



Edward Carter

On October 24, 1974, a man sexually assaulted and robbed a pregnant student at knife-point in a washroom at Wayne State University in Detroit, Michigan.

The victim identified 19-year-old Edward George Carter in a photo lineup which contained multiple copies of his photograph. She also identified him in an in-person line-up although all of the other members of the line-up looked distinctly different.

Carter was represented by an appointed attorney who had only practiced for 18 months prior to his trial. She met with him at the preliminary hearing and the day before his bench trial. The attorney failed to request an analysis of fingerprints found at the scene. She also failed to note that serology tests showed the semen was not Carter's blood type.

He was convicted in on January 3, 1975, after a trial that lasted less than a day, and sentenced to life in prison.

In the mid-2000s, after all of his appeals and requests for post-conviction relief had failed, Carter began inquiring about the possibility of obtaining DNA testing, but was informed that the biological evidence could not be found. However, police did locate the fingerprint evidence and fingerprints from a railing in the washroom were submitted to the FBI's Automated Fingerprint Identification System. Those prints were matched to a convicted sex offender who was in prison for similar crimes during the same time period as the attack for which Carter was convicted. Two of those crimes occurred on the Wayne State campus.

In April 14, 2010, an attorney at the University of Michigan Clinical Law program filed a motion to vacate the conviction and it was granted. The charges were dismissed and Carter was released that day.

– Maurice Possley

[Report an error or add more information about this case.](#)

State:	Michigan
County:	Wayne
Most Serious Crime:	Sexual Assault
Additional Convictions:	Robbery, Assault
Reported Crime Date:	1974
Convicted:	1975
Exonerated:	2010
Sentence:	Life
Race:	Black
Sex:	Male
Age:	19
Contributing Factors:	Mistaken Witness ID, False or Misleading Forensic Evidence, Inadequate Legal Defense

Did DNA evidence contribute to the exoneration?: No

exonerations that are already on our list and about new cases that might be exonerations. And we will be happy to respond to inquiries about the Registry.

- + [Tell us about an exoneration that we may have missed](#)
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project of the University of Michigan Law School and the Center on Wrongful Convictions at Northwestern University School of Law.

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FACES of FAILING PUBLIC DEFENSE SYSTEMS

Portraits of Michigan's Constitutional Crisis

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The ACLU, the ACLU of Michigan and the Michigan Campaign for Justice would like to thank the State Bar of Michigan, the Michigan State Appellate Defender Office, the Michigan Innocence Clinic at The University of Michigan Law School, The Cooley Innocence Project at The Thomas M. Cooley Law School, and the Innocence Project.

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WAYNE COUNTY: Recorder's Court for the City of Detroit
Conviction overturned in 2010 after 35 years served.

THE COST: Incarceration: \$1,050,000 (35 years)

WHAT WENT WRONG: Edward George Carter's public defense attorney lacked the experience needed to handle a case as complex as Mr. Carter's. The attorney:

- Did not investigate facts of the case or interview potential alibi witnesses.
- Failed to challenge a suggestive photo lineup.
- Did not introduce forensic evidence at trial that would have exonerated Mr. Carter.

EDWARD GEORGE CARTER

Spent more than 35 years in prison before the court overturned his wrongful conviction.

In 1975, after a trial that lasted no more than a few hours, 19-year old Edward George Carter was sentenced to life in prison for an armed rape and a robbery that he did not commit. Mr. Carter's public defense attorney did not have the experience or training to mount an effective defense on his behalf.

Background

On the afternoon of October 24, 1974, a pregnant Wayne State University student was in a campus restroom when a man placed a knife to her throat, and sexually assaulted and robbed her. Although the victim was initially unable

to identify her assailant, she later identified Mr. Carter from a photo lineup that contained multiple photos of him and an in-person line-up consisting of Mr. Carter and several others who bore no resemblance to him.

