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# Chronicles of A Death Row Exoneree: Life Prior, During, and After a Wrongful Conviction

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**Chronicles of A Death Row Exoneree: Life Prior, During, and After a Wrongful  
Conviction**

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## ABSTRACT

Little is known about the individuals who have been wrongfully convicted and sentenced to death in the United States. Research on capital punishment focuses heavily quantitative data and legal analysis to understand the phenomena. In order to fill a gap in the literature, this thesis explores the lives of death row exonerees before their incarcerations, during their incarcerations, and after their incarcerations. Despite having unique experiences, similar themes emerged throughout the in-depth interviews. Topics such as relationships, collateral consequences, and institutionalization are discussed. Findings from this research can help future researchers address gaps in the literature and provide the knowledge needed for policy reform.

*Keywords: wrongful conviction, capital punishment, exoneree, innocence*

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## **I. INTRODUCTION**

Since capital punishment was reinstated in 1976 with *Gregg v. Georgia*<sup>1</sup>, the United States Supreme Court has allowed 1,472 executions<sup>2</sup> to be carried out as of (Death Penalty Information Center<sup>3</sup>, 2018). Southern states lead the nation with 1,202 executions (Texas and Oklahoma contribute to over half of these executions), followed by the midwest (181), west (85), and northeast (4)<sup>4</sup>. Across the thirty-one states that currently allow executions, over 2,800 inmates<sup>5</sup> are waiting for their deaths, many of whom will never be executed. California currently houses over 700 death row inmates, however, the state has not carried out an execution since 2006. Since the death penalty was reinstated, the state only executed 13 inmates: a common theme for death penalty states. New Hampshire, who has not carried out an execution since 1939, currently houses one death row inmate, despite there being no execution chamber in the state. Although the U.S has a large number of death row inmates, recent studies show death sentences are on the decline due to cost (Radelet & Borg, 2000), public opinion (Zalman et al., 2012), and the ‘discovery’ of innocence (Baumgartner et al., 2008; Marshall, 2003). Since 1989, the total number of erroneous convictions across the United States reached 2,182 (National Registry of Exonerations<sup>6</sup>, 2018), causing prosecutors, judges, and juries to be more skeptical and open to

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<sup>1</sup> *see Gregg v. Georgia*, 428 U.S. 153, 96 S. Ct. 2909, 49 L. Ed. 2d 859 (1976).

<sup>2</sup> As of April 9, 2018. See <https://deathpenaltyinfo.org/documents/FactSheet.pdf>

<sup>3</sup> The Death Penalty Information Center is an online database that provides information and statistics for trends surrounding issues and debates of capital punishment. From now on, the database will be referred to as DPIC and cited with a footnote. See <https://deathpenaltyinfo.org/documents/FactSheet.pdf>

<sup>4</sup> See <https://deathpenaltyinfo.org/documents/FactSheet.pdf>

<sup>5</sup> See <https://deathpenaltyinfo.org/documents/FactSheet.pdf>

<sup>6</sup> The National Registry of Exonerations is an online database that provides information for all exonerations. From now on, it will be referred to as NRE and cited with a footnote. See <https://www.law.umich.edu/special/exoneration/Pages/about.aspx>

the idea of the phenomenon (Baumgartner et al., 2008). Since the death penalty was reinstated, 161 individuals<sup>7</sup> have been wrongfully convicted and sentenced to death, only to find out they would be released due to their factual innocence. Florida leads the country in death row exonerations with 27, followed by Illinois (21)<sup>8</sup>, Texas (13), Louisiana (11), and Oklahoma (10)<sup>9</sup>. With the help of the media, wrongful convictions have become the forefront of public discussion (Gould & Leo, 2010), however, the idea of innocence is not a new phenomenon. Between 1973 and 1999, the U.S averaged a total of three death row exonerations per year, but has increased to five per year between 2000 and 2011<sup>10</sup>. Although public opinion appears to be shifting towards favoring life without the possibility of parole as an alternative form of punishment (Appleton, 2015), the U.S Supreme Court continues to allow executions. Therefore, the possibility of wrongfully sentencing somebody to death remains inevitable. It is imperative to understand the impacts wrongful death sentences have on innocent individuals upon their release. Unlike general population inmates, death row inmates experience different living conditions which results in various mental health problems (Cunningham & Vigen, 2002).

There is a growing body of research that tries to understand the causes of wrongful convictions (Gould & Leo, 2010), the procedural histories of wrongful capital convictions (Radelet et al., 1994), and the impacts of long-term institutionalization (Haney, 2003; Visher, 2003). However, the majority of research focuses on quantitative data and legal analysis to understand the phenomenon. Besides the seminal work by Westervelt and Cook (2012) in Life After Death Row: Exonerees Search for Community and Identity, there is little research that

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<sup>7</sup> See <https://deathpenaltyinfo.org/documents/FactSheet.pdf>

<sup>8</sup> Illinois has since abolished the death penalty

<sup>9</sup> See <https://deathpenaltyinfo.org/documents/FactSheet.pdf>

<sup>10</sup> See <https://deathpenaltyinfo.org/documents/FactSheet.pdf>



explores the lives of the individuals who have been wrongfully convicted and sentenced to death. The purpose of this study was to further expand on Westervelt and Cook (2012) by using qualitative methods and a new sample to better understand their experiences and help drive policy reform for the exonerees. I detail the unique experiences that each exoneree faced during the different stages of their lives.

## **CHAPTER 2: LITERATURE REVIEW**

### **General Criticisms of the Criminal Justice System**

The criminal justice system has become a popular topic in today's politics as both democrats and republicans are enforcing 'tough on crime' policies. Since the 1980's, state governments have implemented new punitive policies such as mandatory minimums, determinate sentences, and guideline-based sentences (Lynch, 1997), and in 1976, the United States reinstated capital punishment<sup>11</sup> in order to deter crime. However, support for deterrence varies (Braga & Weisburd, 2012; Kovandzic & Vieraitis, 2006), and in some cases, harsher sentences appear to increase crime rates (Liedka et al., 2006).

Punitive policies have increased the prison population significantly since the inception of the mass incarceration era. In recent decades, the rise of incarceration has led researchers to question the legitimacy of the system by arguing that it disproportionately targets individuals of certain socio-economic, racial, and ethnic backgrounds (Reiman & Leighton, 2015; Alexander, 2012; Western & Wildeman, 2009; Pettit & Western, 2004), relies on plea deals (Hessick III & Saujani, 2001), and it provides inadequate defense for indigent defendants (Feeney & Jackson, 1990); especially for capital cases (Bright, 1992; Bright, 1994; Lefstein, 1995). Criticisms of the criminal justice system have allowed to better understand the causes of wrongful convictions. With the help of the media and DNA testing, the U.S has entered an era of the "innocence movement" (Leo & Gould, 2009). This movement is allowing society to better understand the causes and impacts of wrongful convictions on exonerees and their families.

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<sup>11</sup> See *Gregg v. Georgia*, 428 U.S. 153, 96 S. Ct. 2909, 49 L. Ed. 2d 859 (1976).

## *Causes of Wrongful Convictions*

In order for the criminal justice system to work effectively, prosecutors, defense attorneys, and law enforcement agencies must be aware of the leading contributors to wrongful convictions. In some cases, officials are not aware of the psychological biases such as tunnel vision (Leo & Davis, 2010), confirmation bias - prosecutors forming a theory of guilt, and hindsight - “knew it all along” bias (Findley, 2008). By lacking the knowledge about these biases, law officials might be less susceptible to look at evidence objectively, increasing the chance for a wrongful conviction (Leo & Davis, 2010). With the number of exonerations increasing<sup>12</sup>, researchers have focused their attention to try to understand the contributing factors to wrongful convictions.

Due to the broadness of the term, there are varying definitions of “wrongful conviction”. In some cases, researchers and databases may include people who have accepted a plea deal or been tried and convicted despite being innocent. In other cases, the term might be used to include charges being dropped during a retrial (Huff, 2002). Despite the variation, the leading contributors to wrongful convictions remain consistent across studies; eyewitness misidentification, invalidated forensics, false confessions, and informants<sup>13</sup> (Huff, 2004).

Over the years, serious concern has arisen around the credibility and reliability of evidence that is shown to jurors during trials. One example would be the use of forensic “comparison analyses” which allows officials to admit hair, fingerprint, and bite mark analysis as evidence (Taupin, 2004). Although bite marks and other types of scientific evidence have been used by prosecutors and defense attorneys for years, there is little to no evidence that supports

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<sup>12</sup> See <https://www.law.umich.edu/special/exoneration/Pages/about.aspx>

<sup>13</sup> See [innocenceproject.org](http://innocenceproject.org)

their validity (Bush, 2011). Studies that explore causes of wrongful death sentences find that prosecutors often provide invalid testimonies about evidence and the defense counsel rarely cross-examines the claims made by the prosecution (Garrett & Neufeld, 2009). Additionally, there are documented instances of crime labs falsifying and withholding information that shifts the trials in favor of the prosecution (Giannelli, 2007). The popularity of TV shows such as *CSI* depict crime labs as “...routine, swift, useful, and reliable,” (Ley et al., 2012: 51). Research also suggests that jurors have high expectations of seeing ‘scientific evidence’ presented during trials (Shelton et al., 2006) and in some cases, people who watch crime shows may be more skeptical of the scientific evidence. This may actually place a burden on both prosecutors and defense attorneys (Schweitzer & Saks, 2007).

Recently, eyewitness testimony, the second highest contributor to wrongful convictions after forensic science, has also been questioned (Giannelli, 2007). In the past, the U.S Supreme Court has suggested in the rulings *United States v. Wade*<sup>14</sup> and *Gilbert v. California*<sup>15</sup> that eyewitness testimony may not be reliable (Findley, 2008). Studies often show that reliability varies by the age of the witness (Goodman & Reed, 1986) and the wording of questions can cause witnesses to reconstruct their memories (Loftus & Zanni, 1975). Unfortunately, many judges, prosecutors, and defense attorneys have little knowledge about issues surrounding eyewitness testimony and their impacts on wrongful convictions (Wise et al., 2009; Wise & Safer, 2004). Over 2,000 individuals have to face the struggles of being released into the world after being institutionalized for years. It is necessary for researchers and policy makers to understand the impacts these sentences have on individuals.

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<sup>14</sup> See *United States v. Wade*, 388 U.S. 218, 87 S. Ct. 1926, 18 L. Ed. 2d 1149 (1967).

<sup>15</sup> See *Gilbert v. California*, 388 U.S. 263, 87 S. Ct. 1951, 18 L. Ed. 2d 1178 (1967).

### *Collateral Consequences of Convictions*

There is a lack of research on the experiences of individuals who have been exonerated from prison and research focuses on the lack of compensation (Raeder, 2014; Page, 2013) and the stigmas faced by the exonerees (Clow & Leach, 2004). For example, Clow & Leach (2004) explore how society perceives exonerees, however, their findings are limited to the perceptions of undergraduate psychology students. Therefore, this section of the literature review focuses on the issues that general prisoners face after being released from prison.

It is common for people to feel alienated, uncomfortable, and shocked when faced with new environments. With the rise of incarceration rates, a question arises of what should society expect once more and more people are released from structured environments. It would be assumed that once individuals are punished with harsh sentences, they would no longer 'want' to go back to prison. However, research by Spohn & Holleran (2002) suggests that imprisonment is correlated with high recidivism rates and these rates remain high across studies (Cullen et al., 2011). However, there is still much debate within this area of research. In order to better understand recidivism rates, researchers have focused their attention on the concept of institutionalization, which is sometimes referred to as "prisonization" (Haney, 2003). Although every inmate adjusts to prison life (Goodstein & Wright, 1989) and confinement (Bukstel & Kilmann, 1980) differently, more often than not, inmates experience negative effects upon their release (Haney, 2003).

The study of institutionalization has not been limited to individuals who have been in prison. Landau (1975) examined the intersections of delinquency and institutionalization on various groups of people: prison inmates, soldiers, delinquents on probation, and vocational

students. Institutionalized individuals had shorter future time perspectives when asked what age events might happen to them. Almas et al., (2015) explored the effects of institutionalization on foster care children and social engagement after release. However, the study of the institutionalization in prisons has been studied as early as 1940 (Clemmer, 1940), and is still debated (Harcourt, 2011). Due to the rise of incarceration rates, the intensity of post-release reintegration is intensifying (Haney, 2003) and often times, released prisoners struggle with various psychological issues. The problems include alienation (Haney, 2003; LeBlanc & Tolor, 1972), post-traumatic stress disorder (Goff et al., 2007; Haney, 2003) distrust, and suspicion (Haney, 2003). Additionally, prisoners may bring the norms and culture of prison life into the free-world (Haney, 2003). As a result, there is a stigma that prisoners face that further negatively affects their health (Schnittker & John, 2007).

