



Andre Davis

On August 8, 1980, three-year-old Brianna Stickle disappeared from the front yard of her home at 1110 Eastview Drive, where she lived with her mother and stepfather in Rantoul, Illinois.

Her stepfather, Rand Spragg, told police he saw Brianna, who was clad only in underpants, in the yard about 6:30 p.m. and then not long after, discovered she was gone. He and his wife searched the neighborhood without success and called police at about 7:50 p.m.

Around 8:30 p.m., Spragg saw a car pull up to the house next door at 1112 Eastview Drive where Lutellis and Maurice Tucker lived. Spragg saw a man go the front door and then the back door, go inside and then come back out. Spragg and his wife asked if they could look inside and the man, later identified as Donald Douroux, accompanied them inside. Spragg's wife looked under the bed in a rear utility room and they walked through the house, but found nothing.

Douroux said he would go in and lock up and soon emerged in a semi-hysterical state, saying he had found something in a back room.

Brianna was on a bed in the utility room. She was dead, covered by bed linens. Her naked body was bloody in the genital area. She had been raped and asphyxiated.

The first police officer who arrived was in the utility room with the body when he heard a voice say that "the subject you want is at 1056," just a few houses away. When more police arrived, the first officer reported what he had heard and officers went to 1056 Eastview, which was where Douroux lived. Officers found both Douroux and 19-year-old Andre Davis, an African-American, who had lived in Chicago until recently when he came to live with his father in Rantoul.

Davis, who was shirtless, told them he had spent the day with the Tuckers drinking at their home and that he had changed into red pants and came to Douroux's residence when the Tuckers left around 6 p.m. He explained a scratch on his side by saying he and Douroux had been wrestling in the yard. Davis also said he had climbed a tree to pick some apples.

Police took Davis to a hospital where he was examined. An officer saw grass in his groin area and a physician later would testify that he detected fecal matter under Davis's foreskin. Swabs of his legs were negative for the presence of blood and semen.

Douroux, who grew up with the Tucker brothers in Gary, Indiana, was also a suspect briefly and would, over the years, giving varying accounts of statements he claimed Davis made.

Authorities took hair samples from him for comparison with hairs found on the child's body. The hairs found on the body were not similar to either Davis's or Douroux's hair.

State: Illinois

County: Champaign

Most Serious Crime: Murder

Additional Convictions: Child Sex Abuse, Kidnapping

Reported Crime Date: 1980

Convicted: 1981

Exonerated: 2012

Sentence: Life

Race: Black

Sex: Male

Age: 19

Contributing Factors: False or Misleading Forensic Evidence, Perjury or False Accusation

Did DNA evidence contribute to the exoneration? Yes*

:

Davis was then arrested. He was charged with felony murder for killing the child during the commission of rape, taking indecent liberties with a child and aggravated kidnapping. He was also charged with murdering the child by asphyxiation.

Davis went on trial in Champaign County Circuit Court in 1981 and the prosecution sought the death penalty.

Douroux testified that after being out most of the day, he arrived home and saw Davis come out from under a trailer. He said Davis spontaneously said that he had killed a white woman who lived next door to Lutellis Tucker. Douroux testified that because Davis appeared drunk, he did not believe him. He said he telephoned the Tucker residence to prove there had been no murder and when there was no answer, he went to the home. That was when he crossed paths with Spragg and found the child's body.

Douroux also testified that he was the one who suggested police go to 1056 Eastview. He said he returned to his home before the police arrived and told Davis "that was a little girl – that was not a woman." Douroux testified that Davis replied, "It's a little late for that; you got to help me get away."

Davis, police said, was watching television when they arrived, appeared calm and did not try to flee. When asked for identification, he produced a Social Security card.

Maurice and Lutellis Tucker testified that Davis had been at the house during the day and left when they left at about 6 p.m. Both said he was wearing blue jeans and a shirt when he left. Lutellis Tucker testified that the house was his and that Maurice lived in the utility room. He said that on the day of the crime, he left to run errands and when he returned, he found his brother, Maurice, and Davis and they had been drinking. Lutellis said he had plans to leave town, but before he left, he saw Davis leaving on foot.

Maurice Tucker testified that Davis sometimes stayed with them and that he kept a bag of clothing at their house. He said he had spent the day drinking with Davis and that before he left, he and Davis saw Brianna. Maurice Tucker said he spoke to the girl, but that Davis did not. Maurice Tucker said that the utility room had been disturbed after he left and that a pair of jeans found on the floor belonged to Davis.

The prosecution presented evidence that the victim and Davis both had blood type O and that the semen found was from a non-secretor. Davis is a non-secretor, as is about 20 percent of the population.

Hairs found on the body of the victim were characterized as coming from an African-American, but none were comparable to Davis, the Tuckers or Douroux.

A physician testified that he examined Davis and found fecal matter under his foreskin, which the prosecution argued was further evidence connecting him to the rape because fecal matter was found in the girl's anal area. A physician testified for the defense that there was no fecal matter because when the matter was cultured, no bacteria consistent with fecal matter were produced.

In processing the crime scene, police found Brianna's underpants in clothing that was scattered about the room. No blood or semen were found on the girl's underpants. A search of the house revealed a window in the bathroom had been broken from the outside (glass was in the bathtub below the window) and a bloody paper towel was found on the bathroom sink.

An investigator for the Illinois Department of Law Enforcement testified that he questioned Davis and asked him if he killed a three-year-old girl. The investigator said Davis replied, "It's possible."

But the investigator also conceded that he might have taken the remark out of context because he asked Davis if it was possible that someone could be

so drunk they could kill someone and not remember it. The investigator said that Davis also repeatedly denied any involvement in the crime. The interrogation was not recorded.

A 13-year-old boy testified for the defense that at about 7 p.m., he saw an African-American man walk out of the back door of the Tucker's house, duck down by a car parked in the driveway and then walk down the street. The boy was unable to identify the man from a photo lineup that included Davis.

A friend of Maurice Tucker's testified that when she arrived around 5 p.m. to go out with the brothers, Davis was wearing red pants.

A neighbor of Douroux's testified that Douroux came home close to 8 p.m. and was only home for a few minutes before he left again.

On the evening of January 21, 1981, the jury convicted Davis on all counts. The jurors were allowed to go home for the night, but were ordered to return the following day for the sentencing hearing.

The next day, lawyers for Davis filed a motion for mistrial asserting that during deliberations, the jury had asked for a transcript. The bailiff replied they might get one by mid-summer and never communicated the request to the judge.

After a hearing, the judge denied the mistrial motion. When the jury could not unanimously agree on the death penalty, Davis was sentenced to life in prison.