The victim's eyewitness identifications ultimately proved to be the only evidence against Mr. Carter. Two University employees who had seen a suspicious young man in the hallways immediately prior to the assault did not identify Mr. Carter. The finger prints, semen and seminal fluid collected at the scene or from the victim did not implicate Mr. Carter and Mr. Carter had a solid alibi. Yet, Mr. Carter was arrested, charged with sod-

omy, armed robbery and assault with intent to commit gross indecency, and scheduled for trial in the Recorder's Court for the City of Detroit.

The court appointed an inexperienced defense attorney.

Mr. Carter's public defense attorney had recently graduated from law school. She had been practicing law for only 18 months, met with Mr. Carter once at his preliminary hearing and not again until the day before his trial.

The attorney failed to prepare for trial.

Without the necessary training, time, or resources, the public defense attorney did not investigate the charges against Mr. Carter. She permitted Mr. Carter to waive his right to a jury trial; she did not object to the suggestive nature of the photo and in-person lineups; there is no record that she requested permission to retain an eyewitness expert to discuss the unreliability of eyewitness identifications; she did not request from the Detroit Police Department the fingerprints found at the crime scene and the Department's analysis concluding that they did not belong to Mr. Carter; she did not object to the prosecutor's unsubstantiated speculation as to why the blood cells in the semen and seminal fluid collected from the victim were not of the same blood type as Mr. Carter's; and she waived Mr. Carter's right to call all but a single alibi witness, a 17-year old girl who had been notified of the trial the day before by Mr. Carter's sister. In fact, on the day of his trial, she admitted that she had just learned that Mr. Carter had an alibi defense.

The statute of limitations prevented the real perpetrator from being prosecuted for the rape with which Mr. Carter had been charged.

The trial concluded the same day that it had started. The judge found Mr. Carter guilty and later sentenced him to life in prison.

Thirty years later, finger print evidence proved that Mr. Carter was innocent.

In the mid-2000s, after all of his appeals and requests for post-conviction relief had failed, Mr. Carter wrote to one of the local innocence projects asking it to take his case. The project, in turn, requested the semen and seminal fluids collected from the victim. While looking for that evidence, which was never found, a police officer located the fingerprints recovered from the scene. Intrigued by Mr. Carter's continued claims of innocence, the officer ran them through the FBI's Integrated Automated Fingerprint Identification System. There was a match. The fingerprints belonged to a convicted sex offender

who had been arrested for and convicted of a number of very similar armed rapes during the same time period, two of them on the Wayne State campus.

In April 2010, attorneys with the University of Michigan Clinical Law Program filed a motion to have Mr. Carter's conviction vacated. The motion was granted.

Mr. Carter was exonerated in 2010.

On a warm spring day, Mr. Carter walked out of the Lakeland Correctional Facility after 35 years, pushing a handcart that held his belongings. His younger brother Larry, whom Mr. Carter had not seen in nearly 18 years, met him with his arms held wide. Although Mr. Carter was soon reunited with more siblings, nieces, nephews, and cousins, his parents were unable to share in the joy of his release. Both had died while he was behind bars.

The real perpetrator was never held accountable for the 1974 rape. The State of Michigan was unable to prosecute him because the statute of limitations had already run.

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Exonerations in the United States, 1989 – 2012
Report by the National Registry of Exonerations

May, 2012

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National Registry of Exonerations

This is the first Report from the **National Registry of Exonerations**, a joint project of the University of Michigan Law School and the Center on Wrongful Convictions at Northwestern University School of Law.

The Registry can be found at exoneratiregistry.org. It includes detailed information on the 873 individual exonerations in the United States from January, 1989, through the end of February, 2012, that are the main subject of the Report that follows.

We will maintain this website on an ongoing basis, adding cases as we learn about them, both new exonerations that have not yet occurred and old ones that we do not now know about. Our current total is 891. We will issue periodic reports on the cases that are listed in the Registry.

We welcome corrections and suggestions of any sort. We especially welcome information about exonerations that have not come to our attention. One important conclusion of the Report is that there are many more exonerations than we know about. We hope that readers and visitors to the web site will let us know about cases that we have missed, and about errors or omissions in cases that we do report.

