Ohio Task Force on Conviction Integrity and Postconviction Review

- Presentation of
- National Registry of Exonerations
 - By
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The National Registry of Exonerations

Navigating the Registry

UCI Newkirk Center for Science & Society





COUNTING

EXONERATIONS

Our Definition of Exoneration

In general, an exoneration occurs when a person who has been convicted of a crime is <u>officially</u>
 <u>cleared</u> based on <u>new evidence of innocence</u>.

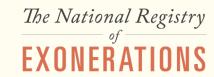


Defining Exoneration:

Exoneration—A person has been exonerated if he or she was convicted of a crime and later was either:

- (1) declared to be factually innocent by a **government official** or **agency with the authority** to make that declaration; or
- (2) relieved of all the consequences of the criminal conviction by a **government official** or **body with the authority** to take that action.

The official action may be: (i) a complete pardon by a governor or other competent authority, whether or not the pardon is designated as based on innocence; (ii) an acquittal of all charges factually related to the crime for which the person was originally convicted; or (iii) a dismissal of all charges related to the crime for which the person was originally convicted, by a court or by a prosecutor with the authority to enter that dismissal. The pardon, acquittal, or dismissal must have been the result, at least in part, of evidence of innocence that either (i) was not presented at the trial at which the person was convicted; or (ii) if the person pled guilty, was not known to the defendant, the defense attorney and the court at the time the plea was entered. The evidence of innocence need not be an explicit basis for the official action that exonerated the person.



Registry Criteria:

- Convicted of a crime
- ☐ Officially cleared of <u>all</u> related charges
- ☐ Based, at least in part, on new evidence of innocence
- ☐ Without unexplainable physical evidence of guilt
- ☐ A certificate of innocence or declaration of innocence

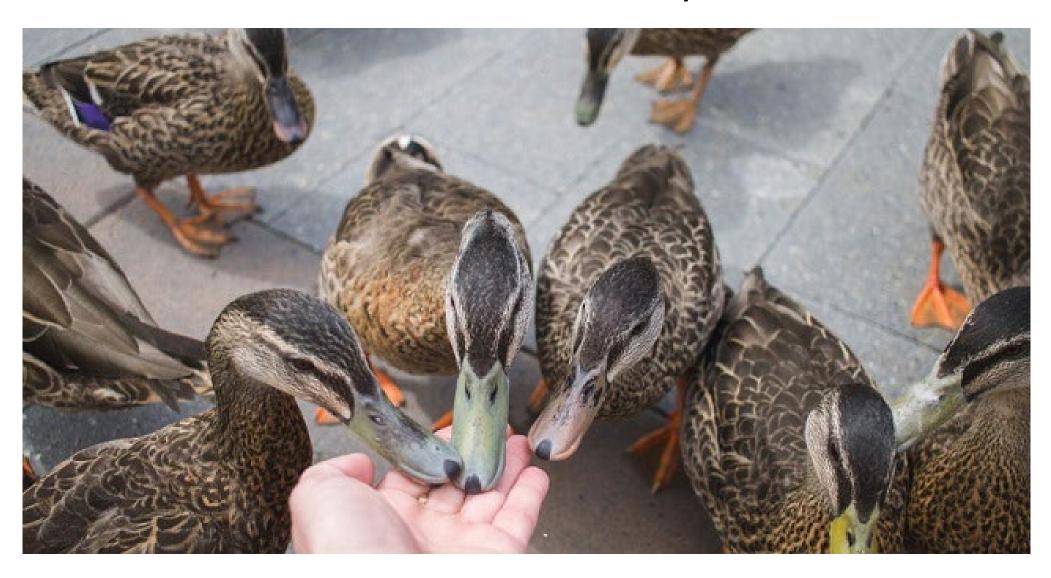


The Registry does not include:

- ☐ defendants who take Alford Pleas,
- defendants found not guilty at retrial (without new evidence), and
- ☐ defendants cleared of some, but not all charges related to their original conviction.



Nibbled to death by ducks



CODING

EXONERATIONS

WILLIE VEASY



State:	Pennsylvania
County:	Philadelphia
Most Serious Crime:	Murder
Additional Convictions:	Conspiracy, Misdemeanor
Reported Crime Date:	1992
Convicted:	1993
Exonerated:	2019
Sentence:	Life without parole
Race:	Black
Sex:	Male
Age at the date of reported crime:	26
Contributing Factors:	Mistaken Witness ID, False Confession, Perjury or False Accusation, Official Misconduct
Did DNA evidence contribute to the exoneration?:	No



2.616 EXONERATIONS SINCE 1989 MORE THAN 23.000 YEARS LOST

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To Search or Sort: Place the cursor over a column heading and click on the arrow . You can then sort in Ascending or Descending order or click on a particular value to select the cases in that category.

The column labeled "Tags" allows you to sort and search cases by each of several additional common characteristics. To see the definitions of these terms, click on their full names:

- A: Arson Case
- CDC: Co-Defendant Confessed
- CIU: Conviction Integrity Unit
- CSH: Child Sex abuse Hysteria case
- CV: Child Victim
- **F:** Female exoneree
- **FED:** Federal case

- **H:** Homicide
- IO: Innocence Organization
- JI: Jailhouse Informant
- M: Misdemeanor
- NC: No Crime case
- P: Guilty Plea case
- PH: Posthumous exoneration
- SBS: Shaken Baby Syndrome case

The six columns on the far right of this page display separately the Contributing Factors that are listed together on the Summary Page. To save space, we use abbreviations. To see definitions of these factors, click on their full names:

- MWID: Mistaken Witness Identification
- FC: False Confession
- P/FA: Perjury or False Accusation
- F/MFE: False or Misleading Forensic Evidence
- OM: Official Misconduct
- ILD: Inadequate Legal Defense

Age: The exoneree's age on the date of the reported crime

| Summary View | Detailed View |

Filter

Or OAnd

Reset All Filters

The Filter finds cases that contain <u>any</u> of the words you enter if you check **Or**, or <u>all</u> of them if you check **Or** or all or al

essential to the exoneration.

