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Joe Burrows

Joseph Burrows was sentenced to death for the murder of William Dulan, an 88-year-old retired farmer, whose body was found on Nov. 8, 1988, at his Iroquois County home southeast of Kankakee, Illinois.

Six hours after the murder, a man named Chuck Gullion attempted to cash a \$4,050 check in Dulan's name at the Iroquois Farmer's State Bank. Bank employees had already heard of the murder and called police. Gullion was arrested minutes later in a car with 32-year-old Gayle Potter, a cocaine addict. Potter admitted forging the check and taking part in the crime, and implicated two others — Ralph Frye, 22, and his friend, Joseph Burrows, 32, whom she claimed had been the triggerman.

During a struggle with the victim, Potter had suffered a gash to her head. Her blood was found at the scene. The murder weapon, moreover, belonged to her. No physical evidence linked either Burrows or Frye to the crime, and four witnesses placed Burrows 60 miles away at the time of the crime. After a lengthy interrogation, however, Frye corroborated Potter's version of events. He and Potter agreed to plead guilty in exchange for leniency and to testify against Burrows. Frye, who had an IQ of 75, was sentenced to 23 years in prison and Potter to 30 years. Gullion was not prosecuted. Burrows was tried twice. The first trial ended in a hung jury, but he was convicted at the second trial and sentenced to death.

After the Illinois Supreme Court affirmed Burrows's conviction and death sentence in 1992, Frye recanted his testimony to Peter Rooney, a reporter for the Champaign-Urbana News-Gazette, claiming that police had coerced him into falsely confessing and implicating Burrows. After Rooney's story appeared, Burrows's

lawyers, Kathleen Zellner and Michael Hemstreet, discovered a letter Potter had written asking a friend to falsely testify that he had seen her in a blue pickup truck that she claimed Burrows had driven to and from the crime scene. Confronted with the letter, Potter admitted that she had falsely accused Burrows and Frye to minimize her own culpability and because she thought, mistakenly, that Burrows had burglarized her trailer. Potter admitted that she alone had killed the elderly victim in an attempted robbery to obtain drug money.

After a hearing at which Frye and Potter testified, Burrows won a new trial. The prosecution unsuccessfully appealed and eventually dropped the charges. Burrows was released on September 8, 1994. He filed a civil rights suit, which was settled for \$100,000, a small fraction of what comparable cases would be settled for in the years ahead. In 2005, Burrows was convicted of possession of chemicals he allegedly used in the manufacture of methamphetamine and sentenced to six years in prison. With day-for-day good time, he was released in 2008. On October 15, 2009, 15 years after his release from Death Row, Burrows died at age 56.

After Burrow's exoneration, Potter was sentenced to 5 years for perjury. Frye's murder conviction was vacated in 1996, and he pleaded guilty to perjury for his testimony against Burrows and was sentenced to 10 years. With day-to-day good time, he had already served the sentence and was released on July 8, 1996.

— *Center on Wrongful Convictions*

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State:	Illinois
County:	Iroquois
Most Serious Crime:	Murder
Additional Convictions:	Robbery
Reported Crime Date:	1988
Convicted:	1989
Exonerated:	1996
Sentence:	Death
Race:	Caucasian
Sex:	Male
Age:	35
Contributing Factors:	Perjury or False Accusation, Official Misconduct
Did DNA evidence contribute to the exoneration?:	No



About the Registry

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

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VOLUME 73 NOVEMBER 2012 NUMBER 8

www.specialagentsassn.org

WEDNESDAY, NOVEMBER 28, 2012

Mike Ditka's Restaurant
Route 83 & 22nd Street (NW corner)
Oakbrook Terrace, Illinois
****Lombardi & Landry Rooms****

\$45 per person
Cocktails at 6 p.m. (Cash Bar)
Dinner Served at 7 p.m.
Free Parking: Upper & Lower Garage Levels

Join Us for a Double Header
PAST PRESIDENTS' NIGHT

&

THE FRED L. HUNTER ROAST
Join Us As We Bid
A Fond Farewell To
A Phenomenal Special Agent

Greetings:

I wish to thank John Lynn and Bob Mance for their stellar job on Armed Forces Night. Bob was a natural at the mic and I'm sure everyone felt as proud as I was to be in the same room with him as he spoke. To look around and see the many faces that helped shape the history of the United States was a humbling experience to say the least. Listening to guys such as Joe DuCanto talk about Iwo Jima and John Lynn about his experience as a helicopter door gunner in Viet Nam decades ago, the stories became alive as only an experienced combat veteran could tell. Our guests seemed to enjoy the evening even when we put Sailors and Marines at the same table, they got along!

