



Two Cases Added to DPIC's Innocence List, Bringing Total to 121

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After review of the acquittals in two older capital cases, the Death Penalty Information Center has added Christopher McCrimmon of Arizona and Larry Fisher of Mississippi to its innocence list, bringing the total number of people released from death row on the basis of innocence to 121 since 1973. McCrimmon is the eighth person to be exonerated from Arizona's death row, and Fisher is the second death row exoneree from Mississippi.

DPIC's innocence list includes those former death row inmates who have been acquitted of all charges related to the crime that placed them on death row, who have had all charges related to the crime that placed them on death row dismissed by the prosecution, or who have been granted a complete pardon based on evidence of innocence. These new cases only recently came to DPIC's attention. Case summaries for McCrimmon and Fisher are provided below. For more information about the innocence list or these cases, please feel free to contact DPIC at bbsoder@deathpenaltyinfo.org or by calling 202/289-2275.

CASE SUMMARIES

Christopher McCrimmon - Arizona
Conviction 1993, Acquitted 1997

Christopher McCrimmon was convicted and sentenced to death for a triple murder that occurred in Tucson's El Grande Market in 1992. Two other co-defendants, Andre Minnitt and Martin Soto-Fong, were also sentenced to death for the same crime. At McCrimmon's trial, one juror hesitated about his vote for conviction. The trial judge met with the jury, which then shortly returned a unanimous guilty verdict. The Arizona Supreme Court overturned McCrimmon's conviction in 1996 because of the judge's undue pressure on the jury. (*Arizona v. McCrimmon/Minnitt*, 927 P.2d 1298 (1996)). Subsequently, it was discovered that the lead prosecutor against all 3 co-defendants, Kenneth Peasley, presented false evidence in the original case. With this knowledge, McCrimmon was quickly acquitted at his re-trial in 1997. (See *Arizona v. Minnitt*, 55 P.3d 774, 779 (2002) (vacating co-defendant Minnitt's conviction and sentence and barring re-trial because of deliberate prosecutorial misconduct)).

In commenting on the prosecutor's deceit, the Arizona Supreme Court wrote: "The record is replete with evidence of Peasley's full awareness that [evidence he presented] was utterly false.

Peasley's misdeeds were not isolated events but became a consistent pattern of prosecutorial misconduct that began in 1993 and continued through re-trial in 1997." (See J. Toobin, "Killer Instincts," The New Yorker, Jan. 17, 2005). In 2004, the Court unanimously voted to disbar Peasley, stating that his behavior "could not have been more harmful to the justice system." (Ibid.). Peasley had twice been selected as the state prosecutor of the year.

Both McCrimmon and Minnitt remained incarcerated on other unrelated charges. Soto-Fong, whose conviction has not been overturned, was removed from death row because he was a juvenile at the time of the crime. (See also, J. Barrios, "Case Discarded: Tucson Convict Off Death Row," Arizona Daily Star, Oct. 12, 2002).

Larry Fisher - Mississippi
Conviction 1984, Acquitted 1985

Larry Fisher was charged with the rape and murder of an 18-year-old high school student in Meridian, Mississippi in 1983. A series of similar crimes had occurred in the same area and the pre-trial media coverage of the case was extensive. Fisher asked for a change of venue but was denied. He was convicted and sentenced to death in 1984. The Mississippi Supreme Court reversed his conviction and sentence because the saturation media coverage required a change of venue: "In a very real sense Fisher's guilt was announced by the news media of Meridian, Mississippi, loudly and long before a Lauderdale County jury was ever impaneled to hear the case. By this he was denied his right to a fair trial before the trial began." (Fisher v. Mississippi, 481 So.2d 203, 206 (1985)). Fisher was re-tried two months later in a different county and was acquitted of all charges. (See Fisher v. Mississippi, 532 So.2d 992, 994 (1988) (upholding his conviction in a different case)). Fisher remained incarcerated because of a separate rape conviction.

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