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N.J. innocence group helps win man's freedom after wrong photo led to murder charge

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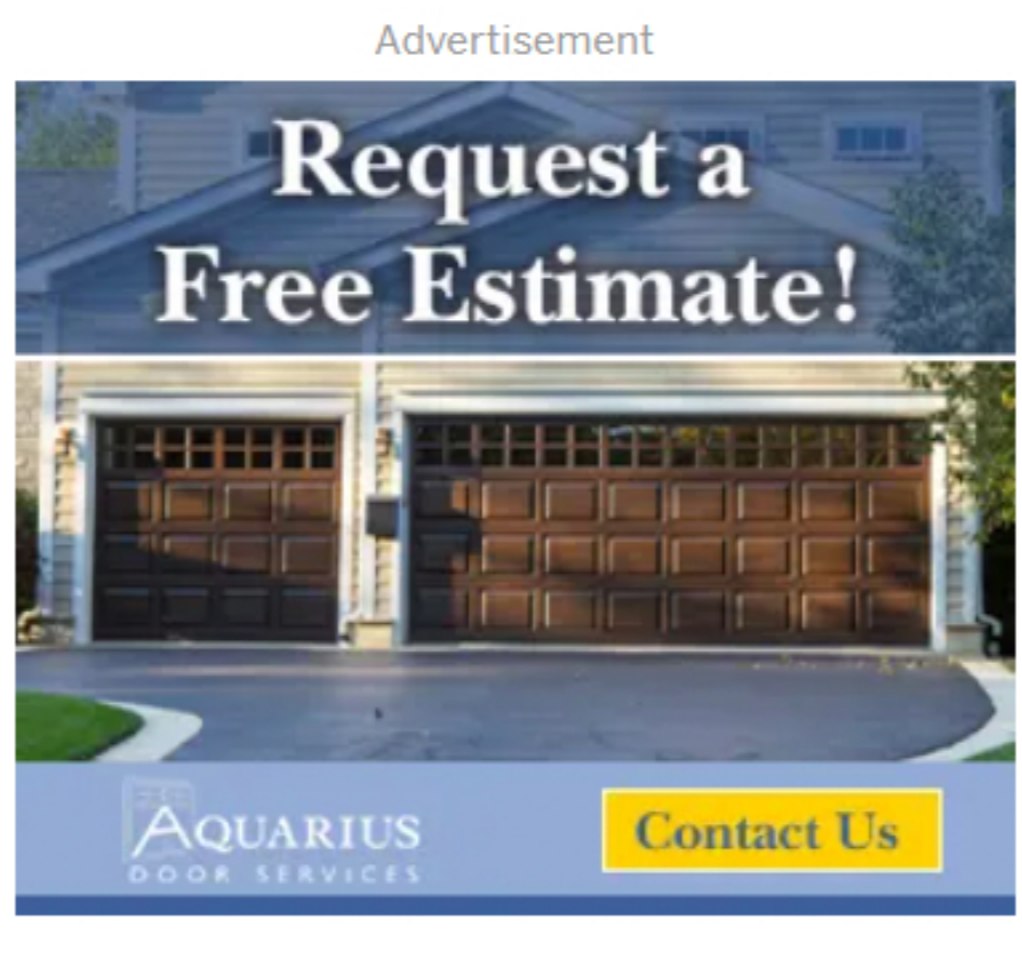
By [S.P. Sullivan](#) | [NJ Advance Media for NJ.com](#)

Authorities in New York on Thursday vacated the conviction of a man who spent nearly two decades behind bars for a murder he did not commit, thanks, in part, to the work of a Seton Hall-based legal project dedicated to freeing the wrongly imprisoned.

[Sheldon Thomas](#) was convicted for the killing of 14-year-old Anderson Bercy in 2004. But on Thursday, Brooklyn District Attorney Eric Gonzalez acknowledged the case “was compromised from the very start by grave errors” including a photo lineup using a picture of a different man named Sheldon Thomas.

It was a hard-fought victory for Thomas, who was just 17 when he was locked up.

“When I was in my cell, I would think of this moment and replay the conversations I would have with myself, what I would say,” Thomas said in court, according to the Associated Press. “Right now, I’m speechless.”

