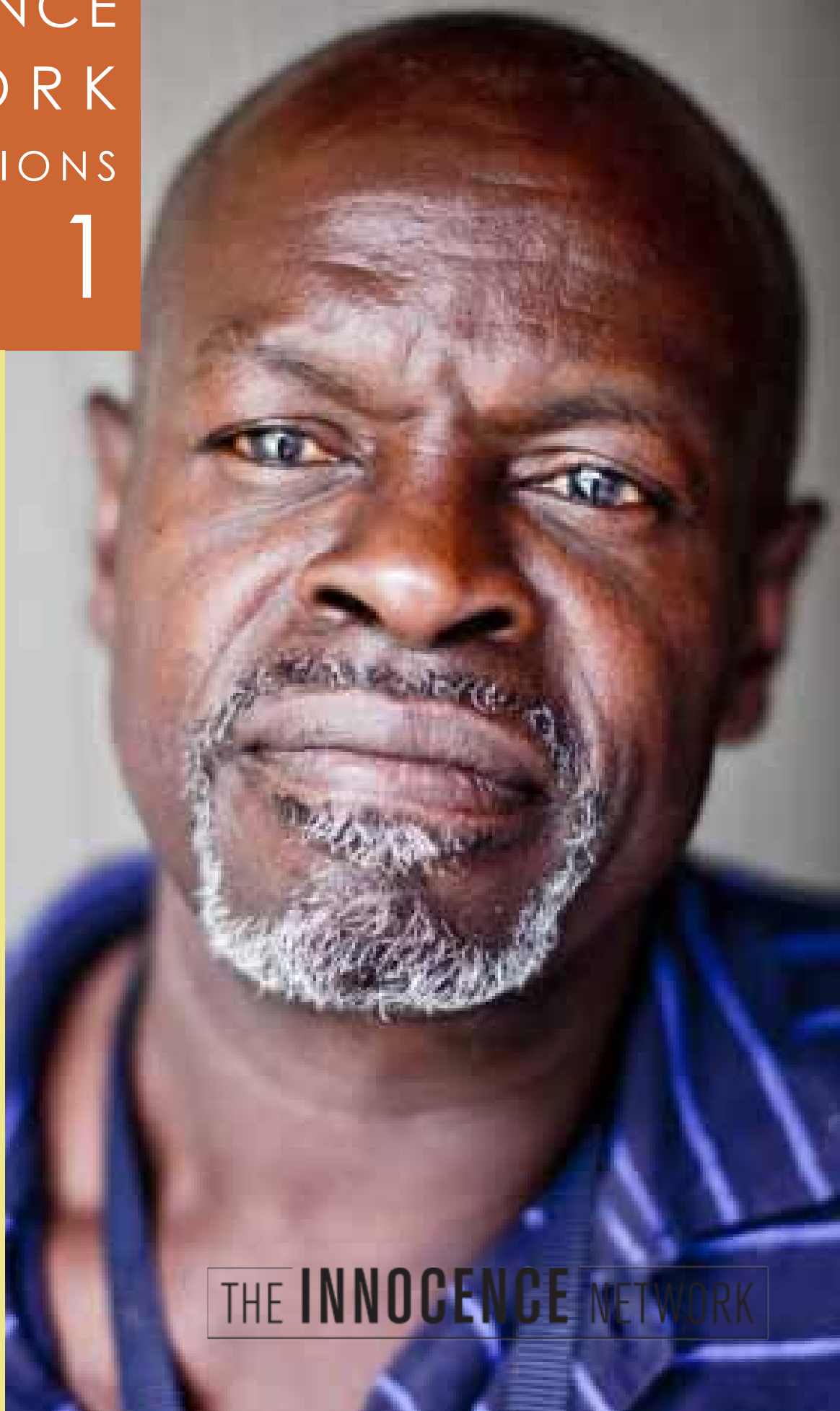


INNOCENCE
NETWORK
EXONERATIONS
2011



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COVER: Rocky Mountain Innocence Center client Harry Miller was exonerated on September 12, 2011. Read more about his case on page 7. (Erik Daenitz/Reprinted with permission of the photographer. All Rights Reserved.)

