



THE NATIONAL REGISTRY
OF EXONERATIONS

ANNUAL REPORT

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EXECUTIVE SUMMARY

MAJOR THEMES

There were [129](#) exonerations in 2020.

Years Lost to Wrongful Imprisonment.

Defendants exonerated in 2020 lost a total of 1,737 years, an average of 13.4 years per exoneree.

Official Misconduct.

Official misconduct occurred in at least [87](#) exonerations in 2020. [Forty-eight](#) murder cases—nearly 80% of the [61](#) murder exonerations in 2020—were marred by official misconduct.

The Importance of Professional Exonerators.

Professional exonerators—[Innocence Organizations \(IOs\)](#) and [Conviction Integrity Units \(CIUs\)](#) played essential roles in 84 exonerations, 61% of the total. IOs took part in [58](#) exonerations, and CIUs helped secure [61](#) exonerations. IOs and CIUs worked together on 35 exonerations in 2020.

THE CASES

The [129](#) exonerations that occurred in 2020 were distributed as follows:

CRIMES

64 **Homicide:** [64](#) defendants, half of all exonerees, were exonerated of homicide—[61](#) for murder, [two](#) for manslaughter, and [one](#) for accessory to murder.

13 **Sex Crimes:** 13 defendants were exonerated of sex crimes; [nine](#) for child sexual abuse, and [four](#) for sexual assault of an adult.

17 **Other Violent Crimes:** 17 defendants were exonerated of convictions for other violent crimes, such as assault, robbery, and attempted murder.

35 **Non-Violent Crimes:** 35 defendants were exonerated of non-violent offenses—[25](#) for drug crimes, and 10 for other crimes, such as bribery, weapons possession, and failure to register as a sex offender.

CONTRIBUTING FACTORS

87 **Official Misconduct:** We know of official misconduct in [87](#) exonerations in 2020, slightly more than two-thirds of the cases, including [50](#) homicide cases—nearly 80% of homicide exonerations in 2020.

30 **Mistaken Witness Identification:** [30](#) exonerations in 2020 were for convictions based at least in part on mistaken witness identifications.

13 **False Confessions:** [13](#) exonerations involved false confessions.

103 **Perjury or False Accusation:** [103](#) cases included perjury or other false accusations.

38 **False or Misleading Forensic Evidence:** [38](#) cases involved forensic evidence that was false or misleading.

PROFESSIONAL EXONERATORS

61 **Conviction Integrity Units (CIUs)** are divisions of prosecutorial offices that work to prevent, identify, and correct false convictions. There were [74](#) CIUs in the United States in 2020, with eight new units opening in 2020, including a new statewide office based out of the office of the Pennsylvania attorney general. [Sixty-one](#) CIU exonerations took place in 2020.

58

Innocence Organizations (IOs) – Non-governmental organizations dedicated to helping secure exonerations of wrongfully convicted defendants—represented defendants in [58](#) exonerations.

84

All Together, CIUs and IOs participated in 84 of the 129 exonerations that we know occurred in 2020.

35

CIUs and IOs cooperated on 35 of those 84 exonerations—more than 60% of all exonerations by IOs in 2020, and more than half of exonerations by CIUs.



THE NATIONAL REGISTRY OF EXONERATIONS

EXONERATIONS IN 2020

March 30, 2021

The National Registry of Exonerations recorded [129](#) exonerations that occurred in 2020. We also recorded 63 exonerations that happened in previous years.¹

All told, the National Registry of Exonerations has recorded **2,737** exonerations that occurred in the United States from 1989 through the end of 2020.

The 2020 exonerations included:

- Ninety-three exonerations of **Violent Felonies**, including [64](#) homicides, [nine](#) child sex abuse convictions, and [four](#) sexual assaults on adults. [Six](#) of the homicide exonerees had been sentenced to death;
- [Twenty-five](#) exonerations were of **Drug Crimes**;
- [Nineteen](#) exonerations were based in whole or in part on **DNA evidence**;
- [Fifty-one](#) exonerations were of convictions in which **No Crime** was actually committed;
- [Eighty-seven](#) exonerations included **Misconduct by Government Officials**;
- [Twenty-nine](#) exonerations were for convictions based on **Guilty Pleas**;
- [Thirty](#) exonerations involved **Mistaken Witness Identifications**;
- [Thirteen](#) exonerations involved **False Confessions**;
- [One hundred and three](#) exonerations included **Perjury or False Accusation**; and
- Eighty-four exonerations were the result of work by prosecutorial **Conviction Integrity Units** or **Innocence Organizations**.
- Twelve exonerees were under the age of 18 when they crimes for which they were convicted occurred.

Part I of this report describes **basic patterns** across all [129](#) known exonerations in 2020. **Part II** discusses developments at the Registry in 2020. **Part III** explores patterns in the types of cases that resulted in exoneration over the past 30 years. **Part IV** focuses on the sobering milestone that will occur this year, as defendants in the Registry will collectively surpass 25,000 years lost to wrongful convictions.

¹ The Annual Report provides a snapshot of the exonerations that we know about at the time of issuing the report. We consistently learn of exonerations that occurred in past years and add them to the database. For example, we reported 143 exonerations for 2019 in [last year's report](#). Over the past year, however, we have discovered an additional nine exonerations that are now included in the database. For that reason, we use hyperlinks throughout the report to provide easy access to the most up-to-date numbers. We advise readers to check the [National Registry of Exonerations](#) website for the most current numbers.

BASIC PATTERNS

- **Exonerations by Jurisdiction.** There were [129](#) exonerations in 27 states, the District of Columbia, and federal courts in 2020. Illinois once again had the most exonerations—[22](#)—with Michigan for second with [20](#), followed by Texas with [15](#), and New York and Pennsylvania tied for fourth place with 12. See Table 1 for a complete list ranked by the number of exonerations in 2020, and see [last year’s report](#) to compare how the states rank.

Table 1: Exonerations in 2020 by Jurisdiction (n=129)

Illinois— 22	District of Columbia— 2	North Carolina— 1
Michigan— 20	Georgia— 2	New Mexico— 1
Texas— 15	Nevada— 2	Ohio— 1
New York— 12	Kansas— 2	Oregon— 1
Pennsylvania— 12	Florida— 2	South Carolina— 1
Massachusetts— 6	Arkansas— 2	Mississippi— 1
California— 5	Tennessee— 2	Virginia— 1
Missouri— 3	Maryland— 1	West Virginia— 1
Connecticut— 3	Hawaii— 1	Federal— 3
New Jersey— 3	Minnesota— 1	

Illinois’s ranking continues to be driven by the large number of exonerees ([17](#)) tied to misconduct of corrupt police officers led by Sgt. Ronald Watts of the Chicago Police Department, who planted drugs on people after they refused to pay when the officers attempted to extort money from them. Michigan’s numbers driven in part by an extremely active and effective Conviction Integrity Unit in Wayne County, which includes the city of Detroit, and was involved in [13](#) exonerations in 2020.

