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## Great North Innocence Project client exonerated after nearly 20 years in prison for wrongful conviction

*Faulty eyewitness identifications and problematic police lineup procedures led to Marvin Haynes' wrongful conviction as a teenager*

**(Minneapolis, MN)** – The Great North Innocence Project (GNIP) announced today that their client Marvin Haynes will be released from the Minnesota Correction Facility – Stillwater after spending nearly 20 years in prison for a crime he did not commit. GNIP will hold a press conference with the Hennepin County Attorney's Office (HCAO) and the Haynes family about the matter today at noon at the Hennepin County Government Center.

"I want to thank the Great North Innocence Project, Julie Jonas, my family and friends, and everyone who supported me through this long journey," said Mr. Haynes.

The Court granted Mr. Haynes' Petition for Post-Conviction Relief based on the claim that he was denied his right to due process because his conviction relied on constitutionally defective eyewitness evidence.

In an order signed by Hennepin County District Court Judge William H. Koch, the Court held "that absent introduction of the unconstitutional eyewitness identification evidence, it is doubtful there would have been sufficient evidence to sustain a conviction." The HCAO agreed to vacate Mr. Haynes' conviction after a November evidentiary hearing during which GNIP attorneys presented evidence showing that the identification procedures used to convict Mr. Haynes were inconsistent with best practices and unnecessarily suggestive. The State agreed that "the interests of justice would be served by dismissing with prejudice all charges." In the order, Judge Koch also noted that "there was no physical evidence linking [Mr. Haynes] to the crime scene."

Mr. Haynes was just 16 years old when he was charged with first-degree murder in a robbery turned homicide at a North Minneapolis flower shop in 2004.

Managing attorney Andrew Markquart led Mr. Haynes' legal team, which included GNIP legal fellow Anna McGinn, pro bono attorney and GNIP Board member Jazz Hampton of TurnSignl, GNIP volunteer Sydney Dobbs, former University of Minnesota legal intern Trish Palermo, and many other law students and interns over the years. Former GNIP legal director Julie Jonas also contributed significantly to this case during her tenure.

About the decision, Mr. Markquart said, "We are delighted to see Marvin finally regain his freedom and for the truth of his innocence to win out. We are thankful to the Hennepin County Attorney's Office for recognizing the strength of Marvin's claim and for demonstrating the most noble ideals of the prosecutor in recognizing past errors and prioritizing justice as the highest value."

Ms. McGinn added, "We are overjoyed to welcome Marvin home today. Marvin has spent more than half of his life in prison for a crime he did not commit. His strength and perseverance have brought him the justice he deserves, and should inspire us all."

Mr. Haynes' family never wavered in their support for Mr. Haynes or in their belief in his innocence and are thrilled to welcome him home. They hope that his case will inspire change to improve the justice system more broadly. In particular, his sisters Lakisha, Sherita, Marvina, Marquita, and Cynthia have been vocal advocates for his exoneration.

In response to the news of her brother's release, Marvina Haynes encouraged people to "imagine a world where the judicial system works fairly for everyone."

### **Robbery turned homicide**

Marvin Haynes was convicted of first-degree murder in the shooting death of Harry "Randy" Sherer at a flower shop in North

Minneapolis in May 2004. Mr. Sherer's sister Cynthia McDermaid was working at the flower shop when a man posing as a customer entered the store inquiring about a flower arrangement. Shortly thereafter, the individual drew a gun on Ms. McDermaid and demanded she give him the store's money. Hearing the commotion, Mr. Sherer walked into the scene and his sister ran out of the store for help. As she exited the store, she heard shots ring out.

When police arrived on the scene, they found Mr. Sherer had been shot to death. They discovered no physical evidence pointing to the identity of the perpetrator, nor was there any surveillance video that showed the perpetrator.

In her subsequent statements to police, Ms. McDermaid described the shooter as a young Black male with "short, close-cropped hair." Another witness, then 14-year-old Ravi Seeley, told police that he had witnessed the shooter fleeing the scene. He too described the perpetrator as a young, Black male with short hair.

### **A thin case and a weak conviction**

GNIP's team found that the investigation and the eyewitness evidence used to convict Mr. Haynes was fraught with problems from the start.

The day after the shooting, the police showed Ms. McDermaid a photo lineup that did not include Marvin Haynes. She identified someone from that lineup as the shooter, citing 75 to 80 percent confidence. However, this person was not a suspect, and was merely a "filler" who was out of state at the time of the murder, casting immediate doubt on Ms. McDermaid's memory of the perpetrator's appearance.

