

Examples of True Injustice

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By Dave Havir

BIG SANDY, Texas—Over the past year, there has been a lot of emotional discussion about people who were killed by law-enforcement individuals. After reading the details about many situations, I have formed a few conclusions. Let me share them with you.

- It is tragic whenever a person is killed by a law enforcement individual—even when the victim is guilty of crimes. Guilty victims leave behind grieving families. Helping grieving families deal with the loss of a family member is noble.
- In the majority of cases where a person is killed by a law enforcement individual, that victim had put himself into a bad situation—committing a crime, resisting arrest and the like.
- Defunding police departments is a ridiculous conclusion to tragic situations.
- At this time, I do not want to mention the details of the criminal behavior that caused the victims to be killed or the details of the subsequent actions of the law-enforcement individuals.
- Rather, I want to direct your attention to other situations which I consider to be examples of true injustice.
- I have to admit that the following four stories (and stories like them) cause me to have moments of irritation toward people in authority. More than that—stories like these have a tendency to break my heart.



Looking back to March 2019, an article by Josh Hafner titled “Fingerprint Match Clears Man After 36 Years in Prison Following Rape Case” was posted at usatoday.com on March 25, 2019. Following is the article.

A man serving a life sentence following his conviction for a 1982 rape and stabbing was freed last week after a match in a fingerprint database led to his exoneration.

The Innocence Project, a nonprofit focused on wrongful convictions, announced Thursday that Archie Williams had walked free after a Louisiana district court commissioner vacated his conviction after 36 years in prison.

“Mr. Williams first wrote to the Innocence Project for help in 1995. He was 35 years old,” Vanessa Potkin, the project’s director of post-conviction litigation, said in a statement. “Today, he walked out of prison at age 58.”

The commissioner, Kinasiyumki Kimble, moved last month to search an expanded FBI fingerprint database using prints left decades ago at the scene of the crime—a proposal to which prosecutors agreed.

Multiple fingerprints were left leading into the bedroom of the Baton Rouge home where the attack occurred, according to the nonprofit, all of which were ruled out as Williams’ at the trial.

The result: Fingerprint lifts taken from the scene led to the identification of another man, Stephen Forbes, who had confessed to multiple rapes after a 1986 arrest near the location of the crime for which Williams was convicted, the Innocence Project said.

Forbes died in prison in 1996, according to the nonprofit.

“If Commissioner Kimble had not insisted on, and First Assistant District Attorney Dana Cummings had not agreed to, a fingerprint search, Williams would have died in prison,” Emily Maw, senior counsel at the Innocence Project New Orleans, said in a statement.

Maw urged Louisiana lawmakers to give incarcerated people legal and open access to evidence that could prove them innocent and to allow experts to inform jurors how witnesses’ memories can unwittingly change over time.

The nonprofit said Williams was convicted “almost exclusively” on an identification by the victim, who identified Williams after seeing his photo a fourth time. Williams’ mother, sister and friend testified that he was asleep at home when the attack unfolded, the group recounted.

Williams’ relatives burst in tears Thursday after Kimble announced he would go free, citing “powerful evidence that Stephen Forbes committed this crime and Archie Williams did not,” according to The Advocate.

The newly freed man left courthouse surrounded by relatives, the newspaper reported.

“The sweet part about it is that I’m free, but the bitter part about it is that I’m not totally free because I inherited a family while I was in (prison) that’s just as innocent as I am,” Williams said, per WAFB-TV.



Looking back to December 2020, an article by David K. Li titled “Michigan Man Released From Prison After Spending 38 Years Wrongly Locked Up on Arson Charge” was posted at nbcnews.com on Dec. 18, 2020. Following is the article.

A Michigan man who spent nearly four decades in prison for a crime he didn’t commit insists he won’t hold grudges and will only look forward to enjoying his newfound freedom.