21 WRONGS MADE RIGHT

The 21 people exonerated by the Innocence Network in 2011 paint a bleak picture of the state of our criminal justice system. These wrongly convicted spent some of the best years of their lives in prison—separated from their parents, spouses, children and other loved ones who suffered their own loss, shame and separation. Proving their innocence took years of work by dedicated teams of lawyers and staffers forced to fight against a system that too often would rather deny than correct mistakes. And perhaps most disturbing of all, these 21 represent just a small fraction of the thousands of people who are behind bars for crimes they didn't commit and who may never see justice at all.

But the courageous people profiled here also demonstrate the amazing ability of individuals to withstand the worst our society has to offer yet continue to fight for and ultimately win their freedom, regain their lives and reconnect with their families. This determination has inspired lawyers and staff at Innocence Network projects across the country and beyond to take on more and more challenging cases and to learn from one another how to correct the wrongs of a system that has swelled without adequate concern for the many lives destroyed in the process.

Eleven people were exonerated by DNA evidence or a combination of DNA and other evidence. The other ten were cleared by other means. In the process, lawyers exposed the outdated science used in arson and shaken-baby syndrome cases, they uncovered misconduct by police and prosecutors and shoddy work by ineffective defense lawyers,

and they tracked down reluctant witnesses and helped to catch real perpetrators.

These stories have also supplied the much needed leverage to make reform possible. Network members and their clients lobbied statehouses across the country for reforms that improved identification procedures, reduced false confessions, put limits on the use of jailhouse informants, improved access to post-conviction DNA testing and ensured compensation for the years lost in prison unjustly.

In 2011, the Network grew to include 64 member organizations, with nine organizations in four other countries and 55 in the United States, including a new project in New Mexico, which didn't have a project before.

If there's any way to summarize the 21 stories gathered here, it's that each is full of heartbreak and hope. I encourage you to take a few minutes to read about the amazing heroes in this report who are helping us make this world more just for everyone.

— KEITH FINDLEY
WISCONSIN INNOCENCE PROJECT CO-DIRECTOR,
CLINICAL PROFESSOR UNIVERSITY
OF WISCONSIN LAW SCHOOL,
INNOCENCE NETWORK BOARD PRESIDENT

THE CASES

1 **Cornelius Dupree** *Innocence Project*

On January 4, 2011, Cornelius Dupree was declared factually innocent after 30 years of wrongful imprisonment. He married his longtime girlfriend that same day.

Dupree had always maintained his innocence of a 1979 Dallas-area rape and robbery. On the night of the crime, two men forced a female and her male friend into the male victim's car at gunpoint. The male victim was forced to drive them in his car, and both victims were robbed. The perpetrators forced the male to pull over at a highway exit and ordered him out of the vehicle. They continued on to a nearby park where both perpetrators raped the victim.

Dupree, then 19, and a friend named Anthony Massingill were on their way to a party when they were stopped and frisked about two miles from the drive-in grocery where the crime began. Police recovered a handgun from Massingill and placed the two men under arrest. The following day, the female victim selected Dupree's and Massingill's photographs from a photo array. Both victims identified Dupree and Massingill as their attackers at the identification hearing and trial.

After many unsuccessful appeals, the Innocence Project, which is affiliated with Cardozo School of Law, secured DNA testing that finally proved Dupree's innocence. On March 3, he was officially exonerated.

2 **Maurice Caldwell** *Northern California Innocence Project*

Maurice Caldwell served 20 years in prison for a murder that he did not commit.

Caldwell's 1991 trial relied solely on the

testimony of a single eyewitness (a neighbor) who claimed to have seen Caldwell commit the murder through her window. While the witness originally told police that the shooters were not from the area and she did not know them, she picked Caldwell out of a six-photo lineup and told police she knew him by his nickname, "Twan," because he lived next door to her. Caldwell's original trial lawyers made no efforts to interview the witnesses who stated that Caldwell was not present at the scene, nor did he hire an investigator or present evidence about alternate suspects.

