

Top row, left to right: Sabrina Smith, Albert Burrell, Shujaa Graham, Joaquín José Martínez Bottom row, left to right: Kirk Bloodsworth, Perry Cobb, Damon Thibodeaux, Kwame Ajamu

BY PHILLIP MORRIS

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• 40 MIN READ

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**A 63-year-old man** named Kwame Ajamu lives walking distance from my house in a suburb of Cleveland, Ohio. Ajamu was sentenced to death in 1975 for the murder of Harold Franks, a money order salesman on Cleveland's east side. Ajamu was 17 when he was convicted.

Ajamu, then named Ronnie Bridgeman, was found guilty primarily because of the testimony of a 13-year-old boy, who said he saw Bridgeman and another young male violently attack the salesman on a city street corner. Not a shred of evidence, forensic or physical, connected Bridgeman to the slaying. He had no prior criminal record. Another witness testified that Bridgeman was not on the street corner when Franks was killed. Yet mere months after his arrest, the high school junior was condemned to die.

It would be publicly revealed 39 years later that the boy who testified against him had immediately tried to recant his statement. But

Cleveland homicide detectives told the boy they would arrest and charge his parents with perjury if he changed his story, according to his later court testimony. Ajamu was released on parole in 2003 after 27 years in prison, but the state of Ohio would not declare him innocent of the murder for nearly another 12 years, when the boy's false statement and police misconduct were revealed in a related court hearing.

I interviewed Ajamu and others who represent vastly different backgrounds but share a similar, soul-crushing burden: They were sentenced to death after being convicted of crimes they didn't commit.



**DERRICK JAMISON, Sentenced in Hamilton County, OH; 20 years\* in prison, all on death row; exonerated in 2005. Derrick Jamison was arrested for the 1984 robbery and murder of a Cincinnati bartender. He was convicted based on false testimony from one of the real perpetrators of the crime, who testified against Jamison in exchange for a lesser sentence. He was scheduled for execution six times but each time received a stay, the last one 90 minutes before he was to die. In 2000 a judge ordered a new trial. His conviction was overturned, and all charges were dismissed in 2005. Jamison, now 60, educates others about the flaws of the U.S. justice system and encourages changes to it.**



7:30

## INNOCENT ON DEATH ROW: HEAR THEIR STORIES

People who were sentenced to death after being convicted of crimes they didn't commit share moving testimonials about their experiences on death row and life after exoneration.

*(\*Figures in all captions are rounded to the nearest year and don't include time in jail pre-sentencing.)*

The daily paths they travel as former death-row inmates are every bit as daunting, terrifying, and confusing as the burden of innocence that once taunted them. The post-traumatic stress faced by a wrongly convicted person who has awaited execution by the government doesn't dissipate simply because the state frees the inmate, apologizes, or even provides financial compensation—which often is not the case.

The lesson is as charged as superbolt lightning: An innocent man or woman sentenced to die is the perfect witness against what many see as the inherent immorality and barbarity of continuing capital punishment.

It's a particularly poignant lesson in a nation that executes people at a rate outpaced by few others—and where factors such as a defendant's or victim's race, low income, or inability to counter overly zealous police and prosecutors can put the accused at increased risk of a wrongful conviction that could lead to execution. Race is a particularly strong determinant: As of April 2020, Black people made up more than 41 percent of those on death row but only 13.4 percent of the U.S. population.

During the past three decades, groups such as the [Innocence Project](#) have shed light on how dangerously fallible the U.S. justice system can be, particularly in capital cases. DNA testing and scrutiny of

actions by police, prosecutors, and public defenders have helped exonerate 182 people from death row since 1972, and as of December 2020 had led to more than 2,700 exonerations overall since 1989.

Each of the former death-row inmates I interviewed belongs to an organization called [Witness to Innocence](#). Based in Philadelphia since 2005, WTI is a nonprofit led by exonerated death-row inmates. Its primary goal is to see the death penalty abolished in the U.S. by shifting public opinion on the morality of capital punishment.

During the past 15 years, WTI's outreach targeting the U.S. Congress, state legislatures, policy advisers, and academics has been credited with helping to abolish the death penalty in several states, though it remains legal in 28 states, the federal government, and the U.S. military. In 2020, 17 people were executed in the U.S., 10 by the federal government. It was the first time more prisoners were executed by the federal government than by all of the states combined.



**KWAME AJAMU, Cuyahoga County, OH; 27 years in prison, 2 of those on death row; exonerated in 2014. Now 63, Kwame Ajamu, who changed his name from Ronnie Bridgeman while in prison, was convicted in 1975 of murdering a Cleveland salesman based solely on the testimony of a 13-year-old boy. Though just a teen himself, Bridgeman was condemned to die. His sentence was reduced to life in prison in 1978, and he was paroled in 2003, but he lived under the cloud of his conviction. In 2014 the witness testified in court that his original statement had been false. That testimony helped exonerate three people: Ajamu, his brother, Wiley Bridgeman, and their friend Ricky Jackson. Bridgeman and Jackson were finally released after 39 years in prison.**



**Kwame Ajamu met his wife, LaShawn, on a Cleveland bus in 2003, the year he was freed on parole but nearly 12 years before his exoneration. LaShawn Ajamu has a unique perspective as the wife of an exoneree and also as the sister of a murder victim. She's an activist for victims' rights and against the death penalty.**



Ajamu wears a ring designed by Kirk Bloodsworth, who has become a jewelry designer since he was cleared of all charges in 1993. Bloodsworth is creating a series of Super Bowl-style rings for his fellow death-row exonerees in recognition of what they've all endured.

“I was abducted by the state of Ohio when I was 17 years old,” Ajamu began our conversation when we met on my backyard patio.

“I was a child when I was sent to prison to be killed,” Ajamu, now chairman of WTI’s board, told me. “I did not understand what was happening to me or how it could happen. At first I begged God for mercy, but soon it dawned on me that there would be no mercy coming.”

The day Ajamu arrived at the Southern Ohio Correctional Facility, a maximum-security prison in rural Ohio, he was escorted to a cellblock filled with condemned men. At the end of death row was a room that held Ohio’s electric chair. Before the guards put him in his cell, they made a point of walking him past that room.

