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Innocent by DNA

There have been 267 post-conviction DNA exonerations in the United States alone (The Innocents Project). Most of the alleged suspects vary from ages 21 to ages 26 and end up spending at least 13 years in prison before DNA testing is done to prove their innocence. DNA profiling is expanding more and more every day. Anything as far as a fingerprint, hair follicle, drip of blood, semen, or skin scraping can be used for DNA testing. Seventeen of the 266 people exonerated through DNA served time on death row (The Innocents Project). In the last seven years, there has been a particularly high number of DNA exonerations in New York State. ("NY Leads In Wrongful Convictions Overturned By DNA") Since 2000, 17 wrongfully convicted people in New York have been exonerated with DNA evidence; seven of the 17 were wrongfully convicted of murder ("NY Leads In Wrongful Convictions Overturned By DNA"). Six states – but not New York – have formed Innocence Commissions to identify the causes of wrongful convictions and develop remedies to prevent them. All but one of those states (Illinois) have far fewer wrongful convictions overturned through DNA than New York does ("NY Leads In Wrongful Convictions Overturned By DNA"). Therefore DNA profiling should be implemented in any criminal case due to the success it has had on overturning many different cases such as the Kirk Bloodsworth case, the Dennis Fritz case, and the Cornelius Dupree Jr. case.

The first death row inmate exonerated by DNA was released on June 28, 1993. Charged and convicted in 1984 with the rape and murder of a 9-year-old girl, Kirk Bloodsworth was sentenced to die in Maryland's gas chamber. Bloodsworth appealed his conviction several times.

In the second trial prosecutors improperly withheld evidence which resulted in a second conviction. Soon his appeals to the higher courts in Maryland were all exhausted. In February 1989 Gary Christopher, a state public defender, contacted Bob Morin asking him to meet with Bloodsworth. Morin owned a small legal firm that assisted inmates facing death penalties. Morin had no intentions on actually meeting with Bloodsworth. But, a month later in March, Morin and his partner David Kagan-Kans, had driven to the Maryland Penitentiary to meet with another client. They figured they'd briefly interview Bloodsworth while at the prison. The plan was to hear the man out, then politely tell him that they just didn't have the time or the resources to take on his case. Over the years Morin had interviewed hundreds of incarcerated prisoners seeking a lawyers help and knew all too well the typical convict rap. Bloodsworth was very different though, he seemed interested in the little girl who had been killed. He stressed not only that he was innocent, that he did not commit the crime, but that he wanted to find who did (Junkin 6). Over the following 3 years, from early 1989 to early 1992, Morin read up on Bloodsworth's case research that was provided by his previous lawyers and tried to build on it. Morin tried to locate the child eyewitnesses to see if they would admit to error or a change of mind. He prepared and filed a Habeas Corpus Petition hoping to challenge the conviction on federal constitutional grounds. (Junkin 9). Every effort Morin had come up with led to a dead-end (Junkin 9). Kirk Bloodsworth spent his days in the prisons library researching laws and human rights. He read about using DNA to help convict offenders and came to the assumption that maybe DNA could prove his innocence. In 1989 DNA was still in its early stages. It had never been used defensively in a capital case or to clear a convicted murderer. Morin contacted a leading DNA lab in the county, Cellmark Diagnostics, to learn what would be needed to pursue a DNA analysis (Junkin 10). Morin reviewed all of the forensic reports and contacted the FBI to request

that any fluid specimens of the assailant be tested. The FBI responded saying that no such fluid specimens existed. According to Cellmark Diagnostics, even if the slides had contained identifiable semen, Cellmark's testing techniques in 1989 could not analyze trace specimens preserved on glass slides. Moreover, any attempt to test them would probably completely destroy any existing DNA sample (Junkin 10). But, Bloodsworth did not care; he wanted whatever remaining evidence sent to a private lab for testing. Soon Morin discovered a laboratory in Richmond, California, that was capable of extracting and analyzing DNA from a very small amount of biological material. The lab, Forensic Science Associates, was run by Dr. Edward T. Blake. Morin requested that Dr. Blake test all of the crime scene evidence, including the girl's clothing, the scrapings from underneath her fingernails and the murder weapon (Junkin 13). In August 1992, after months of negotiations with the prosecutors, Morin obtained the evidence and sent it, along with a sample of Kirk's blood, to the California lab. Three months passed with no word. The day before Thanksgiving, Morin received a phone call from a lab technician working for Dr. Blake. She said they had found a stain of semen on the girl's underpants. Back in 1984 the FBI lab had reported that there was no identifiable semen on the panties (Junkin 15). Morin went to see Bloodsworth on Thanksgiving Day to see if he wanted the semen tested. Bloodsworth replied by saying "Test it. It's there for a reason. It's my ticket out of here. Test it..." (Junkin 16). On April 27, 1993, Dr. Blake confirmed that the semen did not match Bloodsworth's DNA. He was an innocent man. Morin shivered with emotion as he thought about how long it would take to actually free him. On June 28, 1993, Kirk Bloodsworth was marched to the departure room in the prison. In the departure room, the warden gave Kirk the money he'd earned and accumulated over the 9 years. It came to just over a thousand dollars; Kirk passed some of the money to some of his friends still in prison (Junkin 258). He was finally free. In

1996 Kirk met a Brenda Ewell at an American Legion dance. Kirk and Brenda married at a local church on June 26, 1999. Kirk took a position of being consultant for the Justice Project. Kirk assisted in strategic planning, attend speaking engagements and let the world know more about his experience. Kirk went on to educating people on DNA testing and even got the death penalty abolished in most states and other countries around the world. Kirk continues to advocate for others who have been wrongfully imprisoned and does not have any intentions on stopping.

