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Kirk Noble Bloodsworth

Overtured

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My name is Kirk Bloodsworth, and my case was the first capital conviction case in the United States to be overturned through DNA testing. I was exonerated in 1993 after spending almost nine years in prison, including two on death row, for a crime I did not commit.

Eyewitness misidentification played a pivotal role in my conviction and is now a major issue in the case of Georgia death row inmate, [Troy Davis](#). In [Davis'](#) case, seven of the nine eyewitnesses have recanted or contradicted their original testimony. The Georgia State Board of Pardons and Paroles will review his case on August 9 but he faces execution.

My life changed dramatically when I was arrested for the rape and murder of 9-year-old Dawn Hamilton in August, 1984. I was arrested after an anonymous caller told police that I was seen with the victim the day of the crime and an identification made by a witness from a police sketch that was based on the recollections of five eyewitnesses.

Two little boys described the suspect as six feet five inches tall with a slim build and dirty blond hair -- but at the time of my arrest, I was six feet tall, with a thick waist, fiery red hair, and long sideburns. Even so, I was identified in a line-up as the last man seen with the victim.

My family and friends swore that I was with them at the time of the murder, but the jury convicted me in less than three hours and I was sentenced to death for the crime.

I spent 8 years, 11 months, and 19 days behind bars before DNA testing proved my innocence. After years of urging, officials in Maryland finally ran the biological evidence that exonerated me through the state's database, and it matched the DNA of the person who had committed the horrific crime.

In my case, five separate eyewitnesses who testified at trial were later shown to be mistaken. Although two of the witnesses were children, and the identification procedures proved to be highly suggestive, the eyewitness evidence carried immense weight with the jury and led to my conviction.

Eyewitness misidentification is widely recognized as one of the leading causes of wrongful convictions in the United States. Since 1989, DNA evidence has been used to exonerate over 200 individuals who were wrongly convicted and of those, approximately 75 percent were convicted on evidence that included inaccurate and faulty eyewitness identifications.

Had DNA testing not been available, I would still be in prison today. In Troy Davis' case, along with the vast majority of criminal cases in this country, DNA or other biological evidence is not available; hence eyewitness testimony holds tremendous importance in establishing guilt or innocence. Unfortunately, eyewitness testimony is highly subjective and susceptible to numerous forms of contamination from poorly conducted police lineups, to the lack of careful documentation of the identification, which increases possible manipulation of witness certainty.

While Troy Davis awaits execution mounting evidence casts a large shadow of doubt his conviction. The flaws of our broken criminal justice system in Georgia now threaten to take the life of a man based solely on highly suggestive, unreliable evidence.

I was a former United States Marine with no criminal record, who was never at the scene of the crime, but I was still convicted and sentenced to death for a crime I did not commit. If it can happen to me, it can happen to anybody. Until changes are made in Georgia and elsewhere to ensure that eyewitness identification procedures are accurate and reliable, great caution must be taken in using eyewitness testimony and evidence as the sole means in ascertaining guilt.

The Georgia State Board of Pardons and Paroles should grant Troy Davis clemency to ensure that the horrific mistakes made in his case, my case, and numerous others are not repeated.

Kirk Bloodsworth is the program officer of [The Justice Project](#), a nonpartisan organization that works to address unfairness and inaccuracy in the criminal justice system, with a focus on the capital punishment system.