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“There was no possibility in their mind that I didn’t do it”

Andre Davis was sentenced to 80 years for an unforgivable crime—a crime he swore he didn’t commit. Two decades later, someone finally started taking his innocence claims seriously.

By Jordan Smith

Andre Davis, 32 years after he was convicted of rape and murder

Clayton Hauck

Part one of two

On a summer day in 1980, 19-year-old Andre Davis stepped off a train 125 miles south of his native Chicago. He expected his visit would last the summer. Little did he know he wouldn’t return home for more than 30 years.
Andre had just graduated from high school and traveled to the central Illinois town of Rantoul, population 20,000, to learn his father’s business. Richard Davis—known as “Crazy Legs” for his brilliant moves on the dance floor—was a disc jockey serving nearby Chanute Air Force Base.

Andre had grown up on Chicago’s south side, where he lived with his mother, Emma, who owned a beauty salon. Emma and Richard had divorced when Andre was two, and though Andre didn’t see much of his father, he had an extended family to rely on. Andre’s grandfather had moved to Chicago from the south in the 1920s, part of the initial Great Migration of African-Americans. He started a corner store and was later successful in real estate. In decades of difficulty for so many blacks, members of the Davis family attended college and went on to lucrative careers. They were, as several of them proudly put it, pillars of the community—lawyers, doctors, entrepreneurs, teachers, and scholars.

Andre’s mother recalls that her son was a good student but also a "typical teenager." "He always did very well in school, but was bored by it," she says. She believes that boredom, perhaps accentuated by the sporadic presence of his father, led to Andre acting out. In his early teens, Andre started breaking curfew and running away from home for short periods. A few years later, he faced an auto-theft charge for what he calls “a joy ride” that left him in the hospital. "He was hanging out with the bad boys on the block," Emma Davis says, "and they were a bad influence on him."

Some time spent in Rantoul, his family thought, would be good for him.

Rantoul was a far cry from Chicago. Historically, the town has averaged less than a murder per year. Blacks accounted for just 10 percent of the population. Former police chief Eldon Quick says that gangs have always been nonexistent and race relations in the town “were not a big deal." Still, the small African-American population felt it was necessary to stick together. Andre's father had a big network—most of the parties he DJed were thrown on the base, where Crazy Legs was the man to know. And so Andre instantly had a network, too.

When Andre arrived at the train station, he was greeted by Crazy Legs and his friend Donald "Don Juan" Douroux. Andre quickly took to Don, who had enlisted in the Air Force several years prior, was discharged in 1979, and decided to stick around Rantoul with a girlfriend while attending nearby Parkland College. It was also through his father that Andre met Lutellis "Sonny" Tucker. Sonny had five kids, was divorced, and lived two blocks from Crazy Legs. Sonny’s kids came and stayed with him occasionally, but mostly they lived with their mother in Gary, Indiana, Sonny’s hometown. Sonny’s brother, Maurice, who was around Andre's age, had recently moved into Sonny’s house.

Sonny, a cook at Chanute, had been convicted in April of 1978 of felony theft and placed on two years’ conditional discharge. On one occasion, Don would later claim, he overheard one of the Tucker brothers thanking a police officer from Gary for beating him up instead of taking him to jail after he was caught stealing a car.

The crew would often drink together and get into wrestling matches. Andre was only 5’7” and 130 pounds, but he was muscular enough to hold his own with Maurice Tucker, who was six inches taller and 50 pounds heavier. Neither of the two had found work, so they’d get together and lift weights, drink beer, smoke weed, and hang around the NCO club on base. When Sonny’s kids weren’t staying with them on the weekends, the Tucker brothers often threw parties at their house on Eastview Avenue "for all the brothers," as Don put it.

Friday, August 8, 1980, was steaming. Andre headed over to the Tucker’s at around 10 AM to waste the day away with Maurice while Sonny was in and out of the house. They took out weights from the utility room, where Maurice slept, and lifted barbells in the backyard under the blazing sun. They played records. Most ambitiously, they climbed the generous fruit trees that leaned from a neighbor’s
house into the yard and picked apples and pears. But mostly they sat on the stoop drinking beer and cheap Wild Irish Rose wine and listening to breaks.