- **The Crimes for which the Defendants Were Convicted.** Most exonerations in 2020 were for violent crimes (94/129), especially homicide (50%). Drug crimes accounted for 71% of the non-violent cases (25/35). See Table 2 for a breakdown of exonerations by crime.

Table 2: Exonerations in 2020 by Crime

Homicide	64 (50%)
<i>Murder</i>	<u>61</u>
<i>Manslaughter</i>	<u>2</u>
<i>Accessory to Murder</i>	<u>1</u>
Sex Crimes	13 (10%)
<i>Child sex abuse</i>	<u>9</u>
<i>Sexual assault on an adult</i>	<u>4</u>
Other Violent Crimes	17 (13%)
<i>Robbery</i>	<u>5</u>
<i>Attempted murder</i>	<u>6</u>
<i>Child abuse</i>	<u>2</u>
<i>Assault</i>	<u>2</u>
<i>Attempted robbery</i>	<u>1</u>
<i>Burglary or Unlawful entry</i>	<u>1</u>
Non-Violent Crimes	35 (27%)
<i>Drug crimes</i>	<u>25</u>
<i>Sex-offender registration</i>	<u>3</u>
<i>Supporting terrorism</i>	<u>2</u>
<i>Other non-violent</i>	<u>2</u>
<i>Solicitation</i>	<u>1</u>
<i>Bribery</i>	<u>1</u>
<i>Weapons possession/sale</i>	<u>1</u>
TOTAL	129 (100%)

- **Length of Incarceration.** Defendants exonerated in 2020 spent an average of 13.4 years incarcerated for their convictions, for a total of 1,737 years lost. Twenty-five of these exonerees spent 25 years or longer unjustly imprisoned; 11 served more than 30 years. These figures underestimate the actual amount of time lost; they do not include the often substantial time—sometimes several years—these exonerees spent in jail awaiting trial.
- **DNA Exonerations.** [Nineteen](#) exonerations in 2020 were based in whole or in part on post-conviction DNA testing, about 15% of the total. Overall, DNA exonerations now account for about 19% of the exonerations in the Registry through 2020 (532/2,737). In 2020, 74% of the DNA exonerations were [homicide cases](#) (14/19), [four](#) were for sexual assault, and [one](#) was for attempted robbery.
- **Government Misconduct.** [Eighty-seven](#) exonerations in 2020 involved misconduct by government officials, a topic we covered in depth in a [recent report](#). [Government misconduct](#) encompasses a wide range of behavior—from police officers threatening witnesses, to forensic analysts falsifying test results, to prosecutors hiding evidence of innocence. The most frequent form of misconduct involved the failure to disclose evidence: In [79](#) exonerations, police or prosecutors withheld exculpatory evidence from the defense. There was evidence of prosecutorial misconduct in [51](#) exonerations, and police misconduct in [74](#).
- **False Confessions.** [Thirteen](#) cases involved false confessions, including four by juveniles. [Nine](#) exonerees falsely confessed to murder, [two](#) to supporting terrorism, [one](#) to child sex abuse, and [one](#) to assault. Officials engaged in misconduct in the interrogations of these exonerees in [six](#) cases.
- **No-Crime Cases.** [Fifty-one](#) exonerations in 2020 were cases in which no crime even occurred. The largest group of no-crime exonerations involved drug crimes ([24/51](#)), but [six](#) child sex abuse exonerations and seven homicide exonerations were also no-crime cases ([five](#) murder and [two](#) manslaughter). The remaining 14 included exonerations of crimes such as [assault](#), [bribery](#), [burglary](#), [child abuse](#), [conspiracy](#), [sex offender registration violations](#), [solicitation](#), [supporting terrorism](#), [tampering with a government record](#), and [weapons offenses](#).
- **Perjury or False Accusation.** [One hundred and three](#) exonerations included witnesses who committed perjury or otherwise falsely accused the defendant, including [56](#) murders, [nine](#) cases of child sex abuse, and [three](#) sexual assaults. In [35](#) of these cases, an official actor (typically a police officer) lied under oath. There were also [22](#) drug crimes involving perjury and false accusation. [Seventeen](#) of the drug crimes were cases involving misconduct tied to Ronald Watts, a former sergeant in the Chicago Police Department. In [35](#) of these cases involving perjury and false accusation, the exonerees were charged with crimes that never occurred.

- **Mistaken Witness Identification.** [Thirty](#) cases included mistaken witness identification, 13 of which involved cross-racial identification, a significant risk factor for misidentification. Twenty-three of the 30 involved [murder](#) or [attempted murder](#). [Three](#) involved robbery, [two](#) involved sexual assault, [one](#) involved assault, and [one](#) involved an attempted assault.
- **False or Misleading Forensic Evidence.** [Thirty-eight](#) cases involved false or misleading forensic evidence. [Twenty-three](#) were for murder or manslaughter. [Three](#) involved child sexual abuse and [two](#) involved sexual assault of an adult. [Three](#) involved a drug conviction, [two](#) involved robberies, [two](#) were for child abuse, and [two](#) for supporting terrorism. The remaining cases involved [assault](#), [attempted murder](#), and [conspiracy](#),
- **Conviction Integrity Units (CIUs)** in 18 counties were involved in [61](#) exonerations in 2020. [Twenty-two](#) of these CIU exonerations were for drug crimes, most of them tied to the scandal involving corrupt officers in Cook County, Illinois (Chicago). Twenty-eight were for [murder](#) or [attempted murder](#). Other CIU exonerations included [four](#) for child sexual abuse, [three](#) for robbery, and [two](#) for sexual assault of an adult. The remaining cases involved [attempted robbery](#) and [failure to register as a sex offender](#). The Registry lists 471 exonerations through 2020 in which a CIU was involved.
- **Innocence Organizations (IOs)** were involved in [58](#) exonerations in 2020. Overall, the Registry lists 688 exonerations from 1989 through 2020 in which IOs have participated. These exonerations included [29](#) murders, [17](#) drug crimes, [four](#) sexual assaults of an adult, [three](#) child sexual abuse, [three](#) attempted murders, and [two](#) robberies.

