What If It Was You?

The Exoneration Stories of David Bryant, Shaurn Thomas, and Johnny Berry

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What’s important to understand about the criminal justice system is that it has never been inherently flawless. Even decades, centuries after monumental legislation that fostered increased equality of race, sex, gender identity, sexual orientation, the judicial system continues to fail in properly delivering justice. In particular, it allows for innocent individuals to serve extended amounts of time in prison for crimes they did not commit, otherwise known as a wrongful conviction.

As can be easily deduced by the term, a wrongful conviction occurs when an individual actually innocent of a crime is convicted for said crime. According to the Cornell Law Review, actual innocence can be defined as “an absence of facts required for conviction under a criminal statute” [1]. To visualize this, imagine the following situation:

One day, you, let’s say a sixteen-year-old teen in Wisconsin, walk to the corner store in your neighborhood to purchase milk for your family. It takes you five minutes to walk there, two minutes to make your purchase, and five again to walk back for a round-trip total of twelve minutes. In those twelve minutes, a man robs an elderly woman behind the same corner store at gunpoint and flees the scene quickly. You, the teen, are actually innocent of the crime. There is an “absence of facts” that would fit the legal bar to rightfully convict you for the crime [1]. Nonetheless, in the current justice system, actually innocent individuals like you continue to be convicted.

Wrongful convictions can be broken down into two major categories: no-crime convictions and wrong-person convictions [2, p. 6-7]. The former involves a crime in which no party, no party that exists, is guilty of a specific crime for which someone has been convicted because no crime occurred. Take our last example of the corner store and instead of an elderly
woman being robbed, let’s instead say nothing nefarious occurred at that corner store; if the teen
were to be convicted of the crime anyway, we would consider that to be a no-crime wrongful
conviction. One of the most well-known no-crime cases is the Scottsboro Boys case from 1931.
Eight black adolescent boys were convicted for the rape of two white women on a train, and
collectively served north of a century in prison. One of the women recanted her testimony and
confessed that law enforcement coerced the two women to confess [2, p. 3-4]. Up until May
2017, about one-third of reported wrongful convictions were no-crime [2, p. 7]. When we think
about wrongful convictions, though, we more frequently think about wrong-person wrongful
convictions. These cases are similar to our original example above; an actually innocent person
is wrongfully convicted for a crime for which there is a separate guilty party [2, p. 6]. One high
profile example of a wrong-person case is the Central Park Five, in which five New York boys
were wrongfully convicted for the murder-rape of a jogger in Central Park on April 19, 1989 [3].
Of the three exoneration stories you will read and analyze in this paper, all cases were
wrong-person crimes. Moreover, in all three exonerations, no other parties were rightfully
convicted of the crime post-exoneration.

However, the more pressing question “How often do these wrongful convictions occur?”
What makes it so difficult to properly answer this question is the nature of statistical analysis in
the field.

In robust statistical analyses, like studies on the efficacy of a drug or on traffic patterns at
a busy intersection, it is often necessary to design a controlled experiment to find conclusive
results. In order to design an experiment fit to generate a statistic on the amount of individuals
incarcerated wrongfully, one would need to control all outside factors that do not contribute to
the conviction. This is not feasible with wrongful convictions. That being said, there has been significant research and analytical study in the field that has produced well-respected figures on the possible percentage of wrongfully convicted individuals incarcerated.

The first significant figure in the field of wrongful conviction was produced by Professor D. Michael Risinger using DNA exonerations of capital rape-murders spanning the time period of 1982-1989, arguably the beginning of the Innocence Movement we now see today [4, p. 762]. In his analysis, Risinger focused solely on the type of crime previously listed above, which he concluded to be the numerator of the figure he sought. By limiting the amount of cases down by removing outliers and limiting cases to placate criticism, Risinger arrived at a numerator of 10.5 capital rape-murders resulting in wrongful convictions [4, p. 774]; he was left to limit the denominator to reflect the numerator’s properties [4, p. 768]. To find an adequate denominator, Risinger had to limit the number of capital rape-murder sentences given death penalties from the time period - 479 [4, p. 775]. Risinger reached out to the Innocence Project, whose records showed that of the 212 cases tried during the time period, fifteen were capital rape-murders, and a further five of said cases had no DNA evidence that yielded results [4, p. 778]. Therefore, Risinger therefore limited his denominator by one-third, which produced what he believed to be the “floor” of the wrongful conviction rate: 3.3% [4, p. 778]. Furthermore, Risinger reasonably concluded that a “ceiling” for the rate is 5% [4, p. 779].

The issue that arises here is whether or not we can generalize Risinger’s findings to the prison system as a whole. In other words, is it reasonable for us to say that across the board, in all types of cases, approximately 3.3%-5% of all cases are likely wrongful convictions? No. In its purest form, we can only generalize the findings to all capital rape-murders in the time period.
However, it could be indicative of the rate in other similarly serious cases, but not minor felonies or misdemeanors.

Although Risinger is considered to be the very first serious wrongful conviction rate, more research has - as expected - been conducted in the decades since his publishing. A new wrongful conviction rate from Samuel Gross, one of the most prominent scholars in the field, now serves as a key statistic in the field.

Using data from the Bureau of Justice Statistics and Department of Justice, Gross and his team wanted to calculate a statistic representing the rate of capital exonerations under the proposed circumstances that the convict remains on death row indefinitely. Gross focuses on these convictions because of the nature of capital convictions: defendants are more likely to pursue more appeals in order to survive and courts are more likely to research and investigate said appeals because of the fear of killing an innocent person [5, p. 1-2]. To estimate the cumulative probability of exoneration for death row inmates under the threat of execution, Gross utilizes survival analysis [5, p. 4]. These analyses are typically used in medical studies to evaluate the efficacy of a drug; the group is studied to determine the probability of death under the new drug without any other outside variables. Although it is counterintuitive, for this study, “survival” is considered remaining on death row under the threat of execution, and “death” is removal from death row via exoneration [5, p. 4]. There are, of course, other ways to remove someone from death row, like death, but in this study, removal via legal actions that commute a sentence to life in prison remove the threat of execution and are thereby not the focus [5, p. 4].

In order to take into account the censoring of observations caused by other variables regarding exoneration, like recency of conviction or death by natural causes, Gross uses a
Kaplan-Meier estimator to find the cumulative probability. The test estimates the probability of being event-free, which for this study is remaining on death row, and its complement therefore estimates the probability of exoneration within the given time parameters [5, p. 4]. According to Gross, “the cumulative probability of exoneration for death-sentenced defendants who remained under threat of execution for 21.4 y was 4.1% (with a 95% confidence interval of 2.8–5.2%)” [5, p. 4]. Gross concludes that this estimate is likely conservative because in practice, there are thousands of convicts who are removed from death row via execution and resentencing, thus no longer under threat of execution. Furthermore, those who were removed via resentencing would have been two times more likely to have been exonerated [5, p. 5].

Similarly to Risinger, this rate cannot be generalized to a broader scale of convictions because capital punishments are treated differently than other, more minor convictions [5, p. 6].

Needless to say, though, from evidence found by Gross, Risinger, and other similar scholars in the field of wrongful convictions, it is evident that there is a major gap in the criminal justice system. Since 1989, the National Registry of Exonerations, which compiles exonerations into studies and statistical analyses with the help of scholars from the Newkirk Center and University of California Irvine, the University of Michigan School of Law, Michigan State University College of Law, and Northwestern University School of Law, well over 20,000 years have been wrongfully spent in prison [6]. Furthermore, there are over 2,500 recorded exonerations from the same time period [6]. Though it’s likely that the figure is in fact accurate, it is possible that there are exonerations that have not been reported on the website.

Beyond understanding how many individuals are wrongfully convicted, it’s also equally important to understand why. Why do we allow the justice system to continue functioning as it
currently does? Why do certain individuals have significantly more power in court? Why can they manipulate concrete evidence without accountability?

The first thing to consider in attempting to answer those questions and the myriad other questions pertaining to the system is the ideological shift in the serving of justice. In particular, a shift from Blackstonian to Benthamite principles, named for two opposing philosophers [7, p. 568].

Blackstone believed that the law should serve as “the people’s shield” [7, p. 568] In other words, it is more favorable and more indicative of a successful system if ten guilty men were to go free to ensure that an innocent man would not be convicted [7, p. 569]. Bentham, on the other hand, viewed the law as a weapon of the government whose primary purpose is to punish as many dangerous criminals as possible. He believed that it was more than to moral to investigate people that were possibly guilty, and he even valued enhanced interrogation tactics like torture [7, p. 569]. In the current system, Blackstonian law has been lost and instead replaced with Benthamite law [7, p. 570].

As will be further discussed in analyses on the three exonerees included in this work - David Bryant, Shaurn Thomas, and Johnny Berry - no longer is the job of a prosecutor or judge to serve justice. Instead, personal agendas, politics, and ego matter more than the guilty party being punished and the victim being honored. Under Blackstonian law, prosecutors whose ambitions took precedent over justice were shamed and considered embarrassing. It was abhorrent behavior to violate laws in order to secure a prosecution, but as is typical in wrongful convictions, such behavior is now commonplace [7, p. 570].
From this ideological shift in prosecutorial conduct stems a myriad of causes of wrongful convictions. The National Registry organizes exonerations by a lead contributing factor, listing five major umbrella causes in their published data: mistaken witness identification, perjury or false accusation, false confession, false or misleading forensic evidence, and official misconduct, which is prosecutorial or police misconduct [8]. Perjury or false accusation and official misconduct are by and far the most common contributing factors in the recorded exonerations from the Registry, as they are contributing factors in over half of recorded cases [8].

Furthermore, certain contributing factors are more common in different crimes than in others. For example, in exonerations of child sex abuse, nearly all cases are affected by a perjury of false accusation, about 85% [8] This is most likely due to the nature of the crime; a child dealing with trauma is easily manipulated, which will be seen in the story of David Bryant. However, in sexual assault exonerations, not even half of all recorded cases were influenced by the same contributing factor. Instead, over half of all cases are influenced by mistaken identifications [8]. Regardless of which contributing factor is most influential in a given case, though, each factor plays into one another, a phenomenon that Stephanie Hartung refers to as the “Confluence of Factors Doctrine” [9, p. 369] At the time of this writing, Hartung is a teaching professor at Northeastern University and Boston College Law School.

The doctrine explores how one error or factor ultimately contributes to other factors. For example, if we were to examine a child sex abuse exoneration, one like that of David Bryant, we would likely not see one singular cause as the contributing factor. The child could be manipulated by police, a form of official misconduct. This misconduct could then lead to a false
accusation of perjury, which can be reinforced by a mistaken eyewitness identification. In the case of David Bryant, as will be seen in this study, this can further be influenced by a coerced confession from the alleged perpetrator. Hartung explains it best:

At the same time, a closer analysis of the exoneration data also suggests that frequently it is not a single misstep that causes a wrongful conviction, but rather a “confluence of factors.” Wrongful conviction scholars and social scientists now understand with increasing clarity that an error at the investigation or trial phase does not typically occur in isolation. Instead, each error has the potential to affect other aspects of the pretrial and trial procedure, resulting in cross-contamination of evidence [9, p. 370].

