



Kirk Bloodsworth

Kirk Bloodsworth was convicted in March of 1985 for the brutal killing and sexual assault of a nine year old girl. The victim was found dead in July of 1984. She had been strangled, raped, and beaten with a rock. Bloodsworth was arrested based on an anonymous call telling police that he was seen with the victim that day and an identification made by a witness from a police sketch that was based on the recollections of five eyewitnesses. At trial, all five witnesses testified that they had seen Bloodsworth with the victim. Also presented at trial was testimony that Bloodsworth had said that he had done something terrible that day that would affect his relationship with his wife. Additionally, he mentioned a bloody rock during the investigation. A shoe impression was found near the victim but a forensic analyst testified that he did not find any identifying features in the print.

This evidence was challenged in Bloodsworth's appeals, which asserted that the bloody rock was mentioned because the police showed him a rock during the interrogation. The incident he mentioned regarding his wife amounted to his failure to buy the food she had requested. Moreover, the police failed to inform the defense that there may have been another suspect. Bloodsworth's conviction was overturned by the appellate court and he was retried. This time, he was convicted and sentenced to two life terms, to run consecutively.

In 1992, the prosecution agreed to DNA testing to be performed by Forensic Science Associates. The victim's shorts and underwear, a stick found at the scene, and an autopsy slide were compared against the blood standards of the victim and Bloodsworth. Using PCR based DNA testing, FSA determined that the amount of spermatozoa on the slide was insufficient for testing. Testing on the panties excluded Bloodsworth. Replicate testing performed by the FBI yielded the same results.

Bloodsworth was released from prison in June 1993 and pardoned in December 1993. He had spent over eight years in prison, two of those years facing execution.

Bloodsworth also became the first person to be exonerated from death row through postconviction DNA testing. The recent introduction of the Innocence Protection Act of 2003 establishes the Kirk Bloodsworth Postconviction DNA Testing Program, which will provide funding for testing under the act.

*Summary courtesy of the Innocence Project,
<http://www.innocenceproject.org/>. Reproduced with permission.*

Report an error or add more information about this case.

State: Maryland

County: Baltimore

Most Serious Crime: Murder

Additional Convictions: Rape, Child Sex Abuse

Reported Crime Date: 1984

Convicted: 1985

Exonerated: 1993

Sentence: Death

Race: Caucasian

Sex: Male

Age: 23

Contributing Factors: Mistaken Witness ID, Official Misconduct

Did DNA evidence contribute to the exoneration? Yes
:

EXONERATION NEWS

[MORE NEWS...](#)

CONTACT US

We welcome new information from any source about the exoneration cases that are already on our list and about new cases that might be exoneration cases. And we will be happy to respond to inquiries about the Registry.

- + [Tell us about an exoneration that we may have missed](#)
- + [Correct an error or add information about an exoneration on our list](#)
- + [Other information about the Registry](#)

ABOUT THE REGISTRY

The National Registry of Exonerations is a joint project of the University of the Michigan Law School and the Center on Wrongful Convictions at Northwestern University School of Law.

Follow Us:  

Copyright 2012. All rights reserved.



Kirk Bloodsworth



Incident Year: 1984
Jurisdiction: MD
Charge: Murder, Sexual Assault, Rape
Conviction: First Degree Murder, Sexual Assault, Rape
Sentence: Death

Year of Conviction: 1985
Exoneration Date: 6/28/93
Sentence Served: 8 Years
Real perpetrator found? Yes
Contributing Causes: Eyewitness Misidentification, Government Misconduct
Compensation? Yes

Kirk Bloodsworth was convicted in March of 1985 for the brutal killing and sexual assault of a nine year old girl. The victim was found dead in July of 1984. She had been strangled, raped, and beaten with a rock. Bloodsworth was arrested based on an anonymous call telling police that he was seen with the victim that day and an identification made by a witness from a police sketch that was based on the recollections of five eyewitnesses. At trial, all five witnesses testified that they had seen Bloodsworth with the victim. Also presented at trial was testimony that Bloodsworth had said that he had done something terrible that day that would affect his relationship with his wife. Additionally, he mentioned a bloody rock during the investigation. A shoe impression was found near the victim but a forensic analyst testified that he did not find any identifying features in the print.