Andre would later recall that when he left the house, sometime after 6 PM, he saw a little girl playing outside. He remembered telling her to stay out of the garbage can she was getting into.

The girl, Brianna Stickel, was adorably blonde and had recently turned three. Earlier that day her stepfather, Rand Spragg, who was stationed at Chanute, had worked until noon before taking Brianna’s mother, Becky Spragg, to apply for a job at the local Holiday Inn Jr. The couple then picked up Brianna and her 18-month-old brother, Simon, from their nursery and returned home. The kids hadn’t napped yet, so the family lay down to rest together, as they often did.

The children woke first, around 6 PM. When Rand got up, he noticed that Brianna and Simon had gotten into the fridge; Brianna had spilled some juice. Becky took Simon for a bath, and Brianna was told to go play outside. The heat was so intense that the little girl was clad only in yellow underwear. Rand went to the window and saw her sitting beneath the large shade tree, biting her nails.

After wiping up the spilled juice, Rand squeezed the liquid out of the mop and turned again to the window. Brianna was gone. He went outside and circled the house. No Brianna. He went inside and asked Becky if the little girl was with her. She wasn’t.

At around 6:30 PM, Rand began knocking on doors. He went to the Tuckers’ house and heard a stereo playing on low volume. He knocked but got no answer, figuring that somebody had left the stereo on. He then got in his car to continue the hunt. The Spraggs didn’t own a phone, so Becky flagged down a passing police car and told the officer that Brianna was missing. Officer Ronald McLemore began checking around the neighborhood.
Brianna Stickel's stepfather last saw her alive in the family's front yard, where she was sitting beneath a large shade tree.

Shortly before 8 PM, as the officer was conducting his search, "a black man come up there in a car—I don't remember the car—and he knocked on the [Tuckers'] door," Becky later recalled. It was Don Douroux. He was carrying a glass of Kool-Aid and wearing a T-shirt with the words master blaster emblazoned on the front and don juan on the back. A short while later, Rand and Becky saw Don walk out the back door of the house and lock it up. Becky walked up and asked if they could look for Brianna inside. Perhaps she had wandered over? At first Don demurred—it wasn't his house, he said. But he relented and they searched the house while he supervised. No sign of Brianna. Rand did notice a wet red stain on the twin bed in the messy utility room where Maurice slept. He passed his finger across the stain, but chalked it up to "a single man living there and having girlfriends, you know," he later said. The room had clothes strewn everywhere. Don saw the Spraggs to the front door, and went to lock up the back.
As Rand and Becky stood in front of the Tucker house debating what to do next, Don emerged. He was shaking and crying, borderline hysterical, and dropped the glass of Kool-Aid he was drinking on the front porch. Becky thought he was having an epileptic seizure. He was silent for a bit and then said there was something on the bed in the back room under a pile of clothes. "I can’t look," he said. Rand went in with Simon and pulled back the sheets on the bed in Maurice's room. There was Brianna, lying on her stomach, her head turned to one side. Rand rolled her over. She wasn’t breathing, and she had no pulse. Her lips were purple. He began CPR, and saw some vomit. He didn’t want Simon to continue to see the disturbing scene and took the baby out of the room. As Simon whimpered, Rand went back to resume CPR on Brianna. He got no response.

At 8:15 PM, Officer McLemore received an ambulance call directing him to the Tuckers' house. He raced over and found a crowd standing around the home. Becky was outside crying, Rand escorted McLemore to the utility room, where Brianna lay limp and naked, with bloodstains on her genitals. The blankets were all in a ball at the end of the bed, wet with blood. The officer performed CPR on Brianna for two minutes. It was futile. Don told the officer that "the person that done this is at 1056 Eastview"—Don's own house, the next block over.

