

# Louisiana man wrongfully convicted of rape leaves prison after nearly 46 years

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Wilbert Jones walked out of the East Baton Rouge Parish Prison in Louisiana on Wednesday a free man after spending 45 years and 10 months in prison. Jones, now 65, was only 19 when he was arrested on suspicion of kidnapping and raping a nurse at gunpoint in 1971 in Baton Rouge.

Jones was convicted of aggravated rape and sentenced to life in prison in a 1974 trial that “rested entirely” on the “questionable identification” of the victim, according to State District Judge Richard Anderson. He called the case against Jones “weak, at best,” and said authorities withheld evidence that could have exonerated him at the time. Anderson tossed out Jones’ 1974 conviction on October 31, ruling that the state withheld “highly favorable” evidence from the defense.

Jones, hugging his brother, Plem Jones, and other relatives outside the prison gates Wednesday, said, “Freedom. After more than 45 years and 10 months. That’s going through my mind.” He also thanked his legal team at the Innocence Project New Orleans (IPNO), who worked for 11 years to free him. “Without them, this wouldn’t be possible,” he said.

Jones told reporters that doing all that time was “very difficult,” but that he holds no resentment. “I forgave. Forgive,” he said. “I didn’t have control of it. Why should I worry about it? I’m in charge of myself.”

IPNO attorney Emily Maw praised “the extraordinary strength” of a man “who has spent over 16,000 days in prison for something he didn’t do” and would nevertheless “come out with a faith in God and in humanity.”

The widower of the nurse, who died in 2008, did not oppose Jones’ release. Jones’ lawyers wrote in a court filing that the late nurse’s husband “feels that Mr. Jones has been in prison long enough and that he

should be able to get out and spend his remaining years with his family.”

Jones was picked out of a police line-up by the nurse more than three months after the rape. But she also told police that the man who raped her was taller and had a “much rougher” voice than Jones had. Jones’ lawyers say the nurse’s description matched a man who was arrested but never charged in the rape of another woman just 27 days after the nurse’s attack. The same man was also arrested on suspicion of raping another woman in 1973, but was only charged and convicted of armed robbery in that case.

Judge Anderson said that evidence shows that police knew of the similarities between that man and the nurse’s attacker, but, “Nevertheless, the state failed to provide this information to the defense.”

Prosecutors denied that state authorities withheld any relevant evidence about other Baton Rouge rapists. “The state was not obligated to document for the defense every rape or abduction that occurred in Baton Rouge from 1971 to 1974,” prosecutors wrote in February.

Jones’ attorneys also say that a prosecutor who secured their client’s conviction had a track record of withholding evidence favorable to defendants. In a 1974 opinion, the Louisiana Supreme Court said the prosecutor was responsible for 11 reversed convictions over the preceding year— “an incredible statistic for a single prosecutor,” the justices wrote.

Prosecutors said they would ask the Louisiana Supreme Court to review last month’s decision by Anderson, but that they do not intend to retry Jones. Attorney Maw told the Associated Press that it would be “legally incorrect and morally problematic” if the East Baton Rouge District Attorney’s Office insists on trying to uphold the conviction.

Maw said such an attempt to fight Jones' release would be "saying that when Wilbert Jones was arrested in 1972 as a young, 19-year-old black man, he did not deserve the rights that people deserve today."

According to IPNO, since 1991, there have been 44 exonerations in Louisiana and at least nine in Mississippi. Since its founding, IPNO has freed or exonerated 30 wrongfully convicted prisoners from Louisiana and Mississippi.

In 19 of these 30 cases there was no DNA evidence linking the prisoner to the crime. Eleven of IPNO's clients, including Wilbert Jones, were teenagers when they were arrested. Profiles of these exonerees can be found here.

One hundred sixty death row inmates across the country have been exonerated since 1973, according to the Death Penalty Information Center. This includes 11 from Louisiana, behind only Florida (27), Illinois (20), and Texas (13).

For every person wrongly convicted, there are family members and friends who fight long legal battles for their release, many without the type of free legal counsel provided by various branches of the Innocence Project and other advocates of the wrongfully convicted.

Jones' brother Plem says he may have missed only one or two bimonthly visits with his brother over his nearly 46 years behind bars. "We'd sit and talk, and cried together," he told AP. "I never gave up on it. I knew that he didn't do it, so, you know, it wasn't nothing but a matter of time. I knew that he was going to be freed one day. But I just didn't know when. I thought it was going to be long before now."



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