In 2008 and 2009, four men signed affidavits stating that Caldwell had no involvement with the murder; two men identified the actual shooters, and one of those men (who was serving a life sentence for a different murder) confessed to committing the murder himself and swore that Caldwell was not involved. In December of 2010, the San Francisco Superior Court granted the Northern California Innocence Project at Santa Clara University Law School's writ of habeas corpus and overturned Caldwell's conviction. He was officially exonerated on March 25, 2011.

3 **Francisco Carrillo** *Northern California Innocence Project*

Francisco "Franky" Carrillo was wrongfully imprisoned for 20 years for the 1991 drive-by shooting death of Donald Sarpy in Lynwood, California.

Carrillo, who was just 16 years old when he was arrested, has consistently maintained his innocence. His conviction was based on six eyewitness identifications (including that of the victim's son), five of which were made a full six months after the murder. His first trial ended in a deadlock of 7 to 5 for acquittal, but he was

convicted at his second trial in 1992.

At his sentencing hearing, the judge was notified that a witness to the crime was in the building and wanted to testify that Carrillo was not at the crime scene. The trial judge denied the request.

The real break in the case occurred when Carrillo discovered that the defense investigator's file included a handwritten confession from the man who was denied the right to testify at Carrillo's sentencing. The Northern California Innocence Project at Santa Clara University Law School participated in a re-creation of the crime scene that demonstrated what all of the witnesses described in their recantations—that the darkness and speed of the events made it impossible to identify the perpetrator. The three main suspects declined to testify at the habeas hearing, citing their rights against self-incrimination.

On March 14, 2011, a Los Angeles Superior Court judge reversed Carrillo's conviction and ordered him released on his own recognizance. On April 4, 2011, the Los Angeles County District Attorney's Office dismissed the charges against Carrillo.

4 **Derrick Williams** *Innocence Project of Florida*

DNA evidence exonerated Derrick Williams of Palmetto, Florida, on April 4, 2011 after 18 years of wrongful imprisonment.

In 1992, a woman arrived at her home to find a stranger standing on her porch. As she was exiting her car, he forced his way into the vehicle, punched her, and drove her to a nearby orange grove. There, he proceeded to sexually assault the victim. At one point, the assailant left the car to smoke a cigarette, giving the victim enough time to drive away and escape with some of the assailant's belongings still in the car.

The victim's description of her attacker did not match Williams. However, due to a highly suggestive photo lineup, she identified him as her assailant. Meanwhile, the defense

provided alibi witnesses as well as the testimony of a forensic analyst who stated that a hair recovered from the perpetrator's shirt must have come from a black male who was not Williams. Despite the prosecution's shaky case, Williams was found guilty and sentenced to two consecutive life sentences in prison.

Years later, with the help of the Innocence Project of Florida, Williams obtained post-conviction DNA testing. The test results excluded Williams as the assailant. After a two-day evidentiary hearing, a judge vacated Williams' conviction.

5 **Calvin Wayne Cunningham** *Mid-Atlantic Innocence Project*

Calvin Wayne Cunningham was convicted in 1981 of the rape of his building super and has steadfastly maintained his innocence in the crime. The rape occurred at 4 a.m., with the assailant sneaking into the apartment while the victim was sleeping on her couch. The victim identified her attacker as the black man living across the hall—Calvin Wayne Cunningham.

Thanks to the Mid-Atlantic Innocence Project, Cunningham was finally granted access to the DNA testing that he had been requesting for almost three decades. A test in February eliminated him as a possible perpetrator, and the Mid-Atlantic Innocence Project asked the Supreme Court to declare him actually innocent.

The Virginia Supreme Court granted him a writ of actual innocence in April, officially exonerating him of the rape on April 12, 2011. Cunningham is currently serving time in a Virginia prison on unrelated charges, and is due to be released in 2012. He served seven years for the wrongful conviction.

6 **Don Ray Adams** *Innocence Institute of Point Park University*

Don Ray Adams spent 19 years in prison for a double-murder that he did not commit.

In December 1990, two alleged drug dealers were killed in an alley in Philadelphia. Several

eyewitnesses identified the shooter as roughly 6' tall, thin, light-skinned black man who was called "Don Ray." Don Ray Adams, however, is a 5'4" tall, dark-skinned black man with a short, stocky build. Initially, the police questioned another Don Ray from the neighborhood and released him. Both Don Rays lived on the same street, but Adams typically went by "Muhammad."