On April 8, 1982, the Illinois Court of Appeals set aside the conviction and sentence because of the bailiff's failure to notify the judge of the jury's request.

Davis went to trial again in June, 1983 and Douroux provided a different account. He testified for the first time that when Davis first brought up the subject of a murder that day, he asked what Douroux thought residents of Rantoul would do to a black man who killed a white woman.

Douroux testified that when he questioned Davis further, Davis then said he had been in the Tucker residence when the white woman who lived next door came over and they were sitting on the bed in the utility room talking. Douroux said Davis told him the woman's husband knocked on the back door and when she tried to get up, he put his hand over her mouth.

Douroux had never before testified to Davis making those statements and none of those alleged statements were recorded in any police report. Davis would later deny making any of the statements attributed to him by Douroux.

On June 10, 1983, Davis was convicted again of all charges. He was sentenced to 80 years in prison. That conviction was upheld in April 1984.

Two decades later, a relative of Brianna's who had long harbored a suspicion that Davis was innocent, wrote to him in prison, suggesting he contact the Center on Wrongful Convictions at Northwestern University School of Law to seek DNA testing.

Davis wrote a letter and on February 17, 2004, Jane Raley, an attorney at the Center, filed a motion for DNA testing of the biological evidence in the case.

An agreed order for testing was entered and the tests excluded Davis as the source of the blood or semen evidence. The bloody paper towel found in the bathroom with the broken window was not tested as it had been lost.

The DNA tests excluded Davis as the source of any of the samples that were tested, and isolated the profiles of two unknown males.

DNA was then obtained from Maurice and Lutellis Tucker, who were both living in Minnesota; Douroux, who was living in Texas, and Spragg.

The DNA profile of Maurice Tucker matched most of the biological evidence. Spragg, Lutellis Tucker and Douroux were excluded, leaving the profile of one male unidentified.

In July 2006, a petition to vacate the conviction was filed citing the DNA test results as well as evidence showing that what had been characterized as fecal matter was instead smegma, a secretion sometimes found under the foreskin of uncircumcised males such as Davis.

Champaign County prosecutors argued that finding Maurice Tucker's DNA was meaningless because he slept in the bed where the body was found. However, further testing by Forensic Science Associates of California showed that Tucker's DNA was mixed in with the child's blood and on top of the child's body.

A judge denied the petition on February 22, 2011, ruling that the new evidence "did not undermine confidence in the outcome" of the trial because Davis could have been an accomplice with Michael Tucker and that he failed to ejaculate.

Davis appealed. The state argued that Davis had failed to pursue his claim of innocence diligently because DNA testing was available as early as 1996 and he did not file a motion to obtain testing until 2004.

Lawyers for Davis pointed out that Davis was incarcerated in the Tamms Correctional Center, the state's most secure prison, had no lawyer and was indigent.

On March 5, 2012, the Illinois Appeals Court overturned the denial of the petition and ordered a new trial. On July 6, 2012, the Champaign County State's Attorney's Office dismissed the charges and Davis was released after spending nearly 32 years in prison.

– *Maurice Possley*

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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.

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----- Original Message -----

From: [Morrison Bonpasse at BonPasse Exoneration Services](#)

To: [Jane E. Raley, Attorney, Center on Wrongful Convictions](#)

Sent: Thursday, May 02, 2013 8:47 AM

Subject: The Use of Polygraphs in the Andre Davis case

Dear Jane,

I met Andre at the end of the Innocence Network Conference and asked him whether polygraphs were used in his case. He recalled, I believe, that he took two polygraphs: one arranged by his lawyer, and one by the D.A., and that he passed them.

At the time of this discussion, I wasn't aware that Andre had two trials. Since then, I've read a little about his incredible story.

Andre suggested that I contact you to verify his recollections, and more. Were there any other polygraphs administered during his cases? Can you confirm that Andre passed his polygraphs? Were they before his first trial?

Attached is a copy of the article I presented at the Innocence Network conference, "Polygraphs and 213 Wrongful Conviction Exonerations." Andre's case will be in a future edition. Before meeting Andre, I didn't know that there were polygraphs in his case.

Thank you for your work on behalf of the wrongly convicted.

Very sincerely,

Morrison

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Prosecutors, victim's mom not convinced freed inmate is innocent

'I felt like the evidence against him was good enough,' says mother of slain girl

October 02, 2012 | By Andy Grimm, Chicago Tribune reporter



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The DNA evidence that won Andre Davis his release from prison has not convinced prosecutors in Champaign County that he is innocent of 3-year-old Brianna Stickel's murder.

State's Attorney Julia Reitz said her office will contest Davis' petition for a certificate of innocence, and the move could prevent Davis from collecting money from a state fund set up for wrongfully convicted inmates.

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"Based on our review of the two trials and the evidence, we believe he is guilty of murder," Reitz said. "We can't prove it, 30 years later, at this time."

Much of the evidence in the case files used in Davis' two trials in the early 1980s has been lost or destroyed, but his lawyers say nothing that remains can link Davis to the crime.

Davis, who spent nearly 32 years behind bars, served more time than any other Illinois inmate who has had

their conviction overturned since at least 1989, according to the Center on Wrongful Convictions at Northwestern University's law school.

Brianna's body was found in a house in her neighborhood where two acquaintances of Davis lived. Blood and semen samples found on bedclothes at the scene had been used with 1980s technology to finger Davis as the killer, but DNA tests decades later matched them to a witness who testified in court against Davis, court records say. Samples recovered from Brianna's body are missing.

The Tribune is not naming the witness because he has not been charged with a crime.

Police in Rantoul have reopened the murder case, but Chief Paul Farber would not say whether the witness who matches the DNA is a suspect.

"After 32 years, we're getting very few tips," Farber said.

If a judge rules that a preponderance of the evidence proves Davis was not guilty, Davis could receive as much as \$190,000 based on the formula that the state uses to compensate wrongfully convicted inmates who serve significant time in prison, said his lawyer, Jane Raley.

Rebeca Spragg, Brianna's mother, remains unconvinced that Davis is innocent.

"I felt like the evidence against him was good enough. ... I still feel that way," she said. "He may not have been totally alone in it, but he was involved in it."

Spragg had divorced Brianna's father, Michael Stickel, and remarried not long before Brianna was killed.

After Brianna's death, Spragg said she and her family moved repeatedly before settling a few years ago in North Carolina.

"Our life has been very guarded all these years. I haven't felt safe anywhere," she said.

The prospect that no one will be charged in Brianna's murder is not unusual among the many wrongful conviction cases, Raley said.

"These cases are so old, and often there isn't a lot of evidence left," she said. "But we know Andre didn't do it."