In each of the three cases within this study, Hartung’s research is further validated. In all aspects, one factor does not occur in isolation; it works in “cohorts” with the other factors to ultimately contribute to a Miscarraige of justice.

Through a combination of statistical analysis and real-life case studies that answer the questions “how often” and “why,” it becomes apparent of the grave issue that is wrongful conviction. Thanks to the work of the Innocence Movement - with organizations like the Innocence Project and activists working at all levels of education and government - we are now becoming privy to the holes within our criminal justice system.

In the next forty, fifty-odd pages, the stories of David Bryant, Shaurn Thomas, and Johnny Berry will be portrayed in parallel to help the reader understand and visualize said issues. Each case is indubitably unique in its own respects; however, they all paint one broad narrative on wrongful conviction and exoneration. The processes to secure justice for David, Shaun, and Johnny are processes undertaken by thousands of other exonerees, and their battles, like other exonerees, continue years after they have been exonerated.
(I). Wrong Place, Wrong Time: How It Begins

Artistic recreation of David Bryant’s original arrest in the Bronx, 1975, by Juliet Sturge (Princeton University)
David Bryant was in the wrong place at the wrong time.

It was a cold month, and a particularly cold day in February of 1975, and David found himself hiding away from the frost, waiting for his friends to come down from their apartment building. The building was tall; it was one of the projects in the Bronx at 1285 Washington Avenue. David himself lived only about three blocks from the building on the second floor of a three-story tenement building on 3rd Avenue, closer to 169th street. Only a few blocks, a parking lot, and a grocery store separated David’s own apartment from that of his friends.

Beyond the abnormal arctic temperatures in the Bronx, nothing else of that day was set to be out of the ordinary. It was a typical “day off” for David and his friends. He always used to wait for them downstairs - either outside or inside - until they finally left their apartments. He and his friends would then make the short trek to Martin Luther King Center on 169th, a sports center at which he would play basketball. Considering the weather, today just happened to be one of those days that David decided to wait inside. Not in any apartment, at that; just in the lobby.

David had been there for no more than a few minutes when one of the officers assigned to watch over the building made a round down to the lobby. Almost immediately, David was bombarded by questions and briefly interrogated for his presence in a building he did not live in.

“Hey, you,” the cop yelled at him to get his attention, “you don’t live here.”

To his own defense, David tried explaining to the officer that he was merely waiting for his friends to come downstairs so they could carry on with their plans to play basketball; the only reason he was actually inside the building was because he didn’t want to bear the freezing temperatures. Nevertheless, the officer made a mountain out of an ant hill and went through the
process of copying down all of David’s information. He required David to give him his full name and address before telling him once again that he was not supposed to be in the lobby if he did not have any valid reason to be there. Thus, he sent David out into the cold. Although at the moment an inconvenience, David paid it no mind. His friends soon came downstairs from their respective residences and they made their way over to the center for another day of basketball.

After the ordeal with the police officer, David thought very little of the situation and carried on with his day, and his life for that matter, under the assumption that nothing would come of the encounter. In fact, he had no reason to believe otherwise. David, at the time, had little to no knowledge of the criminal justice system and didn’t think that what he gave to the officer would inevitably change his life in the way that it did.

One month later, on March 28th, an eight-year-old girl by the name of Karen Smith went missing. Karen lived at the same building as David’s friends, so it was the first place that the officers searched when her disappearance was reported. The officer assigned to the building - the same officer that gave David a hard time for being in the building’s lobby - was the first to make rounds in search of Karen’s body. In the beginning, she couldn’t be found. However, when the officer made a round to the top floors of the building, he found something disturbing:

Karen.

The eight-year-old’s body was at the top of the building’s main stairwell, about at the same floor where one could find a door to enter onto the roof. Her body was harshly maimed. She was stabbed repeatedly all over her body and her blood had been splattered on all of the surrounding walls and down the stairs on which she was sat. Without any doubt, she had been brutally murdered in the staircase and upon further investigation by additional officers on the
scene, she had also been raped. When her clothes were taken into the lab for more detailed testing, investigators found traces of semen on the outside of her underwear that had been mixed with all of her blood.

Blood type testing revealed concrete forensic evidence that could have been used to identify possible suspects and weed out other impossible ones. Although the blood and semen had mixed together on her underwear, the serologist who conducted all of the tests was still able to “separate” the two bodily fluids and identify two blood identities. Going off of the sample of Karen’s blood, the serologist concluded that Karen’s was Type O. Similarly, they concluded that the semen belonged to a person who was a blood secretor - meaning that they secrete blood type antigens into other bodily fluids - and also had Type O blood. Going off of this forensic evidence, the homicide investigators should have been able to identify possible suspects and exclude others who were either not a secretor specimen or did not have Type O blood.

Instead, the homicide investigation took a completely different turn.

As soon as Karen’s body was found, the team jumped immediately into the investigation by trying to think of different possible suspects. For the officer who found her body, there was only one person out of the ordinary: David Bryant. Little did David know at the time, but by providing the officer with all of his basic information the month prior, he had inevitably given the officer an “out” in the investigation. It is without any doubt that Karen Smith was not the average victim. As indicated by Adam Benforado in his book on criminal justice, Unfair, “the labels we give victims can make a big difference in how their cases are handled” [10, p. 15]. Take for example the following scenario:
On the same night in the same city - for example sake let’s say Topeka - two identical homicides occur. On one end of the city, a homeless man of color is shot point blank in the heart by a suspect wearing a black sweatshirt and green pants. Miles away on the other side of Topeka, a fourteen-year-old white girl from an affluent family is likewise shot point blank in the heart by a suspect in all white clothes while out on a walk with her dog. From an objective standpoint, the two crimes are equally as heinous and would merit similar levels of investigation and thorough prosecution. However, the victims of homicide cases often dictate the level of investigation taken by a police department, particularly when the victims are young [10, p. 15]. Therefore, it is highly likely that the latter crime would garner more public attention and a more detailed investigation.

So too is what occurred with Karen Smith. Although Karen’s family lived in the projects she was murdered in, thus she was not from an exceedingly affluent family, she was still a young, white girl who was murdered and raped in a brutal way. The brutality of the situation juxtaposed the innocence we associate with Karen’s demographic, and her identity indubitably affected how the public reacted to the news. The police officers undertaking the investigation were no doubt under great pressure to secure an arrest and subsequent prosecution and for them, David was an easy out. They proceeded with the investigation under the assumption that David was the man who would take the fall for the murder-rape of Karen Smith.

As previously mentioned, the forensic evidence of this case would be damning for a suspect that fell into the particular categories that the serologist uncovered. If the police had a suspect that was neither a secretor nor a Type O, there would be no way for them to concretely link them to the crime. That being said, the serologist’s findings had little to no bearing in the
outcome of the investigation. Instead, the police had two different ways to paint the picture that David was in fact the correct suspect: a coerced witness and a coerced confession.

Out of the 2,662 exonerees currently recorded on the National Registry of Exonerations, 756 of those cases were most influenced by a mistaken witness identification, about 28% [8]. However, within the first 250 exonerations, eyewitnesses misidentified the correct suspect a staggering 76% of the time, totalling 190 exonerees [11, p. 48]. Suffice to say, mistaken identifications have played a major role in the history of recorded exonerations. Eyewitnesses, especially those who are easily manipulated like children or the mentally ill, can be influenced by a variety of factors, including suggestive police instructions, false memories, and even simple biases like when the identification is made in relation to the crime [12, p. 29-30]. In other words, eyewitness identification is malleable [11, p. 48]. In David’s wrongful conviction, the most influential factor that corrupted the prosecution’s star witness was police suggestion.

Suggestive police practices during eyewitness identification are not few and far between, but rather fairly commonplace in the current recorded exonerations. In a study conducted by Brandon Garrett, whose work is published in *Convicting the Innocent*, of the 85% of the aforementioned 190 exonerees that were wrongfully convicted on account of a misidentification, an overwhelming majority of trials showed evidence of police tampering in the identification process, about 78% [11, p. 49]. Such practices range from pointing to the suspect during a lineup or showup identifications, which are identifications in which an individual is presented only one suspect and asked to verify their guilt or innocence [11, p. 49]. Although eyewitness testimony has been empirically proven to be fallible, it holds astronomical weight in the court of law. Professor Gary Wells, a psychologist in the field of eyewitness memory, concurs that
“eyewitness testimony is among the least reliable forms of evidence and yet persuasive to juries” [11, p. 50] All that is required to build a seemingly strong eyewitness testimony is one subject whose memory is malleable.

Billy Tyler was such a subject. In 1975, he was ten-years-old and knew both Karen and David from living in the same building. Considering his age, he was an easy subject to manipulate.

In order to build up their case, investigators brought in Billy to get a statement for him. However, in an effort to manipulate his storyline to fit their case, they separated him from his father and interviewed him without parental supervision. In the interrogation room, Billy supposedly admitted the following story:

Billy was outside when he saw David approach Karen while the two were playing together; she had bought candy from the convenience store nearby and was eating it before having to head back to her apartment upstairs. David asked Karen if she would share her candy with him that afternoon. When she refused, he walked away. Later that night, though, he then reportedly saw David with Karen at the nearby corner store but when he returned outside, he never saw Karen again. Following his statement, police brought in David - wearing the same clothes he supposedly wore on the day of Karen’s murder - for Billy to confirm as the suspect of the case in a showup identification.

Although a completely fabricated story, built on the back of a manipulated eyewitness identification, this storyline that Billy “provided” to the investigators was at the center of the case against David.
The second pillar of their case - a coerced confession - arguably affected the outcome of the case against David to a greater extent. Although false confessions are not the most prominent contributing factor of wrongful convictions - they make about 12% of recorded exonerations thus far - they are nonetheless indicative of a power imbalance in the criminal justice system [8]. Confessions, regardless of their validity, have been empirically powerful in court and are arguably the single greatest piece of evidence that can be presented at trial [2, p. 62-63].

The day after Karen’s body was found - March 29th, 1975 - the police knocked on David’s door using the address he provided. From the second he was taken in for questioning regarding the case, he immediately fit perfectly into their narrative. David, as previously noted, had essentially no knowledge of the judicial system, and he was escorted to his interview without any parental intervention. Such conditions aided the case against David, as it would have been exponentially harder to manipulate a suspect with a strong legal team and basic understanding of how the system functions. In retrospect now, David believes that the Bronx simply placed him in the frame and hung him on the wall for the crime without thinking twice.

David endured about eleven-and-a-half hours of intense interrogation by numerous investigators handling Karen’s case. With no leverage made in favor of a conviction, Sergeant William Brent, an officer not even detailed to cover the case, walked into the interrogation room and took over the investigation. Alone in the room with David, it took Sergeant Brent a fraction of the time to break David. When he left the room, he walked out with a damning confession from David that said he followed Karen into the corner store and then committed the murder-rape at the top of the staircase, leaving behind semen on the outside of her underwear. With the combination of Billy Tyler’s coerced eyewitness testimony and David’s own coerced
confession, the Bronx charged David with second-degree murder, first-degree sodomy, first-degree rape, first-degree sexual assault, and fourth-degree possession of a weapon. The only shred of forensic evidence presented against David was the conclusion that Type O blood antibodies were found on Karen’s underwear; no conclusive link was drawn between David and such antibodies because he was never administered a blood test. David repeatedly pleaded at trial that Brent had physically abused him in interrogation as a way to force his confession, yet his claims fell on deaf ears.