The investigation stalled for a long while before an eyewitness (at the time a crack-addicted felon) emerged, saying that she was present at the scene of the crime and that Adams spared her life after robbing and killing the alleged drug dealers. Seven months after the murders, the police went to Adams' family's home to arrest him. Throughout his arrest, conviction, and many fruitless attempts at appeal, Adams insisted that he was innocent. The Innocence Institute of Point Park University helped bring public attention to the case when it published an article about Don Ray Adams in the Pittsburgh Post-Gazette. After Adams had expended all his appeals, an eyewitness came forward and recanted her testimony—stating that Don Ray Bennett was the perpetrator, not Don Ray Adams. Adams was granted a new trial and the jury came back in two hours with a verdict of not guilty on all charges. He was released on April 26, 2011.

7 **Johnny Pinchback** *Innocence Project of Texas*

After spending 27 years in prison for a rape he did not commit, Johnny Pinchback of Dallas, Texas, was released in May 2011.

In 1984, Pinchback was wrongfully convicted of raping two teenage girls at gunpoint and sentenced to 99 years in prison. The victims were on their way home from a local store when a man approached them and forced them to go with him to a nearby field. There, the perpetrator tied up and raped the two girls before fleeing the scene of the crime. Several days after the attack, one of the girls saw Pinchback driving near her apartment complex and jotted down the license plate number. Pinchback was cooperative with the

police and believed his innocence would soon become evident. However, both girls identified Pinchback as their assailant in a photo lineup. The police, meanwhile, never had another suspect.

Fortunately for Pinchback, his case received a helping hand from his friend, fellow exoneree Charles Chatman, whom he had bonded with after sharing the same prison unit for a decade. Chatman, released in 2008, became an advocate for the wrongfully convicted and persistently lobbied the Innocence Project of Texas to examine his friend's case. Thanks to their work, as well as Chatman's own personal efforts, Pinchback achieved a court order in 2010 mandating post-conviction DNA testing. The test results excluded Pinchback as the assailant; on June 8, 2011, he was officially exonerated.

8 **James Hebshie** *New England Innocence Project*

Detectives quickly zeroed in on James "Jimmy" Hebshie as a suspect in an act of arson that destroyed an office building in Taunton, Massachusetts. His 2006 conviction involved an arson investigation technique that has since been widely discredited.

The New England Innocence Project and a partnering attorney filed a motion for a new trial in 2010. The evidentiary hearing focused largely on the flawed science used to convict Hebshie and included the testimony of John Lentini, one of the nation's most prominent fire investigators. Lentini testified that the fire could not have started in Hebshie's store, as prosecutors contended.

A judge granted Hebshie's motion for new trial, citing ineffective counsel for failing to challenge the fire science testimony. He was released on bail two days after Thanksgiving 2010. On June 20, 2011, the government filed a motion to dismiss all charges against Hebshie.

9 **Alvin Jardine III** *Innocence Project of Hawaii*

Alvin Jardine III of Hawaii was wrongfully convicted of sexual assault and burglary based

on the victim's misidentification, and he was exonerated after 20 years in prison.

In 1990, a 25-year-old woman was raped repeatedly at knifepoint in her Haiku home. No physical evidence tied Jardine to the crime scene (the DNA testing available at the time was inconclusive), and Jardine maintained his innocence. Two separate trials ended in hung juries, but the third jury, compelled to reach a decision in the case by the presiding judge, eventually found Jardine guilty. He was sentenced to 35 years in prison.

Jardine refused to admit guilt, even denying himself the possibility of an earlier parole (which would have mandated that he enter a sex-offender rehabilitation program.) He contacted the Innocence Project of Hawaii at the University of Hawaii's William S. Richardson School of Law in 2008. All of the original evidence in the case had been destroyed, save for a piece of tablecloth covering a chair that the perpetrator had sat down on following the sexual assault. The Innocence Project of Hawaii re-ordered DNA testing on that sample, and the results conclusively excluded Jardine as the perpetrator. In light of this new evidence, a Maui Circuit Court judge released Jardine on bail in January of 2011 and ordered a re-trial. The prosecutors opted not to re-try the case, and dropped all charges against Jardine on July 21, 2011.