Sergeant Arthur Wiseman and Quick, the police chief, went to the address and knocked on the door. Don, who had raced home ahead of them, answered the door and let them in. Andre was inside, watching television. Wiseman later said Don was "acting somewhat nervous" and said he wished to speak to one of the lawmen. He went outside with Chief Quick. Wiseman stayed inside with Andre, who appeared "nonchalant or uninvolved in what was going on." Andre told Wiseman he didn’t know why the sergeant was there, and Wiseman stayed quiet about the crime. Outside, Don was telling the chief that he'd returned from work to find Andre hiding under a trailer behind the bushes. He said Andre had told him he’d "been in bed with a woman" at the Tuckers' when a knock at the bedroom door led him to put his hand over the woman’s mouth to keep her silent—and he soon noticed she wasn’t breathing. Don told Chief Quick that at first he didn’t believe Andre and told him so. He said he went over to the Tuckers’ to prove Andre was lying, and found the little girl dead.

"Everything happened so quick I barely had time to think. I had a brain freeze times a thousand.”—Andre Davis, describing his realization that police were charging him with the rape and murder of a three-year-old girl

Andre later would deny Don’s account. He said he never claimed to have been with a woman that day, let alone killed anyone. His recollection was that he left the Tuckers' between 6:15 and 7 PM, when Maurice and Sonny were still at the house—a point on which all parties agreed—and headed over to Don’s. Finding nobody there, he said he went to a friend's house across the street and made a phone call. He said he then returned to Don's and waited for him until he came home, which was about 20 minutes later. According to Andre, the two drank some Kool-Aid together and discussed getting high later on, after which Don told him he was going for a run. (Don went over to the Tuckers' instead.) Andre recalled Don returning 20 minutes later, and the police arriving soon after.

Wiseman stepped outside to talk with Don and the chief. He went back into the house and cuffed Andre—who would later say that he thought the police were just taking him in for questioning about a crime that had occurred. They began asking him pointed questions, though, and when he understood he was being charged, he "went ballistic," he would later recall. "I couldn’t understand it. Everything happened so quick I barely had time to think. I had a mind freeze times a thousand." He says that as far as the police were concerned, he was guilty. They slapped him around, he claims, hurling racial slurs. "There was no possibility in their mind that I didn't do it."
In the five months leading up to his trial, Andre was held in the Champaign County jail. He barely slept. "I didn't know what was happening one moment to the next." He kept his mind focused on his family; his mother reassured him that he would be acquitted, and told him to pray and stay optimistic.

Andre's trial got under way at the Champaign County Courthouse in January 1981. He wore a beige plaid suit, brown shirt and tie, and green sweater. The strategy of his court-appointed attorney was to finger Don Douroux as being involved in Brianna's death, which would explain why Don would falsely—according to the defense—implicate Andre. It was Don, after all, who had found Brianna. What's more, if Andre had told Don he'd killed a woman he was having sex with, why didn't Don find Brianna on his first sweep of the house? He would have known he was looking for a corpse, after all. "Donald Douroux knows a lot more about this than he is telling us," Andre's lawyer, Donald Parkinson, told the jury. "I don't know if he did it or not, but I suspect that he knows something more about it than he's telling us. Don Douroux, Don Juan, came home and found a patsy. And from that moment on, he's put this on Andre Davis. And he's putting it on Andre Davis because he's trying to cover for himself or someone else."

The state's first witness was pathologist Stanley Bobowski, who testified that Brianna had been suffocated by somebody putting a hand or other object over her mouth and nose. He told the jury she'd been raped at the same time. Though dried blood and feces were found around Brianna's anus, there were no breaks or tears, Bobowski said, which suggested she had not been anally raped.

Next on the stand was Robert Beams, an FBI special agent who headed up the Washington lab where the evidence in the case was tested. At the time, the FBI was the only agency in the country capable of doing sophisticated forensic analysis. Type O-positive blood, the most common blood type in the United States, covering about 45 percent of the population, was found at the scene. Brianna was type O-positive, as is Andre. Moreover, Andre is what's called a "nonsecretor." Eighty percent of Americans are secretors, individuals whose blood type is present in the rest of their fluids. Andre is among the remaining one-fifth of the population who do not have blood-group substances in their saliva, urine, sweat, and semen. Beams told the court that a mattress and bedsheet with semen on them had been sent to him for testing. Both contained no trace of blood-group substances—meaning they came from a nonsecretor, like Andre.