Samuel R. Gross
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University of Michigan
Editor, National Registry of Exonerations

Rob Warden
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May 20, 2012

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Exonerations in the United States, 1989 – 2012
Report by the National Registry of Exonerations

Samuel R. Gross & Michael Shaffer

“When one man dies it is a tragedy. When thousands die it's statistics.”

Joseph Stalin, 1945¹

I. Introduction

This report is about 873 exonerations in the United States, from January 1989 through February 2012. Behind each is a story, and almost all are tragedies.

Edward Carter, a 19-year-old African American man, was convicted of the rape of a pregnant woman in Detroit in 1974 and sentenced to life in prison. Carter's conviction rested entirely on the cross-racial identification by the white victim. Approximately 30 years later, he sought DNA testing through a Michigan innocence project. A search revealed that the biological evidence that was collected at the time of the crime had been destroyed, but a police officer who was involved in the search became curious. He found fingerprints that had been lifted from the crime scene and on his own sent them to the FBI's Automated Fingerprint Identification System. The prints were matched to a convicted sex offender who was in prison for similar rapes committed at about that time in the same area. Based on this new evidence, Carter was released in 2010, after more than 35 years in prison.²

The tragedies are not limited to the exonerated defendants themselves, or to their families and friends. In most cases they were convicted of vicious crimes in which other innocent victims were killed or brutalized. Many of the victims who survived were traumatized all over again, years later, when they learned that the criminal who had attacked them had not been caught and punished after all, and that they themselves may have played a role in condemning an innocent person. In many cases, the real criminals went on to rape or kill other victims, while the innocent defendants remained in prison.

¹ David McCullough, *TRUMAN* 510 (2003).

² Exonerations that are discussed without specific references may be found in the National Registry of Exonerations.

Some of the stories have villains; many do not. Few have happy endings.

In 1985 a white student was abducted and raped by an African American man at Texas Tech University in Lubbock, Texas. Two weeks later the victim was shown six photographs of young African American men. Five were black and white side views; one was a color frontal shot of Timothy Cole, a 26 year old veteran who was studying at Texas Tech and who became a suspect because he talked to a detective near the scene of the abduction. The victim picked Cole's picture, identified him at a live lineup the next day, and testified against him at trial. Cole's brother and several friends also testified and swore that Cole was studying at home at the time of the crime. Cole was convicted in 1986 and sentenced to 25 years in prison. His appeal was denied.

In 1995, Jerry Wayne Johnson, a Texas prisoner serving a 99-year sentence for two rapes, wrote to Lubbock County police and prosecutors that he had committed the rape for which Cole had been convicted. His letters were ignored. In 1999 Cole, who was severely asthmatic, died in prison. In 2000 Johnson wrote another letter confessing to Cole's crime to a supervising judge. It was summarily rejected. Eight years later, DNA tests obtained by the Innocence Project of Texas proved that Johnson was guilty of the rape and that Cole had been innocent. Cole was exonerated in an extraordinary posthumous court hearing in 2009, and pardoned by the governor of Texas in 2010.

Ten innocent defendants were exonerated after death, even though it is highly unusual to reconsider the guilt of defendants who are dead. Many more left prison with disabling injuries or diseases. Some died within a year or two of release, sometimes at their own hands. Others returned to prison for new crimes that they did commit. Almost all irretrievably lost large portions of their lives – their youth, the childhood of their children, the last years of their parents' lives, their careers, their marriages.

The worst part is that is that they are the fortunate few.

The 873 exonerations we analyze in this report are listed and described in the National Registry of Exonerations, which is maintained and updated on a regular basis. They are available at: exonerationregistry.org.

