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William D. Avery

Incident Year: 1998**Jurisdiction:** WI**Charge:** First-degree reckless homicide**Conviction:** First-degree reckless homicide**Sentence:** 40 years**Year of Conviction:** 2004**Exoneration Date:** 9/21/10**Sentence Served:** 6 years**Real perpetrator found?** Yes**Contributing Causes:** Informants**Compensation?** Yes

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William D. Avery was exonerated on September 21, 2010, after serving 6 years for a 1998 murder he didn't commit.

The Crime

On February 17, 1998, the body of Maryette Griffin, a drug-addict and prostitute, was found partially clothed amidst a pile of garbage in a garage on North 7th Street in Milwaukee, Wisconsin. She had been strangled.

The Investigation and Conviction

In March, William Avery, 25, who ran a nearby crack house, learned that police wanted to talk to him, and voluntarily went to police. Police contended that he acknowledged that he had been seen her in the hours preceding her death and that he had been "grabbing" her, but couldn't remember anything else because he blacked out. Avery later contended this was a fabricated statement.

With little other evidence linking him to the murder, police did not charge him with the murder. However, they did charge him with drug-dealing. Avery was convicted in 1998 on the narcotics charges and sentenced to 10 years in prison.

In 2004, Milwaukee County authorities charged Avery reckless homicide in the death of Griffin after three prison inmates contended he had confessed to killing her.

Avery was convicted on March 9, 2005 and sentenced to 40 years in prison.

Post-Conviction

In April, 2010, Avery wrote to the Milwaukee County District Attorney's office, requesting that DNA tests be performed on a sample taken from Griffin's mouth. The DNA tests excluded Avery and matched the profile of Walter E. Ellis, an accused serial killer.

Ellis had been charged in September 2009 with killing seven prostitutes in Milwaukee over a 21-year period. He was linked to all seven murders by DNA tests.

Meanwhile, two of the jailhouse snitches had recanted their testimony that Avery had confessed to the murder of Griffin.

Avery was released from prison in May, 2010 and on September 23, 2010, his conviction and sentence were vacated and the charges were dismissed.

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In February, 2011, Ellis pleaded no contest to the murders of seven prostitutes and was sentenced to life in prison without parole. No one has been charged with the murder of Griffin.

In April 2011, Avery filed a wrongful conviction lawsuit in U.S. District Court in Milwaukee.

– *Maurice Possley*

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