NOTABLE DEVELOPMENTS IN 2020:

Exonerations in the Time of COVID, Official Misconduct, and the New Groups Registry

Many of the summaries that we post on our website include photos of exonerees. In past years, these photos often had a consistent look: men and women beaming with joy and pride at their hard-fought and well-deserved freedom, often hugging their families and attorneys. This year, there was a new addition: the COVID mask. In some cases, exonerees left prison and went directly to quarantine, delaying their reunions with loved ones.

But it was more than that. In many of the exonerations we recorded this year, COVID-19 became another party to the proceedings. It was no longer simply that the incarceration of these defendants was wrong. It was also dangerous to their immediate health. As attorneys for [George](#)

[Clark](#) of Michigan noted in a petition seeking his release: “The threat of the global COVID-19 pandemic—which has already begun to spread throughout Michigan’s prison system—poses a real and imminent threat to Petitioner’s and the public’s health and safety. This threat will only continue to grow, especially in a prison setting where social distancing is impractical if not impossible.”

Each exoneration represents a wrongful conviction, and each wrongful conviction is an injustice. The pandemic’s toll in our prisons simply compounded these problems.

On September 1, 2020, we published a [groundbreaking report](#) on the role of misconduct by government officials in convicting innocent people. Its principal author was Samuel Gross, one of the Registry’s founders. While we’ve been tracking government misconduct since the Registry’s start, this report made clear the extent of the problem. It is pervasive. Misconduct by government officials like police officers and prosecutors occurred in nearly 60 percent of the more than 2,800 exonerations in our main database. As part of this report, we upgraded our website to allow users to sort for the different types of government misconduct that we track. This is in keeping with our belief that we need to know the extent of problems to figure out solutions.

The Government Misconduct report was published after a summer of protest related in part to the death of George Floyd at the hands of police in Minneapolis, Minnesota, on May 25, 2020. While many people were already painfully aware of the abusive tactics used by some police officers, Floyd’s death demanded everyone’s attention. Policy makers were asking hard questions about how we police the police. The Registry’s data, laid out in this report, helped light that path, giving form to abstract questions about the extent of official misconduct. As a result, the Registry continues to have an important voice in the conversation on the path forward.

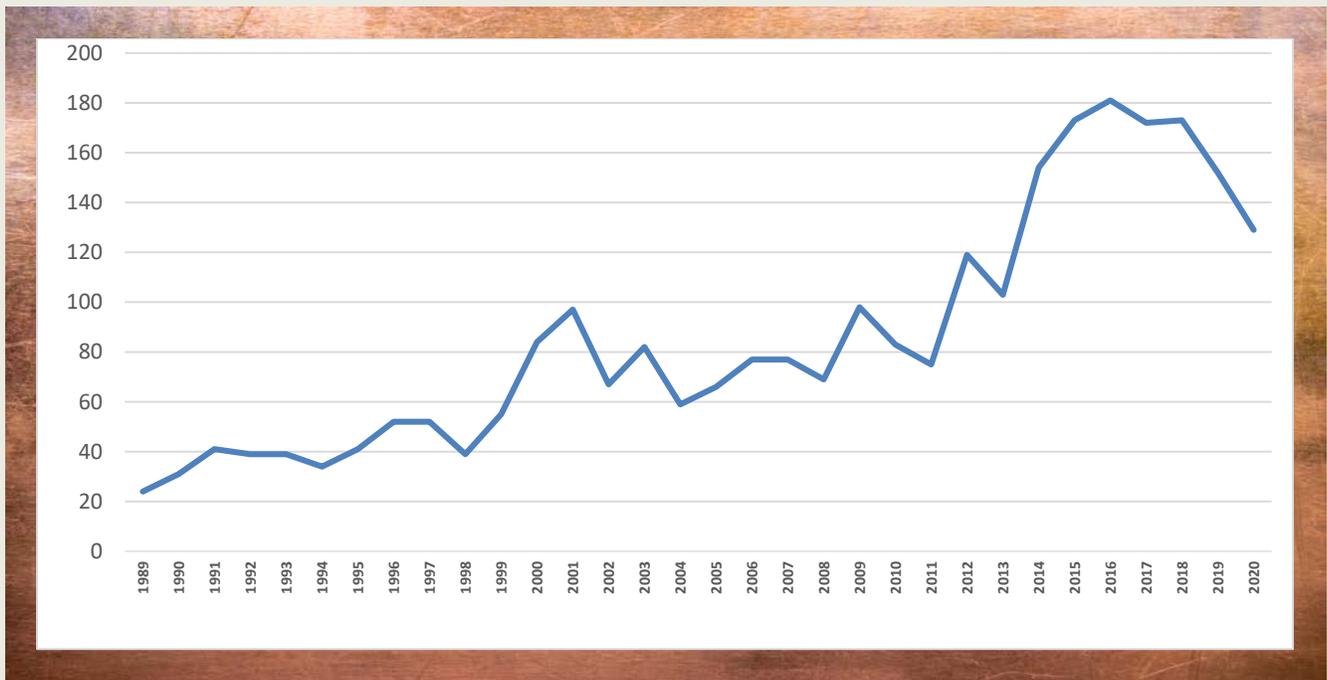
In 2020, we also launched our [Groups Registry](#), a new archive that documents wrongful convictions of defendants connected by a common pattern of misconduct. This is our third archive, joining our main Registry and our pre-1989 Registry. The Groups Registry includes older cases, such as the exonerations of hundreds of defendants tied to the [Rampart scandal](#) in the Los Angeles Police Department, and newer, less-publicized cases, such as the [dismissals of nearly 90 cases](#) in northern Florida tied to a deputy later charged with planting evidence.

Although the Groups Registry is new, we are already finding unexpected value and promise. For example, it is helping us track the cost of wrongful convictions as cities and counties settle sprawling lawsuits brought by persons wrongfully convicted because of systematic misconduct.