Walter Forbes is spending his first Christmas at home with loved ones since the early Reagan administration following his exoneration in a deadly 1982 arson.

A key witness against Forbes admitted she lied on the stand, leading a judge to toss out his conviction and prosecutors electing not to retry him. He walked out of Kinross Correctional Facility a free man Nov. 20.

The soft-spoken Forbes said harboring any ill will would detract from a life he plans to enjoy in the next several decades.

"Staying bitter would only rob me of my present and of my future," he told NBC News on Friday.

The 63-year-old said he never lost hope in all the years, believing some court, someday, would believe in his innocence.

"Knowing I could do it, just knowing that" helped him stay sane while in custody, Forbes said.

Forbes was a student at Jackson Community College in 1982, studying drafting technology in hopes of a career in real estate development or construction.

Then one night, he broke up a fight outside a bar involving a Jackson resident, Dennis Hall, Forbes' lawyer Imran Syed, an assistant director of the Michigan Innocence Clinic, said.

Hall, angered that someone would intervene in the brawl, allegedly shot and wounded Forbes the next day. That would turn out to be a particularly painful moment for Forbes, because Hall died in an arson a month later and the community college student was suddenly a prime suspect.

And when witness Annice Kennebrew, then a 19-year-old mother of two who was a distant relative of Hall's, told investigators that she saw Forbes setting the building on fire, that testimony proved crucial to his conviction.

For years, investigators and law school students with the Michigan Innocence Clinic worked up a relationship with Kennebrew before she admitted in a 2017 affidavit that she lied on the stand. The statute of limitations has long run out against a possible perjury case against her.

Kennebrew said in her testimony that she lied about seeing Forbes setting the fire because two men had threatened her into doing so.

"That man is in there really for nothing, for something that he hasn't done and I'm old enough now to know better, you know?" Kennebrew told Jackson County Judge Thomas Wilson on May 14.

"I've been wanting to do this, I've been holding it in for all these years and when the innocent people first came to me, I was pushing them away from me, I denied them for years, I ignore them people for a long time, and when they came back to me again, I just went on and told them the truth."

Syed said he believes the now-deceased owner of Hall's building set that deadly 1982 fire. That building owner ended up being convicted in a neighboring county of an arson and insurance scheme in 1990, according to Syed.

As a wrongfully convicted inmate, Forbes is now due to be compensated \$50,000 for each year he spent in state prison. It's a lengthy administrative process and he probably won't see any money until mid-2021, according to his lawyer.

"Thirty-eight years is an incredibly long time. He lost most of his 20s, his entire 30s, 40s, etc." said Syed, who took on Forbes' case just months after graduating from law school in 2011.

"When you think about all the things we accomplish in those eras of our life, suddenly \$1.8 million doesn't sound like that much money. I don't know if even \$100 million or \$200 million would be enough to take away the prime 40 years of your life."

For the time being, Forbes said he's enjoying time with family and is marveling at modern life, particularly "the ease of communications and technology."

He has an Android phone and an email address, has spoken to loved ones via videochatting apps, is learning how to send text messages and is weighing whether he wants to give Facebook or Twitter a try.

When asked what he found to be the most stunning new element of 21st century America, a laughing Forbes blurted out: "This might seem weird: But weed is legal."

Today's widespread legalization of recreational or medicinal marijuana is a far cry from the early 1980s when Forbes was a young man and the first lady of the United States dared young people to opt against drug use—particularly marijuana—and supported her husband's war on drugs.

"I remember that, Nancy Reagan would say, 'Just say no.'" Forbes said with a chuckle.

President Ronald Reagan's war on drugs was just ramping up when Forbes went away for the deadly arson. It'd have decades of impact on the lives of Black Americans, with Black people getting arrested on marijuana charges at much higher rates than white people.

Also while he was away, seat belts became mandatory in every state—though Forbes said he's still surprised every time a car reminds him to buckle up.

