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## Legal Exoneration: A Case Study through the Life History of John Thompson

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Legal Exoneration: A Case Study through the Life History of John Thompson

A Thesis

Submitted to the Graduate Faculty of the  
University of New Orleans  
in partial fulfillment of the  
requirements for the degree of

Master of Science  
in  
Urban Studies

by

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May, 2010

## Dedication

This thesis is dedicated to the thousands of people who have been wrongfully convicted throughout the history of the United States.

## Acknowledgements

I would like to thank John Thompson for his continuous support and patience. I would also like to thank Martha Ward for her constructive criticism and optimism. Finally, I would like to thank my husband, Broderick Bagert Jr., for his critical eye.

## Table of Contents

Abstract.....	v
Chapter 1: Purpose, Background, and Methods.....	1
Meeting JT.....	3
Chapter 2: The Literature on Exoneration.....	7
Chapter 3: Early Life of John Thompson.....	10
From Early Life to Adulthood.....	10
Outline of the Case.....	16
Chapter 4: Life on Death Row and the Fight for Freedom.....	18
Angola.....	18
Death Row and Family.....	21
The Fight for Freedom.....	23
Release.....	29
Civil Suit.....	30
JT Finds “Resurrection After Exoneration”.....	33
Chapter 5: Does Exoneration “Make Things Right?”.....	35
References.....	41
Vita.....	46

## Abstract

The term “exonerated” refers to a legal acquittal of a former conviction due to the introduction of new evidence. Since 1989, the number of legal exonerations has increased dramatically due to DNA and other new evidentiary technologies that can demonstrate innocence of formally convicted persons. This research focuses on the lived experience of exoneration and its aftermath through a life history of John Thompson (JT), a New Orleans native, convicted of murder and sentenced to death in 1985. In 2003, after eighteen years in Angola, the Louisiana State Penitentiary, fourteen on death row, JT was exonerated. Exoneration theoretically removes the official stigma of conviction and restores full civil rights on former prisoners such as JT. Yet “exonerees” face all the social, political, and personal problems that characterize the post-release experience of convicted felons. JT’s experience is an important case of exonerees’ quest for the restoration of standing, justice and compensation.

### *Key Words*

Exoneration, wrongful conviction, death penalty, life history, reentry, Angola Prison, Louisiana State Penitentiary, stigma

## Chapter 1

### Introduction, Background and Methods

This thesis will contribute to a deeper understanding of exoneration through an account of the life history of John Thompson, hereafter “JT.” JT, a New Orleans native, was convicted of murder and sentenced to death in 1985. In 2003, after eighteen years in, fourteen of which he spent on death row at Angola, the Louisiana State Penitentiary, JT was exonerated.

It is a contention of this thesis that the experience of exoneration is characterized by a tension between the official, legal removal of a criminal conviction and the lived reality that, in many aspects, is similar to that of convicted felons. Much of the same indignities and shame be faced by former felons are key components to the exoneree experience, and exonerees face similar challenges and stigma upon release. Exonerees must navigate a world that has changed since the time of their incarceration, and they often do not have the skills expected of them. They cannot restore the portion their life spent in prison. As with other former prisoners, exonerees must re-establish relationships with friends and family members who have been inaccessible for long periods. Employers are not likely to understand or forgive large gaps in employment due to incarceration for a serious crime. Throughout these and other interactions, exonerees often are confronted with lingering suspicions of guilt among those they encounter, suspicions about whether they might have committed the crime after all. In addition, research conducted by Grounds suggests that many exonerees suffer symptoms of Post Traumatic Stress Disorder (Grounds 2004:178).

As with other ex-convicts, JT struggles financially, faces emotional trauma, and encounters suspicions about his guilt and his story illustrates the challenges wrongfully convicted people face after exoneration. His particular narrative of coping with those challenges and achieving some success, and the specific way he has sought to assure that society “respect his innocence” can inform and contribute to our understanding of the nature of exoneration. He is the plaintiff in a lawsuit against the very individuals and organizations responsible for his wrongful conviction. Within weeks of his release, JT filed a lawsuit against the New Orleans District Attorney’s office for “malicious prosecution”, “wrongful suppression of exculpatory evidence”, and “conspiracy.” JT was awarded a jury verdict and compensation of \$14 million, a decision that has been appealed and is in the process of being considered by the U.S. Supreme

Court. JT also has founded an organization, Resurrection After Exoneration (RAE), to help other exonerees deal with the practical and emotional challenges of reintegrating into society. JT has become a leader among exonerees and a prominent spokesperson, giving voice to the realities and challenges exonerees face. JT's experience with stigma, his civil lawsuit, and his attempt to address larger injustices through RAE make his story an important case study in the quest for compensation and the restoration of standing.

The term exoneration as it is used here refers to a legal acquittal or governmental pardon of a former conviction due to the introduction of new evidence. Exoneration through an acquittal usually occur after a judge rules that the convicted person was wrongfully convicted, that is when the accused can show that the prior conviction was obtain faulty means. The most common causes of wrongful conviction are (1) eyewitness misidentification, (2) false confessions, (3) government (i.e. police or prosecutorial) misconduct, (4) dishonest informants, and (4) inadequate legal representation (Seigal 2005:7). When a judge overturns a prior conviction, an acquittal can happen in one of two ways: a state or federal prosecutor can refuse to retry the case or a jury can find the defendant not guilty upon a retrial. Exoneration through a pardon refers to instances in which the state (a governor or the president) pardons an individual in light of new evidence that the office deems to be sufficient proof of innocence.

The development of DNA technologies in the 1990s and 2000s opened the door to the re-examination of thousands of criminal convictions that originally were based on less definitive evidence. The number of exoneration has increased significantly in recent years. In 1989 Gary Dotson, who spent ten years in an Illinois prison for rape, was the first person in the United States to be exonerated using DNA evidence (Garret 2008:2). Since then, more than 252 people have been exonerated with DNA-related evidence (*Hartford Courant*: April 2, 2010). The enhanced capacity to verify identity afforded by DNA technology has attracted increasing resources and attention to innocence claims, even when DNA evidence is not available. As a result, non-DNA related cases also are being overturned at an increasing rate. A 2005 study led by Samuel Gross on the number of exoneration between the years 1989 and 2003 identified a total of 340 exoneration in that time period, including those that were not related to DA evidence (Gross, et al 2005:524). According to a study by Michael Risinger, the rate of exoneration also has increased, from twelve per year in the period 1989 to 1994, to forty-four

per year in 2002 and 2003 (Risinger 2007:762). Louisiana ranked fifth in the number of exonerations in the United States with seventeen. (Illinois ranked number one, with fifty-four exonerations). Seventy percent of the people in the study conducted by Gross and his colleagues were people of color, and they spent an average of thirteen years in prison (2005:524,547).

Exonerations usually involve cases of long sentences or death penalties, often for murder rape or other serious offences, because these cases offer defendants more opportunities to appeal and demonstrate their innocence. Resources available for felons to challenge their convictions are scarce and thus are concentrated on only the most serious cases. While inmates on death row constitute only one percent of the prison population, death row cases make up twenty-two percent of all exonerations (Gross, et al. 2005:9). This higher rate of exoneration among death row inmates is evidence not of any increased likelihood of wrongful conviction for death penalty cases, but of the increased opportunities for death-row inmates to challenge their convictions. Many people convicted wrongfully of less serious crimes may never have the same opportunities to prove their innocence.

Courts are not designed to remove the onus of a felony conviction or to restore standing. Rather, the role of the United States criminal court is to prove onus and removing standing. Thus when a court removes the original “guilty” verdict associated with a conviction, exonerees are often still “ex-convicts” in the conceptions of popular culture. Exoneration has a partial, incomplete, and always contested character and it is this partial nature of exoneration that defines exonerees’ post-exoneration experience. In response to this situation, exonerees seek to remove the stigma associated with their criminal conviction, to restore the standing that has been stripped away, and in JT’s words, to be “made whole.”

### *Meeting JT*

My entry point into exploring the phenomenon of exoneration was an interest in the collateral consequences of a criminal conviction. Devah Pager and others have spent considerable time and resources documenting the way in which ex-felons are punished well beyond the point at which they have "paid their debt to society." I live in a city where an inordinate amount of African American men are sent to prison every day. So I began examining the way in which prison and a criminal conviction leave an enduring "mark" on those convicted.

I became interested in the concept of stigma as it pertained to individuals with a criminal conviction, and became increasingly convinced that this stigma was important to understanding the experience of the criminal label. Around the same time I was beginning my research into the nature of criminal stigma, I was conducting interviews in jails across Louisiana and working alongside Innocence Project New Orleans and Resurrection After Exoneration (JT's organization to help exonerees). In the subject of exoneration, I found a fascinating and complex incidence of stigma. Here, a “mark” of criminality is applied and then subsequently removed by the same institutions that bestowed it. But as I began to interview exonerees, I found that they were experiencing stigma in ways that were very similar to the “convicts” I was interviewing in prison.

I met JT in 2007 while working for a local nonprofit organization associated with The Innocence Project New Orleans (IPNO). IPNO provides legal assistance to selected persons sentenced to life in prison and who claim innocence in Louisiana and Mississippi. JT had organized a nonprofit, Resurrection After Exoneration (RAE). He shared a cramped office space with IPNO’s accountant, and before I began this research, I would chat with him whenever I met with the accountant or handed in reimbursements.

In 2008 I began interviewing men who had been exonerated in Louisiana. I met Dan Bright, Ryan Matthews, Travis Hayes, Greg Bright and others. Each had a compelling story, and each continued to struggle to find employment, re-establish relationships with their loved ones, find housing, or receive medical and mental health care. Each articulated a desire to move on with their lives after exoneration. JT and I collaborated on interviews with these exonerees and their attorneys.

A reoccurring theme among the exonerees with whom I spoke was a desire to “make things right,” to establish themselves as deserving, capable people, and to heal from the damages caused by their wrongful convictions. Exoneration, as a result, is not something that merely “happens” when the conviction is overturned. Rather, it is an ongoing experience, fraught the struggle to re-establish normalcy, to regain social standing, and to be compensated for unjust treatment.

As I learned about exoneration through these interviews and my relationships with exonerees, it became clear to me that a life history methodology could shed new light on the

subject of legal exoneration. The life history method involves conducting interviews and participant-observation in order to understand a particular situation from the point of view of one person's experience. Although a survey might help a researcher identify social needs or offer some sense of how people view themselves, the life history method, as Michael Angrosino explains in his book *Doing Cultural Anthropology*, allows one to "view social problems as part of a normal flow of life" (2002:36). In his work, *Alejandro Tsakimp: A Shuar Healer in the Margins of History*, anthropologist Steven Rubenstein explained that unlike biography, the life history he wrote was "not so much about Alejandro Tsakimp as it is about his situation" (Rubenstein 2002:67). Anthropologists such as Ruth Behar (1993), Steven Rubenstein (2002), Marjorie Shostak (1981) and others and Angrosino have used the life history method to understand how people conceive of their relationships to the wider society (2002:102), and to explore how one's status is constantly negotiated and renegotiated. The relationship of the individual to the wider society and the dynamic of a shift in status are at the crux of the exoneree experience for three reasons. First, exonerees' relationship to the wider society has undergone a dramatic change, in their category shift from "criminal" to "non-criminal". Second, the status as "criminal" had itself been an injustice by the state acting on behalf of the wider society. Third, the restoration of full civic standing which exoneration is meant to represent is incomplete, because the stigma and life-altering consequences of a conviction and time served in prison remain for exonerees.