10 **David Ayers** *Ohio Innocence Project*

On September 12, 2011, David Ayers of Cleveland, Ohio, was released from prison after spending over a decade behind bars for a murder he did not commit.

In the winter of 2000, an elderly woman who lived in the apartment building where Ayers worked as a security guard was murdered. The prosecution's case against Ayers rested largely on the testimony of a jailhouse informant who claimed that Ayers confessed to him. All charges against the informant were dropped in exchange for his testimony. Ayers was found

guilty and sentenced to life without parole despite DNA results that eliminated him as a contributor of key biological evidence found at the crime scene.

For years, attorneys from the Ohio Innocence Project at University of Cincinnati College of Law lobbied the courts to allow re-testing of the evidence, citing the fact that new testing methods could reveal DNA where older, less-sophisticated methods could not. Finally, in 2009, a state appeals court ruled in Ayers' favor and new DNA tests were performed on the crime scene evidence. None of the tests linked Ayers to the crime scene. Based on these results, Cleveland prosecutors dismissed the case and released Ayers from prison. Unfortunately, it was only a partial victory for Ayers as he was not actually declared innocent or wrongfully convicted of the charges, and prosecutors reserve the right to bring charges against him in the future if new evidence appears. Ayers is planning to file a civil suit against the state, which would entitle him to compensation for the 11 years he spent in prison. The Cuyahoga County Public Defenders' Office also provided invaluable post-conviction assistance.

11 **Harry Miller** *Rocky Mountain Innocence Center*

In 2003, Harry Miller was wrongfully convicted for a robbery at knifepoint that occurred at a gas station in North Salt Lake three years prior. At the time of the assault, the victim described her attacker as being between the ages of 19 and 21 and in good physical shape. However, the 47-year-old Miller was in his home state of Louisiana when the crime occurred, recovering from a stroke. His relatives as well as his in-home nurse vouched for his whereabouts. Three years later, the victim and her husband witnessed an unrelated robbery at a local restaurant. When asked to view photographs in an attempt to identify the restaurant robber, the victim identified Miller as her assailant from the gas station incident three years prior.

In 2007, Utah overturned Miller's conviction, citing an undisclosed "error" in the trial, and

he was released from prison. However, he was not formally declared innocent until September 12, 2011. With the help of the Rocky Mountain Innocence Center, Miller successfully won exoneration under Utah's non-DNA factual innocence statute. Under the statute, Miller will also receive financial compensation for the time he spent in prison.

12 **Michael Hansen** *Innocence Project of Minnesota*

Charges against Michael Hansen, of Alexandria, Minnesota, were dropped after he served six years of a 14.5 year sentence for allegedly killing his three-year-old daughter, Avry.

At Hansen's trial, Ramsey County Forensic Examiner Michael McGee, who performed the autopsy, testified that Avry had been killed by blunt trauma to the head while in her father's care. Since there was no other evidence presented, the jury was left to infer that the fracture in her skull was the result of an assault. Dr. McGee performed a second autopsy, which was compromised due to the body having been embalmed, and came to the same conclusion.

The Innocence Project of Minnesota re-opened the case and ordered a post-conviction review hearing comprised of a team of experts. They testified that Avry had sustained the skull fractures days before her death without anyone noticing, and that there was evidence that the injury had been healing. From this, they surmised that Avry had suffered these injuries when her car seat fell off a shopping cart at Walmart six days prior to her death. The injuries were not life-threatening, however, and the experts deduced the baby died from suffocation in her sleep. (The sleeping arrangements violated several rules for safe infant sleep.)

After the expert testimony, a judge ruled that Hansen deserved a re-trial. While his lawyers prepared for trial, the prosecutor dropped all charges and Hansen was released on September 16, 2011.

13 **Obie Anthony** *Northern California Innocence Project*

Obie Anthony was convicted of the fatal shooting of Felipe Gonzales Angeles outside of a Los Angeles brothel in 1995. On October 4, 2011, a judge overturned Anthony's conviction, and he was released after 17 years.

