
WilmerHale Announces Post-Conviction DNA Testing Exonerates 30-Year Death Row Inmate

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WilmerHale announced today that post-conviction DNA testing in a 30-year murder case exonerated Henry Lee McCollum, an inmate under sentence of death for a 1983 murder he did not commit. McCollum, represented by WilmerHale, and his half-brother, Leon Brown, were ordered released Tuesday following an evidentiary hearing in Robeson County Superior Court in North Carolina. The ruling came after the North Carolina Innocence Inquiry Commission (the Commission), an independent state agency, detailed the results of its new investigation, which included DNA testing of items found at the crime scene more than 30 years ago.

The firm has provided pro bono representation for McCollum since 1994 against his wrongful conviction for the rape and first-degree murder of an 11-year-old girl. WilmerHale attorneys have been co-counsel in the case alongside the Center for Death Penalty Litigation. Firm attorneys helped file a motion for post-conviction DNA testing in 2002, which the court granted in 2004. The Commission became involved in 2010 at the request of Brown and his attorneys who, over the next four years, conducted a series of tests through an extensive investigation.

"Today, a Superior Court Judge announced McCollum's and Brown's innocence after new DNA evidence proved they had no connection to the nearly 31-year-old crime," said WilmerHale Partner [Richard Johnston](#), the firm's lead partner for the case. "While today's valuable scientific evidence does not erase the decades of irreparable harm, it has freed two men today."

The DNA evidence uncovered by the Commission and released this summer prompted the Robeson County judge to dismiss all charges against McCollum and his half-brother, Brown, who had both been serving on death row and a life sentence (respectively) for the same crime. In today's ruling, the judge vacated the death sentence and the convictions, ordered the release of McCollum and Brown from prison, and dismissed all charges with prejudice so that they could not be tried for the same crime. The Commission compared DNA through an offender database and the testing confirmed the DNA from the crime scene might be a match to another inmate who stands convicted of rape and murder.

Both men, diagnosed as intellectually disabled, were teenagers at the time of their arrest in 1983. McCollum was currently the longest-serving inmate on death row in North Carolina.

WilmerHale maintains a strong commitment to pro bono representation and the firm has been involved in many of the influential legal cases and social developments that have shaped the nation. In 2009, WilmerHale provided pro bono representation in a death penalty case overturning the wrongful conviction of Dewey Bozella, who spent 26 years in a New York prison for a murder he did not commit. Bozella is now free and living a life enriched by the graduate degree he pursued during his incarceration. Earlier this year, WilmerHale secured a significant victory in the US Supreme Court for pro bono client Freddie Lee Hall, an inmate on death row in Florida. The court's decision in *Hall v. Florida* will help ensure that mentally disabled inmates will not be unconstitutionally executed.