Let's not leave Memorial Day, and Armed Forces Night the only dates to remember the men and women of the Armed Forces. We should thank them on the street, airport, or wherever you may see someone in uniform and never forget the sacrifices they have made for you and I to live in this great Nation. I would also like to remember a dear friend and supporter of the Special Agents Association, Bobby Hatoff who passed away last month. He too was a Veteran of the U.S. Army Special Forces. You will be missed and thank you. As always, be safe.

-David A. Eshoo

SPEAKER BIO**A Fond Farewell for a Phenomenal Special Agent****FRED L. HUNTER****“45 Years of True Dedication”**

Fred L. Hunter is a forensic interviewer, detection of deception examiner, lecturer, and consultant. Mr. Hunter is currently President of F.L. Hunter & Associates Inc., a private Polygraph laboratory which includes a division involving the Municipal Registry's PSAT assessment. Mr. Hunter has conducted or supervised over 40,000 interviews, interrogations, and examinations since 1965.

He is the author of numerous articles and papers on interviewing, selection, and detection of deception issues. He is a member of the American Polygraph Association, Illinois Polygraph Society, and Special Agents Association. Mr. Hunter has lectured on numerous occasions for law enforcement, governmental, and business groups. Mr. Hunter has lectured on Polygraph and interviewing techniques to students majoring in law, criminal justice, psychology, and security education programs at over 30 university or college institutions. He has also given lectures to numerous high school, professional, social groups, and law enforcement agencies; including the FBI.

Mr. Hunter has been involved in the investigation of mysterious disappearances of funds and records from the banking industry for over 35 years. From 1978 to 1988, he was involved in more than 200 polygraph investigations in the banking industry. Many of these investigations were in conjunction with law enforcement agencies, including the FBI. Since the passage of the Employee Polygraph Protection Act of 1988, the number of bank investigations has decreased, however he still is involved in about 5 bank / financial loss investigations per year.

Mr. Hunter has also been involved in the selection and background evaluations of new employees in the banking industry for over 40 years. These background reviews involved polygraph examinations and integrity interviews as well as skills and attitudinal assessments.

Mr. Hunter has been involved in the training of management as well as security personnel through seminars regarding the investigation of mysterious disappearances, selection, and interviewing topics.

It should be noted that Mr. Hunter currently does polygraph screening examinations for about 50 separate law enforcement or fire service agencies (municipal and county). He also regularly conducts criminal investigation and internal affairs examinations for law enforcement agencies. Mr. Hunter also regularly conducts polygraph evaluations for a variety of defense lawyers in conjunction with investigations regarding their clients involving civil, state, and federal issues.

In 2006, Mr. Hunter was involved in the polygraph evaluation of about 10 subjects (all with separate legal counsels) in conjunction with a stipulation of the test results being accepted by the US Attorney's Office, Northern Illinois District, as part of a sentencing agreement in their trials.

FRED HUNTER (CONTINUED)

Mr. Hunter was involved in polygraph testing evaluations of James Newsome, Joseph Burrows, and Steven Linscott for their defense lawyers. His polygraph evaluations, which supported their denials in committing the crimes for which they were convicted, played a part in their individual defense lawyer's efforts to gain their freedom. All three were eventually released by the State of Illinois in the 1990's after being wrongfully incarcerated for a number of years.

Mr. Hunter has been involved in the therapeutic/counseling polygraph evaluation of clients battling addiction issues (alcohol, drugs, gambling, and sexual conduct) for psychologists specializing in such treatments for over 20 years. This specialized testing involves creating valid sexual history assessments as well as monitoring and performing maintenance type evaluations during their recovery.

AND LET'S NOT FORGET ELLEN

Fred's wife, Ellen, has been an "Honorary" Special Agent for many years, and we sincerely appreciated her attendance and input at General Monthly Meetings. Ellen's contributions over the years have been greatly appreciated by Officers and the membership. Fred and Ellen will be sorely missed and we invite them back any time they are in Chicago.

