

KENTUCKY BAR ASSOCIATION 2011 CONVENTION



PURSUING JUSTICE
IN THE 21ST CENTURY

FEATURE CLE: PICKING COTTON

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Kentucky Bar Association

TABLE OF CONTENTS

The Presenters	i
Jennifer and Ronald.....	1
Trial and Aftermath	4
Wrongful Conviction.....	7
The Innocence Project.....	11

THE PRESENTERS



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In 1984, Jennifer Thompson was a 22-year-old college student with a 4.0 GPA and lofty goals for her future. Her path was dramatically altered however, when a man broke into her apartment, put a knife to her throat, and raped her.

In that moment, her determination took an entirely different direction, as she focused all attention on memorizing the man's features. Searching for scars, tattoos, and any unique features that could help her identify him, she was certain that she could put him in prison for life. After a composite sketch, line-up identification, and trial, Jennifer Thompson's testimony and memory led to a life sentence for Ronald Cotton.

Years later, Thompson was asked to provide a DNA sample for further analysis of the case. She agreed to the request, positive that her identification of Cotton would be held up by science. In an instant, both lives changed, when it was revealed that Ronald Cotton was not her rapist, and after spending 11 years in prison as an innocent man, he was released.

Devastated that her actions led to the imprisonment of an innocent man, Thompson reached out to Cotton to apologize, and in an act of true generosity, he forgave her. Their unlikely friendship and bond became the basis for the New York Times best-selling book, Picking Cotton.

Today, Thompson and Cotton travel the country, speaking out in favor of DNA testing and working to protect the wrongfully convicted by sharing their personal stories of hope and redemption.

Ms. Thompson lives in North Carolina with her family. She speaks frequently about the needs for judicial reform, and is a member of the North Carolina Actual Innocence Commission, the advisory committee for Active Voices, the Constitution Project and Mothers for Justice. Her op-eds have appeared in the New York Times, the Durham-Herald Sun, and the Tallahassee Democrat.

Mr. Cotton lives with his wife and daughter in North Carolina. He has spoken at various schools and conferences including Washington and Lee University, University of Nevada Las Vegas, Georgetown Law School, and the Community March for Justice to Troy Anthony Davis in Savannah, Georgia.

PICKING COTTON

Jennifer Thompson-Cannino and Ronald J. Cotton
Compiled by Laurel Benson

I. JENNIFER AND RONALD

In 1984, Ronald J. Cotton was convicted of the rape of Jennifer Thompson, and was sentenced to life in prison plus fifty-four years. (State v. Cotton, 394 S.E.2d 456 (N.C. App. 1990)). Thompson had identified Cotton in a lineup and then later in open court as the man who raped her. The only problem? Cotton was not the perpetrator. A man named Bobby Poole, who Thompson testified she had never seen before, was the man who actually raped her. Cotton would serve eleven years before being exonerated by DNA evidence.

A. Jennifer's Story

"[In 1984] my world was turned upside down by a brutal and violent attack against my body, my soul, and my spirit. I survived and swore that my attacker would be punished and spend the rest of his life in what I hoped would be full of fear and regret. I did what I thought was the right thing.

In cooperation with the authorities, I picked out a man named Ronald Cotton. I testified in a court of law that this was the man who raped me. "That's the man," I said, "he's the one who raped me."

Eleven years later, I found out that the face I had grown to fear, the name I had grown to loathe, was the wrong man." Jennifer Thompson-Cannino, Ronald Cotton & Erin Torneo, Picking Cotton, 251 (2009).

In the summer of 1984, Jennifer Thompson was a twenty-two year old student with a 4.0 grade point average who was getting ready to graduate in the fall. Her boyfriend Paul went to a nearby business school, and they were seriously considering marriage (he had already put their name into the lottery for married student housing). All of that changed when a man broke into her house, went through her things, and then raped her.

Jennifer worked with the police to make a composite sketch of her attacker, which was later broadcast on the news. Ronald Cotton's manager at a local seafood restaurant had called in and said the

composite looked a lot like Cotton. Another witness told police she had seen Cotton riding a bike near Jennifer's house, and that he had on white gloves.

To complicate matters for Ronald, he had a record. The police told Jennifer he had gotten out of prison earlier that year after serving time for breaking and entering, and he had done eighteen months as a teenager for breaking and entering with intent to rape. The detectives told Jennifer the victim there "was white, too, only fourteen," and that Cotton was "a scumbag, a real scumbag." *Id.* at 44. Jennifer was eager to find the man who attacked her and put him behind bars.

