



Freedom is just the Beginning

“Powerfully affecting...remarkable stories that highlight injustice, courage and endurance.”

—Scott Foundas, Variety

WINNER

2005 Sundance Film Festival
Special Jury Prize

WINNER

2005 Full Frame
Documentary Film Festival
Content+Intent=Change Award

WINNER

2005 Seattle Film Festival
Women in Cinema
Lena Sharpe

WINNER

2005 Indy Film Festival of Boston
Audience Award

WINNER

2005 Nantucket Film Festival
Best Storytelling in
a Documentary

WINNER

2005 Newport Beach
Film Festival
Special Jury Prize

After Innocence

Directed by Jessica Sanders



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AFTER INNOCENCE

Filmmakers

Director	Jessica Sanders
Producers	Jessica Sanders Marc Simon
Editor	Brian Johnson
Cinematography	Shana Hagan, Buddy Squires Bestor Cram & Bob Richmond
Music	Charles Bernstein
Writers	Jessica Sanders & Marc Simon

A New Yorker Films release produced by American Film Foundation with Showtime Networks Inc.

Featuring

Herman Atkins
Wilton Dedge
Scott Hornoff
Dennis Maher
Vincent Moto
Calvin Willis
Nick Yarris
Ronald Cotton
Governor George Ryan
Barry Scheck
Peter Neufeld
Dr. Lola Vollen
Phil Donahue
Jennifer Thompson
Nina Morrison
Eddie Joe Lloyd

Visit:

www.AfterInnocence.com
www.NewYorkerFilms.com

USA, 2005	95 minutes, Color
In English	1.85, Dolby Digital

SYNOPSIS

After Innocence tells the dramatic and compelling story of the exonerated - innocent men wrongfully imprisoned for decades and then released after DNA evidence proved their innocence. The film focuses on the gripping story of seven men and their emotional journey back into society and efforts to rebuild their lives. Included are a police officer, an army sergeant and a young father sent to prison and even death row for decades for crimes they did not commit.

The men are thrust back into society with little or no support from the system that put them behind bars. While the public views exonerations as success stories - wrongs that have been righted - *After Innocence* shows that the human toll of wrongful imprisonment can last far longer than the sentences served. The film raises basic questions about human rights and society's moral obligation to the exonerated and places a spotlight on the flaws in our criminal justice system that lead to wrongful conviction of the innocent.

The film features exonerees Dennis Maher of Lowell, MA, Calvin Willis of Shreveport, LA, Scott Hornoff of Cranston, RI, Wilton Dedge of Cocoa Beach, FL, Vincent Moto of Philadelphia, PA, Nick Yarris of Philadelphia, PA, and Herman Atkins of Los Angeles, CA. It also features Barry Scheck and Peter Neufeld, founders of The Innocence Project which has helped to exonerate some of the more than 160 people freed through the use of post-conviction DNA testing in the last decade, and highlights the work of human rights activist Dr. Lola Vollen, co-founder of the Life After Exoneration Program.

After Innocence, the first feature film about the exonerated, reflects the public's heightened interest in, and fascination with the astonishing stories of the innocent and wrongfully convicted. Recent works on similar themes are the critically received off-Broadway play "The Exonerated," the award-winning photo book "The Innocents" by acclaimed photographer Taryn Simon, recent new books such as Helen Prejean's (Dead Man Walking) "The Death of Innocents: An Eyewitness Account of Wrongful Executions," "Actual Innocence" by Barry Scheck, Peter Neufeld and Jim Dwyer, and "Bloodsworth: The True Story of the First Death Row Inmate Exonerated by DNA" by Tim Junkin, and numerous magazine stories about the exonerated and the men and women working to free the innocent.

FEATURED EXONEREES

HERMAN ATKINS - 13 YEARS WRONGFULLY IMPRISONED



Year of Incident: 1986
Jurisdiction: California
Charge: Forcible Rape (2 counts), Forcible Oral Cop. (2 counts), Robbery
Conviction: Forcible Rape (2 counts), Forcible Oral Cop. (2 counts), Robbery
Sentence: 45 years
Year of Conviction: 1988
Year of Exoneration: 2000
Sentence Served: 11.5 years
Real perpetrator found? Not yet
Compensation? Not yet

Herman Atkins, the son of a California Highway Patrol Officer, was convicted by a jury in 1988 of robbery, rape, forcible oral copulation, and for using a handgun in the commission of these crimes. The victim was raped in a shoe store in Lake Elsinore, California, in 1986. Atkins was sentenced to over forty-five years in prison.

On April 8, 1986, the victim was working at a shoe store when she was raped and robbed at gunpoint. During the rape, the assailant ejaculated and wiped the semen from his genitals onto her sweater. The victim called the police and was taken to the hospital where vaginal swabs were collected. Her clothing, including the pink sweater with the semen stains, was collected and marked for identification. She was taken to a police station briefing room, where she was shown a photo lineup and identified Atkins as her assailant.

Atkins' defense was mistaken eyewitness identification. He presented an alibi witness and testified on his own behalf. In addition to the eyewitness identifications, the prosecution proffered testimony from a criminalist with the State of California's Riverside Laboratory. The criminalist testified that the semen found on vaginal swabs was deposited by someone with blood type A and PGM 2+1+. This typing was consistent with both the victim and Atkins. The criminalist also testified that the semen stain recovered from victim's sweater revealed the presence of a type A secretor and that about 25.9% of the black population have type A blood, and 80% of the population are secretors. Further, he testified that approximately 21.4% of the population (both caucasian and black) have PGM Type 2+1+. He incorrectly concluded that, based on these numbers, Atkins was included in a population of approximately 4.4% of people who could have committed this rape. The prosecutor argued during summation that this evidence was "evidence [which] can't be used to say this is exactly [the defendant], but it excludes a large percentage of the people, and does not exclude him, and that's corroboration."

Atkins's case was accepted by the Innocence Project in 1993. After locating the sweater and vaginal swabs in 1995, the Innocence Project began trying to gain access to the evidence for DNA testing. The prosecution refused to allow access to the evidence. In 1999, the Innocence Project filed a motion to compel the prosecutor to relinquish control of the evidence and send it to a laboratory for the purposes of DNA testing. The motion was granted and the evidence was sent to Forensic Science Associates (FSA).

