

## Features

# After Years, Even Decades, the Exonerated Leave Prison Walls Behind—Only to Find New Barriers

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By Kevin Davis



Photos by Wayne Slezak, AP Images

On the morning of July 7, 2009, Marvin Reeves and Ronnie Kitchen stood before a criminal court judge in Chicago and heard the news they had long waited to hear: They were going to be freed from prison after serving 21 years for murders they insisted they never committed.

Both had been arrested by detectives linked to the notorious Chicago police Cmdr. Jon Burge, accused of leading a rogue crew of cops who tortured suspects to extract confessions. In 1988, police claimed that Reeves and Kitchen killed two women and three children and then set fire to the victims' home to cover up the crime. Juries convicted both men, despite a lack of physical evidence in their respective trials. Kitchen was sentenced to death, Reeves to five life terms.

After revelations surfaced about Burge and his reign of torture, the Illinois Attorney General's Office re-examined Reeves' and Kitchen's cases and found insufficient evidence to prove the pair was responsible for the murders.

As Reeves and Kitchen walked down the steps of the Cook County Criminal Courts building that day as free men, they were swarmed by photographers, reporters shouting questions, well-wishers and loved ones waiting to embrace them. Both men felt overwhelmed.

The exhilaration didn't last. "After the lights and cameras go off, you're faced with the reality," Reeves says now, more than a year after his release. "This is the real world."

The real world, for Reeves and a growing number of exonerated people, is not always kind. Justice may have been served, but many of the wrongly convicted carry a burden that's hard to shake. Re storing their names, landing jobs and feeling whole again remain a constant struggle.

Reeves was barely 30 when he was arrested. Since being released, Reeves—now 52 and a father of six—has tried to find work and settle into the life he never got the chance to live. After more than two decades in prison, he has a large gap in his resumé. He walked out unfamiliar with how to operate a cellphone or computer. He injured his back and can't perform the physical tasks he could as a young man. Once an auto mechanic, he doesn't know how the latest models work.

"There were big challenges," says Chicago attorney Michael Gill, who represented Reeves in his bid for innocence. "He

had a major problem just getting a driver's license. He needed it because he needed to be able to look for a place to live, to look for jobs."

Reeves eventually got his license, but he still felt lost. One of his lawyers referred him to a new program at Loyola University Chicago's School of Law called Life After Innocence, founded by Chicago lawyer and author Laura Caldwell.

Caldwell was inspired to create a legal clinic after watching a client struggle to resume his life after being acquitted of murder. The client, Jovan Mosley, spent six years in jail awaiting trial before a jury found him not guilty. "He had nothing. In his misfortune, I saw there was this gap in the criminal justice system."

Caldwell has since written a book about the Mosley case, *Long Way Home*. But the great legacy of the case may turn out to be Life After Innocence.

Life After Innocence began at Loyola as a practicum, with five students in January 2009, with the intention of helping clients navigate through some of the legal and social issues they faced. Loyola agreed to supply a home for the experiment, and Caldwell reached out to friends and colleagues, asking them to provide pro bono legal services and to visit her classroom from time to time. There were five clients the first year.

Even after their release from prison, exonerees face new and different legal problems that require attorneys to help sort through. But they have been left, for the most part, to fend for themselves. For Caldwell and her students, helping the exonerated transition back into society is as much a legal obligation as it is a moral responsibility within the criminal justice system.

With Caldwell serving as the attorney of record, students began assisting exonerees in filing for expungements and requests for sealing conviction records. They've learned to file for certificates of innocence and have appeared in court to answer judges' questions. Under Caldwell's guidance, they assist clients in filing compensation claims, make referrals for tax and estate planning, and help in matters as simple as obtaining driver's licenses and state identification cards.

Though there are a handful of other programs that help the exonerated, Life After Innocence is the only program in the country that offers both legal and social services to the exonerated. Caldwell hopes that the program can be replicated elsewhere.

## BUSINESS IS BOOMING

"Unfortunately, it's a booming business," says Mark Hersh, a former federal prosecutor and now a partner at Reed Smith in Chicago. His firm works with Caldwell's project.

"Like many people, I've followed a lot of these cases over the years where people have been exonerated, and the work appealed to me."

Hersh, along with Loyola students, helped one exoneree fight a conviction for having a homemade weapon while incarcerated. They argued that the crime would never have occurred had the client not been wrongly imprisoned. The conviction was successfully expunged.

As innocence projects began to spring up in law schools across the country, the need for programs to assist the growing population of exonerees became clear. Lawyers who helped free innocent clients watched as their clients were set adrift.

"We come in and pull them out of the system, and then the system doesn't know what to do with them," says Justin Brooks, director of the California Innocence Project and a professor at California Western School of Law. "If we don't do something for them, there is no one. We don't want to get a guy out of prison and have him die on the street."

