

## **Kevin Keith: An Innocent Man on Ohio's Death Row**

Kevin Keith is an innocent man on Ohio's death row, convicted of a crime he did not commit based on faulty eyewitness identification – the leading cause of wrongful convictions nationwide. He has an alibi for the time of the crime supported by four witnesses. There is no forensic evidence that conclusively links him to the crime. Mr. Keith is scheduled to be executed on September 15, 2010.

### **Mr. Keith Was Convicted Based on Faulty Eyewitness Identification**

- The main evidence used to wrongfully convict Mr. Keith was the unreliable eyewitness identification of the surviving adult victim.
- The adult victim identified the shooter's name after being provided with only one first name from which to choose ("Kevin").
- The adult victim then identified Mr. Keith out of a highly suggestive photo line-up where Mr. Keith's face appeared larger than the others.
- He identified Mr. Keith in spite of initially telling at least four witnesses that he could not see the shooter's face because the shooter was wearing a mask.
- Another survivor, who was 7-years-old at the time, excluded Mr. Keith as the man who shot her and instead identified her father's friend "Bruce."

### **New Evidence Shows that the Eyewitness Identification Was Improperly Influenced**

- The police testified at trial that they supplied the victim with only one name because the victim's attending nurse told them that the victim identified the shooter as "Kevin." Without the nurse's corroboration, the police have no justification for feeding the name "Kevin" to the victim, which would discredit the impartiality of the identification.
- In 2007, the victim's attending nurse signed an affidavit that stated: "I did not ask [the victim] for the name of the person who shot him, and [the victim] never told me the name." She states that she called the police to tell them the victim had awoken – but she did not give the police a name.
- Furthermore, Mr. Keith's counsel recently uncovered that the name of the nurse given by police at trial is not listed in the hospital records or anywhere on the Ohio Board of Nursing's License and Verification website.

### **New Evidence Uncovers Alternative Suspect Who Told Police Informant That He Was Paid to "Cripple" Target of Attack**

- In 2007, Mr. Keith's counsel uncovered that an individual with a violent criminal history told a confidential police informant two weeks before the crime occurred that he was paid to "cripple" the drug informant who was the target of the attack.
- Mr. Keith's counsel uncovered that the alternative suspect was known to wear the type of face mask that the shooter was described to have worn.
- The State never disclosed this evidence to Mr. Keith or his counsel.

### **Ohio Innocence Project Calls for New Trial**

- The Ohio Innocence Project – an organization that typically only works on non-death penalty cases involving DNA evidence – has filed supporting briefs in the case arguing that Mr. Keith deserves a new trial based on the unreliability of the eyewitness identification.
- Director of the Ohio Innocence Project Mark Godsey has stated: "New evidence in the case, which has never been reviewed in full on its merits, raises concerns that the eyewitness identification used to convict Mr. Keith was unreliable and that he may be innocent."

**To read more about Kevin Keith's case or to sign a petition urging the Ohio Parole Board and Governor Strickland to grant him clemency, visit: [www.kevinkeith.org](http://www.kevinkeith.org)**