

After 7 Georgia inmates exonerated, changes coming: 12/25/08

By Bill Rankin The Atlanta Journal-Constitution

The seven exonerations of Georgia inmates by DNA evidence over the past decade rendered heartwrenching tales, cost the state millions of dollars and raised questions as to the reliability of eyewitness testimony.

Amid the spate of exonerations, lawmaker Stephanie Stuckey Benfield repeatedly tried to push through legislation to improve Georgia's eyewitness identification procedures. Her efforts failed.

When the Legislature convenes next month, Benfield will not reintroduce her bill, aimed at eliminating wrongful convictions based on faulty eyewitness identifications. That's because the Georgia Peace Officers Standards and Training Council has addressed the problem on its own.

On Dec. 10, the council voted to require law enforcement officers seeking management and supervisory certifications, as well as officers receiving criminal investigation training, to get instruction on new eyewitness identification procedures. Additionally, the training will be a prerequisite for all officers seeking recertification.

"We needed to step up to the plate," Ken Vance, POST's executive director, said. "This is good for law enforcement in Georgia."

Vance said his agency took its lead from Benfield's legislation and her work overseeing a study committee.

"It takes a little while to learn it, but we're going to teach it," he said. "These procedures have a good track record of success, and they've stood the test in court."

Benfield, a Democrat whose district includes Fernbank, Avondale Estates and south Decatur, applauded the council's initiative.

"This is what I had hoped for," she said. "It's even better for law enforcement to take ownership of the issue."

Aimee Maxwell, executive director of the Georgia Innocence Project, said more than 75 percent of people exonerated by post-conviction DNA testing nationwide were misidentified by a victim or a witness. In Georgia, that was the case for all seven cleared since 1999, she said.

One new procedure that should help reduce the chance of a witness making a false identification involves lineups, Maxwell said.

For example, the new procedures call for an officer to tell a witness that the suspect may be — and may not be — in the lineup. The officer also is to state that he or she does not know if the suspect is there. This reduces outside factors that inadvertently influence a witness's decision to identify someone in the lineup, Maxwell said.

“I think it's a big step in the right direction that POST decided to initiate this training on its own even when the Legislature apparently didn't recognize that importance,” she said. “And the fact that every peace officer in Georgia will eventually be trained on this is even more exciting.”

DNA testing cleared seven inmates who collectively served more than a century in prison for crimes they did not commit. The Legislature approved compensation packages for four of them totalling almost \$4 million.

Perhaps the most harrowing case involved John Jerome White, wrongly convicted of the 1979 rape of a woman in Meriwether County.

When the 74-year-old victim was presented with a lineup of five men at the jail a week after her assault, she picked out White. She said she was positive, an identification that sealed White's fate. He was convicted and served 20 years for the crime.

Coincidentally, the man later charged in the assault, James Edward Parham, stood in the same lineup presented to the victim in 1979. Parham was in the lineup not because he was a suspect but because he and the three other men used in the lineup happened to be in the county jail at the time. Parham would rape another Meriwether County woman six years after the attack that sent White to prison.

Another wrongly convicted inmate, Willie Otis “Pete” Williams, was tried for raping and kidnapping a woman at a Sandy Springs apartment complex in 1985.

During Williams's trial, the victim was asked, on a scale of one to a hundred, how sure she was that Williams assaulted her.

“One hundred and twenty,” she testified.

Williams served 21 years in prison before DNA tests cleared him.

7 GEORGIA CASES

Calvin Johnson

Charge: Rape in College Park

Year of conviction: 1983

Year of exoneration: 1999

Time served: 15 1/2 years

Compensation: \$500,000

Douglas Echols

Charges: Rape, kidnapping, robbery in Savannah

Year of conviction: 1987

Year of exoneration: 2002

Time served: 5 years

Compensation: none

Samuel Scott (convicted with Echols)

Charges: Rape, kidnapping, robbery in Savannah

Year of conviction: 1987

Year of exoneration: 2002

Time served: 15 years

Compensation: none

Clarence Harrison

Charges: Rape, robbery, kidnapping in Decatur

Year of conviction: 1987

Year of exoneration: 2004

Time served: 17 1/2 years

Compensation: \$1 million (over 20 years)

Robert Clark

Charges: Rape, kidnapping, armed robbery in East Atlanta

Year of conviction: 1982

Year of exoneration: 2005

Time served: 23 1/2 years

Compensation: \$1.2 million (over 15 years)

Willie Otis "Pete" Williams

Charges: Rape, kidnapping, aggravated sodomy, aggravated assault in Sandy Springs

Year of conviction: 1985

Year of exoneration: 2007

Time served: 21 1/2 years

Compensation: \$1.2 million (over 20 years)

John Jerome White

Charges: Rape, aggravated assault, burglary, robbery in Meriwether County

Year of conviction: 1980

Year of exoneration: 2007

Time served: 22 1/2 years

Compensation: no requests

Source: innocenceproject.org