Convicted felons on parole get more help than the wrongly convicted. "A parole office helps a person with a plan—with employment, housing and educational needs," says Keith Findley, president of the board of the Innocence Network and co-director of the Wisconsin Innocence Project. "There's no process and no system to help exonerees get back into the



Laura Caldwell, the founder of Life After Innocence, is also an acclaimed author.

community. These kinds of programs are critical.”

Since 1989, there have been 261 wrongly convicted people freed nationwide due to DNA evidence alone, according to Northwestern University’s Center on Wrongful Convictions. Director Rob Warden estimates there are about 50 exonerations each year from both DNA and non-DNA cases. That doesn’t include suspects who, like Caldwell’s client Mosley, are unable to post bond and spend years in county jails before going to trial and being acquitted.

Northwestern’s center, which has been instrumental in 37 exonerations, employs a social worker to help newly released exonerees find housing and jobs. But they can only do so much. Even if they get job interviews or go to an apartment showing, exonerees find themselves having to explain where they’ve been the last 10 or more years, or why they can’t supply recent references from landlords.

“You can’t pretend nothing has happened,” Warden says. “I think it’s better to say I’ve been convicted, this is what happened and my record is being expunged.”

Findley recalls the case of Evan Zimmerman, a former police officer from Eau Claire, Wis., who was exonerated for the murder of an ex-girlfriend. Like many exonerees, he struggled to clear his name and his record so he could get work. Having suffered a stroke in prison, Zimmerman desperately wanted a job that offered health insurance.

Employers weren’t calling back. He kept getting the cold shoulder. Findley learned that Zimmerman was turned down for a janitorial job when the prospective employer found his criminal record during a background check. Private databases used for background checks are not always updated to reflect exonerations and expungement of records is not automatic.

“The record is still there and it has to be corrected,” Findley says. “It’s very difficult to get out from under this cloud.”

Jobless and uninsured, Zimmerman was diagnosed with throat cancer and died alone two years after his release from prison and without receiving any compensation. He was 61. “His conviction haunted him until the day he died,” Findley says.

## **AGAINST ALL ODDS**

In southern California, Tim Atkins was released in 2007 with the help of the California Innocence Project after serving 20 years for murder and robbery. The judge who presided during the original trial said new evidence pointed “unerringly to innocence.”

After his release, Atkins says he was forced to live on \$220 a month in state aid and food stamps. “I was just dumped out on the street,” he says. “When you commit a crime and go to prison, they at least give you bus fare when you get out. I haven’t received a dime from anybody.”

Despite the original trial judge’s declaration of Atkins’ innocence, he has not been able to receive compensation from the state. When Atkins applied for it and took his case before a state board, his claim was denied. The board concluded that Atkins had not met the burden of proving his innocence.

He was fortunate to have others come to his aid. A community organization called Venice 2000, which counsels troubled youths to keep them away from gang life, agreed to pay for Atkins to attend college to learn counseling. Atkins has since gone to work as a counselor for the Venice Youth Build program. “They pretty much knew who I was and gave me a chance,” he says. “You’ve got to keep pushing. You have to realize that things will not always be sunny and nice.”

## **ON THE OUTSIDE**

Reeves felt nervous during the early days of his freedom. He wasn’t used to dealing with people other than inmates and guards. Venturing into the neighborhood was a challenge. Interactions with others were awkward. One day Reeves wanted to treat himself to a McDonald’s sundae and handed the cashier a \$50 bill. He inadvertently left before getting his change.

“I was too scared to go back and get my change,” he says.

Even now, he can be tentative. He was accustomed to the structured nature of prison life. “On the outside, you’re on your own,” Reeves says. “When you come from captivity and are thrust into freedom, it’s a shock. You almost forget how to survive in the free world.”

When Reeves hears about parolees and convicted felons getting help for their re-entry into society, he feels frustrated. “You might as well go out and commit a crime so you can get help,” he says. “They got programs for ex-cons. But what about a man who got 21 years for something he didn’t do?”

Rebecca Blabolil, a student working with Life After Innocence, understands Reeves’ frustrations. She’s become a friend and confidante. In her spare time Blabolil drives Reeves to stores such as Target and Home Depot to fill out job applications. She’s also helped him learn to operate a computer so he can look for jobs online and fill out applications.

Reeves suspects that potential employers eye him warily. “With all the trouble in the workplace, people don’t want to take a risk,” he says. “Even though I’m exonerated, employers fear me because I spent 21 years in prison.”

He understands their fears. Prison life hardened him because being hard was necessary to survive, Reeves says. So customer service work is not a good option. He doesn’t want to be answerable to others, to be insulted or risk having people be condescending. “People are not respectful of your position. If someone says the wrong thing, I might feel offended,” he says. “I have to be careful around people.

“I saw a guy standing on the corner begging for change,” Reeves adds. “I said to myself I hope that doesn’t become me.”

Finding a job and a home are just the beginning. Exonerees are often haunted by their experiences and need counseling. Many suffer from post-traumatic stress disorder, according to Dr. Lola Vollen, who specializes in working with victims of human rights abuses and social injustice. Vollen, who is a visiting scholar at the University of California at Berkeley, evaluated 55 exonerees and found similarities with those who suffered torture or sought political asylum.