“One of the guards really wanted me to see that chair,” Ajamu recalled. “I’ll never forget his words: ‘That’s gonna be your hot date.’ ”

From the time Ajamu was sentenced to die until 2005—when the U.S. Supreme Court ruled that executing juveniles violated the Constitution’s ban on cruel and unusual punishment—the nation executed 22 people who were convicted of a crime committed when they were under age 18, according to the [Death Penalty Information Center \(DPIC\)](#).



**RANDAL PADGETT, Marshall County, AL; 5 years in prison, all on death row; exonerated in 1997. After Randal Padgett’s wife, Cathy, was fatally stabbed in August 1990, police in Alabama charged him with capital murder. The couple had separated, and Padgett, a chicken farmer, was dating another woman. At his trial in 1992, prosecutors failed to promptly tell the defense that blood from the crime scene didn’t match Randal Padgett’s. Upon learning this, defense lawyers asked for a mistrial, which the judge denied. After Padgett was found guilty, the same judge sentenced him to death. Three years later, Alabama’s Court of Criminal Appeals ordered a new trial, citing the prosecutors’ actions. Padgett, now 70, was found not guilty and released.**



The high court's ruling countered a history of executing juveniles that began long before the United States was conceived. The first known case of a juvenile executed in the British colonies was in 1642 in the Plymouth Colony, where Thomas Granger, 17, was hanged. His alleged offense was sodomy with livestock.

In the earliest days of the nation, even younger children were subject to the harshest of all judicial penalties. Hannah Ocuish, 12, a Native American girl, was hanged in New London, Connecticut, in 1786 for murder. Two enslaved boys—a 12-year-old convicted of murder and a 13-year-old convicted of arson—were hanged in Virginia in 1787 and 1796, respectively.

For most of the next 200 years, age was ignored as a factor in sentencing. Juveniles and adults alike were tried, convicted, and executed based on their crimes, not their maturity. Available criminal records don't cite the age of the executed regularly until around 1900. By 1987, when the U.S. Supreme Court first agreed to consider the constitutionality of the death penalty for minors, some 287 juvenile executions had been documented. When the Supreme Court ruled in 1978 that Ohio's death penalty law violated the Eighth Amendment's ban on cruel and unusual punishment, as well as the 14th Amendment's requirement of equal protection under the law, Ajamu's death sentence was reduced to life in prison. Still, he lingered behind bars for another quarter of a century, when he was released on parole. He wouldn't be exonerated until 2014, after a crusading reporter for a Cleveland magazine and the Ohio Innocence Project helped unravel the lie that had sent Ajamu to death row.

# 2,133 years lost for the wrongly convicted

During the past five decades 182 former death-row prisoners, an average of four people a year, have been exonerated of all charges related to their death sentences. Advances such as the use of DNA testing have led to a small decrease in wrongful convictions but have not been sufficient to overcome official misconduct and human error.