B. Ronald's Story

"Detective Gauldin told me I was under arrest. They had warrants out for first-degree burglary, rape, and sexual offense. He and another detective, a skinny, chain-smoking guy named Lowe, advised me of my rights while I read along on a form, initialing each paragraph to show I understood.

"I don't need an attorney, sir. I didn't commit this crime and I want to get it straight." I signed, indicating I was waiving my rights in front of Detective Lowe. I remember thinking, "Why would I need a lawyer when I haven't done anything wrong? I just wanted to get it over with, so they'd see they'd made a mistake." Jennifer Thompson-Cannino, Ronald Cotton & Erin Torneo, Picking Cotton, 78 (2009).

In 1984, Ronald Cotton was only twenty-two years old. He rode his brown Schwinn everywhere, wearing white leather gloves with the fingers cut off to keep his hands clean. At the time of the attacks, he was living with his mother.

When Ron found out the police had come to his apartment with a search warrant and took some of his things, he immediately went to the police station to "get things sorted out real fast." *Id.* at 76.

The police arrested him on the spot, charging him with first-degree burglary, rape and sexual offense. Ron saw no need for an attorney ("I remember thinking, why would I need an attorney when I haven't done anything wrong?" *Id.* at 78) and waived his rights to one. Then he made a mistake. When questioned about his whereabouts on the night of the attack, Ronald confused the night in question with another night, saying he had been out at a bar with his friends when he had actually been asleep on the couch. He later explained

"I didn't give a lot of thought to my days and nights and what distinguished them from one another. Especially in the summer, where time just seemed to run together." *Id.* The slip-up was enough for the police, and they put him in jail.

C. Identifying the Attacker

"My heart raced on adrenaline. I assumed they must have a suspect. Why would they want me to drive all this way if they didn't? All I had to do was pick him out. And if I failed to do that, would he go free? Would he find me?" Jennifer Thompson-Cannino, Ronald Cotton & Erin Torneo, Picking Cotton, 33 (2009).

"Yeah, this is the one," I said, pointing to the picture. "I think this is the guy."

"You 'think' that's the guy?" asked [Detective] Sully.

"It's him," I said, clarifying.

"You're sure?" asked [Detective] Gauldin.

"Positive."

They asked me to date and initial the back of the photo, and then they did, too.

"Did I do OK?" I asked. Sully and Gauldin looked at each other. Relief washed over me.

"You did great, Ms. Thompson." It had taken me five minutes." Id.

When Jennifer went to identify her attacker, the police showed her a line-up with seven men, including their suspect, Ronald Cotton. Jennifer had already identified Ronald in a photograph. The police had the men step forward and repeat the line Jennifer's attacker said to her, "Shut up or I'll cut you! Hey, baby, how ya doing? Your man's over in Germany. It's been a long time." *Id.* at 36. Ronald, in his nervousness, flubbed one of the lines, saying "I'll kill you" instead of "I'll cut you." Jennifer wondered if this was some sort of trick. The police asked Ronald, who was number five in the line-up, and the man before him to both repeat their lines. Jennifer thought Ronald must have dressed differently and changed his hair because he had known he needed to alter his appearance from the night of the rape. She chose him with no doubt in her mind. The police told her they "thought that might be the guy" and that he was

the same person she had identified in photographs. *Id.* at 37. Jennifer went home and tried to return to her life.

II. TRIAL AND AFTERMATH

“During the closing arguments, the defense asked, “Where is the physical evidence?”

Dan Monroe, one of the defense attorneys, paced in front of the jurors and said, “We don’t have any physical evidence, none whatsoever, no fingerprints, no – nothing, no clothing, no nothing that has been linked up – to this man. Basically all we’ve got is Jennifer Thompson on the witness stand saying, ‘Yeah, that’s him,’ and you’re asked to be convinced beyond a reasonable doubt, make that quantum leap of faith, that yes, it was him.” Jennifer Thompson-Cannino, Ronald Cotton & Erin Torneo, Picking Cotton, 67 (2009).

A. State v. Cotton, 351 S.E. 2d 277 (N.C. 1987).

In his original case, Ronald Cotton was “convicted after jury trial . . . of first-degree burglary, first-degree rape, and first-degree sexual offense, and received life imprisonment for first-degree rape and a consecutive sentence of fifty years for first-degree burglary.” *Id.* He appealed directly to the Supreme Court, who held “the trial court erred by excluding evidence tending to show that the crimes charged and another similar offense were committed by the same person -- not the defendant.” *Id.* at 278. Further, “the excluded evidence . . . tended to show that the same person committed all of the similar crimes in the neighborhood in question on that night and that the person was someone other than the defendant” and therefore “the jury reasonably could have concluded that the three attacks were committed by the same person.” *Id.* at 280. A new trial was ordered.