"I know what gets me still is the alarm for the seat belts," he said. "They'll be going off if I don't put it on, 'Put your seat belt on.'"



Looking back to December 2020, an article by Jeremy Roebuck titled "Philly to Pay \$9.8 Million to Man Exonerated Who Spent 28 Years in Prison After Wrongful Conviction for Murder" was posted at inquirer.com on Dec. 30, 2021. Following is the article.

In one of the largest wrongful-conviction settlements in Philadelphia history, the city said Wednesday it will pay \$9.8 million to a man exonerated after spending nearly three decades in prison for a murder he did not commit.

Chester Hollman III was 21, with no criminal record and a job as an armored-car driver, when he was pulled over in Center City one night in 1991 and charged with the fatal shooting of a University of Pennsylvania student in a botched street robbery. A judge ordered him released last year at age 49, citing evidence that police and prosecutors built their case on fabricated statements from people they coerced as witnesses and later withheld evidence pointing to the likely true perpetrators of the crime.

The agreement announced Wednesday is the latest in a string of seven-figure settlements stemming from claims of misconduct by city police in the late 1980s and '90s. Those cases have led to more than a dozen exonerations in recent years and have cost the city more than \$35 million since 2018.

"There are no words to express what was taken from me," Hollman said in a statement. "But this settlement closes out a difficult chapter in my life as my family and I now embark on a new one."

His payout is just \$50,000 short of the record for settlements of its kind in the city—a distinction held by the \$9.85 million agreement the city struck in 2018 with Anthony Wright, a man who served nearly 25 years of a sentence for a 1991 rape and murder that DNA evidence proved decades later he did not commit. Several of the same investigators who worked to convict Wright were also involved in Hollman's case.

But unlike in Wright's case, which was settled on the eve of a civil trial, the agreement in Hollman's case came before he had even filed suit.

His attorney Amelia Green said the evidence supporting Hollman's innocence—which garnered media attention first in the form of a 2017 report in *The Inquirer* and, in April, an episode of the Netflix series *The Innocence Files*—put pressure on city officials to resolve the case swiftly, though neither they nor police admit any wrongdoing as part of the settlement deal.

"There was irrefutable evidence that Chester was innocent, is innocent and has always been innocent and would never have been wrongfully convicted aside from extraordinary police misconduct," Green said.

Hollman did not respond to requests for an interview Wednesday and has guarded his privacy closely since his release from a state prison in Luzerne County last year.

"He's doing the best he can to move forward," his lawyer said. "He's an incredibly strong person."

His exoneration came after District Attorney Larry Krasner's Conviction Integrity Unit agreed to review his case in 2018 at the request of his longtime appeals lawyer, Alan Tauber, and ultimately concluded that it was "near-impossible" that Hollman committed the crime.

They convinced a Philadelphia Common Pleas Court judge that the investigation and Hollman's eventual prosecution had been marred by misconduct from nearly the moment he was accused of shooting Penn student Tae-Jung Ho near Rittenhouse Square in August 1991.

Hollman had always maintained his innocence, before and for years after a jury convicted him in 1993. He was targeted, he and his lawyers maintained, solely because he was a Black man driving a white SUV in Center City that matched the description of one seen fleeing the shooting scene. No physical evidence linked Hollman to the crime. And the two witnesses who identified him as the shooter at trial later recanted, saying they had lied under pressure from the police.

One said officers had threatened her with arrest if she did not implicate Hollman. The other later said he had agreed to provide the false testimony in hopes of securing help with his own pending criminal case.

The Conviction Integrity Unit also found that detectives had ignored tips and evidence pointing to other, more likely suspects because they did not fit the narrative they were already building around Hollman as the killer—and prosecutors failed to disclose that potentially exculpatory evidence to the defense. No one else has ever been charged in the killing.

Similar failures have tainted more than a dozen homicide prosecutions from that same era, when the city routinely topped 400 murders a year and detectives secured arrests at a far higher rate than the national average.