Although David’s case is unique in and of itself by definition, as no other person has ever been convicted of the murder-rape of Karen Smith, it’s equally important to recognize the similarities of David’s wrongful conviction with the thousands of others that have been recorded since the 1980’s. As previously mentioned, the lead contributing factors in David's case - a coerced confession and coerced identification - are not uncommon by any means in the criminal justice system. David’s own words, though not bearing a single shred of truth, mattered more to the jury at trial than definitive forensic evidence that would have automatically excluded him from the suspect pool.

For David, the trauma he experienced at the hands of the Bronx ultimately led back to something as simple as being at the wrong place at the wrong time. From there, the Bronx had to build a corrupt case to present at trial, filled with holes and manipulation. Nearly two decades later and two hours away in Philadelphia, one such example of corruption occurred in order to frame sixteen-year-old Shaurn Thomas with the murder-robbery of a local philanthropist.
(II). Alibi: Manipulation of Facts and Fiction

From left to right: Shaurn’s mother (Hazeline), Shaurn Thomas, and Shaurn’s nephew (photo via Shaurn Thomas)
Shaurn Thomas had an alibi.

On November 12, 1990, Shaurn was arrested for the attempted theft of a motorcycle in Center City Philadelphia, a third-degree felony. Because Shaurn was only sixteen at the time, he was processed and charged as a juvenile at the Center City police district office. The officers handling the crime photographed him and took his fingerprints to enter him in the system and held Shaurn overnight pending release.

The next morning following the crime - November 13th, 1990 - Shaurn was released from the police district office and subpoenaed to report to the Youth Study Center at 9 A.M. Although the Youth Study Center no longer stands in Center City, it was hardly a block away from the police station on the parkway and it housed a juvenile detention center. Moreover, it housed an intake center for newly-charged juvenile convicts, just like Shaurn.

Hazeline, Shaurn’s mother, picked him up that morning and the two picked up a fast breakfast nearby before heading immediately to the Youth Study Center. Arriving on time around 9 A.M, Shaurn was taken into a mandatory in-take conference with Doris Williams, a now retired intake interviewer. Upon the interview’s commencement, Doris and Jamie McDermott - an assistant district attorney at the time - subpoenaed Shaurn for his next court date.

At the bottom of the subpoena was Shaurn’s signature, indicating that he was present and on time for his interview that morning.

Although a minor felony, and thus not “moral” in the eyes of the American system, Shaurn’s attempted theft pales in comparison to the crime that the Philadelphia Homicide
Department framed him for at trial. As a matter of fact, they are on complete opposite ends of the criminal spectrum.

Miles away from Shaurn’s run-in with the police in Center City, an entirely separate crime took place on the morning of November 13, 1990.

Around 9:55 A.M that morning, at the same time that Shaurn appeared at the Center, Domingo Martinez, a 78-year-old, Puerto Rican businessman, was robbed and murdered in North Philadelphia. Martinez was well-known in the Philadelphia area, particularly in the Puerto Rican community, for his philanthropy. He had long been considered the “first Puerto Rican millionaire,” although there were no records of him reaching such a level of wealth. Regardless, he used the abundant wealth he did have to fuel the Puerto Rican community of Philadelphia and create a legacy in his family.

Martinez’s main venture was a travel agency and check cashing site, but the business functioned more as a “community bank.” He offered immigrants and underprivileged members of his community the opportunity to cash checks and start accounts without having to go through a traditional bank. Especially for immigrants newly settled in Philadelphia, the bank served as a financial institution that they could trust, and one that paid back Martinez handsomely. Martinez’s daughter, Sara Negron, ran the main location at 513 W. Girard Avenue on that morning in 1990, but he also owned and oversaw a second location at 823 W. Erie Avenue. On the day of the crime, this latter location was of greater interest to Martinez.

Typically on days in which the community bank could expect an abnormal amount of deposits or withdrawals, like lottery days, Martinez would pick up a large sum of money from Mellon Bank at 1201 Spring Garden Street. This day, Sarah Negron called ahead to Mellon Bank
and informed the teller that her father would be stopping by the bank within the next hour to pick up $25,000 in cash to be used at the Erie location. Although an abnormal amount of money, it was not out of line for Martinez to handle such sums of cash numerous times per week. Martinez typically picked up large amounts of cash a few times each week to keep the business locations operating.

Between 9:15 and 9:30, Martinez pulled up to the front of the bank on Spring Garden and walked inside to pick up the money for his business. The bank teller, Betty Ligon, reportedly gave Martinez the money and he was escorted to his car by bank guard Gregory Davis. As a part of his duties, Davis scanned the exterior of the bank for anyone that may have been following Martinez and did not see any bystanders or suspicious looking cars. Therefore, he helped Martinez load the trunk of his car with his money and watched him drive west down Spring Garden in the direction of his Erie storefront.

Unfortunately for Martinez, he would not successfully complete the trip that he had done so many times before.

At approximately 9:55, according to three eye witnesses behind Martinez on the road, a red and white car hit Martinez’s car, a grey 1987 Cutlass Supreme, and caused him to stop in the middle of the road. Before Martinez could fully react to the situation, a tall man with a medium complexion exited from the opposing car and shot Martinez through the front windshield, physically removed him from the car, and left him for dead in the middle of the street. The murderer then drove off in the Cutlass with the $25,000 package, along with the red and white car that originally committed the “bump-and-run.” According to Allen King, one of the eyewitnesses, the murderer was approximately six foot one, medium build with a brown
complexion; within the car, described as a 1976-1978 Chevrolet Nova or Buick Skylark, were “two Spanish guys.”

Although Shaurn was on a totally different side of the city at the time of the crime, and had a near-perfect alibi considering he was being processed for a different crime at the Youth Study Center, the Philadelphia Homicide Department wove an extremely corrupt story to frame Shaurn, his brother Mustafa, and two other men with a crime they did not commit.

To understand the complex and convoluted case that the Homicide Unit and prosecution put forth on trial, one must first understand the role that they played in handling this case and many others during the time of Shaurn’s conviction.

In the current criminal justice system, it goes without saying that the “police commonly serve as gatekeepers” [2, p. 128]. In other words, because it is the police that are handling investigations and gathering evidence, it is often their decision if someone is convicted of a crime, regardless of their actual innocence. In this particular case, Shaurn’s trial rested on the back of evidence that Philadelphia police had falsely manipulated. Nevertheless, because of the influence that police have in the criminal justice system, their evidence essentially sealed the verdict before even going to trial. Although the police have duties to follow in order to fulfill the serving of justice, their judgement is often clouded by external factors, particularly outside pressure or tunnel vision, which leads to confirmation bias [2, p. 128], a phenomenon in which one seeks out evidence that satisfies a theory or manipulates evidence already found to the same end [13, p. 90].

Much like David Bryant’s case, Domingo Martinez was no ordinary victim. He was indeed a minority in the city, but he had significant monetary influence in the region and was
well-liked by practically the entire Puerto Rican community of Philadelphia. It goes without saying that detectives were pressured to secure a conviction as soon as possible in this case; actual innocence or facts were not of importance.

In order to build a case against Shaurn, detectives first had to find a way to indict him for the crime. Considering that none of the three witnesses at the scene, the one witness a few blocks away, nor the forensic evidence collected by the investigators on the scene connected Shaurn in any way to Martinez, they needed another way to convince the jury: the Stallworth brothers. John and William Stallworth were brothers of a similar age to Shaurn and his brother and lived at the Abbotsford projects where Shaurn’s mother lived. An informant in the Projects told officers Valerie Watson and James Gist that the Stallworths and the “Thompsons” were involved in the murder of Martinez. In particular, she told the officers that “the Thompson brothers set [the murder] up and the Stallworths killed the guy.” Watson and Gist relayed the information to the detectives handling the case - Detectives Martin Devlin and Paul Worrell - who ran with the lackluster information, equating the “Thompsons” to the Thomas’. Moreover, Watson and Gist, from patrolling Abbotsford, conveyed the fact that Shaurn frequently drove a blue Mercury sedan. Even though no eyewitness or informant said that there was a blue car involved in the murder, Devlin and Worrell wove it into their storyline to further connect Shaurn to the case.

On October 27, 1992, John Stallworth was the first supposed criminal of the murder to be interrogated. He was brought into the police station in Philadelphia by his attorney, who explicitly told police to not speak to him or interrogate him without him being there. Regardless, John was interrogated at the Homicide Unit at 8th and Race and produced his first false
Stallworth painted a picture that he, Mustafa, and Lewis Gay drove a blue car and that William, Nasir, and Shaurn drove in a gray car. The six men had met the night before in Abbotsford and decided to go to the bank the next morning and stake out a possible “bump-and-run,” a crime that Stallworth described to be fairly commonplace for the crew. That morning, they drove to Mellon Bank and Nasir entered to scope out a possible suspect. Nasir saw Martinez and his package of cash and indicated to the other men a signal for them to follow the Cutlass: “Poppy’s got bank.” Thus, the two cars pulled off after Martinez, with Stallworth confessing they drove east down Spring Garden, the opposite direction that Martinez actually drove. Mustafa and the blue car hit Martinez and pulled behind him. From there, he exited the car and committed the murder in the same manner described by the eyewitnesses. Mustafa then got into the Cutlass and followed the two other cars going towards Abbotsford. The men then met up later that night in the Project to divide up the money they had stolen. Despite both of the Stallworths’ testimonies, police could not find another “bump-and-run” crime to match the Martinez murder.

In spite of all of the blatant lies in John’s statements - the fact that Lewis Gay was in prison at the time of the crime, or that no eyewitnesses concurred two cars - Devlin and Worrell used his statement to craft a warrant for probable cause against Shaurn and charge him with murder and robbery. The other crucial key to prosecuting Shaurn was John’s brother William, who was the only person and only piece of evidence that placed Shaurn at the scene of the crime. Nothing else drew a connection between the two.
William originally told police that he had nothing to do with the crime, but when he was arrested for the crime and learned of what John had confessed to Devlin and Worrell, he changed his mind. On January 25, 1994, William recanted his original testimony from 1992 and agreed to testify against Shaurn at trial later that year. John and William took pleas for third-degree murder and agreed to take the stand against Shaurn and Mustafa. They’re testimonies were more than influential; they were the entire case.