Last Name	First Name	Age	Race	ST	County of Crime	Tags	Crime	Sentence	Convicted	Exonerated	DNA '	MWID	FC F	P/FA	F/MFE	ОМ	ILD
Count= 2616																	
Abbitt	Joseph	31	Black	NC	Forsyth	CV, IO	Child Sex Abuse	Life	1995	2009	DNA	MWID					
Abdal	Warith Habib	43	Black	NY	Erie	IO	Sexual Assault	20 to Life	1983	1999	DNA	MWID		1	F/MFE	ОМ	
Abernathy	Christopher	17	White	IL	Cook	CIU, CV, H, IO	Murder	Life without parole	1987	2015	DNA		FC F	P/FA		ОМ	
Abney	Quentin	32	Black	NY	New York	CV	Robbery	20 to Life	2006	2012		MWID					
Acero	Longino	35	Hispanic	CA	Santa Clara	NC, P	Sex Offender Registration	2 years and 4 months	1994	2006							ILD
Adams	Anthony	26	Hispanic	CA	Los Angeles	Н, Р	Manslaughter	12 years	1996	2001			F	P/FA		ОМ	
Adams	Cheryl	26	White	MA	Essex	F, NC, P	Theft	Probation	1989	1993			P	P/FA			
Adams	Darryl	25	Black	TX	Dallas	CIU, IO, NC, P	Sexual Assault	25 years	1992	2017	DNA *		P	P/FA			
Adams	Demetrius	22	Black	IL	Cook	CIU, IO, NC, P	Drug Possession or Sale	1 year	2004	2020			F	P/FA		ОМ	
Adams	Don Ray	32	Black	PA	Philadelphia	Н	Murder	Life	1992	2011			P	P/FA		ОМ	
Adams	Jarrett M.	17	Black	WI	Jefferson	IO, NC	Sexual Assault	28 years	2000	2007			P	P/FA			ILD
Adams	Johnathan	12	White	GA	Carroll	CV, H, P	Murder	1 year	2005	2006			FC			ОМ	
Adams	Johnny	52	Black	TX	Harris	CIU, NC, P	Drug Possession or Sale	90 days	2009	2016					F/MFE		

The National Registry

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Other Philadelphia Exonerations



Willie Veasy, flanked by his sister, Katra Veasy, and his mother, Bonnie Marell (Photo: Inquirer.com)

A few minutes before 10 p.m. on January 24, 1992, people started calling 911 in Philadelphia, Pennsylvania, to report shots being fired near the corner of West Russell Street and North Seventh Street, an area that was known for illegal drug activity. When police arrived, they found two men had been shot. Efrain Gonzalez, who was 18, survived. John Lewis, who was 25 and known in the neighborhood as the "Jamaican," was pronounced dead early the next morning at Temple University Hospital.

Police interviewed several witnesses. Most said that a red or maroon compact car, possibly a Mercury Lynx, had driven down the one-way street. Some said that a single passenger had gotten out, and then began firing during what appeared to be a drug transaction. Gonzalez was interviewed at the hospital. He told the police it had been his first day selling marijuana at the corner, and that he was shot before Lewis was shot. He said the man who shot him stole \$10 and some marijuana. He described the shooter as a black male in his late teens or early 20s, about six feet tall, and of medium complexion. Gonzalez said he didn't know the shooter, but that he would recognize the man if he saw him

Almost all the witnesses said they either didn't see the shooter or recognize him. But Denise Mitchell said she recognized the man. In her statement to police taken immediately after the shooting, Mitchell said she was on Russell Street talking to Lewis and then went inside her apartment before hearing the gunfire. She said she looked out her window and saw a man she knew only as "Pee Wee" trying to rob Gonzalez, who was then shot. She said she also saw another man, whom she knew by the nickname "Man," with a gun, but did not see Lewis get shot. She would also describe the assailants as being in a red car.

For several weeks, as police investigated, they did not know the identity of the man that Mitchell called "Pee Wee." But that changed about three weeks after the shooting. The police would later say that a "discussion" with an unidentified female informant led them to believe that "Pee Wee" was 26-year-old Willie Veasy. They showed his picture to Mitchell in a photo array, but she did not make an identification.

On May 23, 1992, another group of detectives brought the same photo array back to Mitchell. This time, she identified Veasy as Pee Wee and the man who had shot Gonzalez.

Veasy was arrested on June 9, 1992 and brought to the Police Administration Building at 6:35 a.m. The interrogation began at just after 8 a.m., led by Detectives Martin Devlin and Paul Worrell. It was not recorded.

Veasy initially told the officers that he didn't know why he was there. and that he hadn't shot anybody. He didn't even know what date the shooting took place. But within two hours after the start of the interrogation, Devlin had produced what police considered a confession.

State:	Pennsylvania
County:	Philadelphia
Most Serious Crime:	Murder
Additional Convictions:	Conspiracy, Misdemeanor
Reported Crime Date:	1992
Convicted:	1993
Exonerated:	2019
Sentence:	Life without parole
Race:	Black
Sex:	Male
Age at the date of reported crime:	26
Contributing Factors:	Mistaken Witness ID, False Confession, Perjury or False Accusation, Official Misconduct
Did DNA	No

evidence

contribute to

exoneration?:



