

On January 24, 2019, a Bronx judge vacated the 1989 murder conviction of Huwe Burton. Burton, who was out of prison on parole, had served a total of 20 years and 8 months in jail and prison for a murder he did not commit. Only 16 years old when he was interrogated at length without a parent or guardian by his side, Burton confessed to the almost unimaginable crime of murdering his mother, Keziah Burton.

The road to Huwe's exoneration was a torturous 10 years and involved a remarkable collaboration with Laura Cohen of the Rutgers Law's School's Youth and Criminal Justice Clinic, Barry Scheck and Susan Friedman of the Innocence Project, current and former students and faculty from Northwestern Pritzker School of Law's Center on Wrongful Convictions, and the Conviction Integrity Unit (CIU) of the Bronx DA's Office under Darcel Clark.

For years, Rutgers and Northwestern's team investigated the case. We developed significant evidence related to an alternate suspect who was a convicted criminal renting the apartment downstairs from the Burton's, and who was found driving Mrs. Burton's stolen car a week after the crime. We also found evidence that the detectives who obtained Huwe's confession had taken false confessions from two other men, Dennis Coss and Kelvin Parker, in a second murder case just three months before Huwe's arrest. We located the trial files of Huwe's defense attorney -- famed civil rights attorney William Kuntzler -- and learned that Kuntzler suspected that the DA was withholding Brady evidence.

In early 2016, the IP joined the case and things started to move quickly. Darcel Clark, a new Bronx DA had just won the primary, running on a platform that included strengthening the DA's moribund Conviction Integrity Unit (a sort of in-house innocence organization). Under Clark, the CIU opened up its files to us, we found exculpatory evidence that had not been turned over to Kuntzler, evidence which not only cleared Huwe (he was in school at the time of the murder) but also implicated the alternative suspect. We also obtained newly discovered evidence relating to the false confessions of Dennis Coss and Kelvin Parker and secured the permission of Coss to unseal the files relating to his settled civil case. We now had more than enough evidence to reopen his case and to win a contested hearing on both actual innocence and Brady grounds.

It took nearly three years of negotiating but the CIU finally agreed to vacate Huwe's conviction. They did so on the basis of "new scientific and scholarly evidence on the risk factors that contribute to false confessions, the information about the false confessions in the Coss and Parker cases, and additional details [we had uncovered about the alternative suspect's] prior criminal history." Based on all of this evidence, the District Attorney announced that she "no longer has confidence that Huwe Burton's confession is reliable and true...[and that] [h]ad this new evidence been presented at trial, it is probable that the verdict would have been more favorable" to Mr. Burton. Much of the "newly discovered" scholarly research relied upon by the DA was written or co-written by attorneys at the Center on Wrongful Convictions.

This is the first time that a prosecutor has argued and a court has held that new understandings about the phenomenon of false confessions can constitute "newly discovered evidence" of actual innocence sufficient to vacate a criminal conviction