Between January of 2008 and spring of 2010, I conducted five semi-structured interviews with JT as well as countless informal conversations, both in person and over the phone. I also interviewed JT's wife, Laverne Thompson; his mother, Josephine Thompson; two of JT's attorneys, Michael Banks and Gordon Cooney; several other exonerees who lived near JT on Death Row; and members of the staff at IPNO and JT's nonprofit organization, RAE. To supplement this research, I regularly attended functions related to exoneration in the greater New Orleans area, including parties, work functions and an autobiographical play in which JT performed. The fact that JT and I shared office space provided opportunities for informal conversations and for participant-observation.

One of the decisions I had to make in this research was how to edit JT's words, particularly his grammar. People communicate orally in a different manner than when

communicating in writing, and we speak differently depending on the audience. Most of JT's and my conversations were informal, and his discourse reflected this setting, embellished with curse words, slang and digressions. My challenge was both to render JT's linguistic tenor and to communicate his intelligence and verbal articulateness, which some might misjudge due to his informal grammar and word choice. I have chosen to add the g to the end of verbs, except where it might render the word awkward (such as motherfuckin). I occasionally added connecting words, such as "and" or "but" where otherwise his meaning might be lost. When I made such changes to the text, I inserted brackets around the intrusion. Other than these changes, JT's words are rendered as closely as possible.

## Chapter 2

### The Literature on Exoneration

The increase in the number of exonerations has resulted in an increase in publications on the subject. Exoneration has garnered the attention of scholars, but relatively little of that attention has been aimed at exonerees themselves. In this section, I outline the existing literature on exoneration in order to situate the current research. There are three important sources of work on the topic of exoneration: legal scholarship, popular histories, and social science research.

Legal literature generally falls into one of two categories: analyses of the causes of wrongful conviction and discussions of remedies to the problem of wrongful conviction. The former type of legal scholarship has led to a re-examination of procedure, and in some cases policy changes, related to interrogation, soliciting confessions, using informants, and indigent defense. Such critical analyses of procedure have played an important role in assisting wrongly convicted persons and their advocates.

Legal scholarship in the United States also has focused on the question of legal remedies for wrongful conviction, including compensation, enacted by legislatures and demanded by the courts. Jessica Lonergan and Adele Bernhard, among others, examine civil claims such as the one JT brought against prosecutors (2008). Cynthia Jones discusses legislation guaranteeing compensation for imprisonment of exonerated persons (2009). Peter Joy explores the idea of innocence commissions and the politics of compensation (2006).

Another major source of information on wrongful conviction comes from popular accounts, which, while not academic or scientific in nature, are important because they shape how people think about exoneration. Recent examples include popular writer John Grisham's novel *The Innocent Man* (2006) and a biography of Geronimo Pratt called *Last Man Standing* by Jack Olsen (2000). These accounts tend to have one of two narrative structures. They focus either on the legal advocate as hero, rather than the person who is exonerated, or they focus on the path to exoneration, culminating climactically with the release from prison. Authors have paid comparatively little attention to the lives of exonerees post-exoneration.

Among the social science researchers who have written on exoneration, the most relevant for this study are those that approach the topic from the perspective of exonerees themselves.

Adrian Grounds, a scholar at the Institute of Criminology at Cambridge, interviewed eighteen men who had been wrongfully convicted, most in the United Kingdom (2004). Grounds focused on the psychological effects of wrongful conviction and imprisonment. In an article published in the *Canadian Journal of Criminology and Criminal Justice*, Grounds found that all of the people he interviewed suffered from “significant psychiatric and adjustment issues” (Grounds 2004:178). His findings are consistent with other studies of the effects of long-term imprisonment (Foucault 1977; Harding 2003).

Heather Weigand and Tuere Anderson of the organization Life After Exoneration offer another valuable source of analysis for those interested in exoneration and its aftermath, based on their extensive experience helping exonerees adjust to life outside of prison (2007). Weigand and Anderson posit that there are four stages of life after exoneration: the “celebrity phase, the process phase, the life on life’s terms phase,” and finally, “the finding a niche phase.” In the celebrity phase, exonerees face media attention about their exoneration (2007:1). After a few weeks to six months exonerees begin to “settle in to the reality of their exoneration,” learn “new routines”, look for a job, and deal “with emotions such as denial, anger and/or depression.” During stage three, exonerees begin to “navigate systems and develop more independence” and “develop healthy relationships.” The last phase consists of “greater self-awareness” and acceptance of “his/her life for what it is” (2007:1). Weigand and Anderson contend that each of these phases requires significant support, often from social workers or other professionals (2007:1–2).

Kathryn Campbell and Myriam Denov of the Department of Criminology at the University of Ottawa conducted in-depth interviews with five wrongfully convicted Canadians to understand the experience of exoneration from the point of view of those most effected. Campbell and Denov identified what they called coping strategies, including an obsession with one’s case, withdrawal, and a rejection of the criminal label during interrogation and imprisonment (2004:139–140).

Erin Torneo’s book, *Picking Cotton*, is based on interviews with an exoneree, Ronald Cotton, and the victim of a rape for which Cotton was convicted, Jennifer Thompson-Cannino. *Picking Cotton* examines wrongful conviction from the perspective of both the victim of the crime and a person accused and ultimately exonerated for that crime. Cotton experiences a range

of emotions as he struggles to find a job, establish relationships, and deal with the emotional toll being wrongfully convicted had on him. Cotton and Ms. Thompson-Cannino eventually meet and develop a friendship.

Even though it does not focus on exoneration itself, a final type of research that is important to understanding exoneration focuses on the effects of long-term imprisonment on prisoners and their families. Sandra Jones and Elizabeth Beck interviewed twenty-six family members of death row inmates to better understand the impact of death row on the families of inmates. Among other things, Beck and Jones found that families of death row inmates suffered from what the authors termed “nonfinite loss” and “disenfranchised grief” (2006–7:283). They define “nonfinite loss” as referring to those situations in which losses are slowly manifested over time (Jones and Beck 2006–7:284). Since death row inmates usually receive multiple death warrants prior to their actual execution, and since death row inmates usually spend years on death row before they are executed, the families of death row inmates often must prepare themselves to experience the loss of their family member numerous times over a number of years. Jones and Beck found that families of people on death row experience what they call “disenfranchised grief” when families cannot properly grieve their loss because society does not socially validate their pain (Jones and Beck 2006–7:281).

## Chapter 3

### Life History of John Thompson

#### *From Early Life to Adulthood*

John Thompson was born in 1962 at Charity Hospital in New Orleans. Josephine Thompson, his mother, and his father, Charles Jackson, were teenagers when JT was born and never married. Instead, JT was raised by his mother intermittently, and by his paternal grandmother and grandfather. JT's father played a minimal role in his life; he was serving time for a murder conviction by the time JT was born and struggled with a drug addiction. JT's mother was unable or unwilling to keep JT with her full time. JT's paternal grandmother took up the role of primary caregiver, and JT spent much of his childhood at his grandparents' home in Central City, just off of Dryades Street.

JT describes the constant moving from his mother's and grandparents' houses as "jacking" or stealing him. JT mostly lived with his grandmother, "until my momma decided she wanted to play momma again." Then, off he would go to live with his mother: "They did that to me my whole [childhood]." His mother moved from apartment to apartment, but often was in close proximity to JT's grandmother and would stop by JT's grandmother's house regularly.

The house of JT's grandmother was a large, two-story building with three apartments. In the back yard, his grandmother grew okra, corn, peas, and other vegetables. Between the garden and the milk man, the family had almost everything they needed. As JT got older, he was allowed to use the entire apartment upstairs as his own space. The other children of JT's father would come to visit, but JT was the only child who lived with his grandparents.

JT's grandmother worked for over forty years cleaning house and cooking for a wealthy downtown businessman who ran many of the well-known strip clubs and brothels in New Orleans. She started at fifteen and spent her entire working life caring for one family.

JT's block was made up of families that he describes as Native American and who traced their roots to a reservation in the North. The women who lived in the surrounding houses on the block were very close, and their children were treated like family. One family in particular adopted JT early on as a fifth brother to their clan. Neighborhood children played games together and went to each other's houses, and were fed by the women of the houses up and down the

block: “All these ladies had known each other for years. They were probably in their forties, and you couldn’t really understand that love that they had.” JT describes his grandmother’s block as an educated, middle-class, tight-knit community that was able to exercise control over him until he was old enough to venture out of the immediate neighborhood. JT saw this social connectedness as influencing the children’s behavior and keeping them out of trouble: “All that action right around the corner, we was stuck.”

“Right around the corner” was Dryades Street, later renamed Oretha Castle Haley Boulevard. The street was comprised predominantly of two and three-story buildings that had been the center of African-American commerce in New Orleans from the 1940s through the 1960s. Segregation laws and practices had concentrated African American residents and businesses in a few areas, including this area of Central City. Black-owned businesses in Central City thrived, including a bank, retail stores, churches and bars. The Magnolia housing project nearby was home to the city’s African American hospital, Flint-Goodrich. The area’s residents had been a mix of middle class families (professionals and homeowners), working class (laborers and skilled craftsmen), and poor African Americans.

Central City experienced drastic changes in the 1970s and the 1980s. The enforcement of fair-housing laws after the passage of the Civil Rights Act of 1968, and the end of Jim Crow segregation more generally, opened homeownership and renting opportunities to middle-class African Americans in new neighborhoods of New Orleans. The population and housing boom in areas such as Pontchartrain Park and New Orleans East, driven by black middle-class families, had a flip side with the decline of population in Central City. Dryades Street and its surrounding community suffered from this outflow of black middle-class families. The oil bust of the early 1980s brought declining employment to the New Orleans region as a whole, particularly to Central City. One by one, the once-thriving businesses of Dryades Street became boarded-up shells. Amidst the decline in population and the exodus of businesses in Central City, the informal drug economy flourished.

JT’s grandmother and the other women on the block kept a watchful eye on the children, but they could not completely protect them from the activities happening in the neighborhood. Early on JT and his friends snuck out from the block to go round the corner where they could break free from the watchful eyes of the block. Around the corner, JT learned how to break into

cars, steal, and eventually sell drugs. He smiles when he talks about breaking into the neighborhood ice-cream truck, stealing shoes and giving them out to the other kids in the neighborhood, and learning other hustles to make money.

JT has said that everyone he knew sold or used drugs, “except for maybe a couple of girls” who were able to escape the pull of the street. JT says that although his grandmother tried to steer him away, the streets were an irresistible part of life growing up. Selling and using drugs “was what kids was supposed to do.” JT describes his neighborhood as “one of the worst in the city.”