B. State v. Cotton, 394 S.E. 2d 456 (N.C. App. 1990).

Originally Mary Reynolds identified a stand-in person as her attacker when shown a lineup including Ronald Cotton. But by the time of a new trial, following the order from the North Carolina Supreme Court, she had come forth and “said she recognized [Ronald Cotton] as the man who attacked her” claiming she “knew all along but had been too afraid during the lineup to identify” Cotton. Jennifer Thompson-Cannino, Ronald Cotton & Erin Torneo, Picking Cotton, 121 (2009). At Cotton’s new trial, he was “tried for two charges of first degree rape, two charges of first degree burglary, and two charges of first degree sexual offense” and “was

found guilty of first degree rape, second degree rape, first degree sexual offense, second degree sexual offense, and two charges of first degree burglary.” State v. Cotton, 394 S.E. 2d 456, 515-516 (N.C. App. 1990).

Cotton appealed, claiming “the trial court committed reversible error when it allowed the state to introduce testimony from the defendant’s employer that the defendant . . . had touched female employees in a sexually offensive manner and had made sexually offensive comments to the employees.” *Id.* at 457. The North Carolina Appellate Court disagreed, citing to North Carolina Rule of Evidence 404(a)(1) which “provides for the admission of character evidence of the accused when the testimony concerns ‘evidence of a pertinent character trait of his character offered by the accused, or by the prosecution to rebut the same.’” *Id.* at 458.

The dissent in the appellate case, however, not only agreed with the defendant that the testimony about the female employees was prejudicial, it went on to say “it seems clear that from all of the probative evidence of record that there was a serious and legitimate question as to identity, and I believe that the totality of the circumstances establishes a reasonable possibility that the complained of evidence induced the jury to substitute emotional and racial prejudices in reaching a verdict and contributed to defendant’s conviction.” State v. Cotton, 394 S.E. 2d 456, 462 (N.C. App. 1990) (Johnson, J., dissenting).

C. State v. Cotton, 407 S.E. 2d 514 (N.C. 1991).

Cotton appealed the decision of the Appellate Court to the North Carolina Supreme Court, who upheld the ruling that the testimony should have been included, as there was no prejudicial error.

Again, here, the dissenting opinion agreed “there is a reasonable possibility that, had the error [allowing the evidence concerning Cotton “messing with” the employees] not occurred, a different result would have been reached at trial. Thus, I find the error prejudicial.” State v. Cotton, 407 S.E. 2d 514, 519 (N.C. 1991) (Frye, J., dissenting).

D. DNA Evidence

“On the radio, the news talked a lot about the blood that had been found [in the O.J. Simpson case] and some kind of scientific test that was more accurate than anything else. Ninety-nine percent accurate. It was a test called DNA. I tried to learn everything I could

about it before I brought it up with Rich.” Jennifer Thompson-Cannino, Ronald Cotton & Erin Torneo, Picking Cotton, 171 (2009).

“The police officers were very gentle when they delivered the news. The DNA found in Mary Reynold’s rape kit belonged to Bobby Leon Poole; it excluded Ronald Cotton... It means we were wrong. Ronald Cotton was not your rapist.” Id. at 212.

“They talked a lot about DNA, how DNA was even better than eyewitness identification because people can make mistakes.” Id. at 224.

While Ronald was in prison, he followed the news of the O.J. Simpson case. It was there that he learned of DNA analysis, and he urged his lawyers to have DNA testing done on whatever evidence they had.

Jennifer and Mary Reynold’s cases had been consolidated in 1987, because the state knew the perpetrator was the same man. There was no DNA left to test from Jennifer’s kit, but there was blood still available in Mary’s. The DNA analysis from the blood found at Mary Reynold’s house was a match for Bobby Poole, and conclusively excluded Ronald Cotton.

E. Exoneration and Pardon

“Mr. Cotton,” the judge said, “the charges against you have been dropped. For the first time in a long time, you are walking out of here today a free man.” Jennifer Thompson-Cannino, Ronald Cotton & Erin Torneo, Picking Cotton, 208 (2009).

“You don’t see an injustice like this made right against all the odds.” Id. at 209.