This evidence was challenged in Bloodsworth's appeals, which asserted that the bloody rock was mentioned because the police showed him a rock during the interrogation. The incident he mentioned regarding his wife amounted to his failure to buy the food she had requested. Moreover, the police failed to inform the defense that there may have been another suspect. Bloodsworth's conviction was overturned by the appellate court and he was retried. This time, he was convicted and sentenced to two life terms, to run consecutively.

In 1992, the prosecution agreed to DNA testing to be performed by Forensic Science Associates. The victim's shorts and underwear, a stick found at the scene, and an autopsy slide were compared against the blood standards of the victim and Bloodsworth. Using PCR based DNA testing, FSA determined that the amount of spermatozoa on the slide was insufficient for testing. Testing on the panties excluded Bloodsworth. Replicate testing performed by the FBI yielded the same results.

Bloodsworth was released from prison in June 1993 and pardoned in December 1993. He had spent over eight years in prison, two of those years facing execution.

Bloodsworth also became the first person to be exonerated from death row through postconviction DNA testing. The recent introduction of the Innocence Protection Act of 2003 establishes the Kirk Bloodsworth Postconviction DNA Testing Program, which will provide funding for testing under the act. [Learn more here about the IPA and read Bloodsworth's remarks on the bill.](#)

Massachusetts Law Review

Book Review - *Bloodsworth: The True Story of the First Death Row Inmate Exonerated by DNA*

by Tim Junkin (Algonquin Books of Chapel Hill, 2004), 294 pages

The value of *Bloodsworth: The True Story of the First Death Row Inmate Exonerated by DNA*¹ lies not so much in its recounting of how DNA got one man off on a technicality, but a truth. In fact, DNA is only noted briefly in the beginning and end of this book, almost as an afterthought. It's greater worth is in the harrowing narrative of how one poor soul was wrongly convicted of the brutal 1984 rape and murder of a nine-year-old girl in Maryland, not once, but twice, with barely any evidence. Kirk Noble Bloodsworth was convicted through, for lack of a better term, a comedy of errors on proof so scant one marvels at how his case managed to hold together. The Bloodsworth saga is a clarion call for the revision of a plethora of law enforcement methods including, in particular, identification procedures more so than merely a plea for more DNA analysis to straighten out and undo such mistakes after the fact.

Kirk Bloodsworth was a “waterman” – a local term for those who make a living crabbing, fishing, trapping and culling oysters in the marshes of the Chesapeake Bay — as were most of his family at that very location since the mid-1600's. He graduated high school, and joined the marines where he became the discus-throwing champion of the entire corps. Back from the service, he followed his new wife to Baltimore where, while the only one to steadily maintain employment, he fell in with her drinking, drug using crowd. Then, at the age of 23, it was as if the very floor of his life opened under him and swallowed him up alive for nearly a decade in a great maw he barely understood.

For nine years, held in one of the most brutal prisons in the country, he felt helplessly overwhelmed, as he was publicly labeled a monster, the scourge of fellow prisoners and guards alike. In fact, when he first met his final volunteer lawyers, they took one look at him and dismissed him as a “classic biker con” with his look of long bushy hair, big muscles, mirrored sunglasses and a pack of Kool Filter Kings rolled under his sleeve. With teary eyes he said, “The first thing I want to do is apologize for the way I look. . . . This is not me. This is not who I am. But this is the way I have to look to survive in this place. This is what I've had to become. . . .”² He won an appeal, lost the second trial and then, having exhausted all traditional remedies, was reduced to mailing hundreds of letters to celebrities and public officials, signing them, “Kirk Bloodsworth — A.I.M. — An Innocent Man.” But the credibility of that all-too-frequent jailhouse claim was

underscored by one prison guard who laughed at him and said, “Everyone in the pen is innocent, mon, don’t you know? . . . You just one more innocent lamb. . . .”³

Bloodsworth’s undoing began on July 25, 1984, when fourth grader Dawn Hamilton was approached by a strange man who asked her if she wanted to enter the woods near the Fontana Village complex outside Baltimore to play hide and seek. She walked away from two other children to join the man and was never again seen alive. Hours later, her semi-nude body was found with a crushed skull. She had been terribly brutalized, sexually assaulted and murdered.