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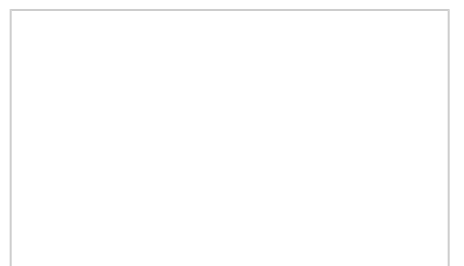
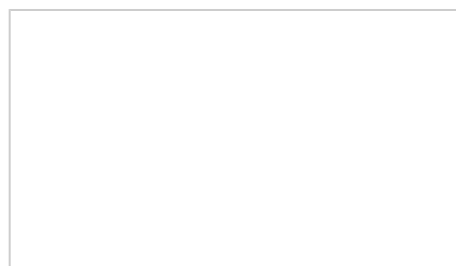
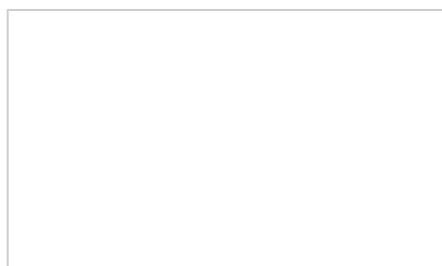
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THE CIRCUIT COURT OF PEORIA COUNTY, ILLINOIS
COUNTY DEPARTMENT – CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Respondent—Plaintiff,) No. 77 CF 565
)
 v.) Courtroom 222
)
 JOHNNIE LEE SAVORY,)
)
 Petitioner—Defendant.) **FILED NOV. 14, 2012**
)

**BRIEF OF INNOCENT MEN EXONERATED BY DNA TESTING AS
AMICI CURIAE IN SUPPORT OF PETITIONER JOHNNIE LEE SAVORY'S
MOTION FOR POST-CONVICTION DNA TESTING**

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I. STATEMENT OF INTEREST

Amici are a group of men, who were convicted of murder and many spent a significant portion of their lives in prison -- just like Johnnie Lee Savory -- except that *amici* have been exonerated by DNA testing. DNA testing proved *amici*'s innocence: many years after the alleged crimes were committed, often after their direct appeals and post-conviction petitions had run their course, sometimes after their release from their sentences, and in every case after they had been written off by Illinois' justice system as guilty. DNA testing was the key to their exoneration.

DNA testing has been critical to saving and restarting the lives of hundreds of innocent people, like *amici*, who were convicted of crimes they did not commit, wrongfully spent years in jail and bore the stigma of a conviction after having served their sentences. The facts of DNA exoneration are staggering:

- More than 300 people have been exonerated by DNA testing in the United States.
- Eighteen people who were facing the ultimate punishment of death have been exonerated by DNA.
- DNA exonerees wasted on average 13.6 years of their lives in jail.
- Minority groups comprise about 70% of those exonerated by DNA.
- DNA identifies the actual perpetrator of the crime in almost 40% of cases.¹

In Illinois alone, forty-two people convicted of crimes they did not commit have been proven innocent through DNA testing.²

Amici are among those forty-two exonerees in Illinois. Their interest in the matter at bar is showing that DNA testing can effectively prove innocence. The science of DNA testing has advanced over the past two decades and gave many *amici* a chance to demonstrate their innocence

¹ See The Innocence Project, Innocence Project Case Files, <http://www.innocenceproject.org/know/>; The National Registry of Exonerations, <http://www.law.umich.edu/special/exoneration/Pages/browse.aspx>.

² See The Innocence Project, Exonerations by State, <http://www.innocenceproject.org/news/StateView.php>.

through post-conviction testing under Section 5/116-3, when they were not able to do so at the time they were convicted. DNA often identifies the actual perpetrator of the crime, upholding the integrity of the judicial system and providing closure for victims or their families. Most important from *amici's* perspective, DNA testing provides innocent people, who spent significant time in prison and were left behind by society, their lives back. DNA testing allowed *amici* to begin their lives anew by affirming their innocence to the world.

Mr. Savory has maintained his innocence for 35 years. Granting Mr. Savory's motion for DNA testing would validate fundamental due process rights of Illinois' constitution and fairness in Illinois' criminal judicial system -- that an innocent person not be punished. If the requested testing demonstrates his innocence, as DNA testing did for *amici*, Mr. Savory would, for the first time in 35 years, be truly free.

II. BACKGROUND

In 1977, Mr. Savory (then age 14) was charged with the murders of his friend, James Robinson Jr. (age 14), and James' sister, Connie Cooper (age 19). *See People v. Savory*, 197 Ill. 2d 203, 205 (Ill. 2001). The victims had been repeatedly stabbed and there was no sign of forced entry. *Id.* Mr. Savory was questioned about the murders a week later and after making several exculpatory statements, he eventually confessed. *Id.* He was convicted of the crimes following a jury trial in 1977.

Mr. Savory's initial conviction was reversed because his confession was later ruled inadmissible. *See People v. Savory*, 82 Ill. App. 3d 767, 768-69 (3d Dist. 1980). Mr. Savory was retried in 1981. This time the state put forth statements from three siblings, Tina, Frankie and Ella Ivy, all of whom were children at the time, that Mr. Savory had made inculpatory statements about the crimes. *See Savory*, 197 Ill. 2d at 206. The State also presented physical evidence purportedly linking him to the crime -- hairs that the State claimed were consistent with Mr.

Savory's from the victims' bathroom sink and tub, a knife from Mr. Savory's house that had blood on it, and a bloodstain on a pair of trousers recovered from Mr. Savory's home. *Id.* at 207. This evidence was rudimentarily linked to Mr. Savory, as the knife tested positive for an unidentifiable blood type, and the bloodstain on the pants was consistent with the blood type of one of the victims; although Mr. Savory's father testified the pants and the blood were his. *Id.* at 207-08. Mr. Savory was again found guilty and sentenced to concurrent, indeterminate sentences of 40 to 80 years, and his conviction was affirmed on appeal. *Id.* at 208. Thereafter, Mr. Savory unsuccessfully sought collateral relief in the Illinois and federal courts, based in part on the recantation by two of the three Ivy siblings, Tina and Frankie, of the testimony that had linked him to the crime. *See id.*

In 1998, post-conviction DNA testing became available in Illinois and changed the criminal landscape in the state. *See* 725 ILCS 5-116/3. Mr. Savory immediately moved for DNA testing -- which, at the time, was relatively imprecise -- of the bloodstained pants and fingernail scrapings collected from one of the victims. *See People v. Savory*, 309 Ill. App. 3d 408, 411 (3d Dist. 1999). The Illinois courts ultimately denied his motion for testing. *People v. Savory*, 197 Ill. 2d at 214-15. While the Illinois Supreme Court reversed the holding of the appellate court and determined that the DNA evidence did not need to completely exonerate defendant to be "materially relevant" under Section 5/116-3, it held that the other evidence in the case was substantial enough to uphold the conviction. *Id.* at 216.