These are not the only exonerations we know about. We also discuss a larger set: at least 1,170 convicted defendants who were cleared since 1995 in 13 “group exonerations,” that occurred after it was discovered that police officers had deliberately framed dozens or hundreds of innocent defendants, mostly for drug and gun crimes.³ The group exonerations do not appear on the National Registry. We have only sketchy information about most of these cases. For some of the scandals we can only estimate the numbers of exonerated defendants and know few if any of their names. Some of these group exonerations are well known; most are comparatively obscure. We began to notice them by accident, as a by-product of searches for individual cases. We have no doubt that there have been other group exonerations in the past 23 years that we have not spotted.

It is essential to put these numbers in context. No matter how tragic they are, even 2,000 exonerations over 23 years is a tiny number in a country with 2.3 million people in prisons and jails. If that were the extent of the problem we would be encouraged by these numbers. But it’s not. These cases merely point to a much larger number of tragedies that we do not know about.

The most important conclusion of this Report is that there are far more false convictions than exonerations. That should come as no surprise. The essential fact about false convictions is that they are generally invisible: if we could spot them, they’d never happen in the first place. Why would anyone suppose that the small number of miscarriages of justice that we learn about years later – like the handful of fossils of early hominids that we have discovered – is anything more than an insignificant fraction of the total?

In any event, the exonerations we know about tell us something about the ones we have missed. Eighty-three percent of the exonerations in the Registry were in rape and homicide cases,⁴ which together constitute about 2% of felony convictions,⁵ but the problems that cause false convictions are hardly limited to rape and murder. For example, in 47 of the exonerations the defendants

³ See *infra* Part VI.

⁴ See *infra* Table 2.

⁵ E.g., MATTHEW R. DUROSE & PATRICK A. LANGAN, U.S. DEP’T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, FELONY SENTENCES IN STATE COURTS, 2000 (2003), available at <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=913>.

were convicted of robbery compared to 203 convictions for rape, even though there is every reason to believe that there are many more false convictions for robbery than for rape. For both rape and robbery, the false convictions we know about are overwhelmingly caused by mistaken eyewitness identifications⁶ – a problem that is almost entirely restricted to crimes committed by strangers – and arrests for robberies by strangers are at least several times more common than arrests for rapes by strangers.⁷ Why so comparatively few robbery exonerations? Because DNA evidence is the factual basis for the vast majority of rape exonerations, but DNA is hardly ever useful in proving the innocence of robbery defendants.

Even among rape and murder cases, only a small minority of false convictions end in exoneration. A quarter of murder exonerees were sentenced to death (101/409), and nearly half of all homicide and sexual assault exonerees were sentenced to death or life imprisonment (345/721). But overall, very few convicted murderers are sentenced to death, and the great majority of rape defendants plead guilty and receive sentences of several years in prison.⁸

Why do so few rape and murder convictions with comparatively light sentences show up among the exonerations? Most innocent defendants with short sentences probably never try to clear their names. They serve their time and do what they can to put the past behind them. If they do seek justice, they are unlikely to find help. The Center on Wrongful Convictions, for example, tells prisoners who ask for assistance that unless they have at least 10 years *remaining* on their sentences, the Center will not be able to help them because it is overloaded with cases where the stakes are much higher.

Finally, there is the matter of blind luck. To return to the case of Edward Carter: What are the odds that someone in Carter's position would be cleared? Consider the pitfalls:

What if the real rapist had not left his fingerprints at the scene? Or if the prints from the crime scene, like the biological evidence, had been destroyed? Or never collected? Or if the true

⁶ See *infra* Table 13.

⁷ Samuel R. Gross et al., *Exonerations in the United States, 1989 Through 2003*, 95 J. CRIM. L. & CRIMINOLOGY 523, 529-31 (2005).

⁸ DUROSE & LANGAN, *supra* note 5.

criminal's prints were not in the FBI database? Or if the police officer who sent the prints to the FBI had not done this extracurricular work? What if Carter had given up and not sought DNA testing after thirty years in prison? What if he had never heard of DNA? What if Carter had pled guilty and been sentenced to 10 years as part of a plea bargain? What if he had been released on parole after 20 or 25 years, or had died in prison at the age of 50 – would anybody have cared enough to reconsider his case?