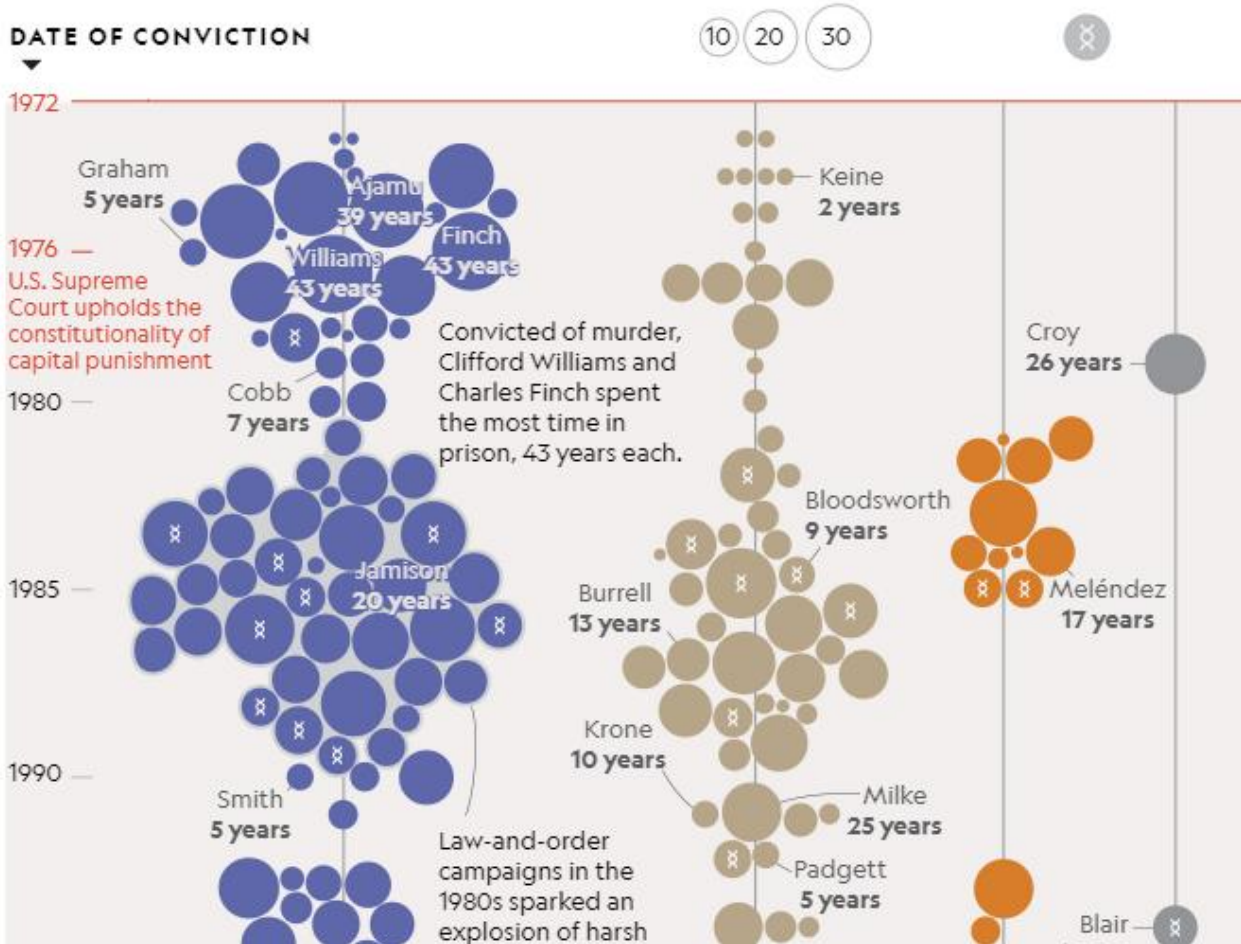


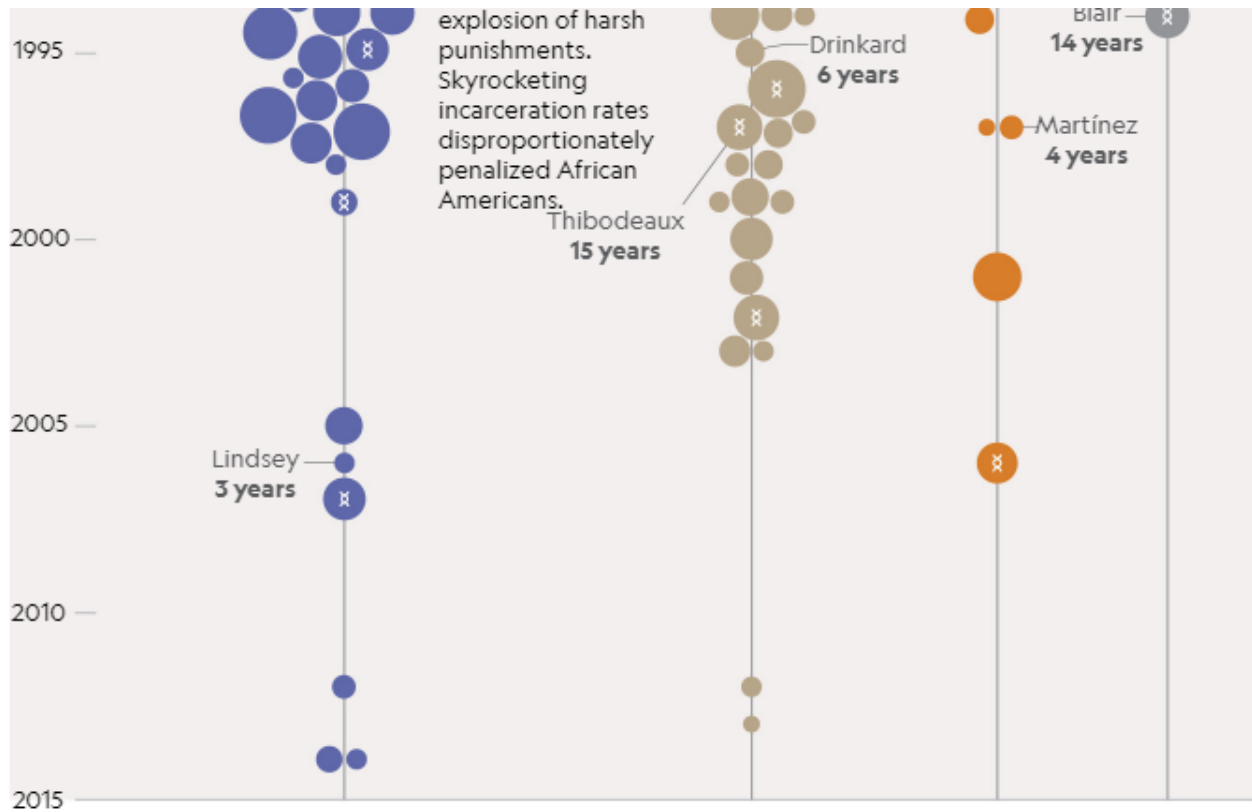
The modern era of the death penalty is considered to have started after a **1972** Supreme Court ruling condemned state laws and demanded reform.

Number of years from sentencing to exoneration

DNA evidence linked to exoneration

## DATE OF CONVICTION





**Reason for exoneration**

Two out of three cases involved official misconduct, such as concealing evidence. In many cases a witness lied under oath, committing perjury.



Data as of December 15, 2020. Only individuals sentenced to death after 1972 are included.

MONICA SERRANO, NGM STAFF; KELSEY NOWAKOWSKI. SOURCE: DEATH PENALTY INFORMATION CENTER

“There is a wide array of blunders that can cause erroneous convictions in capital cases,” said Michael Radelet, a death penalty scholar and sociologist at the University of Colorado Boulder. “Police officers might secure a coerced or otherwise false confession. Prosecutors occasionally suppress exculpatory evidence. Sometimes there is a well-intentioned but mistaken eyewitness identification. Most common is perjury by prosecution witnesses.”

Few opponents of capital punishment summarize the case against state-sponsored executions more bluntly than Sister Helen Prejean, co-founder of WTI and author of *Dead Man Walking*, the best-selling book that inspired the 1995 film of the same title, starring Susan Sarandon and Sean Penn.

The plainspoken nun described how her animus toward the death penalty became personal by recalling her fear of a fairly routine dental experience she underwent years ago.

“I had to have a root canal on a Monday morning,” she told me. “The whole week before that root canal, I dreamt about it. As the appointment got closer, the more nervous I became.”



**RON KEINE**, Bernalillo County, NM; 2 years in prison, all on death row; exonerated in 1976. Ron Keine, center, 73, was one of four men wrongfully convicted and sentenced to death for the kidnapping, rape, and murder of a University of New Mexico student in 1974. The *Detroit News* found that prosecutors coerced testimony from a key witness, a motel housekeeper who later recanted her statement. Keine was released after a murder weapon was traced to a drifter who admitted to the killing. A prosecutor was disbarred and three detectives were fired because of their actions.