In attempting to gain access to the brothel, Angeles was turned away. As he returned to the car, he was approached by three males. Suddenly, shots were fired. Angeles and two other men were shot, but only Angeles was killed. At the trial, only one of the victims testified and claimed to recognize Anthony from his dreams. Neither surviving victim positively identified Anthony from the photo or live lineups. The only identification came from the owner of the brothel, who had himself been convicted of manslaughter for shooting an ex-girlfriend, and was facing 12 years for pimping and pandering charges. Anthony stated that he was not at the scene and has maintained his innocence throughout his incarceration.

The Northern California Innocence Project at Santa Clara University School of Law reinvestigated the case with help from Loyola Law School's Project for the Innocent. Thanks to their efforts, an evidentiary hearing was held in September 2011. The brothel owner retracted his testimony, saying that he had never seen the shooters well enough to identify them. Further, attorneys discovered that the brothel owner had received a deal for his testimony, something both he and the district attorney had denied at trial. The surviving victim who did not testify at trial came forward to testify that the shooters were much older than Anthony. Finally, attorneys presented evidence that the brothel owner may have actually fired the shot.

14 **Jacques Rivera** *Northwestern University Center on Wrongful Convictions*

Jacques Rivera was wrongfully convicted of the 1988 Chicago slaying of Felix Valentin based solely on the testimony of a 12-year-old eyewitness and sentenced to 80 years in prison.

In 2011, the eyewitness testified at an evidentiary hearing that less than a week after he identified Rivera he discovered that he was mistaken when he saw the actual killer on the street. He attempted to explain the situation to the police, but they assumed he was recanting because he feared gang retaliation. (Rivera was a self-professed member of the Latin Kings).

Rivera maintained his innocence throughout his incarceration, enlisting the help of the Northwestern University Center on Wrongful Convictions, which worked for years on Rivera's case and eventually tracked down the witness, who officially recanted his testimony. The eyewitness recantation led a trial judge to order a new trial, but prosecutors opted not to re-try Rivera and dropped all charges against him. He was wrongfully imprisoned for 21 years before his release on October 4, 2011.

15 **Henry James** *Innocence Project New Orleans;* *Innocence Project*

Imprisoned in Louisiana's Angola Penitentiary for nearly 30 years for the rape of his neighbor, DNA evidence cleared Henry James of a conviction involving eyewitness misidentification and police misconduct. James was 20 years old when he entered Angola in 1982, and 50 when he was exonerated in 2011.

The victim was awoken in the early morning by an intruder who threatened to kill her and her children if she did not submit to his demands. He then proceeded to rape her at knifepoint. The victim lived near James and was an acquaintance; she called the police to report the crime immediately after her assailant left and assured investigating officers that she had never seen and did not know her attacker.

However, after being shown James' photo in a lineup, she identified him as her assailant. James, who lived nearby and had spent the day before her attack with her husband, was arrested two days later and placed in a lineup. He was the only individual in the lineup who matched the description of the perpetrator provided by the victim. Blood-type testing

suggested that James could not have been the perpetrator, but the defense failed to introduce this evidence and he was convicted.

After an initially fruitless five-year search for the original DNA evidence, it was finally obtained by the Innocence Project of New Orleans and the Innocence Project, which is affiliated with the Cardozo School of Law. The evidence proved James' innocence of the rape, and he was freed and reunited with his family on October 21, 2011.

16 **Jonathan Barr** *Innocence Project*

17 **Robert Taylor** *Northwestern University Center on* *Wrongful Convictions*

Jonathan Barr, Robert Taylor, Robert Lee Veal and James Harden of the "Dixmoor Five," were exonerated after serving a combined 55 years in prison for a rape and murder DNA testing proves they did not commit.

Based on coerced confessions elicited by the Chicago police officers, five teenagers were wrongfully convicted of the 1991 rape and murder of 14-year-old Cateresa Matthews. The boys, who had been classmates of Matthews, were interrogated without parents or guardians present. Three of them endured trials and were sentenced to at least 80 years in prison. The other two pled guilty and testified against their co-defendants in exchange for shorter sentences. DNA evidence recovered from the victim's body and tested at trial did not link any of the Dixmoor Five to the crime.