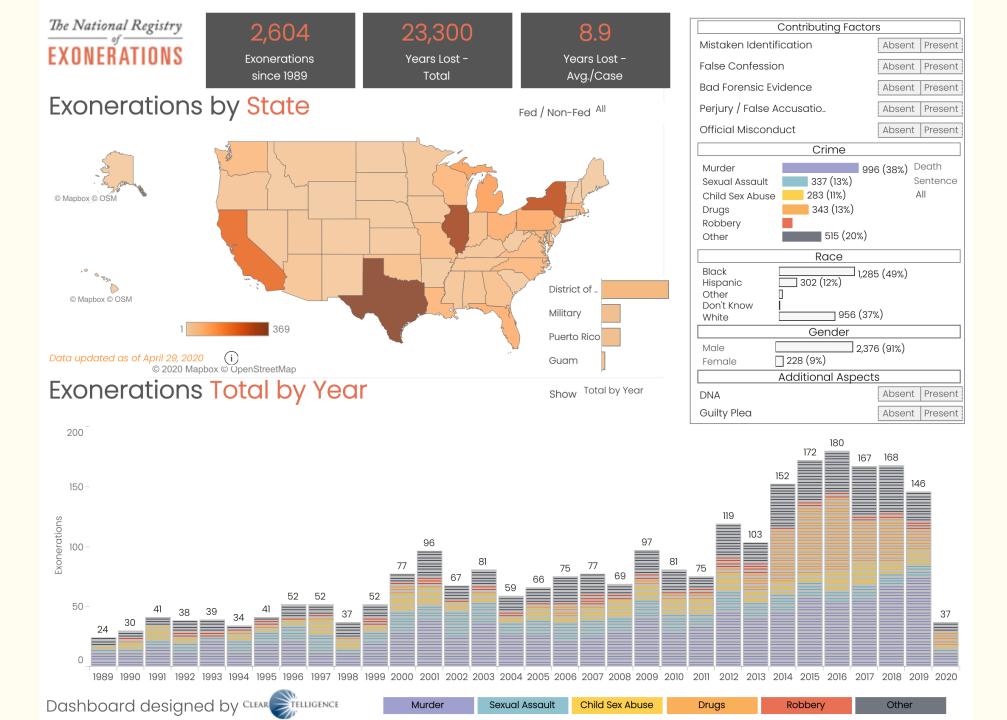
Possible Contributing Factors

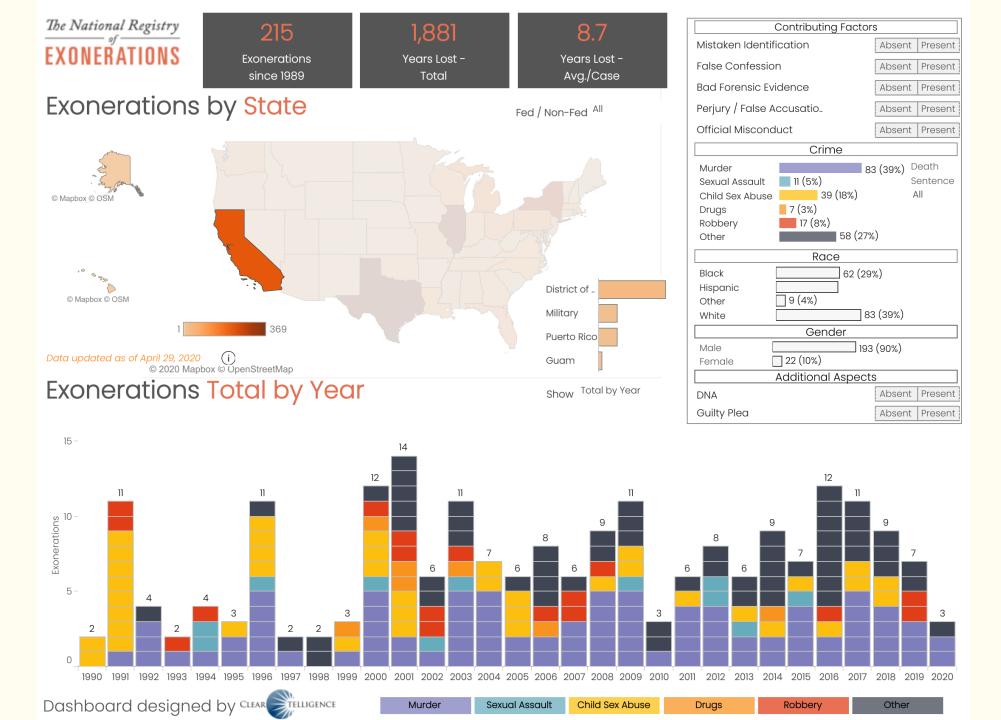
- Mistaken Witness ID
- False Confession
- Perjury or False Accusation
- Official Misconduct
- False/Misleading Forensic Evidence
- Inadequate Legal Defense

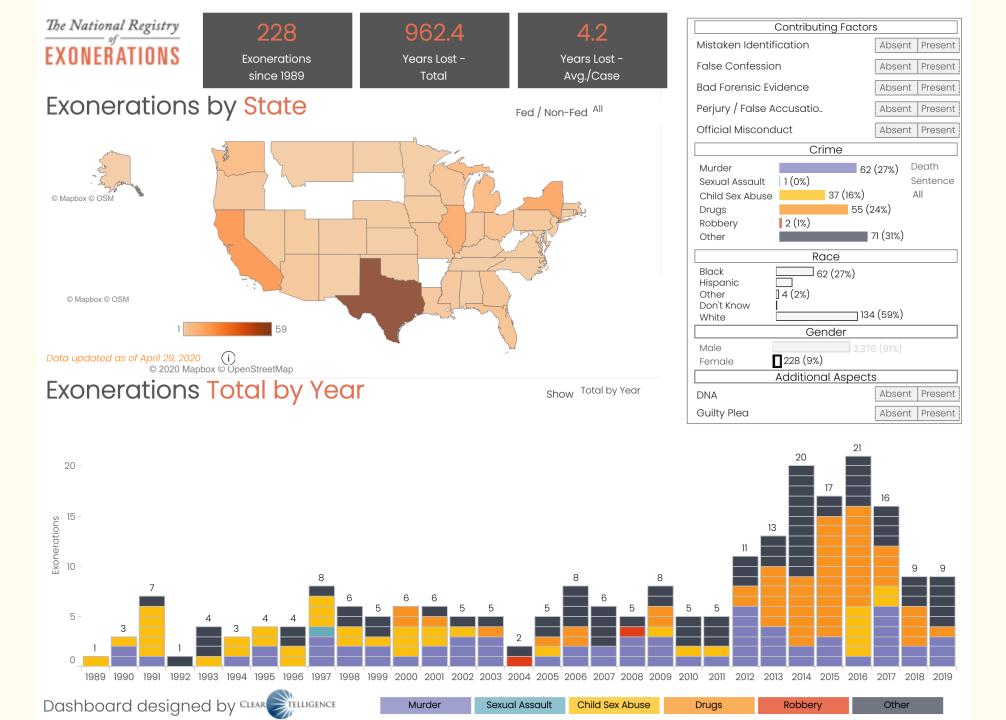
Possible "Tags"

