

Lifers' Group Fast Facts: WRONGFUL FIRST-DEGREE MURDER CONVICTIONS IN MASSACHUSETTS: Too Many and Justice Too Long Delayed

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WRONGFUL CRIMINAL CONVICTIONS		
Year	Total	Years
Rel'd	# WCC	Served
[Available Names(see n10)]		
2009	2	
2010	7	
	Jesus Silva-Santiago	4yrs
2011	1	
2012	4	
	Michael Sullivan	29yrs
2013	4	
	Mark Schand	28yrs
	Charel Whittle	3yrs
2014	0	
2015	8	
	Victor Rosario	34yrs
	Sean Ellis	22yrs
	Angel Echavarria	21yrs
2016	4	
2017	6	
	Fred Welchel	36yrs
	Fred Clay	38yrs
	Darrell Jones	30yrs
2018	3	
2019	10	
	Gary Cifizzari	35yrs
2020	13	
	Anthony Mazza	48yrs
	Frances Choy	9yrs
	Raymond Champagne	41yrs
	Ronald Qualls	28yrs
	James Watson	39yrs
	Thomas Rosa Jr	34yrs
	Pedro Valentin	30yrs
	Christopher Martinez	20yrs
	Arnold King (11)	50yrs.
2021	9	
	Shaun Jenkins	18yrs
	James Lucien	27yrs
	Tyrone Clark	50yrs
	Raymond Gaines	40yrs
	Jabir Pope	38yrs
	Angel Hernandez	12yrs
2022	3	
	Floyd Hamilton	38yrs
	Paul Robinson	50yrs
	Stephen Pina	29yrs
Total	74	911yrs

Over the last 14 years, 74 prisoners, equaling an eye-opening 7.2% of all the Massachusetts prisoners convicted of first-degree murder sentenced to Life Without Parole (LWOP), needed to be released by the courts because of wrongful convictions (1). The 29 who were identified and the years they served before release are listed in the Table. Cumulatively, they served 911 years, averaging 31 years each.

Nationally, concerns have been raised by increasing numbers of defendants shown to have been wrongfully convicted(2). National rates of murder exonerations rose from 5-yr averages of 16/yr (1989-1994) to 69/yr (2017-2021)(3). The number of years murderers served before exoneration rose from 7 years in 1991 to 19 years in 2019 (4). However, it is very difficult to reliably estimate the actual rates of innocence and false convictions(5). An effort to quantify this rate for defendants sentenced to death, whose convictions are subject to the most intensive reviews, resulted in an estimate of 4.1% (6). Experts have suggested that rates of undetected innocence for those sentenced to LWOP must be higher than for those sentenced to death because they do not receive the same intensive search for errors(7).

Massachusetts capital first-degree murderers are sentenced to mandatory LWOP, assuring that they will die in prison. However, because of the limited post-conviction resources available to LWOP prisoners, it is likely that many more than the documented 7% will have been wrongfully convicted. Further, the long delays, of over 30 years for those who do succeed, emphasize both the injustice and the difficulty of exposing these wrongful convictions.

Our findings support alarming conclusions that too many defendants have been wrongfully convicted of first-degree murder and that LWOP sentences are especially inappropriate with rates of wrongful convictions surely well above 7%. This unjust and all too likely reality in present-day Massachusetts is a reason to call for fairer prosecutorial practices and to strengthen and expand Conviction Integrity Units(8). However, immutable death-in-prison LWOP sentences need to be ended to offer second chances for those who may be falsely convicted as well as those who have matured and become rehabilitated. LWOP prisoners should become eligible for lifetime paroles after 25 years, a model already validated by the successful paroling of MA juvenile first-degree murderers (9).

[ENDNOTES on reverse]



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ENDNOTES

Sources: Numbers of Wrongful Criminal Convictions (WCC) for first-degree LWOP prisoners and years of release were obtained from multiple public records requests of MA-DOC, 2011 to 2023. Names, dates and length of time served for wrongfully convicted prisoners were culled from news reports (Boston Globe and others), National Registry of Exonerations (UC-Irvine and U. Michigan Law School), LEXIS records of MA appellate court decisions, and personal knowledge. Names are not available through Massachusetts public records laws requests because of CORI (Criminal Offender Registration Information) restrictions.

1. The total number of LWOP prisoners ranged from 938 on 1/1/2009 to 1038 on 1/1/2023, after peaking at 1083 on 1/1/2020, for an average of 1032 prisoners. $74/1032=7.2\%$

2. Gross SR, O'Brien B, Hu C & Kennedy EH. "Rate of False Conviction of Criminal Defendants Who Are Sentenced To Death", Proc Natl Acad Sci (PNAS), 111:7230-7235 (2014).

3. Gross SR, Possley M, Otterbourg K, Stephens K, Paredes JW, O'Brien B. "Race and Wrongful Convictions in the United States, 2022" at 13 and Fig 1, (National Registry of Exonerations, U. Calif Irvine, U Michigan Law School and Michigan State Univ College of Law, Sept 2022).

4. Ibid. at 13 and Fig 6.

5. Gross, O'Brien, Hu & Kennedy. "Rate of False Conviction...", note 2.

6. Ibid.

7. Ibid.

8. Ibid.

9. Greineder D. "Lifers Group Fast Facts: Massachusetts Juveniles Convicted of First-Degree Murder Have Not Re-Offended When Paroled" (Lifers' Group Inc.**; Norfolk, MA, March 2023).

10. Names of wrongfully convicted defendants who could be identified are listed in the years they were released. Reported dates may vary based on different times of release and final court adjudications. Totals for each year include those named and not all names were available for any year other than 2022.

11. Arnold King was released after 50 years when District Attorney of Suffolk County determined that he was wrongfully convicted, requiring a new trial, because his original trial was fatally tainted by jury irregularities. He accepted to plead guilty to voluntary manslaughter (maximum sentence 20 years) and was released because he had served 50 years.

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