

**I MAY BE ENGLISH  
BUT I LOVE  
THE BENGALS**

*by BEN BERGIN*

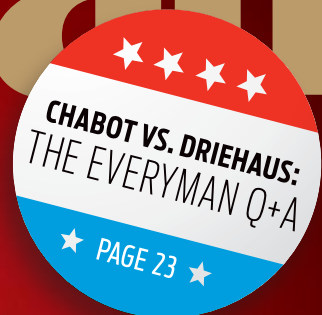
**EEEEEEK!  
WHEN GARDEN  
GNOMES ATTACK**

*by CHUCK SAMBUCHINO*

**THE 50 GREATEST  
POP SONGS  
MADE IN THE QC**

*by CHRIS VARIAS*

# Cincinnati



# Sweet!

*The **48** Tastiest Bakeries in Town*  
**[AND THE RISE OF BLUE OVEN BREADS]**

**THE MAN  
WHO WAS  
SET FREE  
AFTER  
29 YEARS  
IN JAIL**

*by JACOB BAYNHAM*





CORRECTION  
The ~~Correction~~  
BY JACOB BAYNHAM  
PHOTOGRAPHS BY RYAN KURTZ





Imprisoned for a crime he didn't commit,

↖ Raymond Towler spent nearly three decades behind bars believing that one day science would set him free. But it couldn't. Until last spring, when science got a hand from Mark Godsey↑ and the Ohio Innocence Project.

# IT WAS THE SUNDAY OF MEMORIAL DAY WEEKEND, MAY 24, 1981, AND 12-YEAR-OLD JOSH AND HIS 11-YEAR-OLD COUSIN KATE WERE PLANNING A PICNIC.

They walked to the corner store to buy some drinks, then fixed sandwiches and packed a bag. They wheeled out their bikes—a Huffy single-speed for Josh, a 10-speed for Kate—and cycled down Detroit Avenue, past the marina and into Cleveland’s pleasant Rocky River Reservation. It was about 12:15 p.m.

Inside the park, the bike trail follows the river, which makes wide, intestinal turns through stands of cottonwood, sycamore, and willow before emptying into Lake Erie about a mile downstream. The park had everything to entertain the cousins on a lazy Sunday—a river to splash in, wildlife in the woods, and a maze of paths to explore. For a kid in Cleveland, there was no better place. Josh and Kate (not their real names) followed the trail for about six miles before laying down their bikes to eat their lunch. Kate told Josh about a place she’d found—a spot where a log had fallen across the river and you could sit down and skim your toes in the cool water below. After lunch, they set out to find it—Kate leading the way, Josh pushing his bike behind her. As they walked, a man came out of the trees toward them. He said there was a deer in the woods with a broken leg and asked if they would help him.

Just then a woman roller-skated past. She had already seen the man twice that day—a black man of average height and medium build in a brown Ban-Lon shirt, carrying a jacket. This time a boy and a girl were with him, she would later testify, walking their bikes. She saw the man head-on for half a minute.

Josh set down his bike and followed the man into the woods. Kate hesitated, but then ran after him. “I think it’s around here somewhere,” Kate remembered him saying. When they had walked 152 feet from the bike trail—the police would measure it later—the man turned and pulled a revolver from the jacket.

“Lie down!” he told Josh and Kate. The kids froze. He repeated the order, but still they didn’t move. Finally the man grabbed Josh by the arm and pushed him into a tree. Josh got down on his stomach. Then the man grabbed Kate, dragging her to the ground a few feet away. Still holding the gun, he untied

Kate’s yellow jumper and pulled it down with her underpants. He took down his own pants and told Kate to lift her legs. Josh kept his face in the dirt.

The entire “incident,” as it would be referred to in court, lasted less than 15 minutes. When the man had gone, Josh ran terrified from the woods, looking for help. He found a park ranger who took Kate to the hospital and radioed other rangers to comb the woods.

By then clouds had moved in and blotted out the sun.

