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Brothers Exonerated and Released After a Combined 50 Years' Incarceration

For release – May 3, 2019

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Today, after spending more than half of their lives in prison, Kenneth “JR” McPherson and Eric Simmons are expected to be exonerated for a murder they did not commit and released from prison. The Baltimore City State’s Attorney’s Office announced that it would agree to vacate the convictions and dismiss all charges against the two brothers.

Mr. McPherson and Mr. Simmons were convicted in 1995 of conspiracy to kill Anthony Wooden during an East Baltimore shooting just after midnight on August 31, 1994. The conviction relied upon the testimony of two witnesses: (1) a paid witness who claimed to have seen the crime from a third-floor window that was 150 feet away; and (2) a 13-year-old boy who was threatened with homicide charges, and who recanted his statement before trial and again at trial.

An investigation by the University of Baltimore Innocence Project Clinic (UBIPC), the Mid-Atlantic Innocence Project (MAIP), and the Baltimore City State’s Attorney’s Office Conviction Integrity Unit (CIU) confirmed both men’s alibis, undermined the State’s weak evidence, and identified a credible witness who said Mr. McPherson and Mr. Simmons were not involved.

“Two and a half decades ago, this family lost not one but two brothers, not one but two sons.” said Brianna Ford, UBIPC Deputy Director and counsel for Simmons. “Today, they’re finally going to get them back.”

In 2008, the Maryland Office of the Public Defender and the University of Baltimore School of Law established the Innocence Project Clinic to identify individuals who have been convicted in Maryland state courts of crimes they did not commit and to assist in the investigation and representation of their claims. Assistant Public Defender Michele Nethercott assumed the role of Director of the Clinic and remains in that leadership position today. UBIPC is also affiliated with MAIP, which represented Mr. McPherson.

“Mr. McPherson and Mr. Simmons have each lost 25 years of their life that they can never get back,” said Maryland Public Defender Paul DeWolfe. “Justice requires taking the steps to right the wrongs of prior injustices. This requires key system players to take actions like conducting the investigation here, providing redress and working to prevent similar harm to others.”

Last year, with funding from the U.S. Department of Justice, UBIPC and MAIP formalized a unique partnership with the Baltimore City State’s Attorney’s Office Conviction Integrity Unit to

conduct investigations like the one here. In the past ten months, two other individuals have been exonerated based on the efforts of this partnership.

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