Drug use and sales were widespread, but other elements of daily life also were common, including family reunions, parties, and work in the formal economy. When I asked JT’s wife Laverne to describe her neighborhood, she echoed this assessment:

We used to go to the park, play in the streets, day camp. We used to go to vacation bible school. We would visit each other’s houses and stuff like that...I mean when you a child, you don’t really know what’s going on unless someone is telling you. You just seeing women up the street who was a prostitute .... But I mean I only knew that because people would tell me. I mean it never interfered with us.

Drugs were a part not just of JT’s life, but of community life as well. While JT describes some family members trying to protect him from street life, other members of JT’s family were part of the drug trade. In describing the role of crack dealers and users in the 1980s in the Puerto Rican neighborhood of New York City’s East Harlem, Philippe Bourgois explains that, although the drug dealers “represent only a small minority” of area residents, “the street-level drug dealers offer ... an alternative lifestyle to the youths growing up around them” (1996:10–11). In Central City, the drug economy offered JT and other youth not only an alternative lifestyle, but an alternative means of income in a context of general economic decline.

During JT’s teenage years, increasing numbers of young black men began to be locked up for nonviolent drug offenses, part of a national trend in criminal justice policy that criminalized drug use, emphasized prison time, and de-emphasized rehabilitation. This approach was promoted in President Richard Nixon’s declaration of war on “the criminal elements which increasingly threaten our cities, our homes, and our lives” (Western 2006:60). The trend toward increased penalization of drug related offenses gained steam under President Ronald Reagan, who explicitly rejected solutions to crime that contained what he called “utopian presumptions about human nature that see man as primarily a creature of his environment” (Mauer 1999:60). Instead of focusing on how to “rehabilitate” or “re-integrate” criminals, President Reagan

advocated for increasingly punitive measures. Congress soon passed initiatives to establish minimum sentencing laws for drug offences, along with other measures that expanded the crimes punishable by jail time (Mauer 1999:62).

These harsher penalties changed the landscape of the criminal justice system. The number of people in prison skyrocketed, especially the number of people convicted of crimes related to the use and sale of drugs. According to sociologist Bruce Western, “On any day for fifty years from 1925 to 1975, about a hundred Americans out of a hundred thousand—just one-tenth of one percent of the U.S. population—were in prison” (Western 2000:13). By 2008, one in one hundred American citizens was locked away in a correctional facility, with one in thirty-one people involved in the criminal justice system, either in prison, on parole or on probation (Pew Center on the States 2009:4). In Louisiana, one in twenty-six people were under correctional control (2009:31). More alarming still are the incarceration-related statistics once race, income, and education are taken into account. According to analyses conducted by Bruce Western and Becky Pettit, by 1999 a full sixty percent of African American men born between 1965 and 1969 who did not complete high school had spent time in jail or prison (2004:151). Declining, inner-city neighborhoods such as JT’s bore the brunt of these statistical realities.

JT was still a child when his grandfather decided it was time to teach his grandson about his work. While JT’s grandmother and her friends may have sought to shelter him from the street life beyond their block, JT’s grandfather intentionally exposed him to illegal activity. According to JT:

My grandfather was crazy. This man [was] a good man in a sense because he loved me, but I don’t what he thought he was doing because I was too young for that shit. My grandfather was a fuckin pimp. My grandfather was a drug dealer and a preacher and had bar rooms all at the same time.

I was eight years old when he said, “Motherfucker, you going to be a man. I’m going to teach you the game right now.” He said, “I’m going to make you understand everything thing about the game. I don’t know how long I’m going to be around. I don’t know when I’ll die. So I’m going to teach you right now.”

When asked what it was that his grandfather showed him, JT mumbled something about “bad stuff,” failing to provide further details.

One of the more memorable hustles that JT describes was the bean and prayer cloth campaign that JT’s grandfather implemented on New Orleans radio. His grandfather’s broadcast was, according to JT, similar to that of the famous Frederick Eikerenkoetter II, or Reverend

“Ike,” a nationally syndicated radio personality who forged his own brand of “positive self-image psychology” in the 1970s (*New York Times*: July 30, 2009). Reverend Ike may be most remembered for his take on poverty. Rather than preach a disdain of wealth, Reverend Ike said “If you can honestly think and feel that you are worthy and deserve a million dollars, tat million dollars must come to you” (National Public Radio: July 30, 2009). JT’s grandfather used this particular brand of theology to make money by promising blessings to those who made a contribution. JT says he was his grandfather’s reluctant assistant in these efforts:

He would tell mothers that he was going to send them a bean and prayer cloth. And oh shit, would they would send him money! I used to get mad because he would make me put in a red bean and a prayer cloth, just a regular cloth... I would have to cut the cloth...and mail the shit out.

JT learned how to sell drugs from his grandfather as well. His grandfather taught him never to use drugs, never to snitch on anyone, and to share the wealth he made with the smaller-time dealers who helped him to make it.

JT connects his leadership abilities to those of his grandfather and father. As he grew older, JT says he learned how to hustle, selling drugs and becoming a leader in his social network: “We just learnt how to sell drugs. I was the ring leader of the group... Even my Dad, he was like that, too. They always had entrepreneurship. They just used it for the wrong things.” JT recognized his own entrepreneurial talent early in his life. “I started understanding my power. That gift I have,” he explains.

JT sees his capacity to organize other dealers to make street sales as evidence of his leadership skills: “I wasn’t the stupid guy selling at the goddamn corner. If that’s what he does, I ain’t got time to teach a brother.” Instead, JT explains that he was able to work as a mid-level dealer, work which he found easy. He found other people to work with him, whom he describes as his clique. “They always followed me,” he explains. With his clique, JT says he developed the practice of “breaking bread,” or sharing his wealth: “I bought all the brothers cars,” he says.

JT’s product of choice was “clickums,” or PCP-laced marijuana. JT described the process of making clickums. He would pour the liquid PCP over the marijuana joints and package the joints in packs of twenty. He would then wrap each pack in tinfoil and stick them in the freezer to keep them “wet.” JT would distribute the joints to street-level dealers in these packs of twenty. Each pack was worth \$100, \$25 of which was the street dealer’s to keep, which allowed dealers the option of smoking a portion themselves if they so chose. His dealers often hung out in clubs,

and JT says the joints provided them income, status, and a cheap way to get high. According to JT, one of the people later to testify against him owed JT about \$100 from product JT had given him to sell.

Early on in his drug dealing, JT says he was careful: “When I started, I wasn’t on no drugs. I just had my clique. I didn’t sell to nobody else.” JT connects his involvement in the drug trade to changes in the way he lived: “That brought crazy stuff: sex, using drugs, you know.” JT was not able to maintain control over his drug habit for long.

Eventually, JT began using the clickums he sold. The high from clickums was distinct from other drugs available on the street, one that JT calls “a wacky-ass high that makes you hallucinate.” JT was quickly subsumed by his drug use: “I fell victim, and I was crazy about it.” JT says he became addicted: “before I went to jail, I was drugged out.”

Once he began using regularly, JT engaged in riskier behavior. He started to accept goods in lieu of payments for drugs, and those goods were often stolen. He hung out with corner dealers, lowered his safety standards, and bartered to feed his drug habit. He continued to operate as a mid-level drug dealer, but his discipline lagged. In retrospect, he says that: “All the signs were there that led up to me getting arrested. Envy, jealousy and greed. The signs of destruction. I could feel it and see it, but I still didn’t heed to the warnings.”

JT says that he used his connection with a local jewelry manufacturer where he worked in order to launder stolen goods he received from clients: “I’d buy jewelry, get it melted down, and sell it to my boss. I put out the word that anyone wanted to sell jewelry, I’m buying it all.”

By using drugs, selling drugs, and laundering stolen jewelry, JT attracted the attention of the police. One day in December of 1984, JT received a gun and a gold ring in exchange for drugs. He quickly sold both the gun and the ring. Both items turned out to be linked to a deadly crime. He was a known area dealer who had been able to evade serious charges for years. JT reflects on the situation leading up to his arrest for murder:

I got arrested more off the fact that they just couldn’t catch us, so they just found an easier way to get us off the streets. The police who was investigating about the case, I can imagine what it was. They said, ‘I’m glad you got that motherfuckin drug dealer off the street.’ ... I got arrested for a robbery and a murder. I ain’t never robbed nobody. I ain’t ever murdered nobody. What would I have to do that for? Drugs was too easy.

## *Outline of JT's Case*

On the night of December 6, 1984 Raymond T. Liuzza, Jr. was near his home when two men approached him and demanded money. Liuzza complied but one of the robbers shot him five times as they fled the scene. When an officer arrived, he found Liuzza lying on the ground asking repeatedly, "Why did he have to shoot me?" the *Times-Picayune* reported. (Filosa: May 9, 2003). Several neighbors witnessed the crime.

The Liuzza killing shook a city alarmed by a recent string of murders. Liuzza's status as a business leader helped to bring his tragic death to the fore of public conversation. Liuzza's family offered an award for information regarding their loved one's murder. The City Council and Urban League announced plans to address the epidemic of violent crime.

A few weeks after the murder, police investigators had narrowed in on two suspects, Kevin Freeman, a twenty year-old African American man who also lived in Central City, and JT, who was then twenty-two years old. JT became a suspect after the police learned that he once had both Liuzza's gold ring and the gun used in his murder. According to JT:

On January 17, my grandmother called me and said the police had torn her house up. My mother called saying the same thing. The only thing that came to mind was that I had sold drugs to an undercover police or someone ratted me out. It was Martin Luther King Day and the streets were blocked off for the parade. I was spooked. That was the day everything fell apart.

Later that day, the police arrested Kevin Freeman and JT and charged them both with Liuzza's murder. Kevin accepted a deal to get five years for being an accessory after the fact to the murder, in exchange for his testimony implicating JT (Filosa: May 9, 2003). The New Orleans District Attorney's office, then under the leadership of Harry Connick Sr., focused their case on JT. It was Kevin Freeman, who acted as the prime witness in the case against JT (Filosa: May 9, 2003). JT says he was offered the same deal, if he would testify against Kevin Freeman:

When I was arrested, the only thing they wanted me to do is say that the person that was arrested on the charges did it. That's the only thing. But he wound up saying that I did it. JT says he knew Freeman had done it, but he refused the deal. I knew he did it, so me, trying to be real, to keep it the way it go in the hood, the way I was taught you don't rat... If you know he did it, then what the fuck do you need me for? I wasn't there.

The next day, an unexpected twist occurred. The morning's paper had featured JT and Freeman's pictures as the alleged murderers of Ray Liuzza. Later that day, a teenager called in to report that she recognized JT. He was the same man, she said, that had stolen her car in a violent

armed robbery incident that had happened on December 28 (*State of Louisiana v. Thompson: 1986*).

Armed with this new information, Assistant District Attorneys Jim Williams, Eric Dubelier, and Gerry Deegan decided to put the Liuzza case on hold. The attorneys involved knew that if they could get JT convicted of the armed robbery prior to the opening of the murder case, the prosecution would have an easier time obtaining a guilty verdict for the murder charge.

The armed robbery trial began on April 12. The state's case relied heavily on the witness's testimony. Although it was later revealed that blood evidence had been taken from the scene, prosecutors did not present that evidence at trial. Based primarily upon the testimony of a teenage witness, the jury found JT guilty of armed robbery and sentenced him to 49½ years in prison.