Many of the exonerated defendants we know about are the beneficiaries of equally improbable chains of happenstance. For each, there are many other unknown innocent defendants whose convictions remain undisturbed.

II. The Cases

1. The Definition of “Exoneration”

We study exonerations to learn about false convictions. Exonerations and the processes that produce them are interesting in themselves, but they are most important as the best source of information we have about the accuracy of our system of criminal adjudication, and the only source of direct evidence about the error we most want to avoid: convicting the innocent.

The only false convictions that we know about are those for which evidence that was not presented at time of conviction proves that the convicted defendant is innocent. But who judges that proof? The procedure for convicting a defendant of a crime is set by law: unless the defendant pleads guilty, he must be convicted at a trial before a judge or a jury by proof beyond a reasonable doubt. There is no parallel procedure for deciding that a convicted defendant is innocent.

Defendants who are convicted at trial can appeal – an option that is generally unavailable to the great majority of convicted defendants who plead guilty – but most appeals are limited to claims that the procedure at trial was faulty. The defendant may not present new evidence and the appellate court does not review the accuracy of the trial court’s judgment. A defendant who wins on appeal is not declared innocent; in most cases, he just gets a chance to go to trial again. As a result, almost all the exonerations that we know about take place outside the framework of ordinary criminal appeals.⁹

We do not claim to be able to determine the guilt or innocence of convicted defendants. In difficult cases, nobody can do that reliably. That’s the central problem of the criminal justice system and the underlying cause of all mistaken convictions: In many cases we just don’t know whether a defendant is guilty or innocent, before trial or after. For our purposes, the best we can do is to rely on the actions of those who have the authority to determine a defendant’s legal guilt.

⁹ Most exonerated defendants have their convictions vacated by courts at some point, but that almost always occurs in some form of "collateral review" or "extraordinary relief" proceeding after the process of ordinary appellate review has run its course. *See generally* Brandon Garrett, *Judging Innocence*, 108 COLUM. L. REV. 55 (2008).

“Exoneration,” as we use the term, is a legal concept. It means that a defendant who was convicted of a crime was later relieved of all legal consequences of that conviction through a decision by a prosecutor, a governor or a court, after new evidence of his or her innocence was discovered.

We do not include any case in which there is an official determination that the defendant is not guilty of the charges in the original conviction but did play some role in the crime and may be guilty of a lesser crime that involved the same conduct. For example, a defendant who is acquitted of murder on retrial but convicted of robbery for the same event has not been exonerated. We also exclude any case in which a defendant pled guilty to any charge that is factually related to the original conviction, regardless of how minor the charge he pled to and regardless of the strength of the evidence of the defendant’s innocence. We exclude any case in which a conviction was vacated and charges dismissed for legal error without new evidence of innocence – even if the conviction was reversed for insufficient evidence to prove guilt beyond a reasonable doubt. And we exclude all cases in which there is unexplained physical evidence of guilt, such as unexplained contraband in the possession of a defendant, or identifying physical trace evidence.

2. Who’s Exonerated, and by What Procedure

All told, we know of 873 individual exonerations from January 1989 through February 2012. For these exonerees:

- 93% were men (816/873) and 7% were women (57/873).¹⁰
- We know the race of the defendants in 92% of the cases (802/873):
 - 50% were black (399/802),
 - 38% were white (303/802),
 - 11% were Hispanic (86/802), and
 - 2% were Native American or Asian (14/802).

¹⁰ Because of this lopsided distribution, we generally refer to exonerated defendants using male pronouns.