Mr. Savory also brought a federal civil rights claim under 28 U.S.C. § 1983, alleging that the United States Constitution required the State to grant him access to its evidence for purposes of DNA testing. *See Savory v. Lyons*, No. 05-2082, 2005 WL 3543833 (C.D. Ill. Dec. 28, 2005). Ultimately, the United States Court of Appeals for the Seventh Circuit concluded that Mr. Savory

had presented a cognizable claim for relief, but that it was barred by the applicable statute of limitations. *Savory v. Lyons*, 469 F.3d 667, 672-73 (7th Cir. 2006).

Mr. Savory was released on parole in 2006 and, consistent with his claim of innocence, petitioned then Illinois Governor, Rod Blagojevich, in 2007, to order DNA testing and, if the results were exculpatory, to grant executive clemency on the grounds of actual innocence. Governor Blagojevic, his successor, Governor Pat Quinn, and State's Attorney Brady did not grant his requests.

Since the denial of his clemency request, the third and final Ivy sibling who testified against Mr. Savory has substantially recanted her prior testimony. Now, only the thin reed of physical evidence, including the bloody knife and bloody pants that were never conclusively linked to Mr. Savory, remain to support his already suspect conviction.

IV. ARGUMENT

It is fundamental in Illinois that "no person convicted of a crime should be deprived of life or liberty given compelling evidence of actual innocence." *People v. Washington*, 171 Ill. 2d 475, 489 (Ill. 1996). The basic due process right inherent in the Illinois Constitution and recognized by Illinois courts to bring a claim of actual innocence goes hand-in-hand with a request for DNA testing under 725 ILCS 5/116-3. DNA testing often provides the foundation for an actual innocence claim. Such DNA testing does not need to completely exonerate a defendant, but is required only to be materially relevant to the claim of actual innocence. *Savory*, 197 Ill. 2d at 214.

Here, Mr. Savory has already served his jail sentence and his parole has been truncated. But, he remains deprived of life and liberty under the cloud of his conviction. DNA testing is the only remedy that will allow Mr. Savory to continue to rebuild his life without the stigma of his criminal conviction. Section 5/116-3 provides the means for a wrongfully convicted person to

clear his or her name at any time. *People v. Rokita*, 316 Ill. App. 3d 292, 303 (5th Dist. 2000) ("There is no language in section 116-3 indicating any legislative intent to impose a time limit for filing a motion for forensic testing"). The advances in DNA analysis and Mr. Savory's request to test evidence that could not be analyzed previously, coupled with the further recantations and disintegration of the State's case against Mr. Savory make his current request for DNA testing ripe.

The narratives of *amici* below demonstrate the power of DNA testing to fulfill the admonition of *Washington* and enable people wrongfully convicted of crimes to obtain the full measure of their Constitutional right to life and liberty. Similar to Mr. Savory's case, their convictions were based on false or coerced witnesses statements or confessions and either no physical evidence or questionable physical evidence. Section 5/116-3 fulfilled its purpose in *amici's* cases because DNA testing exonerated *amici*, proving they were wrongfully convicted and were actually innocent of their convicted crimes. This Court should grant Mr. Savory the same opportunity here.

A. Terrill Swift (Vincent Thames, Harold Richardson and Michael Saunders)

When a confession is the only evidence, Terrill Swift's case shows that DNA can set the record straight.

On November 7, 1994, the body of Nina Glover was discovered in a dumpster in the Englewood neighborhood of Chicago's south side. Ms. Glover had been raped and murdered, and an autopsy concluded that she had been killed by strangulation. No arrests were made at the time of the crime. Months later, on March 7, 1995, Jerry Fincher (18) volunteered information to the police about Ms. Glover's murder in the hope of receiving favorable treatment for a friend who was in police custody. Over the next two days, while in police custody, Fincher gave an evolving series of statements indicating that he participated with others in the abduction, rape and murder

of Ms. Glover in the basement of the house of Vincent Thames (18). He also implicated Terrill Swift (17), Harold Richardson (16) and Michael Saunders (15).

Swift, Thames, Richardson, and Saunders were all arrested, and each of them eventually signed false confessions that they participated in the rape and murder of Ms. Glover. Although each statement contained factual inconsistencies, each teenager essentially confessed to participating in luring Ms. Glover to the basement, taking turns having vaginal sex with her, beating her over the head with a shovel, strangling her, carrying her dead body one-and-a-half blocks, and dumping the body in a dumpster.

Thames' basement, the dumpster and the teenagers' clothing were searched. Not a trace of physical evidence connected any of the five teenagers to the rape and murder. More important, a vaginal swab collected during Ms. Glover's autopsy tested positive for semen. At the request of some of the defendants, pre-trial DNA testing was done and such testing excluded all five of the charged teenagers as the source of the semen. At a pre-trial hearing, Fincher's statement was determined to have been coerced and was suppressed as evidence. Charges against him were dismissed, after he had spent three-and-a-half years in custody.

In May 1998, Swift, Richardson, and Saunders all proceeded to separate trials before Judge Thomas Sumner, sitting without a jury. The only significant evidence presented against each defendant was his own confession. During the Swift trial, the Judge Sumner summed up his view of the cases: "Well this case is relatively simple. It's all confession. Without the confession there is no case. There is no physical evidence that links the defendant to the case. There is no other testimony that links him to the case. It's the confession. What we have is 22 pages of detail that I either believe the defendant was told to say, or that he said because he was there and he knows and he knew what to say and he told the court reporter what happened. We have a 22-page confession, and that is enough for me. There will be a finding of guilty." He did, however, also

say that “If there is a DNA match, then we are talking about another case altogether.”

Despite the prior DNA testing that did not link a single defendant to the semen found on the body and no physical evidence, Judge Sumner convicted all three defendants who went to trial. He sentenced Swift to 30 years, Saunders to 40 years, and Richardson to 40 years. After seeing the sentences of the other defendants, Thames pled guilty in exchange for a sentence of 30 years. For the next 12 years, the four teenagers sought to clear their name, knowing that the DNA, if tested again, would not be a match to any of them and could be linked to someone else.