After receiving the specimens, which consisted of biological evidence used at trial, FSA performed STR based DNA testing on the semen stains found on the victim's sweater. Testing was conducted on three separate areas of the sweater. In all three areas, the results were consistent. The spermatozoa found

were determined to be from someone other than Atkins. Based on the test results, Herman Atkins was released from prison in February 2000, after spending 11.5 years in prison for a crime he did not commit. Atkins was exonerated while producer Marc Simon was a student in the Innocence project, and his release and subsequent friendship with Simon sparked the inspiration for *After Innocence*. Herman recently graduated college and plans to earn both masters and doctorate degrees in psychology.

DENNIS MAHER - 19 YEARS WRONGFULLY IMPRISONED



Year of Incident: 1983
Jurisdiction: Massachusetts
Charge: Rape, Assault w/Intent to Rape, Assault & Battery, Aggravated Rape
Conviction: Rape, Assault w/Intent to Rape, Assault & Battery, Agg. Rape
Sentence: Life
Year of Conviction: 1984
Year of Exoneration: 2003
Sentence Served: 19 years
Real perpetrator found? Not yet
Compensation? Yes

On November 16, 1983, a 28-year-old woman was attacked as she was walking home from work in Lowell, Massachusetts. An unknown man accosted her and tried to engage her in conversation before forcing her into a nearby yard, where he sexually assaulted her. The following evening, a 23-year-old woman was attacked less than one hundred yards away from the site of the first assault.

The second victim had been on her way home from work when she was pushed to the ground by a man wielding a knife. She was able to escape her assailant after a vehement struggle and notified the police. The victim described her attacker as a man wearing a red, hooded sweatshirt and a khaki military-style jacket.

Dennis Maher was stopped and questioned by police on the night of the second attack. He was wearing a red, hooded sweatshirt and a subsequent search of his vehicle turned up an army field jacket, a military issue knife, and a rain slicker. Maher, then a sergeant in the United States Army, was arrested and charged with the two attacks, as well as an unsolved rape that occurred the previous summer in Ayer, Massachusetts. Though their descriptions varied, all three victims identified Maher in photographic lineups.

The Lowell attacks were tried together. Although no biological evidence linked him to the crime, Maher was convicted of both crimes. A month later, he was convicted of the Ayer rape, where biological evidence was introduced but never tested. The prosecution relied, instead, on the identifications made by the victims.

Maher always declared his innocence. In 1993, after seeing Barry Scheck and Peter Neufeld on the Phil Donahue Show, he wrote to the Innocence Project. The Project tried repeatedly to gain access to the biological evidence collected from the victims but was told that the evidence could not be located. In 2000, the case was transferred to the New England Innocence Project. The case picked up momentum when, in 2001, a law student discovered two boxes of evidence from the Lowell case in the basement of the Middlesex County Courthouse. The boxes contained the pants and underwear collected from the rape victim. The Massachusetts State Police Crime Laboratory found seminal stains on the underwear and possible bloodstains on the pants. The New England Innocence Project and the prosecution agreed to send the evidence to Forensic Science Associates (FSA) for DNA testing.

Testing performed on the pants did not yield conclusive results. Testing on the underwear, however, produced a genetic profile that excluded Dennis Maher as the donor of spermatozoa on the sample. Shortly after testing was completed, prosecutors were able to locate a seminal slide from the Ayer case, which was sent to Orchid Cellmark laboratories for testing. Results from the Ayer evidence were received in March 2003, again excluding Maher as the source of spermatozoa. After reviewing the results, the Middlesex County District Attorney's Office joined with the Innocence Projects in filing a motion to grant Maher a new trial and subsequently agreed to drop all charges against him.

On April 3, 2003, after 19 years of proclaiming his innocence, Dennis Maher was exonerated and freed from prison. He now works the night shift as a mechanic for Waste Management and is engaged to Melissa Valcourt whom he met on the Internet. They became the proud parents of Joshua Elijah Maher, the first baby born in Nashua, Massachusetts on January 1, 2005, and they are expecting their second child in February 2005. Dennis received compensation from the State of Massachusetts in September 2005 after Massachusetts became the 18th state to pass compensation legislation for the wrongfully convicted.

VINCENT MOTO - 10.5 YEARS WRONGFULLY IMPRISONED



Year of Incident: 1985
Jurisdiction: Pennsylvania
Charge: Rape, Involuntary Deviate Sex. Inter., Criminal Conspiracy, Robbery
Conviction: Rape, Involuntary Deviate Sex. Inter., Criminal Conspiracy, Robbery
Sentence: 12 - 24 years
Year of Conviction: 1987
Year of Exoneration: 1996
Sentence Served: 10.5 years
Real perpetrator found? Not yet
Compensation? Not yet

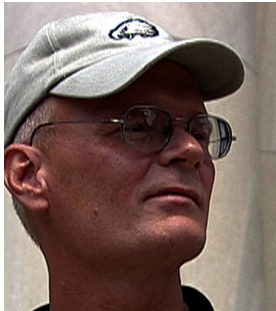
The victim in this case was attacked just after midnight on December 2, 1985, while walking in Philadelphia. A Chevrolet Caprice pulled up beside her and the passenger of the car, later identified as Vincent Moto, got out, pulled a gun on the victim, and forced her into the car. The two men drove the car to another location and proceeded to simultaneously and continuously sexually assault the victim. They then stole her money, gold chain, and glasses, and drove around the block. She was pushed out of the car half-naked. Five months later, the victim was walking down the street when she saw Vincent Moto walking with a young woman and child. She went to an office nearby and asked George Upshur to hold the defendant until the police arrived. Mr. Upshur complied and Moto was arrested.

At trial, Moto and his parents testified that he was at home at the time of the crime. The prosecution's case hinged upon the victim's identification of Vincent Moto as being one of her two assailants.

The court sentenced Moto to an aggregate term of twelve to twenty-four years. A motion was filed asserting that DNA testing should be conducted. The Court of Common Pleas denied the motion, but made sure that all evidence pertaining to this case would be preserved. The Innocence Project became involved in requesting that testing be conducted on a pair of the victim's underwear, which contained semen from the crime. Testing was performed at Forensic Science Associates in California. The results eliminated Vincent Moto as the source of the spermatozoa on multiple samples obtained from the victim's underwear. A motion was filed to vacate the conviction based on exculpatory test results.