At trial, Shaurn’s near-perfect alibi did not present an issue for Devlin, Worrell, and Randolph Williams, the lead prosecutor who took on the case. Shaurn’s court-appointed attorney failed to present solid alibi witnesses for Shaurn - Hazeline, Doris Williams, or his sister, Elaine - and the prosecution corrupted the story to make it seem that Shaurn was not on time for his in-take interview. When Brian Coen from the Youth Study Center took the stand, Williams questioned the validity that the Shaurn Thomas who was at the Youth Study Center on November 13, 1990 was even the Shaurn Thomas in the courtroom that day. Although a twisted interpretation of solid evidence, it stood in the courtroom and was not stricken from any record.

Furthermore, the prosecution at trial knowingly withheld important evidence that would have decimated the Stallworth trial. As noted prior, Devlin and Worrell manufactured a blue car theory because it was known that Shaurn frequently drove a blue Mercury. In 1991, a blue 1977 Chevrolet Caprice Classic was confiscated by police, photographed, and sent for testing to see if it was involved with the Martinez crash. The photos of the Caprice were the first pieces of evidence presented at trial, and Officer James Caldwell, who photographed the car, testified to it being used in the crime. While they were being processed, Gist and Watson also took polaroid images of a separate blue Chevrolet in Abbotsford that had been stripped in the parking lot.
When the criminalistics report came back in the middle of the trial and showed the Caprice was not involved with the crime, Williams switched his evidence and instead entered the polaroid images. John and William took the stand and testified that this car was the blue car involved in the murder. Not only did the cover-up deceive both defense attorneys, but it also confused the jury in their deliberation and painted the picture that Shaurn was the criminal involved.

From the culmination of the above corruption at the hands of Detectives Devlin and Worrell, Officers Watson and Gist, and Randolph Williams, and the rest of the city servants involved in the case, Shaurn Thomas was convicted of first-degree murder, robbery, illegal use of a weapon, and conspiracy on December 19, 1994. He would eventually come to serve over two decades in prison for a crime he was completely unrelated to and one for which he had a near-perfect alibi. Such a series of events points to a major irregularity in the criminal justice system that has contributed to countless wrongful convictions: blind ambition.

Blind ambition can be thought of as the intersection between politics and law. Americans tend to think that each trial by jury is meant to be a way for the state to serve justice to the wrong, but they blatantly ignore the role that personal ambition plays in each case [13, p. 66-67]. The vast majority - if not all - of the highest-ranking judicial officials, like the district attorney or federal judges, have ascended to their post by exerting political influence and securing votes. Not a single case passes by their desks that isn’t viewed in the context of how it will affect their career [13, p. 66-67]. In fact, when Randolph Williams was later deposed on behalf of Shaurn’s lawsuit, he attested that he would not call a mistrial after discovering the criminalistics report because the trial was already so far along. He had a conviction, an arguably high-profile conviction, within his grasp and instead of calling for a mistrial as he should have, Williams let
his personal ambition cloud his judgement. For his decision, Shaurn and Mustafa were wrongfully convicted.

From the second Shaurn was legally convicted, though, he immediately started the battle to reclaim his freedom. The process towards exoneration is not simple; it’s lengthy, it’s expensive, and it’s a test of resilience in its most pure form. That being said, it is necessary to take on in order to serve justice to the wrongfully convicted.
(III). Hope Never Lost: Starting the Journey

Johnny Berry (via NBC10 Philadelphia)
Johnny Berry never lost hope.

After being wrongfully convicted for a murder he did not commit, Johnny started the lengthy process that is an exoneration.

On August 10, 1994, Leonard Jones (73) and Michelle Brooks (27) found themselves at 4900 Marien Street in West Philadelphia, sitting in Leonard’s van. Michelle had grown up her whole life knowing Leonard and had become well-acquainted with his family. Moreover, Leonard was a frequent visitor to the bar that Michelle worked at. Suffice to say, the two were close friends.

Earlier that night, Leonard had picked up Michelle in order to get food with her and drive her home to her family. They drove together to a deli on 34th and Wallace to pick up sandwiches, and then drove towards her house. However, instead of driving directly to Michelle’s house that night, they pulled off onto Marien to eat together and chat before ending the night.

Michelle and Leonard were only sitting in the car for a short amount of time before two young men approached the van from the passenger side - the side in which Michelle sat - and walked by. Within a matter of seconds, though, the two men turned around and attempted to rob Leonard and Michelle. One man barricaded the passenger door to prevent Michelle from exiting the vehicle while the other man threw open the driver’s side door. He proceeded to throw Leonard out of the van; two gunshots rang out in the struggle, one to Leonard in the heart. The two men fled the scene of the crime and left Leonard on the ground for dead. As a result of the gunshot, Leonard died outside of his van. Michelle, however, remained physically unharmed.
Michelle frantically searched for a way to get help. She ran across the street to a neighborhood garage - one for Tri-County Trash Disposal - to find a worker and get on the phone with the proper authorities. Timothy Smith was one such person, a man who was employed at the business. Smith connected Michelle to the police and ran across the street to try and save Leonard. By the time he got there, though, Leonard had already passed away from loss of blood. Police quickly arrived on the scene and began the investigation into what happened to Leonard and who committed the act of violence. Michelle’s memory was fogged, but two indicators became key to the case of Leonard Jones: the shooter was someone that Michelle recognized from the streets of West Philadelphia, most likely someone that she had seen selling drugs around the neighborhood, and the man who blocked Michelle from exiting her car had a front chipped tooth.

From Johnny Berry’s perspective now, the circles of friends that he ran around with in West Philadelphia and the decisions he made at the time influenced the wrongful conviction he was subject to. However, it still did not mean that he was guilty of a heinous crime such as murder. Johnny was the eldest of five children born to Shirlene Berry and Johnny Robinson. Up until the time Johnny stopped attending school, he led a relatively normal life for the time and spent time with his friends as all children do while growing up. However, Johnny describes that in the era in which he was raised - the 1980’s and 1990’s - the criminal lifestyle was seen as glamorous and the goal for many. Especially in areas that were not abnormally affluent, individuals who earned money illegally, mostly by selling drugs, served the communities they lived in financially, generating appeal around the lifestyle. When Johnny stopped attending school around the age of thirteen, such a lifestyle was the only way for him to support himself.
and his parents, thus he began to sell drugs. Although monetarily advantageous for him at the
time, Johnny now realizes the grave mistake he made with such a decision because as a result of
his criminal record, he was well-known to the police and on the radar at the time of Leonard
Jones’ murder.

In other words, his actions at the time of the murder placed Johnny within the scope of
police knowledge; he was a target. To place Johnny at the scene of the crime, though, the police
relied heavily on the testimony of one of the criminals from the crime, Tauheed Lloyd, and the
eyewitness identification of Michelle Brooks. However, just like what happened with David and
Shaurn, none of the evidence used to build a case against Johnny was accurate, nor trustworthy.

When Johnny and Lloyd crossed paths at this point in time, they were both being held at
the Youth Study Center. Lloyd had heard rumors that Johnny snitched to police about the crime,
thus he decided to “return the favor” by doing the same. His testimony was nothing more than
slanderous, and it epitomized how jailhouse informants are treated in the courts. As recorded by
the National Registry, about 59% of recorded exonerations were most influenced by a false
accusation or other form of perjury [8], and about 21% of the first 250 recorded exonerees had
informants at their trial that contributed to their conviction [11, p. 124]. Although Lloyd’s
confession to police is not formatted like a traditional informant, it was nothing more than a
jailhouse rumor, one that transformed into a fully-developed case. Lloyd, therefore, became
nothing more than an incentivized informant on the stand.

Although there are “safeguards” that have already been established to regulate informant
testimony - notably Brady v. Maryland [11, p. 126], which requires the prosecution to disclose
the existence of a deal made with an informant, and Napue v. Illinois [11, p. 126], which requires
the prosecution to correct an informant if they lie about a deal on the stand - the Supreme Court has yet to ensure that informant testimony is actually reliable [11, p. 127]. Therefore, unreliable testimony like that of Lloyd can serve as the centerpiece of the prosecution’s case with no real repercussions.

Lloyd, at the time of the crime, was only fourteen years old and known to be a dealer in the area of West Philadelphia called “the Bottom.” Lloyd confessed to police to be involved in the crime and indicted Berry as his co-criminal. According to Lloyd, the two randomly ran into each other that night in Philadelphia and decided to hang out and find a way to get high. While they were walking around, they happened to turn down Marien and walk by Leonard’s van. He described that when the two reached the middle of the van on the passenger side, Johnny sparked the idea to try and rob Leonard. Johnny then split off to head towards the driver’s side while Lloyd turned directly around to block Michelle. Although Lloyd’s testimony was fueled by a need to enact revenge against Johnny and earn a lighter sentence, it served as one of the core pieces of evidence to link Johnny to the scene of the crime. Lloyd took a plea deal for a fifteen-and-a-half to thirty-seven year sentence and was not prosecuted for any other crimes he committed aside from the murder of Leonard Jones.

The only other piece of evidence that linked Johnny to the crime against Leonard was Michelle’s own identification of him as the shooter, even though she admitted to not recognizing him from the streets as she previously said she did. The day following the murder, Michelle was picked up from her home and taken into the police station to be given a line-up of photos for identification. She was presented with two different line-ups; the first one produced no positive identifications, and the second included Johnny, who she positively identified as the shooter that
killed Leonard. However, the day of the crime, Michelle said that she knew the shooter from the neighborhood; she did not know Johnny from the neighborhood, requiring her to reverse her testimony post-identification. Even after Michelle repeatedly told the court and jury while on the witness stand that she had lied in her testimony and Johnny had been fed to her by the police, her evidence still played a pivotal role, arguably the largest role, in Johnny’s wrongful conviction.

As a result of the combination of Michelle’s coerced testimony, Lloyd’s false confession, and Johnny’s history with the Philadelphia police, he was wrongfully convicted of murder, robbery, illegal use of a weapon, and conspiracy on September 22, 1995 and sentenced to life in prison without parole. The fight for innocence, though, never stopped from the second his sentence was final, all for one reason: Johnny Berry never lost hope.

Following a wrongful conviction, an individual can immediately start the process of a direct appeal to the appellate courts in their region. What makes it difficult to secure any success in the appellate system, though, is that appellate courts only review appeals in the context of evidence at trial; one cannot present newly found evidence on direct appeal [2, p. 187-188]. Moreover, the appellate judges also frequently defer to trial judges’, which creates a cycle of appeals. In 2010, for example, of the 69,000 criminal appeals that were reviewed that year based on the facts presented at trial, 81% of the appellate court decisions upheld those of the original trial judge [2, p. 188].

If an exoneree has new evidence that points to their innocence, such evidence can be used to challenge a conviction in state post-conviction review. Claims are drawn up in the form of a Post-Conviction Relief Petition, and every region of the country has different parameters for when that has to be drawn [2, p. 189]. Each state has their own regulations that must be followed,
which creates different burdens that exonerees must uphold. Such burdens can range from showing that the evidence points to absolute proof of innocence to likely innocence [2, p. 189].

Once all state appeal systems have been exhausted, an exoneree can also turn to the federal government and file a petition for the writ of habeas corpus. In such a petition, it must be shown that the exoneree’s constitutional rights were violated to some extent as a result of the wrongful conviction. Moreover, at the time of the petition, the petitioner must still be in custody [2, p. 190]. However, assuming that a petition were to be “successful,” it does not mean that the conviction is automatically vacated. The habeas courts will not determine whether the person is guilty or innocent; they determine whether they are being held in violation of their rights [14].

