



Marcus Lyons

On the evening of November 30, 1987, a woman was raped in an apartment complex in Woodridge, Illinois, after admitting the assailant when he knocked on her door, identified himself as a tenant, and asked to use the bathroom.

The victim showered and called the police. She 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.

With the victim's assistance, the police created a composite sketch of the assailant. 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 tenant 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 member in a shirt and tie. The victim identified Lyons, although Lyons was slim and 35 pounds lighter than the victim's description. Police went to his apartment where they found a pair of brown polyester pants and a blue jacket with no fur collar and no burn hole.

Lyons, a 29-year-old Navy veteran and member of the naval reserve with no previous police record, was arrested. Police interrogated Lyons for two days, during which he allegedly failed a polygraph test. They then conducted a live lineup, in which Lyons was the only member repeated from the photo lineup. Again the victim identified him as the attacker.

After a five-day jury trial in October 1988, during which the victim once again identified Lyons, he was convicted of sexual assault and unlawful restraint and sentenced to six years in prison.

Although Lyons hired a private attorney to file an appeal on his behalf, that appeal was never filed. He was released on parole in 1991 after serving three years of his six year sentence.

Lyons spent much of the next 16 years seeking justice, including an attempt to nail himself to a cross at the Wheaton, Illinois courthouse to dramatize his belief that he had been crucified by county officials. In an attempt to clear his name, Lyons hired John Curnyn of Stone & Associates, who filed for DNA testing. As a result of this testing, which pointed to an unknown male, a judge vacated Lyons's conviction and the District Attorney dismissed the charges. He filed a petition for a pardon based on innocence, which Governor Rod Blagojevich granted on December 19, 2008. Lyons received \$85,350 from the Illinois Court of Claims.

On June 7, 2012, the city of Woodridge agreed to pay \$5 million to settle a federal civil rights lawsuit brought by Lyons.

— *Center on Wrongful Convictions*

State:	Illinois
County:	DuPage
Most Serious Crime:	Sexual Assault
Additional Convictions:	Other Violent Felony
Reported Crime Date:	1987
Convicted:	1988
Exonerated:	2007
Sentence:	6 years
Race:	Black
Sex:	Male
Age:	29
Contributing Factors:	Mistaken Witness ID
Did DNA evidence contribute to the exoneration?	Yes
:	

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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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Marcus Lyons

Incident Date: 12/31/69

Jurisdiction: IL

Charge: 2 counts criminal sexual assault, 1 count unlawful restraint

Conviction: 2 counts criminal sexual assault, 1 count unlawful restraint

Sentence: 6 Years

Year of Conviction: 1988

Exoneration Date: 9/19/07

Sentence Served: 2.5 Years

Real perpetrator found? Yes

Contributing Causes: Eyewitness Misidentification

Compensation? Yes

Marcus Lyons was wrongfully convicted of raping a woman in suburban Chicago in 1987. After nearly three years in prison and 16 years on parole as a registered sex offender, he was exonerated when DNA testing pointed to an unknown male as the actual perpetrator of the crime.

The Crime

At around 8:30 p.m. on the night of November 30, 1987, a 29-year-old Caucasian woman was watching TV in her suburban Chicago apartment when she heard a knock on the door. A man outside identified himself as "Mr. Williams, from downstairs." He asked to use the bathroom, and the woman let him in. When he came out of the bathroom, the woman was sitting on her couch smoking a cigarette and the man came to stand by her. He pushed her down and she tried to burn him with her cigarette; she missed his face and burned his jacket collar. The man then forced the victim to remove her clothing and lay on the floor. He raped her orally and vaginally and ejaculated. He wiped semen from her body with a towel from the kitchen, and left silently with the towel.

The victim immediately put on her underwear and a robe and called a friend. She took a shower and her friend arrived at the apartment. Several hours later, the women called the police, who arrived before midnight.

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.

The Identification, Investigation and Trial

The victim 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. 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 mugshots, 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 (which would be tight on Lyons' 165-pound frame) and a blue jacket with no fur collar and no burn hole. 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. He was convicted of sexual assault and unlawful restraint and sentenced to six years in prison.

Post-Conviction Appeals

Although Lyons hired a private lawyer to file an appeal on his behalf, that appeal was never filed. The attorney's law license was later suspended for neglecting his clients' criminal appeals. Lyons was released on parole after three years in prison. Although he was a Navy veteran with no criminal record prior to his wrongful conviction in 1988, he was convicted of three misdemeanors after his release for protesting his wrongful conviction on the steps of the Wheaton, Illinois, courthouse. In 1991, Lyons, dressed in his Navy

uniform, attempted to nail himself to a cross made of railroad ties on the courthouse steps.

In 2006, Lyons hired an appellate attorney, John Curnyn of Jed Stone & Associates, who filed for DNA testing in the 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 an unknown male. On the strength of this evidence, a judge vacated Lyons' conviction and the District Attorney agreed to dismiss all charges.

Before his exoneration, Lyons served nearly three years in prison for this crime, plus 16 years as a registered sex offender. Lyons was granted clemency and his record was expunged. He also received a small amount of compensation from the state. Since Lyons' exoneration, police have announced that the DNA evidence from the crime [implicates another man](#), who worked near the crime scene in 1987. The statute of limitations has expired, however, and the man will apparently not be charged in connection with the crime.