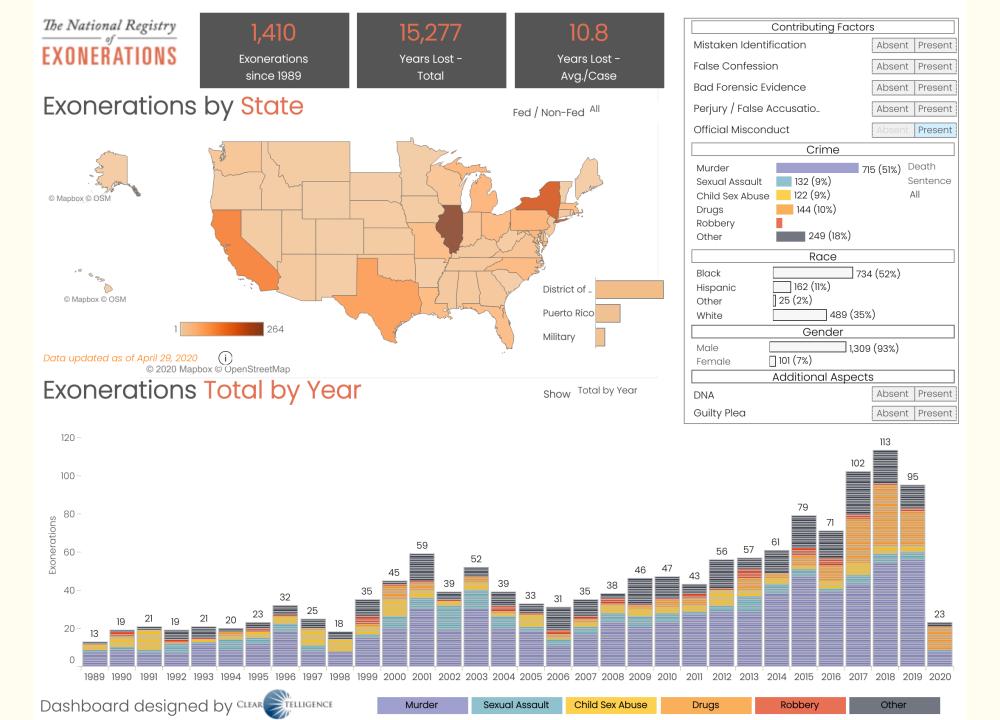
- Arson
- Co-Defendant Confessed
- Conviction Integrity Unit
- Child Sex Abuse Hysteria
- Child Victim
- Female Exoneree
- Federal Case

- Homicide
- Innocence Organization
- Jailhouse Informant
- Misdemeanor
- No Crime
- Guilty Plea
- Posthumous Exoneration
- Shaken Baby Syndrome









BEHIND-THE-SCENES

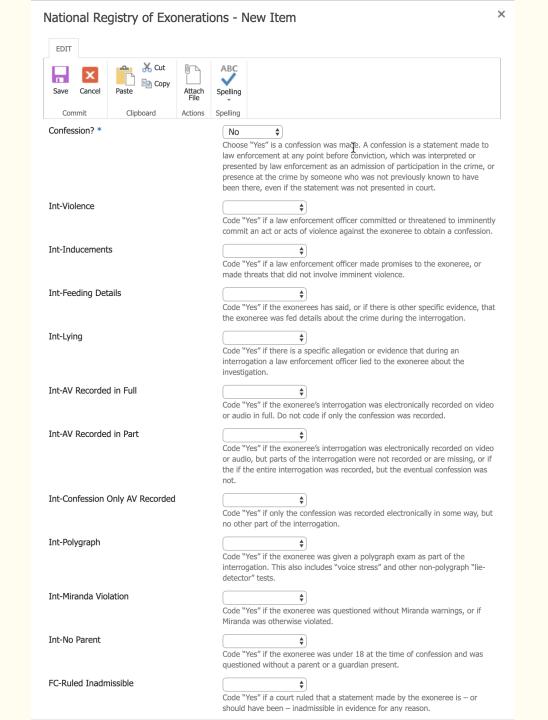
The Complete Data Set

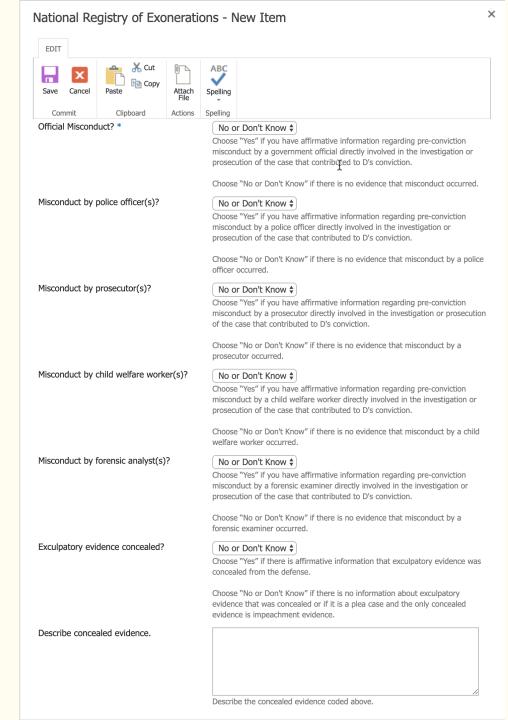
Our public site holds a fraction of the data that we code for every case.

For example, we have detailed codes for interrogations, false confessions, and recantations including codes that capture information on:

- Violence
- Lying
- Feeding Details
- Recordings

- Polygraph
- Miranda Violation
- No Parent
- Length





Official Misconduct

Many of the public-facing codes have more detailed information behind the curtain, including official misconduct.

We work on empirical studies that often involve gathering more information and adding new coding (like on official misconduct this year).

