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United States Department of Justice  
950 Pennsylvania Avenue, NW  
Civil Rights Division  
Criminal Section, PHB  
Washington, DC 20530

To the Civil Rights Division of the United States Department of Justice:

About four months ago, I participated in a unique and important event where original victims of crimes, and eight other victims of wrongful convictions (“exonerees”), described the unique pain and suffering we each suffered as a result of wrongful convictions. These stories were told over two whole days; between sessions, we ate and talked – and literally laughed and cried – with each other over a spur-of-the-moment dinner we decided to share together. While the sufferings of every original victim and victim of a wrongful conviction are unique, we found the parallels between us all striking and obvious - though they have forever been hidden in plain sight.

At that meeting, I told the all-too-true story of how a prosecutor in New Orleans, Jim Williams, tried to kill me by recklessly, arguably intentionally, abusing his awesome prosecutorial power to illegally seek my execution. One by one, courts have recognized that he has done the same to several other people here in New Orleans. To this day, however, his heinous abuses of power have not been addressed in any significant way. He just kept going. And unless a defendant or wrongfully convicted person was lucky enough to be able to prove his misdeeds to a court, the entire system acted as if there was nothing wrong, nothing more to be concerned about.

This is shocking. To my community, it is also terrifying. It is also, literally, torturous. For our government realizes that Jim Williams and others like him have run roughshod over our constitutional rights. And my community has come to believe that the government doesn’t care enough to try to defend us from such rampant and systemic prosecutorial misconduct.

I refuse to believe that of my government. That is why I am filing this petition with you, the United States Department of Justice, to investigate and provide the relief and remedies that my community and I – and those like us across the country - deserve under law.

When we suffer such violations of the law we are victims – but no-one recognizes us as such because the perpetrators worked for the government. If you ask the family members of innocent people sentenced to death, you would hear the pain akin to that of original victims of crimes and their families.

Whether the violations we suffer are at the hands of individuals, or government actors, we are VICTIMS. The law says a crime took place: attempted murder. I am a citizen of the State of Louisiana and the United States of America. My family and I deserve the same protection as any other person would get who has been a victim under law. Why will no-one hold the perpetrators to account? Every time they tried to execute me (I was served with seven warrants for my execution while in my cell on death row) I felt pain that I would not wish on anyone. My family had to help my mom in her grief: her only son was kidnapped out of her house and sentenced to die for a crime he didn’t do. My grandmother was overwhelmed by the victimization she felt at the hands of her government - simply because she was a poor, Black woman. Even through her grief, she and my

mother had to help my sons cope with knowing their father was trapped in a cell and going to be killed.

Jim Williams knew I was innocent. He knew exactly what he was doing and he was content to let me be wrongfully executed. Since surviving, I am called an “exoneree.” When I look up the word, it says: “One who is exonerated.” Nothing else.

I am many things, but after the wrongful torture and near-execution that the criminal justice system recklessly subjected me to, I do not think of myself as an “exoneree.” I think of myself as a victim.

Jim Williams tortured me and tried to kill me. By plain definition, I am a victim of torture and attempted murder. My mother, my sons, my grandmother were all victims of that torture. They hurt every day that I was locked in a cell on death row and the State was trying to kill me. Now everyone acts as if nothing happened to us. Is it because our lives don’t matter? No-one has been brought to justice for what happened to me, to the scores of others in Louisiana like me and to the thousands of people around the country who have been exonerated. We are victims, we want the perpetrators held to account and no one is doing it. I am writing to you today to ask the Department of Justice to change that. We want the victimization at the hands of Orleans Parish prosecutors to be stopped – and for the wrongful convictions that surely resulted to be recognized.

Therefore, I am submitting a complaint to you today regarding Jim Williams. He wrongfully prosecuted me, and violated my rights because he knew he would get away with it. He knew he was abusing his power and violating my constitutional rights to have me killed – wrongfully. It was only because I had pro bono lawyers who fought for me that, less than one month before I was scheduled to be executed in 1999, an investigator discovered paperwork in the police files archives that the prosecutors had purged from their files: paperwork showing I was innocent. Charges were dropped against me in one case (an armed robbery case) and when I was retried for capital murder in 2003, it took a jury less than 30 minutes to acquit me because they heard all of the evidence that Jim Williams hid at my original trial in 1985.

I sued the prosecutors who deliberately framed me in federal court and, in 2007, a New Orleans jury awarded me \$14 million – one million dollars for each year I spent on death row. The suit was against the individuals and their supervisor, the longtime District Attorney of New Orleans, Harry Connick. The Fifth Circuit upheld the judgment but the U.S. Supreme Court reversed it in a 5-4 decision. *Connick v. Thompson*, 563 U.S. 51 (2011). Even though the record of the misconduct by Connick’s prosecutors in my case was clear, no one has done a thing about it or tried to bring them to justice. I feel like the victim of an attempted murder where everyone knows who was responsible and no one has seen fit to hold them accountable. I can only assume that it is because I was a poor Black man and they were white men and women; colleagues and friends of those who could hold them accountable.