On May 5, 1985, the Liuzza murder trial began. In order to prevent his armed robbery conviction from being revealed to the jury, JT did not take the stand in his own defense. This was a major setback for JT's case, since the jury would be unable to hear JT respond to the allegations against him with his own words, or to explain how he came into possession of Liuzza's ring and the murder weapon.

On May 8, 1985, a jury sentenced JT to death for the murder of Ray Liuzza. At the sentencing hearing, the jury did not immediately return the penalty of death. The jury initially told the judge that they were unable to agree on the sentence. Pressed by the judge, the jury's forewoman announced that they wanted more time to deliberate. One hour later, the jury returned a sentence of death (*John Thompson v. Harry F. Connick: 2008*). JT remembers the judge's words when he was sentenced:

He said, "Mr. Thompson you are sentenced to death by the State of Louisiana. We sentence you to die in the electric chair with 2400 volts through your body. Until you're dead, dead, dead. And if that's not enough they'll repeat it until you're dead, dead, dead."

Over the next eighteen years, the State would schedule the execution of JT seven times, one of which was stopped less than three weeks prior to the scheduled execution.

## Chapter 4

### Life on Death Row and the Fight for Freedom

#### *Angola*

To get from New Orleans to the Louisiana State Penitentiary at Angola, one heads west toward Baton Rouge and then north, on a winding, two-lane highway that stretches for miles through farmland spattered with trailer homes, white picket fences, and an occasional church. Rounding the last bend, the forest and farmland disappear and are replaced by a tall fence, coming together from both sides to meet at a squat building. An entrance gate marks one's arrival at the Angola prison. Angola is located on 18,000 acres of property, and an aerial view is the only way to capture the vastness of the complex. The property is bordered by the Mississippi River on three sides. Inside the property but separated from the prison lie two lakes, a golf course and a small gated community. To the right of the entrance to the prison, a sign beckons visitors to the Angola Museum and Gift Shop. The gift shop features memorabilia sporting the motto "Angola: Gated Community." Inside the museum, a trustee prisoner is available for tours.

Angola sits on what was once the property of Isaac Franklin, a slave trader during the early part of the nineteenth century. Franklin named the plantation Angola after the African country that had been home to most of the slaves who worked and lived on the plantation. Samuel James bought the land in 1880 and leased prisoners from the state to work the land. James housed the prisoners in the old slave quarters and continued to grow cotton and other crops. The workers were in effect slaves of the state, in bondage and leased to the plantation.

Throughout its history, Angola also has been known for its brutal conditions, and was called the bloodiest prison in America in the 1970s. In 1971 Angola inmates filed suit over the conditions in the prison. During the year of 1973, forty prisoners were murdered by fellow prisoners (*Associated Press*: September 24, 1998). In response to these and other incidents, the federal government took over the management of the prison in 1975, citing conditions that that a government-issued report said "shock the conscience" (Rideau and Sinclair 1985:7).

By the end of the twentieth century, conditions at Angola had improved enough to warrant the federal government to end oversight of operations there. Angola prisoners were able to form a drama club which performed at Louisiana colleges and universities. Angola hosts an

annual rodeo in which prisoners participate. The prisoner-penned magazine, *The Angolite*, won national literary awards, and Angola's faith-based programs were considered a model for other prisons across the country.

However, reports of mistreatment at Angola continued. Incidences of mistreatment involved a lack of sufficient medical treatment, abuse by prison guards, violence, rape, and low wages paid to prisoners (typically three cents an hour). In 1992, three inmates won the right to sue Angola prison guards in a case that reached the United States Supreme Court. Part of the transcript for the Court's ruling documented the abuse of a prisoner, Keith Hudson, by two guards, Jack McMillan and Marvin Woods:

McMillan took the prisoner out of his cell and walked him toward the penitentiary's administrative lockdown area. Hudson testified that, on the way there, McMillan punched Hudson in the mouth, eyes, chest and stomach while Woods held the inmate in place and kicked and punched him from behind. He further testified that Mezo, the supervisor on duty, watched the beating but merely told the officers not to have too much fun (*Hudson v. McMillian*: 1992).

When this beating took place, JT had been on death row at Angola for seven years.

JT arrived at Angola's death row on September 1, 1985. He assumed his time on death row would be short: "They doing all these executions, and then all of the sudden, they send me up there to Angola. I'm thinking, 'I'm going straight up there to die.'" Between 1983 and 1988, the State of Louisiana killed eighteen people by electrocution. Executions in the United States peaked in 1999, when 98 people were put to death. From 1999 until 2008, the number of executions decreased steadily, with a spike in 2009 of 52 executions (Death Penalty Information Center Fact Sheet 2010:1). JT immediately was faced with a stark reminder of his impending death:

I went up there right after they had executed a guy named Russell Sterling, and they put me directly in his cell. They executed him on the twenty-ninth of August and September 1, they called me to Angola.

When JT spotted Russell's belongings, he asked whether they had made a mistake and placed him in the wrong cell:

I said, "What you doing putting me in somebody else's cell?" They said, "Oh, he ain't coming back." I'm like, "What you mean, he ain't coming back?" [They said] "You don't have to worry about all that." When I finally realized what was going on, I'm like, "Man, get me out of here!" [But they said], "Who you think you is? Get in that cell!"

JT protested vehemently about occupying the man's cell so soon after his death, but to no avail.

In the death-row camp, each inmate is alone in his cell. Metal bars separate the prisoners from the hallway. Each cell has a thin mattress made by Angola prisoners, and a steel toilet bowl. Once a day, JT was shackled and led to the yard, where he could see the sky and feel the fresh air on his skin for about forty-five minutes. The once-a-day trip to the yard and a ten-minute shower every other day were the only moments JT had outside his cell. The day-to-day routine on Angola's death row varied in the order of routine but mainly consisted of nearly solitary confinement. The day usually would begin at 5:30 a.m., when the hall lights were turned on. At 5:45 a.m., breakfast was served and then, from 5:45 until lunch at 10:30 a.m., JT wrote, watched TV, spoke with other inmates, read, or listened to cassette tapes. At 3:15 p.m., dinner was served. The prison guards escorted the men to and from their tiers, or sections, to shower, take their turn in the yard; and make hospital or legal calls. One day, JT might be let out to shower at 2:00 in the afternoon. On another day, he might be let out at 4:00 in the morning. JT described walking onto the tier for the first time as feeling "like you're walking into hell." I asked JT and another exoneree, Dan Bright, who spent time on death row with JT, to describe the sights, sounds and smells. Dan answered that:

Death Row at night, it's a peaceful, spooky atmosphere. If you in cell one, you might hear a guy all the way down in cell sixteen; you might hear a guy crying; you might hear a guy studying the law; you might hear a guy praying. You might hear anything.

In addition, the sounds of those suffering from severe mental illness threatened to erupt at any moment. An expert witness who testified during JT's civil suit described the conditions on Death Row: "There were multiple mentally deranged prisoners near [JT] who would yell and scream at all hours and throw human waste at the guards. Several witnesses testified to the stench that permeated the prison" (*John Thompson v. Harry F. Connick, et al.*: 2009).

JT explains that each time a person is executed, the entire death-row tier experiences trauma. Fellow inmates watch as men are marched to their deaths. Explains JT: "One day they might have taken someone off the tier and killed him and then he's gone... It's powerful." It was the practice, JT reports, for death-row inmates to fast before an execution. When an inmate is taken out and led to the holding cell the night before their execution, the hallways echo a somber quiet. JT says that: "Every time someone was executed I felt like they killed a part of me too, a part of my thoughts or feelings." A significant part of the experience of death row is the feeling of isolation, which, according to Dan Bright, is difficult to imagine unless one has lived through

it first-hand. JT spent fourteen years, or 5,040 days of his life, in a six-foot by nine-foot cell. In 2007 I attended a presentation at Tulane University by JT and three other exonerees about their experiences. A student asked the panel to describe the psychological effects of being cooped up inside a small cell for so long. One of them, Dan Bright, responded this way:

The best thing I can say is that you go home, go in your bathroom, shut the door, and stay there for five hours. I'm not even going to say longer than that. Remember that we were in that cell twenty-three hours a day. You sit there, and after four or five hours, you come out and you tell me how you feel.

Another constant reality on the tier is the atmosphere of control that the prison staff sought to impose on inmates. "They tellin' you when you supposed to sleep, when you supposed to eat," JT describes. "Then they got these crazy guards that think that you are doomed and don't nobody care about you," he adds. JT, Dan and Ryan Matthews, another exoneree who was on death row with JT, all talked about the difficulty in maintaining sanity on death row due to the severity of the environment. Dan summed up the experience of life on the tier: "If you wanted to torture someone, then that is the way you would torture someone."

Despite these stark physical and emotional circumstances, JT and other inmates developed relationships, dealt with conflict, and in other ways asserted their humanity on the Row. The men spent day and night together. JT described reaching his hands out of the bars at the front of their cells during sweltering summers in an attempt to catch the feel of a breeze from large fans. JT adhered to the unspoken rule that no prisoner ever asked another about his case; instead they got to know about each other's children and loved ones, and became the sole source of companionship for those who had no one left on the outside who visited them. Together, they shared their lives over the years, sometimes decades, and watched as their fellow inmates were killed. The lack of privacy on the tier meant that they shared sights, sounds and smells year after year. This experience developed a sense of unity that JT says "I ain't never seen before."

### *Death Row and Family*

The trauma that inmates experience extends to their families. Mothers express anger and grief at having their sons taken away from them. Jones and Beck, mentioned above, interviewed a mother of a death-row inmate who said: "It's like we're in prison, too. I just have a lot of anger for the system," (Jones and Beck 2006-7:220). JT describes a similar reality for his family:

My wrongful convictions didn't just happen to John Thompson. It happened to my whole family; everybody felt the effects of destruction. This experience goes deep. My grandmother died thinking I might

be executed. My father died and left this earth with me on death row. My two sons walked around wondering if their father was a killer.

JT's mother told me that when he was sent to Angola, she felt as if he were kidnapped. "That was my baby," she said. Other family members must take over the raising of children who must then grow accustomed to seeing their fathers only in the context of the death-row visiting room.

When JT was sent to Angola, his two children were aged two and a few months old. They were adults by the time JT was released. All their memories of their father were from their visits to Angola or from conversations on the phone. JT says that his sons "would come over to my mother's house not to run up the bill or nothing but [to talk to me]." Compared to the telephone policy for the general prison population, one call with a fifteen-minute limit, JT explains that death row inmates had more access to the telephone:

Death row had an hour limit on the telephone. That gives you a good chance to communicate and really talk. I can call twenty times. Then we went from wall phones to cordless phones, so we could start having phones in our cells, and then you could get that sucker at like 12:00 am and talk to them until it ran dead.

In an interview with Katy Reckdahl, a reporter for the *Times-Picayune*, JT recalled that the small mesh window through which he talked with his sons made it difficult for him to see their faces, and it made it impossible to hold them (*Times-Picayune*: December 21, 2008). Sadly, he says that "You just can't add up the things: losing your grandmother, the person who raised you and you called mama, watching your children grow up from behind bars and you can't touch them."