On November 13, 1995, Judge Joseph Papalini vacated Moto's conviction and granted him a new trial based on the DNA results, though the district attorney's office was not yet ready to drop the case against Moto, alleging that it wanted to have its own laboratory conduct PCR based DNA testing. Vincent Moto walked out of prison after 10.5 years of incarceration in July 1996. In 1998, an independent laboratory confirmed the exculpatory DNA test results. After 8 years of freedom Vincent is still unable to find full-time employment and his criminal record has not been expunged. He is campaigning to convince the Pennsylvania legislature to enact compensation legislation for Pennsylvania's wrongfully convicted. Vincent, who is a talented musician, wrote and performed the closing credit song for *After Innocence*.

NICHOLAS YARRIS - 23 YEARS DEATH ROW



Year of Incident: 1981
Jurisdiction: Pennsylvania
Charge: Murder, Rape, Abduction
Conviction: Murder, Rape, Abduction
Sentence: Death
Year of Conviction: 1982
Year of Exoneration: 2003
Sentence Served: 21 years
Real perpetrator found? Not yet
Compensation? Not yet

On December 16, 1981, a young sales associate from the Tri-State mall in Pennsylvania was abducted in her car after her shift ended. When she did not arrive at home, hours after she was due, her husband called the police. Investigators quickly located her yellow Chrysler Cordoba, abandoned on a roadway in Chichester, PA. The following day, the victim's body was found - beaten, stabbed, and raped - in a church parking lot a mile and a half away from her car. Newly fallen snow covered her body. She was still clothed but the murderer had cut open her thick winter clothing to commit the sexual assault. The police determined that she had bled to death from multiple stab wounds in her chest. Biological materials, including sperm samples and fingernail scrapings, were collected from the victim's body. Police also collected gloves believed to have been left by the perpetrator from the victim's car. The biological evidence collected from the crime scenes would prove to be pivotal in the years to come.

Prosecutors relied on the testimony of a jailhouse informant and identifications by the victim's co-workers, who identified Yarris as the man seen harassing the victim before her murder. Conventional serological testing was performed on the rape kit, the results of which could not exclude Yarris. In 1982, Nicholas Yarris was convicted of murder, rape, and abduction. He was sentenced to death.

Throughout, Yarris proclaimed his innocence, leading to a long struggle for DNA testing of the crime scene evidence. In 1989, he became Pennsylvania's first death row inmates to demand post conviction DNA testing to prove his innocence. Successive rounds of DNA testing of various pieces of evidence followed throughout the 1990's. All failed to produce conclusive results. With hope waning, a breakthrough occurred in 2003 when Dr. Edward Blake of Forensic Science Associates conducted a final round of testing on the gloves found in the victim's car, fingernail scrapings from the victim, and the remaining spermatozoa obtained from the decedent's underpants. Significantly, the profiles obtained from the gloves and the spermatozoa evidence appeared to originate from the same person. On July 2, 2003, Nicholas Yarris was excluded as the source of all biological material connected with this crime.

On September 3rd, 2003, based on Dr. Blake's results, the court vacated Yarris's conviction and he became the 140th person in the United States to be exonerated by post conviction DNA testing - the 13th

DNA exoneration from death row. Nick recently married Karen Karbritz of London, England. They live in England and are expecting their first child.

Nick began to call for social reform the moment of his release before the world press. In the first year of freedom after spending 23 years on death row, Nicholas Yarris became one of the most sought after public speakers in the world. With an articulate and passionate ability to reach audiences of millions, Nicholas Yarris has crystallized the lessons for Governments and businesses and the academic world, to change.

His focus has become a mission statement in: BUSINESS IMPROVEMENT: “Doing it better, doing it right, and doing it NOW”, CORPORATE GOVERNANCE: “Capitalism with a social conscience and ethical trading” (Dignified profitability), HUMAN RIGHTS/PENAL REFORM: “The right of all humans to not be killed by the state, and restoring the balance between true rehabilitation and social retribution.”

During his first months of freedom, Nicholas Yarris has been sought by diverse audiences all over the world and has received wide acclaim. To discuss your public speaking requirements, please visit www.nickyarris.com <<http://www.nickyarris.com>> or email nick@nickyarris.com.

CALVIN WILLIS - 22 YEARS WRONGFULLY IMPRISONED



Year of Incident: 1981
Jurisdiction: Louisiana
Charge: Rape
Conviction: Aggravated Rape
Sentence: Life
Year of Conviction: 1982
Year of Exoneration: 2003
Sentence Served: 22 years
Real perpetrator found? Not yet
Compensation? Not yet

In June 1981, an intruder entered a home in Shreveport, Louisiana, where three girls - aged 10, 9, and 7 - had fallen asleep after playing dress-up. Two of the girls had fallen asleep on the couch, the third in bed. The intruder carried the nine-year-old from the couch to the bed, where her seven-year-old sister was sleeping. The ten-year-old victim awoke and saw a man standing above her, naked except for a cowboy hat. The attacker choked her and banged her head against the wall. The victim was able to escape and ran from the intruder, but was caught in the front yard, where a struggle ensued. She was kicked in the stomach and lost consciousness. The girls in the bedroom heard noises but remained in the bedroom. Their mother, the owner of the house, returned in the morning. She called the victim's mother after noticing that the victim was in pain.

The victim was taken to the hospital, where a rape kit, including fingernail scrapings, was collected. The police collected the panties and nightgown that the victim was wearing as well as a bedspread and a pair of men's size 40 boxer shorts found on the arm of the couch. The boxer shorts had not been there before the crime and the girls' mother did not recognize them.

The Northeast Louisiana Crime Laboratory performed conventional serological testing on the rape kit evidence. Blood was identified on the victim's panties. Seminal stains were found on the nightgown. Testing of the seminal stains revealed blood group O markers. The victim is a type A secretor and Willis is an O secretor and, therefore, could not be excluded as a contributor to the stain. Seminal fluid with blood

group O markers was also found on the bedspread. Willis was excluded from being the contributor of various hairs recovered from the bedspread. Blood was found on the boxer shorts that could not exclude the victim. No seminal fluid was detected on the vaginal swab.

Police interviews with the nine-year-old girl differed. In one report, she recollected that she was asleep on the couch with the victim and awoke as she was being carried by an unknown black man. She could not see his face but described his shoes, which were shaped like cowboy boots. In another report, the girl said that Calvin Willis stopped by the house looking for a woman who lived there previously. At trial, the girl identified Willis by his boots, though her testimony of what the boots looked like differed from the boots Willis was arrested in two days after the crime.