As a result of her findings, Vollen helped launch the Life After Exoneration program in 2002. The organization hired two social workers and provided counseling to about 75 exonerees, though that number has been reduced recently due to lack of financial support.

In 2005 Vollen published, along with author Dave Eggers, a book of oral histories called *Surviving Justice: America’s Wrongfully Convicted and Exonerated*. She’s now focused on pushing for national legislation, including the Restitution for the Exonerated Act, which would provide funding for services for the wrongly convicted and create regional centers to serve them.

## **FIGHTING THEIR OWN CAUSE**

With a shortage of publicly funded programs around the country to address their needs, some exonerees have taken up their own cause.

In New Orleans, John Thompson founded a program called Resurrection After Exoneration. Thompson was exonerated after 18 years in prison, 14 of them on death row in Louisiana’s notorious Angola prison, for the murder of a hotel manager. In 2003, Thompson sued the Orleans Parish District Attorney’s Office, winning a \$14 million judgment. The parish petitioned the U.S. Supreme Court, and arguments were heard in November. By early December the case had yet to be decided.

After his release, Thompson’s lawyers with the Center for Equal Justice helped pay for college, and he became a paralegal with the center. He frequently met other exonerees struggling to adjust to freedom, and they organized a support group. After Hurricane Katrina hit in 2005, Thompson saw their struggles multiply as joblessness, homelessness and hopelessness were everywhere.

He decided to organize monthly meetings for exonerees at a small church. “They kept coming back, hoping to find someone to help solve their problems,” Thompson says. “People were more depressed than ever before and their needs were even greater.”

Thompson raised money to buy a building that now serves as a transitional home for both ex-cons and exonerees. It includes room for up to three boarders, a computer lab and offices for counseling. “We wanted to address all the needs

that were not being addressed by our city or our state,” he says.

Among the exonerees drawn to Resurrection After Exoneration was Roland Gibson, who was convicted of killing a taxi driver in 1968. He got life in prison based on what later was determined to be false testimony from a key witness. New Orleans attorney Ernest Caulfield helped win Gibson’s release in 1993.

Gibson was found dead in his home in November at age 63. He described his ordeal to the *ABA Journal* shortly before his death.

Gibson had suffered a stroke and head injury after his release. He’d been living at a senior citizens home and getting by on Social Security and food stamps. He regularly spoke to fellow exonerees at Resurrection After Exoneration, where he provided comfort and derived comfort as well. “I know they’re going to need some help,” he said. “And I can understand what they’re going through.”

Gibson said he had returned home with little fanfare and no help from those responsible for his wrongful conviction. “They gave me a raw deal and there was nothing I could do about it. They should have helped me prepare for the streets because the penitentiary doesn’t prepare you for society.”

Gibson said he had drifted from job to job, working construction and cooking in restaurants. He moved to Texas to be closer to his wife and children, and spent time in Atlanta. The Louisiana Supreme Court threw out a \$10.7 million verdict Gibson won against the city of New Orleans, saying that police had reasonable grounds to arrest him. “I’ve been through some real rough times. I couldn’t adjust to life on the outside. ... The anger and the alcohol took over after I came out. It tripped me up for a long time.”

## COMPENSATED BUT NEVER WHOLE

Since their release, Reeves and Kitchen have received certificates of innocence, which cleared the way for them to be awarded nearly \$200,000 each in state compensation, about \$9,500 for every year they were in prison. Twenty-seven states offer some type of compensation for the wrongfully convicted with different formulas for payouts and various requirements to claim it. Texas may be the most generous, offering \$80,000 for each year a person is wrongly incarcerated, plus an annual annuity.

Reeves is carefully guarding his money. “Until I’m comfortable doing something, the money will stay in the bank,” he says. “I’m looking at maybe real estate, foreclosures possibly, renovating properties.”

Kitchen’s life took a turn when he and Caldwell appeared on the *Dr. Phil* show in March to discuss his wrongful conviction and subsequent struggles. Dr. Phil appealed for someone to give Kitchen a job, which triggered responses from across the country. Kitchen eventually took a job as a driver with Goodwill Industries.

In June, Burge—the former Chicago police commander—was convicted in federal court of perjury and obstruction of justice for lying during a civil suit about the torture that occurred under his watch. He was fired from the Chicago Police Department in 1993, but was never brought up on criminal charges because the statute of limitations had expired. Burge is awaiting sentencing. “He’ll never get what he gave to me,” Kitchen says.

Reeves is circumspect about it all and remains hopeful that he will move on and restore his sense of confidence and dignity. He’s grateful to Caldwell and the law students who stepped up where others didn’t. “If something comes of it, great,” Reeves says. “If not, we’ve gained friends for life.”

*Kevin Davis is a Chicago-based freelance journalist and author of *Defending the Damned and The Wrong Man*.*

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