LOOKING BACK: Changes in Exonerations over Time

The Registry was founded in 2012, and since then we have issued a series of reports about the exonerations we document. When we write about numbers of exonerations, we usually lead with the total per year, which forms a lumpy curve—increasing greatly over time, with a significant bulge from 2014 to 2019. **(Figure 1).**

Figure 1: Exonerations by Year



The overall trend line shows a general increase in the number of exonerations over time. Patterns underneath that line are more complicated and interesting. Our [“Dynamic Graphs”](#) provide important details such as displaying the number of exonerations per year for all crimes, and separately for several categories of the crimes for which the exonerees were convicted. **(Figure 2).**

Figure 2: Exonerations by Year and Type of Crime

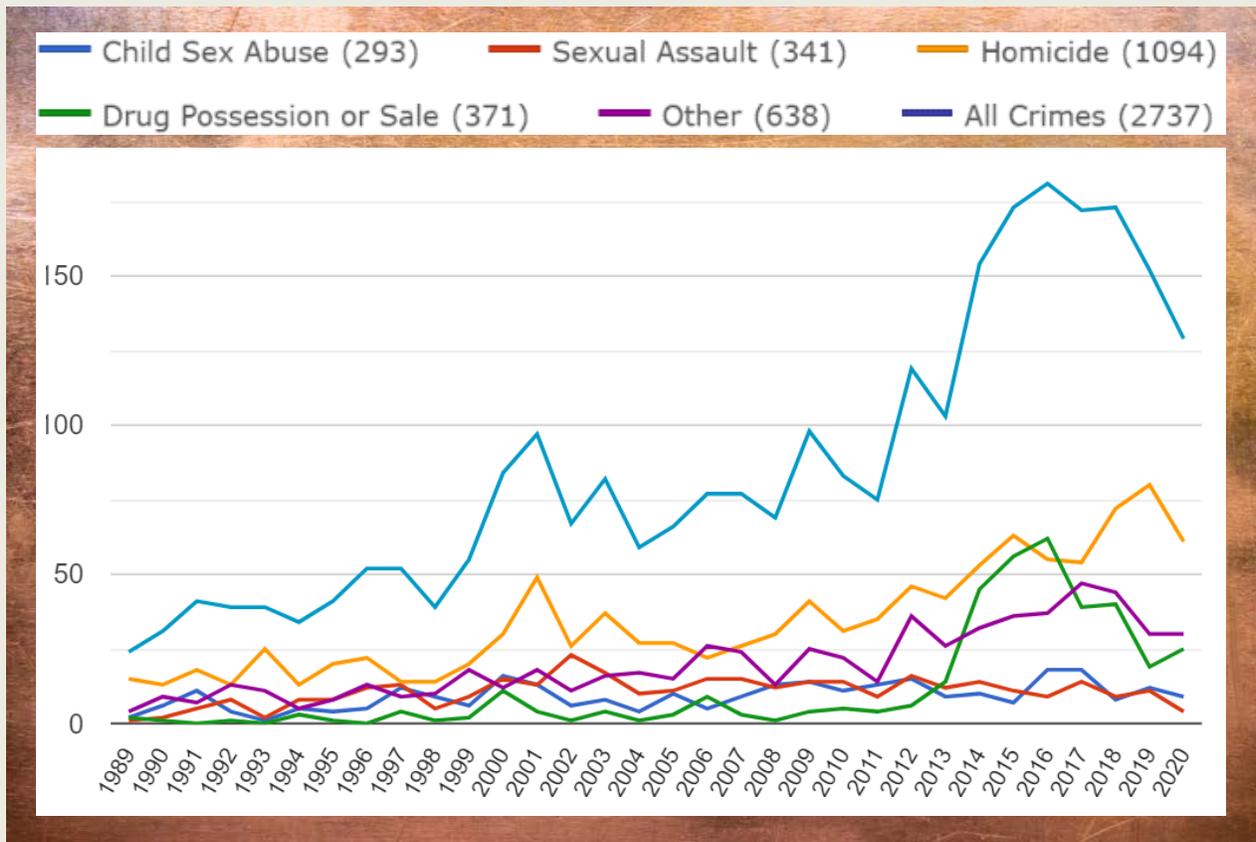
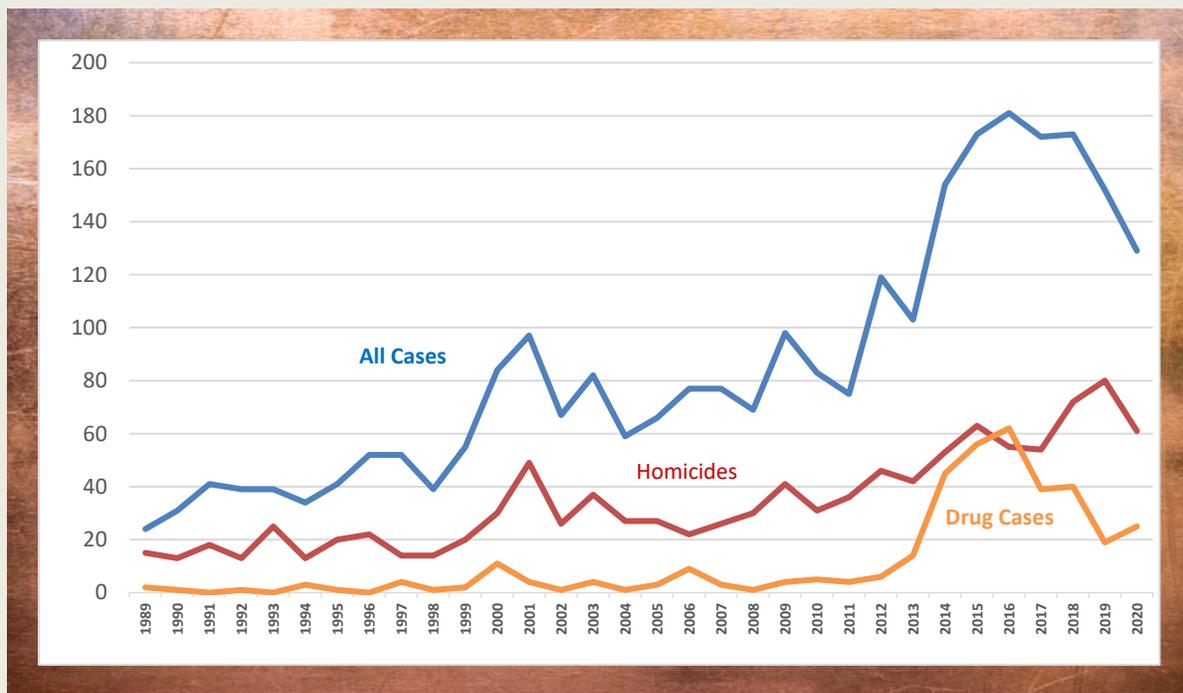


Figure 2 covers exonerations from 1989 through 2020, the last complete year. It displays the numbers of exonerations we knew of on March 13, 2020, when we downloaded this version—2,754, of which 2,737 occurred through 2020. As time passes, we learn about previously unknown exonerations from past years and add them to the totals, which sometimes grow considerably. The graph reflects each case for the year of exoneration. For example, in last year’s report, [Exonerations in 2019](#), we listed 143 exonerations in 2019; we now know of [152](#) exonerations in that year.