On December 3, 2010, Swift and Saunders filed a motion for an order to conduct a more advanced form of DNA testing than was done before trial – STR testing – and to compare the results with the State's DNA database to try and identify the person who left the semen in Ms. Glover's body. On April 22, 2011, the DNA profile from the resultant testing was compared to the database and identified a known offender in the state DNA database, Johnny Douglas, by then deceased. Mr. Douglas was one of the first people police interviewed about Ms. Glover's murder in 1994. Citing back to the original Judge's statements that if there was a DNA match to another person, it would be “another case altogether,” Judge Biebel vacated the convictions on November 16, 2011, based on the new DNA evidence. On September 14, 2012, Judge Biebel granted certificates of innocence to all four men. It took Swift more than 18 years to clear his name.

B. The Dixmoor Five: Jonathan Barr, James Harden, Robert Taylor (Shainne Sharp and Robert Lee Veal)

No matter how long after a sentence is served, the Dixmoor Five demonstrate that DNA testing has the power to restore and revive the lives of innocent people.

On November 19, 1991, 14-year-old Cateresa Matthews disappeared after leaving her great-grandmother's house in Dixmoor, Illinois. Her body was discovered on December 8, 1991 along Interstate 57. She had been shot in the mouth at close range with a .25 caliber pistol. She

was also an obvious victim of sexual assault, as her body was naked from the waist down. A pair of white panties was found around her right ankle, and her jeans were draped across her chest. Seminal fluid was recovered from the vaginal and rectal swab of the victim.

The police made no arrests and seemingly had no leads in Ms. Matthews' case for over 10 months, until October 20, 1992, when Keno Barnes (15) allegedly informed the police that Jonathan Barr had told him that when he last saw Ms. Matthews, she was getting into a car occupied by Robert Lee Veal and Robert Taylor. At the time of the crime, Barr, Veal, and Taylor were 14 years old.

On October 29, 1992, police brought Veal in for questioning. After more than five hours in police custody and interrogation with no parent or lawyer to guide him, Veal signed a handwritten statement, implicating himself, Barr and Taylor (all 15 years old at the time), and Shainne Sharp and James Harden (both 17 years old at the time), in the gang rape and murder of Ms. Matthews. Later that day, Taylor signed a handwritten statement, again with no parent or lawyer, implicating himself and the other four teenagers in the crime. On October 31, after more than 21 hours in police custody, Sharp also signed a handwritten statement implicating himself and the other four teenagers in the crime. The three confessions contradicted each other on the basic facts of the case.

Before any of the teenagers were tried, the Illinois State Police crime lab had identified a lone male DNA profile from sperm recovered from the victim's body which excluded all five teenagers as the source of the semen. The prosecution showed no interest in determining the source of the semen. Instead, at trial, the prosecution asserted that the semen must either belong to a consensual sexual partner of Ms. Matthews, or even more preposterous, could have been left by a wandering necrophiliac who happened upon the body. Indeed, the prosecution felt so strongly that the confessions trumped the DNA evidence that it offered two of the confessors –

Veal and Sharp – sweetheart deals to plead guilty and testify against Taylor, Harden, and Barr. Without the guilty pleas and testimony of Veal and Sharp, the State would have been forced to drop the charges against Harden and Barr, as they did not confess, and the State had no other evidence against them.

Based solely on the "confessions" of three 15 year old boys, Taylor, Harden, and Barr were convicted. Veal and Sharp pled guilty to first-degree murder and received 20-year sentences — with parole available after seven years — in exchange for agreeing to testify against the others. Taylor and Harden were each sentenced to 80 years, and Barr was sentenced to 85 years. All appeals were denied, including a post-conviction request for DNA testing, despite the existing DNA collected from the scene of the crime.

In August 2009, Harden again sought DNA testing and was later joined by Taylor and Barr. After almost 12 months, the DNA evidence was eventually located. In March 2011, it was finally tested and matched with the DNA profile of a violent serial offender, Willie Randolph. At the time of the crime, Randolph was 33, lived in the victim's neighborhood, and was on parole after serving a 20-year sentence for armed robbery. He was apprehended by authorities on April 12, 2011.

Initially prosecutors argued that the DNA linking the convicted rapist to semen found on the victim's body did not amount to new evidence. Veal and Sharp had also recanted their testimony, and prosecutors relented. Based on the 2011 DNA testing, the convictions of Taylor, Harden and Barr were vacated on November 3, 2011 and Taylor, Harden and Barr were released from prison. Similarly, the convictions were vacated for Veal and Sharp who had finished serving their time.

Jonathan Barr, James Harden, Shainne Sharp, Robert Taylor and Robert Lee Veal collectively spent 78 years in prison for a crime they did not commit. If the court had not boldly

allowed post-conviction DNA testing in 2011, the three innocent men, Barr, Harden and Taylor, would still be in prison today. For these five men, time in prison cannot be restored, but the declaration of innocence they sought for 20 years, renews their self-worth, restores their full citizenship status and revitalizes their spirits. Even for Veal and Sharp, who had been released from prison 10 years prior, the result rebuilds reputations by eliminating the stain of the false rape and murder condemnations.

C. Marcus Lyons

In a rape case, Marcus Lyons shows how DNA can help a court seek and find the truth.

On November 30, 1987, a woman was raped in an apartment complex in Woodridge, Illinois. The victim described her attacker as an African-American man between 25 and 30 years old, about 200 pounds, with a mustache and afro. He wore tight brown polyester pants and a blue ski parka with a fur collar that the victim had burned with her cigarette.

She created a composite sketch with police at the hospital. Two of the victim's neighbors said the sketch looked like Marcus Lyons, who lived in the next building and was the only African-American living in the complex. Police obtained an employee ID photo from AT&T, where Lyons worked, and showed the victim a six-photo lineup. The other five photos in the lineup were police mug shots, and Lyons was the only lineup member in a shirt and tie. The victim identified Lyons, and police went to Lyons' apartment.

Lyons allowed police to search his apartment, where they found a pair of brown polyester pants and a blue jacket, the jacket did not have a fur collar or burn hole, as the victim stated. Five days after the crime, police conducted a live lineup, in which Lyons was the only member repeated from the photo lineup. Again, she identified him as the attacker. Police interrogated Lyons for two days, during which he allegedly failed a polygraph test. He was charged with the crime 10 days later.

The victim again identified Marcus Lyons during a jury trial in October 1988. Lyons, a 29-year-old Navy veteran and member of the naval reserve with no previous police record, was sentenced to six years in prison.

After his release in 1991, Lyons spent the better part of the next 16 years of his life seeking justice. In 2006, Lyons sought DNA testing in his case. The victim's bra was the only piece of evidence that had been retained, and it was tested for semen. A full male profile was developed from semen on the bra, and it pointed to the identity of another male who worked in the neighborhood at the time of the crime. On the strength of this evidence, a judge vacated Lyons' conviction and the District Attorney agreed to dismiss all charges. Lyons had served nearly three years in prison, plus 16 years as a registered sex offender, for a crime he did not commit.

