



Exonerees ask state board to act on requests for compensation

By: Heather Cobun Daily Record Legal Affairs Writer July 18, 2019

Attorneys for four exonerated men are asking the state Board of Public Works to pay the men \$100,000 for each year they spent behind bars.

Jerome Johnson, Lamar Johnson, Clarence Shipley and Hubert James Williams spent a combined 81 years incarcerated for crimes they did not commit, according to a letter sent Thursday to Gov. Larry Hogan, Comptroller Peter Franchot and Treasurer Nancy Kopp, the members of the board.

The men all filed petitions with the board for a "reasonable amount" of compensation, as state law allows. Board staff have "met several times" to discuss the petitions, according to the letter, but some petitions have been pending for more than a year and no formal action has been taken.

Williams' petition has been pending the longest, since January 2018, according to Neel Lalchandani, an attorney representing Jerome Johnson and Shipley who helped write the letter. Other petitions were filed in mid-2018 and early 2019.

A fifth man, Walter Lomax, also has a petition pending before the board, according to the letter. Lomax was released in 2006 after 39 years in prison.

"This should be an administrative process," Lalchandani said. "There's no reason the board can't act on this within three months of receiving the petitions."

At a meeting with Kopp and members of Franchot's staff in February, Lalchandani said, the board was waiting to see what would happen with legislation that would have made compensation for exonerees mandatory and set a minimum amount. The bill did not pass and no action has been taken on the petitions.

"Our view is that the Board of Public Works has the legal authority and the moral responsibility to compensate our clients right now," Lalchandani said.

Sheila McDonald, executive secretary for the Board of Public Works, deferred to the board members for comment on the status of the petitions Thursday.

A spokesman for Franchot said the board's agenda is set by the governor and declined to comment on a potential future agenda item. A spokeswoman for Hogan said only that "the Board continues to review this matter" in response to emailed questions.

A spokeswoman for Kopp said the office had just received the letter Thursday afternoon and would not be able to comment immediately.

The last award under the compensation statute was in 2004, according to a document prepared by the board. A man was awarded \$1.4 million, paid out in 10 annual installments, for nearly 27 years in prison.

'Unimaginable pain'

Lamar Johnson and Shipley were exonerated after the Innocence Project brought their cases to the Baltimore City State's Attorney's Office Conviction Integrity Unit. Nancy Forster, who took on Jerome Johnson's case, similarly presented it to the CIU for review.

Lamar Johnson, incarcerated for 13 years, was released in September 2017. Jerome Johnson, incarcerated for 30 years, was released in July 2018. Shipley, incarcerated for 27 years, was released in December 2018.

Williams, also an Innocence Project client, was incarcerated in Baltimore County for 12 years and was released in 2009.

“These men deserve the compensation that State law authorizes,” the letter states. “In the name of justice and decency, we request that the Board exercise its responsibility and immediately act on the pending petitions.”

The petitioners “endured unimaginable pain while incarcerated” and have continued to struggle since their release, according to the letter.

“They’ve lost everything,” Lalchandani said. “They’ve lost the prime of their lives.”

Williams is dealing with health problems and homelessness, according to his attorneys.

“About an hour after this letter was sent, I learned that my client, Hubert (James) Williams, is once again homeless,” Andrew George, of Baker Botts LLP in Washington, said in an email. “I am deeply concerned he will die on the streets if he does not receive help soon. I implore the Board to act.”

Kristen Lloyd, another attorney for Williams, said he has been “rendered unemployable” by his incarceration and has been victimized and hospitalized in addition to dealing with homelessness.

“We just would really implore them to take action,” she said. “He was in prison for 12 years and is now living a pretty desperate, miserable existence.”

In addition to compensation, Lalchandani said the exonerated men would like the state to acknowledge that they were wrongfully imprisoned. They have already been certified as actually innocent by prosecutors in the jurisdictions where they were convicted.

“All exonerees deserve some minimal amount of compensation and a formal apology for the time that they lost,” Lalchandani said.

Jerome Johnson has filed a wrongful conviction lawsuit since his release, but Lalchandani said that not all exonerees can make a constitutional claim and that lawsuits can take years.

“Lawsuits take five, six, seven years sometimes and there’s no guarantee,” he said. “They’re extremely difficult cases.”

Williams is also represented by the Mid-Atlantic Innocence Project, or MAIP. Lamar Johnson is represented by MAIP and Geoffrey J. Derrick of Akin Gump Strauss Hauer & Feld LLP in Washington.

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