From the time he was arrested, Willis denied having anything to do with the crime. He was known in the neighborhood because he used to live there and still had family residing there. He had friends in the neighborhood that he often visited. Willis's wife testified that he had returned that night shortly before midnight and that they had spent the whole night together. She also testified that she often bought clothes for him and that his waist size was 29. Further, he had his boxer shorts on when he returned that night. Willis himself testified that he had dropped off his friend and returned home before midnight. His description of the clothes he was wearing that night did not match those described by any of the three girls. In the past, he had been to the house where the crime occurred and all three girls had seen him several times, but he was not there and did not see the victim on the night of the crime. The jury did not believe Willis's alibi. He was convicted in February 1982 of rape and sentenced to life in prison without parole.

In 1998, his case was accepted by the Innocence Project. Evidence was located in the clerk's office of the Caddo Parish District Court. The nightgown, rape kit, and boxer shorts were submitted to Forensic Science Associates for testing. Results were obtained from mixed samples found on the boxer shorts and the fingernail scrapings from the rape kit. Testing of the material found under the victim's fingernails revealed two sources of DNA, one male and one female. The female portion matched the DNA profile of the victim. Testing of the blood found on the boxer shorts revealed a mixture of DNA profiles. The victim's profile matched that of the major contributor of the stain. Two other profiles, at least one of which was male, were obtained. Another mixture was detected on the fly section of the boxers. The primary contributor to the non-sperm portion of that sample was a male. The sperm fraction of that sample revealed the profiles of several males. Importantly, the profile of the male contributor to the fingernail scrapings is compatible with the male profile from the blood stain mixture on the boxer shorts, the non-sperm fraction of the mixture on the fly, and one of the male profiles from the sperm fraction on the fly. Calvin Willis was excluded from being a contributor to any of the samples.

On September 19, 2003, he was released from the Louisiana State Penitentiary at Angola and was greeted by his family and long-time advocate Janet Gregory. Willis had spent 22 years in prison for a brutal rape that he did not commit. He is working toward a GED and seeking full-time employment in Shreveport, LA.

WILTON DEDGE - 22 YEARS WRONGFULLY IMPRISONED



Year of Incident: 1981
Jurisdiction: Florida
Charge: Sexual Battery, Assault, Burglary
Conviction: Sexual Battery, Aggravated Battery, Burglary
Sentence: Life
Year of Conviction: 1982, 1984 (retrial)
Year of Exoneration: 2004
Sentence Served: 22 years
Real perpetrator found? Not yet
Compensation? Not yet

The victim was attacked in her home on December 8, 1981. After coming home in the afternoon, she heard a sound while changing clothes and turned to find a man armed with a blade. He cut off her clothes and raped her vaginally and anally. During the assault, the perpetrator cut the victim all over her body. After the assailant left, the victim contacted her boyfriend and was taken to the emergency room, where a rape kit and the victim's clothes were collected.

Four days after the crime, the victim saw a man in a convenience store and told her sister that he resembled her attacker, only he was shorter. The victim's sister identified the man as "Walter Hedge". In January 1982, the victim told investigators about the man and the police arrested Wilton Dedge's brother, Walter. After seeing Walter's picture, the victim's sister told police it was Wilton, not Walter, that the victim had seen at the store. Wilton Dedge's picture was placed in a photographic array and the victim identified him. He was immediately arrested and charged.

The victim's initial description of her assailant, given at the hospital, was six feet tall and approximately 160 pounds. She had been able to compare their relative heights before and during the attack. She also stated that the perpetrator was big and muscular, able to throw her around easily. At the time of the crime, Wilton Dedge weighed 125 pounds and was 5'5" tall.

The prosecution's hair expert testified that two pubic hairs were found on the victim's bed. One was similar to hairs taken from the victim. The other was from a male and Dedge could not be eliminated as a possible source of that hair. The hair proved to be the only physical evidence linking Dedge to the crime. Sperm was found on a swab in the rape kit, but no blood typing results were ascertained.

To complete their case, prosecutors relied on the testimony of Clarence Zacke, a jailhouse snitch, and John Preston, who presented dog-sniffing evidence. Zacke was a known snitch and, at the time of Dedge's trial, received a drastic reduction in his sentences. He claimed that Dedge confessed to the crime while they were being transported together in a prison van. Preston's dog allegedly, after sniffing an item with Dedge's scent on it, alerted its owner to Dedge's presence in the victim's house. Preston has since been discredited by prosecutors in several states.

Dedge maintained his innocence from the moment of arrest. His mother and brother testified that he had not even been in town when the crime occurred. Several alibi witnesses also testified on his behalf, but he was convicted in May 1982. His conviction was reversed in 1983, but he was again convicted in August 1984. At trial, the prosecution relied on the victim's eyewitness identification, microscopic hair comparison, snitch testimony, and dog sniffing evidence to secure the conviction - evidence eventually disproved by DNA testing.

In 1996, Dedge became the first Florida inmate to seek post conviction DNA testing, several years before the state passed its 2001 law providing for such testing. He won that motion in 2000, and, in June 2001, mitochondrial DNA testing proved that the pubic hair did not come from Dedge. The Innocence Project and local counsel, Milton Hirsch, asked the court to overturn Dedge's conviction on grounds of innocence. The State, however, argued that because Dedge had won access to DNA testing too early – before there was a law governing post conviction DNA testing – he could not benefit from the new law, or get into court with new evidence of innocence.

For three years, the State opposed Dedge's motions on procedural grounds, at one time admitting in court that they would oppose Dedge's release even if they knew that he was absolutely innocent. These paradoxical arguments were roundly rejected by Brevard Circuit Judge Silvernail and again by the 5th District Court of Appeal in April 2004.

Further testing was ordered by the court on the semen evidence found on the anal swab recovered from the rape kit. Initial testing had not yielded conclusive results because the sample was degraded. More advanced Y-chromosome STR testing was utilized in the final round of testing. The results excluded Dedge as the contributor of the spermatozoa, conclusively proving his innocence for a second time. He was released from prison in the early morning hours of August 12, 2004. Dedge is working part-time and planning a lawsuit against the state of Florida.