After release, prisoners are prone to chronic health problems (Binswanger et al., 2009) and are at high risk of death due to drug overdose, cardiovascular disease, homicide, and suicide (Binswanger et al., 2007). During their incarcerations, many prisoners lose contact with their communities and relationships due to the financial burdens of visits (Dumont et al., 2012; Christian 2005) and the limitations of mail and phone call contact (Mumola, 2000). Severed relationships also appear to have negative implications for individuals once they are released. Wallace et al., (2016) showed that the greater the social support, the better the overall mental health of individuals who have been released from prison. However, social support has no significance on the impacts of mental health while incarcerated. This contradicts research by Jiang and Winfree (2006) who found that women had more social support than men while incarcerated and those with social support appeared to have a better adjustment to prison life.

Additionally, ex-prisoners face constant legal barriers that prevent them from obtaining employment and the organized structure they had in prison. The United States is one of the only democratic nations that has such high restrictions on ex-felons (Uggen and Manza, 2002). Once the conviction becomes public record for employers to see (Legal Action Center, 2004), ex-prisoners often have a difficult time getting callbacks for employment (Pager, 2003) since many states allow employers to discriminate against individuals with criminal records (Kuzma, 1998). There are similar discriminating laws for housing that allow landlords to deny housing to ex-prisoners (Legal Action Center, 2004). When released from prison, individuals are expected to find their own housing causing many to live with individuals within their communities (La Vigne et al., 2004). However, as stated earlier, many individuals lose relationships while in prison. These are not all the issues that ex-prisoners face upon release, however, it is expected that death row exonerees may experience many of the same struggles.

### ***Impacts of Death Sentences***

As stated in the previous sections, there is limited research conducted on exonerees, not to mention death row exonerees. Besides the seminal work by Westervelt and Cook (2012), death row exonerees are forgotten in the literature. Each state has varying protocols for contact during visits, assignment of cell mates, and time spent outside of cells (Cunningham & Vigen, 2002). Studies of death row inmates show they have feelings hopelessness, loneliness, and their physical and mental functioning deteriorate over time (Cunningham & Vigen, 2002; Johnson, 1979).

A recent criticism of capital punishment surrounds the length of the appeals process and living conditions of death row inmates. Many argue that the appeals process is necessary to protect the rights of individuals and the constitution. However, there are cases where death row

inmates choose to waive their appeals, and are allowed to, as long as long as the courts deem them competent (Cooper, 2009). In *Rees v. Peyton*<sup>16</sup>, the Supreme Court ruled the standard of competency (Cooper, 2009) and since then, research has been conducted on the phenomenon of *death row syndrome*. The dilemma is whether or not it is constitutional to allow inmates to waive their appeals while they are experiencing high levels of duress on death row. Many argue that allowing death row inmates to waive their appeals violates their protection against inhumane treatment presents a threat to constitutional standards (Cooper, 2009).

Another area of research on capital punishment that is limited is the experiences of families of death row inmates. With the use of ‘tough on crime’ policies discussed in previous sections, the common dialogue and rhetoric surrounding capital punishment focuses its attention on ‘justice’ for the families of homicide victims. As a result, research and law enforcement agencies tend to ignore other victims of the death penalty: families of death row inmates. Similar to death row exonerees, the families of death row inmates are often left behind and forced to deal with the loss of their loved ones on their own (Radelet, et al., 1983). In a study by Jones & Beck (2007) of twenty-six family members of death row inmates, the families often feel a sense of hopelessness, shame, guilt, and social isolation due to stigma. However, this study is limited to the east coast, and opinions of the death penalty may vary across the country. Research has even compared the grieving patterns and treatment by law enforcement agencies, to homicide victims and families of death row inmates (King, 2004). In some cases, both families of homicide victims and death row inmates express that criminal justice officials lack compassion, do not provide information, and are not accessible to the families. Similar to Jones & Beck (2007), who conducted research on families of death row inmates find denial, anger, confusion, and feelings

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<sup>16</sup> See *Rees v. Peyton*, 384 U.S. 312, 86 S. Ct. 1505, 16 L. Ed. 2d 583 (1966).



of powerlessness are common for both families of homicide victims and families of death row inmates (King, 2004).

Surprisingly, Westervelt and Cook (2012) found similarities between the challenges that death row exonerees face and the challenges that general prisoners face upon release. They are institutionalized, thrown out of prison, and expected to find housing and employment on their own, all while dealing with severed relationships and finding a sense of community. Like general prisoners, exonerees experience chronic health issues and since they struggle to find employment, they have limited access to health care. For many exonerees, life after prison is not easier, and for some, it may be more difficult due to the lack of structure. In order to understand their experiences and make their transitions easier, it is necessary to speak with, understand, and listen to the stories of exonerees. Each story is unique and no exoneree has lived through the same experience. Therefore, quantitative research will further dehumanize the exonerees because they will only be seen as a number. In order to provide a voice for the exonerees, we now turn our attention to the qualitative methodology that we developed to learn more about this population.

## **CHAPTER 3: METHODS**

### ***Data Collection***

The national group that represents the 161 inmates released from America's death rows since 1972 is called "Witness to Innocence,"<sup>17</sup> and is headquartered in Philadelphia. The organization's purpose is to help empower those who were wrongfully convicted and sentenced to death, and to help them have a voice against the death penalty. The non-profit also attempts to help exonerated individuals with their transition back into the community by providing social and financial support. After having multiple meetings in Boulder with Mr. Magdaleno Rose Avila, the Executive Director of the organization, he agreed to help recruit participants for the study. Mr. Rose Avila<sup>18</sup> is well-respected individual in the human rights community. He has dedicated his life to activism, and during his time at Amnesty International in Atlanta, he was able to organize one of the largest meetings of leaders in the African-American community against the death penalty. He has worked alongside inspirational activists such as Coretta Scott King, Cesar Chavez, Reverend Joe Lowery, and Sister Helen Prejean, the world-famous author of Dead Man Walking and one of the leading abolitionists against the death penalty. Mr. Rose-Avila helped identify key questions that this research could address to ensure participants would feel comfortable sharing their story. Professor Kimberley Cook from the University of North Carolina Wilmington, and the co-author of Life After Death Row: Exonerees' Search for Community and Identity (2012) also helped identify potential gaps in the research. Professor Michael Radelet, the faculty advisor for this study, has conducted research on exonerated inmates for nearly forty years. Through Professor Radelet's connections and experience,

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<sup>17</sup> See [www.witnesstoinnocence.org](http://www.witnesstoinnocence.org)

<sup>18</sup> See [www.witnesstoinnocence.org](http://www.witnesstoinnocence.org)

participants were recruited and interviewed. The exonerated individuals were first contacted by either Professor Radelet or Mr. Rose-Avila, who briefly explained the study to see if there was interest in participating. After participants expressed interest in being interviewed, their contact information was shared with me and were then contacted by email or phone to schedule either a phone or face-to-face interview. When contacted via e-mail, the participants received a verbal consent form to better understand the purpose of the study. If contacted by phone, the participant received the verbal consent form once the interview was scheduled.

Since this study involved human participants, approval was required by the Institutional Review Board<sup>19</sup>, an organization that overlooks all human research in order to prevent physical and psychological harm for participants. Due to the sensitive nature of the topic, the IRB had many limitations as to who could be contacted and interviewed. Initially, they were concerned how an undergraduate student would have access to the population of interest. In the protocol, I had to emphasize that Professor Radelet and Mr. Rose-Avila were both well-respected individuals in the death penalty community. Since Mr. Rose-Avila was not an advisor for the study, I had to make it clear that he had limited knowledge about the study and it was not his responsibility to obtain consent. Finally, the IRB had reservations on allowing an undergraduate to interview a potentially vulnerable population due to the emotional and financial struggles that are associated with leaving prison. Therefore, the eligible sample to be interviewed was limited and not fully representative of all 161 exonerees. In order to limit the stress for exonerees who may not be ready to share their experience, only participants that have been exonerated for several years, appeared to have successfully readjusted to society after their release, or have previously spoken about their experiences in public, were contacted and asked to participate.

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<sup>19</sup> See <https://www.colorado.edu/researchinnovation/irb>. From now on, it will be referred to as IRB

A total of nine participants were contacted and expressed willingness to participate to either Mr. Rose-Avila or Professor Radelet. However, only seven participants responded to emails and phone calls to schedule an interview. Interviews for the study were conducted during a three-month period (November 2017 to January 2018). One of the interviews was conducted mid-November, four interviews were completed during the final two weeks of December, and three interviews were conducted in early January. The interviews were scheduled on the basis of the participants' availabilities in order to ensure the greatest amount of information could be gathered (Burke & Miller 2001). In order to respect their time, participants were told the interviews would take approximately thirty minutes to one hour.

DiCicco-Bloom and Crabtree (2006) note that, "individual in-depth interviews allow the interviewer to delve deeply into social and personal matters" (p. 315). The purpose of this study was to help society understand the lives and hardships that exonerees face throughout their lives: especially with their transition back into society. A life story interview method allowed participants to share their stories and experiences in their own words (DiCicco-Bloom & Bloom 2006; Atkinson 1998). Atkinson (1998) defines a life story as, "...the story a person chooses to tell about the life he or she has lived, told as completely and honestly as possible, what is remembered of it, and what the teller wants others to know of it, usually as a result of a guided interview by another" (p. 8). This method allowed those telling the story to choose what to share and allow autonomy for the participants to avoid topics they would not like to discuss. However, this method may lead participants to potentially fabricate certain information (1998), either intentionally or unintentionally and force the researcher to assume what the participants are saying is true.

DiCicco-Bloom and Crabtree (2006) recommend that ten or more interview questions be written in advance of the interview in order to help answer the research question of interest. I began the interview process with a set of twenty-three pre-determined and IRB approved questions in order to guide the interviews. However, since the participants were told the interview would take approximately thirty to sixty minutes, not every question was asked. As more interviews were conducted, it became clear as to which questions participants felt comfortable answering. By realizing these themes, I was able to be more consistent with which questions to ask. Occasionally, participants would indirectly answer a question on the interview guide, despite the question not being asked. If a participant indirectly answered a question, I counted this as a response in order to conserve time. However, this may have led the participants to talk about the topic in less detail.

Two participants mentioned having busy schedules, and therefore, the interviews were rushed. During the interview, participants were asked questions relating to their childhood, their emotional reactions throughout their incarcerations, the long and short-term issues they endured, challenges or successes they encountered, coping mechanisms they used, and the development of their relationships: both before and after their wrongful conviction<sup>20</sup>. Questions were not asked in any particular order or verbatim, but in relation to the flow of the interview in order to make the interview feel less staged for the participants. Rubin and Rubin (2005) claim that broad questions do not need to be said word for word, as making mistakes in asking questions is normal. It is only necessary that the interviewee understands the question that is being asked (2005). In some cases, participants were not sure what was meant by a question and asked me to clarify. If this occurred, the question was reworded in order for the participant to understand it more clearly.

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<sup>20</sup> See Appendix B

Broad questions were then followed by probing questions that allow for the researcher to guide the interview in terms of time management and levels of detail wanted from the participants (Rubin & Rubin 2005). However, a probe was only asked if a participant sounded comfortable talking about the subject matter. Rubin and Rubin (2005) further note that probes can either be verbal and non-verbal. Verbal cues such as ‘mhm’ were used to show interest in the participants’ responses. If a participant’s response was unclear or particularly important, they were asked questions such as “can you tell me a little more about that?” or “what do you mean by that?” to elaborate or clarify their responses.

Almost all of the exonerees do not live in Colorado, the state in which the study was conducted. As a result, six of the interviews were limited to phone, and only two of the interviews were conducted face-to-face. One face-to-face interview was conducted in Professor Radelet’s office on the CU-Boulder campus, and the other face-to-face interview was conducted in the participant’s home at their request. Due to the majority of interviews being conducted via phone, probing was mostly done verbally in order to elicit both elaboration and continuation of the participants’ responses (2005). However, phone interviews limited the ability to observe participants’ non-verbal behavior, which is a limitation of this type of data collection as it may lead to misinterpretation (Novick, 2008). It was difficult to gauge the participants’ emotional state and whether they appeared comfortable discussing a certain topic. If a participant appeared uncomfortable, I decided to change the topic of discussion in order for the participant to feel comfortable with questions that were asked later in the interview. This happened very rarely. In some instances, phone interviews led to overlap of dialogue between the interviewer and interviewee since it was difficult to tell whether the participant had finished their thought. For example, if a participant took a moment to think about their thoughts, I occasionally inferred this

as a completed statement. When this occurred, there may have been a modest change of direction in the interview. However, I attempted to bring the point of discussion back to the previous topic if I felt like the participant had more information to share.

