

Wrongful Convictions in Wisconsin

- ***Eugene Glenn*** was convicted in Milwaukee County and sentenced to 20 years in prison for a robbery that occurred in 2001. He was convicted primarily on the basis of an identification made by a single eyewitness, the victim of the robbery. Glenn was exonerated in October 2003 after his public defender tracked down leads never followed by the police, and found the true perpetrator, who confessed.
- ***Steven Avery*** was convicted of sexual assault, attempted murder, and false imprisonment in Manitowoc County in 1985. The convictions were based almost entirely upon the testimony of a single eyewitness, supported to a much lesser degree by microscopic hair examination evidence and purportedly incriminating statements made by Mr. Avery. Eighteen years later, in 2003, DNA evidence proved that Mr. Avery was not the perpetrator. The DNA profile also matched another man who was by then serving a 60-year sentence for sexual assaults convicted after the assault in this case.
- ***Michael Piaskowski*** was convicted of first-degree intentional homicide for a 1992 murder in Brown County. His conviction was affirmed on appeal in state court. The federal district court, however, granted habeas corpus relief, and the Seventh Circuit Court of Appeals affirmed in 2001, holding that the evidence against Piaskowski was legally insufficient to sustain the conviction.
- ***Thomas Murphy*** was convicted in a 1998 trial in Portage County of two counts of both first and second-degree sexual assault. The trial court granted a new trial based on evidentiary errors—including erroneous reliance at trial on inconclusive hair examination testing to suggest that the hairs came from the defendant. The defendant was acquitted at the retrial, after approximately 2 ½ years in prison.
- ***Samuel Hogan*** was convicted in Milwaukee County of second-degree sexual assault arising from an incident in April 1995. Hogan's conviction was reversed on appeal in 1997 based on a finding of ineffective assistance of counsel because counsel failed to investigate and present exculpatory evidence. The district attorney's office chose not to retry the defendant.
- ***Anthony Hicks*** was convicted of sexual assault in Dane County in 1991. The conviction was obtained largely by eyewitness testimony and microscopic hair examination. DNA subsequently proved that the hairs—which had been attributed to Hicks—could not have been his. The Supreme Court reversed the conviction, and the prosecution dismissed the case, after Hicks had served approximately five years in prison.

- ***Cornelius Reed*** was convicted of first-degree intentional homicide in Milwaukee County for a 1992 drive-by shooting. In 1996 the court of appeals reversed the conviction and granted a new trial based on newly discovered evidence. The new evidence more reliably pointed to another individual as the murderer. Reed was retried but acquitted at the new trial, after approximately three years in prison.
- ***Fredric Saecker*** was convicted in 1989 in Buffalo County of second-degree sexual assault, burglary, and kidnapping. His conviction rested on circumstantial evidence—he was seen walking on the highway near the crime with blood on his hands—and incriminating statements he allegedly made while in jail, even though he did not fit the victim’s description, and she and her husband could not identify him. His conviction was affirmed on appeal. Six years later, in 1995, DNA testing established that the semen collected from the victim could not have come from him, and his conviction was set aside.
- ***Albert Luster*** was convicted in Milwaukee County of first-degree sexual assault of a child for an incident that allegedly occurred in 1990. The trial court granted a new trial based on newly discovered evidence and ineffective assistance of trial counsel. The case was subsequently dismissed.
- ***Francis Phillip Hemauer*** was convicted of a 1968 abduction, rape, and attempted murder in Milwaukee County, and sentenced to 60 years in prison. The primary evidence against him was eyewitness testimony of the victim and incriminatory statements he allegedly made during custodial questioning. His conviction was affirmed by the supreme court. The conviction was subsequently set aside, however, with the agreement of the Milwaukee County District Attorney’s Office, when serological tests (non-DNA) proved that he was not the source of the seminal deposits in the victim’s underwear. He was released in 1981, after eight years in prison.
- In ***In re DSC***, a juvenile was adjudicated delinquent in Rock County upon a finding that he committed first-degree intentional homicide in 1985. The adjudication rested on the eyewitness testimony of a five-year-old child. The adjudication was reversed on newly discovered evidence: an older boy confessed that he alone committed the crime.
- In ***In re Curtis S.***, a juvenile was adjudicated delinquent in Milwaukee County upon a finding that he committed first-degree sexual assault in 1995. The trial court reversed the adjudication upon a finding of ineffective assistance of counsel. Counsel had failed to present evidence from the alleged victim’s family and school that the child was a pathological liar, and had repeatedly made false abuse allegations against teachers at school. After the trial court granted a new trial, the district attorney’s office dismissed the case.

If you know of other wrongful convictions in Wisconsin—defined as cases in which the conviction was vacated and charges were then dropped or the defendant was acquitted, for reasons other than bars to use of evidence or to retrial unrelated to innocence (such as Fourth Amendment or double jeopardy bars)—please send them to Keith Findley, Wisconsin Innocence Project, University of Wisconsin Law School, 975 Bascom Mall, Madison, WI 53706.