The road back from a wrongful conviction

Exonerated mother battles ‘stigma’ of past while rebuilding her life

BY DUAA ELDEIB

As she marks her 32nd birthday Sunday, Nicole Harris is navigating job interviews and graduate school applications. She’s discovering just how delicate the relationship between a mother and her teenage son can be. She is constantly on the hunt for a good book.

Yet still there are moments she yearns for the quiet of her prison cell.

Nine years ago, Harris was a young mother of two who’d overcome tremendous obstacles to earn a college degree. Her boys, Jaquari and Diante, were just 4 and 5, but she was already thinking about where she might someday send them to college.

Then Jaquari died. And she was convicted of killing him.

Harris spent almost eight years behind bars before an appeals court, raising serious questions about her conviction, reversed it. And on a bright winter day nearly a year ago, she was set free.

Harris emerged from prison still mourning her son but determined not to give in to bitterness. Soft-spoken, with deep brown eyes and side-swept bangs, Harris is quick to smile. Her penchant for hugs is a testament to her optimism and to the person she was before her life unraveled.

“When it first happened, of course I was angry,” she said. “As years went on, I began to understand that there are evil people in this world, and sometimes we suffer at the hands of them. Injustice happens. But it’s a...
matter of how you respond to it, and anger would have done more hurt and harm to me than good.”

Instead, she chose hope. Hope that she can make up for lost time with the son she watched grow up under the fluorescent lights of the prison’s communal visiting room. That employers will recognize her innocence. That she can overcome the hurdles that can overwhelm any exoneree, specifically female exonerees.

**A bright future**

Jaquari died on a Saturday in May. Harris and her longtime boyfriend, Sta’Von Dancy, had just moved with their sons back to Chicago after spending four years downstate while Harris attended Southern Illinois University. With Harris’s psychology degree in hand, the family settled into an apartment on the Northwest Side with bunk beds for the boys. The future had never looked so bright.

That fateful spring day in 2005, Harris and Dancy had left the boys home alone with strict instructions to stay inside while they went to the laundromat across the street. Harris said later that she regretted leaving them but that she didn’t know anyone nearby to baby-sit.

They started a load and came back to find the boys outside. Harris struck them with a belt, then sent them to their room. Having worked a double shift the night before, Dancy fell asleep. Harris went back to retrieve the dry clothes.

When she returned, Dancy was carrying Jaquari in his arms. He had discovered the boy with an elastic cord wrapped tightly around his neck. The cord had come loose from his fitted bedsheet.

Diane had been in the room with his younger brother. He told authorities that he saw Jaquari wrap the cord around his neck while playing, something his father had testified that he’d seen Jaquari do before, according to court records. But Diane was barred from testifying at trial in part because he wouldn’t stop crying, then returned to finish the laundry. Harris said police threatened her, told her she failed a polygraph (something police disputed in court documents) and promised she could go home if she cooperated.

Aching to see Diante, Harris confessed.

She was 23. She said afterward that she believed a judge would surely realize her confession was false and let her go. But only five months later — an extraordinarily speedy outcome for a murder case, which often take years to go to trial — she was convicted and later sentenced to 30 years.

It was Diante who eventually helped free her. A federal appeals court found that his testimony was too powerful to have been excluded and threw out her conviction.

The opinion, written by 7th U.S. Circuit Court Appellate Judge David Hamilton, outlined a number of questions about Harris’s confession, which the three-judge panel later called “essentially the only evidence against her.”

The judges concluded that Diane’s testimony — supporting what Harris’s attorneys said all along, that Jaquari’s death was accidental — would have “changed the entire tenor” of the case and likely returned a different verdict.

Months later, in February 2013, Harris was released from a central Illinois prison. In June, the Cook County state’s attorney’s office announced that it would not retry her.

The day she walked out of prison, Harris said she always believed the truth would come out.

“I just knew that this was not my final destination,” she said.

‘Still a stigma’

Since that triumphant moment, the elation of Harris’s newfound freedom has given way to the more subdued realities of trying to rebuild her life. She fills her days looking for a job in her field but has run into one barrier after another. When she pulls out her resume during an interview, employers seem impressed by the hospice work she did at the Illinois Department of Corrections until she tells them she was an inmate, not an employee.
Her collection of news clippings chronicling her legal odyssey does little to put them at ease, she said.

“Even though I’m exonerated, it’s still hard because I believe there’s a stigma associated with it,” Harris said. “You can have the judge there saying she didn’t do it, but there is a certain view of people who have been incarcerated.”

A hearing on her request for a certificate of innocence, which would formally clear the murder conviction from her record, is scheduled for Tuesday. The Cook County state’s attorney’s office has indicated that it does not plan to oppose it.