Various steps were taken to build rapport between the interviewer and interviewee. When conducting ethnographic interviews, it is essential that the interviewer, "...tries to enter into the world of the respondent by appearing to know very little..." (Leech 2002: 665). Leech (2002) further claims that the researcher must have knowledge on the topic, but appear to have less than the person being interviewed. When asking questions, I would broadly relate back to the participants' cases to show that I had done my research and understood their procedural background. This strategy allowed for participants' to correct me if I did not understand a fact about their case and expand more in certain places of their choosing. This was also intended to help expand on the idea of participants sharing their story with me. As stated before, once an interview was scheduled, and when possible, a verbal consent script was sent to the participant via email to allow them to better understand the interview and purpose of the study. This was intended to make participants feel more comfortable about the study and understand the topics surrounding it before speaking with me. After the first few interviews, I decided to ask participants if they had any questions about me or the intentions of the research to ensure they felt more comfortable with speaking and sharing their emotional stories. I did not want participants to feel that my research would exploit them. Additionally, I am opposed to the death penalty and have an understanding of issues surrounding the policy. Since almost all participants were involved with Witness to Innocence, I was able to build rapport by connecting with them and the issues they experienced.

### ***Data Analysis***

With the consent from the participants, all interviews were recorded using my personal computer, and later transcribed. Due to financial constraints and lack of funding for this study, five and a half interviews were transcribed by me and one and a half interviews was transcribed by an online company, GoTranscript. At the end of the study, all participants consented to having their names released and used in the study; in fact, many encouraged it. No participant wished to remain anonymous.

Transcribing the interviews allowed me to read the interviews several times in order to easily identify emerging themes. Once the interviews were transcribed, I read through each interview and took notes for statements that stood out, seemed surprising, or were unique. Once this was done for each participant, I compared my notes to see if there were any emerging themes for the participants. For some questions, responses were unique and therefore not considered a theme. In some cases, when participants responded with similar statements, only the best and most representative quote was used for analysis purposes. The quotes and findings are discussed more in the data analysis section of the paper.

### ***Participants***

All seven participants in this study were individuals wrongfully convicted of first-degree murder, sentenced to death, and later exonerated in the United States. Two participants previously participated in the study by Westervelt and Cook (2012). The Death Penalty Information Center<sup>21</sup> considers an individual innocent if their charges that placed them on death row were dismissed by prosecutors or appellate courts, or if the prisoner was later acquitted and/or pardoned. Six of the participants in this study had their charges dismissed, and one was

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<sup>21</sup> See <https://deathpenaltyinfo.org/innocence-list-those-freed-death-row>.



released due to an Alford Plea<sup>22</sup>, therefore, the participant who accepted the plea is not on the Death Penalty Information Center actual innocence list. Each participant was tried and convicted in different states, in or before 1997. The states of conviction included Florida, Illinois, Maryland, Nebraska, New Mexico, Ohio, and Tennessee. All seven participants were males, four participants were white, three participants were black, and one participant was Latino. Most of the information about the participants was retrieved from the Death Penalty Information Center and the National Registry of Exonerations through the University of Michigan Law School<sup>23</sup>. No females participated in the study due to the limited sample of females exonerated from death rows across the United States. Since 1976, only two females have been exonerated from death row. One female exoneree expressed initial interest in partaking in the study, but did not respond to schedule an interview.

The earliest participant convicted was 1974 and the latest participant convicted was 1997. Participants spent a different amount of time in prison and were released at different time periods. The earliest exoneration was 1976 and the latest exoneration was 2014. The average participant waited 15 years between their conviction and exoneration. Their sentences ranged from two to twenty nine years.

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<sup>22</sup>Commonly known a ‘best-interests plea’. Defendant does not admit guilt to the crime but takes a guilty plea for a reduced sentenced in exchange for immediate release from prison. See [https://www.law.cornell.edu/wex/alford\\_plea](https://www.law.cornell.edu/wex/alford_plea).

<sup>23</sup> See <https://www.law.umich.edu/special/exoneration/Pages/about.aspx>

<b>Current Name</b>	<b>Sex</b>	<b>Race</b>	<b>State</b>	<b>Conviction</b>	<b>Exoneration</b>	<b>Total Years in Prison<sup>24</sup></b>	<b>Reason for Release?</b>
Keine, R.	M	White	New Mexico	1974	1976	2	Dismissed
Ajamu, K. <sup>25</sup>	M	Black	Ohio	1975	2014 <sup>26</sup>	27	Dismissed
Olatushani, N. <sup>27</sup>	M	Black	Tennessee	1983	2012	27	Alford Plea
Bloodsworth, K.	M	White	Maryland	1984	1993	9	Dismissed (DNA)
Melendez, J.	M	Latino	Florida	1984	2002	18	Dismissed
Steidl, R.	M	White	Illinois	1987	2004	17	Dismissed
Sheets, J.	M	White	Nebraska	1997	2001	4	Dismissed

<sup>24</sup> This number is an approximation and is not calculated to the exact month and day.

<sup>25</sup> Formerly known as Ronnie Bridgeman.

<sup>26</sup> Granted parole in 2003.

<sup>27</sup> Formerly known as Erksine Leroy Johnson.

## **CHAPTER 4: CASE BACKGROUNDS**<sup>28</sup>

***Ronald Keine***<sup>2930</sup>, *Conviction (New Mexico): 1974, age at conviction: 26*

Ronald Keine, along with his four co-defendants was convicted and sentenced to death for the rape and murder of a student who attended the University of New Mexico. The five men were convicted by prosecutors based on false and coerced testimony of a hotel maid named Judy Weyer.

Journalists at the Detroit News discovered Weyer was coerced into testifying, and she later recanted her testimony. However, the District Court Judge William Riordan denied the men a new trial. In 1976, the murder weapon was traced back to a person who confessed to the crime and therefore, Keine and his co-defendants were released. Ronald Keine was the ninth person to be exonerated from Death Row in the U.S after the *Furman v. Georgia*<sup>31</sup> ruling: the start of the modern day death penalty era.

***Kwame Ajamu***<sup>32</sup>, *Conviction (Ohio): 1975, age at conviction: 17*

Kwame Ajamu (formerly known as Ronnie Bridgeman), along with his brother Wiley Bridgeman and Ricky Jackson, were convicted and sentenced to death for the murder of Harold Franks in Cleveland, Ohio in 1975. The case revolved around the eyewitness testimony of Eddie Vernon, a 12-year old child who claimed he saw Ajamu drive the getaway car.

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<sup>28</sup> Information about exonerees was from the Registry of National Exonerations, Death Penalty Information Center, and Witness to Innocence. Since every sentence is a factual statement, I have decided not to footnote these sources repeatedly in my vignette but at the beginning of every case.

<sup>29</sup> See <https://www.law.umich.edu/special/exoneration/Pages/casedetailpre1989.aspx?caseid=174>

<sup>30</sup> See <https://www.witnesstoinnocence.org/single-post/Ron-Keine>

<sup>31</sup> See *Furman v. Georgia*, 408 U.S. 238 (1972).

<sup>32</sup> See <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4555>

Throughout the case, Vernon's testimony was inconsistent. Classmates of Vernon testified that Vernon was on a school bus and it was not possible for him to see the murders. A 16-year old girl testified that she was in the store prior to the murder with two other men: neither of the defendants resembled the men she saw. All three men were sentenced to death, but their sentences were eventually commuted to life and Kwame and Wiley were eventually granted parole. Wiley was eventually sent back to prison for allegedly confronting Vernon, the key witness in the case, which constitutes a parole violation.

It was later discovered that Vernon lied and was paid for his false testimony. He attempted to back out of the lie but police intimidation discouraged him. The Ohio Innocence Project found that prosecutors had two other suspects with cars that matched the getaway cars. Additionally, a previous suspect later had multiple records of aggravated robbery.

Vernon, the key eyewitness in the case, eventually recanted his entire testimony and stated he was not able to see the crime. Ajamu and his co-defendants were exonerated when prosecutors decided to dismiss the charges in 2014.

**Ndume Olatushani**<sup>3334</sup> *conviction (Tennessee): 1983, age at conviction: 27*

Ndume Olatushani (formerly known as Erksine Leroy Johnson) was convicted and sentenced to death in 1983 for felony murder<sup>35</sup> during an attempted robbery of a Food Rite grocery store in Memphis, Tennessee. At trial, the key evidence against Mr. Olatushani was the testimony of several eyewitnesses that placed him at the scene of the crime as the getaway driver. The defense presented an alibi with several witnesses who testified he was at a birthday party in St. Louis, Missouri at the time of the crime.

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<sup>33</sup> See *Johnson v. State*, 370 S.W.3d 694 (Tenn. Crim. App. 2011).

<sup>34</sup> See <https://deathpenaltyinfo.org/former-tennessee-death-row-inmate-walks-free-after-27-years>

<sup>35</sup> The unlawful killing of a person or persons during the act of another felony. See [https://www.law.cornell.edu/wex/felony\\_murder\\_rule](https://www.law.cornell.edu/wex/felony_murder_rule)

In 2004, the Tennessee Supreme Court overturned the sentence to life after information was brought forth that the prosecution withheld key information during trial. In 2011, more information was presented to the courts that shows that the key witnesses had incentive to lie on the stand in an attempt to protect other suspects. If this information was presented at trial, the witnesses would have been discredited, therefore, Mr. Olatushani was awarded a new trial by the Tennessee Court of Criminal Appeals. However, instead of going to trial, Mr. Olatushani accepted an Alford plea to drop the charges to second-degree murder resulting in his immediate release while maintaining his innocence.

***Kirk Bloodsworth<sup>36</sup> conviction: (Maryland): 1985, age at conviction: 23***

Kirk Noble Bloodsworth was convicted and sentenced to death in 1985 for the murder of nine-year old Dawn Hamilton in Baltimore County, Maryland. The conviction relied on five witnesses who put him at the scene of the crime with the state arguing the shoe marks on the body matched those of Bloodsworth.

In 1986, Bloodsworth's appeal to the Maryland Court of Appeals led to a new trial due to prosecutorial misconduct: the withholding of potential exculpatory evidence. However, Bloodsworth was retried and re-sentenced to two life terms. In 1992, Bloodsworth was tested for DNA and he became the first death row inmate in the U.S to be exonerated due to DNA testing. He also became the 48th person to be exonerated from death row since Furman. The actual perpetrator of the crime was later identified.

***Juan Melendez<sup>37</sup>, Conviction: (Florida): 1984, age at conviction: 32***

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<sup>36</sup> See [www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3032](http://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3032)

<sup>37</sup> See <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3465>

Juan Roberto Melendez was convicted and sentenced to death in 1984 for the murder of Delbert Baker during a robbery in Auburndale, Florida. One of the witnesses, David Luna Falcon, told police that Melendez confessed to committing the crimes with a man named John Berrien. However, witnesses testified that Falcon had a prejudice against Melendez and did not like him. After Falcon's testimony, he was involved in a robbery against John Reagan and his wife. The investigator for the prosecutor on Melendez's case threatened the Reagans if they filed charges against Falcon.

Melendez's co-defendant, John Berrien, testified that he drove Melendez to the crime scene and later picked him up, but was in no way involved with the murder. For his testimony, he was offered a plea deal for two years of house arrest.

Vernon James, who was in prison before the trial, was interviewed by Melendez's attorney and said he was present during the murder of Baker, while Melendez was not. Melendez's attorney never played this taped interview for the jury. Despite five witness giving Melendez an alibi, and no physical evidence linking Melendez to the crime, he was convicted and sentenced to death.

In May 1996, Berrien, Melendez's co-defendant, recanted his initial testimony. Berrien's attorney testified that that Vernon James, the jailhouse informant, confessed to killing Baker and that James and Baker had a homosexual relationship. Despite the recantation and new testimony, both the Circuit Court and Florida Supreme Court denied Melendez's appeal and he remained on death row.