She continued, “Now imagine anticipating your scheduled appointment to be put to death. The six people that I’ve accompanied onto death row all had the same nightmare. The guards were dragging them from their cells. They cry for help and struggle. Then they wake up and realize that

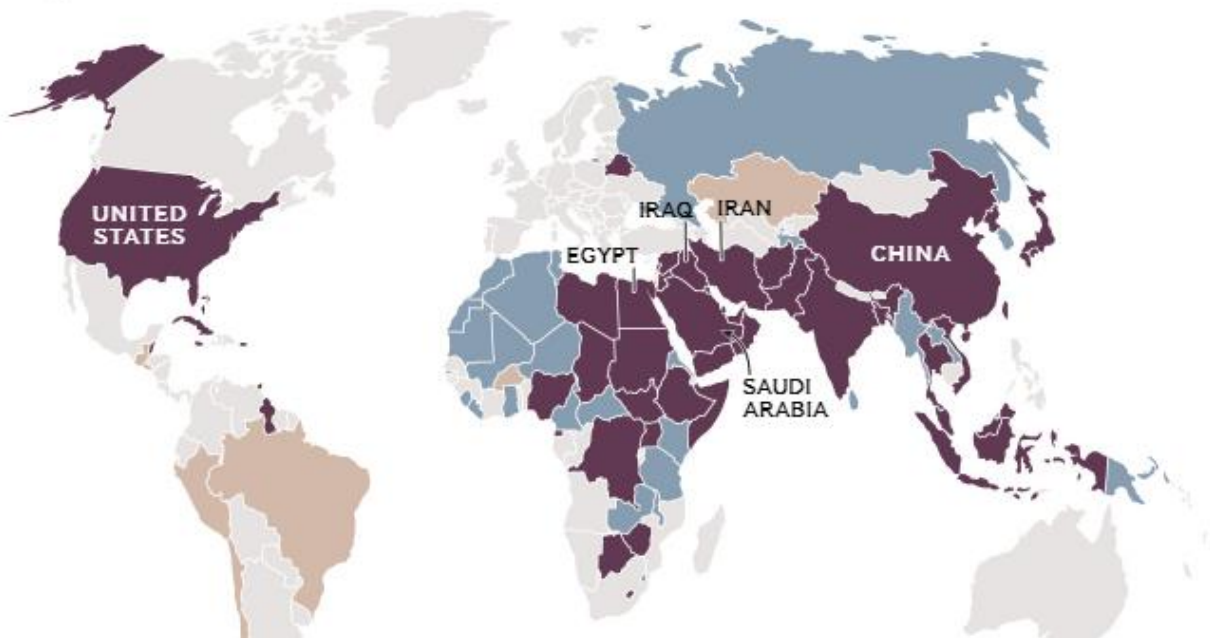
they are still in their cells. They realize it's just a dream. But they know that one day the guards are really going to come for them, and it won't be a dream. That's the torture. It's a torture that as of yet our Supreme Court refuses to recognize as a violation of the Constitution's prohibition against cruel and unusual punishments.”

[More than 70 percent of the world's nations have rejected the death penalty in either law or practice](#), according to the DPIC. Of the places where [Amnesty International](#) has recorded recent executions, [the U.S.—which has the highest incarceration rates in the world—was one of just 13 countries that held executions every one of the past five years](#). Americans' support for capital punishment has dropped significantly since 1996, when 78 percent supported the death penalty for people convicted of murder. [By 2018, support had fallen to 54 percent, according to the Pew Research Center](#).

## Global executions

Amnesty International recorded at least 657 executions in 20 countries in 2019. China,\* Iran, Saudi Arabia, Iraq, Egypt, and the U.S. head the list, in that order.

- Death penalty
- Allowed for exceptional or military crimes
- Death penalty not practiced (no executions in the past 10 years)
- No death penalty



\*Thousands of executions are believed to have been carried out in China but not publicly acknowledged.

Data as of December 15, 2020. Only individuals sentenced to death after 1972 are included.

CHRISTINE FELLEZ, NGM STAFF; KELSEY NOWAKOWSKI.  
SOURCE: AMNESTY INTERNATIONAL

“If I were to be murdered,” wrote Prejean, “I would not want my murderer executed. I would not want my death avenged—*especially by government*—which can’t be trusted to control its own bureaucrats or collect taxes equitably or fill a pothole, much less decide which of its citizens to kill.”

**Before Ray Krone was sentenced to die**, his life bore no resemblance to Ajamu’s. From tiny Dover, Pennsylvania, Krone was the eldest of three children and a typical small-town American boy. Raised a Lutheran, he sang in a church choir, joined the Boy Scouts, and as a teenager was known as a fairly smart kid, a bit of a prankster. He pre-enlisted in the Air Force during high school; after graduating, he served for six years.

Having received an honorable discharge, he stayed in Arizona and went to work for the U.S. Postal Service, a job he planned to keep until retirement.

That career dream—and his life—were abruptly shattered in December 1991, when Kim Ancona, a 36-year-old bar manager, was found stabbed to death in the men’s bathroom of a Phoenix lounge that Krone frequented.



**ALBERT BURRELL, Union Parish, LA; 13 years in prison, all on death row; exonerated in 2001. Burrell, now 66, came within 17 days of his scheduled execution in Louisiana before his attorneys won a stay in 1996. His conviction for first-degree murder in a double homicide was overturned. He was granted a new trial after a judge ruled that prosecutors had misled the jury and failed to turn over exculpatory evidence. After the state concluded that no credible evidence linked Burrell to the murders, he was released.**



**DAMON THIBODEAUX, Jefferson Parish, LA; 15 years in prison, all on death row; exonerated in 2012. Thibodeaux, now 46, was convicted of raping and murdering a 14-year-old cousin after he confessed under extended police interrogation and sleep deprivation. He recanted but was convicted despite contradictions between his confession and the facts of the crime. He had been on death row for 10 years when the Jefferson Parish district attorney, working with his lawyers and the Innocence Project, reopened the case and did DNA and other forensic tests. They found that the girl hadn't been sexually assaulted and that DNA from the scene wasn't his. His confession was determined to be false.**





**PERRY COBB, Cook County, IL; 7 years in prison, all on death row; exonerated in 1987. Cobb, 79, once held the dubious U.S. record for most trials for the same slayings. He was tried five times for two killings at a Chicago hot dog stand in 1977. The first two trials ended in hung juries; in a third, he was found guilty and sentenced to death. The Illinois Supreme Court reversed the conviction, saying Cobb and a codefendant were deprived of a fair trial. A fourth trial ended in a hung jury, and in Cobb's fifth trial a judge acquitted him. Cobb was pardoned by the Illinois governor in 2000.**



**JOAQUÍN JOSÉ MARTÍNEZ**, Hillsborough County, FL; 4 years in prison, all on death row; exonerated in 2001. Joaquín José Martínez, 49, is the only European to be exonerated from death row in the U.S. He was convicted of the 1995 murder of two people in Florida and sentenced to die. Florida's supreme court overturned his convictions and ordered a new trial, citing prosecutors' efforts to prejudice jurors and improper statements by police during Martínez's trial. At the retrial, several prosecution witnesses recanted their testimony. In 2001 Martínez was acquitted. He now lives in Spain and campaigns against the death penalty. When Martínez was on death row, Pope John Paul II called for his life to be spared.