After the DNA analysis came back positive for Bobby Poole, the police were able to get Poole to confess to the rape of Jennifer Thompson. Ronald was taken to the courthouse where his lawyers presented a motion for appropriate relief. The motion was joined by the state, and the state asked that all charges be dropped. The Assistant District Attorney and the Judge had reached an agreement prior to trial that allowed Ronald to immediately walk out the doors of the courtroom a free man.

Later, the governor of North Carolina signed a pardon of innocence for Ronald. This officially recognized that Ronald was innocent of all charges for which he served time. *Id.* at 224. It also made Ronald

eligible for some compensation for the years he spent wrongfully imprisoned.

F. Moving Forward

“Mr. Cotton. I don’t even know what to call you. Ron? Ronald? Mr. Cotton? If I spend the rest of my life telling you how sorry I am, it wouldn’t come close to how I feel,” Jennifer said. “Can you ever forgive me?”. . . I could see that she was truly sorry. It was plain as day: If she could’ve gone back and turned the hands of time to change what happened, she would have.

“I forgive you,” I told her. “I’m not angry at you. I don’t want you to spend the rest of your life looking over your shoulder, thinking I’m out to get you, or harm your family. If you look, I’m not going to be there. All I want is for us all to go on and have a happy life.” Jennifer Thompson-Cannino, Ronald Cotton & Erin Torneo, Picking Cotton, 244-45 (2009).

Jennifer and Ronald are now friends, and they travel around the country talking about their experiences. As Ronald says, “Jennifer and I are friends. And some people don’t really understand it. But we were the victims of the same injustice by the same man, and this gave us a common ground to stand on. Together we were able to help each other heal through a shared experience. I could choose to be bitter; I could hate the prison guards and the system. But I choose to forgive them all, so that I stay free and not be a prisoner for the rest of my life.”

(Jennifer Thompson-Cannino and Ronald Cotton, “This I Believe: Finding Freedom in Forgiveness,” National Public Radio March 5, 2009), *available at* <http://www.npr.org/templates/story/story.php?storyId=101469307>).

III. WRONGFUL CONVICTION

DNA exoneration cases have provided irrefutable proof that wrongful convictions are not isolated or rare events, but arise from systemic defects that can be precisely identified and addressed. (Fact Sheet on Post-Conviction DNA Exonerations, The Innocence Project, *available at* http://www.innocenceproject.org/Content/Facts_on_PostConviction_DNA_Exonerations.php). There are some particularly prevalent systemic defects: eyewitness misidentification, unvalidated or improper forensic science, false confessions or incriminating statements, and snitches.

A. Eyewitness Misidentification

"[Professor Gary Wells] said eyewitnesses will often pick 'the next best one' if the right person isn't in a lineup. Picking the wrong man had not been simply my personal failure, but a human error that many people had made and would continue to make, although he had many recommendations for fixing that. One innovation he talked about was 'double-blind testing, where the law enforcement officer showing a lineup, like the witness, has no idea who the suspect is and therefore can't give any verbal or nonverbal clues as to whether you've picked the 'right' person." Jennifer Thompson-Cannino, Ronald Cotton & Erin Torneo, Picking Cotton, 271 (2009).

Seventy-five percent of post-conviction DNA exonerations cases in the United States boast eyewitness misidentification testimony, making it the leading cause of wrongful convictions. (Fact Sheet on Post-Conviction DNA Exonerations, The Innocence Project, available at http://www.innocenceproject.org/Content/Facts_on_PostConviction_DNA_Exonerations.php).

Eyewitness testimony is incredibly persuasive to a judge and jury, but it is also frequently inaccurate. The Innocence Project recounts cases where:

A witness in a rape case was shown a photo array where only one photo of the person police suspected was the perpetrator was marked with an "R." *Id.*

Witnesses substantially changed their description of a perpetrator (including key information such as height, weight and presence of facial hair) after they learned more about a particular suspect. *Id.*

Witnesses only made an identification after multiple photo arrays or lineups – and then made hesitant identifications (saying they "thought" the person "might be" the perpetrator, for example), but at trial the jury was told the witnesses did not waver in identifying the suspect. *Id.*

In all of these cases, testimony could have been more accurate if changes suggested by scientists had been implemented. Without these changes, eyewitness misidentification will continue to play a prominent role.

