

Oklahoma man exonerated after 48 years in prison

Alex Findijs

21 December 2023

Glynn Simmons, 71, was declared innocent on Tuesday of a murder he did not commit, after more than 48 years in prison. He now holds the record for the longest prison sentence for a person exonerated of a crime, according to the National Registry of Exonerations.

Simmons was convicted in 1975 for the murder of Carolyn Sue Rogers, a store clerk in Edmond, Oklahoma, who was shot and killed during a store robbery. He and co-defendant Don Roberts were sentenced to the death penalty but saw their sentences reduced to life in prison after a 1977 Supreme Court ruling decided that criminal punishments must be proportionate to the crime and therefore the death penalty was a form of cruel and unusual punishment. Roberts was released on parole in 2008.

Oklahoma County District Court Judge Amy Palumbo ruled in favor of Simmons in a declaration of “actual innocence,” expanding on a previous dismissal of his murder conviction in July. Palumbo said she reviewed decades of evidence, including court transcripts, reports, and witness testimony. Her review found “clear and convincing evidence that the offense for which Mr. Simmons was convicted, sentenced and imprisoned in the case at hand, including any lesser included offenses, was not committed by Mr. Simmons.”

Palumbo had originally ordered a retrial after Oklahoma County District Attorney Vicki Behenna determined that state prosecutors at the time of Simmons’ conviction did not share evidence with his defense. Behenna said that prosecutors failed to share a police lineup report in which a witness, who had survived being shot in the head, did not identify either man.

Prosecutors used conflicting testimony from the same

woman to convict Simmons and Roberts based on a police lineup in which the two were only connected to the crime by their attendance at a party also attended by Leonard and Delbert Patterson, who were convicted of a different murder. This association and the exclusion of the woman’s contradicting testimony were used to convict both men.

This new evidence pointed toward a retrial, but Behenna decided against it, saying that no physical evidence remained from the case for a retrial to occur. Therefore, Simmons was released from prison in July.

The revelation that prosecutors had withheld critical evidence was a massive breakthrough in Simmons’ continued efforts to prove his innocence, which he has maintained since his conviction. “Not only would the withheld lineup report have changed the outcome of Simmons’ trial, but it would also have prevented the State from being able to try Simmons at all,” said Simmons’ attorneys, Joe Norwood and John Coyle. They also identified testimony from witnesses who said they had seen Simmons in Louisiana at the time of the murder.

Behenna agreed to Simmons’ request to dismiss his conviction, but disagreed with issuing a declaration of “actual innocence.”

“The state had a failure of proof—that’s the only reason for the requested dismissal,” she wrote in a court filing from Oct. 18. “This simply is not an ‘actual innocence’ case where DNA was used to exonerate a person; or a conviction was obtained using ‘forensic’ evidence that was later debunked; or where an eyewitness recanted their identification; or where the actual perpetrator of the crime confessed to the commission of the crime and the details of that confession were later corroborated by independent evidence.”

The declaration of actual innocence will be critical for Simmons, who will be eligible for up to \$175,000 in compensation from the State of Oklahoma for his wrongful conviction. Without that declaration, as Behenna argued against, he would not have been entitled to any money. However, it could take years for Simmons to receive compensation from the state.

Simmons is another in a long line of people wrongfully convicted and one of thousands who have been exonerated in the past few decades.

In Oklahoma, the average time spent in prison before exoneration is about 10 years, with 43 exonerations since 1989 according to the National Registry of Exonerations. Nationally there have been 3,442 exonerations in that time period with an average of 9.1 years lost in prison per person. Murder and drug charges are the most common among exonerations.

Simmons' exoneration comes amid an increase in the number of executions around the country. Between 2016 and 2020 Oklahoma did not execute a single person. But in the past three years the state has executed 11 people, nine of whom were executed in 2022 and 2023. Oklahoma has the second highest number of executions since 1976 with 119, behind Texas with 578 and just above Virginia with 113.

Oklahoma County, where Simmons was convicted, is also tied for the second highest number of death row convictions that have been overturned. Including Simmons, Oklahoma County has seen 11 death row convictions exonerated.

Now 71, Simmons has lost nearly 50 years of his life. He was wrongfully convicted at just 22 years of age and has spent his entire life since then in prison.

“He had 50 years stolen from him,” said Norwood. “The prime of his work life when he could have been getting experiences, developing skills. That was taken from him, by no fault of his own, by other people.”

After being released from prison Simmons was diagnosed with cancer and is reportedly surviving on donations.

“Glynn is having to live off of GoFundMe, that’s literally how the man is surviving right now, paying rent, buying food,” said Norwood. “Getting him compensation, and getting compensation is not for sure, is in the future and he has to sustain himself now.”



To contact the WSWs and the Socialist Equality Party visit:

wsws.org/contact