His mother, Josephine, said she worried for JT's life. For families of prisoners on death row, the thought of your loved one's death can be ever present. "You hear the phone ring you think, 'Sweet Jesus, that might be him calling us to say that's it'" (Jones and Beck 2006-7: 288) This worry of receiving the news of a loved one's date of death often carries on for years, and is part of the experience of "nonfinite loss" Jones and Beck attribute to the families of death row inmates. Both JT and Ryan Matthews' mothers emphasized the strain they felt due to the stress of having a son on death row. Ryan's mother's eyes filled with tears several times when she recalled the period during which her son was on death row. Over thirteen years, the prison warden Burl Cain had guards issue JT seven death warrants in his cell, each of which he refused to sign.

Despite the grief, anger and stress that families experience, they may not find support through their usual networks. Jones and Beck found families of people on death row also experience “disenfranchised grief” when families cannot properly grieve because society does not socially validate their pain (2006–7:281). Ryan Matthews’ own father testified against his son’s character during his trial. While Matthews’ mother never stopped believing her son was innocent, she could not depend on those around her to see it the same way.

Another burden felt by the families of death row inmates involves the costs of getting to Angola. Even for people like JT who have family support, visits can be rare. JT describes the barriers preventing his family from visiting him as often as he would have liked:

My mother had caught a stroke and was on a fixed income. They had a bus coming to Angola and she had to catch the bus because she didn’t have a car or couldn’t drive. That bus was expensive, and not only did she have to pay her way, she had to pay for my sons. I would get a visit from them about three times a year.

Thus, many death row inmates receive few or no visits. JT’s mother explained to me that she still keeps in touch with some of the death-row inmates because she feels badly for them. Some of them still send her Christmas cards. Wives, girlfriends, friends, and family members move on, and as the years wear on, inmates become more and more isolated from life outside of prison.

### *The Fight for Freedom*

In 1986, the state of Louisiana appointed attorney Nick Trenticosta to provide JT with counsel after his conviction. At the time Trenticosta ran a legal clinic at Loyola University that handled defendants’ appeals in death penalty cases. JT’s first execution date was set for February 22, 1986, less than nine months after he was sentenced to death. Trenticosta worked with JT to submit his first appeal. The petition to Louisiana’s Fourth Circuit Court of Appeal was denied (*State of Louisiana v. Thompson*: 1986). JT explained to me that submitting appeals, having them denied, and submitting more appeals was “just the process that people on death row go through.” A person on death row has the right to appeal their case, and those appeals go through several courts, which for JT meant the Louisiana Supreme Court, the Eastern District Court of Louisiana, the United States Fifth Circuit Court of Appeals, and the United States Supreme Court.

Over the next fourteen years, JT and his defense team submitted over thirteen appeals. Some of the appeals took issue with the jury selection process that JT’s lawyers argued

amounted to racial discrimination against African Americans by the prosecution. Others focused on the instructions given to the jury in the sentencing phase of JT's trial. The legal team also appealed the conviction based on the prosecution's failure to disclose that one of the witnesses knew he would receive a large sum of money, the reward from the Liuzza family in exchange for testifying that he had witnessed the murder.

JT began to write to friends and family to ask for help. He also wrote hundreds of letters to lawyers throughout the United States, including Trenticosta's clinic. One day in 1988, Trenticosta received correspondence from Michael Banks, a young lawyer with Morgan, Lewis and Bockius, a corporate law firm in Philadelphia. Banks believed that the death penalty was immoral and was looking for a way to help a death penalty client. Banks had received letters from JT, and Trenticosta suggested that Banks work on JT's behalf.

In 1988 Banks took on JT's case. Soon after, Gordon Cooney, Banks' colleague, joined JT's defense team. At the time, Banks and Cooney were in their early thirties, slightly older than JT. While JT was incarcerated, these two attorneys would rise to become prominent lawyers in one of the country's largest firms. In 2006, 2007, and 2008, Banks was named by an industry publication as one of the leading U.S. attorneys for employment law. Cooney, too, rose to prominence and now serves as the managing partner of their law firm's Philadelphia office. Trenticosta stayed on to help the two out-of-town attorneys navigate the Louisiana appeals process.

In 1990 JT received two large boxes from his attorneys. In those boxes lay the transcripts of both the armed robbery and the murder case. JT began to read every line of the thousands of pages of documents, looking for anything that might help his case. JT was impressed by how accessible his attorneys were, and they in turn were impressed by JT's contribution to discussions about the case. Over the years, JT and his three lawyers began to develop a bond that transcended the attorney-client relationship.

Having exhausted all of his options to appeal his case directly, JT filed a *habeas corpus* petition on February 24, 1997. Both that petition and the one filed on April 17 of the same year were denied. After eleven years on death row, JT began to worry that the appeals process would not deliver him the justice he sought. Six times, the warden set a date of execution, and six times, the guards brought the execution warrant to JT's cell for him to sign. Each time he refused to

sign it, and each time, he knew, his death drew closer. In 1999, the seventh date of execution was set. This time, there were no further appeals to file, no last-minute procedural stays to be won. The date of JT's death was set for May 20, 1999.

On April 23, 1999, Banks and Cooney received the news of the denial of JT's final appeal. They decided to go to Angola in order to be with JT in person when he received the news. They did not schedule an appointment, which, they worried, would have signaled to JT the outcome of the final appeal. Instead, Banks and Cooney took the first possible flight from Philadelphia to New Orleans, and from there, hired a taxi for the three-hour trip to Angola. When JT was called into the visitor's room, JT says he knew the news that awaited him. Banks broke the news, and Cooney remembers that "he just looked up and said, 'my son is going to graduate the day after. Promise me that you will look after him.'"

Banks and Cooney remember sitting silently, both crying, in the taxi on the way back to New Orleans. A person they had grown close to, someone whose life was in their hands, was set to die. The taxi made its way back through rural Louisiana, toward New Orleans, where Banks and Cooney had scheduled a lunch with JT's mother. They would have to give Josephine the same news.

An hour outside of New Orleans, Cooney received a call from a private investigator he had hired months before. Cooney remembers the investigator saying "You're not going to believe this, but I found evidence that was not at the trial." As Banks and Cooney remembered the conversation, the investigator had been searching through a private lab's records. This lab had performed tests on contract for the New Orleans crime lab. The legal team knew there had been a bloody pant leg that was taken from the scene of the armed robbery, but they never had been able to confirm whether or not the blood sample had been tested. The investigator had found a report dating back to April 9, 1985, which had the results of the blood test. It established that the blood-type of the perpetrator in the armed robbery was type B.

The news offered a glimmer of hope, but it was far from definitive. "We didn't even know JT's blood type," recalled Gordon. "It never had been tested," since no blood evidence had been presented by the prosecution. The revelation that blood evidence was tested and apparently withheld from JT's defense team could establish prosecutorial misconduct. However, it was far from clear that it would exonerate JT. Blood evidence is different from DNA evidence, since

one's blood type is not unique. Even if it was not his blood on the pant leg, if JT happened to have the same blood type, the evidence would serve to corroborate and reinforce his guilt, not establish his innocence.

Suddenly, the drive back to New Orleans felt very different to the two lawyers. There was work to be done. Cooney and Banks had to file motions and arrange a test to determine JT's blood-type. What would they tell Josephine? Banks recalled that the lawyers "did not know how to handle the conversation, except to say that we might have one more shot at saving JT."

When Cooney and Banks found the blood evidence, they immediately presented it to Harry Connick Sr., the New Orleans District Attorney both at the time and during JT's original trials. In a surprising move, Connick joined the defense in requesting a motion to stay JT's execution. It was the first time Connick had joined such a motion.

The likely reason Connick joined the motion was that the unearthed blood evidence raised deeply troubling questions about the integrity of JT's prosecution. Since it was the prosecution that had sent the blood sample to the private lab for testing, they clearly had known that the evidence existed. Yet the DA's office did not use it at trial, nor did they provide the evidence to the defense, as required by law. The prosecution would have been expected to have tested JT's blood type, to confirm him as the perpetrator, but they never did. It appeared possible that the prosecution intentionally had withheld, and even destroyed, potentially exonerating evidence.

On May 5, 1999, JT had a sample of his blood taken from death row. The results came back, establishing that JT's blood was type O, while the perpetrator of the armed robbery had been type B. The same day, Connick announced that he had impaneled a grand jury to investigate what quickly was dubbed by the staff, judges, and lawyers at the Orleans Parish Criminal Courthouse "the case of the bloody pant leg" (Bell: May 6, 1999). Connick assigned Assistant DA John Jerry Glas, referred to by as a "rising star" and "top brass" in the DA's office, to investigate the actions of the DA's office during JT's prosecution (Bell: May 14, 1999). Glas began to interview assistant district attorneys and other staff about their knowledge of the blood evidence.

With a grand jury empanelled to explore potential prosecutorial misconduct, the case made front page news in New Orleans through the month of May. The drama of the case became

even more intense when Glas, the Assistant DA investigating the potential prosecutorial misconduct, abruptly resigned from the DA's office, shocking his colleagues at Tulane and Broad. Glas refused to explain his resignation in any detail, except to say that the sole reason for his departure was the John Thompson case and that it was "a matter of principal" (Bell: May 14, 1999). The apparent reason for Glas's resignation was that Connick had refused to pursue indictments against any of the prosecutors involved with the suppression of evidence in JT's case.

After the press reports about "the case of the bloody pant leg," an ex-prosecutor turned defense attorney named Michael Riehlmann came forward with more information. Riehlmann's friend and former colleague, Gerry Deegan, had confessed to Riehlmann on his death bed that he, Deegan, had stolen and destroyed blood evidence from JT's case the morning of the armed robbery trial. When Riehlmann learned of the grand jury investigation, he decided to come forward (Bell: May 31, 1999).

Deegan and another assistant DA, James Williams, had tried the armed robbery case against JT without ever referencing the blood test or providing the results of that test to JT's defense team, as is required by the United States Constitution under what is commonly known as "Brady rules" after a 1963 Supreme Court Case. Webster's New World Law Dictionary defines Brady material as:

Evidence or information favorable to the defendant in a criminal case that is known by the prosecution. Under the United States Supreme Court case of *Brady v. Maryland* (1963), the prosecution must disclose such material to the defendant if requested to do so. Under subsequent United States Supreme Court cases, the material must also be disclosed, even if not requested, if it is obviously helpful to the defendant's case. These requirements are collectively known as the Brady rule (Webster's New World Law Dictionary: 2010).

The misconduct that led to JT's wrongful conviction is not unique. Police and prosecutorial misconduct are common sources of wrongful convictions. One cause for prosecutorial misconduct is what researchers call the "noble cause" corruption where the ends are seen to justify the means (Wood in Campbell, 2004:5). Prosecutors take illegal action and justify that action as needed in order to obtain a just outcome. In 2006 Jeffery Lucas of the University of Maryland and his colleagues conducted a social psychology experiment to test the theory that in serious cases social pressure and the seriousness of the crime encourages misconduct among prosecutors. To test their hypothesis, university students were assigned randomly to hypothetical assault and murder cases, which they were to mock prosecute. Lucas and his colleagues found that students who were assigned to murder cases were more likely to

withhold exculpatory evidence and express a stronger belief in the defendant's guilt than those assigned to assault cases. While only an isolated experiment, the study's findings may begin to explain a motive behind the withholding of key evidence in many exoneration cases.

