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ONE JAIL AT A TIME.

story

REFORM TOOLKIT

S2 E5

An Open and Shut Case, Reopened

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A PODCAST BY

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MacArthur
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70 Million is made possible by a grant from the Safety and Justice Challenge at the John D. and Catherine T. MacArthur Foundation.



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WHO



**Brooklyn Conviction
Review Unit**

WHO

“No one should want an innocent man to spend a day in prison for a crime they didn’t commit.”

-Former Brooklyn DA Ken Thompson

The CRU is part of the [Post-Conviction Justice Bureau](#) in the Brooklyn District Attorney’s office. The unit identifies questionable convictions and completely re-investigates crimes: investigators look at new evidence, re-interview witnesses, and examine all previous evidence, police records, and trial transcripts.

The Brooklyn CRU is the largest and most active unit of its kind. Since opening in 2014, it has reviewed approximately 85 cases and moved to vacate 25 convictions. The unit currently has about 100 cases under review. They and recently began publishing reports on the lessons its learned from the wrongful convictions it has reviewed.



Current Brooklyn DA Eric Gonzalez. Photo by Sabine Jansen.

WHAT



**A Streamlined Way to
Overturn Convictions**

WHAT

“Nationally, there have been 2,466 exonerations since 1989. Exonerated defendants have lost a total of 21,290 years.”

-The National Registry of Exoneration

Conviction Review Units, sometimes called Conviction Integrity Units, first emerged in the mid-2000s in response to mounting claims of innocence. Unlike traditional appeal processes, CRUs conduct extrajudicial reviews and report directly to the District Attorney or lead prosecutor -- the individuals responsible for helping bring about the conviction in the first place.

While over 40 CRUs now exist around the country, some have come under fire for being CRUs in name only. In 2016, a University of Pennsylvania Law School report argued that a CRU should be “independent, flexible, and transparent in its work” and [identified 23 best practices for the units.](#)

Mark Denny at his barbershop. Photo by Kunjo.



WHERE

**District Attorney's Office
Brooklyn, NY**

WHERE

“A common thread to wrongful convictions [is that they’ve been] inadequately investigated by the police and the district attorney’s office. Often defense attorneys didn’t have the resources to do their own investigations.”

-Brooklyn District Attorney Eric Gonzalez

After Texas and Illinois, the state of New York has the third-highest number of exonerations in the country. Mirroring national trends, half of the people exonerated in New York so far have been black and murder is the most common crime of which exonerees been accused.

The reasons for the exonerations that stem from the Brooklyn CRU’s investigation range from finding new pieces of evidence or witnesses to discovering a notoriously corrupt detective had worked the case.





WHEN

2014 - Present

WHEN

“When I took office in January, there were about 100 cases of wrongful conviction claims. But yet there were only 2 prosecutors who were responsible for reviewing these cases. Those 2 prosecutors didn’t even sit next to each other, they were on different floors.”

- Former Brooklyn DA Ken Thompson

When Brooklyn District Attorney Ken Thompson was elected in 2013, he inherited an office that was notorious for prosecutorial misconduct, cronyism, wrongful convictions and corruption. His predecessor, Brooklyn DA Charles Joe Hynes, was an advocate for “tough-on-crime” policies and had faced a skyrocketing number of wrongful conviction claims. Hynes had started a Conviction Integrity Unit to investigate those claims, but the unit was severely under-resourced.

Thompson decided to rename the unit and infused it with resources. Today, the CRU has a budget of over \$1 million and a staff that includes 10 prosecutors, a couple of investigators, three outside lawyers that are part of an independent review panel, and a high caliber defense attorney.

Brooklyn District Attorney’s office. Photo by Sabine Jansen.



WHY



**The Case of
Mark Denny**



WHY

“Everything was a error. I was just overwhelmed by the fact that no one else didn't seem to realize they was wrong.”

- Mark Denny

On December 20th 1987, three men walked into a Brooklyn Burger King where two employees, a man and a woman, were just closing up for the night. The men robbed the restaurant and brutally gang-raped the woman.

Two years later, Mark Denny was convicted of the rape and robbery. He was just 17 years old. From the beginning, Mark maintained his innocence and said he had been at home sleeping at the time of the crime. He had no prior convictions or a history of violence. And the case against him hinged on the victim identifying him in a lineup after she had been shown his picture earlier. Witness misidentification is the 3rd most common reason for exonerations by CRUs nationwide.

Mark Denny at his barbershop. Photo by Kunjo.



HOW

CRU's Investigation

HOW

“I was in court [and] the District Attorney, Eric Gonzalez, was apologizing to me. My lawyer was there, my family, you know, all the things that I longed for all of a sudden it was just there. It was like magic.”

- Mark Denny

After trying to get his case overturned for years, the Brooklyn CRU opened an investigation into his case in July 2015. Investigators interviewed him twice and eventually found a new witness who had been charged alongside Mark but never went to trial. That man admitted that he participated in the crime and that Mark was not there.

On December 20, 2017—over two years after the CRU started its investigation—Mark was finally released from prison. In total, he served 29 years, 9 months, and 1 day.



Mark Denny with a customer at his barbershop. Photo by Kunjo.

RESOURCES

To get started developing a reform project like the Brooklyn Conviction Review Unit:

- [The National Registry of Exonerations](#)
- [The Innocence Project](#)
- [“Conviction Review Units: A National Perspective” by John Hollway \(University of Pennsylvania Law School\)](#)
- [“Conviction Integrity Review Units” by Inger H. Chandler \(American Bar Association\)](#)
- [“No Justice, No Peace” by Matthew McKnight \(The New Yorker\)](#)

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