Government Misconduct and Convicting the Innocent The Role of Prosecutors, Police and Other Law Enforcement

- This is a report about the role of official misconduct in the conviction of innocent people. We discuss cases that are listed in the National Registry of Exonerations, an ongoing online archive that includes all known exonerations in the United States since 1989. This Report describes official misconduct in the first 2,400 exonerations in the Registry, those posted by February 27, 2019.
- Issued September 1, 2020

Issues

Adams

Adams

Laurence

Randall Dale

ww.law.umich.edu/special/exoneration/Pages/detaillist.aspx# 26 Black

19 Black

28 White

MA

TX

LA

Suffolk

Dallas

Orleans

H, JI

H, IO

CDC, H

A PROJECT OF THE UNIVERSITY OF CALIFORNIA IRVINE NEWKIRK CENTER FOR SCIENCE & SOCIETY, UNIVERSITY OF MICHIGAN LAW SCHOOL & MICHIGAN STATE UNIVERSITY COLLEGE OF LAW The National Registry **CURRENTLY 2.505 EXONERATIONS EXONERATIONS** MORE THAN 22,094 YEARS LOST MAKE A GIFT 🌖 🕒 🖂 → BROWSE CASES → ISSUES ▼ RESOURCES ▼ Conviction Integrity Units Group Exonerations To Search or Sort: Place the cursor over a column heading and click on the arrow vou can then sort in Ascending ct the cases in that category. Compensation Guilty Pleas Counting Exonerations Including Cases page display separately the Contributing Factors that are listed together on the Summary Page. To save space, we The column labeled "Tags" allows you to sort and search cases by each of several additional common characteristic DNA Jailhouse Informants see the definitions of these terms, click on their full names: se factors, click on their full names: Eyewitness Identifications False Confessions Official Misconduct A: Arson Case • H: Homicide Female Exonerees Race • CDC: Co-Defendant Confessed • IO: Innocence Organization Forensics • CIU: Conviction Integrity Unit • JI: Jailhouse Informant · CSH: Child Sex abuse Hysteria case • M: Misdemeanor • CV: Child Victim • NC: No Crime case • OM: Official Misconduct • F: Female exoneree • P: Guilty Plea case • ILD: Inadequate Legal Defense • FED: Federal case • PH: Posthumous exoneration • SBS: Shaken Baby Syndrome case Age: The exoneree's age on the date of the reported crime | Summary View | Detailed View | Filter Or OAnd Reset All Filters The Filter finds cases that contain any of the words you enter if you check **Or**, or <u>all</u> of them if you check **And**. It is not a search that works with quotation marks. It does work with truncation, but not with truncation symbols such as * and 1. It scans the Detailed and Summary Views, and the narrative summaries. Last Name First Name Age Race **County of Crime** Tags Crime Sentence Convicted DNA MWID FC P/FA F/MFE OM ILD Count = 2505 31 Black MWID Abbitt Joseph Lamont NC Forsyth CV, IO Child Sex Abuse Life 1995 2009 DNA Abdal 43 Black Erie IO 20 to Life 1983 1999 DNA MWID F/MFE OM Warith Habib NY Sexual Assault Abernathy Christopher 17 White IL Cook CIU, CV, H, IO Murder Life without parole 1987 2015 DNA FC P/FA OM Abney Quentin 32 Black NY New York CV Robbery 20 to Life 2006 2012 MWID NC, P Sex Offender Registration 1994 2006 ILD Acero Longino 35 Hispanic CA Santa Clara 2 years and 4 months 2001 H, P P/FA OM Adams Anthony 26 Hispanic CA Los Angeles Manslaughter 12 years 1996 Adams Cheryl 26 White MA Essex F, NC, P Theft Probation 1989 1993 P/FA Adams 25 Black TX Dallas CIU, IO, NC, P Sexual Assault 25 years 1992 2017 DNA P/FA Darryl P/FA ОМ Adams Don Ray 32 Black PA Philadelphia Н Murder Life 1992 2011 Adams Jarrett M. 17 Black WI Jefferson IO, NC Sexual Assault 28 years 2000 2007 P/FA ILD FC OM Adams Johnathan 12 White GA Carroll CV, H, P Murder 1 year 2005 2006 CIU, NC, P Adams Johnny 52 Black TX Harris Drug Possession or Sale 90 days 2009 2016 F/MFE Adams Kenneth 21 Black IL Cook CDC, H, IO, JI Murder 75 years 1978 1996 DNA MWID P/FA F/MFE OM

Murder

Murder

Murder

Death

Death

Life without parole

1974

1977

1983

2004

1989

2014

P/FA

P/FA

FC P/FA

MWID

OM ILD

ОМ

OM

The National Registry **EXONERATIONS**

2,616 EXONERATIONS SINCE 1989 **MORE THAN 23,000 YEARS LOST**



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A Conviction Integrity Unit (CIU) is a division of a prosecutorial office that works to prevent, identify, and remedy false convictions.

Several Conviction Integrity Units have accomplished a great deal in a short period of time, 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 whether this trend will produce a change in the way prosecutors operate generally. For more information on the history of CIUs, please see the annual report excerpts linked below.

GUIDE TO THE REGISTRY'S LIST OF CIUS

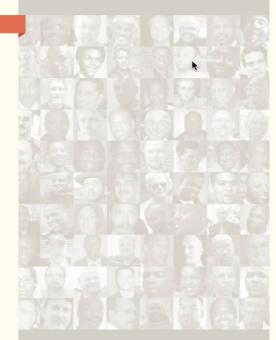
The Registry maintains two lists:

- o (A) CIUs with recorded exonerations, and
- o (B) CIUS with no exonerations recorded.

