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September 20, 2011

Larry Chisolm
District Attorney
133 Montgomery Street
Savannah, Georgia 31401

Dear Mr. Chisolm:

On behalf of the Innocence Network and its affiliate the Innocence Project¹, we write to urge you withdraw the notice of death in the case of Troy Anthony Davis given the substantial doubts that exist as to his guilt. Such an exercise of your office's authority is warranted in a case such as this one, where there is no physical evidence tying Mr. Davis to the crime and where the conviction rests solely on eyewitness identification, much of it since recanted and *all of it wholly unreliable*.

We are particularly concerned about the application of the death penalty in this case because our work has demonstrated that eyewitness misidentification is the most common cause of wrongful convictions. Of the 273 exonerations we have secured through the use of DNA evidence, 75 percent involved the testimony of eyewitness identification evidence. In 38 percent

¹ The Innocence Network (the Network) is an association of organizations dedicated to providing pro bono legal and/or investigative services to prisoners for whom evidence discovered post conviction can provide conclusive proof of innocence. The sixty-six current members of the Network have represented over 300 people who have been exonerated post conviction, and represent hundreds of prisoners with innocence claims in all 50 states and the District of Columbia, as well as Australia, Canada, the United Kingdom, Ireland, and New Zealand. The Innocence Network and its members are also dedicated to improving the accuracy and reliability of the criminal justice system in future cases. Drawing on the lessons from cases in which the system convicted innocent persons, the Network advocates study and reform designed to enhance the truth-seeking functions of the criminal justice system to ensure that future wrongful convictions are prevented. Its affiliate, the Innocence Project, is an organization dedicated primarily to providing pro bono legal and related investigative services to indigent prisoners whose actual innocence may be established through post-conviction evidence. It has a specific focus on exonerating long-incarcerated individuals through use of DNA evidence, including newly-developed DNA testing methods. It also seeks to prevent future wrongful convictions by researching their causes and pursuing legislative and administrative reform initiatives designed to enhance the truth-seeking functions of the criminal justice system— including identifying those who actually committed crimes for which others were wrongfully convicted.

of eyewitness misidentification cases, multiple eyewitnesses misidentified the same innocent person.² These individuals were fortunate enough that DNA evidence that could conclusively prove their guilt or innocence existed. Mr. Davis is not so fortunate: there is no DNA evidence that can resolve the substantial remaining doubts about his guilt.

We urge you to take the admittedly unusual step of withdrawing your Office's death warrant in Mr. Davis' case. We submit that the unique facts and circumstances of this case – from the unreliable evidence of guilt to the limited clemency hearing Mr. Davis received before the Georgia Board of Pardons and Paroles yesterday – urges such unusual action³. In fact, justice requires it.



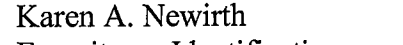
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² *Id.*

³ We enclose herewith the letter we have delivered to the Board today, together with its enclosures. We also include our letter to the Board dated September 16, 2011.