Eventually, new attorneys found a transcript of James' confession, and new witnesses testified that James confessed to them that he committed the murder alone. The new attorneys discovered that James had previously incriminated himself to prosecutors, but prosecutors

withheld the crucial information from the defense. Eventually, the Polk County Circuit Court granted Melendez a new trial in which prosecutors chose to dismiss the charges. Melendez was released January 3, 2002 after spending nearly 18 years on Florida's death row. He was 99th person exonerated from death row in the U.S after Furman.

**Randy Steidl**<sup>38</sup>, conviction: (Illinois): 1987, age at conviction: 35

Gordon "Randy" Steidl was convicted and sentenced to death for the murders of Dyke and Karen Rhodes. The murders were discovered on the morning of July 6th, 1986, when firefighters responded to a house fire in Paris, Illinois. Both victims were found in the upstairs bathroom of the home and despite there being no physical evidence, Steidl and his co-defendant, Herb Whitlock, were charged for the murders.

At trial, the State presented Darrell Herrington and Deborah Reinbolt as witnesses. Both witnesses claimed they were present during the murder. Herrington claimed he heard arguments and saw the bodies, a knife, and blood, however, police failed to question the reliability of Herrington. He testified that he was an alcoholic who had been drinking since noon the day before. The second witness, Deborah Reinbolt, stated that both Steidl and Whitlock stabbed Dyke Rhodes with the knife she had given Whitlock that night. She also claimed the men used part of a broken lamp for the murder, however this was later deemed impossible. Reinbolt later stated that she helped hold Karen Rhodes down while the murder occurred, however, she could not explain why. She stated that when Steidl and Whitlock cut Karen's throat, "everything got real fuzzy at that point," and she went home. Reinbolt testified that Whitlock cleaned and returned the knife to her the next day.

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<sup>38</sup> See <http://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3661>.

Steidl's defense failed to challenge the credibility of the witnesses. If Reinbolt's supervisor had testified, records would have shown Reinbolt was at work that night, and adequate forensic testimony could have shown that the knife was not the murder weapon due to its size.

After the conviction, Herrington testified that police gave him information before the trial and asked him to change his initial statements to a story that implicated the two defendants. After trial, Reinbolt recanted her testimony, but a week later, both witnesses recanted their recantations. Several years later, Reinbolt said her initial testimony at trial was a lie, but again, she recanted her recantation five days later. Fire investigators later discovered that Reinbolt was wrong about the broken lamp in the room and it had been broken after the crime by firefighters entering the home.

In 1996, Steidl was awarded a new sentencing hearing by a state appellate court, and this led to a new sentencing of life without parole in 1999. In 2003, Steidl won his federal appeal which led to the prosecution to dismiss the charges. He was the 119th person exonerated from death row in the US.

***Jeremy Sheets***<sup>39</sup>, *Conviction: (Nebraska): 1997, age at conviction: 22*

Jeremy Sheets was convicted and sentenced to death for the murder of 17-year old, Kenyatta Bush, in Omaha, Nebraska in 1997. The conviction relied heavily on the testimony of Sheets' co-defendant, Adam Barnett, who entered a plea agreement with prosecutors in exchange for his testimony. Barnett claimed that he was present during the murder, but Sheets was the one who murdered Bush. As a result of his testimony, he was permitted to plead guilty to second-degree murder. In 1996, Barnett committed suicide in jail prior to Sheets' trial. Despite Sheets'

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<sup>39</sup> See *State v. Sheets*, 618 N.W.2d 117, 260 Neb. 325 (2000).



defense team not able to cross-examine Barnett, the Douglas County District Court ruled that the State proved Barnett's testimony was trustworthy, and therefore, admissible in trial.

During Sheets' appeals, appellate attorneys argued that admitting Barnett's post-mortem testimony as evidence violated Sheets' constitutional rights to confront the witness who testified against him. The Nebraska Supreme Court agreed and Sheets was granted a new trial. When prosecutors decided not to move forward with the retrial, Sheets was released in 2001.

## **CHAPTER 5: DATA ANALYSIS**

The interviews were designed for participants to talk about their experiences in three broad stages: life before their incarcerations, life during their incarcerations, and life after their incarcerations. Despite each exonerees' life and conviction being unique, they had many similar experiences and challenges throughout their lives and incarcerations. Prior to their incarcerations, participants expressed growing up with 'difficult' childhoods while being exposed to violence at a young age. Despite these hardships, participants discussed coming from tight-knit communities and having close ties with their families. If a participant did not have social support from his family or childhood community, he found it through other avenues such as 'clubs.'

At the time of their arrests, participants unanimously experienced the 'confusion' of their arrest. Despite initial feelings of confusion, four participants maintained 'trust in the system' that appeared to be a coping mechanism for their experience. While dealing with their arrests and then their convictions, participants simultaneously lost ties with their communities while forming new relationships in prison with fellow inmates, correctional workers, or death penalty abolitionists.

At the time of their releases, participants had varying thoughts from feeling excited to feeling anxious. The participants quickly learned that life after their exoneration came with many legal and personal difficulties that they still usually struggle with today. All the participants suffer from post-traumatic stress disorder (PTSD)<sup>40</sup> or some form of self-diagnosed mental illness. All participants experienced issues associated with being deinstitutionalized once they were released. Eventually, all participants became involved with organizations which help

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<sup>40</sup>From now on, post-traumatic stress disorder will be referred to as PTSD.

reform the criminal justice system (i.e., Witness to Innocence, Children's Defense Fund) and their involvement with these organizations allowed them to develop a sense of belonging, a feeling of empowerment, and a drive to work with fellow exonerees to abolish the death penalty. The following five sections will address each phase of the exonerees' life and the similar experiences they faced.

## **A. LIFE BEFORE THE DEATH SENTENCE**

### *Trying to Live the American Dream*

Like many people in America's prisons and jails, participants unanimously mentioned growing up in poverty or coming from low socioeconomic backgrounds. However, the level of struggle appeared to differ for each individual depending on their socio-economic status and whether they grew up in rural or urban communities. All participants claimed they were innocent, hard-working, everyday individuals who were trying to make ends meet until their lives were taken away from them

The prosecution's job is to get a conviction, and the defense's job is to prevent, or minimize that conviction. During the trial, defendants are often dehumanized and seen as animals, and even 'monsters.' When this happens, it is easier for the jury and public to apply a retributive punishment for an offender (Bastian et al., 2013). Therefore, it appears that through the interviews, participants attempted to humanize themselves and relate to important American values.

Kirk Bloodsworth emphasized growing up in a small, blue-collar, eastern shore town in Maryland that had little to no crime. He attended a Christian high school, spent several years in the Marines, and like the majority of his community, worked and lived life on the water as a fisherman. A similar theme emerged in Randy Steidl's interview, an exoneree from Illinois.

When asked about his life prior to his wrongful conviction, he responded with, "...life in Paris, Illinois was a pretty normal life. I worked in manufacturing, worked construction...[a] small town, not a lot to do. I worked hard, played hard, and just a very agricultural community." Like Mr. Bloodsworth, Mr. Steidl gave a narrative different than what society would stereotype as a 'criminal.'

Other participants emphasized the impacts that growing up in extreme poverty had on their lives. Ndume Olatushani, who grew up in the Pruitt-Igoe housing projects in St. Louis, Missouri, appreciated the struggle that his parents endured,

...until I began to become of age and began to learn of the stuff, I mean, I never went without food. My mother and father got up, and worked everyday and you know, hell, even though I came from a large family, my mother, not only did she make sure we ate, but she also two fed other people in the projects.

Although Mr. Olatushani was not living an affluent life, he found a way to appreciate his family and their work-ethic that provided him with the necessities to live. Like any person, Mr. Olatushani wants to be seen today as a person who is capable of accepting, giving, and acknowledging love.

Ronald Keine established himself as a hard-working American trying to overcome poverty outside of Detroit. In order to receive a college education, Mr. Keine spent roughly two to four hours commuting between Cleveland and Detroit. Due to the lack of social and financial support from Mr. Keine's family, he would sleep on a couch in his college's staff lounge. Like Mr. Bloodsworth, Mr. Steidl, and Mr. Olatushani, this exoneree emphasized one of America's strongest values; working hard. By emphasizing American values, participants are trying to show that wrongful convictions can occur to anyone. Often times, society has views about the type of people who get convicted. If they are wrongfully convicted, then society assumes it was their fault for putting themselves in a certain situation.

### *Growing up Alongside Violence*

Four of the seven participants mentioned being exposed to extreme violence prior to their wrongful convictions. The violence came in different forms and was unique to each exoneree.

Mr. Keine discussed the emotional abuse that he endured from his father:

My childhood was brutal, okay?...I was in second grade, of being told I wasn't wanted by my dad, very brutal guy. Told us constantly how he never wanted kids. Stay out of his way and we'll be okay...and second grade is very hard when you realize you're not wanted. That you're, well, no self-esteem, no self-worth, very lonely. Just [the] realization that your own parents don't want you....[me] and my brother...we used to sleep in our beds fully clothed. I mean, shoes and all, cause you never know when you might have to get up and run like hell because he would come home drunk every night with an attitude.

The abuse endured by Mr. Keine had detrimental impacts on his well-being throughout his childhood. In school, Mr. Keine felt disconnected from his classmates, began to break the law, and was eventually sent to military school by the courts with hopes of getting 'rehabilitated.' This was also true for Jeremy Sheets who was sent to a juvenile facility for breaking the law. In military school, Mr. Keine gained some self-confidence, but unfortunately, the trauma from abuse continued to linger with him. As many children were receiving Sunday visits, Mr. Keine noted that his parents only visited him about once or twice during a four-year period. The lack of support and his history of abuse made Mr. Keine have thoughts of, "...I'm such a terrible kid. I'm a piece of shit." While in school, he said he felt resentment from his fellow classmates which led him to fight with his peers. Eventually, the Mr. Keine was expelled from Boystown and returned home before joining a biker club in his late teens.

Two participants discussed growing up surrounded by urban crime that disproportionately targets black communities (Bell & Jenkins, 1993). Mr. Olatushani, a black man from the Pruitt-Igoe projects in St. Louis, spent time during the interview reflecting on the

violence he witnessed during his childhood. At the age of five, he witnessed his first murder while playing on a playground. Although Mr. Olatushani expressed concern that children should not have to witness these types of events, he appeared to normalize this violence within his community. Multiple times through the interview, he emphasized that the Pruitt-Igoe projects were the first federal high-rise projects to be torn down due to their lawlessness. Research on the Pruitt-Igoe projects suggests that the lack of social control was due to the design of the projects which inhibit the development of informal social networks. These informal social networks are crucial for people in low socioeconomic communities to cope with poverty (Yancey, 1971). This is surprising because as I described in the previous section, Mr Olatushani found an appreciation for his life with the help of his loving family.

Kwame Ajamu, a black exoneree who grew up in the struggling, lower-east side of Cleveland, Ohio, discussed growing up during the Hough Riots that occurred during the summer of 1966. During the four days of rioting, there were instances of firebombing, sniping, and looting (Hanson, 2014). Mr. Ajamu reflected on how the high racial tensions and violence impacted his community. When murders or crime were committed, the community detached itself, "...[it was] a no talk, no tell, no deal with the cops." Research on police relationships indicate that police officers tend to speak less respectfully toward black communities than white communities (Voigt et al., 2017), and communities that experience police brutality, are far less likely to report crimes to authorities (Desmond et al., 2016). During the interview, Mr. Ajamu noted that this type of atmosphere "set a tone coming into [his] young adulthood..." when he was sentenced to death at the age of seventeen. It is interesting to see that four participants experienced violence prior to their convictions because it may have potentially prepared them for the prison experience and future success.

### *Social Support Prior to Incarceration*

Although all the participants experienced some form of adversity prior to their wrongful convictions, the importance of social support appeared to be a major theme for six of them. Specifically, five participants said they came from tight-knit communities or had some form of support from their families. One participant said he did not have any support, but later found a sense of community by joining a biker club. The social support within their communities appeared to help the exonerees find an appreciation for their lives despite their struggles.

Mr. Ajamu, the exoneree who experienced racial riots, was one participant who expressed coming from a tight-knit community,

You know, strugglin community, but we was all close-knit and tight and everybody knew everybody. Pretty much like family. And so there were no riches in our neighborhood. And so holidays was spent very, very joyfully, ya know? We were, everybody loved everybody man.