Rantoul police officer Montgomery Portis testified that Andre—after being arrested by Officer Wiseman and advised of his Miranda rights—shook his head in a negative fashion and declined to sign a Miranda form. He was then interrogated further by Portis and Wiseman. During the questioning, Andre told them that he and Don Douroux had been wrestling—which explained why he had fresh, bloodied scratch marks. In the course of undressing Andre at the station, Portis also noticed grass in both his head hair and pubic hair. Andre then changed his story, according to Portis, saying, "Juan and I is too big to be wrestling." Portis testified that Andre then said he didn't know where the scratches came from. "I didn't rape no little two- or three-year-old white girl," Portis recalled Andre saying.

When Don Douroux took the stand, his recollection of Andre's confession was damning. "He said something similar to that he had killed someone," Don testified. "So I asked him who did he kill and where, and he said it was just a woman who lived down the street next door to a mutual friend of ours, Sonny Tucker."

Sonny testified that on the morning of the crime, he left his house at about 10 AM to run some errands. Andre was already there, he recalled. He returned home at around noon with some wine, and shared it with his brother and Andre. "We were just sitting around and talking, you know." Sonny told the jury he stepped out again that afternoon and returned between 5:30 and 6 PM with a friend, Ida Parker, at which time he said Andre and Maurice were still there drinking. Sonny had
plans to drive to Gary, Indiana, to visit his parents. Before he departed, he said, Andre left on foot, in the direction of Don Douroux’s house. (Prosecutors contended that Andre later returned to the house.) Soon after, Sonny said, he locked up the doors and left, with Maurice and Ida still at the house. He told the jury that was the extent of what he knew about the day’s events.

Maurice also took the stand, testifying that after Andre and Sonny were gone, he himself left—with Ida Parker—to go spend the night with relatives in Champaign. Maurice testified that he found out about the killing that very night, at his relatives’ house. Someone—he didn’t specify who—called him around midnight and told him there had been a child found murdered at his brother’s house. He knew Brianna Stickel, he said, "but she never came inside” the house. He said he had nothing to do with the crime.

Ida Parker testified that she arrived at the Tuckers’ early that evening with Sonny, saw Andre and Sonny leave, then left with Maurice to go to Champaign.

Perhaps the most persuasive testimony came from Jose Raquel. Raquel was the emergency room physician at Burnham City hospital the night Brianna was killed. He described to the jury how he examined Andre’s genitals after he was arrested. Raquel testified that the head of Andre’s uncircumcised penis had been "red or recently traumatized.” The only way a penis can get that traumatized, Raquel said, was "by forcing it against a tight opening" when it is erect. Could the penis of a man who had masturbated, or had been walking around without underwear, show the same type of trauma? "Absolutely not,” Raquel said. He also said he found "unmistakably fecal material . . . from the anus of a human being” in Andre’s foreskin. Raquel took saline swabs from Andre that showed no presence of semen or blood, but testified that Andre could have washed them off.

When Andre himself took the stand, he was sure his testimony would convince the jury of his innocence. "I thought from day one that I would be found not guilty," he told me. "I always believed in justice, and I thought innocence was more powerful than anything else." He explained that after he left the Tuckers’ house that evening, he made a phone call at a friend’s house and waited for Don Douroux at Don’s place. He said Don told him he was going for a run and came back 20 minutes later, shortly after which the police arrived.

Asked point-blank on the stand if he had anything to do with Brianna’s death, Andre replied, "No, I didn’t." He was never at the Tuckers’ house without them, he said, and had made no confession to Don.

Phone records were checked, however, and no calls had been made from Andre’s friend’s house that day, according to testimony from an employee of the Eastern Illinois Telephone Company (the employee also testified that, if it had been a collect call, no record would exist). The prosecutor said in his closing argument that this proved Andre had "lied, lied, lied." Andre’s lawyer retorted in his closing argument that Andre was "confused" (which certainly didn't help lend credibility to anything else he said on the stand). "The days are pretty similar when you’re not working," Parkinson said. "And you might forget what day you made a phone call."