Police immediately zeroed in on Krone as a suspect after learning that he'd given Ancona, whom he knew casually, a ride to a Christmas party a few days earlier. The day after her body was discovered, Krone was ordered to provide blood, saliva, and hair samples. A dental cast of his teeth also was created. The next day he was arrested and charged with aggravated murder.

Investigators said the distinctive misalignment of Krone's teeth matched bite marks on the victim's body. Media reports would soon derisively refer to Krone as the "snaggletooth" killer. As was the case with Ajamu, there was no forensic evidence linking Krone to the crime. DNA was a fairly new science, and none of the saliva or blood collected at the crime scene was tested for DNA. Simpler blood, saliva, and hair tests were inconclusive. Exculpatory evidence was available but ignored, such as shoe prints found around the victim's body that didn't match the size of Krone's feet or any shoes he owned.

Based on little more than the testimony of a dental analyst who said the bite marks on the victim's body matched Krone's misaligned front teeth, a jury found Krone guilty. He was sentenced to death.

"It's a devastating feeling when you recognize that everything you've ever believed in and stood for has been taken away from you, and without just cause," Krone told me. "I was so naive. I didn't believe this could actually happen to me. I had served my country in uniform. I worked for the post office. I wasn't perfect, but I had never been in trouble. I'd never even gotten a parking ticket, but here I was on death row. That's when I realized that if it could happen to me, it could happen to anyone."





**SHUJAA GRAHAM**, San Joaquin County, CA; 11 years in prison, 5 of them on death row; exonerated in 1981. Graham, right, 69, with his son, Jabari, showing off a tattoo of his father, was a troubled teen who spent part of his adolescence in juvenile detention facilities. He was already in adult prison when convicted of killing a prison guard in Stockton, California, in 1973. The state supreme court overturned his conviction in 1979 after it was revealed that prosecutors had systematically excluded Black jurors. In a 1981 retrial, he was exonerated. Today he is an avid speaker on death penalty and racial justice issues.

The Maricopa County Attorney's Office spent upwards of \$50,000 on the prosecution, centered on its bite-mark theory, while the consulting dental expert for Krone's publicly funded defense was paid \$1,500. This discrepancy in resources available to prosecutors and defendants in capital cases has long been replicated across the nation, leading to predictable outcomes for defendants staked to under-resourced and often ineffective legal counsel.

Krone got a new trial in 1995, when an appeals court ruled that prosecutors had wrongly withheld a videotape of the bite evidence until the day before the trial. Again, he was found guilty. Prosecutors relied on the same dental analysts who'd helped convict Krone the first time. But this time the sentencing judge ruled that a life sentence was appropriate, not death.

Krone's mother and stepfather refused to give up on their belief in their son's innocence. They mortgaged their house, and the family hired their own lawyer to look into the physical evidence collected during the original investigation. Over objections by the prosecution, a judge granted a request by the family's lawyer to have an independent lab

examine DNA samples, including saliva and blood from the crime scene.

In April 2002 the DNA test results showed that Krone was innocent. A man named Kenneth Phillips, who lived less than a mile from the bar where Ancona was killed, had left his DNA on clothes Ancona had been wearing. Phillips was easy to find: He already was in prison for sexually assaulting and choking a seven-year-old girl.

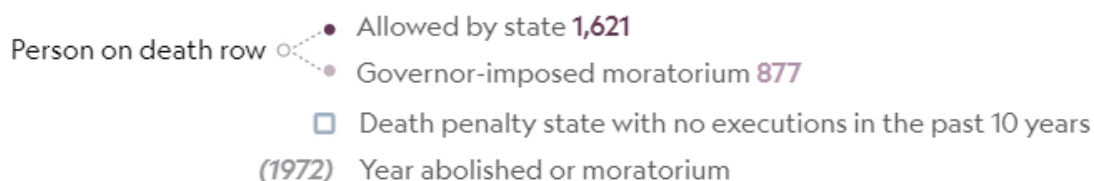
When Krone was released from prison four days after the DNA test results were announced, he became known as the hundredth man in the United States since 1973 who'd been sentenced to death but later proved innocent and freed.

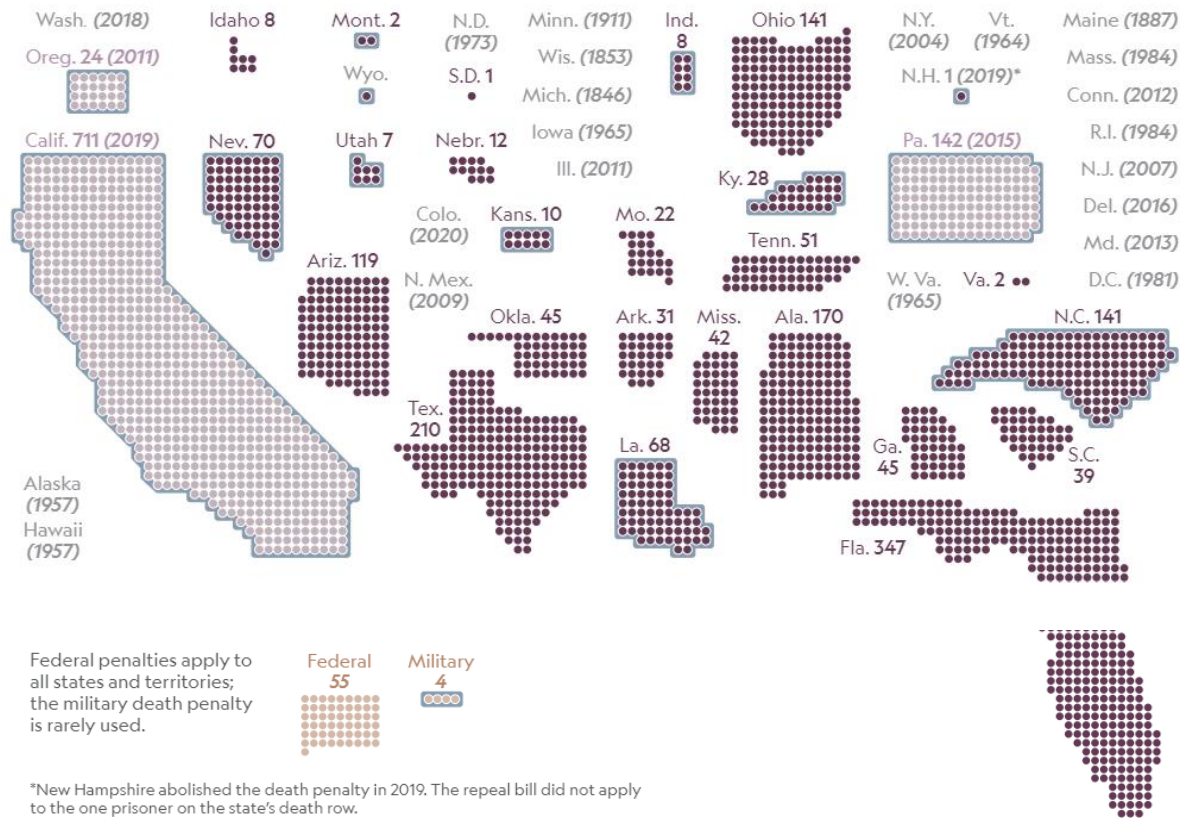
## More than 2,550 people are on death row in the United States

