CHANGES IN DNA EXONERATIONS OVER TIME

The nature of DNA evidence that contributes to exonerations has changed over time.

Until March 2020, the Innocence Project maintained a list of exonerations in which *DNA evidence was central to the exoneration of the defendant*—typically rape or rape-murder cases in which DNA tests showed that semen recovered from the victim did not come from the defendant in a context that meant that the defendant could not be guilty. For example:

> In 1985, a white woman who lived across the street from Walter Snyder in Alexandria, Virginia was attacked by a Black man who broke into her home and raped her in the dark.
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> At first the victim said she would not recognize the rapist, but eventually she identified Snyder after she was shown his photograph several times, and confronted with him individually at a police station. She went on to identify him at trial, where Snyder was convicted and sentenced to 45 years.
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> In 1992, with help from the Innocence Project, DNA testing revealed that Snyder was not the source of semen recovered from the victim. In 1993, after additional DNA tests reconfirmed that twice, Snyder was released and pardoned with the concurrence of the prosecution.

Almost three-quarters of DNA exonerations in the Registry through February 2020 were also on the Innocence Project list (375/515). The remaining 140 DNA exonerations were not listed by the Innocence Project because DNA testing was not the only post-conviction evidence that established innocence, and other non-DNA factors were essential to the exoneration.[1] For example:

> In 1985, David McCallum and Willie Stuckey, both 16 years old, confessed to police in Brooklyn that they shot and killed Nathan Blenner and stole his car. They immediately recanted their confessions and said they had been beaten and threatened. Both were convicted of murder in 1986 based on their confessions and sentenced to 25 years to life in prison.
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> In 2011—a decade after Stuckey died of a heart attack in prison—McCallum's lawyer asked the Brooklyn District Attorney's conviction integrity unit to reinvestigate the case. DNA testing on saliva from

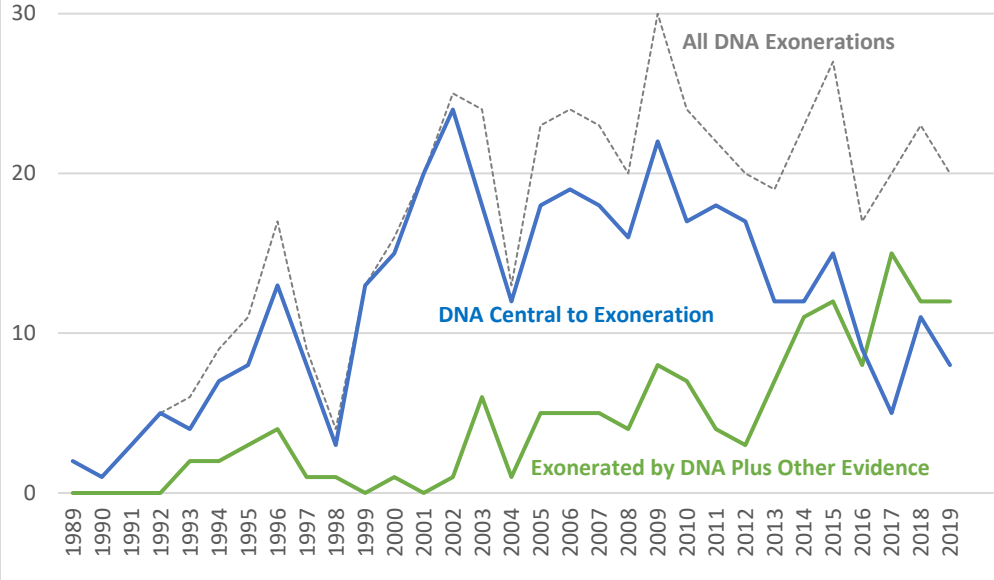
[1] At the time, those cases were identified on our website with asterisks (*).

cigarette butts and a marijuana joint from the victim's car failed to find DNA from McCallum or Stuckey but did identify the DNA profile of a different man who had a criminal record. The investigation also revealed that the prosecution concealed the fact that the police had originally interrogated two other suspects who (unlike McCallum and Stuckey) had histories of carjacking.

Despite this evidence, Brooklyn DA Charles Hynes concluded in 2013 that there was no evidence to support McCallum's claim of innocence. Hynes, however, was defeated for re-election in November 2013. In 2014, Hynes's successor, Ken Thompson, moved to vacate both McCallum's and Stuckey's convictions (the latter, posthumously) and dismissed the charges against them on the ground that their confessions were clearly false.

From 1989 through 2002, the number of these "DNA plus" exonerations—those in which other evidence of innocence was essential— was small, just 11% of all DNA exonerations (15/141). In the next ten years (2003-2012), that proportion doubled to 22% (48/223); from 2013 through February 2020—while the total of number of DNA exonerations bounced up and down around 21 a year—the proportion of DNA exonerations in which other evidence of innocence was essential increased to 53% (79/153), including 60% of DNA exonerations in 2019 (12/20) the last full year in which the Innocence Project made this distinction. See Figure 1, which covers exonerations from 1989 through 2019.[2]

Figure 1: DNA Exonerations by Role of DNA Evidence, 1989-2019



[2] There were four DNA exonerations in January and February of 2020, two in which the Innocence project deemed the DNA evidence was central to the exonerations, and two in which it did not.

The likely cause of this dramatic change in the nature of DNA evidence that is used in exonerations is a shift in the underlying cases. In the 1990s, most DNA exonerations were from convictions for sexual assaults with no previous DNA testing. Over the decades, as pretrial DNA testing has become nearly universal in rape investigations, the number of false sexual assault convictions that DNA can exonerate has decreased drastically. As a result, sexual assaults accounted for two thirds of all DNA exonerations through 2002 (95/141) but only one third from 2013 through February 2020 (50/153), while the proportion of homicide exonerations grew from 30% (43/141) to 58% (89/153).

In some DNA homicide exonerations, victims were also raped, and the DNA evidence was as simple and direct as in Walter Snyder's case. But in most—and especially among the more recent cases—the DNA evidence was more complex, as in David McCallum and Willie Stuckey's exonerations, and other post-conviction evidence was necessary to prove innocence.

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