A friend who also was exonerated after a wrongful conviction helped her get an entry-level position at Northwestern University, whose Center on Wrongful Convictions represented Harris in her appeal. She has to wake up at 5:15 a.m. to make it in on time, but it pays the bills, and for that she’s grateful.

Harris hopes her work with Shari Berkowitz, an assistant professor of psychology at Roosevelt University who has studied false confessions, will be enough for graduate schools to give her a chance to prove herself.

The two met at a lecture series on wrongful convictions at which Harris spoke. Impressed by Harris’s warmth and passion, Berkowitz brought her on to volunteer as a research assistant in her lab.

“For me, there was no hesitation,” Berkowitz said. “I know she’s innocent. She’s smart. She’s kind. She’s reliable. ... Getting to know her, it’s hard not to be her friend.”

Harris is slowly making her way through long-overdue milestones. She moved into her own apartment in August. She’ll be able to start saving for her first post-prison trip, to New York, next month, she said.

“It’s my favorite place in the world, and I have never been there,” Harris said.

Delayed aspirations and gaps on resumes are common challenges for exonerees who spent large portions of their lives locked up. What makes Harris’s case rarer than most is that she’s a woman.

More than 90 percent of people exonerated since 1989 were men, according to the National Registry of Exoneration. The Women’s Project at Northwestern’s Center on Wrongful Convictions reports that in 64 percent of cases where female convicts went on to be exonerated, a crime was never committed.

The reasons vary, said Karen Daniel, the project’s director. Women are more likely to be convicted in cases where an accidental or natural death of a child or loved one is mistaken for murder.

“If there’s a death that authorities think is suspicious, they’re going to look to the caretakers, and often the caretakers are women,” she said. “In Nicole’s case, police questioned both parents, and Nicole is the one who couldn’t take it anymore.”

Complicating matters further, the crimes women are accused of do not commonly involve DNA, she said. That makes them harder to defend and exonerate.

**Trying to reconnect**

Early hardships helped shape Harris’s perspective on loss. Her mother died of cancer when she was 10. Five years later, her sister passed away. Harris attended her father’s funeral in shackles and her tan prison jumpsuit.

These days, Harris relies on a small group of family and friends for solace. She speaks daily to her niece Wanda Harris, who at 42 is more like a big sister or cousin.

They’ve reverted to their childhood nicknames and end each conversation the same way.


Wanda said she lost a good friend because of her unwavering belief in Nicole’s innocence. New friends for Nicole are harder to come by. Since returning from prison, Nicole is not as quick to trust people, said Wanda.

Harris’s lawyers admire her resolve to remain upbeat but worry about what she doesn’t say.

“Nicole is an amazingly strong and resilient woman, but this has left a
permanent scar that she’s working hard to heal from but never fully will,” said Joey Mogul, an attorney with People’s Law Office, which is working with Harris on a possible civil lawsuit.

Day by day, Harris tries to win back stolen time. She lost one son. She won’t let her wrongful conviction take away another.

Harris recalls mornings before prison when she would brush Diante’s teeth and get him dressed for school. She remembers the feeling of love that would wash over her when she would wake to find him curled up next to her.

Last year, when Harris’s attorneys were seeking her release, Diante was among about a dozen people who wrote a letter to the court on her behalf. His was the only one addressed to Harris.

“Dear Mom, I miss you so much, I cannot wait to see you,” Diante wrote.

Within hours of her release, Harris talked about having Diante move in with her.

But Diante is 14 now, and lives with his father in Chicago. He gets good grades and beams when putting on the latest Jordan sneakers. Harris had to come to accept that moving Diante in with her would mean uprooting him from the life he’s known. She won’t do that to him, she said.

Other things are different, too. Harris and Dancy — Diante’s father — are no longer together, though their son remains a bond between them, both parents said.

“I’m happy for him to have her back. Being a family was all we knew, then tragedy happened,” Dancy said in an interview last week, adding he always believed in Harris’s innocence.

Harris now treasures the weekends she spends with her son, the hours they spend idly talking on her couch. She has quickly learned that teenage boys don’t like to be fussed over — not in public, and especially not on Facebook. She still finds it difficult to say goodbye when their visits are over.

“If at some point he says ‘I want to come live with you,’ my door is always open,” she said.

She will always have the memory of the day she left prison. Diante waited for her in the prison gatehouse with an “It’s Your Day” balloon and a teddy bear. He was the first person to greet her when she walked out. He threw his arms around her. She kissed him through the tears and ran her hands across his face as if to make sure it wasn’t a dream.

At least for that moment, it was like they never skipped a beat.