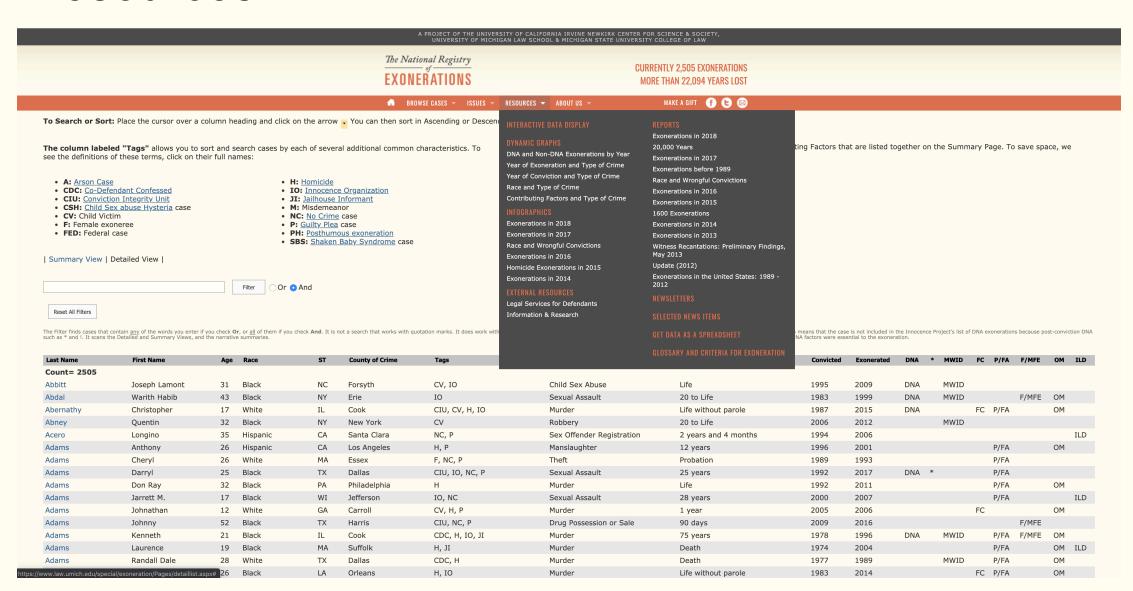
Each table is sorted by state, and the units are listed alphabetically by county. Clicking the "County" name hyperlink will take you directly to that unit's website. Clicking the "No. of Exonerations" hyperlink will take you to an up-to-date exoneration count. The following tables reflect data recorded in the Registry as of March 18, 2020.

A. OPERATIONAL CIUS WITH RECORDED EXONERATIONS

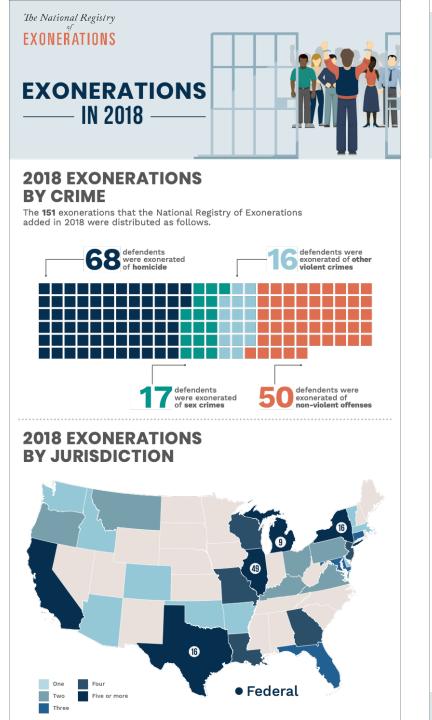
County	ST	Address	Founding Date	No. of Exonerations
1. Los Angeles	CA	Los Angeles County District Attorney's Office 211 West Temple Street Suite 1200 Los Angeles, CA 90012	2015	Link
2. Merced	CA	Merced County District Attorney's Office 550 W. Main Street Merced, CA 95340	2017	Link
3. Riverside	CA	Riverside County District Attorney's Office Conviction Review Committee 3960 Orange Street Riverside, CA 92501	2015	Link
4. Sacramento	CA	Sacramento County District Attorney's Office Justice, Training and Integrity Unit 901 G Street Sacramento, CA 95814	2013	Link



Resources



Annual Reports & Infographics







1,639* YEARS

Defendants exonerated in 2018 spent an average of **10.9 years** incarcerated for their convictions, for a total of 1.639 total years lost.

*Indicates record number

2018 EXONERATIONS BY CONTRIBUTING FACTOR

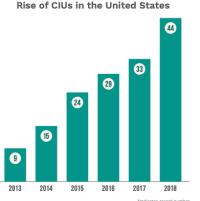


CONVICTION INTEGRITY UNITS

44 NATIONWIDI

There were 44 Conviction Integrity Units (CIUs) in the United States in 2018, more than three times the number in 2013. CIUs were involved in 58 exonerations in 2018.

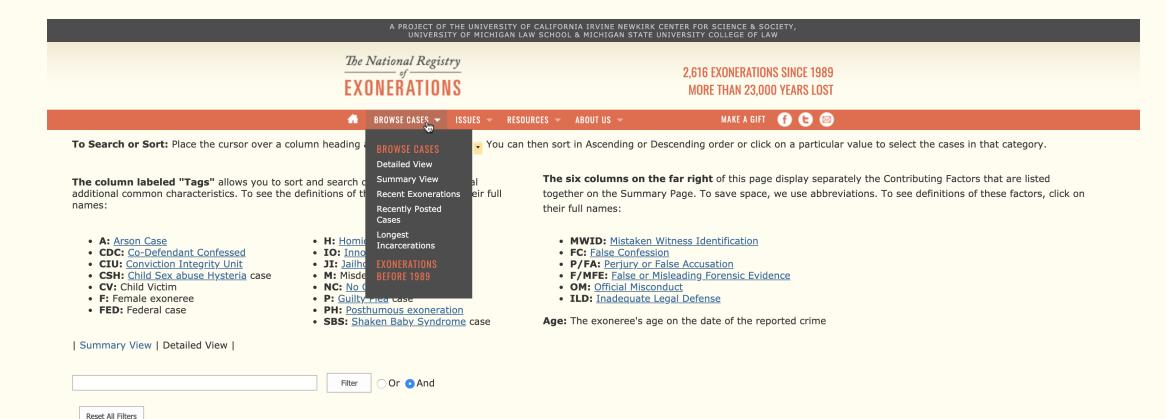
Innocence Organizations (IOs) and CIUs worked together on a record **45*** exonerations in 2018.