For Johnny Berry, his journey towards innocence began with a letter-writing campaign. Around 2002, after years of building up his appeal casework and numerous unsuccessful attempts at appeal, Johnny located a list of attorneys and organizations in the region that could help him fine tune his appeal and present a comprehensive case. After all, although Johnny had become well-acquainted with the criminal justice system and learned how to navigate it, he was not professionally trained. Moreover, he was only a teenager at the time of his conviction and sixteen at the time of the crime, and didn’t fully understand the nuanced, corrupt case the city laid against him.

Johnny crafted what he believed to be undeniable truth of his innocence in the form of a template letter to be sent to the entire list he had prepared. From within prison, Johnny sent out countless numbers of templates; all he originally received were denials.

As previously noted, an exoneration is nowhere near an easy task to take on for a professional. Aside from the time commitment that is an exoneration, there is greater yet the
financial burden. In lengthy exonerees, that burden can cost upwards of $200,000 [15, foreword p. X]. Thus, it comes as no surprise that Johnny received countless denials.

But, all that it really takes is one “yes.”

For Johnny, that “yes” was Justice and Mercy Incorporated, a non-profit organization founded on the back of philanthropist Tom Zeager. The organization performs a variety of services to reform the criminal justice system, including support for exonerees like Johnny. In fact, Johnny’s case was the first exoneration taken on by the organization, and served as an example for all future cases. What Zeager could provide for Johnny was exactly what was needed to enhance his case and ultimately contribute to Johnny’s eventual exoneration: financial and investigatory aid.

Through such dedication and perseverance while still incarcerated, Johnny learned to never lose hope for a future in which justice would be served to him and his family, even if it takes over two decades. What makes Johnny’s outlook especially extraordinary, though, is how he further channeled that hope into founding his own organization dedicated to teaching those involved in the criminal lifestyle about other avenues to continue their lives: Real Street Talk (R.S.T). R.S.T, currently spearheaded by Johnny and a few colleagues, started from within prison while Johnny was still incarcerated. The organization depends on a constantly-changing curriculum that engages individuals in sensitive conversations on where their life is going and connections to other resources that will provide aid and advice. In particular, curriculum encourages individuals to follow an “Economic Blueprint,” one in which they are encouraged to follow realistic endeavors. Entrepreneurship is always something Johnny admires, but finding ways to manage practicality and creativity is a niche teaching that R.S.T. is expressing.
Although Johnny indeed never lost hope of his exoneration nor of the success of R.S.T., locating Zeager was just the beginning. What follows is over a decade of labor on behalf of Johnny, a process that David Bryant became well acquainted with, but one that affected him in an entirely different and unique manner.
(IV). Two Steps Forward, One Back: A Unique Exoneration

Artistic recreation of David Bryant’s exoneration, 2019, by Juliet Sturge (Princeton University)
For David Bryant, an exoneration would not come for about thirty-eight years after his original conviction in 1976.

Over the course of nearly four decades, David Bryant continuously fought for his innocence against the Bronx, against the state of New York, and even against higher courts in the federal government. In the 1970’s, the Bronx had quite blatantly crafted a case against him with no solid evidence or reasoning. As previously mentioned, the case was centered on the back of false confessions and manipulated forensic evidence.

No concrete evidence could actually prove that David Bryant was even at the scene of the crime on the day that Karen Smith went missing and was subsequently found brutally raped and murder. However, as noted, the savage nature of the crime juxtaposed with Karen’s young age and applied extreme pressure to the investigators, who were hellbent on getting a conviction as soon as possible. Much like Johnny Berry, though, David’s own exoneration process was decades in the making and was not made possible without the aid of an outside organization.

At the end of 1999, David reached out to the Innocence Project, an organization dedicated to criminal justice reform via DNA exonerations, that had been operating for about seven years by the time of his letter. Like Johnny, David too had his own letter-writing campaign to attorneys and organizations that could provide monetary support and investigatory resources to strengthen his case. Because David’s case revolved around his blood type - a type of DNA exoneration - his case would be a match for the Innocence Project’s specialization in the field. However, to David’s disappointment, the Innocence Project returned David’s request for aid with an unfortunate “No” three years later in 2002. According to the organization, they did not have the resources - particularly the financial resources - to take on the heavy load of David’s case.
David did not give up here, though, nor would he ever. Although the Innocence Project may not have been able to provide the necessary assistance to his case, a helping hand from a friend was all David needed to locate an organization that could properly do so.

While incarcerated at Wyoming Correctional Facility in 2002, David had become acquainted with a man named Alan Newton through being bunkmates. Just like David, Alan fought for his own innocence from within the walls of the facility and reaffirmed that he too had been wrongfully convicted for a crime he did not commit. Alan, who later was exonerated and legally compensated for his wrongful conviction, knew other organizations that could provide David with the assistance he sought. Alan introduced David to Centurion Ministries, the first non-profit organization dedicated to criminal justice reform via exoneration.

Founded by Jim McCloskey in 1983, Centurion Ministries has worked to free over sixty-three wrongfully convicted men and women, with a particular focus on exonerations not entirely dependent on DNA or forensic evidence. As a part of their process, Centurion dedicates countless hours of investigation into a case both before and during an active exoneration, whether by uncovering evidence or interviewing past witnesses. Though Alan was exonerated by the Innocence Project, he worked closely with David to carefully craft a request for aid to Centurion Ministries by laying out how the Bronx had corruptly convicted him for a crime he did not commit. The organization originally also refused to take on his case - because they believed that the Innocence Project was also working on the case - but they then later agreed to work with David and secure his exoneration. From that point on, David and his legal team at Centurion had to definitely prove to the Bronx appellate courts that he could not have been the offender that murdered and raped Karen Smith. In order to do so, they highlighted two particular reasons that
would show their above conclusions: forensic evidence that would negate David immediately
and proof that his court-appointed attorney was ineffective in his counsel.

The first thing to consider in David’s exoneration case is his blood type, as it would
definitively negate him as a suspect assuming he was not a Type O. The only issue was that
David was still behind bars and could not complete a blood test as easily as if he were not.
However, David’s dedication did not fail and he figured out a way to do a blood test while in
prison. First, David’s team strategized a way for him to get his DNA on a clean surface that
could be extracted and tested. With the limited resources available within the correctional
facility, that meant a paper towel typically used to dry one’s hands after washing. David took a
clean paper towel without any contamination, built up enough spit to be analyzed in a lab, and
spit on the paper towel. He then immediately sealed it within a bag and placed it in an envelope
to be shipped to his team and later analyzed by a forensic scientist.

The lab results came back: David was blood Type B+.

DNA exonerations are the pillar of the Innocence Project’s work in the field because of
their concrete nature. Although it goes without saying that anything, including science, can be
manipulated, forensic evidence can arguably be the most definite proof of guilt or innocence [2,
p. 86]. For example, if David were to have been blood tested at trial, he would have
automatically been excluded from the suspect pool based solely on one piece of evidence.
However, David’s court-appointed attorney was grossly underprepared to take on such a
heavy-hitting case like the death of Karen Smith. Prior to taking on David’s case, he had only
been representing lower-level felonies, like robberies. When he was later deposed for David’s
exoneration, he admitted that the thought of getting a blood test “never crossed his mind.” Such a
simple test, to anyone even without legal training, seemingly appears to be the obvious answer to defending David at trial. Nonetheless, though, David never received a blood test in 1975, which would have negated him from the case in all aspects.

With the two main points above, as well as other indications of David’s innocence and the court’s negligence, Centurion Ministries presented a comprehensive case as to David’s innocence, particularly his actual innocence. Unfortunately, a political agenda would get in the way of David receiving the justice he deserved.

In 2013, after a series of failed appeals, David’s case was brought before Judge Marvin of the Bronx who made a decision that would inevitably release David for fourteen months before sending him back to prison for an additional five years to continue fighting; such a phenomenon is extremely rare with other exonerees. Marvin was one of the judges in the Bronx appellate court system, but he had higher ambitions that he hoped would come into fruition.

Marvin was presented with two decisions that he had to rule on to fulfill his judicial duties: he had to rule on David’s actual innocence claim, which would free David from his wrongful conviction, and he had to rule on David’s ineffective assistance of counsel.

Judge Marvin neglected to rule on the former, and instead ruled that based off of the blatant ineffectiveness of David’s counsel, he should be released forthcoming from prison and have his charges vacated. There was only one issue with one such ruling. In New York, a convicted individual cannot be released from prison and have their charges vacated on account of ineffective assistance of counsel, but rather only on a decision of actual innocence. Judge Marvin, therefore, had released David on improper grounds.
David, after the decision, started his life over again with help from Jim McCloskey. For the fourteen months that he was released and considered a free man, David practically lived with Jim at his residence in Princeton, New Jersey, and even worked as a groundskeeper for the Princeton Theological Seminary. While there, he became acquainted with faculty members, particularly Dr. Mark Edwards, a professor at the seminary, who invited David to speak to his students about his experiences. Dr. Edwards taught a course on ethical models developed from intellectuals while they were incarcerated, thus David could provide a unique perspective on the subject. All the while, the Bronx worked to appeal Judge Marvin’s decision of releasing David, and for valid reasons at that. Marvin’s choice to release David based off of his ineffective assistance of counsel was completely erroneous and not backed by any legal standards. When the decision returned to Marvin and the Bronx required him to rule on actual innocence, he manipulated his decision to advance his own political agenda.

Marvin ruled that he could not decide whether or not David’s blood test actually indicated his innocence. At trial, David and his team presented a blood test that definitively proved he could not have been the suspect; results were analyzed by a top-rated serologist acquired by Centurion. On the other side of the courtroom, the city presented their own serologist who attempted to testify that since the blood and semen had mixed on Karen’s underwear, it was impossible to conclude that the individual had blood Type O. In order to skirt around the decision, Marvin used the conflicting testimonies as rationale for not ruling on actual innocence. Even though David and Centurion Ministries had proven beyond a reasonable doubt that David could not under any circumstances be considered a suspect in this case, let alone be
the one convicted, Marvin failed to serve him the justice he deserved, which further attests to the theme of political ambition in politics.

By admitting that David Bryant had been wrongfully convicted and thereby serving him justice, Marvin’s “track record” as a judge would have been tarnished. Relating back to the current mentality of prosecution in America - the higher the rate of prosecution the more “successful” the system - such a decision would set back Marvin from ascending higher in the judicial system [7, p. 570-571]. In fact, at a later date, it became clear to Centurion Ministries that Marvin did in fact realize David had been wrongfully convicted, but he ascended higher in the system years after denying David’s appeal.

After fourteen months, David was forced to return to prison to continue fighting for his innocence. In some ways, David and Centurion Ministries were set back to square one in an already lengthy exoneration.