From the very beginning, the investigation was bungled. With little physical evidence, the police relied on the two identification witnesses, seven year old Jackie Poling and ten year old Chris Shipley. Two homicide detectives pulled out a book of drawings of various facial parts where Chris could pick out, for example, a nose that looked like the suspect’s and have it laid over a composite picture. Instead of just giving descriptions, the child simply picked out predetermined drawings. Chris didn’t like the final result, as many of his particular descriptions were ignored, but eventually, the officers pressured him into endorsing it. Then, the police tried the same technique with the younger witness, but seven year old Jackie was so unsure of the features that the police gave up. Finally, they just showed him the composite picture they created with his older friend and he nodded his assent. Later, another officer decried this protocol, arguing that “Showing a composite made by one witness to another is totally against all principles taught in identity school. . . .”⁴

Before having a chance to interview other identification witnesses, they rushed the ersatz composite picture to the media where it was disseminated through newspapers and over the airwaves. This spoiled the integrity of descriptions made by other members of the public after they had seen the distributed picture. Still, the physical description seemed to fit a lot of people and various identifications were made of suspects who stood anywhere between five feet eight inches and six feet five inches.

With hundreds of leads coming in and some initial suspects even failing a lie detector test, the police eventually ignored it all and put their reliance on a new and specialized law enforcement tool of the FBI — the art of creating a psychological profile of a violent criminal. It caused them to abandon all other leads and single out an obscure suspect who had previously received little attention. Although a psychological profile is merely one tool based on probabilities and generally not presented by the FBI until after an investigation is complete, this report became the “Rosetta stone”⁵ for the unwavering belief by the detectives that Kirk Bloodsworth was the killer/child rapist.

He had no criminal record whatsoever, yet the police were intrigued by the fact that Bloodsworth matched almost every aspect of the psychological profile. He lived and worked within a couple of miles of the scene of the murder; looked similar to the composite portrait; had a problematic marriage; appeared to be under stress; and had abruptly left his job and the area.

He was initially interviewed by the police who placed a pair of little girl's panties and a rock on the table before him. Their theory was that the true killer would have a strong reaction if confronted with these items; an innocent person would have none. Bloodsworth assumed the rock must be a murder weapon only to be confronted later on with the question, "Why'd you think the rock was the weapon . . . Whatever gave you that idea? . . . Oh, so you're the detective, now, are you?"⁶ At trial, his assumption that the deathblow was given by a rock was effectively used against him as proof of consciousness of guilt.

Bloodsworth was arrested. Doubts by the child witnesses, while looking at an incredibly suggestive photo array, were glossed over. A line-up in front of adult witnesses was compromised by the fact that these witnesses had already seen Bloodsworth's face plastered all over the newspapers and television and still some couldn't identify him.⁷ He was given appointed counsel whose attorneys' fees were capped at \$10,000. This was, as usual, pitted against the resources of the state.

In a compelling narrative, the author, Tim Junkin, depicts the tale of a man's seemingly inexorable descent as he is helplessly buffeted by forces beyond his comprehension and control. His defense counsel filed motion after motion and a maddening number of them were denied. The judge denied motions for production of photographs of the crime scene; for witness statements; for additional jury strikes; and to suppress the witness identifications stemming from the extraordinarily suggestive procedures. Physical evidence, in the way of sperm that could have exonerated Bloodsworth, was said by the prosecution to be lost or destroyed, a fact that turned out, many years later, to be untrue.

