted before, a dedicated CIU—one with its own assigned attorneys who work only or primarily on claims of wrongful conviction—is not feasible in a small office with only a handful of prosecutors. It makes sense that several CIUs with dedicated full-time staff are located in some of the largest prosecutorial offices in the country.

  Smaller jurisdictions can, however, adapt the structure of CIUs created in larger offices to serve the same function in a smaller setting. Some mid-size jurisdictions have combined conviction integrity review with another specialized unit. San Francisco, for example, has

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recently formed an Independent Investigations Bureau, which focuses on police misconduct as well as conviction integrity.

At least one prosecutor in a small county has found a way to adjust the CIU model to fit his constraints. The District Attorney's Office in Putnam County, New York, has fewer than a dozen lawyers in a county of 99,710 people. The District Attorney and the First Assistant District Attorney review claims of actual innocence. If they agree that the defendant is likely innocent, they ask a local defense attorney to take the case and do any additional reinvestigation that may be necessary. If the District Attorney and his First Assistant do not agree, a third lawyer in the office serves as a tie-breaker. This procedure led to the 2016 exoneration of William Haughey.

- **Numbers of Exonerations.**

  - **The CIU exonerations we list.** The CIU exonerations we count are, of course, all exonerations by the criteria for inclusion in the Registry. In addition we require that:

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

    Because we are not privy to the internal decision making in prosecutors' offices, we contacted all CIUs in counties that have had exonerations to ask which ones they "helped secure." Our classifications are based on their designations.

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

  - **Numbers of CIU exonerations by county**. Over half of all CIUs have not been involved in any exoneration (15/29). To some extent, that is to be expected. Three CIUs began their operations in 2016 and need time to get underway. On the other hand, the CIUs in Nassau, Oneida, Suffolk, and Sacramento counties have had no exonerations in four years of existence. In contrast, the Lake County, Illinois CIU was founded the same year, and they have had three exonerations (including one in 2017). Those in Cuyahoga,[5] the

[5] However, as we have noted, in 2016 the Cuyahoga County, Ohio, CIU initiated a 43 person "group exoneration" that is discussed in in our companion report on **Race and Wrongful Convictions in the United States**.

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District of Columbia, Pima, and Yolo have had no individual exonerations in three years, four others have had none in two years, and a few CIUs that had one or more exonerations in the past have had none for years.

At the other end of the range, three CIUs have been notably active. The Dallas CIU has had 25 exonerations for violent felony convictions over the last ten years. Kings County has had 23 CIU exonerations—including 19 murder cases—in the past five years. And Harris County has had 123 drug crime exonerations since mid-2014.

- **Accessibility.** Three indications of accessibility are presented in Table A. Under "*Web Address*" we post a link to the Internet address of the CIU that provides information about the unit, or indicate "No" if we could not find that information. Under "*Contact Info*" we enter a "W" if contact information for the CIU can be found on the general office web site, and we enter a "P" if we were able to get that information and our calls were answered or returned by an attorney in that unit by calling the general access telephone number for the prosecutorial office.

  We found web addresses for twelve CIUs, nine of which could also be located on the general office web site or by phone or both. Eight of the CIUs without web addresses could be contacted by telephone; nine of the 29 could not be found by any of these means.

  This does not mean that these nine units do not exist. We have been in contact with an attorney or the press office in each of these offices to confirm its existence. But reaching them required significant research, repeated calls, or, especially, personal contacts within the offices.

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

  Three CIUs that do not have dedicated websites are located in offices that underwent changes in leadership after the 2016 election (those in Harris, Cook, and Travis counties). Very likely they will make that information available soon. But several others that are equally difficult to find—those in Santa Clara, Baltimore City, Oneida, Suffolk, and Middlesex counties and in the District of Columbia—have been in existence for years.

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Conviction Integrity Units are a positive development, but they are not a panacea.[6] Prosecutors who take on the task of reviewing convictions obtained by their own colleagues and predecessors may find it difficult to be objective and thorough. Particular units have been criticized as mere window dressing, or public relations ploys.[7] These criticisms may be fair when a prosecutor's office benefits from the positive publicity it gets from announcing the creation of a unit that ultimately produces no exonerations and is difficult even to access.

