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FILM REVIEW

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Highlighting a Tragic Chink in the Criminal Justice System

By **STEPHEN HOLDEN**

Calm, deliberate and devastating, Jessica Sanders's documentary "After Innocence" confirms many of the worst fears about weaknesses in the American criminal-justice system. In examining the cases of seven men wrongly convicted of murder and rape and exonerated years later by DNA evidence, the film reinforces the queasy feelings you have while following high-profile criminal trials.

The pursuit of justice in those cases often seems secondary to the drama of competing lawyers and to the ferocious desire of prosecutors to win at all costs and protect their reputations. Like many of us, judges, lawyers and prosecutors may often go out of their way to avoid admitting mistakes.

Watching the interviews with those fortunate enough to have been exonerated, it is impossible not to imagine yourself in their shoes and wonder how you would feel if the best years, or decades, of your life had been lost to a wrongful conviction. Overwhelming rage, bitterness and despair would seem natural human responses. But although tears of frustration well up in the eyes of more than one subject, no one in the film seems completely crushed by his misfortune. Bitterness is tempered by gratitude and a personal sense of the miraculous; all seven want to get on with the rest of their lives as best they can.

Reflecting on his time spent in jail, Scott Hornoff, a Rhode Island police officer who served 6 and a half years of a life sentence for first-degree murder, declares that the goal of prison authorities is to break prisoners' spirits; his, thankfully, survived intact. After his release, he went to court to win back his job and his back pay, and he won, but the police department has appealed the decision. Like many in the film, he is now a staunch advocate for the innocent.

Three men in the film - Calvin Willis of Louisiana, Wilton Dedge of Florida and Nicholas Yarris of Pennsylvania - were imprisoned for more than two decades; Mr. Yarris spent most of that time in solitary confinement. The movie observes the three-year struggle that finally led to Mr. Dedge's release in August 2004; the state had opposed his release because his DNA tests were

taken five years before the law provided for such testing. Mr. Dedge's case is the film's most flagrant example of embarrassed justice officials throwing up roadblocks.

The film cites research, based on 70 DNA exonerations, that points to mistaken identity as the most common factor leading to a wrongful conviction. It offers a graphic example in the case of Ronald Cotton of North Carolina, who served 11 years for rape and burglary based on the eyewitness testimony of Jennifer Thompson-Canino

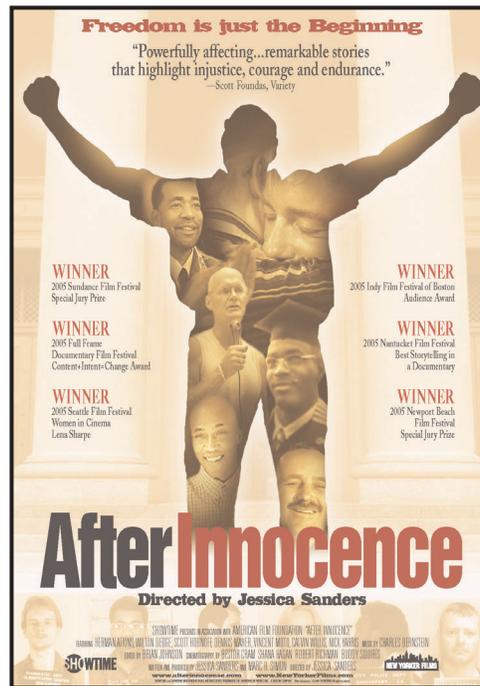
conclusive proof of innocence. Its work has helped exonerate more than 160 people, and it estimates that DNA testing could free thousands more.

The movie addresses the question of compensation after wrongful imprisonment. Unlike paroled prisoners, who have a network of social services to help them re-enter society, the exonerated have little guidance or support. What does society owe these people for what they lost, not only in wages and career opportunities but as compensation for their suffering and humiliation? In most states compensation legislation has not been enacted.

The pain of these stories is mitigated by the movie's choice of interviewees, many of whom seem both humbled and ennobled by their ordeals. The film is careful about what it addresses: racism and the preponderance of African-Americans in prison are left for another film. And the actual prison experiences are not described.

The issue of capital punishment is also largely skirted. But late in the film there is a brief appearance by the former Illinois governor George Ryan, who put a moratorium on the death penalty after 13 death-row inmates were cleared of murder charges, some through DNA testing.

The Innocence Project has expanded into the Innocence Network, a growing nationwide group of law schools, journalism schools and public defender's offices. There is talk of it a new civil rights movement coalescing around it. "After Innocence" leaves you feeling that one is urgently needed.



identifying him in a police lineup as her rapist. When another man confessed to the crime 11 years later, DNA evidence bore out the confession. Mr. Cotton was released, and he and Ms. Thompson-Canino have become friends. Her story, sorrowfully told on camera, illustrates the chilling fact that even the most positive eyewitness identification can be wrong.

The film, written by Ms. Sanders and Marc Simon, was made in collaboration with the Innocence Project, a nonprofit legal clinic founded in 1992 by the lawyers Barry C. Sheck and Peter J. Neufeld at the Benjamin N. Cardozo School of Law in Manhattan. The clinic handles only cases in which post-conviction DNA testing can yield

After Innocence

Opens today in Manhattan.

Directed by Jessica Sanders; written and produced by Ms. Sanders and Marc Simon; directors of photography, Shana Hagan, Buddy Squires, Bestor Cram and Bob Richmond; edited by Brian Johnson; music by Charles Bernstein; released by New Yorker Films. At the Quad Cinema, 34 West 13th Street, Greenwich Village. Running time: 95 minutes. This film is not rated.

www.AfterInnocence.com

www.NewYorkerFilms.com