The tangle of timelines under the blue line for *All Crimes* in Figure 2 is confusing. In **Figure 3** we have extracted the lines for the two crimes with the largest numbers of exonerations—Homicides in orange (1094 cases) and Drug Crimes in green (371 cases).

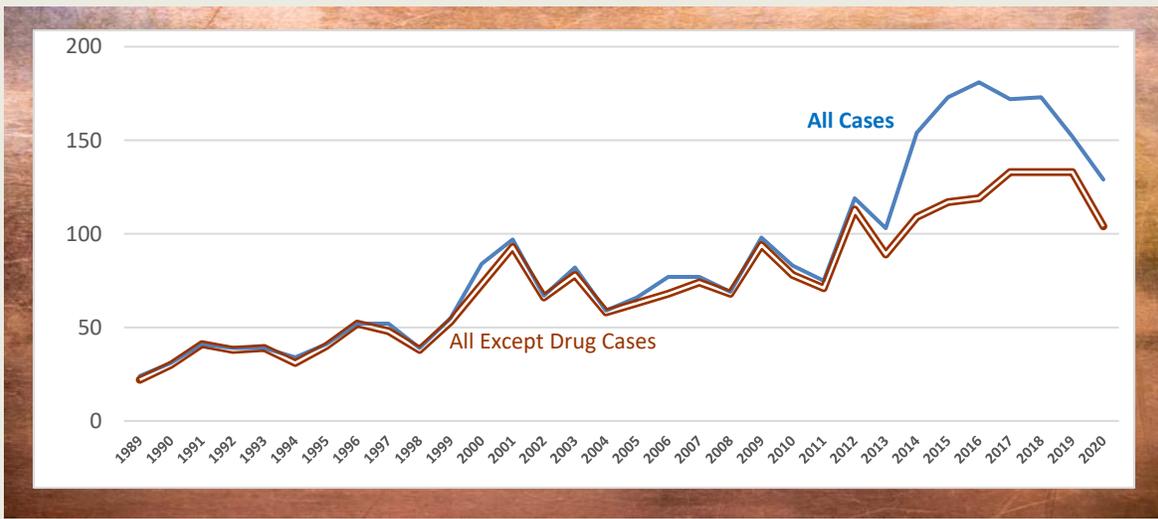
Figure 3: Exonerations by Year - All Cases, Homicides, and Drug Cases



Homicide cases may be the best indicator of long-term trends in exonerations. They make up 40% of the total; they receive more attention and resources than other crimes, from all sides, both before and after conviction. They also move slowly—the average time to exoneration is 15 years, compared to 11 for all exonerations. As the orange line in Figure 3 shows, the number of homicide exonerations has grown steadily since 1989, from an average of 14 a year in 1989-92 to an average of 67 a year in 2017-20.

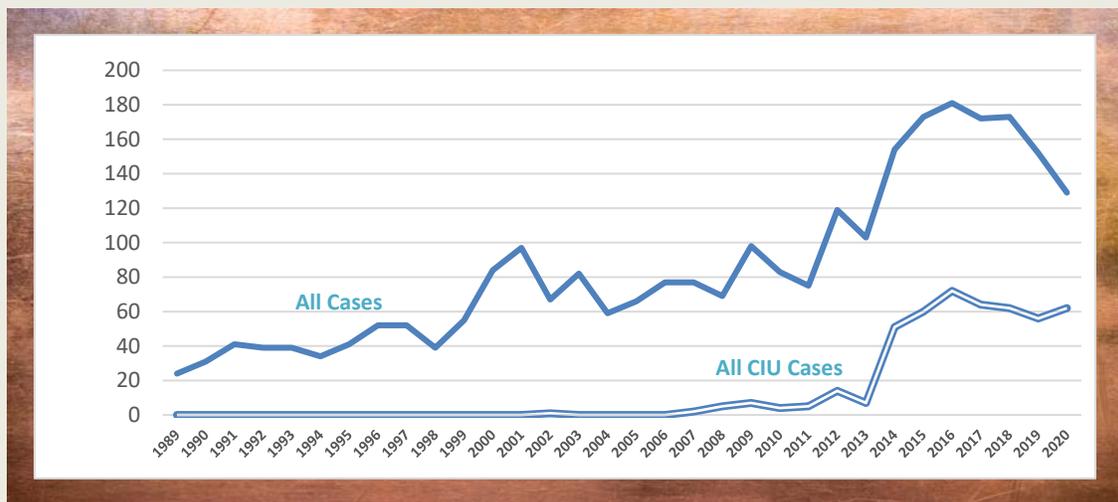
Drug crime exonerations follow a very different pattern. Until 2013, there were hardly any—fewer than three a year on average. Then the number shot up, hitting an average of 48 a year from 2014 through 2018; and then it dropped to 22 a year for 2019-20. The surge in drug cases was driven by a spate of exonerations from Harris County, Texas, from 2014 through 2018, and explains most of the 5-year bulge in all exonerations in that period. **Figure 4** shows the timeline for all exonerations *except those drug crimes*, in brown. As you can see, with drug crimes removed, the pattern across time for all remaining exonerations has pretty much the same shape as the timeline for homicide exonerations alone.

Figure 4: Exonerations by Year – All Cases and All Except Drug Cases



Another related change in exoneration patterns also began in 2014: the number of exonerations by prosecutorial Conviction Integrity Units (CIUs) increased dramatically. The first CIU exoneration was in 2001, followed by none for four years. From 2007 through 2013, CIU exonerations averaged about six a year. In 2014, that number soared to 51; since then, the number of CIU exonerations has averaged 61 a year.