God bless you both in your "full retirement" – which we know will be very active!

Special Agents 2012 Charitable Donation

Every year the Board of Directors deliberates regarding the availability of funds to make charitable donations. The Board first considers how well our annual golf outing performed, in terms of net proceeds, and then it considers the overall financial position of our organization. This year, the Board determined that we are in a position to make a charitable donation in the amount of \$1,000.

The Board then evaluated various national and local charitable organizations, based on analysis of the most recent tax returns available for each organization (tax returns of exempt organizations are subject to public disclosure).

This year Board decided to make a single donation to a local charitable organization:

\$1,000 – Danny Did Foundation

This organization holds as its main goal the advancing of awareness of epilepsy and of Sudden Unexplained Death in Epilepsy (SUDEP) and enhancing the SUDEP communication model between medical professionals and those afflicted by seizures. The foundation was formed by Mike & Mariann Stanton after their four year old son Danny was a victim of SUDEP in 2009. Mike Stanton is an Evanston police officer and former Cook County investigator.

Saturday, April 17, 2010

Meet the Exonerated: Illinois's Death Row, Part Six



In January of 1994, [Gary Gauger](#) of McHenry County, Illinois was wrongfully sentenced to death for the murder of his parents. Despite an exhaustive search, no physical evidence was found linking Gauger to the crime. After an all-night interrogation, Gauger made statements that police and prosecutors claimed constituted a confession. He was sentenced to die based only on an unrecorded testimony he denied making. In March of 1996, Gauger was freed on appeal because of trial improprieties. The true murderer of his parents was discovered several years after Gauger's case was reversed and remanded.

Morris and Ruth Gauger were murdered on April 8, 1993 at their McHenry County farm, where they, in addition to farming, operated a motorcycle shop and sold imported rugs. Gauger, who lived with his parents, discovered his 74-year-old father's body the next day and called 911 to summon paramedics, who notified sheriff's police. Shortly after deputies arrived, they found the body of 70-year-old Ruth in a trailer from which the rugs were sold.

Gauger was indicted on May 5, 1993, on two counts of murder. He denied that he had confessed, claiming he had made the statements only hypothetically after his interrogators persuaded him it was possible he had committed the double murder during an alcoholic blackout. The statements were not electronically recorded, and deputies made no contemporaneous recording of them.

At a hearing on a pretrial motion to suppress the alleged confession, Gary testified that deputies had induced him to speculate about how he might have committed the crime. He said they accomplished this by telling him that he had failed a polygraph examination and that clothes drenched in his parents' blood had been found in his room. In fact, the polygraph had been inconclusive and there were no blood-drenched clothes.

At trial, the jury heard the official version of Gary's allegedly inculpatory statements. According to deputies, Gary told them he committed the crimes by coming upon his parents from behind, pulling their heads back by their hair, and cutting their throats. The only evidence introduced to corroborate the alleged statements was the testimony of a pathologist who performed autopsies on the bodies and a state forensic scientist who examined loose hairs found near Ruth's body.

After the jury found him guilty on both counts, Gary waived a jury for sentencing and was sentenced to death by Judge Henry L. Cowlin of January 11, 1994. Nine months later, after Northwestern University Law Professor Lawrence C. Marshall agreed to take the case on appeal, Cowlin reduced the sentence to life in prison.

On March 8, 1996, the Second District Illinois Appellate Court unanimously reversed and remanded the case for a new trial on the ground that Cowlin erred in failing to grant a motion to suppress Gary's allegedly inculpatory

statements. In an unpublished opinion written by Judge S. Louis Rathje, with Judges Robert D. McLaren and Fred A. Geiger concurring, the court held that the statements were the fruit of an arrest made without probable cause and therefore should not have been admitted at the trial.

Without the confession, McHenry County State's Attorney Gary W. Pack had no choice but to drop the charges, and set Gary free. Pack continued to suggest publicly that Gary had in fact committed the crime and was freed only because the prosecution could not meet its burden of proof without the confession.