Some CIUs with few or no exonerations may have focused their efforts less on reviewing past wrongful convictions and more on preventing future mistakes. The Suffolk County CIU, for example, takes partial credit for a program to reform the practice of obtaining eyewitness identifications. And the New York County (Manhattan) CIU has devoted a great deal of systematic attention to identifying sources of preventable erroneous convictions, and has assembled an external Policy Advisory Panel to help in that work.[8] Others—for example the Philadelphia County CIU—are now expanding after operating for years with a minimal staff.

That said, we could find little in the records of several CIUs to answer the criticism that they are mere window dressing.

The variability in the performance of CIUs reflects the fact that they are internal organizational choices of the elected prosecutors who create them. The prosecutor may choose to create a unit with the resources and authority to conduct rigorous reexaminations of questionable convictions, or she may be satisfied with something more passive.

The 123 drug-crime guilty plea exonerations by the Harris County CIU, and the five similar cases by the Multnomah County CIU, turn entirely on drug tests by crime labs. The work of the CIU is limited to obtaining the tests (or learning about them) and arranging for court proceedings in cases where they prove innocence. That is a considerable task in Harris County, with hundreds of cases to review and defendants to exonerate, based on convictions spread out over a dozen years,[9] but the process is straightforward and can be accomplished entirely within the law enforcement community.

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[6] For a detailed discussion of the issue, see Barry Scheck, *Conviction Integrity Units Re-Visited*, Ohio St. J. Crim. L. (forthcoming 2017).

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

[8] See Scheck, *Conviction Integrity Units Re-Visited*, supra, at pp. 36-37.

[9] In addition to the 123 exonerations we report in the Registry, the Harris County District office has dismissed a comparable number of cases in which post-guilty plea lab revealed that the seized substance included a lesser quantity of the drug than required for the specific crime the defendants pled to, or a different controlled substance than the one specified in the plea. Such cases do not count as exonerations by our criteria because they include unexplained physical evidence of guilt of crimes closely related to those of which the defendants were convicted.

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The murder and sexual assault exonerations that dominate the work of the Dallas and Brooklyn CIUs are entirely different. Each requires a detailed, on-the-ground reinvestigation of a violent crime that occurred years if not decades earlier. Most require assessments of the credibility of witnesses. Many include a history of serious misconduct by prosecutors or police. Almost all benefit greatly from the cooperation of the defendant and her lawyers.

In that setting, a close working relationship between a CIU and the criminal defense bar has obvious advantages.[10] The two CIUs that have been most successful in violent crime exonerations—those in Dallas and Brooklyn—were both set up with the help of local defense attorneys, public defenders, and innocence organizations. The Dallas CIU has always been run by an attorney with a background in criminal defense and innocence work. The Brooklyn CIU was designed with the assistance of a former public defender, and has an external review panel including defense lawyers. This model was most recently adopted by the newly-formed Clark County CIU in Las Vegas, Nevada, which will be run by a veteran public defender.

Most CIUs, however, have no formal relationship with the defense bar. And in at least one county, this model was tried but failed. The Orleans Parish CIU in New Orleans began in late 2014, during the district attorney's re-election campaign, as a one-of-kind partnership with the Innocence Project New Orleans. The unit began operation in January 2015, worked on one exoneration, and was disbanded one year later.[11]

In one respect, this is a growth industry. From 2013 through 2016 the number of Conviction Integrity Units has increased by nearly 250%, and the total population served by a county CIU has grown by nearly 23 million. We expect the number of CIUs to continue to increase. Beyond that, however, we make no predictions.

A few CIUs have been highly active; several show no real signs of life. Some are just getting underway; the rest have been involved in one exoneration, or a couple, over a period of years. Some CIUs are accessible and transparent; some are inaccessible and opaque. The structure and the operating procedures of the units, to the extent that we have been able to determine, are extremely variable.

One of the hallmarks of the American system of criminal justice is the extraordinary and unreviewable power that is vested in local prosecuting attorneys. The short history of CIUs

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

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

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reflects that. They have proliferated rapidly because local prosecutors have the authority to create such units as a matter of administrative discretion. They are as variable as the circumstances and preferences of the prosecutors who founded them. Their future will turn on the policies of the elected prosecutors who will lead those offices in the years to come, and on the political contexts in which they operate.

