

TESTIMONY OF THOMAS HAYNESWORTH,
WRONGFULLY CONVICTED VIRGINIAN

TO THE
UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

March 21, 2012

REGARDING
JUSTICE FOR ALL: CONVICTING THE
GUILTY AND EXONERATING THE INNOCENT

Record Testimony of Thomas Haynesworth, Wrongfully Convicted Virginian for the
Senate Committee on the Judiciary
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Chairman Leahy and Members of the Committee, my name is Thomas Haynesworth and I spent twenty-seven years in prison for a series of crimes I did not commit. I will testify today about my wrongful conviction and the important federal grant programs that helped enable the DNA testing and legal work that helped to finally prove my innocence. Thank you for inviting me to testify before you today.

On March 21, 2011, the Commonwealth of Virginia gave me the most memorable birthday present ever: I was released from prison after serving 27 years for crimes that I did not commit. In February of 1984, when I was 18 years old, I was charged with five rapes and sexual assaults. I never had been arrested before, but one of the victims saw me walking to the store to buy sweet potatoes for my mother, and she honestly believed that I was her attacker. From the minute I was arrested, I told everyone that I was innocent. But four other women also mistakenly identified me, and DNA testing did not yet exist to help me prove my innocence. I was convicted of three of those crimes and sentenced to 74 years in prison.

No one questioned my convictions until Virginia officials discovered that DNA evidence had been saved in hundreds of old cases in the state crime lab. Luckily, evidence in one of my cases had been saved, and it proved that I was innocent and that a convicted serial rapist had committed that crime. A joint investigation by my lawyers and government officials ultimately produced more evidence – including more DNA evidence – that the serial rapist actually committed all of the crimes for which I was convicted and charged. I have been released on parole while my case is pending in court.

Like many people who have been wrongfully convicted, securing my freedom was not easy. The state crime lab conducted DNA tests in two of my cases, and I took and passed two lie-detector tests. I was represented by lawyers from the Innocence Project, the Mid-Atlantic Innocence Project and Hogan Lovells US LLP, who worked tirelessly with the offices of two prosecutors, Virginia Attorney General Ken Cuccinelli, Governor Bob McDonnell, and various experts over two years to develop the evidence that led to my release. I am particularly thankful to Attorney General Cuccinelli, who became champion of mine, and even offered me employment in his office upon my release.

Doing this work is not cheap. DNA tests, overtime for the staff of the crime lab who managed this difficult project, and the work of my lawyers took hours and cost a lot of money. Luckily for me, the Commonwealth of Virginia and the Mid-Atlantic Innocence Project were able to do this work because they had received grant funding from the federal government to cover the DNA testing, overtime hours, and some of the attorney time. Without this support, I still would be in prison today.

In a criminal justice system that each year invests billions of dollars policing, prosecuting and incarcerating millions of individuals, there are two small but important federal programs that

help people who are wrongfully convicted prove their innocence and earn release from prison -- the Kirk Bloodsworth Post-Conviction DNA Testing Program and the Wrongful Conviction Review Program at the Department of Justice. The Bloodsworth Program helps to pay for the post conviction DNA testing required to prove innocence and for the costs that go into representing people like me who need those tests. The Wrongful Conviction Review Program supports experts and lawyers who are necessary for these difficult cases that no jailhouse lawyer can do. The Bloodsworth and Wrongful Conviction Review Programs give enormous hope and chance for actual relief to innocent men like me who still are waiting their turn to be set free.

Finally, innocence programs not only save the lives of those who are wrongfully convicted, but they also help make sure our criminal justice system is fair. Without these programs, I would still be prison.

Thank you so much again for inviting me to testify today, and I am happy to answer any questions.