Pack's position was severely undermined in June of 1997, however, when a federal grand jury in Milwaukee indicted two members of a Wisconsin motorcycle gang known as the Outlaws for 34 acts of racketeering, including the murder of the Gaugers. One of the Outlaws, James Schneider, pleaded guilty to acts relating to the murders in 1998. The other, Randall E. Miller, was convicted of the charges in U.S. District Court in Milwaukee in June of 2000.

At Miller's trial, prosecutors played tape recordings in which Miller was heard to say that the authorities had nothing to link him to the Gauger murders because he had been careful not to leave any physical evidence. The recordings had been made by an Outlaw who turned government informant.

After his release, Gauger returned to farming in McHenry County.

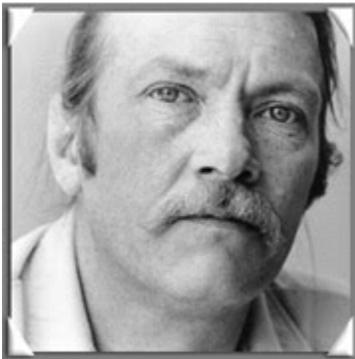


Photo by Loren Santow

Joseph Burrows, the third person to be exonerated from Illinois's death row, was convicted of murder and armed robbery. The prosecution's primary evidence was the testimony of the two men who also had been charged with the murder. Direct evidence implicated the two, but by naming an alleged accomplice they escaped the death penalty. Burrows was tried twice, the first trial ending in a hung jury, the second in a verdict of guilt and a sentence of death. Two years later, after the Illinois Supreme Court affirmed Burrows's conviction and death sentence, one - who had an IQ of 76 - of the two men recanted his testimony, saying the police had intimidated him into falsely confessing and implicating Burrows.

discovered a letter Potter had written asking a friend to falsely testify that he had seen her in a blue pickup truck that she claimed Burrows had driven to and from the crime scene. Confronted with the letter, Potter admitted that she had falsely accused Burrows and Frye to minimize her own culpability and because she thought, mistakenly, that Burrows had burglarized her trailer.

She admitted that she alone had killed the elderly victim in an attempted robbery to obtain drug money. After a hearing at which Frye and Potter testified, Burrows won a new trial. The prosecution unsuccessfully appealed and eventually dropped the charges.

Burrows was released on September 8, 1994, five years, one month, and seven days after he was sentenced to death. His left arm bore a prison tattoo from Death Row: "Die Free."

After his release, he was employed by a landscaping company in the Champaign-Urbana area. He filed a civil rights suit, which was settled for a mere \$100,000, a small fraction of what comparable cases would be settled for in the years ahead.

In 2005, Burrows was convicted of possession of chemicals he allegedly used in the manufacture of methamphetamine and sentenced to six years in prison. With day-for-day good time, he was released in 2008.

On October 15, 2009, fifteen years after his release from Death Row, he died at age fifty-six.

Burrows spent five years on death row before a court reversed his conviction and dropped all charges.

"I've sat in a cage for five and a half years and watched my life crumble. Things build up on you until you're ready to scream." -- Joseph Burrows

<http://ashheapo.wordpress.com/tag/joseph-burrows/>

The case of former Death Row inmate, Joseph Burrows, represents a very troubling use of interrogation to frame a person for murder. The principal players in this sordid drama were Joseph Burrows, convicted of killing Bill Dulin, an elderly farmer in southern Illinois; Bill Dulin's drug-addicted niece, Gayle Potter; Ralph Frye, Joseph Burrows' younger sidekick; and the reprehensible interrogator, Robert George.

Gayle Potter's story was that she went to a Mobil station in Urbana, Illinois in connection with a debt owed to a drug dealer. The dealer and the dealer's "collector," Joseph Burrows, proceeded to pistol-whip her for failure to pay a \$3,000 debt. At some point, Ralph Frye entered the scene and he and Burrows forced her into a rusted-out blue pickup. She was then driven 65 miles to Dulin's farmhouse in the hope of getting a loan to pay off the drug debt. When Dulin refused the request, a struggle ensued; Ralph Frye knocked Gayle Potter to the floor; and Potter heard about five shots fired. Potter described, in great detail, the gun Burrows used to kill Bill Dulin. It later turned out that Potter was describing her own gun.