Race also plays a role in eyewitness misidentification. In fact, “as fallible as eyewitness IDs can be in a general sense, cross-racial IDs (“when an eyewitness is asked to identify a person of another race”) are especially so.” (John P. Rutledge, “They All Look Alike – The Inaccuracy of Cross-Racial Identifications,” 28 Am. J. Crim. L. 207, 210 (2001). During this phenomena, “known as the ‘own-race’ effect of ‘own-race’ bias, eyewitness experience the ‘cross-racial impairment’ when attempting to identify individuals of another race.” *Id.* at 211. More importantly, “the ‘own-race effect’ is ‘strongest when white witnesses attempt to recognize black subjects.” *Id.* Even with this knowledge, eyewitness identification is still highly valued by judges and juries, and because of the difficulties therein, misidentification is the leading cause of post-conviction DNA exonerations.

B. Unvalidated or Improper Forensic Science

“I thought of the two trials, and Jennifer Thompson telling the jury she was sure it was me. I worried that her words were stronger than any kind of scientific test.” Jennifer Thompson-Cannino, Ronald Cotton & Erin Torneo, Picking Cotton, 178 (2009).

In roughly fifty percent of cases that are overturned based on DNA testing, unvalidated or improper forensic science has played a role. These forensic techniques include “hair microscopy, bite mark comparisons, firearm tool mark analysis and shoe print comparisons.” The problem with these techniques is that they have never been subjected to the same rigorous scientific testing and research that was afforded more reliable testing, such as DNA analysis.

(Fact Sheet – Understand the Causes: Unreliable/Limited Science, The Innocence Project, *available at* <http://www.innocenceproject.org/understand/Unreliable-Limited-Science.php>).

Even some properly validated techniques, such as serology (blood typing) can be either improperly conducted or inaccurately conveyed during a trial. *Id.*

DNA should not be considered to be the answer to these problems though – only five to ten percent of ALL criminal cases involve biological evidence that could be subjected to DNA testing; DNA analysis is not available for the rest, which leads to the use of other kinds of analysis and evidence – including many of those presented here. *Id.*

C. False Confessions/Incriminating Statements

Roughly one-fourth of wrongful conviction cases with DNA exoneration have had innocent defendants make incriminating statements, deliver outright confessions or plead guilty. (Fact Sheet – Understand the Causes: False Confessions, The Innocence Project, available at <http://www.innocenceproject.org/understand/False-Confessions.php>).

There are many reasons someone might deliver a false confession, and many of the cases compiled by The Innocence Project have shown that a false confession may be given if there is:

1. Duress;
2. Coercion;
3. Intoxication;
4. Diminished capacity;
5. Mental impairment;
6. Ignorance of the law;
7. Fear of violence;
8. The actual infliction of harm;
9. The threat of a harsh sentence; and/or
10. Misunderstanding the situation. *Id.*

Confessions from children are often unreliable because they can be easy to manipulate, and may not always understand their situation. *Id.* Both children and adults often believe they can “go home” as soon as they admit guilt. *Id.*

Regardless of the age, capacity or state of the confessor, what they have in common is a decision – at some point during the interrogation process – that confessing will be more beneficial to them than continuing to maintain their innocence. *Id.*

Some people are pushed into confessing by law enforcement officers. Officers may be convinced of a suspect’s guilt, and thus push them to confess by motivating them with the fear of harm or

discomfort. Officers may also tell the suspect that they will be convicted whether or not they confess, but that a court will be more lenient if they have cooperated. Still others are told that if they do not confess, they will receive the death penalty. *Id.*

D. Snitches

More than fifteen percent of cases where a wrongful conviction has been overturned by DNA evidence have included an informant or “jailhouse snitch” who originally testified against the defendant. (Fact Sheet – Understand the Causes: Informants/Snitches, The Innocence Project, *available at* <http://www.innocenceproject.org/understand/Snitches-Informants.php>).

These informants are often given incentives to testify, and these incentives are not always disclosed to the jury. *Id.*

The Innocence Project has tracked cases where snitches have been:

1. Paid to testify.
2. Have testified in exchange for their release from prison.
3. Have testified in multiple distinct cases that they have evidence of guilty, through overhearing a confession or witnessing a crime. *Id.*

Snitches can lie on the stand, however -- a fact which is proven by the number of exonerations that have come after snitch testimony. However, this news should not be surprising, nor is it only attributable to the snitch. Testifying falsely in exchange for an incentive (either money or a sentence reduction) is often a last-ditch effort for an inmate. There is also the incentive to avoid jail time for someone who is not currently in jail but who is being threatened with potential charges. *Id.*

IV. THE INNOCENCE PROJECT

Since 1992, the Innocence Project, founded by Barry C. Scheck and Peter J. Neufeld at the Benjamin N. Cardozo School of Law at Yeshiva University, has worked to exonerate those who have been falsely imprisoned. The project has helped exonerate, through DNA testing, 269 people, including seventeen who served on death row.