V. Comments

There were more exonerations in 2016 than ever before, better than three a week. Exonerations used to be unusual; now they are commonplace.

This year again saw record numbers of exonerations of innocent defendants in categories in which they used to be rare: defendants who pled guilty and defendants who were convicted of low level drug offenses.

There are now 29 Conviction Integrity Units across the country; a decade ago there was one. An increasing number of prosecutors—the most powerful players in the American system of criminal justice—seem to recognize the seriousness of the problem of false convictions, and are acting to discharge their duty to protect the innocent as well as punish the guilty.

Ten years ago many judges and prosecutors publicly endorsed Judge Learned Hand's famous statement that false conviction is a negligible problem: "the ghost of the innocent man convicted … is an unreal dream."[12] Now prosecutors and judges are increasingly willing to reconsider the guilt of convicted defendants under circumstances in which not long ago claims of innocence were routinely ignored.

All this represents progress, but the magnitude of the change should not be overstated.

The record numbers of exonerations that we have seen in recent years have not made a dent in the number of innocent defendants who have been convicted and punished. Innocence projects and Conviction Integrity Units that take their work seriously are inundated with claims of innocence they have no time to investigate. Most counties have no Conviction Integrity Unit of any variety, and many states do not have even a single overworked innocence project. Many prosecutors continue to fight innocence claims to the hilt, and many courts continue to ignore them. And of course, the great majority of wrongfully convicted defendants—especially those who pled guilty—never seek help at all.

We may well continue to see record numbers of exonerations in years to come. The room for growth is essentially unlimited. The mass of innocent defendants who could be helped dwarfs the

[12] U.S. v. Garsson, 291 F. 646, 649 (S.D.N.Y. 1923).

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help that is available. The number of those who are cleared and released is simply a function of the resources that are available to reinvestigate and reconsider cases on the one hand, and the level of resistance to doing so on the other.

We have turned a corner, but we don't know where the new road leads. The problem is widely recognized, but so far, for the country as a whole, we have seen only token changes on the ground.

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.

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

County	State	Population[1]	Web Address	Contact Info – Web	2002	2003	2004-2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	TOTAL[2]
Santa Clara	CA	1,862,041	No			1M		1R		1SA			1SA					4
Dallas	TX	2,368,139	Yes						1M, 3SA, 1K	2M, 2SA, 2CSA	1CSA	3CSA, 1R	1M, 3SA, 3R		1SA, 1R			25
Harris	TX	4,092,459	No	P							2SA, 1D	1CSA			1R, 31D	44D	48D	128
New York	NY	1,585,873	Yes	W, P									2R, 1A	1SA			1M	5
Kings	NY	2,504,700	Yes	P									1A	1M	10M	5M, 1B,1G	4M	23
Baltimore City	MD	621,342	No												3M		1M	4
Cook	IL	5,194,675	No										2M	4M, 1SA	4M	3M	3M, 4D	20
San Diego	CA	3,211,252	Yes	W, P										1M				1
Lake	IL	703,462	Yes	P												1M, 1SA		2
Oneida	NY	234,878	No															0
Middlesex	MA	1,503,085	No													1SA		1
Nassau	NY	1,339,532	No	P														0
Sacramento	CA	1,418,788	Yes	P														0
Suffolk	MA	722,023	No															0
Ventura	CA	839,620	No	P												1M		1
Cuyahoga	OH	1,280,122	Yes	W, P														0
Dist. Columbia	DC	601,723	Yes															0
Multnomah	OR	756,530	No	P													5D	5
Philadelphia	PA	1,526,006	No	P													1M, 1AM	2
Pima	AZ	1,003,235	Yes	W, P														0
Yolo	CA	204,593	Yes															0
Bexar	TX	1,714,773	Yes	W, P												1A	1A	2
Los Angeles	CA	9,818,605	No															0
Orleans[3]	LA	NA	NA	NA												1M		1
Tarrant	TX	1,809,537	Yes	W, P														0
Travis	TX	1,024,266	No															0
Putnam	NY	99,710	No	P													1AN	1
Clark	NV	1,951,269	No	P														0
Orange	NY	372,813	No	P														0
San Francisco	CA	805,235	No															0

TOTAL Population 51,170,286

TOTAL CIU Exonerations 225

Key

Format:

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

Exonerations by crime:

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

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

For example, "2SA" means that there were two CIU Sexual Assault exonerations in the county in that year.