SCOTT HORNOFF - 6.5 YEARS WRONGFULLY IMPRISONED



Year of Incident: 1989
Jurisdiction: Rhode Island
Charge: 1st degree murder
Conviction: 1st degree murder
Sentence: Life
Year of Conviction: 1996
Year of Exoneration: 2002
Sentence Served: 6.5 yrs.
Real perpetrator found? Yes
Compensation? No

At the time of his arrest, Scott Hornoff was a police officer in Warwick, Rhode Island. He was convicted of murder and after serving 6 1/2 years of a life sentence, he was freed November 1, 2002, five days after the real killer confessed to the murder.

Scott sued the City of Warwick, RI to be reinstated as a police officer and to receive his back pay and pension. Although the court ruled in Scott's favor, the City of Warwick has appealed the decision and Scott's reward remains pending. He remains an advocate for criminal justice reform and has formed the not for profit "Serving Justice Foundation".

An open letter from Warwick Detective Jeffrey Scott Hornoff

Hello, I hope this letter finds you and finds you well. My name is Jeffrey Scott Hornoff and I am a detective with the Warwick, Rhode Island police department. And I used to be in favor of the death penalty; that is, until I was charged, tried and convicted of first-degree murder.

If Rhode Island had the death penalty I'd have been on it. Instead I was sentenced to life in prison and, after spending six years, four months and eighteen days on the other side of the fence (on November 6,

2002), I was freed when the one responsible, filled with hauntings and remorse, came forward. I still believe that our DNA quest or federal appeals would have eventually freed me, but I would still be there today.

I now have a new path. I intend to speak out about our judicial system and how innocent people are wrongfully imprisoned every day. I hope to help at least one other innocent see freedom, including a local inmate who I met in prison and recently visited, as well as a Green Bay police officer; I have been asked by his family and attorneys to attend his hearing. And I've been invited to speak at a B.U. Law School class on wrongful convictions, the Innocence Project and the National Coalition Against the Death Penalty national conferences, and local organizations.

Perhaps I can do the most good at law/journalism schools and police academies, though I feel the need to inform everyone of just how tenuous our freedoms are (Rotary Clubs, Elks, Jaycees and other public service groups). If it could happen to me-a white, upper middle class, 40 year old cop- it can happen to anyone, and it does.

I can speak about Police Investigations (proper and otherwise), Prosecutors (including their intended mission), Judges (at least mine), the Media and its influence on the jury pool, Freedom, Wrongful Imprisonment, Adversity (a common thread which shapes and defines who we are individually and as a race), Prisons (I filed a pro se law suit in federal court over prison conditions; first hearing scheduled for March 14), Spiritual warfare, and What to do if it happens to you.

I graduated 2nd in my class from the Rhode Island Municipal Police Academy in December 1983. I attended the BCI School; and I am a PADI certified Divemaster, having participated on the Warwick Police Dive Team and Underwater Assault Team. And I assisted in coordinating our police department's resources in Rhode Island Special Olympics fundraising efforts. I have a B.S. in Administration of Justice from Roger Williams University with a minor concentration in Communications. My plans to be part of RWU's first law school class were interrupted. Please feel free to contact me if you feel I might contribute to your members' or students' education and growth by speaking with them and fielding their questions and paying forward all of the efforts made to free me. Thank You, Scott Hornoff
JScottHornoff@aol.com

RONALD COTTON - 11 YEARS WRONGFULLY IMPRISONED



Year of Incident: 1984
Jurisdiction: North Carolina
Charge: Rape, Burglary
Conviction: Rape (2 cts.), Burglary (2 cts.)
Sentence: Life plus 54 years
Year of Conviction: 1985/1987
Year of Exoneration: 1995
Sentence Served: 10.5 years
Real perpetrator found? Yes -- Felon Database Match
Compensation? Yes

Twice in July 1984, an assailant broke into an apartment, severed phone wires, sexually assaulted a woman, searched through her belongings, and took money and other items. On August 1, 1984, Ronald Cotton was arrested for these crimes. In January 1985, Cotton was convicted by a jury of one count of rape and one count of burglary. In a second trial, in November 1987, Cotton was convicted of both rapes

and two counts of burglary. An Alamance County Superior Court sentenced Cotton to life plus fifty-four years.

The prosecutor's evidence at trial included a photo identification made by one of the victims, a police lineup identification made by one of the victims, a flashlight found in Cotton's home that resembled the one used by the assailant, and rubber from Cotton's tennis shoe that was consistent with rubber found at one of the crime scenes.

On appeal, the North Carolina Supreme Court overturned the 1985 conviction because the second victim had picked another man out of the lineup and the trial court had not allowed this evidence to be heard by the jury. In November 1987, Cotton was retried, this time for both rapes because the second victim decided that Cotton was her assailant. Before the second trial, a man in prison, who had been convicted for similar crimes similar, told another inmate that he had committed the crimes for which Cotton had been convicted. A superior court judge refused to allow this information into evidence, and Cotton was convicted of both rapes. The next year, Cotton's appellate defender filed a brief but did not argue the failure to admit the second suspect's confession, and the conviction was affirmed.

In 1994, the chief appellate defender requested that two new lawyers take over Cotton's defense. They filed a motion for appropriate relief on the grounds of inadequate appeal counsel. They also filed a motion for DNA testing that was granted in October 1994. In the spring of 1995, the Burlington Police Department turned over all evidence that contained the assailant's semen for DNA testing. At the defense's request, the results were sent to the State Bureau of Investigation's DNA database, containing the DNA patterns of convicted violent felons in North Carolina prisons. The state's database showed a match with the convict who had earlier confessed to the crime.

When the DNA test results were reported in May 1995, the district attorney and the defense motioned to dismiss all charges. On June 30, 1995, Cotton was officially cleared of all charges and released from prison. In July 1985, the governor of North Carolina officially pardoned Cotton, making him eligible for \$5,000 compensation from the state. Cotton had served 10.5 years of his sentence.

Arising from this case is the incredible story of Jennifer Thompson, the victim who had identified Cotton. An aspiring college student at the time of the crime, she made it her purpose to study the assailant's face so that he would be brought to justice. She identified the wrong man. Since the exoneration Ronald Cotton and Jennifer Thompson-Canino have forged a special friendship, and they speak together publicly about the dangers and errors of eyewitness identification.