In 1972 the U.S. Supreme Court ruled that the death penalty violated the Eighth Amendment's ban on cruel and unusual punishment. Twenty-two states have abolished it; others have enacted new laws to conform to the court's rulings. Today there are prisoners on death row in 29 states and in federal and U.S. military facilities.

### State death penalty status

Each dot represents one person now on death row.





CHRISTINE FELLEENZ, NGM STAFF; KELSEY NOWAKOWSKI. SOURCE: NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, DEATH ROW U.S.A. FALL 2020

**Gary Drinkard was no choirboy.** He'd had prior brushes with the law when Dalton Pace, a junk dealer, was robbed and killed in Decatur, Alabama, in August 1993.

Police arrested Drinkard, then 37, two weeks later when Beverly Robinson, Drinkard's half sister, and Rex Segars, her partner, struck a deal with police that implicated Drinkard in the slaying. Facing unrelated robbery charges that also potentially implicated Drinkard, the couple agreed, in exchange for the charges being dropped against them, to cooperate with police and testify that Drinkard told them he'd killed Pace.

When I spoke with Drinkard, he reminded me of a weather-beaten man straight out of a Merle Haggard song. He wore coveralls and chain-smoked Newports. He spoke slowly and guardedly in a deep southern

drawl. He grew exasperated only when I asked him to describe his time on death row.



**GARY DRINKARD, Morgan County, AL; 6 years in prison, all on death row; exonerated in 2001. Police arrested Gary Drinkard, now 62, two weeks after a junk dealer was robbed and killed in Decatur, Alabama, in August 1993. In exchange for burglary charges being dropped against them, Drinkard's half sister and her partner testified that Drinkard had killed the junk dealer. Drinkard's public defenders presented no evidence to prove his innocence. He was found guilty and sentenced to death in 1995. In 2000 the Alabama supreme court ordered a new trial because prosecutors had wrongly introduced Drinkard's criminal history. At that trial, evidence showed he was home with a back injury the night of the murder. He was found not guilty and freed.**

“I thought they were going to kill me,” Drinkard said. That certainly seemed to be the plan. Using testimony from their star witnesses (the half sister and her partner), prosecutors hammered home the alleged

confession while improperly influencing the jury with references to Drinkard's alleged involvement in those earlier thefts. Drinkard's public defenders, who had no experience in capital cases and very little in criminal law, mostly stood mute. They made no real attempt to introduce evidence that could have proved their client's innocence. Drinkard was found guilty in 1995 and sentenced to death. He would spend close to six years on death row.

In 2000 the Supreme Court of Alabama ordered a new trial because of the prosecution's introduction of Drinkard's criminal history.

"Evidence of a defendant's prior bad acts ... is generally inadmissible. Such evidence is presumptively prejudicial because it could cause the jury to infer that, because the defendant has committed crimes in the past, it is more likely that he committed the particular crime with which he is charged," the court wrote in granting a new trial.

Drinkard's case had drawn the attention of the Southern Center for Human Rights, an organization that fights capital punishment. It provided him with legal counsel. At Drinkard's 2001 retrial, his lawyers introduced evidence that indicated Drinkard was suffering from a debilitating back injury and was heavily medicated at the time of the slaying. Drinkard's lawyers argued that he had been at home and on workers' compensation when Pace was killed, so he couldn't have committed the crime. A county jury found Drinkard not guilty within one hour, and he was released.

"I was not opposed to capital punishment until the state tried to kill me," Drinkard said.





**SABRINA SMITH, Lowndes County, MS; 5 years in prison, half of them on death row; exonerated in 1995. During her 1990 trial, Smith, née Sabrina Butler, now 50, was convicted of murdering her infant son. She was just 18. Her court-appointed attorneys called no witnesses who could have testified that the boy's injuries were consistent with her efforts to revive him after he'd stopped breathing. Butler wasn't put on the stand to support her claim of innocence. Citing improper actions by prosecutors, Mississippi's supreme court ordered a new trial, which resulted in her exoneration. She's one of only two U.S. women on death row to be exonerated; the other is Debra Milke of Arizona, who spent 25 years in prison.**



