

US Attorney's Office Dismisses Case Against Gathers and Mitchell

APRIL 20, 2015

The US Attorney's Office for the District of Columbia informed DC Superior Court Judge Michael Ryan today that it was dropping all charges against Gary Gathers and Keith Mitchell, whose convictions for first degree murder while armed were reversed by the DC Court of Appeals in October 2014. Judge Ryan immediately entered an order dismissing the case. Mr. Gathers and Mr. Mitchell had served more than 21 years in prison after they were convicted of killing Wayne Ballard at the corner of 2nd and Massachusetts Avenue, NW in 1993. Mr. Gathers was 17 at the time of his arrest. Mr. Mitchell was 19.

The appeals court found in October that, in attempting to prove its motive theory, the government violated Mr. Gathers' and Mr. Mitchell's constitutional rights by introducing and exploiting false testimony from a Metropolitan Police Department detective. In the course of establishing the government's constitutional violations, Mr. Gathers and Mr. Mitchell introduced substantial evidence of their own innocence, including a corroborated recantation of the testimony of the government's lone eyewitness and testimony and documents showing that other men—not Mr. Gathers or Mr. Mitchell—had the motive and intent to kill Ballard. In its opinion, the Court of Appeals noted that the government may have further violated Mr. Gathers' and Mr. Mitchell's constitutional rights by withholding evidence showing that the other men had threatened to kill Ballard.

Mr. Gathers is represented by Seth Rosenthal of Venable and [Matthew Beville](#) of WilmerHale. Mr. Mitchell is currently represented by Andy Wise of Miller & Chevalier. Mr. Wise took over when Amit Mehta of Zuckerman Spaeder was confirmed to the federal bench. The attorneys teamed with the Mid-Atlantic Innocence Project on the case.

The Mid-Atlantic Innocence Project (MAIP) is a nonprofit organization dedicated to correcting and preventing the convictions of innocent people in the District of Columbia, Maryland and Virginia.