That is the first reason I am writing to the Department of Justice asking it to intervene: because my life, and that of my family, matters. And no one in Louisiana will recognize that.

The second reason I am seeking your investigation under law is because Jim Williams was not alone: there was a culture of hiding evidence and cheating in the District Attorney’s Office in New Orleans that spread over several decades. According to the National Registry of Exonerations, New Orleans has the highest per capita rate of proven wrongful convictions of any jurisdiction over 300,000 in the country. We have ten times more proven wrongful convictions than the national average and we have that number even and although there has only been one DNA exoneration in New Orleans (because our clerk of court and police have lost and systematically destroyed biological evidence from closed cases that could have been tested and that which they did not lose or destroy was lost forever in the floodwaters of Hurricane Katrina). The exonerations have not all been because of withholding favorable evidence but most were and, what’s more, there are many more findings of withholding of

exculpatory evidence than in just those cases where someone was fully exonerated.<sup>1</sup> From all of these cases, some of the same prosecutors' names come up time and again and yet no-one in authority has asked for an investigation or taken any action whatsoever to look into why this was tolerated, or even encouraged, for so long.

The worst part of this is that many of the people who were prosecutors with Harry Connick's District Attorney's office are now high up in the current DA's administration, are judges at every level in New Orleans and other parishes and even went to work at the Office of Disciplinary Counsel, the agency responsible for regulating attorneys. Of the current 12 judges at criminal court in Orleans Parish, seven of them were prosecutors for Harry Connick's office, the same office where prosecutors cheated over and over again. Those judges are now responsible for reviewing cases from the past and, because of where they were trained, they are not fit to do that. And the worst part of our problem in New Orleans is that we had a District Attorney who was trained as one of Harry Connick's prosecutors and operates in the same way as Harry Connick's office did.

It is worth noting that court decisions seem to have no effect on how the District Attorney behaves here. After the U.S. Supreme Court decided *Kyles v. Whitley*, 514 U.S. 419 (1995), a case which was directed straight to Harry Connick's prosecutors, we know of at least seven cases in which the same office continued to violate *Brady* in the years after the decision (Dan Bright, Dwight Labran, Juan