Dennis Fritz was an ordinary man living in Ada, Oklahoma. He was a school teacher and was raising his daughter on his own. In 1975 his wife was brutally murdered on Christmas day. On the evening of May 8, 1987 Dennis was under arrest for the rape and murder of Debbie Sue Carter. Dennis's friend Ron Williamson was also charged with Debbie's murder. An overzealous prosecutors intent on winning relied on flimsy circumstantial data to create the illusion of guilt. Distorted statements, questionable testimony of a jailhouse informant, faulty hair evidence, dream confessions and other bizarre clues completed the prosecutions circle of deception. Dennis was convicted after a swift trial. The vote of a single juror saved him from the death penalty but, he was still sentenced to life behind bars. His co-defendant, Ronnie Williamson was sentenced to death (Grisham). While Dennis was in prison he spent most of his time in the prison library much like Kirk Bloodsworth. He studied the law and wrote hundreds of letters in his own defense hoping that someone would take interest in his case. He went through multiple trails and each witness blamed him for the murder but could never say that they actually seen Dennis with Debbie. The court tried Dennis to be put on death row but luckily once again the court did not succeed. Dennis's lawyers filled for DNA tests and like usual it took several months to receive the results. By the time the results came the court had already pin pointed Debbie's real killer who turned out to be one of the prosecutor's key witnesses. On April 15, 1999, after 12 years of

wrongful imprisonment, Dennis and Ron Williamson were freemen (Grisham). After Dennis was released from Pontotoc County Jail, he returned to Kansas City, Missouri, where he lived with his mother. His first few years posed considerable challenges concerning readjustment to his return to society. He underwent psychological treatment for post-traumatic stress disorder. Due to the state's failure to provide medical treatment for hepatitis C his health deteriorated. But, Dennis successfully defeated the virus by implementing total body cleanses, along with a strict diet, interferon treatments, and a unique blend of Chinese herbs. In 2003, with the help of Barry Scheck, Cheryl Pilate, Mark Barrett, and Dan Clark, Dennis successfully sued the state of Oklahoma and received a financial settlement that has allowed him to provide a quality life for him and his family (Grisham 456). Dennis joined the Innocence Project in New York and Kansas City. Not only did DNA testing make it possible for Dennis to regain his freedom; it also made it possible for him to discover that he had a second daughter (Grisham 458). Ron Williamson died in 2004. Dennis exclaims that it was his strong faith in God that helped him to survive this horrific nightmare.

Cornelius Dupree Jr. served 30 years in a Texas prison for a crime he did not commit. Three times since his 1979 Dupree has tried to get the Texas Court of Criminal Appeals to re-hear his case, and three times he was denied. In June 2006 the court denied his request for habeas corpus relief. Dupree, who is now 51, was convicted by a Dallas County jury 31 years ago for sexual assault: Prosecutors said he and another man kidnapped a couple, threw the man out of the car, then raped the female passenger. He was sentenced to serve 75 years, but was released on parole last July for good behavior (Wilonsky, Robert). Dupree was proved innocent through the Innocence Project and was deemed the third longest serving inmate exonerated by DNA. Under Texas compensation laws for the wrongly imprisoned, Dupree is eligible for \$80,000 for each

year he was behind bars, plus a lifetime annuity. He could receive \$2.4 million in a lump sum that is not subject to federal income tax (CARLTON, JEFF). The compensation law, the nation's most generous, was passed in 2009 by the Texas Legislature after dozens of wrongly convicted men were released from prison. Texas has freed 41 wrongly convicted inmates through DNA since 2001 — more than any other state. Dallas County's record of DNA exonerations — Dupree is No. 21 — is unmatched nationally because the county crime lab maintains biological evidence even decades after a conviction, leaving samples available to test (CARLTON, JEFF). In addition, Watkins, the DA, has cooperated with innocence groups in reviewing hundreds of requests by inmates for DNA testing. At least a dozen other exonerated former inmates from the Dallas area who collectively served more than 100 years in prison upheld a local tradition by attending the hearing and welcoming the newest member of their unfortunate fraternity. One of them, James Giles, presented Dupree with a \$100 bill as a way to get his life restarted (CARLTON, JEFF).

If DNA profiling were put in place no one would have to go through being wrongfully convicted. When a state wrongfully convicts someone of a crime they steal years away from their lives that the “convict” can never get back. Also, when the wrong person is convicted the true criminal is still free and undetected. DNA profiling and testing will keep innocent people from getting charged with crimes they did not commit. DNA profiling could also help states save money. If the state has not wrongfully convicted somebody then the state does not have to worry about paying exoneration fines. This is why DNA profiling should be implemented.

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