**JENNIFER THOMPSON-CANINO
ACTIVIST AGAINST EYEWITNESS MISTAKEN IDENTIFICATION**

'I Was Certain, but I Was Wrong'
New York Times OP-ED, June 18, 2000
By JENNIFER THOMPSON-CANINO

In 1984 I was a 22-year-old college student with a grade point average of 4.0, and I really wanted to do something with my life. One night someone broke into my apartment, put a knife to my throat and raped me.

During my ordeal, some of my determination took an urgent new direction. I studied every single detail on the rapist's face. I looked at his hairline; I looked for scars, for tattoos, for anything that would help me

identify him. When and if I survived the attack, I was going to make sure that he was put in prison and he was going to rot.

When I went to the police department later that day, I worked on a composite sketch to the very best of my ability. I looked through hundreds of noses and eyes and eyebrows and hairlines and nostrils and lips. Several days later, looking at a series of police photos, I identified my attacker. I knew this was the man. I was completely confident. I was sure.

I picked the same man in a lineup. Again, I was sure. I knew it. I had picked the right guy, and he was going to go to jail. If there was the possibility of a death sentence, I wanted him to die. I wanted to flip the switch.

When the case went to trial in 1986, I stood up on the stand, put my hand on the Bible and swore to tell the truth. Based on my testimony, Ronald Junior Cotton was sentenced to prison for life. It was the happiest day of my life because I could begin to put it all behind me.

In 1987, the case was retried because an appellate court had overturned Ronald Cotton's conviction. During a pretrial hearing, I learned that another man had supposedly claimed to be my attacker and was bragging about it in the same prison wing where Ronald Cotton was being held. This man, Bobby Poole, was brought into court, and I was asked, "Ms. Thompson, have you ever seen this man?" I answered: "I have never seen him in my life. I have no idea who he is."

Ronald Cotton was sentenced again to two life sentences. Ronald Cotton was never going to see light; he was never going to get out; he was never going to hurt another woman; he was never going to rape another woman.

In 1995, 11 years after I had first identified Ronald Cotton, I was asked to provide a blood sample so that DNA tests could be run on evidence from the rape. I agreed because I knew that Ronald Cotton had raped me and DNA was only going to confirm that. The test would allow me to move on once and for all.

I will never forget the day I learned about the DNA results. I was standing in my kitchen when the detective and the district attorney visited. They were good and decent people who were trying to do their jobs -- as I had done mine, as anyone would try to do the right thing. They told me: "Ronald Cotton didn't rape you. It was Bobby Poole."

The man I was so sure I had never seen in my life was the man who was inches from my throat, who raped me, who hurt me, who took my spirit away, who robbed me of my soul. And the man I had identified so emphatically on so many occasions was absolutely innocent.

Ronald Cotton was released from prison after serving 11 years. Bobby Poole pleaded guilty to raping me.

Ronald Cotton and I are the same age, so I knew what he had missed during those 11 years. My life had gone on. I had gotten married. I had graduated from college. I worked. I was a parent. Ronald Cotton hadn't gotten to do any of that.

Mr. Cotton and I have now crossed the boundaries of both the terrible way we came together and our racial difference (he is black and I am white) and have become friends. Although he is now moving on with his own life, I live with constant anguish that my profound mistake cost him so dearly. I cannot begin to imagine what would have happened had my mistaken identification occurred in a capital case.

Today there is a man in Texas named Gary Graham who is about to be executed because one witness is confident that Mr. Graham is the killer she saw from 30 to 40 feet away. This woman saw the murderer for only a fraction of the time that I saw the man who raped me. Several other witnesses contradict her, but the jury that convicted Mr. Graham never heard any of the conflicting testimony.

If anything good can come out of what Ronald Cotton suffered because of my limitations as a human being, let it be an awareness of the fact that eyewitnesses can and do make mistakes. I have now had occasion to study this subject a bit, and I have come to realize that eyewitness error has been recognized as the leading cause of wrongful convictions. One witness is not enough, especially when her story is contradicted by other good people.

Last week, I traveled to Houston to beg Gov. George W. Bush and his parole board not to execute Gary Graham based on this kind of evidence. I have never before spoken out on behalf of any inmate. I stood with a group of 11 men and women who had been convicted based on mistaken eyewitness testimony, only to be exonerated later by DNA or other evidence. With them, I urged the Texas officials to grant Gary Graham a new trial, so that the eyewitnesses who are so sure that he is innocent can at long last be heard.

I know that there is an eyewitness who is absolutely positive she saw Gary Graham commit murder. But she cannot possibly be any more positive than I was about Ronald Cotton. What if she is dead wrong?

Jennifer Thompson is a homemaker in North Carolina and does volunteer work with abused children.

ALSO FEATURING

Barry Scheck and Peter Neufeld

In 1992 attorneys Barry C. Scheck and Peter J. Neufeld founded The Innocence Project at the Benjamin N. Cardozo School of Law in New York. The Innocence Project, a non-profit legal clinic, works to free innocent people, estimated in the thousands, who remain incarcerated and to bring substantive reform to the criminal justice system responsible for their unjust imprisonment. This Project handles only cases where post-conviction DNA testing of evidence can yield conclusive proof of innocence. As a clinic, students handle individual cases and are supervised by a team of pro-bono attorneys and clinic staff.

DNA testing has been a major factor in changing the criminal justice system. A result of Barry Scheck and Peter Neufeld's work is The Innocence Network, a nationwide group of law schools, journalism schools, and public defender offices that assists inmates trying to prove their innocence whether or not the cases involve biological evidence subject to DNA testing. The Innocence Network also consults with legislators and law enforcement officials on the state, local, and federal level, conducts research and training, produces scholarship, and proposes a wide range of remedies to prevent wrongful convictions.

Dr. Lola Vollen

In 2003 human rights activist Dr. Lola Vollen co-founded the Life After Exoneration Program (LAEP) with Barry Scheck and Peter Neufeld. This nationwide Program was created to address the on-going injustices facing the exonerated and to provide services and resources to help the survivors of wrongful conviction re-enter society and rebuild their lives. The exonerated face challenges in virtually every aspect of life – employment, housing, financial resources, support systems, and access to medical, psychological and

dental care. A convicted person upon release is provided social services that do not exist formally for the exonerated. LAEP, a non-profit project, was created to address this lack of service.