Two days later, the police received an anonymous tip that pointed to Mr. Haynes as the perpetrator. This complicated the investigation, as Mr. Haynes did not match the description Ms. McDermaid and Mr. Seeley originally gave to police: most notably, he had a long, natural hairstyle. Subsequently, investigators showed Ms. McDermaid another photo lineup and Mr. Seeley the same line up, this time including a photo of Mr. Haynes. However, the police used a two-year-old photo that showed Mr. Haynes with short-cropped hair that more closely matched the witnesses' description of the perpetrator, despite the fact that at the time at issue, Mr. Haynes wore his hair in a long, natural style.

It is well established that subjecting witnesses to multiple viewings of a suspect risks tainting the identification, both by suggesting to the witness that the person shown twice is the suspect and by creating a risk that the witness will be confused about whether they recognize the suspect from the actual event or from a prior viewing. Despite those known risks and protestations from one of the investigating officers, Michael Keefe, the officers showed Mr. Haynes to the witnesses again, this time in the form of a live lineup.

While Ms. McDermaid and Mr. Seeley identified Mr. Haynes in the photo and live lineups, both witnesses expressed doubts about their identifications to investigators.

Furthermore, officers repeatedly deviated from best practices for lineup procedures throughout the investigation. Among several other errors, investigating officers administered the lineups themselves in lieu of a "double-blind" protocol where neither the administering officer nor the witness know the true suspect. It is well documented that forgoing a double-blind lineup protocol substantially increases the risk of suggesting the identity of the suspect to witnesses.

### **GNIP finds new evidence**

In the course of GNIP's investigation into Mr. Haynes' conviction, the team uncovered new evidence that proved Mr. Haynes was innocent. One of the two eyewitnesses, Mr. Seeley, provided GNIP with an affidavit testifying that he never actually got a good look at the perpetrator's face and thus was not confident in his identifications in 2004. Mr. Seeley explained in the affidavit that he felt pressure to make a definitive identification to ensure a dangerous person would not get away with murder.

Isiah Harper, who testified against Mr. Haynes at trial, provided an affidavit recanting his trial testimony implicating Mr. Haynes in the shooting. Another witness against Mr. Haynes, Anthony Todd, also recanted his trial testimony in a discussion with GNIP's legal team. Both of these witnesses reported that they made their original statements only after police told them they could face their own criminal charges if they did not cooperate.

### **Seeking post-conviction relief**

Mr. Haynes' legal team filed a Petition for Post-Conviction Relief in Hennepin County District Court in June 2023. The State agreed to formally waive procedural and statute of limitations defenses, and consented to an evidentiary hearing.

During the evidentiary hearing held in November 2023, GNIP's legal team presented evidence that demonstrated Mr. Haynes had been wrongfully convicted. Dr. Nancy Steblay, Professor Emeritus of Psychology at Augsburg University and one of the

country's leading experts in the areas of eyewitness memory, police procedures, and eyewitness evidence, testified to a litany of ways in which the eyewitness procedures used by police in the investigation went against best practices and called into question the reliability of any identifications made by the witnesses. Dr. Steblay also pointed out the obvious incongruities between the eyewitnesses' descriptions of the perpetrator and Mr. Haynes.

Retired Minneapolis Police Lieutenant Michael Keefe testified that, as an investigating officer on this case, he himself objected to some of these problematic lineup procedures, but was overruled. He testified that, of the thousands of felony investigations he had worked on during his career, Mr. Haynes' conviction was the only one where he had doubts as to the convicted individual's guilt.

Mr. Haynes took the stand to again assert his innocence, a claim to which he has never wavered, even during his interrogation at age 16. Four of Mr. Haynes' sisters also testified that Mr. Haynes was asleep at home shortly before the time the crime was committed.

### **Free after nearly two decades**

GNIP lawyers shared the news that his conviction was to be vacated with Mr. Haynes over the phone on December 6, Mr. Haynes' 36<sup>th</sup> birthday. This will be the last birthday he spends behind bars for a crime he did not commit.

### **About the Great North Innocence Project**

The mission of the Great North Innocence Project is to free the wrongfully convicted and prevent future wrongful convictions from occurring in Minnesota, North Dakota, and South Dakota. GNIP has screened and investigated individuals' credible claims of actual innocence and represented wrongfully convicted people for over 20 years. GNIP also educates attorneys and other criminal justice professionals on best practices and works to reform the criminal legal system to prevent innocent people from going to prison. For more, visit [greatnorthinnocenceproject.org](http://greatnorthinnocenceproject.org).

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