

Two men exonerated in wrongful convictions that took place four decades ago

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28 November 2021

Two black men falsely convicted of crimes more than four decades ago—one in Syracuse, New York in 1981 and the other in Kansas City, Missouri in 1978—were exonerated last week, exposing to the world once again the utter brutality and inequality of the American criminal justice system.

On Monday, Anthony J. Broadwater was exonerated for the rape of a white student, Alice Sebold, that took place near Syracuse University on May 8, 1981. The event became the basis for a successful memoir entitled *Lucky*, written by the victim and published in 1999.

Broadwater, who was 20 years old and had just returned home from serving in the Marine Corps, was convicted based on Sebold's identification of him on the witness stand and through a now-discredited method of forensic hair analysis. He spent the next 16 years in prison for a crime he never committed, protesting his innocence all along.

Alice Sebold was an 18-year-old freshman at Syracuse University when she was raped and beaten by a stranger in a park tunnel near the campus. Her attacker said he had a knife and threatened to kill her if she screamed. She reported the attack immediately to campus security and the police.

Sebold went back home in Pennsylvania for the summer and returned to Syracuse for her sophomore year at the university. Five months after the attack, with no leads or suspects found by the police, Sebold said she saw a man who smiled at her while walking down the street that she believed was her attacker. The police suggested that this man was Anthony Broadwater and arrested him.

Even though Broadwater did not resemble the person in a composite sketch and Sebold failed to identify him in a lineup, he was tried and convicted anyway. In her memoir, Sebold wrote that Broadwater and the man she picked out of the lineup looked "almost identical."

In their motion to vacate the conviction, Broadwater's attorneys argued that the case relied on only his identification by Sebold and the flawed microscopic hair analysis technique that has been proven through DNA evidence to have been used in more than 300 wrongful convictions.

The lawyers, J. David Hammond and Melissa K. Swartz, also stated in their motion that prosecutorial misconduct played a role in the wrongful conviction. State Supreme Court Justice Gordon J. Cuffy agreed to overturn Broadwater's conviction of first-degree rape and five other charges after the Onondaga County District Attorney supported the motion and stated in court on Monday, "This should never have happened."

In an interview with the *New York Times* on Tuesday, Broadwater said, "It's a long day coming" and explained how being convicted as a sex offender has impacted his life. He married after getting out of prison in 1998, but he and his wife Elizabeth decided not to have children because of the stigma associated with his criminal record. "On my two hands, I can count the people that allowed me to grace their homes and dinners, and I don't get past 10," he said. "That's very traumatic to me."

Alice Sebold's memoir sold more than a million copies and she wrote a novel entitled *The Lovely Bones*, a story about a teenage girl who is raped and murdered, that became an instant best seller and has been adapted for both film and theater. It was during work on a film adaptation of *Lucky* that executive producer Timothy Mucciante began to question the trial and conviction of Broadwater.

Mucciante, who said that the story "didn't hang together" and left production of the film project in June, hired a private investigator to examine the evidence against Broadwater and became convinced of his innocence. Attorney J. David Hammond was recommended by Mucciante, and Broadwater hired him to bring the case.

Of the rape victim and author, Broadwater said, "I just hope and pray that maybe Ms. Sebold will come forward and say, 'Hey, I made a grave mistake,' and give me an apology. I sympathize with her, but she was wrong."

On Tuesday, Kevin B. Strickland from Kansas City, Missouri was released from prison after serving 43 years for three murders he never committed. Strickland had been convicted by an all-white jury in 1979 and sentenced to life in prison with no chance of parole for 50 years.

The exoneration of Strickland, the longest confirmed wrongful conviction ever in the state of Missouri, was ruled on by Judge James Welsh, a retired Missouri Court of Appeals judge, after a three-day hearing that was requested by a Jackson County prosecutor. In his judgment, Judge Welsh wrote that there was “clear and convincing evidence” presented that “undermines the Court’s confidence in the judgment of conviction,” that it “must be set aside” and the State of Missouri “shall immediately discharge Kevin Bernard Strickland from its custody.”

Prosecutor Jean Peters Baker pushed for the release of Strickland and presented a motion for the criminal charges against him to be dismissed for the shooting deaths of Larry Ingram, 21, John Walker, 20, and Sherrie Black, 22, at a home in Kansas City on April 25, 1978.

The hearing focused on the fact that there was no physical evidence that Strickland committed the murders and statements by the sole survivor and eyewitness to the shootings, Cynthia Douglas. Douglas had repeatedly attempted to recant her testimony, saying she had been pressured by police to identify Strickland as the shooter.

Strickland, who was 18 years old at the time of the murders, said he was picked up by police, questioned and placed in a lineup. Even though Strickland’s alibi that he had been home that evening was verified by numerous relatives, police detective Richard Zoulek pressured Douglas to identify him as the shooter. An initial trial ended in a hung jury when the only black juror refused to find Strickland guilty. A second trial with an all-white jury came back with a guilty verdict.

The case was supported by the Midwest Innocence Project after supporters and Strickland himself contacted the organization. Douglas submitted an email to the organization in 2009 stating, according to court records, “I am seeking info on how to help someone that was wrongfully accused. I was the only eyewitness and things were not clear back then, but now I know more and would like to help this person if I can.”

Other evidence presented that exonerated Strickland included dozens of fingerprints, including those on the shotgun used in the shootings, that did not belong to him.

While Kevin Strickland’s innocence had been known for years—four months after he went to prison, one of the individuals involved in the shooting told the court that Douglas had “made a hell of a mistake”—his incarceration had been used for political purposes by Missouri Republican Governor Mike Parsons, who maintained that a pardon was not a “priority.” Meanwhile, Parsons pardoned Mark and Patricia McCloskey, the couple who brandished their weapons at anti-police violence protesters in St. Louis last year after they pleaded guilty to firearms charges.

Missouri Republican Attorney General Eric Schmitt, who is running for US Senate in 2022, maintained Strickland’s guilt, and Andrew Clarke, an assistant attorney general, claimed that Strickland received a fair trial in 1979 and has “worked to evade responsibility” for decades.

Lawyers from the Missouri Attorney General’s office argued during the hearing before Judge Welsh that Strickland’s legal team did not provide a paper trail that could prove Douglas attempted to recant her original testimony. Douglas died in 2015 at the age of 57.

The alignment of political forces against the freedom of Strickland was exposed in a statement to reporters by Tricia Rojo Bushnell, executive director of the Midwest Innocence Project, who stood by Strickland’s side as he was released. “Even when the prosecutor is on your side, it took months and months for Mr. Strickland to come home, and he still had to come home to a system that will not provide him any compensation for the 43 years he lost,” she said.

According to Missouri law, anyone exonerated without DNA evidence is not eligible for compensation from the state and, even though he spent over four decades behind bars, Strickland left prison without a penny.

However, an outpouring of support for an online fundraiser by 20,000 people has collected nearly \$1.5 million for Strickland, who is confined to a wheelchair. Speaking about his situation, Strickland said on Friday that the community did not owe him anything for the wrongful conviction.

Strickland said, “The courts failed me and that’s who should be trying to make my life a little more comfortable. I really do appreciate the donations and contributions they made to try to help me acclimate to society.”



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