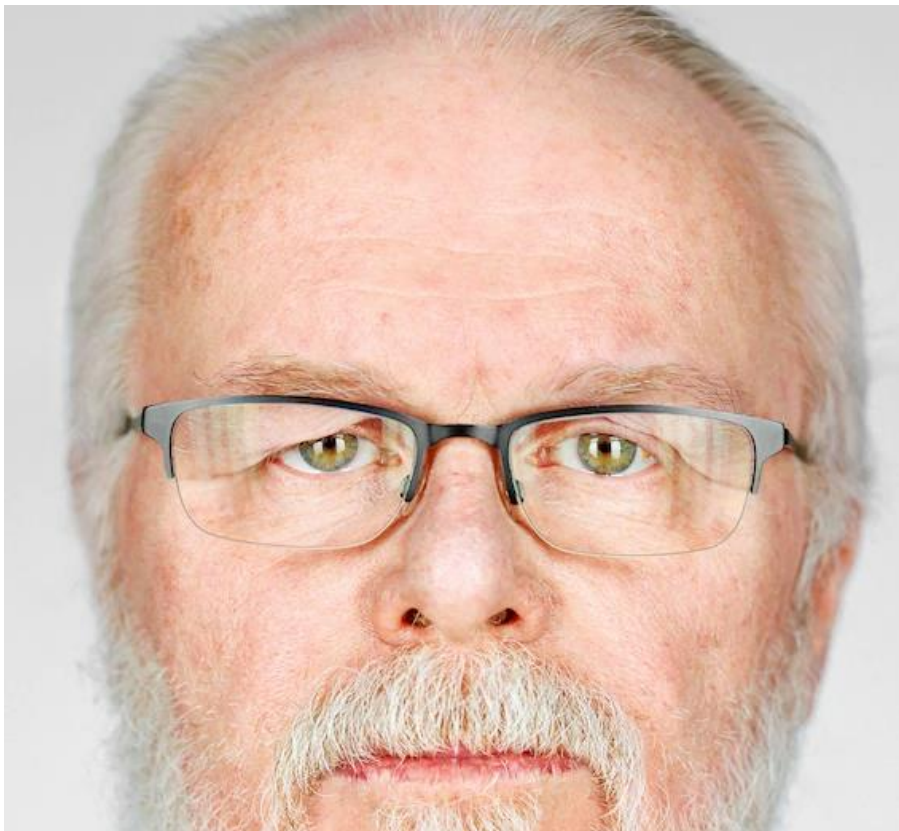
Sabrina Smith holds a photo of her son Walter, who stopped breathing suddenly when he was nine months old. Just hours after she rushed him to the hospital, where he was pronounced dead, she was interrogated by police, forced to sign a confession, and arrested for killing him. Later, it was determined that he'd died of kidney disease.

**There have been** more than 2,700 exonerations overall in the U.S. since 1989, the first year that DNA became a factor, according to the National Registry of Exonerations.

In 1993 Kirk Bloodsworth was the first person in the nation to be exonerated from death row based on DNA evidence. Bloodsworth was arrested in 1984 and charged with raping and murdering Dawn Hamilton, a nine-year-old girl, near Baltimore, Maryland. Police were alerted to Bloodsworth, who had just moved to the area, when an anonymous tipster reported him after seeing a televised police sketch of the suspect.

Bloodsworth bore little resemblance to the suspect in the police sketch. No physical evidence linked him to the crime. He had no prior criminal record. Yet Bloodsworth was convicted and sentenced to death based primarily on the testimony of five witnesses, including an eight-year-old and a 10-year-old, who said they could place him near the murder scene. Witness misidentification is a factor in many wrongful convictions, according to the DPIC.

“Give him the gas and kill his ass,” Bloodsworth recalled people in the courtroom chanting after he was sentenced. All the while, he wondered how he could be sentenced to die for a ghastly crime he hadn’t committed.



**KIRK BLOODSWORTH**, Baltimore County, MD; 9 years in prison, 2 of them on death row; exonerated in 1993. In 1993 Bloodsworth, now 60, became the first person in the U.S. to be exonerated from death row by DNA. He was convicted of the 1984 rape and murder of a nine-year-old girl based on the testimony of five witnesses who put him near the site. No physical evidence linked him to the crime, but he was sentenced to die. Nine years later, DNA testing of stored evidence proved his innocence; it would be another decade before the real killer was identified and charged.



**JUAN MELÉNDEZ, Polk County, FL; 17 years in prison, all on death row; exonerated in 2002. Meléndez learned to speak English while on Florida's death row. When he tells his exoneration story, he recounts the number of years, months, and days he spent there. No physical evidence linked him to the 1983 homicide he was convicted of, but he wasn't exonerated until a transcript surfaced of a taped confession by the actual killer. The transcript had long been available, but the prosecutor hadn't shared it with Meléndez's defense. Once it was discovered, a judge overturned the conviction. Meléndez learned after his release that his mother had saved money to ship her son's body home to Puerto Rico, his birth place, after his execution.**



**RALPH 'RON' WRIGHT, JR., Pinellas County, FL; 3 years in prison, most on death row; exonerated in 2017. Ralph "Ron" Wright, Jr., was acquitted of a double murder and freed in 2017 after three years in prison, most on death row. The Florida Supreme Court determined that he'd been convicted and sentenced to death on purely circumstantial evidence. The state of Florida is second only to California in the number of people on death row. It also leads the nation in exonerations.**

He was granted a second trial nearly two years later, after it was shown on appeal that prosecutors had withheld potentially exculpatory evidence from his defense, namely that police had identified another suspect but failed to pursue that lead. Again, Bloodsworth was found guilty. A different sentencing judge handed Bloodsworth two life sentences, rather than death.

“I had days when I was giving up hope. I thought I was going to spend the rest of my life in prison. And then I saw a copy of Joseph Wambaugh’s book,” Bloodsworth said.

That 1989 book, *The Blooding*, describes the then emerging science of DNA testing and how law enforcement had first used it to both clear suspects and solve a rape and murder case.

Bloodsworth wondered whether that science could somehow clear his name.

When he asked whether DNA evidence could be tested to prove that he was not at the crime scene, he was told the evidence had been destroyed inadvertently. That wasn’t true. The evidence, including the girl’s underwear, later was found in the courthouse. Prosecutors, sure of their case, agreed to release the items.

Once the items were tested, usable DNA was detected—none of it Bloodsworth’s. He was freed, and six months later, in December 1993, Maryland’s governor granted him a full pardon. It would be almost another decade before the actual killer was charged. The DNA belonged to a man named Kimberly Shay Ruffner, who had been released from jail two weeks before the girl’s murder. For a time Ruffner, who was given a 45-year sentence for an attempted rape and attempted murder soon after Bloodsworth’s arrest, and Bloodsworth were housed in the same prison. Ruffner pleaded guilty to Hamilton’s murder and was sentenced to life in prison.