Governor George Ryan and Aaron Patterson

Just 48 hours before the end of his term, Illinois Governor George Ryan made history by commuting every previous death row sentence in the state to life in prison without the possibility of parole. In addition to sparing the lives of 171 inmates, he fully pardoned four men—including Aaron Patterson, who had spent 17 years on death row after being tortured to confess to a crime he did not commit. Governor Ryan's action has sparked a national discussion on the death penalty. Governor Ryan's decision was made after 13 death row inmates were found innocent and he declared a moratorium on the death penalty in 2002 to examine the system. "We found out that the error rate [of convicting the innocent] was 60%," "That's six in ten people...I determined the only way I could be safe in what I was going to do was to issue a blanket clemency."

ABOUT THE FILMMAKERS

DIRECTOR, PRODUCER, WRITER

Jessica Sanders

Jessica Sanders is an Academy Award-nominated filmmaker who works in fiction and non-fiction productions. She produced the film *Sing!* which received Oscar and Emmy nominations in 2002. Her previous film, *Los Angels*, a narrative film that she wrote, produced, and directed, played at numerous festivals and received the Gold Plaque Award at the Chicago International Festival, the Lagniappe Best Short Film at the New Orleans Festival, among other awards. Sanders was an Associate Producer on the 2003 Academy® Award-Winning documentary short film *Twin Towers* and Series Associate Producer and Camera Operator on Dick Wolf's NBC documentary series *Crime & Punishment*. Sanders is an alumna of the Independent Feature Project Involve and completed the filmmaker's fellowship program of IFP's Producer's Lab, where she was among a select group of filmmakers chosen to develop Independent film projects. She is completing the short narrative films *Stormy Weather* and *Pool King* and is currently in development on both documentary and narrative feature films.

PRODUCER, WRITER

Marc Simon

Marc H. Simon is an attorney and filmmaker, and has experience working in front of the camera as an actor and on-air correspondent. Simon is a graduate of the Benjamin N. Cardozo School of Law and is an alumnus of its Innocence Project, an experience which inspired the making of *After Innocence*. He practices law in the areas of litigation and entertainment at the law firm of Dreier LLP in New York City. In addition he currently works as a legal correspondent and producer for Fox Television's *A Current Affair*. Marc has worked in film development and film production, and as an actor he appeared in the Spike Lee directed feature *25th Hour*. He is currently developing a reality-based television series and both documentary and narrative feature films.

EDITOR

Brian Johnson

Brian Johnson is an accomplished editor who was nominated for an ACE Award for Best Editing in a Documentary for the 1999 Academy® Award-nominated feature *Buena Vista Social Club*.

CINEMATOGRAPHERS

Shana Hagan, Buddy Squires, Bestor Cram, Bob Richmond

Hagan has photographed over 40 documentary and narrative films, including the Oscar-winning *Breathing Lessons* about poet and journalist Mark O'Brian.

Squires has photographed six Academy® Award-nominated films, one Oscar-winning film and 9 Emmy Award- winning films. His cinematography is featured in nearly all of Ken Burns' films.

Cram is an award-winning director, producer and cinematographer.

Richmond photographed the Academy Award-nominated *My Architect* and the award-winning *Metallica: Some Kind of Monster*, among dozens of feature documentaries.

COMPOSER

Charles Bernstein

Charles Bernstein has written numerous scores for feature films and television specials, including for the Oscar-winning films *Czechoslovakia 1968* and *Maya Lin*.

PRODUCTION COMPANIES

**American Film Foundation
Showtime Networks Inc.**

American Film Foundation is an Academy® and Emmy® award-winning film production company based in Santa Monica, California that produces theatrical documentary features, series and specials on the arts, social and human rights issues, the environment and humanities.

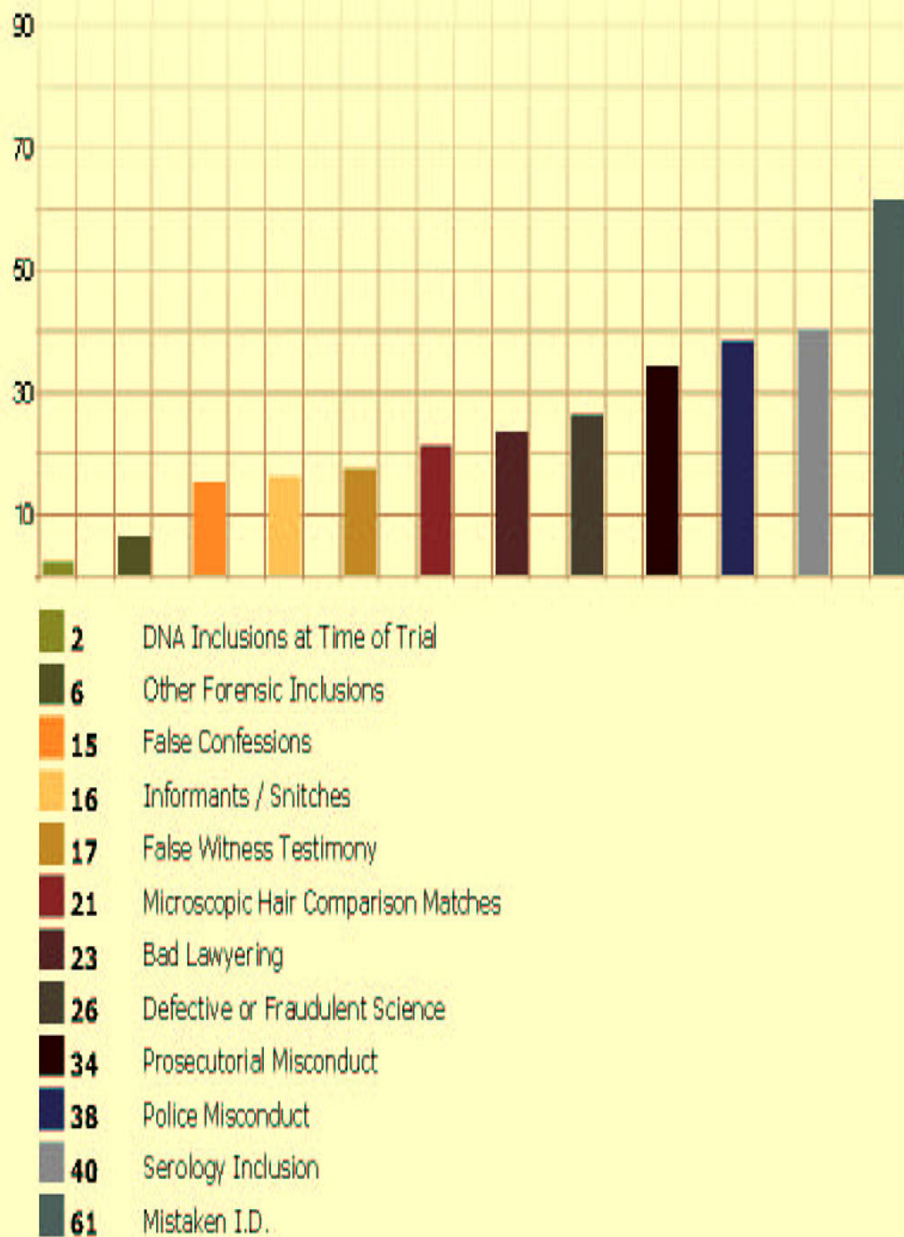
Showtime Networks Inc. (SNI), which is a wholly owned subsidiary of Viacom Inc., owns the premium television networks SHOWTIME®, THE MOVIE CHANNEL™ and FLIX®, as well as the multiplex channels SHOWTIME® TOO™, SHOWTIME® SHOWCASE, SHOWTIME EXTREME®, SHOWTIME BEYOND®, SHOWTIME NEXT®, SHOWTIME WOMEN®, SHOWTIME FAMILYZONE® and TMC xtra. SNI also offers SHOWTIME HD®, THE MOVIE CHANNEL HD®, SHOWTIME ON DEMAND® and THE MOVIE CHANNEL ON DEMAND™. SNI operates and manages the premium television network SUNDANCE CHANNEL®, which is owned by SNI, Robert Redford and NBC Universal. All SNI feeds provide enhanced sound using Dolby Digital 5.1. SNI markets and distributes sports and entertainment events for exhibition to subscribers on a pay-per-view basis through SHOWTIME® PPV. Additionally, the advertiser-supported television network SHOWTIME is available in Turkey through a joint venture with UK-based Zone Vision.

