



June 2020

Jerry Herrington Is Free and Home After 30 Years

In these tumultuous times we are so glad to share the good news that our client Jerry Herrington is free and home for the first time in 30 years.

At only 16, Jerry was wrongfully convicted and he has spent the last 30 years in prison for a crime he did not commit. He is now 45.

Jerry's release came at the end of his sentence. Due to the advocacy of our of-counsel attorney, John Curnyn, and Chicago Legal Director Lauren Kaeseberg, Jerry's earned good time credits were able to be applied fairly and his release date was moved up from a 2021 outdate. This allowed Jerry to be released amid the current COVID outbreak in Illinois prisons.

In addition to legal staff, IIP/UIS alumni and now current law students Brandon Klages (Boston University School of Law) and Payton Raso (University of Iowa College of Law) have worked on Jerry's case over the years. Brandon and Payton, who have returned to work with IIP this summer, will continue assisting in our work to achieve a full exoneration for Jerry.

Jerry's case features hallmark signs of injustice. He was a juvenile at the time of his wrongful arrest but was tried as an adult and sentenced to 60 years. Since then, Courts are increasingly recognizing that "children are constitutionally different from adults." In 2019, the Illinois Supreme Court held that a sentence of 40 years is effectively a life sentence and should be the maximum a juvenile is sentenced.

Jerry is now free and rebuilding his life – or more accurately stated, **building** his life – as he was wrongfully convicted at such a young age. His perseverance is an inspiration to us all. Please join us in welcoming Jerry home.

Letter from Tyrone Daniels, in 29th Year of Wrongful Imprisonment

Introductory statement from IIP

For 400 years, America has been built upon the false narrative of racial difference and white supremacy. Our legal system is built upon this same framework – one where our clients have carried the burden and undue punishment of unfair policing, mass incarceration and a court system that cares more about finality than the truth.

As individuals and as an organization, we at the Illinois Innocence Project remain more committed than ever to fighting for our clients, to shedding light on police misconduct, to fighting the notion of racial difference and white supremacy. We have internal work to do – everyone in America should be doing this work, examining their role in this system that affects every single one of us in vastly different ways. As is

written in the letter below, “If we’re to move forward together in unity and as equals, we’ve got to dig deeper within ourselves and start having uncomfortable conversations with each other.”

We can start by saying their names: George Floyd. Rayshard Brooks. Ahmaud Arbery. Trayvon Martin. Laquan McDonald. Michael Brown. Sandra Bland. Alton Sterling. Breonna Taylor. Tamir Rice. Rekia Boyd. Emmett Till. We can atone for the fact that we can never say all of their names. There are millions of victims of this great American genocide who will forever be unnamed, who have – for the last 400 years – been murdered, lynched, abused and killed by the authority granted to white people through American history by nature of simply being white.

We must listen to – and believe – the experiences and stories of the victims and the survivors. Today, we introduce you to one of these survivors, our client, Tyrone Daniels. Tyrone is an innocent man who was arrested and wrongfully convicted based upon evidence obtained by police officers who are known to have falsified evidence and coerced confessions.

He is currently in prison, in his 29th year of wrongful incarceration. Here are his words.

Dear IIP Community:

I’ve been wrongfully incarcerated for the last 29 years for a crime I had nothing to do with. I was asked to share some words on the uprising that we see taking place all over the world following the public lynching of George Floyd.

I am honored to be given this opportunity to speak to all of you. I speak from my heart when I say to you, that everyone who saw that disturbing video (which is another example of a Black man being killed in public for an alleged crime without a legal trial) would have to be devoid of all humanity not to feel repulsed at their core that something was not right with the images we all saw – a defenseless human being crying out for his mother, screaming “I can’t breathe,” and begging for his life while a criminal power choked the life out of him.

The criminal power I speak of is white racist oppression that has been around as long as Blacks have been on the shores of North America – 1607 to the present moment. That’s a very long time, folks. Not even a century ago, the great Jazz singer Billie Holliday sang passionately about the “strange fruit” hanging from the Southern trees. There is no doubt in my mind that those victims of white racist oppression were also screaming “I can’t breathe” while hanging from the hangman’s noose.

For students of history, Eugene Williams, a Black young man, was killed for crossing the informal color line at the 29th Street Beach, which is cited as the spark that ignited the 1919 Chicago Race Riots where subsequently 23 more Black people were killed. No one was ever arrested, charged or convicted for these horrific crimes even though the cops knew who the perpetrators were.

I bring this case up to point out to you, when you see the people marching in the streets and courageously calling America out for her injustices for the whole world to see, it’s not just about George Floyd or the current list of cases being cited over and over on the news. This is about the double standard of justice that people of color know so well: a system where the white cop knows he or she doesn’t need even a scintilla of evidence for an alleged crime to put a person of color in prison for the rest of their life, and that they’ll be protected by a system that has always protected them no matter what they do to a person of color – sad to say, even when the horrific crime is captured on video for all to see.

Let me be clear, I’m talking about white supremacy and systemic racism that affords privilege, access and unfettered social mobility to some but not to others. I’m not talking about the Ku Klux Klan or someone who shows up at a Neo-Nazi rally fermenting hate. I’m specifically talking about and to the average white liberal/progressive voter who weaponizes racism when they feel the need to assert or protect their privilege. It is your silence in times of crises that is so profound. Every time you turn a blind eye to the latest injustice that befalls a person of color, your complicity is entrenched in America’s original sin – racism.

Most white folks that I've met during my lifetime have opposed overt acts of racism that have taken place in our society. Nevertheless, the criminal justice system routinely railroads Blacks without due process, and other American institutions, be it education, finance or housing, churn out stark racial inequities. Although, when it comes to a murderous cop or sometimes not (a cop), there must be an uprising with the people in the streets like we've witnessed in order to just get an arrest.

If we're to move forward together in unity and as equals, we've got to dig deeper within ourselves and start having uncomfortable conversations with each other. We've got to work to change our institutions and culture that produce so much inequality as well as become more aware of the implicit biases that most people have with regard to race to ensure that everyone is treated fairly and humane.

These are necessary first steps I think we must take in our lives to make real progress in our community and country. White privilege stems from our nation's history, and all white people have benefited from it. Even if you've opposed racism, you can never escape it in America. This is not said to assign guilt or to put anyone on the defensive, but to provoke thought, add to and continue the conversation as we work to create a just America where everyone is treated equally under the law.

Sincerely,

Our innocent clients – like Tyrone Daniels – are at immediate risk of the current COVID-19 outbreak in Illinois prisons.

Please help us help them by making a donation today.