E. Kenneth Adams (Verneal Jimerson, Willie Rainge and Dennis Williams)

Kenneth Adams shows that DNA evidence ultimately can support other key evidence of actual innocence no matter how late it is discovered.

In 1978 Lawrence Lionberg and Carol Schmal were abducted from Homewood, Illinois and brought to a predominantly black neighborhood outside of Chicago. There, Ms. Schmal was raped and shot to death along with Mr. Lionberg. No arrests were made at the time of the crime. Cook County Sheriff's Police later received a tip from Charles McCraney, a man who lived near the murder scene. McCraney ultimately placed Kenneth Adams, Willie Rainge, and Dennis Williams at the crime scene at about the time the murders were believed to have occurred.

Based on this tip, the police also questioned Paula Gray, a 17-year-old woman who was borderline mentally disabled. After being questioned over two nights in motels, she testified before a grand jury that she had been present when Adams, Rainge, Williams, and a fourth man, Verneal Jimerson, raped Ms. Schmal and then shot both victims to death. Her confession

contained only two purported facts that were not known to the police, and both of those assertions ultimately were shown to have been false. Gray soon recanted her statement and thereupon was charged both with the murders and with perjury. She was tried simultaneously with Adams, Rainge, and Williams in the same courtroom before the same judge, but by a separate jury.

The charges against Jimerson were not initially pursued because without Gray's testimony there was no evidence against him because McCraney had not originally placed Jimerson at the scene. The convictions of the remaining defendants rested primarily on McCraney's testimony and the testimony of an informant, David Jackson, who falsely claimed to have heard Williams and Rainge talking in jail about how they committed the crime. The prosecution also tried to present forensic evidence, which was later shown to have been false in one regard and unreliable in another. Adams was sentenced to 75 years, Rainge to life, Williams to death, and Gray to 50 years for the murders and 10 years, concurrently, for perjury.

After Rainge and Williams, but not Adams, won new trials in 1982 based on ineffective assistance of counsel, Gray agreed to testify against them and Jimerson in exchange for her release from prison. Jimerson was then charged, convicted, and sentenced to death. Although McCraney originally had not placed Jimerson at the scene, he did so at Jimerson's trial. Rainge and Williams then were retried and convicted based on the false testimony of Gray and McCraney. Rainge was sentenced to life without parole; Williams to death. Jimerson's conviction was ultimately reversed in 1995 based on prosecutorial misconduct; when prosecutors failed to correct perjury by Gray, who lied when she stated that she had been promised nothing in exchange for her testimony.

Lacking credible evidence against Jimerson, the Cook County State's Attorney's Office agreed to DNA testing. Simultaneously, a police file was discovered that had been illegally held from the defense in violation of *Brady v. Maryland*, 373 US 83 (1963). The discovered file

showed that less than a week after the crime, a witness had told the Sheriff's Police he had heard shots and saw four men run away from the scene, who were not defendants, and then saw the same four non-defendants the next day selling items taken from the robbery of the victims. Three of those now identified men ultimately confessed; one had died by this time. When the DNA results established the innocence of the four defendants, it was no surprise that the evidence contributed to the arrests and convictions of the actual three confessor. Governor Jim Edgar granted pardons to all four men, who were released from prison in 1996. Adams had served more than 17 years in prison for a crime that he did not commit.

E. Andre Davis

Andre Davis spent 32 years in jail until he was exonerated by DNA testing. Performing DNA testing at any time, is worth the promise of truth in the court system and the vindication of an innocent man.

On August 8, 1980, three-year-old Brianna Stickle disappeared from the front yard in Rantoul, Illinois, where she lived with her mother and stepfather, Rand Spragg. Several hours later, with the help of a neighbor, Donald Douroux, Spragg found his stepdaughter's body in Maurice Tucker's house where she had been sexually assaulted and murdered. When police arrived, Douroux told them that they should speak to Andre Davis and directed them to Douroux's house. Police found Davis there and immediately placed him under arrest. He was later charged with rape, murder, and aggravated kidnapping.

Tucker testified at both trials that he had spent the day of the crime drinking with Davis, and that he and Davis parted company sometime between 5:30 pm and 6 p.m. According to Tucker, Davis was wearing jeans when he left the Tucker house. Tucker later identified a pair of jeans found at the crime scene as belonging to Davis. Davis was wearing red pants when police found him at Douroux's house. Douroux testified that Davis had told him that he had killed a

white woman which explained why he went to the Tucker house on the night of the crime. Douroux, who grew up with the Tucker in Gary, Indiana, was himself a suspect from whom hair samples were taken.

The prosecution presented expert testimony that blood and semen had been found on the bedding and that the semen had come from a non-secretor—a man who does not secrete his blood group substances into his other bodily fluids. Davis was a non-secretor, as is about 20 percent of the population. A physician testified that he examined Davis shortly after the crime and found neither blood nor semen on Davis' legs or genitals, but claimed to have found fecal matter under the foreskin of his penis. The prosecution argued that the purported fecal matter had been deposited during the rape. The defense challenged the claim that the substance in question was fecal matter; no bacteria consistent with fecal matter grew in a laboratory culture that was taken.

An investigator for the Illinois Department of Law Enforcement testified that he questioned Davis and that, when asked if he had killed the child, Davis replied, "It's possible." The investigator also testified, however, that Davis repeatedly denied any knowledge of or involvement in the crime. The interrogation was not recorded, and the investigator acknowledged that he might have taken the "it's possible" remark out of context.

Other evidence pointed guilt away from Davis. An eyewitness did not identify Davis as the person leaving the back door of the Tucker house at about 7 p.m. on the night of the crime. Hairs removed from the victim's vaginal and anal area did not match Davis. Other witnesses, who had been at the Tucker house when Davis left, said that Davis was wearing burgundy pants at the time.

Despite the weak and conflicting evidence, the jury found Davis guilty. The next day, Davis' lawyers filed a motion for a mistrial, alleging that during deliberations the jury had requested a transcript, but that, without telling the judge, the bailiff said one might be available by

mid-summer. The motion was denied, and when the jury could not unanimously agree on the death penalty, Davis was sentenced to life in prison. The Illinois Court of Appeals set aside the conviction and sentence because of the bailiff's failure to notify the judge of the jury's request. Davis went to trial again and in June 1983, was again convicted of all charges. That conviction was affirmed by the Appellate Court in April 1984.