On May 20, 1999, the day JT was to be executed, Judge Patrick Quinlan ruled to overturn JT's conviction of the armed robbery and ordered a new trial. Judge Quinlan also ordered a hearing on evidence related to the cover up of the blood evidence so that "the public might understand what happened" despite Connick's refusal to pursue indictments of former prosecutors. On July 17, 2002, an appeals court overturned JT's 1985 murder conviction.

On May 5, 2003 JT's second trial for the murder of Ray Liuzza began. JT was able to take the stand, and this time he testified in his own defense. The jury also heard the testimony of Sheri Hartman Kelly, a witness who originally identified JT as the killer. She explained that the murderer had had short hair and a muscular build. JT wore an afro at the time of the crime and had a small frame. She said, "I've carried a burden for years. I just need to do the right thing" (Filosa: May 9 2003). The jury also heard from one of the jurors in the first trial who stated:

[i]t was a horrible, emotional moment for me, and I began to cry in front of everyone. Some of the jurors had said that if we sentenced Mr. Thompson to life in prison, he might be released some day, and I felt like everyone who was staring at me was blaming me for that. The foreperson actually turned around and whispered to me that it would help to go back in. I knew that everyone was looking at me, and I was upset, so I whispered to the foreperson yes, so that we could get out of there and stop everyone from looking at me.

The prosecution asked JT where he was on the fateful night in 1984. JT responded that he couldn't remember, "probably club hopping." "You've had eighteen years to think about it and you still don't remember?" the prosecutor responded (Filosa: May 9, 2003). Despite repeated attempts by the prosecution to make their case against him, JT felt confident during the trial: "I was getting signals throughout the entire time, signals that showed that they understood." JT was thrilled by the opportunity finally to have a chance to talk to the jury, and he was confident the jury would acquit him, even if his attorneys were less sure. On May 8, 2003, after less than an hour's deliberation, a jury voted 11-1 to acquit JT of the murder of Ray Liuzza (*Times-Picayune*: May 9, 2003).

## *JT's Release*

All I got on me, is my Angola prison I.D.  
Ain't a place in this whole damn city willing to hire me  
It's been twenty years (The American folk singer David Dondero in the song "20 Years").

On May 9, 2003, JT was freed from the Orleans Parish Prison in New Orleans, Louisiana. Camera crews and reporters swarmed the doorway from which JT exited. He looked past the media for familiar faces. JT's mother and lawyers greeted and embraced him. JT spent his first night of freedom at his mother's one-bedroom apartment in the Melpomene Housing Development. The house was cramped with JT's two sons, and JT knew he could not stay at his mother's house for long. He had nowhere to live, since his father had died, along with his grandparents, and he says his biggest challenge was finding a place to stay: "I think the hard part was not having my house." JT first moved to a hotel. "My youngest stayed with me in the hotel and followed me everywhere I went over the course of a month and a half," he explains. That month and a half was difficult, and JT and his son traveled between apartments of family members and motels near downtown New Orleans.

In order to obtain a stable living arrangement, JT needed a job. JT says he recognized the futility of searching for work in New Orleans after being called "Liuzza's killer" by the press. Another obvious problem was that he had not worked in twenty-two years. So JT looked to family and friends for any job they might connect him to. Nick Trenticosta gave JT his first job after prison at the Equal Justice Center, where he helped to investigate death row cases. Trenticosta was helping JT out, but JT needed something more permanent. Next, JT got his job at Greater Saint Stephen's Baptist Church as a custodian. JT's mother had been very involved at the church and was able to get JT a job by vouching for him.

JT's difficulty in finding employment and housing is common among the exonerated (Grounds: 2004). Even though these men and women come home as legal exonerees, the difficulties they report in meeting their basic needs mirrors those expressed by convicted felons who are released after serving out a sentence.

In some ways, JT felt lucky. He had a close relationship with his mother, and if he was not close with his sons, at least they were near him and alive. His mother in particular played an important role for JT: offering him a place to stay and helping him to attain additional

employment. His lawyers arranged for JT to work at a death penalty legal clinic. His sons were interested in re-establishing a relationship with their father.

Exonerees seek out stability upon release, but that stability is often hard to come by. For JT, he found that stability in Lavern Thompson, a member his mother's church. Within a week of coming back home, JT and Lavern had met. Forty days later, JT and Lavern would be married in the same church. "It was a match made in heaven," says JT.

By the end of June of 2003, just over a month and a half after his release, JT had found stability. Habitat for Humanity had offered to build JT and his new wife a house after learning about his exoneration.

JT sought recognition of justice and compensation. JT was able to pursue these goals through the pursuit of a civil lawsuit, and through the founding of a nonprofit designed to help others in similar situations. JT explains his reasoning: "I want them to respect my innocence. We got to give them a reason not to do it. That's the only way to address this system." These two actions—suing the DA's office and founding a non-profit organization—can be understood as key steps in JT's quest for "making things right."

### *The Civil Suit*

I can't sit back and wait and hope and pray that they recognize what they did to our life and try to restore it. They can't restore it. You can either accept what happened to you and go lie down, or accept and try to grow from it, and fight back. On the one, you can die. You already died once when they did it to you, so you got a choice and you can die again. That ain't me. I can't ride like that. And so the only thing I got left is to come out and fight and I got to fight for myself (Personal interview with JT on November 10, 2009).

On July 16, 2003, about two-and-a-half months after his release, JT and his legal team, Gordon Cooney and Michael Banks, filed a lawsuit against Harry Connick, Eric Dubelier, James Williams, Eddie Jordan, and the Orleans Parish District Attorney's office. Gordon and Michael began to research the law and put together the pieces of the lawsuit. A central question was whether Deegan acted alone, or whether other attorneys also were party to keeping the exculpatory evidence (evidence that could be considered helpful to the defense) out of the hands of the defense. JT asserted claims "for malicious prosecution and intentional or reckless infliction of emotional distress, wrongful suppression of exculpatory evidence" and "conspiracy" (*John Thompson v. Harry F. Connick*: 2008).

Filing the lawsuit was one of the things JT was most proud of in his life, he explains: “because I didn’t have a chance of winning, and I had to convince the lawyers to do it.” Friends, including his attorneys, had tried to talk him out of it, and in terms of precedent and the local politics involved, it was easy to see why the lawsuit could be seen as a long shot. In a high-crime city like New Orleans, district attorneys who had a reputation for being tough were often popular, and Connick had run the DA’s office for more than twenty-five years. Legally, prosecutors and their offices were immune to civil lawsuits, except in a narrow spectrum of conduct.

Months turned into years, as the attorneys continued to work on the civil suit. Both the DA’s office and JT’s lawyers were investing considerable resources into preparation for trial. JT and his lawyers contacted the DA’s office to meet with the DA (who at the time was Eddie Jordan) and his office’s attorneys in an attempt to reach settlement agreement. JT explains that he was simply looking for recognition of wrongdoing, and would have been happy to settle out of court. Banks and Cooney offered a compromise: JT was willing to settle for \$700,000 in damages if the DA’s office agreed to halt their appeal. The DA’s office not only refused the offer, they refused to meet with JT and his attorneys (Reckdahl: December 21, 2008). In an interview with the *Times Picayune*, Banks explained: “All we tried to do is get some just relief for him; to date, there has been no willingness by the DA’s office, the city or the state to engage in any settlement discussions” (Finch: March 5, 2008).

In 2005, the U.S. District Court of the Eastern District of Louisiana denied all of JT’s claims except “malicious prosecution and intentional infliction of emotional stress” (US District Court for the Eastern District of Louisiana: November, 15 2005). The case finally went to trial on February 5, 2007. The judge explained to the jury that the nondisclosure of the blood evidence and the resulting infringement of JT’s right to testify in the murder trial violated his constitutional rights (*John Thompson v. Harry F. Connick*: 2008). The question, however, hinged on whether this violation was the responsibility only of an individual, Deegan, or of the DA’s office itself. JT’s lawyers argued that this violation was no mere isolated act by a rogue DA, but that the entire office of the District Attorney was responsible because Connick and the other defendants had engaged in “deliberate indifference” that led to the constitutional violation of JT’s rights (*Thompson v. Connick*: 2008).

At the end of the four-day trial, JT did not have to wait long to find out if the jury agreed with their arguments. Within half-an-hour, the jury answered in the affirmative to the two questions posed by the court:

Was the Brady violation in the armed robbery case or any infringements of John Thompson's rights in the murder trial substantially caused by an official policy of the District Attorney? Was the Brady violation in the armed robbery case or any infringements of John Thompson's rights in the murder trial substantially caused by an official policy of the District Attorney? (*John Thompson v. Harry F. Connick*: 2008)

The jury was then given the following instructions regarding the damages sought by JT:

Please state what sum of money, if any, would reasonably and fairly compensate John Thompson for damages he has actually suffered or is reasonably likely to suffer in the future as a result of the District Attorney's policy or deliberate indifference. (*John Thompson v. Harry F. Connick*: 2008)

The twelve men and women on the jury came back with a judgment: they awarded JT \$14 million dollars, and an additional one million in attorney's fees. The defendants in the suit immediately filed an appeal to the United States Court of Appeals, Fifth Circuit.

In their arguments to the appellate court, the New Orleans DA's office contended that:

Thompson's experiences were not worth \$14 million in damages because he was not raped in prison, he was not denied food or medicine, he had visits from friends and family, he made friends with other inmates, he was able to watch television and play chess, and he had been in jail previously for smaller crimes (*John Thompson v. Harry F. Connick*: 2007).

Their logic implied both that life on death row was not so bad and that he was, after all, an undeserving person (i.e. a criminal). Four organizations filed *amicus curiae* (in Latin, "friend of the court") briefs in support of the DA's office and the individuals named in the civil suit: the Louisiana District Attorneys Association, the Orleans Parish Assistant District Attorneys, Formal Federal Prosecutors, and the Center on the Administration of Criminal Law. These briefs were designed to inform the courts of the negative impact the judgment against Connick and the DA's office might have on prosecutor offices more generally. A three-judge panel of the Fifth Circuit Court upheld the lower courts' decision, rejected the argument that the judgment was inappropriate, and chastised the defendants for filing redundant *amicus* briefs.

A second appeal was filed in 2009. This time, the entire Fifth Circuit Court of Appeals of seventeen judges was empanelled, with one judge recusing himself. Again, Fifth Circuit upheld the lower courts decision, but this time the decision was split: eight judges deciding in favor of the lower court's decision, and eight judges dissenting. In a dissent, Judge Jones cited her concern that expanding the circumstances under which DAs could be sued would damage "public trust" in prosecutors (Harvard Law Review 2010:1023).