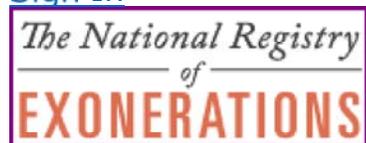
It would later be learned that Potter had phoned her uncle before the alleged meeting at the Mobil station to set up an appointment.

When Ralph Frye was interrogated for his alleged role in the murder, he said that his interrogator, Robert George, told him what to say, detail-by-detail, and George signaled Frye by head shakes whenever he, Frye, "messed up." Furthermore, Frye said that George stopped the tape several times for Frye to adjust his story. Thus, there was corroboration for Gayle Potter's story.

I read an account of Joseph Burrows' predicament in a magazine supplement of the Los Angeles Times. When I went to the Northwestern Law School conference on wrongful convictions, I was able to ask Burrows' attorney about the tape stoppages. He answered that the stoppages were evident in listening to the 30-minute tape; moreover, the similarity of Ralph Frye's story to the made-up story of Gayle Potter made it evident that Frye was being coached.

Bill Dulin was shot to death on November 6, 1988. Burrows, Potter and Frye were charged with first degree murder. Burrows' first trial ended in a hung jury in April 1989. He was convicted in a second trial in June 1989 and sentenced to death. In June 1989, Frye was sentenced to 23 years in prison and Potter was given 30 years, despite an Illinois law requiring equal sentences for equal crimes.

Joseph Burrows' appellate attorney developed a rapport with Gayle Potter during her visits to Potter in prison and made it a point to tell her how Burrows was going to pieces on Death Row, even talking of suicide. On April 4, 1994, Gayle Potter made a taped confession that she was the lone killer of Bill Dulin. On September 2, 1994, a judge ordered a new trial for Joseph Burrows. When prosecutors decided against a new trial, Burrows was set free.

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Ralph Frye

Ralph Frye falsely confessed to the murder of William Dulan, an 88-year-old retired farmer whose body was found at his Iroquois County home southeast of Kankakee, Illinois, on November 8, 1988.

Six hours after the murder, a man named Chuck Gullion attempted to cash a \$4,050 check in Dulan's name at the Iroquois Farmer's State Bank. Bank employees had already heard of the murder and called police. Gullion was arrested minutes later in a car with 32-year-old Gayle Potter, a cocaine addict. Potter admitted forging the check and taking part in the crime, and implicated two others — Ralph Frye, 22, and his friend, Joseph Burrows, 32, whom she claimed had been the triggerman.

During a struggle with the victim, Potter had suffered a gash to her head. Her blood was found at the scene. The murder weapon, moreover, belonged to her. No physical evidence linked either Burrows or Frye to the crime, and four witnesses placed Burrows 60 miles away at the time of the crime. After a lengthy interrogation, however, Frye corroborated Potter's version of events. He and Potter agreed to plead guilty in exchange for leniency and to testify against Burrows. Frye, who had an IQ of 75, was sentenced to 23 years in prison and Potter to 30 years. Gullion was not prosecuted. Burrows was tried twice. The first trial ended in a hung jury, but he was convicted at the second trial and sentenced to death.

After the Illinois Supreme Court affirmed Burrows's his conviction and death sentence in 1992, Frye recanted his testimony to Peter Rooney, a reporter for the Champaign-Urbana News-Gazette, claiming that police had coerced him into falsely confessing and implicating Burrows. After Rooney's story appeared, Burrows's lawyers, Kathleen Zellner and Michael Hemstreet, discovered a letter

Potter had written asking a friend to falsely testify that he had seen her in a blue pickup truck that she claimed Burrows had driven to and from the crime scene. Confronted with the letter, Potter admitted that she had falsely accused Burrows and Frye to minimize her own culpability and because she thought, mistakenly, that Burrows had burglarized her trailer. Potter admitted that she alone had killed the elderly victim in an attempted robbery to obtain drug money.

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After Burrow's exoneration, Potter was sentenced to 5 years for perjury. Frye's murder conviction was vacated in 1996, and he pleaded guilty to perjury for his testimony against Burrows and was sentenced to 10 years. With day-to-day good time, he had already served the sentence and was released on July 8, 1996.