On February 17, 2004, Davis filed a motion for DNA testing of the biological evidence in the case. Two male profiles were identified, neither of which was Davis', but one of which was Maurice Tucker's. The victim's body had been found at Tucker's house, and he had testified against Davis. Davis sought to vacate his conviction based on the DNA test results and new evidence showing that what had been characterized as fecal matter was not. The prosecution contended that the DNA was irrelevant because Tucker's semen might have been unrelated to the crime. However, a forensic scientist determined that the semen was mixed in and on top of the victim's blood and, therefore, had to have been deposited at the time of the crime. Nonetheless, Champaign County Circuit Court Judge Charles M. Leonhard denied the petition in February 2011, ruling that the new evidence "did not undermine confidence in the outcome" of the trial.

Davis appealed, and on March 5, 2012, the Illinois Appeals Court overturned the denial of the petition and ordered a new trial based on the DNA test results. On July 6, 2012, the prosecution dismissed the charges, and Davis was released from prison. Davis had spent nearly 32 years behind bars for a crime he did not commit.

F. Maurice Patterson

Maurice Patterson's life is an example of how DNA that reveals innocence should not be permitted to continue to delay exoneration.

On April 3, 2002, Robert Head was beaten and stabbed repeatedly during a fight with an unknown assailant. He died in the hospital as a result of 14 stab wounds and other injuries

obtained from the beating, and police were unable to obtain a statement prior to his death. Three weeks after the crime, Maurice Patterson (35) was arrested and put into a lineup from which he was identified by three people who witnessed the fight, fleetingly and in the dark, and a fourth witness who claimed to have seen a man with blood on his hand hiding from the police.

A bloody knife was found near the scene and sent to a private forensic laboratory, Orchid Cellmark, for DNA testing. STR test results excluded Patterson, indicating a mixture of the victim's profile and an unknown profile. Comparison to the State CODIS DNA database subsequently revealed that the unknown profile belonged James Starkey, a drug addict with a history of violence. However, when the DNA information was conveyed to the Cook County State's Attorney's Office, it referenced only the previously unknown profile - suggesting that the victim's blood was not on the knife.

Prosecutors pursued Patterson still, deciding the DNA was irrelevant because the knife could not have been the murder weapon since the victim's blood was not on it. The prosecution's failure to fully examine or understand the DNA testing resulted in the potentially exculpatory DNA evidence from being considered at trial. Patterson was convicted of first-degree murder and sentenced to 30 years in prison based solely on eyewitness accounts.

While he was incarcerated, Maurice Patterson filed a Freedom of Information request for the lab report on the knife, which got Patterson copies of the forensic reports in the case with the names blacked out. Nearly two years later, the Cook County State's Attorney's Office informed Patterson's appellate lawyer that — contrary to the testimony of Detective Myles and Assistant State's Attorneys Van Kampen and Weiner — the victim's DNA had been on the knife along with Starkey's DNA. This DNA evidence disproved the prosecution's argument against the evidence and confirming that the knife found near the crime scene was the murder weapon.

The State joined in a motion to vacate Patterson's conviction, which was granted on

November 23, 2009, but the charges were not dropped. Rather, a new trial was ordered, and Patterson remained behind bars awaiting trial until 11 months later while Starkey, who was in prison, was allowed to walk free.

It was not until October 8, 2010, that the State finally dropped all charges against Patterson and released him from prison. Patterson's story is a chilling example of how an innocent man can have his freedom taken from him even in the presence of DNA testing which clearly identifies another perpetrator.

G. Alejandro Dominguez

Because the consequences of a sex offense are life long, the account of Alejandro Dominguez shows how long after conviction, DNA should be relied upon to clear up a false conviction.

In September 1989, when Alejandro Dominguez, a Mexican national, was 16 years old, he was arrested on charges of home invasion and sexual assault, based on the allegations of rape by 18-year-old Lisa Kraus, a Caucasian woman who lived in the same building as Dominguez. The only evidence linking Dominguez to the crime was an identification by the victim and forensic results that did not exclude him as the source of biological material recovered from the victim. Although Dominguez was only 16 at the time of the crime and had no criminal record, he was tried as an adult.

Dominguez was found guilty notwithstanding that the victim had told police that her attacker wore a diamond earring in a pierced ear, had a tattoo and spoke English, and Dominguez had no pierced ear or tattoo, and spoke only Spanish. The victim's testimony was additionally suspect because the identification procedure employed by the Waukegan Police had been suggestive; the victim acknowledged on cross examination that the lead detective in the case told her before she made the identification, "Watch the one sitting on the chair. Tell me if that is the

one . . .”

At trial, a forensic serologist from the Northern Illinois Crime Laboratory testified that he could not eliminate Dominguez as a source of the semen recovered from the victim. What such expert did not clearly convey was that more than 67% of the male population would not have been excluded as possible sources of the semen. Accordingly, based on questionable eyewitness identification and improper forensic science, Dominguez was found guilty and sentenced to 9 years. With day-for-day good time and credit for time served in jail before trial, Dominguez was released from prison in December 1994.

Six years after his release, by which time he had married and fathered a child, the U.S. Immigration and Naturalization Service threatened to deport Dominguez for failing to register as an ex-sex offender. At this point, he retained defense lawyers to seek DNA testing of the supposedly inculpatory biological evidence in the case. In 2001, Lake County Circuit Court Judge Raymond McKoski granted a motion for DNA testing — at Dominguez's expense. In March 2002, the results of the testing positively excluded Dominguez as the source of biological material recovered from the victim who had positively identified him and sent him to prison 12 years earlier. Dominguez was officially exonerated on April 26, 2002, when Judge McKoski granted a motion in which prosecutors joined in asking that the conviction be set aside. In August 2005, Dominguez received a pardon from the Governor.

In Dominguez's case, even though he had served his sentence and was, in theory, a “free” man, post-conviction DNA testing was critical to allowing Dominguez to continue to live in his chosen home country - the United States - with his wife and child. Without post-conviction DNA testing, Dominguez would not only have lived under the shadow of a false conviction the rest of his life, but it may have resulted in his deportation and materially impacted the course of his life.

V. CONCLUSION

For each of *amici*, DNA testing was the critical link to being released from prison, vacating their sentences, obtaining pardons and/or clearing their names. Direct appeal, collateral attacks and in some instances prior DNA testing had failed many of them, leaving them no further options. Without DNA testing, *amici* would still be in jail or seeking out the best lives that they could as convicted felons. DNA testing gave them back their life and liberty and their sense of self by proving their innocence conclusively. After living in the shadow of his conviction for 35 years, this Court should give Mr. Savory the same opportunity as *amici* to demonstrate his innocence and grant his motion under 725 ILCS 5/116-3 for DNA testing.