In the previous section, we learned that Mr. Ajamu emphasized the violence that he and his community had to experience during the Hough Riots. Due to their tight-knit community, they were able to overcome the adversity of these race riots and police tensions that impacted their everyday lives. Mr. Ajamu went on to talk about the size of his family, how connected they were, and the importance of one another. At the time of his arrest, his grandfather was alive and he had a total of six aunts who were ‘loving people’. The same was true for Juan Melendez who was born in Brooklyn, New York, but spent the majority of his childhood in Puerto Rico. When asked about his relationships, Mr. Melendez talked about the importance of his immediate and extended family:

I have what you call five aunts and mama. And my aunts in that days was, if I did something wrong, they would whoop’ my ass. But at the same time, if I needed anything,

if I was hungry, or needed clothes, they always bought it for me. In other words, my aunts were like mamas’.

Despite coming from a poor background, the social support from Mr. Melendez’s family allowed him to find an appreciation for his life. Ronald Keine, the participant who experienced constant abuse from his father and resentment from his peers, found a sense of community after developing a passion for motorcycles. With one of his co-defendants, Mr. Keine decided to explore the U.S. where the two eventually found a sense brotherhood in a biker club. During Mr. Keine’s interview, he emphasized that biker gangs “[were] all about camaraderie...” Unlike modern biker clubs that often surround themselves with organized and violent crime (Barker & Human, 2009), Mr. Keine said their membership to the club was to experience the outlaw life of partying and being ‘rowdy.’ This was the first time in Mr. Keine’s interview where here appeared to talk about relationships and his life experiences in a positive manner. Therefore, it is safe to assume that this social bond positively influenced how Mr. Keine viewed his life.

After developing a bond with the biker club, Mr. Keine and four of his co-defendants decided to take a trip to Mr. Keine’s hometown, Detroit. Unfortunately, all five of the men were arrested, convicted, and sentenced to death in New Mexico, long before they arrived in Detroit.

## **B. FACING DEATH**

A wrongful conviction can have detrimental impacts on the defendants and their families, but for many Americans, they are not a reality. Most people could not fathom the idea of the U.S criminal justice system convicting an innocent person. With the rise of mass incarceration and the retributive dialogue surrounding the death penalty, prisons have become a place for monsters, a place for those who lost their chance in society, a place for those who deserve to die. Unfortunately, all seven participants had to experience the adversity and horrors of death row at no fault of their own. Without warning, these innocent individuals were stripped from their



homes and left hoping that the U.S respective state governments would not execute them. While waiting for their fates, participants lost ties with their free-world communities. Four participants talked about the social support they had in prison and in order to maintain their relationships, exonerees and their families had to work hard to keep in touch. While in prison, participants mentioned developing relationships with co-defendants, fellow inmates, workers within the criminal justice system, and death penalty abolitionists. Unfortunately, two participants experienced the death of close loved ones while they were incarcerated. This section addresses the initial reactions of the participants when they found out about their arrests and then convictions, their confidence in the criminal justice system, and the impact their incarcerations had on their relationships.

### *Confusion and Disbelief*

Each participant experienced different emotions about their arrests, convictions, and death sentences. However, themes of confusion and disbelief were voiced in the interviews with five of the participants. On their way back to Detroit, law enforcement arrested Mr. Keine and his co-defendants after police received reports from hitchhikers that they were robbed \$1.17 by the men in Mr. Keine's car. When Mr. Keine and his co-defendants were arrested, they initially believed it for this minor crime. They eventually learned it was more than just a misdemeanor:

...so, they put us in jail. Now, they say we're wanted for murder...I'm tellin these people, just let us go, we'll be out of your town in no time. We won't come back. You know? We're done with this. You know, sorry we robbed those guys, but what the fuck? You know? It's a dollar seventeen, and you got five guys for armed robbery? And it turned out, that the murder thing was a real charge and we didn't know that...

Mr. Keine explained that he had a history of harassment from the police because of his membership in the biker club. During the interview, he discussed how police would break his headlights and if he complained, he would get tickets. Mr. Keine's initial instinct was that his

arrest was no more than harassment by the police and did not think much of it. When Mr. Keine met his inexperienced attorney who just graduated law school, he processed the situation and realized the charges were real and there was a potential threat. However, Mr. Keine remained faithful in the system which will be discussed in the next section.

When police questioned Mr. Bloodsworth in Maryland about the murder of nine-year old Dawn Hamilton, he minimized the situation. He respectfully answered their questions for the police and then thought it was over. Once he was arrested, "...it started coming to life..." Mr. Bloodsworth seemed frustrated that the cops would not share any information with him and he felt wronged by the system because of the way he was being accused. By not knowing what was happening and feeling the inadequacy of his counsel, Mr. Bloodsworth could not protect himself. Jeremy Sheets, the exoneree from Nebraska, was also confused with his arrest. Mr. Sheets mentioned crying himself to sleep every night and like Mr. Bloodsworth, he did not know what was happening. They did the only thing they could do: trust the system and hope for the best.

#### *Trust in the Criminal Justice System*

Public ratings show a lack of confidence in the criminal justice system (Sherman, 2002). Surprisingly, four participants appeared to have had trust in the system at some point during their experience. The trust the participants held for criminal justice system appeared to be coping mechanism for their wrongful convictions: they retained confidence that eventually the miscarriage would be corrected.

Mr. Melendez was picking apples in rural Pennsylvania when he heard the sounds of the police approaching him. When they spoke with him, they told him he was wanted for first-degree murder and armed robbery by the state of Florida. When Mr. Melendez appeared in front of a federal judge, he was given a choice; he could fight extradition or waive it. Due to his confidence

in the system, Mr. Melendez chose to waive extradition and was sent back to Florida. Mr. Melendez's thought process was what any innocent person would think, "...I'm not a killa'. My momma did not raise no killa'. I'm wavin' this thing and the state of Florida will let me go." During trial, the state provided Mr. Melendez with a defense attorney who gave him words of encouragement and further enhanced his confidence,

The truth is, I'm not OJ Simpson. I didn't have money to hire lawyers. So they court appointed [a public defender]... he used to pat me on the back and tell me everything is going to be alright. "You're going home." I did understand that going home stuff. I should go home, I did not commit the crime.

Not only did the participant have personal trust in the system, he had the encouragement from his own attorney. Once Mr. Melendez began talking about the trial proceedings in the interview, his dialogue and beliefs about the criminal justice system shifted. He began to criticize and elaborate on how his trial was unfair. His conviction was based on 'snitch testimony,' his trial lasted five days, and he was convicted by eleven white jurors and one black juror, none of whom shared Mr. Melendez's Latino heritage. Before Mr. Melendez had experience with the criminal justice system, he believed that it was a fair and just process. However, once he was directly exposed to the system, his beliefs and confidence began to diminish. During Mr. Bloodsworth's interview, he was asked a probe about his opinions on capital punishment prior to his incarceration. Like Mr. Melendez, Mr. Bloodsworth was naive about the criminal justice system and believed people 'got what they deserve.' However, once he had exposure to the system, he said he could never support capital punishment due to all of the 'underhanded' tactics used by law enforcement

Mr. Keine, the exoneree in the biker gang, retained hope and confidence during his trial. Before trial, Mr. Keine was given the option of accepting a plea that would result "only" in a life sentence. Due to his confidence in the system, he declined to accept the deal and chose to fight

the charges at trial. In his mind, Mr. Keine did not believe the conviction was a real threat and did not feel the need to take it seriously. When asked to give statements or speak to the media, he would respond with, “Yeah, fuck you” or make joking statements with his co-defendants. At one point in the interview, Mr. Keine expressed being so confident in his innocence that he felt he did not need an attorney: the prosecutors and other government officials would eventually find the truth and he would be released. During trial, Mr. Keine was not aware that a sheriff covered up the crime. It was surprising to hear Mr. Keine have this much confidence in the system because earlier in the interview, he discussed the subculture of hippies and bikers. He expressed that they both evolved and got along due to their uniform hatred for “the Man,” the U.S. and state governments. Due to his prior disapproval of the government, it is safe to suggest that Mr. Keine was using this confidence as a coping mechanism to create a sense of hope for himself and his co-defendants.

Mr. Sheets, the exoneree from Nebraska, appeared to have faith in the system throughout his wrongful conviction. Although he was scared and emotional throughout his incarceration, he seemed to have a feeling that he would soon be released:

I kind of half expected it dude, like half-ass expected it, it's like, you hope it's real, but you don't wanna put all your eggs in one basket, like with your hope...everyone kind of knew that I was probably gonna go home...a lot of people that looked at it objectively could tell [the conviction] was B.S.

Later in the interview, Mr. Sheets talked about how he was more afraid of fellow inmates than facing Nebraska’s electric chair, the State’s only method of execution. It was later found unconstitutional by the Nebraska Supreme Court in the 2008 ruling of *State v. Mata*<sup>41</sup>. It is unclear if Mr. Sheets said he was more afraid of fellow inmates because he knew he was going to

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<sup>41</sup> See *State v. Mata*, 745 N.W.2d 229, 275 Neb. 1, 275 Nebr. 1 (2008).

go home, or if he was trying to cope with the trauma of facing execution. However, he was a white man convicted of killing a young black girl. In prison, inmates tend to harass and abuse individuals who are convicted of killing seventeen-year old children, not to mention a black children. While in prison, Mr. Sheets said he would often get into fights and “...probably spent half of his time in [solitary confinement] for fighting.” Therefore, by telling himself that he would be released, Mr. Sheets was able to put aside the fear of the electric chair, suggesting the trust he had was also a coping mechanism for the experience.

### *Maintaining and Forming Relationships in Prison*

Maintaining relationships in prison can cause financial burdens for the families of those incarcerated (Grinstead, 2001). Since all our participants came from lower-socioeconomic statuses and were displaced from their communities, relationships were an important point of discussion. During their incarcerations, five participants mentioned having some form of social support. Out of the five participants, two experienced constant visits, three had co-defendants in prison (but only two participants with co-defendants talked about their relationships), and one talked about befriending other death row inmates. Surprisingly, the two participants that mentioned receiving constant visits said they were with people they had not known prior to prison.

When the community finds out that one of their neighbors is facing the death penalty, it can be quite a shock. For three participants, this became their reality. When asking Mr. Steidl about the community’s reaction to his arrest and conviction, he said that everyone was surprised that it could ‘be one of their own’. Due to the underhanded tactics employed by police and prosecutors, Mr. Steidl felt people eventually began to believe the narrative. Through this process, Mr. Steidl realized who his friends on the outside were. The same happened for Mr.

Bloodsworth in Cambridge, Maryland. When he was first arrested, many people who knew him felt law enforcement had the wrong ‘guy.’ However, opinion was split and many others believed in his guilt, especially the prosecutor who created a narrative of him as a ‘monster.’

One participant<sup>42</sup> met his wife while he was in prison and had his family visit every couple months. During his incarceration, an anti-death penalty organization provided art shows for individuals serving death sentences. The participant met a woman who became interested in his case and as a result, she began doing investigative work on his behalf was able to recruit a large law firm to represent him. Not only did the participant benefit from her enthusiastic investigation work, she was a big source of support for the participant. After the two met, she visited the participant every week for up to six hours allowing the two to develop a bond. However, the participant claimed it was unusual for these relationships to be formed due to the distance between prisons and families. Fortunately for this participant, the prison was only twenty minutes outside of the town where this supporter lived. If the participant lived in a more rural prison, then he claims, “it would have been harder for her to travel...[they] would have seen less of each other.” After his release, this woman became his wife and played a major role in helping him get readjusted to society by providing him with a home and endless support.

Another participant<sup>43</sup> talked about maintaining and forming new relationships in prison. Throughout his time on death row, his mother and grandmother would visit as often as they could. Surprisingly, the same participant formed a relationship and received constant visits from the mother of the man who accused him of the crime. Throughout his incarceration, the mother believed in his innocence and fortunately, the two still maintain a relationship. The participant appeared to be grateful about his circumstances and during his time on death row, “[he] was the

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<sup>42</sup> Name not used to keep wife anonymous.

<sup>43</sup> Name not used to keep relationships anonymous.

only one that every single visit, somebody was there to see [him]. Out of those 10 guys (on that state's death row), some guys never, ever, ever got a visit." His reaction is similar to the previous participant who met his wife by acknowledging that his circumstances of having social support are unusual for death row inmates.

Two participants discussed having relationships with their co-defendants, and one participant was sentenced to death with his brother and friend. The participant was eventually relocated to the general population due to legal matters surrounding his case. Although it seems liberating to no longer face death, the exoneree felt otherwise:

On the day that [I was commuted] from death row to general population, I actually had to walk past the men's cell, and brother, I can not explain to you. I really can't tell you to this day, how bad I did not want to do that. I would have rathered stayed on death row, than walk past my brother and leave him there. You understand? So that was that was, how they say, bittersweet.