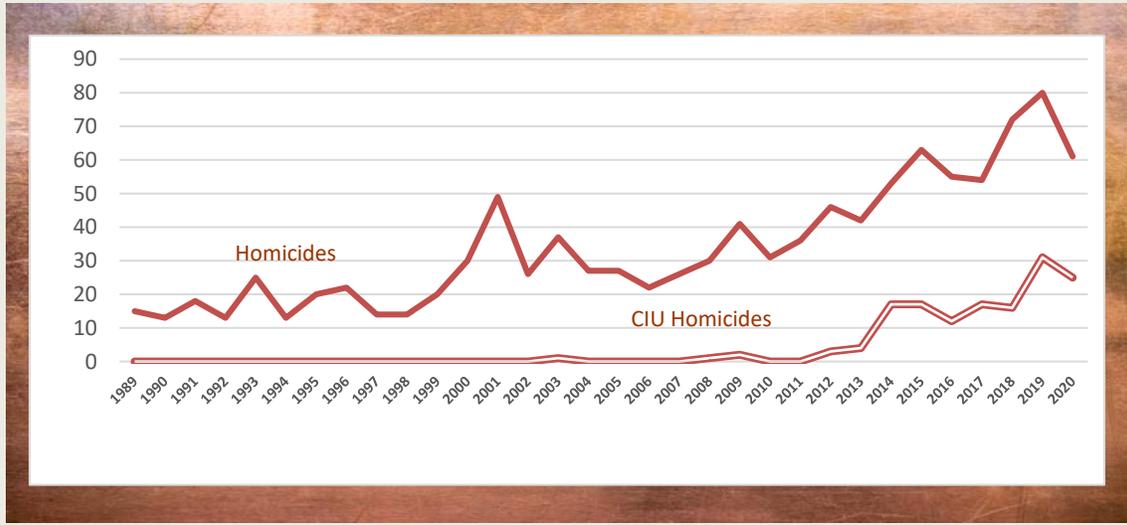
Figure 5: Exonerations by Year – All Cases and CIU Cases



Eighty percent of CIU exonerations are homicides or drug crimes (389/484). These two sets of cases differ greatly in their frequency over time and in their relation to non-CIU exonerations.

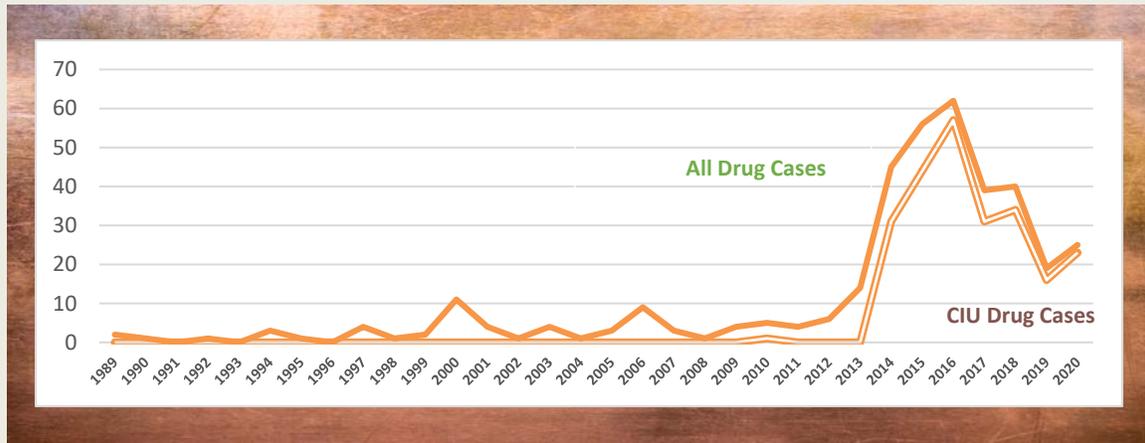
The number of CIU homicide exonerations jumped from four in 2013 to 17 in 2014, remained reasonably stable for 5 years, and then jumped again to 31 in 2019. CIU cases constitute 31% of all homicide exonerations since 2014; they are a minority of all homicide exonerations in every year. Since 2013, they have increased roughly in parallel with the overall count of homicide cases. **(Figure 6).**

Figure 6: Exonerations by Year – Homicides and CIU Homicides



CIU drug crime exonerations, by contrast, comprise almost two thirds of *all* drug crime exonerations (246/380) and 83% of drug crime exonerations since 2014 (245/295). There was [one](#) CIU drug case in 2010, [57](#) in 2016, and back down to [16](#) three years after that. Drug crime exonerations were rare until CIUs got into the business of producing them, and they dropped sharply from their peak when the flow of CIU cases slowed. **(Figure 7).**

Figure 7: Exonerations by Year – Drug Cases and CIU Drug Cases



As Figure 7 illustrates, the expansion in all exonerations from 2014 to 2018 was largely a surge in CIU drug crime exonerations. Almost all of those CIU drug crime cases—94%—were in two counties: Harris County, Texas (Houston), and Cook County, Illinois (Chicago).

In 2014, the Harris County CIU started a program of systematically identifying defendants who had pled guilty to possession of “illegal drugs” that were later determined, by post-conviction lab tests, to contain no controlled substances. They have exonerated 139 convicted drug defendants to date: 31 in 2014, rising to 46 in 2016, dropping to 9 in 2017 and petering out after that.

In 2016, the Cook County CIU began to dismiss cases in which innocent drug defendants were convicted based on evidence from former Chicago Police Sergeant Ronald Watts and his subordinates, who for years stole and extorted money from citizens, and planted drugs on those who would not do as they were told. So far, they have dismissed 93 cases: four in 2016, 17 in 2017, 31 in 2018, 15 in 2019, 17 in 2020, and nine in 2021, to date. There will be more.

Sixty percent of the drug crime convictions in the Harris County exonerations—and all of those in Cook County—were felonies. For the defendants, they were big deals, but in the extreme world of exoneration-after-a-wrongful-conviction, these are comparatively small cases. Individually, few or none would have drawn the attention and the resources it takes to secure exonerations.

But they weren’t handled individually. Instead, common problems were discovered: lab tests after conviction revealed that many innocent defendants took plea bargains in drug possession cases in Houston; the conviction of a police sergeant on federal corruption charges uncovered a general pattern of framing innocent defendants for drug possession in Chicago. Once each pattern was recognized, it was a significant but straightforward task to identify the innocent defendants to exonerate.

Not captured by these graphs are the thousands of defendants whose convictions were vacated en masse in group exonerations, like those stemming from two distinct Massachusetts lab scandals. [One](#) involved an analyst who faked—or “dry labbed”—the results of drug tests she claimed to have performed, leading the state to vacate nearly 19,000 convictions. The [other](#) involved an analyst who was abusing the drugs she was supposed to be testing, leading to more than 13,000 convictions being vacated. Large-scale exoneration events like these do not lend themselves to the sort of individualized storytelling catalogued in the Registry’s original database, which tracks individual exonerations. But these patterns of misconduct have tremendously damaging consequences for the individuals caught in their crosshairs, and documenting these abuses was the impetus for launching the [Groups Registry](#).