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<sup>1</sup> The following is a list of all 38 known cases of Brady violations in Orleans Parish: **Reginald Adams**, *Radley Balko, Another Orleans Parish Man Freed Due To Prosecutor Misconduct*, *Washington Post*, May 12, 2014; **Michael Andersen**, *Gwen Filosa, Suspect in 5 Murders Will Face Trial Again*, *Times-Picayune*, July 31, 2010, at B03; **Dan Bright**, *State v. Bright*, 875 So. 2d 37 (La. 2004); **Greg Bright**, Michael Perlstein, *Open to Appeal; Convicted criminals Say DA Policy Change Gives Them Fair Shot*, *Times-Picayune*, July 20, 2003, at 1 (National); **James Carney**, *State v. Carney*, 334 So. 2d 415 (La. 1976); **Norman Clark**, *Clark v. Blackburn*, 632 F.2d 531 (5th Cir. 1980) (State sent defense witnesses out of state to avoid process.); **Shareef Cousin**, *State v. Cousin*, 710 So. 2d 1065 (La. 1998); *see also*, *In re: Jordan*, 913 So. 2d 775 (La. 2005); **Larry Curtis**, *State v. Curtis*, 384 So. 2d 396 (La. 1980); **Linroy Davis**, *Davis v. Heyd*, 479 F.2d 446 (5th Cir. 1973); **Calvin Duncan**, *Duncan v. Cain*, No. 290-908 (Orleans Parish Jan. 7, 2011); **Floyd Falkins**, *State v. Falkins*, 356 So. 2d 415 (La. 1978); **Roland Gibson**, Dan Bennet, *Jailed Man Granted New Trial in '67 Murder Sues the State*, *Times-Picayune*, Feb. 17, 1993, at B1; **Norris Henderson**, *State v. Henderson*, 672 So. 2d 1085, 1087 (La. Ct. App. 1996) (Prior *Brady* reversal referred to in procedural history.); **Leonard Johnson**, *Johnson v. Cain*, E.D. La. No. 11-CV-1151 (Dec. 17, 2014); **Robert Jones**, *Jones v. Cain*, 151 So.3d 781 (La. App. 4 Cir. 2014); **Isaac Knapper**, *State v. Knapper*, 579 So. 2d 956 (La. 1991); **Curtis Lee Kyles**, *Kyles v. Whitley*, 514 U.S. 419 (1995); **Dwight Labran**, Keith Pandolfi, *Innocence Project New Orleans Investigates Suspected Cases of Wrongful Convictions*, *New Orleans City Business*, Jan. 13, 2003 (News); **Eugene Lindsey**, *State v. Lindsey*, 844 So. 2d 961 (La. Ct. App. 2003); **Raymond Lockett**, *Lockett v. Blackburn*, 571 F.2d 309 (5th Cir. 1980) (State sent defense witnesses out of state to avoid process; case remanded to hear witness testimony.); **David Mahler**, *Mahler v. Kaylo*, 537 F.3d 494 (5th Cir. 2008); **Arthur Monroe**, *Monroe v. Blackburn*, 607 F.2d 148 (5th Cir. 1979); **Ronald Monroe**, *Monroe v. Blackburn*, 748 F.2d 958 (5th Cir. 1984) (State found to have violated *Brady* but new trial not granted due to timing of violation); **Jerome Morgan**, *Morgan v. Cain*, No. 367-809 (Orleans Parish Jan. 17, 2014); **Alfred Oliver**, *State v. Oliver*, 682 So. 2d 301 (La. Ct. App. 1996); **Wilbert Parker**, *State v. Parker*, 361 So. 2d 226 (La. 1978); **William Perkins**, *State v. Perkins*, 423 So. 2d 1103 (La. 1982); **Stephen Rosiere**, *State v. Rosiere*, 488 So. 2d 965 (La. 1986); **Juan Smith**, *Smith v. Cain*, 132 S. Ct. 627 (2012); **Tyrone Smith**, *State v. Smith*, 591 So. 2d 1219 (La. Ct. App. 1991); **John Thompson** (armed robbery), *State v. Thompson*, 825 So. 2d 552 (La. Ct. App. 2002) (Prior *Brady* reversal referred to in procedural history.); **John Thompson** (first-degree murder), *Id.*; **Eddie Triplett**, John Simerman, *Prisoner to be Freed After Discovery that Harry Connick's Office Withheld Police Report*, *Times-Picayune*, November 19, 2011; **Earl Truvia**, Perlstein, *supra*; **Jamaal Tucker**, *District Attorney Seeks Do-over of Recent Murder Conviction*, *Times-Picayune*, December 14, 2011; **Troy Wilkerson**, *Smith*, 591 So. 2d 1219; **Hayes Williams**, William Pack, *Prison Reformer Faces Challenge of Freedom*, *The Advocate* (Baton Rouge), May 16, 1997; **Calvin Williams**, *In re: Williams*, 984 So. 2d 789 (La. 2008) (Prior *Brady* reversal referred to in procedural history.); **Michael Williams**, *Williams v. Butler*, 2:88-cv-05718-PEC (E.D. La. Mar. 11, 1992) (on file with National Archives).

Smith, Phillip Anthony, Shareef Cousin, Robert Jones). Obviously, the nature of Brady violations means that we will never know how many there were and these are likely the tip of the iceberg, but it shows how much we need Department of Justice intervention: prosecutors in New Orleans ignore the courts again and again.

Make no mistake that there are scores of innocent men – mostly poor Black men--who are wrongly convicted and sentenced to live out their days in Angola prison because Harry Connick's prosecutors didn't care one inch about the rights of the poor of this City. And please make no mistake that the District Attorney of New Orleans today, Leon Cannizzaro, is absolutely one of the men who learned from Harry Connick's prosecutors. The poor of New Orleans still live under the terror of the sort of lawlessness that brutalized me and my family. And because the people in Orleans have lost faith in the justice system, the entire city has suffered. Nothing has changed and no-one cares. That is why I am asking the Department of Justice to begin at least by investigating Jim Williams, a man who we all know did wrong many times and who still operates as a lawyer, making his living with a law license even though he is guilty of attempted murder.

Finally, I pray for the United States Department of Justice to investigate because if, in the wake of my long legal quest for redress of this rampant systemic prosecutorial misconduct that has violated the life and liberty and happiness of thousands of others like me, you do not address these wrongs, to whom am I to turn for justice? I have suffered systemic injustice at the hands of government. That is not in question. Others have suffered the same, at the hands of the same individual working under the same lawless office, having to pursue remedies under the same system that has already proven itself, time and again, incapable of effectively recognizing and addressing these shocking injustices. That is not in question.

The question is this. As a person almost wrongfully executed, by a prosecutor serially involved in recklessly pursuing wrongful death sentences, if the United States Department of Justice is not willing to inquire as to whether action is needed to provide justice, and prevent future injustice, then can people like me really expect justice under law in America?

Thank you for your serious consideration of this petition.

Sincerely,

John Thompson

Enclosure: Petition