Later in the interview, he discussed the importance of his brother. After the participant was released on parole, he spent much of his time trying to get lawyers to help exonerate himself, his brother, and friend. When his brother was exonerated and released, the participant relocated to help his brother who suffered from various health issues. The combination of walking past his brother, his dedication of helping exonerate his brother, and the willingness to relocate to for his brother, shows the importance of their relationship to one another.

During Juan Melendez's interview, he discussed the importance of his relationships with fellow death row inmates in Florida. Before Mr. Melendez was wrongfully convicted, he did not know how to read, he did not know how write, and he did not know how to speak English. Due to Mr. Melendez's fellow inmates, he was able to develop these competencies while incarcerated with, "[the] worst of the worst. The one the prosecutor called monsters... if they had never taught me, I would never survive that place."

Mr. Melendez is grateful for the bond he was able to create with his fellow inmates. Later in the interview, he discussed his understanding that these people committed heinous crimes and justice needs to be served for the victims, however, he felt that many of his fellow prisoners had changed and do not deserve to be executed. Mr. Melendez believes they are not the same people that committed the crimes and to him, these people became a support system. However, to society, they remain ‘monsters.’ One of Mr. Melendez’s passions after his release became to ‘fight’ for his friends that remain on death row.

Despite having support in prison, two participants experienced the consequences of long-term incarceration: the death of loved ones. Once Mr. Ajamu’s death sentence was commuted, he was eligible for parole. During a parole board meeting, he was denied parole and was required to spend more time in prison despite his innocence. When Mr. Ajamu heard the devastating news, he debated on whether to call his mother to tell her the news. Since it was Friday, Mr. Ajamu decided to wait till Monday in order to not ruin her weekend. Unfortunately, Mr. Ajamu never got to speak with his mother since she passed away that weekend.

Not only did Mr. Ajamu lose his mother during his incarceration, he lost the majority of his extended family. Mr. Ajamu and his co-defendants are known for having the longest wrongful convictions in the United States of thirty-nine years<sup>44</sup>. Eventually, Mr. Ajamu was released on parole in 2003, eleven years before his co-defendants. When Mr. Ajamu was released, he said the only people left in his family were the children of his cousins, many of whom he had never met. Mr. Ajamu blamed this on the fact that there was no way they could have developed relationships while he was in prison and those who were alive at the time of his arrest had limited memories of him. Mr. Ajamu eventually met his wife when he was struggling

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<sup>44</sup> Mr. Ajamu was granted parole in 2003. He spent twenty-nine years in prison but was not exonerated until 2014.



to use the local bus system. His wife eventually became a major support system and Mr. Ajamu credits her for making his transition easier. It appears that the relationships the participants were able to form and maintain throughout their convictions impacted their lives after their release. The impacts of the relationships will be discussed more in the next section.

### **C. IS THIS WHAT BEING FREE FEELS LIKE?**

*“What the f\*ck am I gonna do now?” ... Ron Keine*

Imagine spending years in prison for a crime you never committed. One day, you wake up, and the government that once said they will kill you, says you're free to go. The emotions going through each exonerees mind were unique, but like their arrests, they were confused. For Juan Melendez, his release was unexpected. Mr. Melendez was taken to an information room and asked absurd questions by a secretary inside the prison: “What is your social security number? What is your job?” To Mr. Melendez, these were stupid and naive questions. He has been on death row for eighteen years and has not been free since being arrested, therefore he was confused. Mr. Melendez quickly realized he was being released and said he was “...like a little kid when he gets up in the morning on Christmas day and he finds a toy that he wanted for Christmas...[he] was smiling, and [he's] still smiling today.” Similar to the arrests for exonerees, the release for Mr. Melendez came with a sense of confusion. After his release, Mr. Melendez returned to Puerto Rico where he was treated like a ‘king’ and with ‘respect.’ He later decided to leave Puerto Rico to pursue a dream to abolish the death penalty. Unlike Mr. Melendez who was excited to be free, Jeremy Sheets said he felt disconnected from the situation, “...it was almost like there was no emotion or connection going on...I think by then, I was just so emotionally drained. You know, 'cause I cried myself to sleep all the time.”

Mr. Keine was anxious about his future when he realized he was being released. The exoneree was nine days away from his execution and accepted his fate:

....[I] made peace with God, and wrote letters to everybody, and goodbye letters and all this stuff and everything. And it's hard. It's hard when you find out they're gonna kill you and you didn't do it. You know? And you're innocent and they're gonna kill you anyway. And then it's turning out that they know it anyway. Cause of all the stuff we read in the papers and all the other stuff, it was very obvious, and to everybody that we were innocent. People on the street that were interviewed by the *Detroit News*, knew that we were innocent.

Fortunately, the judge threw out the entire case prior to Mr. Keine's execution when somebody else confessed to committing the murder. When he found out about his release, his initial reaction was to ask his lawyer, "Is this right?" Once his lawyer responded with, "yeah, it means your free," Mr. Keine began to question his future, "...here we are standin' in the courtroom, I'm shiverin.' What the fuck am I gonna do now? You know? I don't have any money, I don't have anything going on."

It would be expected that Mr. Keine would be excited that he no longer faced execution or a prison sentence. However, he was the same participant who did not have social support from his family and whose only sense of community was the biker club, which he did not want to go back to (three of his co-defendants returned to the biker club). Mr. Keine eventually decided to hitch a ride back to Michigan and reconnect with old family and friends. Unlike Mr. Keine whose first thought was where to relocate, six participants mentioned having somewhere to stay after their release.

Immediately after their releases, four participants said they went back to their hometowns and two participants relocated to new homes. Mr. Olatushani, who was convicted in Tennessee, found a benefit of choosing not to move back to his family house in St. Louis. Prior to his arrest, Mr. Olatushani had never been to the state of Tennessee and believed that staying in the state

helped with his transition. If he had moved back home, Mr. Olatushani would have had to cope with two culture shocks: the evolution of society and the evolution of his hometown. By deciding to stay in Tennessee, he only had to cope with one evolution. Although staying away from home has helped, the exoneree is not immune from ignoring how his hometown has changed. Whenever he returns home to St. Louis, he struggles because of all the changes and his lack of time to adjust.

Mr. Steidl also found a benefit of not returning home:

...most of [exonerees] go back into their old hometown where they were railroaded to begin with and they think they're gonna start over and they don't usually keep a low profile. A lot of them make themselves targeted again and you just can't do that. You have to get out, away from the place because I found out in my lifetime, that the powers that be the police, the politics, if you give them an opportunity to do you again, they'll do you again. So I lost nothing by not going back to Paris [Illinois], absolutely nothing.

Mr. Steidl decided to relocate to a new home where he was able to find work and find a way to provide for his family. On the other hand, five participants in this sample eventually decided to move home after their releases. Jeremy Sheets was able to live with his mom in a spare room that was the same size as his prison cell:

She was able to help me get all my stuff together...what would really [help], to have some therapy and a place to stay, and relax, and not have to like stress about rent or money or-or paying for a therapist, or anything, to kind of help you adjust to the real world and how it works again. And like help you get a job.

Mr. Sheets was able to transition back into the world at his own pace before deciding to eventually move to a different state. Mr. Bloodsworth also decided to move home after his release where he experienced some negativity from the general public. When he moved home, he said he would receive violent prank phone calls from people outside of his community. However, this all changed once the real killer confessed to the crimes. According to Mr. Bloodsworth, this

is when he truly felt 'vindicated' and life took a '180,' and before the confession, life was not great. The idea of vindication was also found in Westervelt and Cook (2012).

*"Oh amigo, I still struggle" .... Juan Melendez*

Although the majority of participants were able to find a home after their exonerations, it was extremely difficult, if not impossible, for them to escape the long-term consequences of institutionalization. The traumas the exonerees witnessed while on death row and prison continue to haunt them. Unfortunately, being released from prison was a culture shock for the exonerees and currently all participants currently suffer from PTSD or some type of challenging mental struggle.

Despite being free for sixteen years, Juan Melendez said that he still struggles with everyday life. When speaking with him, he appeared to be an outgoing and passionate person who is dedicated to abolishing the death penalty. However, when talking about his adversities, he mentioned his struggle with crowds. Mr. Melendez described his ability to withstand groups of people for a limited time, until he eventually has to seclude himself. His theory for this discomfort is that it is caused by the isolation in his cell and the limited contact he had with others. Randy Steidl appeared to have experienced a similar phenomenon. When Mr. Steidl reflected on his first time being free after eighteen years, he had a sense of being overwhelmed, "...being able to walk through a door anytime you wanted. Turn the light on. Go to bed whenever you wanted. Eat whenever you wanted. Shower whenever you wanted. I mean for eighteen years, I was told when to do that."

Mr. Bloodsworth said that he felt something missing when he tried to establish himself. Since he was arrested at the age of twenty-four and released at the age of thirty-two, he missed eight crucial years of his adulthood. In his opinion, many people have their twenties to figure out

their aspirations and by thirty, they should be working towards those goals. Unfortunately, Mr. Bloodsworth had to think about his goals of surviving death row, not the free world. When he was released and his anxiety developed, “[he] felt like a cat in a room full of rocketeers” which people did not understand which impacted his ability to develop relationships.

Another struggle for Mr. Bloodsworth was the fear of being recaptured. This theme appeared in Mr. Sheets’ interview as well. When there was news of the FBI looking for a suspect for one particular crime, Mr. Sheets described his panic when he saw a helicopter outside his home. Eventually, the police came to question him. Fortunately, he was able to provide the police with receipts that gave him an alibi and gave them DNA which was not provided during his first conviction.

Mr. Ajamu spent a lot of time during his interview reflecting on the impacts that mental illness has on both guilty and innocent death row inmates. On his first night on Ohio’s death row, Mr. Ajamu was directly exposed to paranoid schizophrenia:

...these guys were playin’ chess and this guy says bishop to somethin’ 47. And man, for about an hour and a half, the man that lived in cell 47, was an old man...he screamed, and he screamed, and he screamed so much that I started cryin’ because I didn’t know what hell was going on. But, I found out that he was screamin’ because the paranoid schizophrenia kicked in, and when the man said move his knight to that particular number, it matched his cell...he thought that it was his time for execution.

Outside of prison, Mr. Ajamu said he personally knows another exoneree who suffers from paranoid schizophrenia. Mr. Ajamu spends much of his time taking care of him.

One participant said he suffers from survivors guilt after the suicide of a co-defendant who struggled emotionally after his release. After his friend’s suicide, the participant said he blamed it on himself and felt like he could have done more to prevent it. He said he saw symptoms that should have made him be more concerned. The fellow exoneree would constantly

ask him to party, to drink with him, to seek out dangerous stunts, and "...he was drinking like two bottles of Jack a day." Throughout the time after their exonerations, the participant tried to help his friend by offering emotional support, but it was not enough. The exoneree eventually committed suicide, and for ten years, the participant blamed himself for his friend's death..

Out of the seven participants, only two participants mentioned the difficulties of maintaining employment and three participants (two of whom had difficulty maintaining jobs) are currently self-employed. Jeremy Sheets did not have difficulties finding a job. According to him, he has held over a hundred jobs, however he has not been able to keep a job for a period longer than eighteen months. The effects of institutionalization and prison life inhibit Mr. Sheets from developing healthy relationships with his co-workers,

...It's hard for me to get along with people, like, on a long-term basis. For like short-term, I'm good. But long-term, I get weirded out and freak out. I dunno'. It's hard for me...I always perceive something like, you know, "Oh, this person's kind of fucking me over. They're not a good friend as I thought they were."... I always cut, like, people out of my life, make some kind of excuses. It's pretty difficult to maintain relationships...

Unlike Mr. Sheets who has had success in finding jobs, Mr. Keine experienced problems. When he moved back to Detroit, he was lost and unemployed. Despite having old friends in positions of power within organizations and companies, they could not help him find a job. According to Mr. Keine, his friends said fellow employees would be afraid of him. The public opinion influenced Mr. Keine's ability to gain employment and Mr. Keine eventually retreated back to his old habits to overcome poverty. Everyday, Mr. Keine woke up in abandoned cars, walked down the industrial corridor, and knocked on doors with hopes of getting a job. He had some success but usually within three days, employers learned of his death sentence resulting in his immediate termination. During the interview, Mr. Keine expressed his frustration about his life post-release:

We have a survival instinct. When you haven't eaten in three days and you're standin there shiverin in the fuckin' cold, in [Michigan], with no money, and can't get a job or anything, and all I gotta do is pick up a gun, go talk to a dope dealer, tell him hey put me on a corner, I can make two hundred a day. You know, it's very hard not to do that. And a lot of guys do. They all go for that rather than starve.