When the trial got underway, the judge forbade the defense from introducing testimony from an identification expert. Not only that, but the court refused to allow disclosure to the jury that the identifications of Bloodsworth were made only after his description was given out to the neighborhood by the police and through the media. Then, a shoe print which the police said had been made from a size 10 1/2 shoe, which was Bloodsworth's shoe size, turned out to be a size 8. Still, the state tried to link the shoe print pattern to Bloodsworth. The judge allowed an inexperienced FBI agent to be qualified as an expert in shoe print examination, over the objections of defense counsel. Bloodsworth had five alibi witnesses swearing he was at home at the time of the murder. But, under skillful cross-examination by the prosecution, these characters, most with substance abuse problems and living on the margin of society, came off as unimpressive.

Bloodsworth took the stand in his defense and was asked about a statement he had made that he had done "a terrible thing" on the day Dawn Hamilton was murdered. He said the bad thing was that he had not kept his promise that day to bring home to his wife her favorite dinner, a taco salad.

During the closing argument, the prosecutor ridiculed the lame taco salad excuse. He implored the jury to look past Bloodsworth's exterior and see "the monster inside the mind." When the jury found him guilty, there were cheers and screams from spectators

inside the courtroom of “Thank God” and “Give him the gas.”⁸ Judge William Hinkel did, indeed, sentence him to death.

Two years later, the conviction was reversed on several grounds by the Maryland Court of Appeals. The court ruled that the prosecutor had failed, pursuant to *Brady v. Maryland*, to turn over to the defense exculpatory information concerning another suspect. It also suggested that the state’s self-proclaimed “shoe expert” be excluded from testifying in another trial. Additionally, the court ruled that Judge Hinkel committed error when he refused to permit a defense witness to corroborate that the failure to bring home the taco salad was the bad thing.

The second trial was stronger, but defense counsel decided not to call the five alibi witnesses whose previous testimony had been unimpressive. The defendant did not take the stand this time. Most significantly, Bloodsworth’s lawyer thought the best defense might be to single out another possible suspect and even called that suspect to the stand. But that particular suspect had answers for every question. Once again, without physical evidence, Bloodsworth was convicted. This time, though, he was sentenced to two life terms to run consecutively.

Years went by as Bloodsworth languished in the notorious and ancient Maryland Penitentiary. Although all appeals had been exhausted, the one break he got was in his connection with a talented lawyer, Bob Morin, who spent several years using his own funds to zealously pursue every avenue in this lost cause. Eventually, it is Bloodsworth himself who hits upon the solution. He serendipitously comes across a nonfiction book called *The Blooding*⁹ by Joseph Wambaugh depicting a murder in England that was solved through a new method of genetic fingerprinting.

Through Morin’s vigorous efforts, it is determined that, despite the state’s denials during the trial phase, there did, indeed, exist samples of the assailant’s bodily fluids. Bloodsworth is exonerated, freed from prison and the floodgates open to a continuing procession of innocent convicts released. As of July 15, 2005, 159 prisoners have been freed through DNA testing.¹⁰

One would think that the state of Maryland might be relieved and even satisfied at having dodged the law’s worst nightmare — extreme punishment of an innocent man. After Bloodsworth’s first conviction for which he had been sentenced to death was overturned, the retrial and second conviction resulted in a life sentence. But, convicting the wrong person is more than an injustice. It is a public safety issue because if the wrong person is convicted, the true guilty party remains free possibly to continue preying on the public. In an act of inexplicable hubris, the Baltimore County State’s Attorney’s Office intentionally compounded its fault.