"Contact Info - Web" Column:

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

1. All population figures are from the 2010 United States Census.
2. The pages at the links for *Dallas, Harris, Kings, Lake,* and *Los Angeles* counties, and for *TOTAL CIU Exonerations,* include additional exonerations that occurred in 2017.
3. The CIU in New Orleans, Louisiana, went out of existence in 2016; current population, web address and contact information are not applicable.

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The National Registry of EXONERATIONS

SIX ILLUSTRATIVE EXONERATIONS IN 2016

Howard Dudley
State: *North Carolina*
Crime: *Child Sex Abuse*
Convicted: *1992*
Exonerated: *2016*
Key Factors: *Perjury or False Accusation, Official Misconduct, Inadequate Legal Defense*

In 1992, Howard Dudley was convicted of sexually abusing his 9-year-old daughter in Kinston, North Carolina. Dudley denied the charges and said the girl concocted the claims because he had disciplined her. He was sentenced to natural life in prison plus three years.

Almost immediately after the trial, the girl recanted, but her mother became so angry that the girl promptly withdrew her recantation. Nevertheless, that initial recantation became the focus of three separate post-conviction motions filed on Dudley's behalf, all of which were unsuccessful.

In 2005, The News & Observer in Raleigh, North Carolina, published a series of articles about the case titled "Caught in a Lie" that focused on Dudley's life in prison and recounted evidence supporting Dudley's innocence that was never disclosed to Dudley's defense lawyer.

Not long after, the Duke University Law School's Wrongful Convictions Clinic began investigating the case. The clinic uncovered evidence that the girl had been subjected to the sort of improper questioning by police and social workers that was common in the early 1990s in child sex abuse hysteria cases and other contemporaneous child sex abuse investigations, but has since been condemned for generating false claims of sexual abuse. At an evidentiary hearing, the girl testified that her accusations were false and that her guilt over sending her father to prison had been a terrible burden for a quarter of a century.

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On March 2, 2016, Superior Court Judge W. Douglas Parsons vacated Dudley's convictions and ordered him released from prison. Two months later, the charges were dismissed.

Davontae Sanford
State: *Michigan*
Crime: *Murder and Illegal Use of a Weapon*
Convicted: *2008*
Exonerated: *2016*
Key Factors: *False Confession, Perjury or False Accusation, Official Misconduct, Inadequate Legal Defense*

Davontae Sanford was just 14 years old when police in Detroit, Michigan said he confessed to taking part in the murders of four adults and the attempted murder of a fifth. He spent eight years in prison despite the fact that one month after Sanford was convicted, the real killer—a professional hit man—confessed, produced a gun that was used in the killings and told the police that Sanford was innocent.

On September 17, 2007, two gunmen forced their way into a home on Runyon Street in Detroit and fatally shot three men and a woman. Another woman, Valerie Glover, was shot five times but survived.

While police were at the scene, Sanford, clad in his pajamas, left his nearby home to find out what was going on. The police took him to the police station and questioned him without a parent present. At 4 a.m., Sanford, who is blind in one eye and learning disabled, signed a statement saying he and four other youths had met at a Coney Island restaurant and planned a robbery. He said they had four guns, including a .38 caliber pistol, but that he changed his mind about participating and went home before the shootings occurred. Sanford was taken home some time later.

The police quickly determined that the Coney Island was closed and that there was no evidence that a .38 caliber weapon was used in the murders. Police brought Sanford back to the police station and told him that he could go home if he gave the officers "something," so Sanford gave another statement using details he picked up from questions and statements by the officers.

In this statement, Sanford said that he and three others fired weapons into the house and then went inside and stole drugs and money. He said that the guns used were a .45-caliber pistol, an AK-47 assault rifle and a "mini-14," which is similar to an AK-47, but smaller.

