

EDDIE JAMES LOWERY

OGDEN, KANSAS

Convicted: 1982

Sentence: 11 Years to Life

Served: 10 Years



Vindication: 2003

—DNA Proved Innocence

In 1982, I was a soldier in the United States Army when I was convicted of rape, aggravated assault, and aggravated burglary. I did not commit these crimes, but through a failure of our justice system, I was convicted. I spent 10 years in the Lansing State Penitentiary and after my release I spent another 11 years registering as a sex offender until I was proven innocent through DNA testing. It took me another 8 years to begin to truly put my life back together and request the military to change my dishonorable discharge, not to mention to rebuild my relationship with my child who I had not seen since she was three years old.

Out of the over 320 men and women exonerated through post-trial DNA testing—and that number includes me—there have been 20 men exonerated from death row by DNA. Our system claims that a person is innocent until proven guilty. But today it's guilty until proven innocent. Overall, since 1973, over 150 people have been fully exonerated from death row nationwide.

The use of DNA has shown us time and again that convictions based on eyewitness testimonies, circumstantial evidence, photo identification, and even victim testimonies are many times flawed. These forms of evidence are not conclusive enough to decide whether a person is guilty or innocent, let alone whether that person should receive the death penalty, yet they continue to decide cases in courts around the country, including right here in Kansas. DNA exonerations do not solve the problem, however, but rather, only prove to us that there is a problem in our justice system that needs to be addressed. DNA testing is only available in 5–10 percent of criminal cases.

As a threat to me during my interrogation, one detective said that if the elderly women had died in my case, and Kansas had the death penalty (back in 1982), he would ask for it. Even though that was just a threat during my interrogation, I was still an innocent man, and I was being threatened with the death penalty. I cannot even begin to articulate the pain and personal suffering that I have been through. The impact that my wrongful conviction has had on every aspect of my life is difficult to express with words.

I have lived the errors of our justice system. We all know that our system isn't perfect and has many flaws. Knowing these flaws, I do not believe we should be punishing people with the death penalty. If the flaws that invaded my case somehow make their way into a death penalty case, the State of Kansas could commit one of the gravest miscarriages of justice imaginable. And that is why, in my humble opinion and experience, I believe that the death penalty should be abolished.