Since Krasner took office in January 2018, 17 defendants have been exonerated in cases involving many of the same officers who led the investigations into Hollman and Wright. Most of those detectives have since retired, but some have remained on the force and been promoted up the ranks.

"You don't have this many exonerations from one cohort of detectives unless it was a pervasive culture," Green said. "There's no way that the highest ranks weren't aware."

Since August 2018, taxpayers have paid more than \$25 million to settle wrongful-conviction lawsuits—a figure more than 16 times the \$1.5 million the city paid out for similar cases between 2010 and 2018.

That doesn't include the \$9.8 million the city agreed to pay Hollman on Wednesday. And the numbers are almost certain to grow as more recent exonerees press their claims in court. Pennsylvania is one of the minority of states that doesn't automatically compensate people who have had their convictions overturned.

Mayor Jim Kenney said Wednesday that there is no price that could be put on a person's liberty.

Still, he added in a statement on Hollman's settlement: "I am encouraged to know that we have reached what I believe is a fair agreement that will allow Mr. Hollman and his family to begin building a future together."



Looking back to March 2021, an article by Ben Russell, Candace Sweat and Jack Highberger titled “Wrongfully Convicted Dallas Man Released After 34 Years in Prison” was posted at nbcdfw.com on March 11, 2021. Following is the article.

A Dallas man was released from custody Friday more than 30 years after he was convicted for a crime that prosecutors now acknowledge he did not commit.

On Wednesday, the Dallas County District Attorney’s office announced that the conviction of Benjamine Spencer should be vacated. He was released from custody Friday afternoon on a personal recognizance bond.

The case now goes to Texas’ Court of Criminal Appeals, which will decide whether to vacate Spencer’s conviction. If the appellate court agrees, prosecutors would have the option to retry Spencer, dismiss the case or agree to his claim of actual innocence.

“It doesn’t mean he’s innocent, but we are continuing to investigate the actual innocence claim,” Creuzot said Friday, according to the paper. “There’s really not much left as far as evidence is concerned. But we’ll keep looking. And the other thing, too, is we have an open mind to that somebody else did this.”

Spencer was convicted in 1987 for killing a man during a robbery. He was granted a new trial the following year, was convicted again—this time for aggravated robbery—and was sentenced to life in prison.

Spencer has maintained his innocence since he was arrested. He has spent the majority of his sentence in a maximum security state prison before being released Friday.

“I know my child didn’t do it, so I have fought with him for 34-years to get him free and I’m still fighting for him,” said Lucille Spencer, Benjamine’s mother.

In the years that have followed, a growing number of others have joined Spencer in championing his innocence. In 2007, now-retired Dallas County Judge Rick Magnis ruled that Spencer had been unfairly convicted before a higher court overturned that decision.

Dallas County District Attorney John Creuzot’s Conviction Integrity Unit took up Spencer’s claims soon after the DA took office.

“We conducted an independent investigation, and when we did that, it was apparent that Spencer was wrongfully convicted,” said Cynthia Garza, chief of the CIU, in a news release.

In March 1987, Jeffrey Young was killed during a robbery, and a witness later claimed she had seen Spencer and another man exiting Young’s stolen car in a dark alleyway. At the time she claimed she could identify Spencer, the witness was at a distance of approximately a football field away, according to court testimony.

There was no physical evidence found that linked either men to the killing or to the vehicle.

That key witness was later found to have given false testimony about her expectation of receiving upwards of \$25,000 in reward money, put up by the family of Dallas billionaire Ross Perot, who knew the victim's family, that would be awarded if the trial ended in a conviction.

If Spencer is determined to be "actually innocent" he would be eligible to receive funds from the state for people who spend time behind bars for crimes they did not commit. Another judge found him "actually innocent" in 2007 but the Court of Criminal Appeals overturned the verdict, the Dallas Morning News reported.