Fortunately for Mr. Keine, he was able to take control of his life and not fall into a cycle of crime that many exonerees experience. After facing constant rejection by employers, Mr. Keine decided to start his own business of selling and distributing rock salt to his neighbors. Within the year, he said he had over eighty-one employees and is now, "...shippin' semi-loads to major markets...[he's] no longer pullin' that wagon." This theme of self-employment was also found with Mr. Sheets and Mr. Bloodsworth. Mr. Sheets decided to begin his own construction business and expressed that being self-employed allows him to have more autonomy over his life, something that he was stripped for several years:

I'm so much happier. Like I coulda' worked today if I wanted to, but I didn't want to and I wanted to just drive my wife to work because it's super icy out and I was able to do that and not worry about [anything]... You don't have to call anybody.

Unfortunately, participants may never escape the consequences of long-term institutionalization. Unlike many exonerees, these participants were able to develop skills, social support, and habits that allow them to overcome their adversities after death row. It appears that their success has allowed them to make it through life and now find a way to give back and help other exonerees. The participants' involvement with Witness to Innocence will be discussed in the next section.

#### **D. WITNESS TO INNOCENCE**

Although the participants in this sample found some form of success with housing, employment, and social support, they will never be the 'average' individuals they were prior to

their wrongful convictions. Participants expressed being broken, being hurt, and witnessing events that no individual should see or hear within their lifetimes. As long as the U.S government continues to allow state and federal executions, death row exonerations are inevitable. As a result, six participants have decided to make it their personal responsibility to reform the criminal justice system and abolish the death penalty. By involving themselves with organizations that help with criminal justice reform, the exonerees have built a joint community of like-minded goals, developed a sense of empowerment to abolish the death penalty, and help current and future exonerees. Their participation in these organizations also appeared to influence how they decided to create their narrative when telling their story.

*“...I have 161 friends that I know love me” ... Kwame Ajamu<sup>45</sup>*

Only one hundred and sixty-one individuals have experienced the trauma of being wrongfully convicted, sentenced to death, and then released due to their innocence. Since exonerations do not occur simultaneously, participants were released at different periods of time with each participant spending different amounts of time in prison. However, after their release, six of the participants had one thing in common: involvement with Witness to Innocence. The organization was founded in order to help exonerees with their transition back into their communities and to empower them to abolish the death penalty. However, the organization is more than just ‘help,’ it is a community of exonerees who have the shared experience of wrongfully facing death. When Mr. Ajamu was asked whether he experiences negativity from society, he said there are rare occasions of harassment on the internet, however, it does not affect him,

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<sup>45</sup> Participant initially said 160 but the number of exonerees has since increased. Therefore the quote was changed.



Somebody saying ain't no where near somebody puttin' me on death row. You know, so I don't even comment, that doesn't do nothin' to me. Because I have 161 friends that I know love me...

Mr. Ajamu is reflecting on the importance of his relationships with fellow exonerees.

Like in the previous two sections, social support appeared to help the exonerees with overcoming adversity. In this case, the relationship with other exonerees allows Mr. Ajamu to overcome the rare instances of online harassment and negativity. Randy Steidl also talked about the therapeutic benefits of being involved with Witness to Innocence:

Well, each and every one of us has a similar story and a lot of the tragic details are the same. What causes wrongful convictions and we all get along good. We know each others' stories back and forth and we know how traumatizing it is on one hand to tell the story but therapeutic to tell the other. So, we all try to do the best we can.

Studies on refugee migrants in Canada (Simich et al., 2003) indicate that groups tend to seek out social-support tactics of affirmation through shared experience. Like Mr. Ajamu, Mr. Steidl is claiming that having a shared experience with his fellow exonerees helps him cope with the struggles after his release. Despite it being difficult for Mr. Steidl and other exonerees to talk about their stories, the exonerees are able to come together to share and understand their experiences. Mr. Bloodsworth, who is on and off with his participation with Witness to Innocence, finds ways to connect with exonerees:

Anytime that I've ever been with another person who has been exonerated, from Juan Melendez, to anybody from Witness to Innocence or anyone anywhere, it's been positive...I'm as close as I can get to these people and I'm meeting new ones all the time which is scary. You know? Every time I turn around there's somebody getting exonerated. Back when I was [exonerated], there [were] like a couple a year. Now, it's like every three days. And it's crazy. I mean, it's great, but it's crazy.

Although Mr. Bloodsworth temporarily stopped working for Witness to Innocence, the presence of the exoneree community is still part of his everyday life. In order to combine his

passion of crafting rings and the need to help the growing number of death row exonerees, Mr. Bloodsworth has decided to create a ring project, *Bloodstones*<sup>46</sup>. Mr. Bloodsworth personally raises money to help provide a “...gift of what they’ve been through” and to remind the exonerees they are not alone. When Mr. Keine was the ninth death row exoneree, he mentioned that groups like Witness to Innocence were not around.

There was nobody around back then. Especially death penalty because they didn't have the death penalty, they just reinstated it. And wrongful convictions, that doesn't happen in the United States. That's what it was. There were no groups, there was nothing, no help or anything. You know?

When he first learned about the organization, he was shocked at the number of death row exonerees in the United States. After realizing he was not alone, Mr. Keine became interested and involved with the organization. It appears that Mr. Keine wants to provide social support for the exonerees since he was not given this type of help immediately after his release.

Similar to Mr. Bloodsworth's decision, Jeremy Sheets decided to no longer be affiliated with Witness to Innocence, but for different reasons. Although Mr. Sheets encourages and supports fellow exonerees, he feels that participating in the organization may prevent him from living his life by making him create a 'victim' mindset. Although being on death row was a large and tragic time of Mr. Sheets' life, his philosophy is to focus on the future. Mr. Sheets has a tattoo on his back to symbolize his identity and his experience, but he now wants to focus on his future and his family.

### *Living with a Purpose*

After being institutionalized for several years, it can be difficult to regain autonomy over your life. As the participants expressed, living in prison inhibits you from making your own

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<sup>46</sup><http://bloodstones.com>.

personal decisions: choosing when to shower, when to eat, and when to sleep. The exonerees involved with Witness to Innocence have decided to help minimize the struggles faced by other exonerees by providing financial and social support. By involving themselves with organizations that attempt to reform the criminal justice system, the exonerees have found a way to empower themselves against the same system that tried to kill them. The exonerees' ultimate goal is simple: use their experiences as a tool to abolish the death penalty.

After learning to read, write, and speak English on Florida's death row, Juan Melendez made it his mission to fight for his friends who he had to leave behind. Since 1972, the state of Florida has had the highest number of death row exonerations with a total of 27. Between 1984 (Melendez's year of conviction) and 2002 (Melendez's year of exoneration), the state executed a total of fifty-two individuals and currently plans to execute the 374 inmates<sup>47</sup> that are on its death row. For Mr. Melendez, the high number of executions by the State does not appear to hold him back. In fact, what made Mr. Melendez's transition into society easier was the ability for him to share his story. He believes this is due to the youthful generations that are involved and passionate about this advocacy work. Like five of the participants, Mr. Melendez travels the country, as funds permit, trying to educate individuals about the injustices and collateral consequences of the death penalty: for both guilty and innocent individuals. Randy Steidl has also spent the last twelve years of his life "...traveling the country trying to change the hearts and minds of legislators, speaking to colleges, faith groups, and trying to help abolish the death penalty." When Mr. Bloodsworth is not pursuing his passion of crafting jewelry and helping exonerees, he is walking hand in hand with his fellow exonerees. Although Ndume Olatushani is not involved with Witness to Innocence, and like Mr. Bloodsworth with his ring project, has

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<sup>47</sup> Number is from DPIC and reflects July 1st, 2017.

found another way to empower exonerees and reform the criminal justice system. While in prison in Tennessee, Mr. Olatushani developed a passion for art:

...art saved my life...Art kinda' found me and so gettin' into this art allowed me in this space you know, a cell that's not even as long as this room, and only four feet wide, maybe 9 feet long...Getting into this art allowed me to create freedom in that little space...

After the death of his mother during his incarceration, art helped 'pick' Mr. Olatushani up from his loss and helped him find a sense of purpose. Since his release, he has spent much of his time creating art in order to connect with young teenagers and children who are impacted by the effects of mass incarceration. Mr. Olatushani hopes that his art encourages younger generations to 'tap' into their creative 'genes,' while simultaneously bringing this issue of mass incarceration to the forefront of discussion.

Although the fight to abolish the death penalty and address issues of mass incarceration is far from over for the exonerees, they make sure they are more than an abolitionist group. When an individual is released from a death row in the United States, the organization tries to welcome exonerees into their communities. They are offered housing, money, and the endless support that comes with affirming shared experiences. To Ron Keine, the organization is a form of protection from society that tries to take advantage of individuals who have been institutionalized. During his interview, Mr. Keine shared a story about a fellow exoneree with a very low IQ. When the exoneree was released, his friends used his money for personal materials which impacted his ability to pay rent and quality of life. Mr. Keine reflected on a bank that was taking advantage of the same exoneree. The bank was knowingly selling the exoneree cars that did not work at higher values than what they were worth at a running cost. When Mr. Keine heard this news, he decided to travel down to the exonerees home and threatened the bank by going to the prosecutors. Mr. Keine helps other exonerees as well, especially those who have recently been released:

...here's what I can do. Anybody right now need psychiatric counseling for your PTSD? And don't tell me you don't have it. 99% of us have but don't even fuckin know it. I can get you help with that. I can get you two years of school for free in a JC college. Alright? You can get an associate's degree....

Mr. Keine is using the shared experience that was discussed in the previous sections to help empower the exonerees to help get their lives back on track. Mr. Keine acknowledges that many individuals exonerated from death row suffer from PTSD or some form of mental health issue. He attempts to connect with exonerees in order to encourage them to seek help before falling into a cycle of crime that he previously talked about. For Kwame Ajamu, Witness to Innocence is also not just an abolitionist group, but a support system:

...so what we do in that sense is that when someone is exonerated, we reach out to them and offer them this organizational structure help. Because, again, there is no help for the men and women who are exonerated. Unless they are lucky enough to have good friends and family...

Like Mr. Keine, Mr. Ajamu believes that Witness to Innocence helps give exonerees the structure that they had in prison but also provides them with guidance. Although the majority of participants in this sample were fortunate to have support after their exonerations, it was discussed in previous sections that this type support is unusual for those leaving prisons. Therefore, Mr. Ajamu believes that Witness to Innocence provides the necessary structure and social support for individuals who have lost ties with their communities due to their wrongful convictions.

Although the exonerees are making it their responsibility to help their fellow exonerees with their transition back into society, they feel that there is a lot that needs to be done at the state level and community level. This will be discussed in the next section.

### *Participation in these Organizations Influences the Narrative*

Ndume Olatushani, who is not associated with Witness to Innocence, found another way to seek out community by working with the Children's Defense Fund. When Mr. Olatushani was released, he had a connection to the organization through academic classes that were offered at the prison. At the time of his release, the organization began to focus their mission on the issue of mass incarceration. In order to reach an audience, the organization wanted individuals that have personally experienced the life and collateral consequences of living inside a prison. Fortunately, due to Mr. Olatushani experience, he was offered a job by the organization to be a 'primary voice of youth' surrounding topics on this issue, which he is still apart of today. When speaking with Mr. Olatushani, he tended to broaden the interview to talk about mass incarceration, not just the death penalty. Unlike the other exonerees who focused their attention on relationships with fellow death row exonerees, Mr. Olatushani also broadened his shared experience to anyone who has been in prison:

I mean you know that prison is prison. I don't think it makes a difference where you have people locked up at. Certainly, conditions can be harsher than others in terms of where you're locked up...anytime I'm sittin down with people, I know I'm in the company of people that totally understand based on our shared experience of being locked up.

Although Mr. Olatushani was the only participant who was not associated with Witness to Innocence, he was the only one to talk about issues that were not associated the death penalty. This is surprising because prior to their release, three participants who have been in Witness to Innocence had their sentences commuted to either life or life without parole prior to their exonerations Therefore, they spent time with other prisoners in general population, not just death row inmates. However, since they are part of Witness to Innocence, it appears that they decided to focus their attention on the mission of the organization which is to provide support and empowerment for death row exonerees. If more exonerees were recruited that were not

associated with Witness to Innocence or any organization, their narratives may have been different and different themes would have emerged.