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In fact, all the bullets and casings recovered at the shooting were from a .45 caliber weapon or an AK-47. The statement also described the same accomplices mentioned in the first statement, even though they had solid alibis.

Even so, Sanford was charged with four counts of first-degree murder, one count of attempted murder, and one count of illegal use of a firearm. Almost immediately, Sanford recanted the confession.

On March 17, 2008, Sanford went to trial in Wayne County Circuit Court. After the first day of the trial, his attorney—who did nothing to challenge or contradict the state's case, and made no attempt to exclude patently inadmissible evidence—told Sanford and his family that the case was hopeless and that Sanford's only choice was to plead guilty. So, on the second day of the trial, Sanford pled guilty to four counts of second-degree murder and one count of illegal use of a weapon. He was sentenced to 37 to 90 years in prison on the murder charges, and a consecutive two-year term for the gun charge.

About a month later, in April 2008, Detroit police arrested Vincent Smothers and interrogated him about the murder of a Detroit police officer's wife in the summer of 2007. To the detectives' surprise, Smothers not only confessed that he had killed the officer's wife, but admitted that he had committed 11 other murders—all for hire—including the four murders that Sanford had pled guilty to.

Smothers said that he and an accomplice committed the Runyon Street shootings and that Sanford was not involved. He led the police to a .45-caliber handgun that ballistics tests linked to the shootings.

Despite his confession and the gun he produced, the police and prosecutors refused to believe Smothers was responsible for the Runyon Street murders. Instead, the prosecution offered Smothers a deal to plead guilty to eight counts of second-degree murder—instead of first-degree murder—if he would remain silent about the Runyon Street murders. Smothers rejected that deal. He ultimately pled guilty to eight counts of second-degree murder without that condition and was sentenced to 50 to 100 years in prison.

Sanford's appellate lawyer learned of Smothers' confession about a year later and immediately moved to withdraw his guilty plea, but the prosecution fought to preserve Sanford's conviction for another five years.

In May 2015, Wayne County Prosecutor Kym Worthy formally asked the state police to reinvestigate. A year later, they reported that the evidence indicated that Smothers and his accomplice—not Sanford—committed the Runyon Street shooting.

On June 7, 2016, lawyers for Sanford and the prosecution asked Wayne County Circuit Court Judge Brian Sullivan to vacated Sanford's conviction, and on July 19, 2016, the charges were dismissed.

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San Antonio 4
Elizabeth Ramirez, Kristie Mayhugh, Cassandra Rivera, and Anna Vasquez
State: *Texas*
Crime: *Child Sex Abuse*
Convicted: *1998*
Exonerated: *2016*
Key Factors: *False or Misleading Forensic Evidence, Perjury or False Accusation*

In 1995, 20-year-old Elizabeth Ramirez, 21-year-old Kristie Mayhugh, 19-year-old Cassandra Rivera and 19-year-old Anna Vasquez were indicted on charges of sexually molesting Ramirez's 7-year-old and 9-year-old nieces in San Antonio, Texas. The girls claimed that Ramirez, Mayhugh, Rivera, and Vasquez spent a week in July 1994 in an orgy of child molestation.

The allegations came in the wake of more than a decade of nationwide hysteria over claims of satanic ritual abuse of children. Dozens of men and women—many of whom worked in daycare centers—were targeted. Children, subjected to leading and suggestive questioning by police and social workers, told wild stories of being taken out on boats to watch babies pitched into the ocean to be devoured by sharks, or of babies being killed so adults could drink their blood. Before charges were filed, police learned that all four women were gay and had recently come out to their families. Vasquez and Rivera were dating at the time of the allegations.

Mayhugh, Ramirez, Vasquez and Rivera cooperated with authorities and vehemently denied they molested the girls. All four women rejected offers to plead guilty for reduced sentences and went to trial. Ramirez, who was considered the ringleader, went to trial by herself in Bexar County Criminal District Court in February 1997. The older girl testified that the four women repeatedly molested them. The younger girl was not called to testify.

Dr. Nancy Kellogg, a professor of pediatrics at the University of Texas Health Science Center in San Antonio, testified that she examined the girls and saw evidence of a healed scar on the older girl's hymen. Kellogg testified this scar was physical evidence of sexual molestation. In her notes, Kellogg speculated that the acts were "satanic related." Although Kellogg admitted on cross-examination that she could not tell how old the scar was or whether it was the result of an accident, Kellogg insisted the scar indicated sexual abuse.