We will probably see similar bulges in the number of individual exonerations in the future. The number of CIUs across the country continues to grow rapidly, and they may run across similar issues in their counties—or different types of aggregations of false convictions may come to light by other means.

Exonerations are an imperfect proxy for false convictions. As we often say, we only know about wrongful convictions when they result in exonerations; we have no idea how many uncorrected wrongful convictions have occurred and the nature of the underlying crimes. We don’t know whether they are actually more heavily concentrated among the most serious and violent crimes—like murder and rape—as the pattern of exonerations would suggest, or whether false convictions are more common among less serious offenses than existing patterns indicate. The ways in which the composition of exonerations have shifted over time suggests that the system gets it wrong not only in the most serious cases, but also in lower-level crimes such as drug possession. The increasing proportion of exonerations of these less serious crimes is largely driven by the growing prevalence of IOs and CIUs, which provide resources to uncover and remedy errors not only in the highest-stakes cases, but also in lower-profile ones. When the demand for professional exonerators exceeds their supply, it makes sense that these organizations would focus their efforts on the cases with the most severe consequences. As that supply increases, they can take on other cases, leading to more exonerations of less serious crimes. False convictions are likely far more prevalent among less serious crimes than earlier data would suggest. If the number of professional exonerators continues to grow, we should expect in coming years to see not only a greater number of exonerations overall, but a greater proportion of exonerations of less serious offenses.

LOOKING AHEAD

In August 2018, the National Registry of Exonerations passed a milestone. The number of “lost years” that exonerated defendants spent in prison for crimes they did not commit reached 20,000 years. At the time, there were 2,265 exonerees in the Registry.

Now, not quite three years later, the number of exonerees has topped 2,750. And another landmark approaches: 25,000 years lost. This is an average of nearly nine years in prison for each of the more than 2,750 exonerees. The average is important, but it does not tell the whole story. While some men and women received probation, others received lengthy sentences and remained in prison for as much as 45 years – nearly a half-century lost to a wrongful conviction.

More than 175 of the exonerees in the Registry each served more than 25 years in prison.

It is virtually impossible in the abstract to grasp the magnitude of the injustice and suffering these numbers represent. People, some as young as [11 years old](#), saw their lives brutally interrupted. Others were [plucked from classrooms](#). They lost careers and opportunities. They were unable to properly mourn the death of parents and loved ones. Many saw their children grow up and start families of their own. For these grandchildren, their only knowledge of a grandparent was someone locked in a prison.

LOOKING AHEAD

The human faces reflect stories of marriages and relationships that fell apart—or never happened. Love was lost or extinguished as family and friends mistakenly concluded, perhaps, that their loved ones really were guilty. Only these wrongfully convicted people can truly understand the loneliness, pain, indignity, danger, and hopelessness of life in prison. The Registry continues to tell these stories to shed light on the wrongfully convicted and to honor them for keeping hope alive.

Freedom, even delayed freedom, is a precious gift to long-suffering exonerees. For some, there is the added benefit of compensation, though the amount and level of difficulty to obtain it varies from state to state. Some states offer nothing. Others, such as Texas, offer significant compensation benefits. In early 2021, Idaho became the 36th state to enact legislation providing compensation to the wrongfully convicted (in addition to a statute for federal cases and the District of Columbia). Professor Jeffrey Gutman of George Washington University Law School reported that of the 2,588 exonerees wrongfully convicted in state courts as of the end of 2020, 44 percent had received some form of compensation, either pursuant to state statute or by a federal civil-rights or torts claim. Not surprisingly, these men and women comprise nearly 57 percent of the years lost. The total compensation for these men and women is nearly \$2.8 billion.

Even with compensation, years lost can’t be regained. The physical toll of incarceration doesn’t disappear when a person is exonerated. In some particularly tragic cases, freedom was painfully short-lived.

[John Brown](#) was convicted of murder in Arkansas in 1992. He was released from prison on September 19, 2018, and although he was free, he was not exonerated until September 10, 2020. The stain of a wrongful conviction had been removed for only 109 days when, on December 28, 2020, Brown died, suffering from congestive heart failure resulting from years of untreated high blood pressure during his 26 years in prison. [Olin “Pete” Coones](#), who spent more than 10 years in prison for a murder in Kansas he did not commit, died on February 21, 2021 – just 108 days after his release. His body, his attorneys said, “was broken,” the result of “continued state neglect and mistreatment.”

One phenomenon that we have reported on in [past reports](#) is a source of cautious optimism: the growing prevalence of [CIUs](#). In 2020, eight new CIUs were launched, bringing the total to 74 as of the end of 2020. And just a few months into 2021, five new units began operations, including a statewide CIU in Virginia. Virginia joins five other states—Delaware, Michigan, New Jersey, Pennsylvania, and New York—that have statewide CIUs. None has produced an exoneration yet, but they have the potential to fill in the gaps in smaller jurisdictions that do not have the resources to create their own dedicated unit to investigate and remedy false convictions.

ILLUSTRATIVE CASES



James Watson

State: Massachusetts

Crime: Murder

Convicted: 1981

Exonerated: 2020

Contributing Factors:

Mistaken Witness ID

False or Misleading Forensic Evidence

Perjury or False Accusation

Official Misconduct

Inadequate Legal Defense

On November 10, 2020, James Watson was exonerated of the murder of a taxi driver in 1979 in Boston, Massachusetts. His case stands as an example of how uneven the justice system can work.

Watson was 20 years old when he and Frederick Clay, who was just 16, were arrested for the murder. Both were convicted, largely based on the testimony from a mistaken eyewitness whose memory had been enhanced by hypnosis. Both were convicted in 1981 and both were sentenced to life in prison without parole.

Watson's conviction was reversed on appeal over erroneous jury instructions while Clay's conviction was upheld on appeal. Watson was reconvicted at a second trial and again sentenced to life without parole.

Clay was exonerated in 2017 following DNA testing and an investigation by the Suffolk County District Attorney's Conviction Integrity Unit (CIU). Watson, however, remained incarcerated for another three years. His case was more complicated because Watson's girlfriend had testified that he admitted involvement in the crime. It was not until she recanted, and DNA testing was conducted that the CIU agreed that Watson should be released and his case dismissed on November 10, 2020.