Years later, the Northwestern University Center on Wrongful Convictions and Innocence Project, which is affiliated with the Cardozo School of Law, helped identify the real perpetrator through a DNA database hit—a convicted violent offender—and clear the wrongfully convicted men. Jonathan Barr was represented by the Innocence Project, which is affiliated with the Cardozo School of Law, and Robert Taylor was represented by the

Northwestern University Center on Wrongful Convictions. Taylor, Barr, and Harden were exonerated on November 3, 2011. Veal was exonerated on December 12, 2011, and Sharp, who pled guilty, is still fighting to be exonerated.

18 **Michael Williams** *Innocence Project New Orleans*

In 1996, Michael Williams was convicted of murder in Jefferson Parish, Louisiana. He spent over 15 years in prison.

Williams was arrested for the murder of a 25-year-old woman based on a single eyewitness's testimony. At trial, the witness testified that he saw the victim riding around in Williams' car. The witness claimed that he followed the car by bicycle to a secluded area where he watched the victim and Williams argue in the car. Then, he claimed to continue to follow the car as it left the secluded area and turned onto River Road, where Williams got out, opened the passenger door, and dumped the victim's body. The victim died from a stab wound.

Thirteen years later, the witness recanted and admitted that he only implicated Williams to protect himself. After the recantation, Innocence Project New Orleans began an investigation that turned up three statements the witness gave before trial that were inconsistent with his trial testimony—none of which were disclosed to the defense, and one of which the police hid from the trial prosecutor. In addition, Innocence Project New Orleans discovered statements from other witnesses who saw the victim on the night she was killed, far from where the trial witness stated she was. Again, none of these statements were disclosed.

Innocence Project New Orleans filed a post-conviction petition based on the undisclosed evidence, leading the state to re-investigate the case. On November 18, 2011, the state moved to vacate Williams' conviction and immediately dismiss the indictment.

19 **Thomas Haynesworth** *Mid-Atlantic Innocence Project; Innocence Project*

Thomas Haynesworth was 18 years old when he was arrested for a series of rapes in Richmond, Virginia in 1984 and wrongfully convicted based on eyewitness misidentification.

Haynesworth was on his way to the store when one of the victims spotted him and identified him as her attacker. The victims of five separate yet similar assaults all provided a similar description of the perpetrator, and eventually all misidentified Haynesworth, who was convicted in three of the cases and sentenced to 74 years in prison. Yet the crimes continued, following a very distinct modus operandi, even after Haynesworth was behind bars.

In 2006, then-Governor Mark Warner ordered a review of DNA evidence in thousands of criminal cases. DNA testing, available in only one of Haynesworth's rape convictions, implicated another man as the perpetrator—a serial rapist named Leon Davis. Based on this evidence, Haynesworth was released on parole in March 2011. The Mid-Atlantic Innocence Project and the Innocence Project, which is affiliated with Cardozo School of Law, petitioned a Virginia appeals court to throw out the remaining two convictions where biological evidence was not available. Following his release, Commonwealth's Attorneys conducted an extensive investigation, eventually concluding that Davis, not Haynesworth, was responsible for all of the crimes.

On December 6, 2011, the Virginia Court of Appeals granted Haynesworth a writ of actual innocence based on non-biological evidence.

20 **Michael Morton** *Innocence Project*

On December 19, 2011, after serving nearly 25 years in prison, Michael Morton of Williamson County, Texas, was exonerated of the murder of his wife.

In 1986, Christine Morton was found bludgeoned to death in the home that she shared with her husband, Michael, and their three-year-old son. Based on circumstantial evidence, Morton was charged with the killing

and found guilty in 1987. Prosecutors withheld crucial pieces of evidence from the defense, including the testimony of the Mortons' young son, who witnessed the gruesome murder and claimed that his father was not the attacker. Further evidence also pointed to a third-party intruder.

