



Georgia Moratorium Campaign

DEATH ROW EXONERATIONS AND WRONGFUL CONVICTIONS

PO Box 55196 ~ Atlanta, GA 30308-5196 ~ 404-572-9461 ~ info@georgiamoratorium.org ~ www.georgiamoratorium.org

James Creamer

Convicted 1973 Released 1975

The case against Creamer was based upon the testimony of an alleged accomplice and eyewitness who was granted immunity for her statement. The Georgia Supreme Court unanimously overturned the conviction after revelations that the prosecution withheld and destroyed exculpatory evidence. In particular, the defense concealed evidence that the witness had provided the police with demonstrably false testimony and that prosecutors fed the witness information to make her story coincide with their theory of the case. After the case was overturned, the witness admitted to lying at the trial. Soon after, another man, who was in prison for other crimes, admitted that he and two others committed the murders for which Mr. Creamer had been sent to death row.

Earl Charles

Convicted 1975 Released 1978

Charles was sent to death row for the double murder of two Savannah merchants that occurred while Charles was in Tampa, Florida. It was later revealed that a police detective falsified eyewitness identifications and coached a witness to lie in court. The informant later admitted that he had made up his story at the detective's persuading. The district attorney announced that he would not retry the case and Charles won a settlement from city officials for misconduct in the original investigation.

Jerry Banks

Convicted 1975 Released 1980

Banks was sentenced to death for two counts of murder. The conviction was overturned by the Georgia Supreme Court because the prosecution withheld evidence from the defense, which included the testimony of several witnesses which contradicted the story put forth by prosecutors at trial. Soon after, the court decision, it was also discovered that the shotgun shells found at the

crime scene, which allegedly came from Banks' gun, were actually planted.

Henry Drake

Convicted 1977 Released 1987

Henry Drake was sentenced to death, even though there was no physical evidence that tied him to the murder scene and witnesses confirmed his alibi. The state's case rested on the eyewitness testimony of an accomplice who portrayed Mr. Drake as the main culprit in the crime. Years later, that eyewitness signed an affidavit stating that he had lied to falsely implicate Mr. Drake in the crime and that Mr. Drake, in fact, had nothing to do with it. Furthermore, reexamination by a medical examiner showed that bloodstains at the murder scene did not support the prosecution's theory that there were two assailants. *While Drake's conviction was not overturned, the state Board of Pardons and Paroles freed him based on the new evidence.*

Robert Wallace

Convicted 1980 Acquitted 1987

Wallace was convicted and sentenced to death for the slaying of a police officer, despite his claim that the shooting was accidental and that he was acting in self-defense because he was beaten by the officers. The 11th Circuit ordered a retrial because Wallace had not been competent to stand trial. He was acquitted at the retrial because it was found that the shooting was accidental.

Gary Nelson

Convicted 1980 Released 1991

Nelson spent 11 years on death row. Volunteer attorneys discovered that the prosecution lied in court about the origins of a hair sample found on the victim's body and hid lab reports from the defense that proved the hair could not be linked to Nelson. In addition, a police officer lied about the murder weapon. Each material aspect of the state's case was discredited and the case was thrown out.

Sources: Death Penalty Information Center; Augusta Chronicle Sept. 22, 1997; Center for Wrongful Convictions; The Justice Project; Amnesty International, The Death Penalty in Georgia, June, 1996; CNN Nov. 15, 1998; American Civil Liberties Union, "In the Courts" <http://archive.aclu.org/library/ctstrip.html>