On January 9, 2009, just two months after taking office, Leon Cannizzaro Jr., who had been elected in November of 2008 to replace District Attorney Eddie Jordan, requested that the State of Louisiana permit him to file for Chapter 9 bankruptcy on behalf of the Orleans Parish District Attorneys office, in part because of JT's judgment. State officials immediately called a meeting to discuss the issue and Cannizzaro subsequently retracted his request. In March 2010 the United States Supreme Court announced that it would hear the DA's appeal of the *Thompson v. Connick* decision (*Connick v. Thompson*: 2010). During all these appeals, JT has not yet received any money from the civil suit.

### *"Resurrection After Exoneration"*

In 2007 JT used his connections with the legal community to launch an organization to help others in his situation. He worked with IPNO to write a grant, and he obtained \$60,000 in seed money from a New York foundation plus a \$200,000 pledge from a European donor to found Recovery After Exoneration, or RAE. The organization was founded in 2008 and employs three people. RAE operates out of an office donated by IPNO and has a building housing a meeting hall and computer lab, with a three-bedroom residence upstairs. JT explains his reasons for founding RAE:

Returning prisoners are people stripped of self-sufficiency, control and autonomy. In response, I came up with the idea of an exonerated-run re-entry program: Resurrection After Exoneration. The program has been designed to empower us to regain these attributes by creating an opportunity to rise up as individuals and say I can do this, rather than having someone else tell us You must do this. (Resurrection After Exoneration, accessed online at [r-a-e.org/about/letter-founder](http://r-a-e.org/about/letter-founder) on March 8, 2009)

JT sees parallels between the skills he used as a drug dealer and the skills he uses in directing RAE. When I asked JT to reflect on his life, he responded:

All the things I used to do for bad I can now put to good. I ain't never did anything but sell damn drugs, you know? And in the same platform in that I used—all I had to dodge, all I had to do out there trying to be a drug dealer—it's the same thing I have to do for something good for what I am trying to accomplish. It is kind of weird to say it like this, but how I play it, you got customers you got police. I got the guys I'm trying to help and support and that's my family, my family in the street sense, and then I got my opposition, I know who they are. It's the same thing when you deal drugs you position yourself and you play it out.

It's weird because I always try to play it back – my life before jail, my life in jail, my life after jail. There is something that has always been in me, a fighting spirit. I was never really a follower.

JT has worked to overcome the stigma of his conviction through both his professional life and his civil suit. Reflecting on his life, JT explains that he is motivated a sense of justice:

I think that [this is] the fight, the fight for change, for reform. Malcolm [X] said it good back in the day when he said, 'If you can't find something worth dying for, what the fuck are you living for?' I can't lie to the next person, I can't get mad that the next person doesn't try to make a difference, and I would get mad if I didn't do something. So I think that's what is about for me. It's about the challenges that life gave to me and what I do with it. And making it known that this is unacceptable. Y'all can't keep doing this to us. You're not going to take us and abuse us.

## Chapter 5: Does Exoneration Make Things Right?

What does JT's experience reveal about the nature of exoneration as a social phenomenon? Exoneration is, in principal, the removal of a criminal conviction—the restoration of voting and other civil rights, the reinstatement of bodily freedom, the return to work, family and society, the official removal of society's mark of conviction. JT's experience suggests, however, that there is a fundamental tension within the experience of exoneration. For even after a person is exonerated formally in a court of law, he or she experiences many of the practical and psychological effects of having a criminal record along with much of the lingering stigma of being a criminal. Heather Weigand, the activist who writes on the stages of life after exoneration, states that the stigma of prison seems to “hover over an innocent person almost as much as the guilty” (2009:1). This reality of the formal restoration of rights and the lived-experience of denigrated status leads to an ongoing and often unrequited search among exonerees for a restoration of standing and for rehabilitation.

In many respects, the experiences of exonerees after their release from prison are similar to those of ordinary felons. Significant prison sentences have a lasting impact on people. Prisoners witness, perpetrate, or are the victims of emotional and physical abuse. Prisoners are immersed in a culture very different from that of the outside world, a culture that makes it difficult for them to function once outside of the prison walls. Studies repeatedly have demonstrated that imprisonment negatively affects employment (Harding 2003; Pager 2007; Petit and Western 2004). Convicted persons who spend long periods of time in prison experience profound separation from the people and networks of relationships that were once central to their identity and social structure. Familial relationships are severely strained and often broken by prolonged stays in prison.

Fourteen of the eighteen persons interviewed by Adrian Grounds suffered from the category of disorder called “enduring personality change after catastrophic experience,” and twelve of the men suffered from post-traumatic stress syndrome (2004:169). A core component of the way in which exonerated persons described their trauma was a profound sense of injustice and estrangement from important relationships.

In preparation for his civil trial, JT was evaluated by Stuart Grassian, a psychiatrist whose field of expertise is the consequences of long-term confinement. JT's civil suit decision, *Connick v. Thompson* describes Dr. Grassian's findings:

Dr. Grassian described to the jury in detail the suffering of being in solitary confinement with nothing to distract a person from his impending death. Dr. Grassian stated that, although Thompson suffers from the symptoms of chronic post-traumatic stress disorder, Thompson's strong character has enabled him to function in spite of his pain. Dr. Grassian further described Thompson's feelings of inadequacy and shame over his inability to perform simple tasks, such as using a cell phone or copy machine, which Thompson never learned as a result of his incarceration. According to Dr. Grassian, Thompson is constantly startled, constantly vigilant . . . constantly afraid. Dr. Grassian does not see much likelihood that Thompson's symptoms will change over time (*Thompson v. Connick* 2008).

For ex-felons, the difficulty in obtaining employment is one of the defining problems of post-conviction life. Ex-offenders with records have been found to be one-half to one-third as likely to be hired by employers as equally qualified non-offenders (Pager 2007:71). For African American and Latino men, the effect of a criminal record on the likelihood of being hired is stronger than for whites.

Even the formal removal of a record of conviction does not occur automatically following exoneration; it requires initiating and going through a process of expungement. But even after exonerees obtain a formally clear record, many employers place exonerees in the same category as convicted criminals. A large span of time with no job experience often serves a red flag for prospective employers, particularly when it becomes known that the missing time was spent in prison. The question all job-seekers face regarding their criminal background is either "Have you ever been arrested for..." or "have you ever been convicted of a criminal offense?" In the case of both of these questions, exonerees would have to answer affirmatively, or as ex-felons, lie and hope for the best. Ryan Matthews, an exoneree from Angola's Death Row and a friend of JT, describes his difficulty obtaining and keeping a job:

I mean, you come home, you get a job and then it's hard to maintain them. The background comes up, and that's pretty much that. Me and JT was talking about it. Most of the exonerees get jobs and they don't keep them. It don't be because of my performance or anything. The main issue with all them jobs was my background, and once I got my charge expunged, it was a situation where a lot of people knew about the situation at the job, and it just got around. I wound up leaving that one. I got let go.

In a culture in which men, in particular, are seen as contributing to society by earning a wage, the repercussions of unemployment extend beyond economic stability. Sociologist Jeffery Liker examined the effect of unemployment on emotional health, what he called the "affective well-being," of ex-felons. His analysis of a field experiment involving 2,000 convicted felons

from Georgia and Texas concluded that “legitimate employment was shown to benefit ex-felons reentering civilian life in a number of important respects, including the absence of the emotional problems commonly experienced by ex-felons leaving prisons” (Liker 1982:268).

There are, of course, important differences between what ordinary felons and exonerees face upon release from prison. For ex-felons, laws deny access to public assistance, including student loans and public housing. Many professional and trade associations prohibit membership for felons. States restrict felons’ voting rights to varying degrees, and felons are thus disenfranchised politically on a temporary or permanent basis.

Exonerees are freed many of these formal sanctions. Exonerees can vote, and they have access to public benefits. In addition, exonerees, unlike ex-felons, often are greeted by cameras, reporters, and a sympathetic public upon release from prison. Activist Heather Weigand describes this phase of an exonerees’ transition to society as the “celebrity phase” during which exonerees often experience intense media, family and community attention (2007:2).

Also unlike ordinary ex-felons, exonerees are sometimes eligible for compensation from the state, depending on local statutes. According the Innocence Project, which has been critical of most compensation laws as inadequate, twenty-seven states, the federal government and the District of Columbia had compensation laws in 2010. In Louisiana, exonerees are entitled to receive \$15,000 per year of wrongful conviction, but only if factual innocence can be proven and if the exoneree petitions the legislature. There is no automatic award of monies. The total amount of money distributed to any one exoneree in such instances is capped at \$150,000.

Even with these differences, exonerees describe their experiences in ways that are profoundly similar to that of ordinary felons. Wilbert Rideu, an editor of the *Angolite* who spent forty-four years in prison, explains: “Even if they’re innocent, people look at them as if they’re contaminated because they were in prison for all those years (Reckdahl: December 21, 2008).

This leads to a question that is central to the nature of exoneration: What, beyond the sphere of formal public rights that have largely been restored, is the basis of the ongoing demotion of status for exonerees?

The social phenomenon of *stigma* is at the heart of any answer to this question, and at the core of the experience of criminal conviction and imprisonment. In her in-depth look at the effects of the criminal label, sociologist Devah Pager describes the stigma faced by ex-offenders

as a “credential” that “constitutes a formal and enduring classification of social status, which can be used to regulate access and opportunity across numerous social, economic, and political domains” (2007:4).

The criminal label is bestowed on a felon through what Harold Garfinkel calls a “degradation ceremony,” in which “the public identity of an actor is transformed into something looked on as lower in the local scheme of social types” (1956:420). Richard Lempert and Maureen Mileski analyze how the courtroom serves as the setting for degradation ceremonies. In a criminal court, degradation occurs initially when a defendant is found guilty of a crime and sentenced. The lowered status involves the court’s public declaration of guilt, the imposition of punishment, the removal of freedoms usually reserved for citizens, and the lasting mark of a criminal record.

Sociologist Erving Goffman’s offers valuable insight into the nature of criminal stigma. Goffman describes three categories of stigma: “abominations of the body, blemishes of individual character,” and “tribal” stigma. For Goffman, imprisonment is an example of stigma of the individual character which serves as a negative mark that “spoils” the identity of the marked (1974:2). This “spoiled identity” happens both from without, whereby the marked person is treated and viewed as unworthy and stained by those around him or her, and from within, whereby the marked individual begins to see herself as unworthy or stained. Goffman explains:

While the stranger is present before us, evidence can arise of his possessing an attribute that makes him different from others in the category of persons available for him to be and of a less desirable kind – in the extreme, a person who is quite thoroughly bad, or dangerous, or weak. He is thus reduced in our minds from a whole and usual person to a tainted, discounted one. Such an attribute is stigma, especially when its discrediting effect is very extensive (1974:3).

The social process of the installation of stigma, then, goes much deeper than merely “having a criminal record.” Stigma is brought about through a whole series of ceremonies and experiences, some of which, such as imprisonment, can last for decades. These have deep and abiding social significance, both for the stigmatized individual and for those for whom the individual has become stigmatized. The lasting effects of this process of stigmatization do not change merely because the public record is altered. The public record may now show that the original cause for the process of stigmatization was mistaken, but that process still played out – and its effects are still experienced.