FESTIVALS AND AWARDS

- 2005 Sundance Film Festival**
WINNER Special Jury Prize
- 2005 Seattle International Film Festival**
WINNER Women in Cinema Lena Sharpe Award
- 2005 Full Frame Documentary Film Festival**
WINNER Content + Intent = Change
- 2005 Nantucket Film Festival**
WINNER Storytelling in a Documentary
- 2005 Boston Independent FF**
WINNER Audience Award
- 2005 Newport Beach Film Festival, CA**
WINNER Special Jury Prize
- 2005 Chicago International Film Festival**
Official Selection
- 2005 Tribeca Film Festival**
Official Selection
- 2005 Philadelphia Film Festival**
Official Selection
- 2005 Newport Film Festival, RI**
Official Selection
- 2005 Florida Film Festival, Orlando**
Official Selection
- 2005 Athens International Film & Video Festival**
Official Selection
- 2005 Hawaii International Film Festival**
Official Selection
- 2005 Hot Springs Documentary Film Festival**
Official Selection
- 2005 Milwaukee International Film Festival**
Official Selection
- 2005 Miami International Film Festival**
Official Selection
- 2006 Locarno International Film Festival**
Human Rights Section
- 2005 Vancouver International Film Festival**
Official Selection

FACTORS LEADING TO WRONGFUL CONVICTIONS

The most common factors leading to wrongful convictions that were found in the first 70 DNA exonerations.



Wrongful conviction compensation

As of this year, 20 states, the District of Columbia and the federal government provided some type of compensation for those wrongly convicted.

Alabama

\$50,000 for each year served, although a committee can recommend more.

California

\$100 a day for each day served.

District of Columbia

No cap. Civil court decides on amount.

Illinois

Maximum \$15,000 for up to five years; \$30,000 for 6-14 years; \$35,000 for more than 14 years.

Iowa

\$50 a day for each day served plus lost wages of up to \$25,000 a year and attorney's fees.

Louisiana

\$15,000 for each year of incarceration up to \$150,000.

Maine

Maximum \$300,000, no punitive damages.

Maryland

"Actual damages" as decided by the Board of Public Works.

Massachusetts

Up to \$500,000.

Montana

Educational aid from money appropriated by the state legislature.

New Hampshire

Up to \$20,000.

New Jersey

Capped at twice the amount earned the year before incarceration or \$20,000, whichever is greater.

New York

No limit. Damages decided by Court of Claims.

North Carolina

\$10,000 a year, with the total not to exceed \$150,000, as decided by a commission that makes recommendations to the governor.

Ohio

\$25,000 a year, lost wages and attorney's fees.

Oklahoma

\$175,000 maximum, no punitive damages.

Tennessee

\$1 million maximum, decided by Board of Claims.

Texas

\$25,000 a year not to exceed a total of \$500,000, decided by state court or state comptroller.

Virginia

90 percent of the per capita income of the average state resident for up to 20 years, plus \$10,000 in tuition to enroll in the state's community college system.

West Virginia

"Fair and reasonable damages" as decided by Court of Claims.

Wisconsin

\$5,000 a year not to exceed a total of \$25,000 as decided by the Claims Board, which can also petition the legislature for more money.

Federal government

\$50,000 per year for non-capital cases, \$100,000 for death penalty cases.

Post-Gazette

**AFTER INNOCENCE is dedicated to the memory of
EDDIE JOE LLOYD - 17 YEARS WRONGFULLY IMPRISONED**



Year of Incident: 1984
Jurisdiction: Michigan
Charge: Murder
Conviction: First Degree Felony Murder
Sentence: Life w/o parole
Year of Conviction: 1985
Year of Exoneration: 2002
Sentence Served: 17 years
Real perpetrator found? Not yet
Compensation? Not yet

On August 26, 2002 Eddie Joe Lloyd became the 110th person exonerated by post-conviction DNA evidence after spending 17 years in prison for a murder he did not commit. As a result of poor medical conditions in prison, he was in failing health and died of cardiac arrest just two years after his release at the age of 56. The film is dedicated to Eddie Joe Lloyd's memory.

For more info visit:

www.InnocenceProject.org

www.Exonerated.org

www.ActiveVoice.net