RAY KRONE, Maricopa County, AZ; 10 years in prison, 4 of them on death row; exonerated in 2002. In April 2002 Krone, now 64, became known as the 100th man to be exonerated from death row. He'd been convicted of murdering a 36-year-old bar manager who was killed in a bathroom of a Phoenix lounge that Krone frequented. Krone had given her a ride to a party a few days earlier. DNA at the crime scene went untested; the prosecution relied on faulty bite-mark evidence. When the DNA was submitted as evidence in a retrial, Krone was cleared. The actual killer identified by the DNA was already in prison for sexually assaulting and choking a seven-year-old girl.

Today Bloodsworth is the executive director of WTI and a tireless campaigner against capital punishment. The Innocence Protection Act, signed into law by President George W. Bush in 2004, established the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program to help defray the cost of DNA testing after conviction.

“I was poor and had only been in the Baltimore area for 30 days when I was arrested,” said Bloodsworth, now 60. “When I tell people my story and how easy it is to be convicted of something of which you’re innocent, it often causes them to rethink the way the criminal justice system works. It doesn’t require much of a stretch to believe that innocent people have been executed.”

**Sabrina Butler discovered** that Walter, her nine-month-old son, had stopped breathing shortly before midnight on April 11, 1989. An 18-year-old single mother, Butler responded with urgent CPR. When the child could not be revived after several minutes, she raced him to a hospital in Columbus, Mississippi, where he was pronounced dead on arrival. Less than 24 hours later she was charged with murder.

Walter had serious internal injuries when he died. Butler told police investigators she believed that the injuries were caused by her efforts to revive him. Police doubted her story, and after several hours of interrogation, without a lawyer present, she signed a statement that said she'd struck her baby in the stomach after he wouldn't stop crying. Eleven months later Butler was convicted of murder and sentenced to die.



**HERMAN LINDSEY**, Broward County, FL; 3 years in prison, 2 of them on death row; exonerated in 2009. Lindsey, now 48, was convicted in 2006 of robbing and murdering a Fort Lauderdale pawnshop clerk in 1994. No physical or forensic evidence linked him to the case. Even so, police pinned the long-unsolved killing on Lindsey. He spent two years on death row before Florida's supreme court threw out his convictions and exonerated him. The court cited a lack of evidence and blasted prosecutors for improper conduct that it said biased the jury. Lindsey still lives in Florida, where he fishes (here with his stepson) and counsels youths about avoiding bad decisions.



Butler's defense team called no witnesses. A medical expert might have testified that Walter's injuries were consistent with the clumsy CPR of a desperate mother. A neighbor—who was called as a witness during a subsequent trial—could have provided helpful testimony of Butler's attempts to save her son's life. Instead Butler's court-appointed lawyers, including one who specialized in divorce law, neither called witnesses nor put Butler on the witness stand to support her case.

“Here I was, this young Black child in a room full of white adults,” Butler, now Sabrina Smith, recalled. “I did not understand the proceedings. All that I had been told by my attorneys was to sit quietly and look at the jury. When I realized my defense wasn't going to call any witnesses to help prove my innocence, I knew my life was over.”

Butler's conviction and sentence were set aside in August 1992, after Mississippi's supreme court ruled that the prosecutor had improperly commented on her failure to testify at trial. A new trial was ordered.

The second trial, with better lawyers, working pro bono, resulted in exoneration. A neighbor testified about Butler's frantic attempts to revive her child. A medical expert testified that the child's injuries could have resulted from the CPR efforts. Evidence also was introduced indicating that Walter had a preexisting kidney condition that likely contributed to his sudden death. Butler was released after spending five years in prison, the first half of that on death row.

Less than two years after her exoneration, Butler, the first of just two American women ever to be exonerated from death row, received a summons for jury duty.

“I was so appalled,” she told me. “I went downtown and spoke to the court administrator. I explained to him that the state of Mississippi had tried to kill me. I told him I was quite certain that I would not make a good juror.” She was dismissed.

**A question** that frequently confounds exonerees and the general public alike is whether a consistent formula exists for compensating the falsely convicted, especially those sentenced to die. The short answer is

no. A small number of exonerees have been compensated for millions of dollars depending on the laws of the state that convicted them, but many receive little or nothing.

Few death-row exonerees more closely follow the issue of compensation than Ron Keine, who lives in southeastern Michigan. Keine has made it part of his life's mission to improve the plight of the wrongly convicted, who often reenter society with meager survival skills. He wasn't always so benevolent.

Growing up in Detroit, Keine ran with a rough crowd. He'd been shot and stabbed before he turned 16. At age 21, he and his closest friend, who both belonged to a notorious motorcycle club, decided to drive a van across the U.S.

The extended open-road party was going as planned until he and four others were arrested in 1974 in Oklahoma and extradited to New Mexico, where they were charged with the murder and mutilation of a 26-year-old college student in Albuquerque. A motel housekeeper reported that the group raped her and that she then saw the group kill the student at the same motel.

The problem with the story should have been readily apparent. The bikers weren't in Albuquerque when William Velten, Jr., the student, was killed. They were partying in Los Angeles and had a dated traffic citation to prove it. The housekeeper later recanted her story.

In September 1975 a drifter, Kerry Rodney Lee, confessed to killing Velten, possibly because he felt guilty knowing that four men were on death row for his crime. The gun used in Velten's slaying matched a gun stolen from the father of Lee's girlfriend. Based on this evidence, Keine and his biker friends were granted new trials and the prosecutor decided not to indict them. Lee was convicted in May 1978 of murdering Velten.

"When I was on death row, I knew I was innocent, but I still came within nine days of my first scheduled execution date," said Keine, now 73. "I didn't have a voice. So when I got out, I decided I was going to

spend my life being a thorn” in the side of the criminal justice system. “I decided that I was going to go from dead man walking to dead man talking.”

Keine, who founded several successful small businesses after his exoneration, has testified before state legislators seeking to overturn capital punishment laws. Having received only a \$2,200 settlement from the county that put him on death row, he has been vocal in calling for a system of compensation for others wrongly sentenced to death.

“When people get off death row, they feel like a piece of shit,” he said. “They don’t have any self-worth—no self-esteem, and they usually don’t have two nickels in their pocket. We try to build them up. We try and help them find the resources they need to survive.”

**Phillip Morris** wrote the story on rethinking monuments in our February issue. **Martin Schoeller** specializes in portraiture and is currently focusing on death-row exonerees and Holocaust survivors.

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