In what may be considered the “second round” of David’s exoneration, the time period of 2013 to 2019, David’s case emphasized his blood test once again. What made his case unique this time, though, was an additional expert witness in the case that fortified David’s innocence: New York’s top serologist who performed tests to identify victims at Ground Zero during 9/11. This expert testimony reinforced that the city lied in stating that the blood and semen could not be distinguished. Only an individual of a more mature age - Karen was only eight - has the ability to mask another individual’s DNA, thus the city serologist who testified that she masked the semen’s DNA lied on the stand.

Furthermore, all of the press coverage that David received in 2014 caught the attention of Billy Tyler, the key eyewitness. Tyler had been living with the guilt that he convicted an
innocent man for nearly four decades at that point, and reached out to Centurion Ministries to recant his testimony. Billy admitted that he had been manipulated by the police to change his story. Billy did in fact see David that day in 1975, but after Karen said she wouldn’t share her candy, he walked away without incident and was never seen again. When they were finished playing that afternoon, Billy took the elevator and Karen took the stairs so she could finish her candy before arriving at her apartment. Billy was the last person to see her alive, but the testimony that he provided to police was fine tuned by investigators to fit their framing of David perfectly.

With the combination of the two above pieces of evidence, as well as the additional evidence from previous appeals, David filed a writ of habeas corpus on February 28, 2016.

When David and Centurion reached the federal habeas corpus courts of Judge Sweeney, Sweeney immediately saw through Marvin’s deception in 2013 and ordered a very simple, yet impactful, message to the appellate courts in the Bronx. Sweeney ordered the city to either release David, thereby declaring his actual innocence and vacating his conviction, or opt to retry David for the same charges with a jury of his peers. Assuming the city had enough solid evidence to reconvict David for the same charges he stood against four decades prior, they could decide the latter and take him to trial once again. Although investigators searched around for evidence to continue the case and stall David’s release from prison, they ultimately decided to release David and drop all of his charges.

After serving about forty-three years for a crime he did commit, and a crime from which he would have been immediately excluded, David Bryant walked free on March 4, 2019 for the
final time. The district attorney in the Bronx agreed to not retry David, ensuring his lengthy exoneration would finally be over.

However, the fight for justice is not over quite yet. Once an exoneree is exonerated, justice is often further sought in the form of monetary compensation. When Shaurn Thomas was exonerated after over two decades in prison, he and his legal team followed one such path.
(V). The Fight Goes On: Civil Lawsuit Compensation

Shaurn’s Dechert team at the Philadelphia Dechert office signing his lawsuit settlement; from left to right: Tiffany Engsell, Steve Brown, Shaurn Thomas, Jim Figorski, and Stefanie Tubbs (photo via Jim Figorski)
Although an individual is legally free from incarceration once they have been fully exonerated from the prison system, the fight for justice doesn't stop there.

There are different ways for an exoneree to go about receiving compensation for their wrongful conviction. Currently, the federal government, the District of Columbia, and thirty-five states, not including Pennsylvania, have passed compensation statutes for exonerees [16]. Under one such statute, an exoneree is entitled to a certain amount of financial compensation for each year that they were incarcerated wrongfully [2, p. 202]. Every state varies, however. For example, in Texas, an exoneree is entitled to a base $80,000 for each year of incarceration and then an additional $25,000 for each year they were on parole, on probation, or registered on the national registry of sex offenders [2, p. 203]. Unfortunately, not every state offers such high levels of compensation, which leaves two other options for exonerees to win compensation.

The more difficult way to win compensation is by private legislation. In private legislation, the exoneree must find a lawmaker that will draft a bill that provides them compensation and then lobby other lawmakers to ensure their votes. Considering the toxicity of politics in most states, this manner of earning compensation can be very difficult [2, p. 202]. Thus, Shaurn, and Johnny and David for that matter, followed the same path to win compensation: a civil lawsuit.

Since prosecutors and judges receive absolute immunity from the federal government and cannot be held liable in a court of law during a lawsuit, an exoneree must identify other acting agents to be the subject of a lawsuit [2, p. 202]. In Imbler v. Pachtman, the Supreme Court ruled that a prosecutor receives absolute immunity from civil liability under federal statutes because they would not be able to perform their job knowing that they could ultimately be sued for a
mistake [2, p. 136]. Because of this immunity, Shaurn was unable to sue Randolph Williams for withholding exculpatory evidence - the criminalistics report - and thus sought civil damages from the acting police agents in his case, except for Officer Watson, who had passed by the time the lawsuit was filed.

Much like Johnny and David, Shaurn relied upon the help of an outside organization to provide him aid in his exoneration. In 2009, former Philadelphia police officer Jim Figorski began to review Shaurn’s case on behalf of the Innocence Project of Pennsylvania (PA), in particular the Philadelphia office. Shaurn’s case quite clearly indicated that he had been framed for the murder of Domingo Martinez and that the Philadelphia police department had corruptly woven a thread between him and the crime. Because of this, Jim took on Shaurn’s case as one of the first exonerations that the Innocence Project PA investigated.

Shaurn’s case for exoneration rested on the back of a myriad of reasons that pointed to his actual innocence, but the strongest reasons presented to the courts were clear evidence of Shaurn’s alibi, William Stallworth’s recantation, and evidence that had been covered up by the homicide detectives before, during, and even after Shaurn was convicted, which were causes of malpractice indicated on the civil lawsuit.

As previously mentioned, Shaurn had a near perfect alibi at the time of the murder on December 13, 1990. Nevertheless, Randolph Williams corrupted the simple alibi and manipulated the jury into questioning the validity of Shaurn’s presence at the Youth Study Center. Even when the jury requested a signature from Shaurn that they could compare with his signed subpoena from the in-take conference, the court refused. As a result, what would have ultimately excluded Shaurn from the beginning of the investigation became essentially irrelevant.
In order to “re-present” Shaurn’s alibi evidence, Jim and the rest of Shaurn’s exoneration team at the Innocence Project first had to locate a worker from the Youth Study Center that could attest that Shaurn was in fact present that day at the necessary time. Doris Williams, the woman who conducted Shaurn’s in-take conference, was one such employee. Although Doris did not remember Shaurn as a unique person - due to the decades that had passed and thousands of individuals she had seen - she could instead testify that no evidence indicated Shaurn was not at the Youth Study Center at the time of the murder. If he were not, there would have been an additional subpoena against Shaurn for him to appear, which there was not.

Beyond bringing forth Shaurn’s alibi once more, the appellate courts were also presented with evidence of *Brady* violations that blatantly pointed to Shaurn’s innocence.

In Shaurn’s case, the *Brady* violations revolved around a criminalistics report that tested the blue car Williams presented to the jury as the car involved in the crime. The blue Caprice had been sent into the lab to be tested for gray transfer paint on the side, which would have served as evidence of the crash with Martinez’s gray Cutlass. The results of the test conclusively showed that the blue Caprice had no gray transfer paint and thus could not have been the car used in the crime. Although one such report would have completely decimated the Stallworths’ testimonies and thus the entire case as a whole, it was withheld from the defense, a blatant violation of *Brady v. Maryland*. Moreover, it explains why half-way through the trial Randolph Williams changed the blue car entered into evidence, as was previously discussed.

The police also withheld evidence of a Chevrolet Nova stop days after the murder. Following the murder of Martinez, three men in a car matching the description of the one used in the murder were pulled over by police and taken in for questioning; moreover, in the car, the
men had a gun matching the ballistics at the scene. One man in particular, Oliver Walthour, admitted to police that he had information regarding the Martinez murder and that a man named John Lewis had been seen flaunting large sums of cash that he had stole from a “Puerto Rican millionaire.” John Lewis was never brought in for questioning and about five months after Walthour and the two other men were interrogated, Walthour was arrested for a robbery and murder of a store owner, only two blocks from the Martinez murder. Not one shred of this evidence was turned over to the prosecution or to the defense, another violation of *Brady v. Maryland*.

Finally, Shaurn’s case was further reinforced by William Stallworth’s testimony. As noted, William was the only person that testified to Shaurn actually being at the scene; John was laying down in the car in his testimony, thus he would not have been able to see Shaurn clearly. William, when visited by a worker at the Innocence Project, recanted his testimony and said that he had lied on the stand under pressure from the Philadelphia police, including threats of physical harm. In fact, William admitted that he was not even at the scene of crime, nor was John. The Stallworth brothers, though they aided in the prosecution of Shaurn, were in and of themselves wrongfully convicted the Domingo Martinez murder.

Because of the depth of Shaurn’s appeal to the appellate and post-conviction relief courts, the Philadelphia Conviction Integrity Unit decided to reinvestigate the conviction in 2016. On their own terms, they interviewed William Stallworth again to ensure his recantation’s integrity and investigated all of the evidence that Jim and the Innocence Project entered to show Shaurn’s innocence.
On May 23 2017, Shaurn Thomas walked a free man alongside his legal team at the Innocence Project without ever having to go to trial; on June 13th, the district attorney announced they would not retry him for the original crime. The Conviction Integrity Unit concluded that “it was most likely” that Shaurn had been at the Youth Study Center on December 13, 1990 at the time of Martinez’s murder, and thus was not guilty of the crime; all charges were vacated.

Months after his exoneration was finalized, Shaurn started the process of suing the city of Philadelphia, Detectives Worrell and Devlin, and Officer Gist for their role in his wrongful conviction. Under the Civil Rights Act of 1871, a plaintiff can file a lawsuit against players that currently or formerly act under the state. Shaurn, under the act, which is also known as 42 USC § 1983, sued the above parties for six civil rights violations:

1. Malicious prosecution in violation of both the Fourth and Fourteenth Amendments
2. Fabricating evidence, violations of Brady v. Maryland, and failure to conduct a constitutionally adequate investigation into Shaurn’s alibi at the Youth Study Center
3. A civil rights conspiracy
4. Failure to intervene
5. A Monell claim, which was filed against the city of Philadelphia and;

Under the first claim, Shaurn would have to prove that the investigation of Martinez’s murder infringed upon his Fourth Amendment rights because the agents initiated a criminal proceeding without probable cause and acted maliciously; moreover, he would have to prove that the criminal proceedings at trial violated his procedural due process rights under the Fourteenth Amendment. Considering that Shaurn was arrested based on manipulated evidence - the false confessions of the Stallworth brothers and evidence of him driving a blue car - Judge Pratter, who oversaw the case, denied any motions to dismiss claims against this violation. That being
said, considering that there is yet to be any solid case studies that show a procedural due process violation is a gateway for a malicious prosecution claim, Shaurn’s claim under the Fourteenth Amendment did not pass.

Under the second claim, Shaurn would have to prove that the agents he is suing acted maliciously in three ways: they fabricated evidence that contributed to his arrest and conviction, they withheld evidence in violation of *Brady v. Maryland*, and they failed to adequately investigate his alibi. On all counts, Shaurn’s claims passed under Judge Pratter. Worrell and Devlin fabricated evidence most notably through the Stallworths’ false confessions and Gist fabricated evidence by providing the photographs of the blue sedan from Abbotsford. On the *Brady* violations listed above, not one shred of this information was disclosed to the defense, and some was not even disclosed to the prosecution. Finally, Devlin and Worrell quite obviously failed to adequately investigate Shaurn’s alibi. Through discovery, Shaurn’s legal team found that Devlin and Worrell had in fact investigated Shaurn’s alibi, but they concealed it because it would have exonerated him at trial.