The jury convicted Ramirez of aggravated assault of a child and indecency with a child. She was sentenced to 37½ years in prison. One year later, in February 1998, Mayhugh, Vasquez, and Rivera were tried together. In this trial, both girls testified they were sexually molested and Kellogg again testified about the physical evidence of abuse. The women denied the allegations, but all three were convicted of aggravated sexual assault of a child and indecency with a child, and each was sentenced to 15 years in prison.

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Beginning in 2008, the National Center for Reason and Justice—a national organization co-founded by Debbie Nathan, who wrote a book about satanic ritual abuse cases—began reinvestigating the case. Nathan called public attention to the defendants, who became known as the "San Antonio Four." Eventually, she obtained the assistance of attorney Mike Ware, executive director of the Innocence Project of Texas, and contacted a filmmaker who made documentary about the case, titled "Southwest of Salem," that was released in April 2016.

In 2010, Stephanie, the younger victim, recanted her trial testimony. Stephanie said that she and her sister were coerced by their father to make the false claims because Ramirez had rejected his romantic advances. "I was only seven," she said, "and I was scared."

At the request of Ware, a medical expert re-examined records of the sexual assault examinations and photographs of the girls. The expert concluded that there was no physical evidence of any trauma. Confronted with these findings, Dr. Kellogg signed a sworn affidavit saying that, had she known then what she subsequently learned about sexual-abuse forensics, she would not have testified that the evidence showed any physical signs that the girls had been molested.

In November 2013, the San Antonio Four were released on bail. Three years later, in November 2016, the Texas Court of Criminal Appeals vacated the convictions of the four women and declared them factually innocent.

Paul Gatling
State: *New York*
Crime: *Murder*
Convicted: *1964*
Exonerated: *2016*
Key Factors: *Mistaken Witness ID, Official Misconduct*

On October 15, 1963, 43-year-old Lawrence Rothbort, a painter and sculptor, was fatally shot in his home in the Crown Heights neighborhood of Brooklyn, New York. Rothbort's wife, Marlene, who was nine months pregnant, said a black man with a shotgun demanded money and when Rothbort refused, the man shot him.

A month after the shooting, police arrested 29-year-old Paul Gatling based on a tip from a convicted felon who said he saw Gatling in the area of Rothbort's home immediately after the shooting. Gatling told police that he was there to pay his rent to his landlord—which the landlord confirmed.

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Gatling, who was 6 feet 1 inch tall, was placed in a lineup with three much shorter men. Rothbort's widow was unable to identify anyone. Later, however, she viewed Gatling as he was being questioned by detectives and identified him as the gunman.

Facing the death penalty, Gatling went to trial in Kings County Supreme Court. In the middle of trial, he pled guilty and was sentenced to 30 years to life. He immediately attempted to withdraw his guilty plea, but was unsuccessful.

Malvina Nathanson, a Legal Aid Society lawyer, came to believe in Gatling's innocence. In 1973, after years of working on the case, she sent a detailed application for clemency to Governor Nelson Rockefeller, who commuted Gatling's sentence. Gatling was released on parole in January 1974.

Forty years later, in 2014, Gatling learned that Kings County District Attorney Ken Thompson had formed a Conviction Review Unit to re-investigate cases of convicted defendants who made credible claims of innocence. Gatling sent a letter to Thompson, and the unit took up the case.

In its reinvestigation, the conviction review unit discovered that Rothbort's wife, Marlene, had admitted to detectives that she was having an affair with a musician who boarded in their home, and that the musician had told detectives he heard Marlene tell Rothbort that she would kill him if he continued to beat her. None of this had been disclosed to Gatling's trial attorney.

On May 2, 2016, Thompson appeared in court with Gatling. After Supreme Court Justice Dineen Riviezzo granted the prosecution's motion to vacate the conviction and the charges were dismissed, Gatling told the judge, "I can't tell the court the pain and suffering. What has happened to me, this has stopped me from voting at every level. I come from a civic family and they don't understand why poppa can't vote."