*Indicates record number

Designed by Knotts Design

Browse Cases

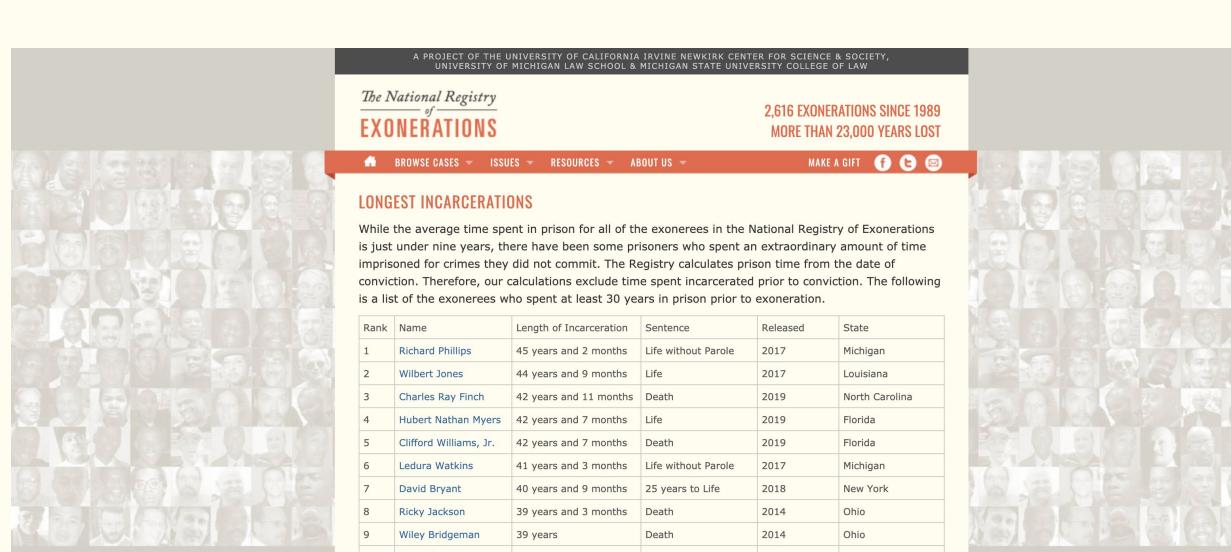


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Note: An asterisk (*) in the column to the right of the "DNA" column means that the case is not included in the Innocence Project's list of DNA exonerations because post-conviction DNA evidence was not central to establishing innocence, and other non-DNA factors were essential to the exoneration.

Last Name	First Name	Age	Race	ST	County of Crime	Tags	Crime	Sentence	Convicted	Exonerated	DNA *	MWID	FC P/	FA F/MFE	ОМ	ILD
Count= 2616																
Abbitt	Joseph	31	Black	NC	Forsyth	CV, IO	Child Sex Abuse	Life	1995	2009	DNA	MWID				
Abdal	Warith Habib	43	Black	NY	Erie	IO	Sexual Assault	20 to Life	1983	1999	DNA	MWID		F/MFE	ОМ	
Abernathy	Christopher	17	White	IL	Cook	CIU, CV, H, IO	Murder	Life without parole	1987	2015	DNA		FC P/	FA	ОМ	
Abney	Quentin	32	Black	NY	New York	CV	Robbery	20 to Life	2006	2012		MWID				
Acero	Longino	35	Hispanic	CA	Santa Clara	NC, P	Sex Offender	2 years and 4 months	1994	2006						ILD

Longest Incarcerations: 117 spent 25 or more years. Richard Phillips of Michigan spent 45. Seven from Ohio.



Pre-1989 Cases

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EXONERATIONS BEFORE 1989

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MAKE A GIFT (f) (E) 🖂







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• F/MFE: False or Misleading Forensic Evidence

• OM: Official Misconduct

• ILD: Inadequate Legal Defense

Age: The exoneree's age on the date of the reported crime

Return to Current Exonerations

Filter







Reset All Filters

Last Name	First Name	Age	Race	Sex	ST	County of Conviction	Crime	Sentence	Convicted	Exonerated	MWID	FC	P/FA	F/MFE	ОМ	ILD
Count= 391																
Abbott	Stearns Kendall	40	Caucasian	Male	MA	Middlesex	Murder	Death	1880	1911			P/FA			ILD
Achberger	Terry E.	28	Caucasian	Male	ОН	Summit	Murder	Life	1976	1981			P/FA		ОМ	
Andrews	Herbert		Caucasian	Male	MA	Suffolk	Forgery or Counterfeiting	1.17 years	1914	1914	MWID					

The Groups Registry

Launched in October 2020. Existing cases are still being added.

This is our third registry. It joins our main archive and our pre-1989 archive of individual exonerations. This new registry focuses on groups of defendants tied together by a common pattern of systematic official misconduct in the investigation and prosecution of these cases that undermined confidence in the defendants' convictions.

OHIO cases...the latest

- As of December 10, 2020:
- 85 exonerations since 1989 (out of 2,699) One in 2020.
- 21 exonerations prior to 1989 (out of 410). Three were sentenced to death
- Two in Groups—In 2007, 19 convictions vacated and charges dismissed as a result of misconduct by a DEA agent and informant in Mansfield, Ohio. In 2016, 43 convictions were vacated and dismissed as a result of police misconduct in East Cleveland, Ohio

Comparisons – A Thumbnail Sketch

• 2,699 cases nationally

85 cases in Ohio – 3%

• 544 pleaded guilty – 20%

3 pleaded guilty – 4%

• 994 were no-crime cases – 37%

23 no-crime cases – 27%

• CIU cases – 457 – 17%

6 CIU cases – 7%

• Innocence Projects – 659 –24%

24 Innocence Projects – 28%

Comparisons – A Thumbnail Sketch II

- 2699 cases nationally
 85 Ohio cases
- Murder/manslaughter 1,093 -- 40% 36 42%
- Drug possession/sale -359 13% 4 5%
- Sex assault -- 339 12% 10 12%
- Robbery 134 5% 7 8%
- Attempt murder/assault -165 6% 3 4%
- These crimes are 88% of the 2,699 cases and make up 87% of Ohio cases.

Comparisons – A Thumbnail Sketch III

• 2,699 cases nationally

$$49 - 58\%$$

$$35 - 41\%$$

$$1 - 1\%$$

$$78 - 92\%$$

$$7 - 8\%$$

Contributing Factors

2,699 cases nationally	85 Ohio cases				
Mistaken witness ID – 767 –	28%	30 – 35%			
False confession – 330 –	12%	2 – 2%			
Perjury/false accusation – 1,606 –	60%	43 – 51%			
False/misleading forensics – 661 –	- 25%	20 – 24%			
Official misconduct – 1,469 –	55%	46 – 54%			
Inadequate legal defense – 740 –	28%	13 – 15%			

Conviction Review/Integrity Units I

- The Registry is aware of 72 conviction review/integrity units in the United States. Two more say they will open in early 2021.
- To date, 33 of these 72 units have at least one exoneration—39 (more than half) have none. Some are still new to the table. These take time. Some of these units have been around since 2014. In Ohio, there are two units. Cuyahoga (2014) with 6 and Summit (2019) with none.
- To date in 2020, there have been 107 exonerations with 44 (41%) handled by conviction integrity units. Innocence organizations had 45 exonerations. Some of these overlapped. Cooperative efforts between innocence projects and CIUs are increasing.