### **E. SO WHAT SHOULD WE DO TO HELP REPAIR THE DAMAGE OUR CRIMINAL JUSTICE SYSTEM HAS CAUSED?**

Nothing can be done to give back the time the exonerees lost, however, there are steps that society can take to help make their transitions into the free world easier. For these participants, social support and community played a major role throughout their lives. During their childhoods and early adult lives, it helped them overcome poverty and violence. The same support helped the participants gain strength to overcome prison life and it now helps them face the day-to-day struggles associated with institutionalization. When asking participants about what can be done to help current and future exonerees, a theme of providing support for exonerees emerged and providing help with the abolition of the death penalty.

#### *Acknowledging Wrongful Convictions*

As discussed in previous sections, exonerees are often not given warning about their pending release. The innocent individuals are thrown out of prison after being institutionalized for several years and are expected to find housing, a job, find their support systems, and be the functioning citizens they were prior to their wrongful convictions. However, this is difficult for many exonerees since states tend to not acknowledge the impacts of wrongful convictions. Only two participants mentioned receiving financial compensation from the state and one participant received money by suing the state. Although money may not be the solution for their struggles, the participants felt that compensation would help them by providing therapy, housing, and income while they make their transitions back into society. Unfortunately, in order to receive compensation, the process is long, tedious, and expensive. Kirk Bloodsworth, who received

money from the State of Maryland mentioned the \$300,000 he received went to lawyers and other expenses associated with the long and tedious process. Randy Steidl, the exoneree from Illinois, no longer plans on receiving a pardon:

I initially filed [the application for the pardon] 15 years ago and it's laid on four governors desks. And you know, I don't even think about it anymore because I don't need one person, the highest public office in the state to tell me I'm innocent, the facts speak for themselves. So, I don't need politics to determine, I'm either pardoned or I'm not pardoned.

Mr. Steidl appears to have found peace with his situation. However, when asking participants about what the government should do, all of them seemed confused as to why it is so difficult to receive it from the government. Kwame Ajamu, who received money from the state of Ohio reflected on how difficult states make it for exonerees when discussing one of his friend's exonerations. The respective state from which one of his friends was exonerated from does not have a compensation policy when wrongful convictions occur.

Mr. Ron Keine who had to sue the New Mexico in order to receive some money believes that compensation can end a cycle of crime:

...money doesn't buy everything...Some of these people are stealing, robbing, selling drugs, to get by don't have to do it anymore. I don't know if it's gonna stop their drug problem, but it'll certainly stop recidivism. Lot of our people go back to jail. And you know what, a lot of em want to.

Mr. Keine is reflecting on the issue that surrounds institutionalization and exonerees feeling more comfortable in prison. As discussed in the previous sections, exonerees who can not find employment or have the proper social and structural support are sometimes forced to fall into a cycle of crime that causes them to go back to prison: where in some cases they are most comfortable due to institutionalization. By providing compensation, Mr. Keine believes that the cycle of crime that exonerees fall into can potentially be broken. However, Mr. Keine also



believes that compensation can also have negative consequences. For example, when exonerees receive large sums of money, they may develop spending habits that cause them to buy ‘pounds of cocaine’ or expensive cars with no purpose. Like the story Mr. Keine shared about his friend, exonerees can be taken advantage of due to their large compensations and lack of understanding of bills and their friends’ intentions. When news broke that Mr. Keine and his co-defendants are filing a civil case, individuals who have not spoken to him in years attempted to use him for the money. If exonerees are granted compensation, there needs to be ways to help them manage their finances in order to prevent future harm against them.

When asking participants about the criminal justice system, they did not appear angry about how the state handled their cases. Surprisingly, the exonerees mentioned that even an apology from law enforcement and prosecutors can have a beneficial impact on their transition. Only one participant mentioned receiving an apology while three mentioned receiving nothing. Mr. Bloodsworth, the only participant who mentioned receiving an apology, had police officers and detectives come to his door, but the prosecutor who spent the entire trial dehumanizing him, never came. Like Mr. Steidl, who no longer plans on receiving a pardon, the exonerees have lost hope in receiving an apology from the state and it appears that they simply want the state to take accountability for the harm done.

Participants also expressed that providing social support for fellow exonerees can have a positive impact on their transition and life after their release. Many times, these exonerees are broken and hurt and have nothing. Mr. Keine believes it is important for them to be able to develop support systems and for society to understand what they have been through. Due to American values of independence, Mr. Keine believes that many exonerees are reluctant to seek

help because it shows weakness or the inability to succeed when faced with adversity. However, community support can make a difference in their lives.

### *Joining the Death Penalty Abolitionist Movement*

After their releases, six participants have dedicated their lives to abolishing the death penalty in the United States. It appears that the abolition of the death penalty would be beneficial and therapeutic for the exonerees since it would make their experience and tragedy have a purpose. The participants have surrounded themselves with the abolitionist community and with more volunteers, the therapy could be endless.

Mr. Melendez is an exoneree who did not receive an apology and is still seeking his pardon. Although he is yet to receive compensation, he has plans for when the apology comes, "...I would embrace and hug [the prosecutor] and say, 'you and I go together, to speak against the death penalty.'" Mr. Melendez, who has dedicated his life to helping his friends on Florida's death row also believes, "...opening the door so we can speak and tell our stories and [joining] us to abolish the death penalty, that would be the greatest help we could get."

Similar to Mr. Melendez, Mr. Bloodsworth believes society can play a major role in helping exonerees by supporting the organizations that attempt to abolish the death penalty such as Witness to Innocence or his ring project. In the end, these participants have witnessed hatred: both inside and outside prison. For them, the death penalty is another reminder that hatred exists and in the eyes of Kwame Ajamu, the death penalty is simply more hatred and vengeance against an individual that society has dehumanized and believes, "...[the] death penalty fight is the greatest fight we could possibly be in." By supporting exonerees and their mission of abolishing the death penalty, society can help take steps to help repair the damage that was done.

## **CHAPTER 6: CONCLUSION**

Although each life and experience was unique to the exonerees, there were common themes that emerged after conducting this thesis. Prior to their incarcerations, participants described themselves as average people who, were exposed to violence, and had social support. After their arrests, participants felt confused about the situation, maintained trust in the system as a form of coping, and lost and developed relationships while in prison. The relationships they developed and maintained in prison set a precedent for their successful transition back into society. After their releases, participants struggled, and still struggle with similar mental health issues that are associated with institutionalization. Eventually, all participants found their way to organizations that help reform the criminal justice system which empowers them to help fellow exonerees. This thesis indicates that future policy reform is necessary in order to make the transitions for these exonerees easier. Laws appear to make it difficult for exonerees to make their transitions and society does not want to forgive them for the crimes they never committed.

The experiences of these seven participants in no way represents all 161 exonerees who have been exonerated from death row. Therefore, sampling from Witness to Innocence may be a limitation due to the participant being considered a ‘successful sample.’ However, the participants in this sample struggle with similar issues that were found in the sample from Westervelt and Cook (2012) Therefore, future research should focus on more than the issues that exonerees face, but what society can do to help make all exonerees, both general population and death row, ‘success’ stories. By conducting interviews, it appears that prison may have been a mechanism for identity change for the successful exonerees. Before their incarcerations, participants described themselves as average people, but their wrongful convictions motivated them to become more than average by fighting to abolish the death penalty. More recognition

and support for organizations that help empower exonerees might be beneficial in making their transitions easier.

Future research should also compare how exonerees who are not associated with any particular organization decide to shape their narratives versus exonerees who are associated with certain organizations. This research touched on this topic briefly but only one participant had never been associated with Witness to Innocence. Therefore, a complete comparison could not be made. It is also important to remember that wrongful convictions do not only impact the individuals who were wrongfully convicted. Wrongful convictions indirectly impact the families of death row exonerees, and the families of the homicide victims since the exoneration means the actual perpetrator was never found and held accountable. Future research should incorporate the families into the overall experience. Although this research addresses a gap in the literature of the lives of death row exonerees, there is still a lot of research that needs to be conducted in this area of the criminal justice system.

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### **Cases**

- Furman v. Georgia*, 408 U.S. 238 (1972).
- Gilbert v. California*, 388 U.S. 263, 87 S. Ct. 1951, 18 L. Ed. 2d 1178 (1967).
- Gregg v. Georgia*, 428 U.S. 153, 96 S. Ct. 2909, 49 L. Ed. 2d 859 (1976).
- State v. Johnson*, 370 S.W.3d 694 (Tenn. Crim. App. 2011).
- State v. Mata*, 745 N.W.2d 229, 275 Neb. 1, 275 Nebr. 1 (2008).
- State v. Moore*, 730 N.W.2d 563, 273 Neb. 495 (2007).
- State v. Sheets*, 618 N.W.2d 117, 260 Neb. 325 (2000).
- Rees v. Peyton*, 384 U.S. 312, 86 S. Ct. 1505, 16L. Ed. 2d 583. (1966).

*United States v. Wade*, 388 U.S. 218, 87 S. Ct. 1926, 18 L. Ed. 2d 1149 (1967).

**Websites**

[www.colorado.edu/researchinnovation/irb](http://www.colorado.edu/researchinnovation/irb) (Institutional Review Board at the University of Colorado Boulder)

[www.law.cornell.edu/wex](http://www.law.cornell.edu/wex) (Legal Information Institute at the Cornell Law School)

[www.deathpenaltyinfo.org](http://www.deathpenaltyinfo.org) (the Death Penalty Information Center).

[www.innoceneproject.org](http://www.innoceneproject.org) (the Innocence Project at Cardozo School of Law).

[www.law.umich.edu/special/exoneration](http://www.law.umich.edu/special/exoneration) (the National Registry of Exonerations at Michigan Law).

[www.witnesstoinnocence.org](http://www.witnesstoinnocence.org) (Witness to Innocence).

## Appendix A

### Verbal Consent Script

My name is Adam Szyszko and I am an undergraduate student in the Department of Sociology at the University of Colorado Boulder. I am conducting research for my honors thesis surrounding issues about capital punishment and death row exoneration. The research will help society understand the challenges that exonerees experience after being released in search of a new identity.

Today, you will participate in a 30 to 60-minute individual phone interview. The interview may go over or under the allotted depending on how much you would like to share. Some questions may bring minimal discomfort and participation is entirely voluntary. You may withdraw at anytime from the study. If you prefer that I not use your name, I would happily use a pseudonym of your choice to refer to you and will make sure that no identifying information about you is included.

If you have any questions about the research, you may contact me at anytime at (508)-981-9905 or [adam.szyszko@colorado.edu](mailto:adam.szyszko@colorado.edu). The faculty advisor for this study is Dr. Michael Radelet and can be reached at 303-735-5811 or [Michael.radelet@colorado.edu](mailto:Michael.radelet@colorado.edu).

This research has been reviewed and approved by an Institutional Review Board (IRB). You may talk to them at (303) 735-3702 or [irbadmin@colorado.edu](mailto:irbadmin@colorado.edu).

I will now ask the following questions that require a yes or no answer. Do you voluntarily agree to participate in this study? Do you voluntarily agree to have your responses recorded?

## Appendix B

### Interview Guide

- What were your initial thoughts or fears when you found out you were being released?
- What were your first few days like when you were released?
- What were some of the easiest adjustments you've made?
- What were (or are) some of the most difficult?
- What do exonerees want to hear when they're released?
- Can you tell me about some people or groups that made your transition back to the free world easier?
- What were your relationships like when you got out?
- Did you ever feel any negativity from people in the community once you were released?
- Do you think your race influenced your experience after your release?
- What impacted your decision to move where you moved?
- How did your release impact your family?
- How would you describe yourself prior to your wrongful conviction?
- How did the stigma affect how you viewed yourself?
- How did your community's opinion impact your social identity?
- How did you cope with the stigma of being on death row?
- How can we make the transition back to the community for other exonerees easier?
- What do you think the state's responsibility should be after your release?
- What would you like people to know about you or other Death Row survivors?
- Do you know exonerees who have a difficult time adjusting to the community? Please tell



me about them. What should we have done to help them make a better adjustment?

- How often today do you think about your wrongful conviction and imprisonment?
- What kept you going after your release?
- What are your relationships like with others who have been exonerated?
- What keeps you going to this day?