Mark Maxson
State: *Illinois*
Crime: *Murder and Rape*
Convicted: *1994*
Exonerated: *2016*
Key Factors: *False Confession, Perjury or False Accusation, Official Misconduct*

On August 29, 1992, six-year-old Lindsey Murdock's grandmother gave him $1 to go to a corner grocery store on the South Side of Chicago to buy candy. The last time she saw him alive, he

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was eating a Tootsie Roll on her front porch. The boy's body was discovered the following day in an abandoned garage. He had been raped and murdered.

After four days of interrogation, detectives said 31-year-old Mark Maxson, a neighborhood resident and handyman, admitted that the boy followed him into an abandoned building and when he resisted performing a sex act, Maxson raped him and stabbed him to death. Maxson was charged with first-degree murder and aggravated criminal sexual assault. The state sought the death penalty.

Maxson went to trial in Cook County Circuit Court in March 1994 facing the death penalty on charges of first-degree murder and aggravated criminal sexual assault. Maxson claimed that the detectives denied his request for a lawyer, slapped him in the face, kicked him in the ribs and fed him the information about the crime that was then used to construct a false confession. The detectives testified that the interrogation was not coercive or abusive.

The jury convicted Maxson, but declined to impose the death penalty. Instead, he was sentenced to life in prison without parole.

In 2015, lawyers for Maxson sought DNA testing of the crime scene evidence. In May 2016, the tests identified a male DNA profile that did not match Maxson.

The Cook County State's Attorney's Conviction Integrity Unit determined that the DNA profile obtained the clothing matched that of Wade Osborne, who had served 22 years in prison for stabbing his uncle to death in November 1994. Osborne gave a videotaped confession admitting that he killed the boy and in September 2016, and he was charged with the boy's rape and murder. At the same time, Maxson's convictions were vacated, the prosecution dismissed the charges, and he was released after spending more than 20 years in prison.

William Haughey
State: *New York*
Crime: *Arson*
Convicted: *2008*
Exonerated: *2016*
Key Factors: *False or Misleading Forensic Evidence, Official Misconduct, Inadequate Legal Defense*

One evening in March 2007, a bartender smelled smoke in Smalley's Inn, a tavern and restaurant in Carmel, New York. As patrons began searching for the source, 35-year-old William Haughey removed a bathroom ceiling tile and found smoldering items.

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The fire was doused quickly, but the following day, the owner of the inn, Anthony Porto, Jr., called police and accused Haughey of setting it. After a fire investigator probed the debris and declared that the fire was arson, Haughey was charged with arson and attempted criminal mischief.

In February 2008, Porto testified at Haughey's trial in Putnam County Supreme Court. He said that before the fire was discovered, he and Haughey had an argument—although he admitted he did not mention this until six months after the fire. The fire investigator who examined the scene testified that the fire was likely set deliberately and that he had ruled out accidental causes.

Haughey denied both setting the fire and arguing with Porto. Customers testified that Haughey and another patron looked elsewhere in the tavern after the bartender first smelled smoke. A surveillance video confirmed that Haughey initially searched another area of the restaurant, and did not go into the bathroom and discover the fire until after the bartender pointed to a wall vent above the bathroom door.

On February 15, 2008, the jury convicted Haughey of arson and attempted criminal mischief. He was sentenced to 10 years in prison.

In 2016, at the urging of the still-imprisoned Haughey, the newly-formed Putnam County's Conviction Integrity Review unit re-examined the case. It concluded that the original fire investigator had botched the investigation, failed to preserve evidence, and failed to adequately check areas that indicated that the fire was likely caused by an electrical accident.

In May 2016, the Putnam County's Conviction Integrity Review unit filed a motion to vacate Haughey's conviction after consulting experts who concluded that the origin of the fire could not be determined. "Furthermore," the motion said, "there was ample evidence that an investigation at the time by an arson expert might very well have determined that the cause of the fire was electrical."

On May 23, 2016, Haughey's conviction was vacated and the case was dismissed. The order of dismissal declared, "Nothing the defendant did was different than what others did in the bar… (Haughey) was the first to stand on the toilet to push up a ceiling tile, but anyone could have done this; he just did it first."

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