

Winston Pro Bono Team Prevents Possibility of Wrongful Conviction Based on Mistaken Identification

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A Chicago-based Winston & Strawn pro bono team secured a dismissal of all charges by the State's Attorney on behalf of a man indicted for armed robbery based on faulty eyewitness testimony.

Understanding the importance of quick intervention in cases where questionable identifications have been made, the Winston team responded to the unsolicited call of a mother who emphatically asserted that her son "Patrick" had been wrongly identified as the perpetrator of an armed robbery. Four months later, through rigorous investigation and committed advocacy, the team obtained a dismissal of the armed robbery charges, a class X felony carrying a mandatory sentence of at least 21 years.

The criminal charge and indictment were based solely on the robbery victim's identification of Patrick as the person who robbed him with a gun in his back while the victim was awaiting an elevator. The victim identified Patrick about three hours after the crime occurred when he saw Patrick enter the emergency room at Jackson Park Hospital. No other evidence connected Patrick to the crime. Patrick had no previous record of criminal activity.

The Winston team immediately began a rigorous investigation, visiting the crime scene, interviewing Patrick concerning the events in question, and gathering photographic evidence of Patrick and the scene. The team also obtained critical discovery from the Cook County State's Attorney's Office, including video taken by a security camera showing the robbery as it occurred, and other video of the perpetrator using the victim's ATM card at various cash stations. The videos clearly demonstrated that the perpetrator was taller and larger than Patrick, strongly refuting the conclusion reached by the police that Patrick was the perpetrator.

With the assistance of a private investigator, the team met with the victim and shared the evidence they had compiled, including the videos of the perpetrator and the photographs of Patrick. The victim agreed that Patrick was not the perpetrator and that his identification of Patrick was a mistake. He signed an affidavit stating the same, which the team presented to the State's Attorney along with additional evidence of Patrick's innocence. After reviewing all of the evidence, the State's Attorney agreed to dismiss all charges against Patrick.

The Winston team consisted of Litigation Partner Samuel Mendenhall and Paralegal Ken Berry.

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