Under the third claim, Shaurn would have to prove three points that indicate his rights were violated under a civil rights conspiracy: the existence of a conspiracy, an agreement of the acting individuals to engage in the conspiracy, and a deprivation of liberty under said conspiracy. Because of the blatant conspiracy to frame Shaurn Thomas - and Mustafa for that matter - for the Martinez murder, Judge Pratter ruled in favor of Shaurn, thereby ruling that Shaurn’s rights had been violated by a civil rights conspiracy pursuant to the legal standard under § 1983.

Under the fourth claim, Shaurn would have to prove that there was sufficient time for the acting agents to intervene in the investigation of the Martinez murder yet they willingly acted
negligent and ignored the duty to do so. Considering that the total investigation of the Martinez murder lasted years, there would have been more than ample time for any of the individuals sued in this suit - including the city of Philadelphia - to intervene and prevent any further deprivation of Shaurn’s rights.

Under a *Monell* claim - whose legal standard stems from *Monell v. Dept. of Social Services of New York City* - an individual has the right to sue a municipality, like Philadelphia, in accordance with § 1983. To do so, Shaurn would have to prove that the municipality of interest had a custom of indifference to its people in regards to police involvement [18, *Carswell v. Borough of Homestead*]. Deliberate indifference can be defined as “a stringent standard of fault, requiring proof that a municipal actor disregarded a known or obvious consequence of his action” [18, p. 9]. Shaurn sued the city under a *Monell* claim on counts of Fourth Amendment malicious prosecution, Fourteenth Amendment fabrication of evidence, Fourteenth Amendment malicious prosecution, *Brady* violations, and a failure to adequately investigate. As noted prior, the former two points have already been adequately proven by Shaurn and his legal team, thus there is no reason to rule against them. However, the latter three violations are not yet legally established as rights or, in the case for *Brady*, the lawsuit did not point to solid proof of a custom of malpractice. Nonetheless, Shaurn’s *Monell* claim was not fully denied, thus remained standing in his civil lawsuit.

In its entirety, Shaurn’s lawsuit against the city succeeded and he was awarded about $4.15 million in punitive damages for the wrongful conviction he suffered at the hands of Gist, Devlin, Worrell, and the city of Philadelphia. At the time, 2019, Shaurn’s settlement was the
largest non-DNA exonerations lawsuit in the city of Philadelphia, even though the settlement accepted was still about $85,000 lower than what the legal team sought.

As can be seen, Shaurn Thomas’ civil lawsuit to gain compensation for his wrongful conviction did in fact succeed, but not after two-and-a-half years of stubborn stalling from the city of Philadelphia. That being said, the process of building a strong case against the city also unveiled strong evidence that the murder of Domingo Martinez may have in fact been an inside job. In other words, a hit.

Days prior to the Martinez murder, Domingo and Sara Negron got into a heated argument. At the time, Negron had been cheating on her husband with a criminal, Benjamin Quiles, and Domingo felt as though she would leave her husband for Quiles. In that situation, Domingo informed Negron that he would immediately remove her from his will and disinherit her from the family business. The morning of the murder, Quiles had not shown up for work at his place of employment, nor was he at his residence. In fact, Quiles told police that he had decided to bike to Bucks County from North Philadelphia - thirty-four miles round trip - instead of going to work. All of the information that Domingo told Negron had also been relayed to Quiles. Suffice to say, the two would have had more than enough motive to plan a hit on Domingo and ensure that all of Negron’s inheritance would remain intact. Moreover, the man who committed the murder matched the description of a man known to run in the same circle as Quiles.

Further indicating the existence of an inside job, Sara Negron had been embezzling money from her father’s business, yet she still managed to inherit it in its entirety. Although the true amount of money was not documented, the Commonwealth found that she had embezzled
about $89,612. Fourteen weeks after the murder, she filed for divorce with her then husband. She then sold the business at 513 W. Girard Avenue to Quiles for a single dollar, and fled Philadelphia to Puerto Rico. Negron was extradited back to the city and pleaded guilty to counts of Misapplication of Entrusted Property, Theft by Failing to Make Required Disposition of Funds Received, and Criminal Conspiracy.

Although there is not concrete evidence to definitively pin Negron and Quiles for orchestrating the murder of Domingo via Walthour and his two friends, there is more than sufficient constructive evidence to do so.

At the end of the day, though, monetary compensation is nothing more than a band-aid on a machete stab wound. Shaurn Thomas lost over two decades of his life to the prison system because the Homicide Unit of Philadelphia framed him for a murder when he was still a minor. Money, though, does provide Shaurn with the opportunity to spend the rest of his life in a manner that he chooses to do, not in a manner he is forced to. After Shaurn finished his legal battle to gain justice, there is still yet another unique social battle to overcome. Within the span of decades, mountains of the world can change and exonerees are left to navigate the new world without any aid from the government.
(VI). Moving Forward: Reentry and Reintegration

Johnny Berry and his wife (via the National Registry of Exonerations)
An exonerees’ battle with the criminal justice system does not end the second they have been fully acquitted of all crimes or they have received all of their monetary compensation. In fact, one could argue that is just the start of a long struggle of re-adjusting to society.

In the span of decades, the “outside” world - the world outside of prison - can completely transform. Even since the beginning of the 21st Century, technology, the Internet, and social media have completely changed the world from the 20th Century. Take into account the age of conviction - Johnny, Shaurn, and David were all either minors or newly-legal adults - and there is even more difficulty to readjust to society.

After twenty-three years in prison for the murder of Leonard Jones, Johnny Berry became - and still is - all too familiar with the social transition from incarceration to freedom.

In 2002, Tauheed Lloyd reached out to Johnny by sending him a letter in which he admitted that he had completely fabricated all of the testimony that he said on the stand and towards the homicide detectives running the investigation. Lloyd told Johnny that he actually thought Johnny had instead confessed to police that Lloyd was the suspect. There was no evidentiary backing to Lloyd’s statement, especially forensic evidence, but his testimony was the crux of the case built against Johnny. Although not a legal testimony that bears any weight in court, the letter was a stepping stone for Johnny to become fully exonerated. The next step for him was to agree to have Lloyd sign an official affidavit, which he did two years later; one such affidavit would help Johnny get an evidentiary hearing before a judge to serve as a gateway for his actual innocence.

Johnny’s attorney - Robert Gamburg - filed a post-conviction relief petition on the grounds of Lloyd’s official affidavit to get a hearing before a judge, which was granted via a
videoconference in 2007. Once at trial, though, the sitting judge recommended to Tauheed Lloyd
that he not testify in favor of Johnny Berry and instead plead his Fifth Amendment rights to not
self-incriminate. The judge reasoned that if Lloyd were to testify that he had lied on the stand
and lied in interrogation, he would be setting himself up for perjury prosecution. Since Lloyd had
already been released from prison at that point, he followed the judge’s warning and invoked his
right to remain silent and not self-incriminate. With such a decision, the evidentiary hearing became
useless; Johnny made no major advances in his journey to freedom and was left to find an
alternative solution to restructure his case.

On August 14, 2018, Johnny was released from prison on parole on the grounds of
Supreme Court case Miller v. Alabama in 2012. In Miller, Evan Miller, who had been convicted
of a murder at fourteen-years-old and sentenced to life in prison without the opportunity of
parole [19]. Miller argued that it was against his Eighth Amendment right to freedom from cruel
and unusual punishment to have been sentenced to life in prison without parole. In a 5-4 majority
vote, the Court agreed and established that minors could not be sentenced to life without parole
because their brains developed differently and they would not control their decision-making
process as well. Miller was then reinforced by Montgomery v. Louisiana in 2016, which upheld
that Miller worked retroactively. In other words, the ruling in Miller applied to minors who had
already been convicted prior to the Miller ruling; Johnny was one such individual [20]. Thus,
Johnny was granted parole by Judge Barbara McDermott to continue fighting for his innocence
while not being confined by the walls of his correctional facility. From outside of prison, Johnny
and Robert Gamburg - as well as the rest of his legal team at Justice and Mercy Incorporated -
continued to reinforce his case of innocence.
Aside from Lloyd’s recantation that fully acquitted Johnny of the crime for which he was convicted, another major part of the case presented to the courts was other testimony from within prison that an additional person confessed to committing the crime with Lloyd: Russel “Cube” Winston, who also ran in similar circles to Lloyd within The Bottom. According to a jailhouse informant, Winston admitted to fellow inmates that he and Lloyd were the true suspects of the Leonard Jones murder, not even mentioning that Johnny had been involved in the crime in the slightest context. Furthermore, Robert Gamburg managed to find further testimony that inmates at the Youth Study Center heard from Lloyd that he was planning on confessing to the crime and indicting Johnny wrongfully. This evidence further indicated that Lloyd had lied on the stand - which is indeed perjury - thus proving that Johnny was wrongfully convicted decades prior.

With the combination of the aforementioned pieces of evidence, Robert and the legal team presented Johnny’s case for innocence once more; this time, it was reinforced with immunity for Lloyd if he were to admit that he committed perjury. Much like Shaurn Thomas’ exoneration case, Johnny, too, never went to trial for his exoneration. Instead, his case was reviewed by the Conviction Integrity Unit after he had been released from parole.

After hearing from Lloyd themselves and reviewing the evidence of Johnny’s actual innocence, the district attorney decided not to retry Johnny and instead vacate all of his charges from 1995. On June 24, 2019, all charges were vacated by the district attorney. If Lloyd had instead testified as he was supposed to in 2008, Johnny would have been a free man eleven years earlier.

However, as previously noted, the legal journey to re-entry is only one side of the story. Now, Johnny was left to navigate an entirely new world without any aid from the government.
Fresh out of decades of being a wrongfully convicted individual, it can be incredibly difficult to understand the minute nuances of an ever-changing society. It is already hard enough to understand the complex laws that govern the nation, but it can be exponentially more difficult to navigate the unwritten social laws. For example, knock on a locked door before trying to open it is in no way the legal way to try and open a door; however, it is the unwritten social law that before you try and open a door, you have to at least make your presence known by knocking. Though a very simple, and albeit, unrelated social construct, it nonetheless shows that there are other unwritten rules to be re-learned that any person released from prison has to struggle with.

The very day Johnny was declared a free man and walked out of the court house a legally exonerated individual, he encountered one such moment.