- 8% pled guilty (71/873) and the rest were convicted at trial – 87% by juries and 8% by judges.
- 37% were cleared at least in part with the help of DNA evidence (325/873).
- 63% were cleared without DNA evidence (548/873).
- Almost all had been in prison for years; half for at least 10 years; more than 75% for at least 5 years.
- As a group, the defendants had spent more than 10,000 years in prison for crimes for which they should not have been convicted – an average of more than 11 years each.¹¹

As a procedural matter, these exonerations occurred in several ways; in some cases, in more than one way:

Pardons: In 113 cases, governors (or in some states, other government officers or bodies) issued pardons based on evidence of the defendants' innocence, including 41 cases of defendants whose charges had previously been dismissed, and three who had been acquitted on retrial by a jury or a judge.¹²

Dismissals: In 673 cases, criminal charges were dismissed by courts, generally on motion by the prosecution, after new evidence of innocence emerged (not counting those in which the defendant was later pardoned).

Acquittals: In 76 cases, the defendants were acquitted on retrial on the basis of newly presented evidence that they were not guilty of the crimes for which they were originally

¹¹ This is a conservative estimate of the direct consequences of these wrongful convictions. We have not counted time spent in custody before conviction. Nor have we included time spent on probation or parole, or time on bail or other forms of supervised release pending trial, retrial, or dismissal, even though all of these statuses involve restrictions on liberty – some mild, some onerous.

¹² Under the Texas Wrongful Imprisonment Act (the “Tim Cole Act”), for example, an exonerated defendant may need a pardon even after a dismissal or an acquittal in order to be eligible for compensation for wrongful incarceration. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 103.001 (2011).

convicted, mostly by juries (at least 67 cases), occasionally by judges (at least four cases).¹³

Certificates of Innocence: In a small but growing number of cases – 11 to date – courts have issued “certificates of innocence,” “declarations of wrongful imprisonment,” or similar judgments of innocence.¹⁴ (In one case, the defendant had already received an executive pardon.)

Posthumous Exonerations: Ten defendants received posthumous exonerations; two of them also received a judicial declaration of innocence.

3. Exonerations Found and Exonerations Missed

Exonerations are unlikely, uncommon and unrepresentative of the mass of invisible false convictions. But what about the exonerations themselves – aren’t they conspicuous public events? And as a result, don’t we have a nearly full count of exonerations?

Unfortunately, not at all.

In 2004, a group of researchers at the University of Michigan Law School released a report entitled *Exonerations in the United States, 1989 through 2003*.¹⁵ That study – the “2003 Report” – listed 340 exonerations over the 15-year period it covered. It was, at the time, the only general study of exonerations in the United States in what might be called the modern era, which began with the first DNA exonerations in 1989.

The 2003 Report acknowledged that it was incomplete. This report is more comprehensive and as a result provides better evidence about what we don’t know. We have located quite a few cases that were missed in the 2003 Report because they did not make a splash in the media and

¹³ In several cases, we know that an exonerated defendant was acquitted at retrial but not whether it was a jury or bench trial.

¹⁴ See, e.g., 735 ILL. COMP. STAT. 5/2-702 (2012) (detailing Illinois’s procedure for filing a petition for a certificate of innocence).

¹⁵ See Gross et al., *supra* note 7.

were not the product of work by innocence projects or other organizations with law reform agendas, but we know of no systematic method to identify low visibility exonerations. In some cases, we only learned about them through personal contacts; as best we can tell, we have only scratched the surface.

For example, Edward Carter's case¹⁶ got zero attention from the media – no news stories, no blogs, nothing. It produced no written court opinions. We heard about it from colleagues of the attorney who represented Carter because it occurred in southeast Michigan, where much of the work of constructing this Registry has taken place. If it had happened in Indiana, we would never have learned of it.

The low-profile cases that we have found are more varied than the exonerations that make headlines or can be found on organizational websites. The data for this report include 155 previously unknown exonerations from 1989 through 2003, the period covered by the 2003 Report. As a group, these missed cases differ from the ones that were covered in the 2003 Report in several ways. For example, a third were for crimes other than homicide or rape (51/155) – compared to 4% for the 2003 Report – and 14% (22/155) involved convictions for non-violent crimes, compared to 1% of those previously reported.