Once released, Bloodsworth set out on a mission to get law enforcement authorities to find the real killer. From 1993 until 2003, he repeatedly called the prosecutors requesting that they seek a match of the DNA samples from the real offender in his case. He, along with other groups, requested that his DNA be entered into the national database of

criminal suspects called CODIS — Combined DNA Index System. The State’s Attorney churlishly dodged the issue either refusing to answer phone calls or, as on one occasion recounted by Barry Scheck of the Innocence Project, prosecutor Ann Brobst told Scheck that they had limited funds, other priorities and were still not convinced that Bloodsworth was innocent. The outrage here was that, as the prosecutor sat idle for another ten years, a child rapist and murderer might have been free to stalk the public. Finally, pressure from the media became intense, a match of the DNA was sought and, almost immediately, twenty years after the crime was committed, the true offender was identified.¹¹

While the burgeoning number of convicted felons exonerated has caused a number of previous death penalty supporters to reverse their previous position, others are using it as a justification for the death penalty.¹² They view DNA as a proof positive assurance that no one will now be wrongfully convicted and that fallibility has been transformed by this new science of certainty. But DNA is giving a false sense of reliability in that only approximately ten percent of cases have any DNA.¹³ For example, a person who is wrongfully convicted of shooting another from a distance based on erroneous eyewitness testimony could never be freed through DNA testing because there would simply be no bodily fluids to test.

This is the chief merit of *Bloodsworth*. As a case study of flawed identification procedures such as eyewitness testimony, mug shots and line-ups, and other specious law enforcement methods such as deficient interrogation,¹⁴ this book serves as testimony that DNA alone is a false panacea. According to a number of studies, “There is increasing evidence that false eyewitness identification is the primary cause of the conviction of innocent people.”¹⁵ In fact, Suffolk County District Attorney Daniel F. Conley, who chaired the Massachusetts Task Force on Eyewitness Evidence stated that, of a series of erroneous convictions, “[i]n virtually every case that my office and the Boston Police uncovered and corrected, a major contributing factor was mistaken eyewitness identification.”¹⁶ Better techniques, as recently called for by that task force, are needed particularly in cases where DNA is not a factor. As stated, *Bloodsworth* is not so much a criminal justice treatise as it is a object lesson and comes from the “don’t tell me; show me” school of narrative writing. It reads more like a novel and less like a work of scholarly jurisprudence. The lesson of *Bloodsworth* is that the human factor will never be completely subordinate to physical science if we are to attempt to take the guesswork out of justice.

Peter Elikann

1. Tim Junkin, *Bloodsworth: The True Story of the First Death Row Inmate Exonerated by DNA* (2004).[\[back\]](#)
2. *Id.* at 5 (internal quotation marks omitted). [\[back\]](#)
3. *Id.* at 21 (internal quotation marks omitted).[\[back\]](#)
4. *Id.* at 47 (internal quotation marks omitted).[\[back\]](#)

5. *Id.* at 76.[\[back\]](#)
6. *Id.* at 93 (internal quotation marks omitted).[\[back\]](#)
7. *Id.* at 97-101.[\[back\]](#)
8. *Id.* at 156.[\[back\]](#)
9. Joseph Wambaugh, *The Blooding* (1989).[\[back\]](#)
10. See Innocence Project, at <http://www.innocenceproject.org>.[\[back\]](#)
11. See Junkin, *supra* note 1, at 273-74. [\[back\]](#)
12. *Crossfire* (CNN television broadcast, June 11, 2001).[\[back\]](#)
13. Peter S. Canellos, *Bipartisan Bill Has Funds to Test DNA on Death Row*, Boston Globe, Oct. 1, 2003, at A3.[\[back\]](#)
14. See *Commonwealth v. DiGiambattista*, 442 Mass. 423 (2004) (if the prosecution introduces a confession or statement that the police obtained during an interrogation of a defendant who was either in custody or at a “place of detention,” and the police did not electronically record the statement, upon request, the defendant is entitled to a cautionary jury instruction).[\[back\]](#)
15. Gary L. Wells et al., *Eyewitness Identification Procedures: Recommendations for Lineups and Photospreads*, 22 L. & Hum. Behavior 603 (Dec. 1998).[\[back\]](#)
16. Daniel F. Conley, *A Fair, Equal Jury System*, Boston Globe, Jan. 18, 2005, at A11.[\[back\]](#)