The first place that Johnny stopped as an exoneree was Wawa, a store known to be *the* convenience store for anyone living in or around Philadelphia. Although Wawa was founded decades prior to Johnny’s conviction, thus he would have indubitably stopped in at some point before, technology at stores like this one had advanced far beyond what he had known prior. Johnny picked out the food he wanted that afternoon and went up to the gas station to pay for his meal. He handed the cashier a sum of cash and received dollar bills and coins back in return. What he didn’t realize, though, was that instead of being handed the coin change personally, it came out of a machine that deposited the change on the side of the register. Johnny walked out of the Wawa without the change. In the grand scheme of life, such a simple mistake is objectively minor. However, it points to a larger issue in the criminal justice system: how exonerees are treated once they are released from prison and the lack of proper reentry training.
Reentry is a term used to describe the process of returning to society after spending some
amount of time in prison. For parolees in particular, there are many social services that are
supposed to be provided to aid in the reentry process. For exonerees, in contrast, there are no
services provided by the government to aid with the adjustment process; the second Johnny was
released from prison, he was no longer a dependent of the federal government and did not
receive any aid for his wrongful conviction.

Johnny, of course, soon learned the way Wawa worked - as one would assume - but he
was left without sufficient aid at the hands of Philadelphia, as noted above. In fact, as a parolee
from 2018-2019, he would have qualified for more aid than he did as an exoneree. No acting
agent was there to help Johnny apply for his driver’s license or find a way to acquire public
assistance for him and his family. Although the parole system is inherently flawed, it still does
provide parolees with governmental agents that can connect them to resources they would not
have already known about. For Johnny, the only way to remedy such an issue was to find a
support system. Luckily for him, he had arguably the best support system possible: his wife.
Johnny has known his wife as his best friend since they were about ten years old. Through her,
he has been able to fortify his devotion to Islam and work day and night to readjust to an
ever-changing society. Without such a solid support system, it would have worlds more difficult
for Johnny to acclimate in the way that he has thus far.

There are various ways that Pennsylvania can improve its reentry services to exonerees in
order to make the transition much easier. For example, Pennsylvania can adopt the Lonergan
approach to reentry. In this approach, the state would pass statues so that each exoneree is
viewed in their own individual capacities. Considering that each person is unique and has their
own unique needs, this approach recommends that services be provided to exonerees on an individual basis, rather than a collective service for all exonerees [2, p. 206]. Furthermore, exonerees are then further analyzed as they receive aid so that the government can assess whether they have continuing eligibility [2, p. 206]. Aside from the Lonergan approach, Griffiths and Owens, researchers in the field of wrongful conviction, propose that the compensation system be structured similarly to workers’ compensation; in other words, the exoneree would be compensated regardless of whether or not they contributed to their own conviction. In this system, an exoneree who was convicted based off of a coerced confession, like David Bryant, would be treated no less than an exoneree who did not contribute to their own conviction, like Shaurn Thomas and Johnny Berry [2, p. 206].

Although not a single one of the proposed remedies to the system is bound to be a perfect solution, they are steps along the way to a more reformed criminal justice system. In fact, none of the above systems may work out, but rather a blend of the two, or a combination of the two with other propositions. Regardless, any reform would currently be a step-up from the current system where in some states, no compensation is offered to exonerees under statutes.

Beyond readjusting to society and re-learning the nuances, another way that Johnny has spent his time as a free exoneree is continuing to find ways to exert his political and societal influence for the better.

As noted prior, Johnny has been consistently working on R.S.T and refining its curriculum for years now, with new challenges every day now that he is free from prison. For example, Johnny can now work towards establishing R.S.T as an official non-profit organization while travelling to prisons all throughout the area to speak to convicts and at-risk individuals that
would benefit from the services the organization provides. Certain prison systems can even sign to become partners with R.S.T and incorporate the organization’s curriculum to be used for future education years down the road.

In the unique experience that Johnny has had, he has come to believe that people cannot be inherently bad; it is not in their blood. Although there will always be people with negative perspectives on not just Johnny, but all exonerees for that matter, no person, in Johnny’s eyes, is inherently a bad person with negative intentions for anyone. All it takes is education. There are still battles to overcome every new day. But, what makes Johnny’s story impactful, as well as those of David and Shaurn, is that his resilience always shines through. There is no challenge too big, nor is there a solution too small.
The stories of David Bryant, Shaurn Thomas, and Johnny Berry illustrate that there is a clear power imbalance in the criminal justice system that can result in the wrongful imprisonment of an actually innocent individual. Although it's difficult to determine the precise rate of wrongful conviction, the several thousand exonerations in the past three decades attest to the scale of the issue.

In retrospect, there are major reforms that federal and state governments must implement to ensure that the miscarriages of justice all three men faced can, at the very least, be prevented; elimination is a different and more difficult task.

The first reform is in the area of incentivized testimony; in the cases of both Shaurn and Johnny, an incentivized witness contributed to their wrongful conviction. Although incentivization is typically considered in terms of monetary gain, there is also gain when it comes to a conviction. For example, although John and William Stallworth were themselves innocent, they still faced life in prison for the crime for which they were convicted. Therefore, the Philadelphia Homicide Unit was able to manipulate them into testifying at trial, incentivizing them with a much lighter plea deal.

One of the most attractive proposed reforms to the incentivized testimony industry is the mass implementation of pretrial reliability hearings; such hearings are essentially screenings of a witness before they take the stand. At the hearing, the judge presiding over the case will assess whether the potential witness is reliable and can be trusted [2, p. 116]. This reform would not only give judges a more active role in all stages of a conviction, but it would also ensure that the jury can trust all of the evidence presented by the prosecution and defense. It is indeed true that incentivized witnesses, particularly those like the Stallworths or Tauheed Lloyd, must disclose...
all deals they make to the jury, but that is only one layer to a full story. Along similar lines, it is also possible that increased cautionary instructions could encourage a jury to examine incentivized testimony from multiple levels [2, p. 117]. Judges must be more thorough in their jury instructions, explaining all of the reasons that a witness would be unreliable or incentivized. This reform goes hand-in-hand with reliability hearings, thus it is possible that a combination of the two and additional reforms would be best. One singular reform will not be enough.

Another reform necessary to the system would be a reform to the defense lawyer system. In all three cases presented here, an incompetent defense attorney influenced the outcome of the trial. However, it must be noted that these particular defense attorneys did not act out of malice; instead, they themselves were affected by the system in a different way.

Defense attorneys are, often, overworked, underpaid, and blindsided at trial; on the contrary, police and prosecutors are given too much power. There are a variety of ways to tip the balance of the scales towards equality.

The first and most important reform is increased funding. Defense attorneys are grossly underpaid for the amount of work that they are given. A way to change this issue would be to increase funding for appointed defense attorneys so that their pay is relatively on par with the pay of prosecutors [2, p. 161]. If prosecutors are paid relative to their work, unlike public defense attorneys, there is more incentive for interested lawyers to enter the former field, rather than the latter. Another obvious change to improve the quality of the public defense system is improved training. In the case of all three men, their public defenders were not adequately trained to handle high-profile and complex cases like murder. Considering the increasing advances in technology
and forensic science, it is necessary that funding be allocated to training public defenders so that they can be more competent in court [2, p. 161].

Currently, there are some jurisdictions in the nation that do not have a governing body to handle public defense issues; there are no repercussions and no attempts to reform the system [11, p. 261]. There needs to be widespread, arguably national, reform to combat the pressing issues in the public defense system. If not, those unable to afford adequate legal defense will continue to fall victim not only to the system but also to acting government agents like prosecutors, which directly relates to a final, major reform in the system.

Police and prosecutors must be held to a higher standard.

Currently, prosecutors receive absolute immunity from civil liability, an issue discussed in the case of Shaurn Thomas. Though this impedes the extent to which they can be punished, another avenue to hold prosecutors and police to a higher standard is to be proactive in training. Most notably, implicit bias training, which is designed to make law enforcement aware of their biases that cloud judgement. For example, a police officer may not be aware that they racially profiled an innocent black man walking down the street solely based on their own personal bias; this form of training seeks to prevent such situations [2, p. 140]. Steps have already been made in this field - the American Bar has resources for prosecutors to understand their biases and the Department of Justice announced in 2016 a plan to train its agents in similar procedures - but more needs to be done across the country so that all agents can understand implicit bias and the dangerous role it plays in wrongful convictions. Implicit bias training is especially important because of the disproportionate rate at which Americans of color are wrongfully convicted compared to white Americans. 1,324 of the current, recorded exonerations on the National
Registry of Exoneration were black Americans, and an additional 310 were Hispanics; that equates to over half of all the recorded exonerations on the registry [21]. It is therefore evident that much of the implicit bias in the system revolves around race, and implicit bias training must also.

Beyond procedural reform, there are also serious, philosophical changes needed in the current system. As previously noted, there has already been a shift from Blackstonian to Benthamite logic in our courts. Just as much as legislation is needed for reform, a change in how we view convictions and the justice system is equally important. How, therefore, can we get back? Adam Benforado said it best:

“We need to stop viewing the people we arrest, prosecute, convict, and imprison as evil and less than human, for that toxic combination drives us to hate and hurt, makes our brutish treatment seem justified, and does little to make us safer. We must challenge the structures that prevent us from seeing our commonalities, hide our shared goals, and dampen our empathy for our fellow human beings. And we must build new mechanisms that encourage us to understand perspectives and situations of others [10, p. 271].”

A Rawslian approach to the system, Benforado argues for compassion and empathy in their purest forms. By adding these fundamental human values, we begin to inch closer and closer to Blackstonian ethics; if not, we will continue to allow ambition and bias to infiltrate the system.

At the end of the day, my hope is that this academic paper can serve as an introduction into the field of wrongful convictions for those that are interested in learning more. All three
men’s cases are unique in and of themselves, but they all equally serve as examples of what goes on in the American justice system. It is important for all Americans to remember this:

> Just because something doesn’t happen to you, does not mean that it is not happening at all.

As a nation based on individualism and competition, we often become clouded in our judgement of what goes on behind the scenes. Although one person may be fortunate enough to never worry where their next meal will come from, that does not mean that that same person can ignore the millions that do not.

In the course of this project, David Bryant often brought up an important question that serves to ground all of us that may be naïve not only to the issue of wrongful conviction, but to all issues that do not affect us: *What if it were you?* What if, one day, you received a knock at your door that you were being charged with a crime that you did not commit? What if you had just been at the wrong place at the wrong time, like David Bryant? What if you had a nearly perfect alibi, like Shaurn Thomas? What if you were targeted, like Johnny Berry?

What if, on top of it all, you move forward post-exoneration and continue to live your life as you wish? That’s what has inspired me in the course of this project. David Bryant, Shaurn Thomas, and Johnny Berry alike, though they absolutely reserve the right to be angry and to have hatred towards the system, don’t harbor negativity. All three men, in addition, contribute to the Innocence Movement in their own capacities. David works to help young parolees in his home city exit the system in the proper way, and starting over away from their conviction. He also has
been invited to speak at Princeton University on numerous occasions. Shaurn frequently speaks on behalf of the Innocence Project PA at their events and runs a support group for exonerees in Philadelphia to get connected to resources and discuss their concerns. Johnny, who recently was able to start a family with his wife, simultaneously works on numerous independent projects on his life and continues to pioneer Real Street Talk.

At the end of *Unfair*, Adam Benforado leaves readers with a final note indicative of what is needed in order to overcome all of the issues laid on in the past pages, sections, and stories presented:

“[We] must act. The arc of history does not bend toward justice unless we bend it [10, p. 286]”
Reference List