Andre’s lawyer focused his closing argument on discrediting Don Douroux. Parkinson pointed out that Don’s girlfriend had testified earlier that he had occasionally hit her. And it was Don, not Andre, who was nervous when the police first arrived.
Jane Raley, an attorney with Northwestern University's Center for Wrongful Convictions, knew there was something familiar about Andre Davis when he wrote her seeking help in 2003.

The jury deliberated for just under three hours before delivering a verdict: Andre Davis was guilty of the rape and murder of Brianna Stickel. "None of us had any doubt," Melvin Parker, a juror at the trial, told me more than 30 years later.

When being questioned during jury selection, all potential jurors had to agree that they would be willing to apply the death penalty if it were appropriate. Parker and nine other jurors voted for death for Andre, but two others said they couldn’t condone the killing of a human being. Parker and the others pushed, saying they had all agreed in principle during jury selection. But the two holdouts said that, when faced with the real thing, they couldn’t vote to put a man to death. Instead, Andre was sentenced by the judge to 80 years in prison without the chance of parole.
Andre was devastated, but still hopeful. He even got a second trial. It turned out that the jury had requested a copy of the transcript of the trial testimony during deliberation, but the bailiff had failed to pass on the request to the judge.

Before the second trial, Andre was offered a deal. If he pleaded guilty, he would serve a maximum of 25 years. Under Illinois law at the time, he would get a day off his sentence for every day he behaved well in prison. The offer on the table, then, was for 12.5 years in prison. Andre declined. "I would never plead guilty," he says. "Never, never. I was innocent, and that was going to come out some day, I knew it." Andre's mother, Emma, encouraged him in that decision.

The second jury heard virtually the same information as the first—though this time around, Don's testimony included a revelation that was not made in his prior testimony and did not appear in prior police records. Don told the jury that Andre had asked him at his house—shortly before Don went to the Tuckers' and discovered Brianna's body—what would happen in a town like Rantoul if a black man killed a white person. And again, in 1983, Andre was found guilty of first-degree murder and received the same sentence of 80 years. Harold Jensen, the judge at the second trial, says now that he had "no doubt whatsoever" about Andre's guilt at the time. "The evidence was quite clear to me, and there was nothing to contradict that evidence."

For the first 18 years of his sentence—almost as many years as he'd been alive at the time he was locked up—Andre passed the time at the maximum-security Pontiac Correctional Center by obsessively going over his case and praying to a god he still had faith in. At no time did he ever abandon his belief that he would one day be released. "I still believed in justice," he recalls. "I did anything I could to keep my sanity."

In addition to examining his case, Andre spent his time studying religion. Christianity, Catholicism, Judaism, and Islam, in particular. "What screamed to me was that in Islam, the biggest pursuit of justice is really emphasized." Early into his sentence, in 1984, he converted. His faith sustained him for the hardest part of his sentence—the part that wouldn't arrive for more than 25 years.

He kept himself in shape by exercising in his tiny cell. He did whatever else he could to maintain his mental stability. If you let your bitterness get the better of you in prison, he says, you'll never make it. "I spent my time reading, watching TV, talking to myself, writing thousands of letters." He wrote to the NAACP, to the Nation of Islam, to the Urban League. But the most important letter turned out to be one he received—from an unlikely source.

"I never adjusted to prison," Andre says. "In my mind, in my spirit, I rejected the fact that I was in that world—I wasn't going to accept that I was in that world." He adds: "I was a captive, so why would I ever accept that?"

Of all the criminal charges that can land someone in prison, sexual abuse of a child is considered the worst by most inmates and guards. "Everyone's out to get you," Andre says. "Keeping yourself safe is a constant struggle." On top of that, he wanted to assert his will as much as he could, to discourage other prisoners from attacking him and to convince himself that prison hadn't broken him. He says that his constant attempts to protect himself—and to send other prisoners a message—resulted in a mind-set that repeatedly got him in trouble. He racked up one of the longest prison disciplinary records in the state, according to the Chicago Tribune. It eventually caught up with him.