Conviction Review/Integrity Units II

- 457 exonerations handled by CIUs 17% of all exonerations
- 144 Harris County (Houston) 32%
- 109 Cook County (Chicago) 24%
- 36 Dallas County (Dallas) 8%
- 32 Kings County (Brooklyn) 7%
- 20 Wayne County (Detroit) 4%
- 18 Philadelphia County (Philadelphia) 4%
- 12 New York County (Manhattan) 3%
- 12 Baltimore City (Baltimore) 3%

Conviction Review/Integrity Units III

457 CIU cases to date

• 383 handled by just eight units -- 84% -- Five out of every six.

33 units achieved the remaining 74 exonerations—about 2 per unit.
 One of these (Bexar County TX) has 9 and two others (Cuyahoga County OH and Clark County NV) each have 6.

• 39 units with none

State of Ohio v. William Campbell Hamilton County

- One Ohio exoneration in 2020. Not a CIU case.
- October 1, 2008--Single car accident. Police officer was following. William Campbell was found on the ground—alive. Tina Hayes, the owner of the SUV, found dead in the passenger seat. Campbell's blood alcohol level was .155.
- October 14, 2008—Campbell charged with aggravated vehicular manslaughter. Already had life time suspension after 6 DUIs. He maintained that Hayes was driving and she dropped a cigarette. When she tried to reach for it, she stepped hard on the accelerator and lost control.
- June 2009—Campbell went to trial, but mistrial declared after one day when a second set of keys to the SUV were discovered for the first time in Campbell's clothing, which had been taken from him at the hospital. A set of keys was found in the ignition after the crash.

- October 2009—Went to trial a second time.
- State's evidence included:
- hair analysis—a single hair found in the passenger side door was said to have come from Hayes.
- Sheriff's deputy who was first to the scene said that Campbell's shoes were on the driver's side floorboard.
- DNA of Hayes found on the glove compartment door.
- Accident reconstruction expert said Hayes had no injuries consistent with the bent steering wheel and Campbell had no injuries consistent with his knees hitting the glove compartment door.

- Defense evidence included:
- A local TV news cameraman was on the scene almost immediately and his video of the interior of the car did not show any shoes on the driver's side floor.
- A privately-retained accident reconstruction expert said there was insufficient evidence to conclude whether Campbell or Hayes was driving either scenario was possible.
- The victim's mother testified she retrieved personal items two days after the crash and noticed the driver's seat was pushed far forward and the passenger seat was pushed back. Hayes was several inches shorter than Campbell. The sheriff's accident expert pried off the glove box door while she was there and there was no dent in it or blood on it.

- October 22, 2009—Campbell was convicted by a jury and sentenced to 28 years.
- March 4, 2011—Ohio Court of Appeals for First Appellate District affirmed conviction, but remanded for resentencing. Campbell was resentenced to 20 years.
- January 2014—Campbell filed a federal petition for a writ of habeas corpus.
- December 2014—U.S. Magistrate Michael Merz granted defense motion for production of time-stamped crash scene photographs as well as all of the autopsy photographs.
- October 2016, the federal habeas case was held in abeyance while Campbell's legal team returned to Hamilton County Court of Common Pleas.

- February 2017—Campbell filed motion seeking permission to file motion for new trial. Among the claims: a new defense expert concluded that Hayes was the driver, not Campbell; previously undisclosed autopsy photos showed injuries to Hayes consistent with being the driver; time-stamped photo of shoes on the floor was taken at 12:34 a.m. and TV video showing no shoes was taken around 12:15 a.m.—consistent with the shoes being planted. In addition, the prosecution agreed to bring in yet another expert who analyzed the evidence and also concluded that Hayes was driving. Nonetheless, the motion was denied.
- May 2019—Court of Appeals, First Appellate District, reversed and ordered a hearing on the motion.
- February 2020—Judge Jody Leubbers granted the motion to allow the defense to file the motion for new trial.

- February 12, 2020—Campbell's convictions were vacated and a new trial was ordered. Campbell was released on bond—more than 11 years after his arrest.
- June 4, 2020—Campbell was acquitted in a bench trial after the evidence was submitted by the defense and prosecution.
- The contributing factors: False/misleading forensic evidence, perjury/false accusation, official misconduct, inadequate legal defense.
- Would a conviction integrity unit have made a difference in this case? It is
 difficult to say, but one cannot deny that there were the procedural delays
 and that even though a second expert (agreed upon by the prosecution)
 concluded that Campbell was not the driver, the case still languished in the
 court for several more years.

General Observations

- Ohio prosecutors fight very hard to preserve convictions, filing appeal after appeal after appeal.
- Some defendants, even after being granted a new trial when new evidence is discovered, face the prospect of many more months—even years—in prison when the prosecution says the case will be retried. The result—Alford pleas for immediate release.
- I have been writing about prosecutorial misconduct for many years. In 1998, while at the Chicago Tribune, a former prosecutor
 told me how he intentionally made an improper argument because he believed he was going to lose. And he knew that because
 appeals in Cook County took at least two years, while the case would likely be reversed, he would suffer no consequences and the
 defendant would spend those two years in prison.
- There are few consequences for misconduct. I can cite at length the story of Carmen Marino, a prosecutor in Cuyahoga County. Joseph D'Ambrosio spent several extra years on death row while the state fought for years to preserve his conviction after Marino retired in 2002. Ultimately, D'Ambrosio was released in 2012. co-defendant, Michael Keenan, eventually gave up. After getting a new trial, he pled to lesser charges just to get out.
- Three years later, in 2015—13 years after Marino retired, Laurese Glover, Eugene Johnson and Derrick Wheatt were exonerated after a literal trove of exculpatory evidence was discovered that Marino had intentionally suppressed.
- There seems to be an extraordinary amount of effort spent to preserve convictions in Ohio. My personal impression is they do it because they can.

















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