

Gilbert Poole Jr. exonerated after 32 years in Michigan prison

Eboni Davis
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Gilbert Lee Poole Jr., convicted at the age of 22 for a murder he never committed, was released from a Michigan prison on May 26 after being incarcerated for nearly 32 years.

At 56 years old, Poole left the G. Robert Cotton Correctional Facility in Jackson, Michigan, after his conviction was vacated based on new DNA evidence and the rejection of key testimony from a “bite mark expert” that was a contributing factor in the guilty verdict that sent him to prison for life without the possibility of parole on June 22, 1989.

With years of legal assistance of the Western Michigan University-Cooley Law School Innocence Project (WMU-Cooley Innocence Project), the evidence proving Poole was not guilty was so compelling that Michigan Assistant Attorney General Robyn Frankel requested that Oakland County Circuit Judge Rae Lee Chabot dismiss all charges and overturn his conviction for the fatal stabbing of Robert Mejia in Pontiac, Michigan, in 1988.

During the hearing before Judge Chabot, Poole said, “I have to say that I didn’t understand what was happening back in 1988 when I came to court to be tried for a murder that I didn’t commit. At 22 years old, and a thousand miles away from anyone I knew, I kicked and screamed and stomped my feet and said this is not right.”

Witnesses provided a description of the person Mejia was said to have been last seen leaving a Pontiac bar with on the night of June 5, 1988, two days before his body was found in a field in the area. Law enforcement developed composite drawings based on witness descriptions and these drawings were published in *The Oakland Press*. However, months went by without any solid leads in the case.

Five months later, Poole’s former girlfriend—who

traveled back to North Carolina in June 1988 with the accused and then returned to Pontiac—gave police an inconsistent story about how he had confessed to committing the murder. However, Poole consistently maintained he was never at the Pontiac bar and did not kill Mejia.

The unfolding of the subsequent murder trial demonstrated the reality of life for working class people who are railroaded with undue haste and by means of false or insufficient evidence. When a poor person with limited resources or no means of gaining adequate legal representation is charged with a crime they did not commit, they are easily made a scapegoat by providing the state with an easy way of “solving” a case.

A critical element in Poole’s conviction was the testimony of Dr. Allan Warnick, a clinical professor at the University of Detroit School of Dentistry and a 20-year practicing dentist in restorative and cosmetic work who was considered an expert in “bite mark analysis.” Warnick testified that Poole’s teeth matched a bite mark found on Mejia’s right arm above the elbow. Warnick also claimed that the odds of anyone other than Poole having made a bite mark appearing on the murder victim were “2.1 billion to one.”

This was the critical testimony that the prosecutors used to convince the jury that Poole was guilty of murdering Mejia.

However, bite mark analysis and the expert witness work of Dr. Warnick have since been discredited, with several convictions based on his testimony having been overturned. In reviewing the evidence that overturned the case, Innocence Project attorney Marla Mitchell-Cichon said, “Mr. Poole’s conviction was based on unreliable evidence, including bite mark comparison which is not based in science.”

The Innocence Project became interested in Poole’s

case 18 years ago. After learning that most items of evidence had been destroyed, the Innocence Project located the remaining evidence at the Pontiac Police Department and was able to win further DNA analysis of it. This post-conviction testing was conducted on bloodstains on and around Mejia's body. Several bloodstains from the crime scene were Type O which matched Mejia's blood type. Other crime scene blood was Type A which did not match either the victim or Poole's blood type. Poole's blood type is AB and shared by only three percent of the population. None of this evidence was presented at trial by his legal counsel.

Mitchell-Cichon's request for further DNA testing was originally denied by the Oakland Circuit Court in 2012 and only subsequently approved by the Michigan Court of Appeals.

The WMU-Cooley Innocence Project is part of the Innocence Network, which has been credited with the release of over 375 wrongfully accused prisoners using DNA testing. The project is staffed by WMU-Cooley Law School students who work under the supervision of Innocence Project attorneys.

The WMU-Cooley Innocence Project has screened over 5,800 cases and is also responsible for the exoneration of Kenneth Wyniemko (2003), Nathaniel Hatchett (2008), and Wayne County residents Donya Davis (2014), LeDura Watkins (2017) and Kenneth Nixon (2021).

In addition to the release of Poole, the project also helped to exonerate Lacino Hamilton on September 30, 2020, after spending 26 years in prison, and helped to exonerate Ramon Ward in February 2020, who spent 27 years in prison for a crime he did not commit by contributing its DNA expertise and grant resources to obtain testing.

While Michigan Attorney General Dana Nessel's "Conviction Integrity Unit" in the end moved to help vacate Poole's conviction, his release is primarily the result of his own legal efforts and those of the Innocence Project.

"After being in there for 32 years, I was shoved out into the free world," Poole said, "My biggest piece of advice to others like me is to read your law books and pay attention to the changing laws—if you don't pay attention ... an opportunity will pass for somebody to take a second look."

The fact that there are so many serving prison

sentences who are innocent and with the facts of their cases long being overlooked is an indictment of both the Democratic and Republican parties.

The incarceration of working class and poor people has been steadily on the rise since the Johnson Administration's War on Crime, with congressional approval of the Law Enforcement Assistance Act of 1965 and Omnibus Crime Control and Safe Streets Act of 1968 directing federal funding to local police.

The number of prisoners tripled from 500,000 in 1980 to 1.5 million in 1994. As of 2019 there were 2.3 million people in American prisons and jails, making up the largest prison population in the world. One in every five prisoners globally is in the United States. While racial minorities are disproportionately imprisoned, the rise of mass incarceration has impacted every section of the working class.

The push by the Democrats and Republicans for "tough on crime" policies such as stringent drug policies, stop-and-frisk, mandatory sentencing and harsher treatment of parole violations have driven the US incarceration rate to the highest on the planet (724 per 100,000 people).

People who enter the criminal justice system are overwhelmingly poor. Two-thirds detained in jails report annual incomes under \$12,000 prior to arrest. Incarceration contributes to poverty for those who are released by creating employment barriers, reducing earnings and decreasing economic security through criminal debt, fees and fines and making access to public benefits difficult or impossible. This reality shows that mass incarceration is not driven by racial divisions but by the immense socioeconomic inequality which defines life in the United States.



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