July 20, 1998, was Andre's 37th birthday. It was also the day he was transferred from the maximum-security state prison to the newly built Tamms Correctional Center, the now-notorious supermax facility reserved for the worst of the state's violent criminals. For at least 23 hours a day, Andre, like all Tamms prisoners, would be locked in solitary confinement in a windowless 7-by-12-foot cell. If he was well behaved, he was permitted an hour outside of his cell to get exercise in the yard. In Tamms,
Andre didn’t eat with other inmates—there was no mess hall. Meals were stuffed through a slot in a steel door. Inmates were not allowed to interact with each other, and they rarely had contact with guards. There was no library, no classroom—even medication was typically passed through the steel door.

An Illinois federal court would later find that "Tamms imposes drastic limitations on human contact, so much so as to inflict lasting psychological damage and emotional harm on inmates confined there for long periods." Amnesty International determined that the facility "flout[s] international standards for humane treatment." (Tamms was finally closed by Governor Pat Quinn on January 4, 2013.)

**Judith Stickel** says of the man convicted of killing her young niece: "It became clear to me that Andre was innocent. Nothing added up."

Andre’s mother and sister were consistently amazed at his optimism while in prison. During his parents’ regular visits, he tried to cheer them up.

Emma always shared her son’s conviction that he would one day be freed. When asked if she ever had any doubt about Andre’s innocence, Emma’s jaw squares up. "No," she says. "I know my son."

Another woman shared Emma’s conviction: Judith Stickel, Brianna’s aunt.

Stickel had spent years reading and rereading police records and court documents describing the death of her niece. And she came to believe that the accounts witnesses gave police were contradictory. "It became clear to me that Andre was innocent," she told me. "Nothing added up."

She sent Andre a letter in 1992, she recalled to the Tribune last year, which he ignored for fear that she had ulterior motives. She kept sending letters until he finally responded, two years later. Stickel
then met with Andre’s mother. She visited Rantoul. She pored over transcripts, interviewed witnesses herself, and wrote everyone she could think of who might want to hear what she had to say. Finally—more than ten years after she first wrote Andre—Judi Stickel stumbled upon someone who might listen.

In 2003, when he was closing in on a quarter of a century of prison life, Andre—at Stickel’s urging and with her help—wrote a desperate letter to a woman named Jane Raley, a law professor at Northwestern University and, since 2000, an attorney at the university’s Center for Wrongful Convictions. Stickel had discovered the center and believed that they’d be able to act on Andre’s behalf.

Raley is slender and polite, with thin bangs that sometimes fall into her eyes. When she begins talking about her defenses of wrongfully convicted individuals, her calm demeanor vanishes and she can shake with anger. At a recent panel on the use of DNA in wrongful convictions, one of the formerly incarcerated men she works for called her a "drum major for justice."

Raley received Andre’s letter, written on lined yellow paper. It was one of the estimated hundreds of letters she’d received in her three years at the Center for Wrongful Convictions, and the words described a scenario familiar to her—though not because of her past work at the center. Raley had, coincidentally, been the backup attorney in the public defender’s office during Andre’s appeal. "I knew the case—and we thought he might be innocent," she recalled earlier this year, sitting in her small Northwestern office. Several pieces of the investigation seemed strange to her. And the fact that Andre had gotten a second trial suggested to Raley that perhaps other errors had been made—earlier on.

What’s more, two juries had decided against the death penalty for Andre. But if any case cried out for an execution, it was the horrific rape and murder of three-year-old child. "It suggested to me that they had reasonable doubt," she says, "that the evidence was problematic."

Raley began parsing court transcripts and police records. The initial police report mentioned something relevant that was never discussed in court: Don Douroux had written in a statement to police that Becky Stickel, Brianna’s mother, asked to look for Brianna in Sonny’s house because “the girl visited there frequently.” Maurice had testified, however, that Brianna had never been in the house.