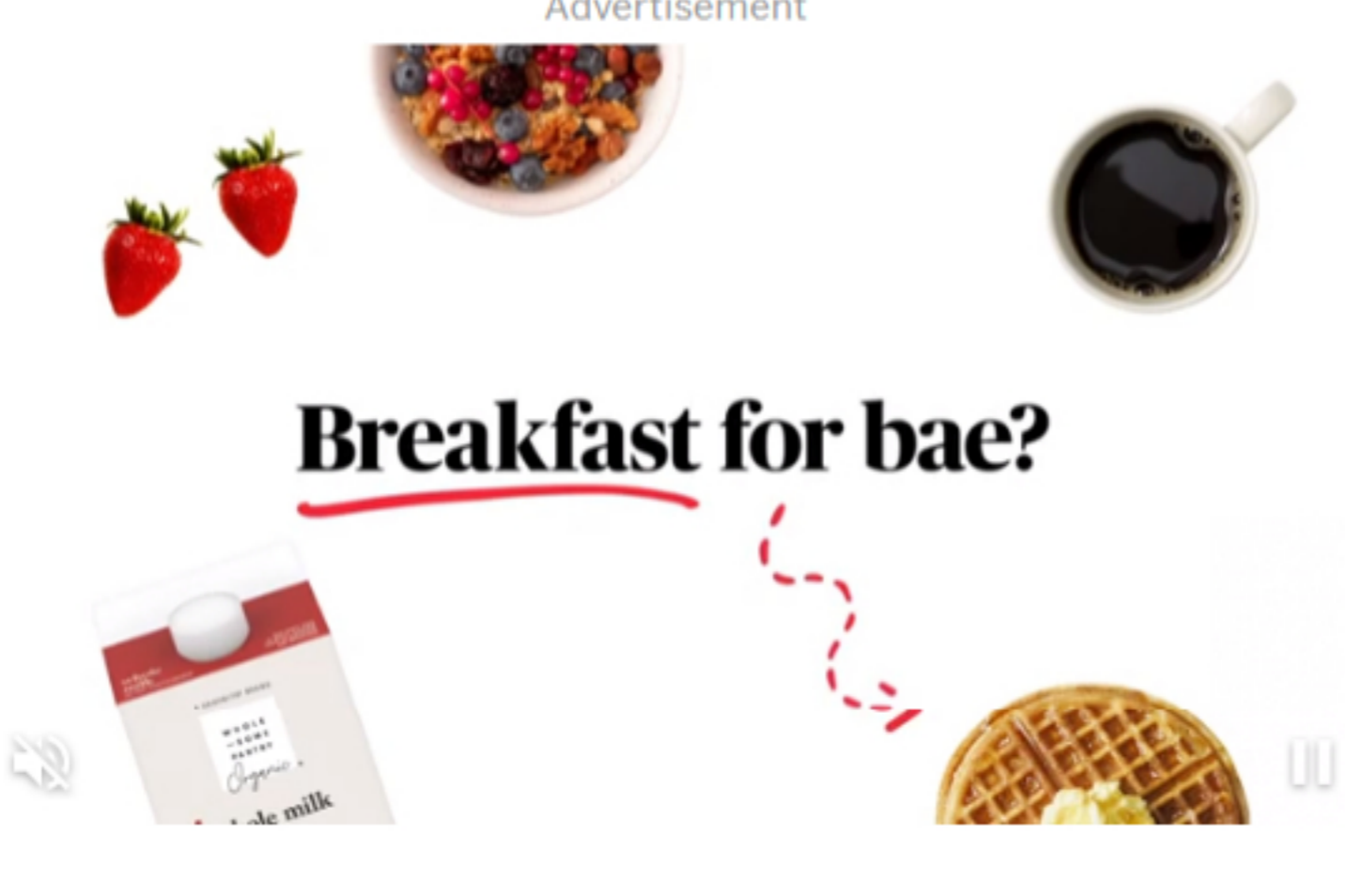


It was also a win for the the [Last Resort Exoneration Project](#) at [Seton Hall University School of Law](#), which had been representing Thomas since the program launched more than a decade ago.

“I have been working on Mr. Thomas’ case since we undertook to represent him on post-conviction proceedings in 2010, convinced then, as now, that he had been wrongly identified and wrongly convicted.” Lesley Risinger, the project’s director, told NJ Advance Media.

“Justice has finally been served.”

Thomas was one of three people charged with killing Bercy and wounding another teen in a drive-by shooting on Christmas Eve 2004. An eyewitness pegged Thomas as one of the people in the car — using a photo the lead detective in the case later admitted was of a different man, court records show.



Despite that, a judge ruled in 2006 there had been other probable cause to arrest him.



Wednesday, February 12, 2020 -Kevin Baker and Sean Washington are free after being released from New Jersey State Prison, exonerated for a double murder they maintained for twenty-plus years that they didn't commit. From left, Henrietta Washington, mother of Sean Washingt, followed by Kevin Baker and attorneys, Lesley and Michael Risinger. Michael Mancuso | NJ Advance Media for NJ.com

Risinger and fellow attorney William Kastin argued Thomas’ rights were violated, even after the botched photo array came to light in court. Eventually, the Brooklyn district attorney’s [Conviction Review Unit](#) reinvestigated and found detectives coached the eyewitness to identify Thomas as one of the shooters because they were “intent” on arresting him.



Risinger said a colleague, Seton Hall Law Professor Brian Sheppard, devised a “doubleblind” eyewitness study using a group of 32 law students that was key to proving Thomas had been mistakenly identified.

“Each of these errors, on its own, deprived defendant of a fair trial,” said a report from the DA’s office, which cites the study.

“Together the errors undermined the integrity of the entire judicial process and defendant’s resulting conviction.”

Risinger runs the Last Resort Exoneration Project alongside her husband, Seton Hall Professor Emeritus Michael Risinger. Together, the pair previously won the freedom of two Camden men, [Kevin Baker and Sean Washington](#), who were wrongly convicted of a 1995 double murder based on similarly shaky eyewitness testimony.

Relying on limited resources and the help of law students, the group has compiled massive troves of evidence in cases over the years, occasionally drawing consternation from judges over the sheer size of their filings.



But Michael Risinger said the group has recently shifted away from representing individual clients, moving instead to a “consulting model” where they offer their expertise to other legal projects and the New Jersey attorney general’s conviction review unit.

Michael Risinger said Thomas was the project’s sole non-New Jersey client because Lesley Risinger’s interest in the case predated its launch, and Thomas’ languishing behind bars had long vexed the innocence attorneys.

With his freedom won, Michael Risinger said, his spouse was “back to batting a thousand” on picking — and correcting — wrongful convictions.

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