Curtis Flowers

State: Mississippi

Crime: Murder

Convicted: 1997

Exonerated: 2020

Contributing Factors:

Mistaken Witness ID

False or Misleading Forensic Evidence

Perjury or False Accusation

Official Misconduct

On September 4, 2020, the Montgomery County, Mississippi District Attorney’s Office dismissed the capital murder charges against Curtis Flowers, ending a widely publicized case that saw Flowers go to trial six different times. Two trials ended with hung juries, and four in conviction—all of which were reversed. Sentenced to death, Flowers was released in 2019 after spending more than 22 years in prison following his first conviction.

The dismissal left the 1996 quadruple murder at a Winona, Mississippi, furniture store officially unsolved.

The case was the subject of a riveting podcast, “In the Dark,” by American Public Media that detailed how jailhouse informants who said Flowers confessed to them behind bars had recanted, as did witnesses who claimed to see Flowers on the day of the crime. The podcast also detailed how District Attorney Doug Evans, who is white, was found to have purposely eliminated Black men and women as prospective jurors in violation of federal law.

In overturning Flowers’s conviction for the last time, the U.S. Supreme Court declared, “In the six trials combined, the State struck 41 of the 42 black prospective jurors it could have struck... At the sixth trial, the State struck five of six. At the sixth trial, moreover, the State engaged in dramatically disparate questioning of black and white prospective jurors. And it engaged in disparate treatment of black and white prospective jurors...”



Bob Fenenbock

State: California

Crime: Murder

Convicted: 1994

Exonerated: 2020

Contributing Factors:

False or Misleading Forensic Evidence

Perjury or False Accusation

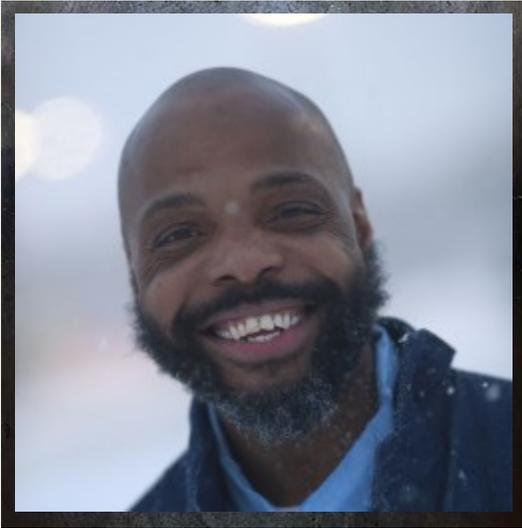
Official Misconduct

Inadequate Legal Defense

Bob Fenenbock was convicted in 1994 of murder in the death of a drifter in the small community of Hawkins Bar in Northern California. In the days before his death, the drifter had been accused of sexual abusing a young girl.

The state's key witness was a nine-year-old boy, who testified that he saw Fenenbock and other men commit the crime. But sheriff's deputies, therapists, and social workers manipulated the boy, pressuring him to testify to things that he did not see. In addition, a prosecutor and a sheriff's deputy misled jurors about the facts of the case to shore up the boy's testimony.

After Fenenbock's conviction, a co-defendant confessed to the crime at his separate trial, and his confession made no mention of Fenenbock's involvement or of the boy witnessing the killing. A change in California law paved the way for a state judge to vacate Fenenbock's conviction in 2019, the same year the boy recanted his testimony.



Termaine Hicks

State: Pennsylvania

Convicted: 2002

Exonerated: 2020

Contributing Factors:

Perjury or False Accusation

Official Misconduct

Inadequate Legal Defense

Termaine Hicks of Philadelphia was shot three times by Officer Martin Vinson on November 27, 2001, as Vinson and another officer tried to arrest Hicks. They claimed Hicks flashed a weapon.

At trial, the officers testified that they had responded to a 911 call about a woman being attacked and caught Hicks in the act. Hicks said he had discovered the victim on the way back from the store and was offering aid when the police arrived. The weapon that police said they recovered from the pocket of Hicks's jacket was registered to a Philadelphia police officer, who testified that she had no idea the gun was missing.

After his conviction, Hicks and his attorneys were able to test blood found on the victim's clothes, which eliminated him as a contributor. In addition, a reexamination of the forensic evidence showed that Hicks was shot in the back, contradicting the testimony of officers about the shooting.

The case was reinvestigated by the Philadelphia District Attorney's Conviction Integrity Unit. In a joint stipulation with Hicks's attorneys, the parties wrote: "Given the factual inaccuracies, discrepancies, and inconsistencies in Officer Vinson's testimony, in particular his false testimony that he shot Hicks when Hicks was almost fully facing him and lunging at him—which appears to stem from an attempt to justify his use of deadly force—there can be no confidence in Officer Vinson's testimony as to what Hicks was allegedly doing immediately before Officer Vinson shot him."



Frances Choy

State:	Massachusetts
Crime:	Murder
Convicted:	2011
Exonerated:	2020

Contributing Factors:

- False Confession**
- False or Misleading Forensic Evidence**
- Perjury or False Accusation**
- Official Misconduct**
- Inadequate Legal Defense**

In 2011, Frances Choy was sentenced to life in prison without parole for setting a fire in 2003 that killed her parents in Brockton, Massachusetts. At the time, Choy was 17 and finishing her senior year in high school.

Her first two trials ended in mistrials. At the third trial, prosecutors were allowed to introduce testimony from the second trial given by Choy's nephew, who said that he had filled two Sprite bottles with gasoline and seen Choy with a jug holding either water or gasoline. The nephew, who had been acquitted at his trial, had fled to Hong Kong, but prosecutors were allowed to read his testimony without further cross-examination.

After Choy's conviction, her appellate attorneys discovered numerous emails between prosecutors indicating racially and sexually discriminatory statements against Choy, her family, and Asians in general. They argued that this bias shaped the prosecution's case, presenting the young woman as an emotionless liar.

Prosecutors also misled the courts on the state's forensic evidence, and police falsely testified about statements Choy had made in the immediate aftermath of the fire, when her mother had died and she had just authorized the removal of life support from her father. In addition to this prosecutorial misconduct, Choy's attorneys also introduced new evidence that pointed more forcefully to the nephew acting alone. By the time Choy's case was dismissed in 2020, she had graduated magna cum laude from college and passed the state exam for cosmetology.

EVERY STORY COUNTS.