— *Center on Wrongful Convictions*

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

State:	Illinois
County:	Iroquois
Most Serious Crime:	Murder
Additional Convictions:	Robbery
Reported Crime Date:	1988
Convicted:	1989
Exonerated:	1996
Sentence:	23 years
Race:	Caucasian
Sex:	Male
Age:	21
Contributing Factors:	False Confession, Perjury or False Accusation, Official Misconduct
Did DNA evidence contribute to the exoneration?:	No

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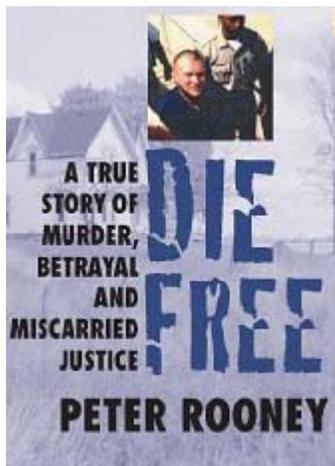
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<http://claimyourinnocence.wordpress.com/2012/10/22/books-news-books-2012-death-rows-testimony-death-penalty/>



A new electronic book by former journalist Peter Rooney offers an in-depth look at the case of **Joseph Burrows**, who was exonerated from **Illinois's** death row in 1996. In *Die Free: A True Story of Murder, Betrayal and Miscarried Justice*, Rooney explains how Burrows was sentenced to death for the murder of William Dulin based on snitch testimony. He was convicted primarily on the word of Gayle Potter, who recanted her testimony eight years later and admitted to committing the crime herself. According to one review, "Rooney makes it clear his book *Die Free* isn't an argument against the death penalty, but simply another example of why such an extreme punishment should be re-evaluated. His points are made clearly and with merit as he details obvious evidence withholding by an over-aggressive district attorney, threats and intimidation of a borderline mentally challenged man, and the old school thoughts of little women versus big, burly men." Rooney is a former staff writer for the *Champaign-Urbana News-Gazette* and is currently the director of public affairs at Amherst College. Joe Burrows died at age 56 in 2009. This case, and similar exonerations, led to the abolition of the death penalty in Illinois in 2011. The book is available for [electronic download on Amazon.com](#).

<http://www.victimsofthestate.org/IL/indexIL.html>

Iroquois County, IL	Burrows & Frye	Nov 6, 1988
<p>Along with Gayle Potter, Joseph Burrows and Ralph Frye were accused of the armed robbery and murder of 88-year-old William Dulan. After Potter implicated Burrows and Frye, Frye who had a 76 IQ, confessed to the crime. Burrows was convicted and sentenced to death while prosecution witnesses Potter and Frye were sentenced to 23 and 30 years. Frye later recanted his testimony. Potter later confessed that she alone had committed the crime. She explained that she had told the truth to the lead prosecutor before trial, but he had threatened her and ordered her to stick with her story. In addition, new evidence emerged confirming Burrows's alibi. In 1994, Burrows and Frye were cleared of all charges. (PC) (CWC1) (CWC2) [8/05]</p>		

Joseph Burrows, Illinois Convicted 1989; Released 1994

Mr. Burrows was convicted of murder and armed robbery, and was sentenced to death. The prosecution's primary evidence was the testimony of two alleged accomplices who had also been charged with the murder. Indeed, proceeds of the robbery had been found in one of these person's homes, and the murder weapon was traced back to her as well. Although Mr. Burrow's initial trial had ended in a hung jury, the second trial ended in his conviction. Even though there was direct evidence implicating these other two defendants, and the only evidence against Mr. Burrows was these two defendants' claims, the two prosecution witnesses were sentenced to terms of 23 and 30 years, while Mr. Burrows was sentenced to death. After the Illinois Supreme Court affirmed Mr. Burrows's conviction and sentence, he commenced post-conviction proceedings during which it emerged that both of the prosecution witnesses had conspired to lie against him. The witnesses admitted that they had concocted their story about Mr. Burrows because they bore a grudge against him and believed that their only way to avoid the death penalty was to provide the authorities with information about some other person. One of the witnesses explained that she had told the truth to the lead prosecutor prior to trial, but he had threatened her and ordered her to stick with her story. In addition to these developments, new evidence confirming Mr. Burrows's alibi also emerged. The trial court reversed Mr. Burrows's conviction and ordered a new trial, and the Illinois

Supreme Court agreed. The prosecution then dropped all charges against Mr. Burrows.