



Testimony of Ray Krone
before the
Subcommittee on Crime, Terrorism, and Homeland Security
of the
House Judiciary Committee
Hearing on: Promoting Inmate Rehabilitation and Successful Release
Planning
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A wrongful conviction is a nightmare for the innocent person, the crime's victim, and for our society. I should know. I spent 10 years in an Arizona prison for a crime someone else committed. My incarceration included nearly three years on Arizona's death row.

When Kim Ancona was killed in 1991, a friend of hers mentioned someone named Ray to investigators, and the police focused on me as their only suspect. In fact, investigators were so focused on me that they ignored evidence that exonerated me, including a bloody footprint from the scene that did not match my size. In addition, I owned no shoes that matched the tread.

Because I trusted the justice system, I did not bother to hire a private attorney and accepted court-appointed counsel. My attorney's resources were woefully inadequate. The courts granted him a mere \$5,000 to represent me. A bitemark was the one piece of evidence that led to my conviction, but my lawyer could not afford to hire a bitemark expert. He relied on a family dentist as our expert.

At trial, my roommate testified on my behalf, stating that I was at home sleeping when Kim was killed, but the prosecuting attorney attacked his credibility. The prosecutor claimed that my roommate would lie on my behalf because I had taken him in during a rough period in his life.

I was luckier than most, though. My family and friends came to my aid. My mother took out a second mortgage on her house and spent her retirement savings to help. High school friends held fundraisers for my legal defense. My cousin, Jim Rix, whom I had never met before I went to jail, heard my story and also offered his help. In total, my family and friends spent hundreds of thousands of dollars to help free me.

A wrongful conviction is not just about the unlucky person who goes to jail. It's also about the victims and the safety of society. We must not forget the simple and obvious truth that when we get it wrong, a guilty person goes free. 20 days after Kim was killed, Kenneth Phillips, the man whose DNA matched the evidence from the crime scene, assaulted a young girl, a crime for which he was incarcerated at the time of the DNA test that freed me.

In fact, had investigators broadened their list of suspects, they may have found Phillips soon after the death of Kim Ancona. He lived just a few hundred yards from the bar where the crime occurred and was on probation at the time for assaulting a neighbor.

I lost ten years of my life in jail, but I choose not to be bitter. Rather than focus on the ten years I lost, I've made a conscious decision to focus on the next ten years. By talking about my experience, I hope to impact significant change toward making our criminal justice system truly just.

In that respect, to have justice, it must be about seeking truth and fairness for all. Just as we seek suitable and just punishment for a crime committed, so should we

seek suitable and just restitution for those wrongly convicted. Our pledge of allegiance declares "with liberty and justice for all". The loss of liberty, liberty that our forefathers fought so hard to secure for all Americans, should never be taken lightly. It dishonors their efforts and diminishes us all as Americans. When our justice system, a system that we should all hold in high esteem, fails to protect our liberties, and in fact revokes our liberty, our freedom, in error, then fairness, neigh justice requires that this esteemed system of justice recompense those who the system failed. I ask that you carefully consider this bill and support it in the continued pursuit of fairness and thus justice for all.

Ray Krone of York County was the 100th person since 1976 to be exonerated after spending time on death row. He is the director of communications and training for Witness to Innocence (www.witnesstoinnocence.org).