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Exonerated Client Released After 27 Years' Incarceration

For release – December 18, 2018

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Today, after spending more than half of his life in prison, Clarence Shipley was exonerated on all charges against him and released from prison. Circuit Court Judge Jeffrey Geller granted a joint petition for writ of actual innocence that was submitted by the University of Baltimore/OPD Innocence Project Clinic and the State's Attorney for Baltimore City.

In 1992, Mr. Shipley was convicted of first degree murder based on the testimony of an eyewitness who selected his photo from a photo array a week after the crime occurred. Shipley was falsely implicated in the murder by a jailhouse informant who provided the information when he was arrested for a series of car thefts in Baltimore City and Baltimore County. Based on this faulty information his photo was placed in a photo array and his photo was selected by the eyewitness. The victim, Kevin Smith, was shot in the course of a robbery. Several members of the community provided information to the police regarding the identity of the killer, Larry Davis, in the days after the murder but Davis was never seriously pursued as a suspect by the police.

Wrongful conviction claims based on mistaken eyewitness identifications that cannot be resolved by post-conviction DNA testing face immense hurdles in court. Four years of extensive reinvestigation of this case by Mr. Shipley's legal team case resulted in the identification of compelling evidence that he was not the man who committed the crime. However, numerous witnesses with critical information refused to speak with Mr. Shipley's lawyer. It was only when questioned by members of the Conviction Integrity Unit of the Office of the State's Attorney for Baltimore City that several witnesses finally provided information that persuaded that office that Clarence Shipley had no involvement in the murder of Kevin Smith and that it was Larry Davis who killed him.

Mr. Shipley was represented by Michele Nethercott, Assistant Public Defender and Director of the University of Baltimore Innocence Project Clinic. "Wrongful convictions are not uncommon, but few prosecutors in Maryland are willing work pro-actively to right these wrongs," said Nethercott. "I applaud State's Attorney Mosby for acknowledging that wrongful convictions occur and that prosecutors have an obligation to exonerate the innocent as well as to convict the guilty. In this particular case without the assistance of her office, my client would still be in prison with very little hope that he would ever be exonerated. While Mr. Shipley will

never get the past 27 years back, his name is cleared and he can begin to move forward as a free man.”

Baltimore City is the only State’s Attorneys’ Office in Maryland with a conviction integrity unit intended to identify wrongful convictions. “While our offices often disagree, at times even on how to expeditiously address wrongful convictions, credit is due where it is deserved,” said Public Defender Paul DeWolfe. “The State’s Attorney’s support of Mr. Shipley’s release was a positive display of prosecutorial leadership.”

In 2008, OPD and the University of Baltimore School of Law established the Innocence Project Clinic to identify individuals like Mr. Shipley who have been convicted in Maryland state courts of crimes they did not commit and to assist in the investigation and representation of their claims. The Innocence Project Clinic is also affiliated with the Mid-Atlantic Innocence Project, which provided investigative support in Mr. Shipley’s case.

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