Dated: November 14, 2012

Respectfully submitted,



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Prosecutors can't admit obvious in old murder case

Sat, 05/04/2013 - 11:35am | [Jim Dey](#)



This week was momentous for Andre Davis, who was freed after 32 years in prison when another man's DNA was linked to the 1980 Rantoul murder he was convicted of committing.

On Wednesday, Champaign County State's Attorney Julia Rietz announced her office will not oppose Davis' request for a certificate of innocence. On Thursday, he started a new job with Chicago's Trinity Technology Services Inc., which sells heating, ventilation and air-conditioning equipment.

"(My first day) went well. I consider myself blessed just to have a job," he said.

But Davis, 19 when he was arrested and now 51, is still dogged by lingering wounds, which were rubbed raw by Rietz's announcement.

"There hasn't been any apology either to my family or to the Stickel family," Davis said, referring to the family of the murdered child, 3-year-old Brianna Stickel.

He won't be getting one anytime soon, at least not from the state's attorney.

While indicating that she does not have sufficient evidence to convict Davis of murder, Rietz suggested Davis is guilty and downplayed the DNA evidence linking another man, Maurice Tucker, to the crime.

"By (not opposing the innocence petition), we are not admitting the allegations of the petition itself and are not stating a position in favor of a finding of actual innocence," Rietz said in a written statement.

In a subsequent interview, Rietz said the new DNA evidence doesn't necessarily clear Davis and doesn't necessarily implicate Tucker. The DNA material was recovered from bedding on which the child's body was found and in a room of a house where Tucker lived.

"There is a reasonable explanation for why (Tucker's DNA) was found on his mattress cover, which is where the child was found," she said. "That is simply because it was his bed."

Rietz's statement about an innocent explanation for the DNA, however, conflicts with the scientific testimony a unanimous appellate court relied on to overturn Davis' conviction.

"The DNA expert's affidavit noted that the semen was mixed with the child's blood and, in some instances, it was on top of her blood on the bedding. He concluded the deposits of blood and semen could only have occurred at the same time. This testimony was not refuted by any other evidence," Justice James Knecht wrote for the Fourth District Appellate Court in Springfield.

Knecht's words that the blood and DNA were deposited "at the same time" leave no conclusion other than that the man who is the source of the DNA is the man who raped the child, bloodying her in the process.

Davis is not that man, and that's part of what his lawyer, Jane Raley of the Northwestern University Center on Wrongful Convictions, will argue before Associate Judge John Kennedy, who is presiding over Davis' innocence petition.

The law on innocence petitions is relatively new, and there are not many precedents. The hearing is civil, not criminal, and Davis must show by a preponderance of the evidence that he is innocent.

There is not necessarily an opposing party. The state's attorney or the attorney general can oppose, support or take no position on the petition.

That leaves the judge's role. Does the judge hold a hearing on the merits of the petition or simply grant it because it is uncontested?

Ironically, Circuit Judge Jeffrey Ford last week presided over another innocence petition hearing, one filed by Alan Beaman, a former Illinois Wesleyan student convicted of the 1993 murder of a former girlfriend, Illinois State University student Jennifer Lockmiller.

Beaman served 13 years before his conviction was overturned because prosecutors improperly withheld exculpatory evidence. When he filed a petition for innocence, McLean County prosecutors initially opposed it. But they withdrew their opposition after new DNA evidence linked two other unidentified suspects to Lockmiller's murder.

During last week's hearing, Judge Ford thought out loud about how to proceed. Ford said that because the attorney general's office did not intervene, "they are defaulted." Noting that McLean County prosecutors had withdrawn their opposition, Ford said "I believe I have the power to enter a default" against McLean County.

That, Ford said, left a case with a "pleading on one side and not on the other." Because there was no opposition, Ford said no further action was necessary, and he granted Beaman's certificate of innocence.

"That's how it needs to go," he concluded.

In addition to representing at least a partial restoration of reputation, a petition for innocence provides compensation for time spent behind bars. Beaman is eligible for roughly \$175,000, while Davis is expected to receive the maximum allowable, roughly

\$200,000.

In the statement, Rietz also officially confirmed that her office has no interest in prosecuting Tucker for the Stickel murder.

"Passage of time has led to the loss of much of the physical evidence, and the death of some of the witnesses. Our review of the case led us to the conclusion that it would be impossible to retry this 30-year-old homicide case," she said.

Maurice Tucker currently resides in the Minneapolis-St. Paul area. Authorities found him when they conducted the DNA testing that led to Davis' release from prison.

The murder occurred in the early evening of Aug. 8, 1980, when Brianna and her brother went outside their residence at 1110 Eastview Drive to play. She disappeared within minutes, prompting her mother and father to conduct a frantic search.

The child's body ultimately was discovered next door at 1112 Eastlawn Drive, where Lutellis "Sonny" Tucker and his brother, Maurice Tucker, lived. The child's body was found in Maurice Tucker's bedroom.

Davis was arrested after a friend of the Tuckers, Donald Douroux, told police that Davis had told him that he had killed "a white woman" at the residence. Douroux said he went to the Tucker residence to check, encountering Brianna's parents. After some confusion, Douroux discovered Brianna's body and led authorities to Davis.

Davis always denied involvement, and he was eager to pursue DNA testing when it became available.

Another irony in the case is that it was scientific testimony, prehistoric by today's standard, that helped convict Davis at his trial. Testing of the semen revealed that Davis was among 20 percent of the population who could have been a source. Subsequent DNA testing conducted in 2004 excluded Davis as a source.

Prosecutors, however, fought for eight additional years to keep Davis behind bars. They argued the scientific evidence crucial to his original conviction now was irrelevant as proof of possible innocence.

But the appellate court concluded that the original serological evidence was "central" to Davis' conviction and described it as "not only misleading but false." The appellate court also noted that police swabbed Davis' body after his arrest and found no trace of blood or semen.

Prosecutors' earlier contradictory positions on the value of the DNA evidence as well as Rietz's latest statement about an innocent explanation for Tucker's DNA demonstrate once again how difficult it is for some prosecutors to admit error, even those made by others decades before.

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Loren Anderson wrote 2 days 1 hour ago

#1



Poor Rietz, she can't admit error because she doesn't realize it. Things could be worse. Suppose Rietz's errors were counted and published everyday, like those of a baseball player.

Why is it so easy to comment about the errors of a prosecutor and so difficult with respect (respect... ahem) to her virtues?

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Batman wrote 1 day 13 hours ago

#2

Julia Rietz's days as DA of Champaign County are numbered. She will not survive the next election. The unfortunate reality is power corrupts.

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Danvillain wrote 1 day 12 hours ago

#3

Agreed... Rietz needs to go.. Too many errors in judgment in too many cases.

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