

Georgia **INNOCENCE** project

BACKGROUND ON THE CASE: JOHN WHITE

THE CRIME

Early on the morning of August 11, 1979, an intruder broke into the home of 74-year-old woman in Manchester, Georgia. The woman was asleep on her couch. The assailant beat and raped the woman and then demanded all her money. She gave him \$70 cash from her purse; the rapist then pulled the telephone cord out of the wall and then left through the back door.

The victim was taken to a local hospital for treatment. Due to the extent of her injuries, no rape kit was collected. However, at the scene of the crime, pubic hairs that did not belong to the victim were found on a bed sheet that had been on the couch at the time of the rape. Georgia Bureau of Investigation (GBI) crime scene investigators also discovered a small piece of flesh near the couch which was determined to have come from a person's hand or foot.

Investigators were led to John Jerome White by another GBI agent who was investigating White for another crime. That GBI agent believed that White resembled the composite sketch police had developed from the rape victim's description of her attacker.

THE ARREST AND TRIAL

White was arrested and charged with burglary on September 21, 1979. On September 28, 1979 (more than six weeks after the rape), the victim picked White out of a photographic line-up, saying she was "almost positive" he was her attacker. She later picked White out of a live line-up.

At trial, the GBI agent testified that White had a cut on his hand when he was arrested, though the arrest came more than a month after the rape, and there was no mention of the cut in the investigative report. The victim's testimony at trial included the fact that the only light on in the apartment during the attack was a closet light in an adjacent room and that, though she had been prescribed corrective eyeglasses, not only was she not wearing them at the time of the attack, she never wore them at all.

Sanford Bishop (now Georgia's Second District Congressman) represented Mr. White at trial. Despite Bishop's dogged attempts to point out problems with the identification of Mr. White as the perpetrator, on May 30, 1980, White was convicted of the rape. He was sentenced to life for rape plus forty years for the related crimes of aggravated assault, burglary, and robbery. He pled guilty to the store burglary and was sentenced to twenty years for that crime. White maintained his innocence in the August attack and told the judge, "I know I didn't rape that lady."

POST-CONVICTION

Though legally entitled to an appeal, John White never had an appeal on the rape or related convictions and says he was unaware he was entitled to one.

White was released on parole in 1990 as a sex offender. He was arrested again in 1993 for drug possession and served two and a half years. White admits he is guilty of this crime as well as the robbery for which he was arrested in 1997. While his sentence on the robbery was seven years, his parole was revoked, and he remained in prison on the life sentence stemming from the 1979 rape.

GEORGIA INNOCENCE PROJECT INVESTIGATION

Mr. White responded to a letter the Georgia Innocence Project (GIP) sent in 2004 to all Georgia prisoners convicted of rape. GIP received his initial letter in October 2004, proclaiming his innocence of the rape. Throughout 2005 and the first half of 2006, GIP interns filed Open Records requests attempting to get copies of files pertinent to the case.

In June 2006, GIP intern Cliff Williams was assigned the case. Williams tenaciously pursued this case to locate not only all the necessary files but also the crime scene evidence. In September 2006, Williams learned that the piece of flesh found at the crime scene had been destroyed. However, he continued to pursue the rest of the physical evidence. In March 2007, Williams visited the Meriwether County Clerk's Office and learned that hairs from the crime scene that were admitted at trial were still in its possession.

GEORGIA INNOCENCE PROJECT LITIGATION

On August 2, 2007, GIP filed an Extraordinary Motion for a New Trial to test the hairs. After negotiations with the Coweta Circuit District Attorney's Office, a Consent Order for DNA testing was signed on November 7, 2007, and the evidence was sent to the GBI Crime Lab.

The GBI completed its tests and released the results on December 6, 2007. The next day, GIP representatives traveled to Macon State Prison to inform Mr. White of his impending release. That same day, the GBI confirmed a "cold hit" on the Combined DNA Index System (CODIS), revealing that the hairs belonged to another man. That suspect is now under investigation.

THE NEXT CHAPTER

GIP will work with Mr. White and his family to help him rebuild his life. Though one of the smallest of the Innocence organizations in the United States, GIP has one of the most active Life After Exoneration programs. GIP works with the general public and large law firms to facilitate medical care, dental care, transitional counseling, job training and placement to exonerees. Mr. White is committed to rebuilding his life and becoming a productive citizen.

BACKGROUND ON THE GEORGIA INNOCENCE PROJECT

The Georgia Innocence Project (GIP) began operation in August 2002 and began to investigate cases in January 2003. GIP's mission is to free the wrongly prosecuted through the use of DNA testing, to advance practices that minimize the chances that others suffer the same fate, to educate the public that wrongful convictions are not rare or isolated events, and to help the exonerated rebuild their lives.

GIP adheres to an extensive screening process for its cases. To date, GIP has received approximately 3,250 requests for assistance but has accepted only nineteen clients. The case work is done primarily by volunteer law students and lawyers with supervision from Executive Director Aimee Maxwell, a criminal defense lawyer with 20 years experience.

GIP is a 501(c)(3) nonprofit organization that receives funding from the Georgia Bar Foundation, the Sapelo Foundation, the Charles Edmondson Foundation, and other private donors. It is one of more than 30 independent organizations throughout the country doing Innocence work. GIP receives no government funding and operates out of donated space in Atlanta with just two full-time employees.

For more information on The Georgia Innocence Project, visit www.georgiainnocenceproject.org.

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