From The Innocence Project Mission Statement:

The Innocence Project's full-time staff attorneys and Cardozo clinic students provide direct representation or critical assistance in most of these cases. The Innocence Project's groundbreaking use of DNA technology to free innocent people has provided irrefutable proof that wrongful convictions are not isolated or rare events but instead arise from systemic defects. Now an independent nonprofit organization closely affiliated with Cardozo School of Law at Yeshiva University, the Innocence Project's mission is nothing less than to free the staggering numbers of innocent people who remain incarcerated and to bring substantive reform to the system responsible for their unjust imprisonment.

(Mission Statement, The Innocence Project, *available at* <http://www.innocenceproject.org/about/Mission-Statement.php>).

A. Facts on Post-Conviction DNA Exonerations

1. There have been 269 post-conviction DNA exonerations in the United States.
2. The first DNA exoneration took place in 1989. To date, exonerations have been won in thirty-four states.
3. Since 2000 alone, there have been 198 exonerations.
4. Seventeen of the 269 exonerated through DNA served time on death row.
5. The average length of time served by exonerees is thirteen years. The total number of years served is approximately 3,471.
6. The average age of exonerees at the time of their wrongful convictions was twenty-seven.
7. In 120 cases where DNA evidence has exonerated someone, the true perpetrator (or suspect) has been identified.
8. Since 1989, there have been **tens of thousands** of cases where prime suspects were identified and pursued – until DNA testing (prior to conviction) proved they were wrongly accused.

9. In more than 25 percent of cases in the National Institute of Justice Study, suspects were excluded once DNA testing was conducted during the criminal investigation. The 1995 study included 10,060 cases where the testing had been conducted in FBI labs.
10. Roughly 50 percent of the people who have been wrongly incarcerated and later exonerated by DNA evidence have been financially compensated for their time in prison. As well, twenty-seven states, the federal government, and the District of Columbia have passed statutes to regulate the compensation of the wrongly incarcerated.
11. Racial Breakdown of the 269 Exonerees:
 - a. 159 African Americans.
 - b. Eighty Caucasians.
 - c. Twenty-one Latinos.
 - d. Two Asian Americans.
 - e. Five whose race is unknown. .
12. Twenty-two percent of cases closed by The Innocence Project since 2004 were closed as a result of missing or lost evidence. (Facts on Post-Conviction DNA Exonerations, The Innocence Project, *available at* http://www.innocenceproject.org/Content/Facts_on_PostConviction_DNA_Exonerations.php).

B. Where Do We Go from Here?

The Innocence Project is working “to enact meaningful reform” by working “with people from across the criminal justice system – including prosecutors, victims, law enforcement agencies and defense advocates.” (Fix the System: Stopping Wrongful Convictions before They Happen, The Innocence Project, *available at* <http://www.innocenceproject.org/fix/>).

The goal of The Innocence Project is to improve “fairness and accuracy in the criminal justice system [that would benefit] all segments of society. Victims and their families can see justice; prosecutors and police can have the tools to do their jobs well; the public can have more confidence in the system; and innocent people and their families can avoid the tragedy of wrongful convictions.” *Id.*

The Innocent Project is working to bring reforms in the areas of “eyewitness identification, forensic oversight, DNA testing access, Exoneree compensation, evidence preservation, innocence commissions and false confessions.” *Id.*

Many of the reforms The Innocence Project is attempting to implement have been met with great success. To date, successes include:

1. Reformed eyewitness identification procedures to reduce the rate of misidentification in states including New Jersey, Ohio, and North Carolina and in major cities including Boston, Minneapolis, Dallas and others.
2. Enabled prisoners with claims of innocence to apply for post-conviction DNA testing in forty-eight states (every state but Massachusetts and Oklahoma).
3. Mandated electronic recording of interrogations in eighteen states, the District of Columbia and more than 750 law enforcement agencies to prevent false confessions.
4. Created Innocence Commissions in more than ten states, including California, Texas, Illinois and New York, and passed legislation for a federal innocence commission in the U.S. House of Representatives.
5. Developed compensation statutes to benefit wrongfully convicted people in twenty-seven states, including social services like job training, temporary housing and health care in ten states. *Id.*

Hopefully the criminal justice system will continue to evolve in a way which encourages accuracy. This could prevent a person like Ronald Cotton from having to serve time for a crime he or she did not commit.