After a number of failed appeals, the Innocence Project, which is affiliated with Cardozo School of Law, finally won a court order to conduct DNA testing on a bloodstained bandana found about 100 yards from the Morton's home. In August 2011, the test results showed that the DNA belonged to Christine Morton and an unnamed man whose DNA was also linked to a similar murder that occurred later in Travis County. The man is currently being investigated for both crimes. In October, Michael Morton was freed from prison at the age of 57. Meanwhile, the State Bar of Texas is investigating the two prosecutors involved in his case for professional misconduct.

21

Kerry Porter

Kentucky Innocence Project

Kerry Porter was exonerated on December 19, 2011, after serving 14 years in a Kentucky prison for a crime he did not commit.

Porter was convicted of the 1996 shooting death of his ex-girlfriend's husband. He was sentenced to 60 years in prison, despite there being no physical evidence linking Porter to the crime. His conviction was based solely on the testimony of an eyewitness who identified Porter a month after the crime when the victim's brother showed him a picture; another witness who saw the shooter flee the scene told police that he could not possibly identify the perpetrator. Additionally, a Judge blocked defense attorneys from telling the jury that there was another suspect in the case.

In 2010, there seemed to be hope for the case when a cooperating government witness told a detective and two prosecutors that Porter was innocent and another man was the real perpetrator. The eyewitness also recanted his testimony, stating that Porter should be freed.

However, the testimony was withheld from Porter's defense attorneys.

DNA testing was not readily available and/or reliable at the time of Porter's trial, so the Kentucky Innocence Project asked for testing to be completed on a homemade silencer found at the crime scene. In 2011, DNA analysts were able to identify a male and female DNA profile from the silencer: Kerry Porter's DNA was excluded as being a contributor.

With help from the Kentucky Innocence Project, Porter's case was finally re-examined by the Louisville Metro Police Department's cold-case unit. Multiple interviews were conducted with witnesses, and they all stated that another man committed the murder. Consequently, two likely alternate suspects have been identified in the case. In December of 2011, a Circuit Court judge ordered the 1998 indictment against Porter to be dismissed.

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Innocence Project New Orleans

Innocence Project New Zealand

School of Psychology, Victoria
University of Wellington

Innocence Project Northwest Clinic

University of Washington School of Law

Innocence Project of Florida

Innocence Project of Iowa

Innocence Project of Minnesota

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University of Mississippi School of Law

Montana Innocence Project
University of Montana School of Law and School of Journalism

Nebraska Innocence Project

New England Innocence Project

North Carolina Center on Actual Innocence
University of North Carolina School of Law, Elon School of Law, Campbell School of Law, North Carolina Central School of Law

Northern California Innocence Project
Santa Clara University Law School

**Office of the Public Defender,
State of Delaware**

Ohio Innocence Project
University of Cincinnati College of Law

Office of the Ohio Public Defender, Wrongful Conviction Project

Osgoode Hall Innocence Project
Osgoode Hall Law School at York University

Pace Post-Conviction Project
Pace University Law School

Palmetto Innocence Project

Pennsylvania Innocence Project

Reinvestigation Project
Office of the Appellate Defender

Resurrection after Exoneration Innocence Project of New Orleans

Rocky Mountain Innocence Center

Sellenger Centre Criminal Justice Review Project
The School of Law and Justice, Edith Cowan University (Australia)

Texas Center for Actual Innocence
University of Texas School of Law

Thomas M. Cooley Law School Innocence Project
Thomas M. Cooley Law School

Thurgood Marshall School of Law Innocence Project
Earl Carl Institute, Thurgood Marshall School of Law

University of Baltimore Innocence Project Clinic
University of Baltimore School of Law

University of British Columbia Law Innocence Project
University of British Columbia Law School (Canada)

University of Leeds Innocence Project
The University of Leeds School of Law (UK)

Wake Forest University Law School Innocence and Justice Clinic
Wake Forest University Law School

Wesleyan Innocence Project

Wisconsin Innocence Project
University of Wisconsin-Madison

Wrongful Conviction Clinic
Indiana University School of Law

INNOCENCE NETWORK

The Innocence Network is an affiliation of 64 member organizations dedicated to providing pro bono legal and investigative services to individuals seeking to prove innocence of crimes for which they have been convicted and working to redress the causes of wrongful convictions.

For more on the Innocence Network and for information on how to contact member organizations, please visit www.innocencenetwork.org.

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