In addition, a junior high school student who was a neighbor of the Tuckers and had been in his backyard around the time of the crime had a clear view of a black man coming out of the house—yet didn’t identify Andre in a police lineup. And hairs consistent with those of an African-American male that were found on Brianna’s body did not match Andre’s hair (or, for that matter, Don’s).

In his letter to Raley, Andre offered to take a DNA test. That, for Raley, was the decisive factor. Guilty men, she felt, typically don’t want DNA tests done.
Judi,

Well first of all, the letter I received from you was quite a shock. Secondly, though I would love to help I’m not sure you’re whom you claim, perhaps I should not even write back.

Let me assure you of two truths. I did not commit such a crime and at no time did I enter a guilty plea. When our you read I plead guilty, it was either a misprint a very wrongful act of an angry writer, so it may have been a ploy to influence public opinion.

Judi I would to express something to you and hopefully as an adult you may have a mature enough understanding to embrace why I feel this way. Please turn over →
Exoneration through DNA testing is extremely rare. DNA evidence plays no role in 90 to 95 percent of criminal convictions. But exonerating someone based on DNA evidence is, of course, far easier than exonerating defendants in cases in which DNA evidence doesn’t exist. Successfully working a non-DNA wrongful-conviction case takes an average of 3,500 hours, according to Lesley Risinger, director of the Last Resort Exoneration Project at Seton Hall University. Those hours, billed to a midlevel associate, would compute to at least $1.5 million. Proving one’s innocence through DNA is usually a far less costly and time-consuming endeavor.

Andre, like most inmates, had no money to pay a lawyer. And once an individual is convicted, he has no right to a court-appointed attorney after his initial appeal. If Raley didn’t listen to him, Andre’s innocence claims likely weren’t going to be heard by anyone else.

On February 13, 2004, Raley filed a motion for DNA testing in Andre’s case. She foresaw a fight. All states have laws granting some form of postconviction DNA testing. But in Illinois, as in other places, anyone seeking that testing still must meet burdensome criteria. And so prosecutors had the option to force Andre to prove he met the standards before being tested, which would have delayed Raley’s motion.

But they didn’t. "To their credit, the state always said, 'Go right ahead and test it, we don't care,'” Raley says. The problem was that a lot of the evidence in Andre's case was either destroyed or missing. Hairs, swabs, a bloody brown paper towel discovered in the Tuckers’ bathroom—all were tested using the technology of the time, but weren’t introduced at trial and therefore weren’t preserved. Fortunately, the evidence that was introduced—sheets, a mattress, and toilet paper—was stashed in the basement of the Champaign County Courthouse.

Raley sent the material, along with a vial of Brianna's blood and an oral swab from Andre containing his DNA, to Cellmark Diagnostics, a testing lab in North Carolina. "These sheets and bedding—they were filled with just blood and semen,” she recalls.

The minimum cost for a DNA test at California's Serological Research Institute (SERI) is $2,200, says Gary Harmor, the lab’s executive director. For that price, SERI can test one swab from an individual and compare it with one sample of blood or semen from a piece of evidence. Of course, most cases have far more evidence than just one piece—Harmor is currently working a cold case that's running a $110,000 tab so far. DNA degrades, so old evidence, such as in the Davis case, requires extra testing and is pricier. In addition, there are costs for having the lab prepare a report and for having a lab expert testify at a hearing or trial. The Virginian firm Bode Technology Group charges $1,900 per day plus expenses for an expert witness to appear at a courtroom outside of the local area.

Northwestern University provides the Center for Wrongful Convictions with student help and pays for overhead and the lawyers' salaries. But any money for investigations and DNA testing has to be raised from private sources—and the center receives hundreds of requests annually from prisoners and their families to work their cases. But May 2004 happened to be a time when some money was available.

Cellmark representatives told Raley that they couldn’t do anything with the blood on the bedsheets—it was 24 years old and too degraded to be properly tested. The lab could, however, test the semen on the bedding. On November 16, 2004, they called Raley with the results.

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