This suggests that the exonerations we don't know about are disproportionately cases of less severe crimes than rape and murder, and less extreme punishments than those we have found. If so, it may be that the great majority of exonerations in the United States do not involve murder or rape – or DNA evidence – are not the work of innocence projects, and receive little or no attention.

4. Limitations

There are two major problems in using exonerations to study false convictions: misclassification, and underinclusion.

¹⁶ See *supra* Part I.

In some ways, Futrell seems less sympathetic than Dupree. He may have been a gang member, and he certainly lied at his trial. But other more celebrated exonerees also lied at trial or had serious criminal records or unsavory companions. Dupree, for example, was arrested with a gun-carrying companion, and for all we know, he too lied to the police back in 1979. And Futrell was all of 18 years old when he was sentenced to life imprisonment without the possibility of parole for a murder that he did not commit and his only criminal record was a term of probation for driving without a license as a juvenile.

One reason for the striking difference in attention to these two cases is that Futrell was astonishingly lucky for a defendant who was falsely convicted of murder. If there had been no surveillance video, he'd be in prison today and would probably remain there until his death. Instead, he went home after less than a year and half in custody, while Dupree was locked up for nearly 31 years.

But the main reason that Rayshard Futrell is totally obscure is that his exoneration was not brought about by an innocence project that is devoted to identifying and freeing innocent defendants, but instead by a public defender. It is one of a number of low-profile exonerations by working professionals in the criminal justice system – the defense lawyers, prosecutors and police officers whose main jobs are arresting, prosecuting and defending the guilty. They often do nothing to call attention to their innocence cases and sometimes actively work to keep them from public view.

Cornelius Dupree's exoneration, on the other hand, could hardly be missed. It helped that he had spent more than 30 years in prison, a record for a DNA exoneration – but Edward Carter spent 35 years in prison before he was exonerated in Detroit in 2010,¹⁴¹ and his release went completely unnoticed. The essential reason why Dupree is so well known is that his exoneration was the result of a joint investigation by two organizations that are eager to publicize their work: the Innocence Project in New York and the Conviction Integrity Unit of the Dallas County District Attorney's Office, both of which have received national attention for identifying and correcting false convictions.

¹⁴¹ See *supra* page 1.

Carter and Futrell are in this Registry because they were exonerated in Detroit and were represented by Michigan lawyers whom we happen to know personally. That is a flashlight with a very narrow beam. How many similar cases in other states have we missed? There must be some, probably many.

The exoneration of Jeffrey Holemon was covered by the local press, but barely.¹⁴² When he was exonerated by DNA in Tuscaloosa, Alabama in January 1999, after 12 years in prison for a rape he did not commit, there were a few articles in the Birmingham News and the Tuscaloosa News, but none appear in online news databases. We spotted the case, but knew very little about it until we located and interviewed Mr. Holemon himself and the deputy district attorney who was involved in the process. Holemon's case was not included in the 2003 Report; until recently it was not listed on the Innocence Project web site, which tracks all known DNA exonerations. Why was this exoneration missed?

What distinguishes Holemon from most DNA exonerees we know about is that he dealt directly with the office of the prosecutor who convicted him. After 11 years in prison, and after he had provided a DNA sample in preparation for consideration for parole, a jailhouse lawyer helped Holemon write a petition for DNA testing to the Tuscaloosa County District Attorney, where a deputy DA located the rape kit and had it tested. That did it.

We found 154 exonerations from 2009 through 2011. Innocence organizations – innocence projects and other groups that focus primarily on remedying wrongful convictions – had a hand in 75 of them, almost half, including 43 of the 69 known DNA exonerations in that period. Prosecutors and police were actively involved in 42 of these 154 exonerations, including 21 of the DNA cases, but innocence organizations were also involved in some of the same cases and several others were the work of the Dallas County Conviction Integrity Unit, which essentially is an innocence organization. Excluding those leaves 21 cases from 2009 through 2011, nine with DNA, in which a police department or a prosecutor's office took some initiative that led to an exoneration in a case that did not also involve an organization that focuses on that sort of work.

¹⁴² See *supra* page 42.