A common experience for exonerees that testifies to the lingering realities of stigma is that exonerees' innocence continues to be challenged, even after they are exonerated. Ryan Matthews explains:

A lot of people think I got off on a technicality; they don't actually believe I was innocent. Some people I've known, people that I've come into contact with. They're like, "how'd you get off of that?" I mean I really didn't do it. People look down on a person who's been in prison, whether he's innocent or not (Filosa: May 9, 2003).

Exonerees spend years, and sometimes decades, in prison prior to their release and they, like ordinary felons, also must re-adapt to life on the outside. JT explains that this transition is difficult because, "when you're in prison, you put on a suit of armor, a suit of protection" (Reckdahl: December 21, 2008).

Exonerees, unlike convicted felons, may also continue to harbor considerable fear that they will be wrongfully convicted again. Dan Bright talked about his fear of being alone. He explained that he brings his daughter or someone else with him wherever he goes. Even at gas stations and convenient stores, Dan looks for the cameras and tries to stay on film, to establish a record of his presence. He keeps receipts from all of his commercial transactions, in case he ever needs proof of his whereabouts. In *Picking Cotton*, Ronald Cotton, who was exonerated after serving time for a rape he did not commit, describes the same fear leading to similar habits: "I was scared to go anywhere alone. I made sure I had receipts; made sure surveillance cameras at stores got good shots of me coming and going. I always wanted a witness, an alibi, for every minute" (Thompson-Cannino et al. 2009:221).

There is, then, for exonerees an extraordinary discrepancy to be resolved—to be a *victim* of unjust action on the part of the State, and for there to be official public recognition of this injustice, but still to experience the stigma and the indignities of an ex-con. It is an experience that produces in exonerees a thirst for justice and for the restoration of that lost standing.

JT's life story is most significant in revealing this thirst for compensation and the restoration of standing. JT has been able to achieve a measure of agency and redemption to an uncommon degree. Through his civil lawsuit JT sought public recognition of wrongdoing and won. He has been awarded roughly \$140,000 by the state of Louisiana (although he has yet to actually receive even that money) and could receive substantially more compensation, more than

\$14 million, if the U.S. Supreme Court upholds the verdict against the DA's office. He has created an organization that aims to help others to cope with the same practical and emotional problems he struggled with as an exoneree. His relative success in negotiating the restoration of standing and the fight for compensation are some of the reason JT has become a leader in the exoneree community in Louisiana. JT's experience thus helps to shed light on the nature of exoneration and the quest for restoration that is at its core. His life history also suggests that, despite the deep ambivalences of exonerees' experiences, there can indeed be resurrection after exoneration.

## References Cited

- Angrosino, Michael V.  
2002 *Doing Cultural Anthropology*. Long Grove, IL: Waveland Press.
- Behar, Ruth  
1993 Translated *Woman: Crossing the Border with Esperanza's Story*. Boston: Beacon Press.
- Bell, Rhonda  
1999a "Grand Jury to investigate N.O. Prosecutors; Missing Evidence from '85 At Issue." *Times-Picayune* May 6.  
  
1999b "Lawyer Refers to Principle in Quitting DA's Office." *Times-Picayune* May 14.
- Berger, Margaret A.  
2006 "The Impact of DNA Exonerations on the Criminal Justice System." *Journal of Law, Medicine, and Ethics* (34)2:320–327.
- Bourgois, Philippe  
1996 *In Search of Respect*. Cambridge: Cambridge University Press.
- Campbell, Kathryn and Myriam Denov  
2004 "The Burden of Innocence: Coping with a Wrongful Imprisonment." *Canadian Journal of Criminology and Criminal Justice* January:139–163.
- Cole, Ardra L. and J. Gary Knowles  
2001 *Lives in Context: The Art of Life History Research*. Lanham, MD: Altamira.
- Drizin, Steven A. and Richard A. Leo  
2004 "The Problem of False Confessions in the Post-DNA World." *North Carolina Law Review* 82:963–.
- Filosa, Gwen  
2003 "N.O. man cleared in '84 murder; New trial in Liuzza killing brings an emotional end to epic case." *Times-Picayune*, May 9, national.
- Finch, Susan  
2007 "Freed inmate awarded \$14 million; Lab report hidden in '85 murder trial." *Times-Picayune*, February 10, national.  
  
2008 "Appeal says amount defies reason; Ex-Death Row inmate awarded \$14 million." *Times-Picayune*, March 6, metro.

- Foucault, Michel  
1977 *Discipline and Punish: The Birth of the Prison*. Alan Sheridan, translated. New York: Random House.
- Garfinkel, Harold  
1956 “Conditions of Successful Degradation Ceremonies.” *The American Journal of Sociology* 61(5):420–424.
- Garret, Brandon L.  
2008 “Judging Innocence” *Columbia Law Review* 108:55–.
- Gelman, Andrew; James S. Liebman, Valerie West, and Alexander Kiss.  
2004 “A Broken System: The Persistent Patterns of Reversals of Death Sentences in the United States.” *Journal of Empirical Legal Studies* (1)209:214–.
- Goffman, Erving  
1974 *Stigma: Notes on the Management of Spoiled Identity*. New York: Jason Aronson, Inc.
- Granovetter, Mark  
1973 “The Strength of Weak Ties.” *American Journal of Sociology* 78:1360–1380.
- Grisham, John  
2006 *The Innocent Man*. New York: Bantam Dell.
- Gross, Samuel R., et al.  
2005 “Exonerations in the United States 1989 through 2003.” *Journal of Criminal Law and Criminology* (95)2:523–553.
- Grounds, Adrian  
2004 “Psychological Effects of Wrongful Conviction and Imprisonment.” *Canadian Journal of Criminology and Criminal Justice* January:165–182.
- Harding, David  
2003 “jean valjean’s dilemma: the management of ex-convict identity in the search for employment.” *Deviant Behavior* 24: 571-595.
- Harry F. Connick v. John Thompson*  
2010 United States Supreme Court. March, 22.
- Hartford Courant  
2010 “Taste of freedom; after 16 years;; ‘justice is served, they’re free.’” *Hartford Courant* April 2.
- Harvard Law Review  
2010 “Recent Case: Federal Courts - Section 1983 Litigation - Fifth Circuit Equally Divides

on Decision To Uphold Judgment Against District Attorney's Office for Withholding Exculpatory Evidence.” *Harvard Law Review* February:123–.

Hooper, Laura L., Jennifer E. Marsh, and Brian Yeh

2004 “Treatment of *Brady v. Maryland* Material in the United States District and States Courts’ Rules, Orders, and Policies.” Federal Judicial Center, October.

Horne, Jed

2005 *Desire Street: A True Story of Death and Deliverance in New Orleans*. New York: Farrar, Straus and Giroux.

*John Thompson v. Harry F. Connick, et al.*

Filed August 10, 2009. United States Court of Appeals for the Fifth Circuit. Docket Number 07-30443.

Filed December 19, 2008. United States Court of Appeals for the Fifth Circuit. Docket Number 07-30443.

Filed April 23, 2007. United States District Court for the Eastern District of Louisiana. Civil Action Number 03-2045 Section "J" (5).

Jones, Cynthia

2009 “The Right Remedy for the Wrongly Convicted: Judicial Sanctions for Destruction of DNA Evidence.” *Fordham Law Review* May(77):2893–.

Jones, Sandra and Elizabeth Beck

2006-7 “ Disenfranchised Grief and Nonfinite Loss as Experienced by the Families of Death Row Inmates.” *Omega Journal of Death and Dying* (54)4:281–299.

Joy, Peter

2006 “The Relationship Between Prosecutorial Misconduct and Wrongful Conviction: Shaping Remedies for a Broken System.” *Wisconsin Law Review*:399–.

*Keith Hudson v. Jack McMillan, et al.*

Decided February 25, 1992. Supreme Court of the United States. Number 90-6531.

King, Gilbert

2008 *The Execution of Willie Francis*. New York: Basic Civitas.

Komandury, Murty S., Angela M. Owens, and Ashwin Vyas

2004 *Voices From Prison: An Ethnographic Study of Black Male Prisoners*. Maryland: University Press of America.

Lucas, Jeffery, Corina Graif, and Michael J. Lovaglia

2006 “Misconduct in the Prosecution of Severe Crimes: Theory and Experimental Test.”

*Social Psychology Quarterly* (69)1: 97–107

Mauer, Marc

1999 *Race to Incarcerate*. New York: The New Press.

Olsen, Jack

2000 *Last Man Standing*. New York: Anchor Books.

Pager, Devah

2007 *Marked: Race, Crime and Finding Work in an Era of Mass Incarceration*. Chicago: University of Chicago Press.

Petit, Becky and Bruce Western

2004 “Mass Imprisonment and the Life Course: Race and Class Inequality in U.S. Incarceration.” *American Sociological Review*(96)2:235–270.

Pew Center on the States

2009 “One in 31.” Pew Center on the States, March.

Resurrection After Exoneration

2010 Resurrection After Exoneration. [r-a-e.org/about/letter-founder](http://r-a-e.org/about/letter-founder). Accessed on February 22.

Risinger, Michael

2007 “Criminal Law: Innocents Convicted: An Imperically Justified Factual Wrongful Conviction Rate.” *Journal of Criminal Law and Criminology* 97:761–780.

Rubenstein, Steven

2002 *Alejandro Tsakimp, a Shuar Healer in the Margins of History*. Lincoln, NB: University of Nebraska Press.

Rutberg, Susan

2006 “Anatomy of a Miscarriage of Justice: The Wrongful Conviction of Peter J. Rose.” *Golden Gate University Law Review* 37:7–.

Schneider, Andreas

2003 “Stigmatization among Probationers.” *Journal of Offender Rehabilitation* 38(1):19-31

Shostak, Marjorie

1981 *Nisa: The Life and Words of a !Kung Woman*. Cambridge: Harvard University Press.

*State of Louisiana v. John Thompson*

Decided September 12, 1986. Court of Appeal of Louisiana, Fourth Circuit. Number 86-KA-4952.

Decided November 30, 1987. Supreme Court of Louisiana. Number 86-KA-2519.

Decided July 17, 2002. Court of Appeal of Louisiana, Fourth Circuit. Number 2002-K-0361.

Thompson, Anthony C.

2008 *Releasing Prisoners, Redeeming Communities: Reentry, Race and Politics*. New York: New York University Press.

Thompson-Cannino, Jennifer and Ronald Cotton, with Erin Torneo

2009 *Picking Cotton, Our Memoir of Injustice and Redemption*. New York: St. Martin's Griffin

U.S. News and World Report

2006 "Pulling Back From The Brink; Why are death sentences and executions dropping?"  
*U.S. News and World Report* May 8:36–38.

Vollen, Lola and Dave Eggers

2005 *Surviving Justice*. San Francisco: McSweeney's Books.

*Webster's New World Law Dictionary*

2010 Hoboken: Wiley Publishing, Incorporated.

Weigand, Heather

2009 "Rebuilding a Life: the wrongfully convicted and exonerated." *Boston University Public Interest Law Journal* 18:427.

Zalaman, Marvin

2006 "Criminal Justice System Reform and Wrongful Conviction." *Criminal Justice Policy Review* 17:468.

## Vita

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