**THIRTEEN** days later, Officer Frank Ferrini sat in his cruiser, working a stop sign detail on the western edge of the Rocky River Reservation. At about 3:25 p.m., Ferrini pulled over a metallic green 1970 Monte Carlo that had rolled through the stop. The driver was a 23-year-old black man, Raymond Daniel Towler. As he wrote him a ticket, Ferrini thought Towler’s car matched the description of a vehicle used in some thefts in the area. Ferrini called Sergeant Frank Taylor to the vehicle and Taylor asked if Towler would come in for some photographs.

Towler was a quiet man. He lived in a small house with his mother, younger sister, and niece, a 10-minute drive from the park. When he wasn’t out driving his Monte Carlo, he was at home, listening to the radio or playing the guitar. He was a musician and an artist, and that day he had been sitting in the park with his sketchbook.

“Here we go,” Towler said to himself when Officer Ferrini pulled him over. He’d heard about the park rangers hassling black people; now, he figured, it was his turn. But he was polite. He agreed to go in for a photograph.

At the station, a policeman took Towler’s picture, a front-view and a profile. Then he was free to leave. But on his way out, Towler noticed his name written on a board, next to the word “suspect.” He hoped it was just some sort of mind game, but he left feeling nervous.

He had reason to worry. The snap of the shutter in the station that day would set into motion a rapid chain of events. And wherever God or fate stores our futures, Raymond Towler’s was pushed off the shelf. Three months later—on September 9, 1981—he was on trial for raping Kate.

The prosecution’s case relied entirely on the word and memory of the victims and two witnesses. Neither Josh nor Kate had said that their assailant had a beard, yet at the police station, two weeks after the rape, Josh picked the snapshot of a bearded Towler from an array of 11 photos. It took him 10 minutes to choose. Separately, Kate looked at the pictures for 15 minutes before pulling the same one. Another witness—a metal worker who had been walking through the park that day—also chose Towler. And when an officer showed the roller skater the pictures, she took just 15 seconds to decide. “This is it,” she said,





**THE EXONERATED** RAYMOND TOWLER, PHOTOGRAPHED IN SEPTEMBER 2010, AFTER 29 YEARS IN JAIL.

pointing to Towler's photo. "If it's not him, it's his brother."

Perhaps most damning of all was a small moment during the trial when Kate outstretched her finger

from the witness stand to identify in the courtroom the man who had done this to her. "He is over there," she said, pointing at Towler. The prosecution admitted into evidence Kate's underwear, her yellow jumper, fingernail scrapings, and three black pubic hairs that the ER doctor had lifted from her. A forensic scientist could find no trace of semen on the underwear or jumper, but concluded that the pubic hairs were of "Negro origin."

The jury found Towler guilty of rape, two counts of felonious assault, and two counts of kidnapping. After the jurors returned their verdict, Assistant Prosecutor Allan Levenberg spoke for a city relieved by the delivery of justice. "Anyone who preys on children should be put away and the key lost," he said. "This man, an animal, got what he deserved—life!" Then Towler, 24 years old, was handcuffed and led from the court.

But the key to the man's freedom wasn't lost. It was in a sealed bag sitting on an evidence room shelf. Kate's underpants would not be touched for more than two decades—long after a scrupulous clerk could have legally thrown them out. Unbeknownst to everyone at the time, the DNA of Kate's attacker was stamped into the fabric—a silent declaration of Raymond

Towler's innocence that would take scientists 29 years to interpret.

**LITTERED** with paper and boxes, Mark Godsey's office at the University of Cincinnati could be a college dorm room. The walls are dotted with two dozen plaques, with more wrapped in plastic on the floor. A poster in Chinese awaits hanging, advertising a recent speech on wrongful convictions he gave in Beijing.

At 42, Godsey is boyishly good-looking, with a high brow and a dry grin. The cofounder and director of the Ohio Innocence Project and a UC criminal law professor, he is also a karaoke devotee who knows every lyric to Sir Mix-a-Lot's '90s classic "Baby Got Back." His thumbs are seldom far from his iPhone, tapping out e-mails and texts. His car is as messy as his office.

Except, perhaps, in matters of tidiness, Godsey has always been an achiever. Born to parents who grew up in poor Kentucky mining towns, he was taught from childhood that making a difference in the world was a higher ambition than chasing money. In 1981, the year Towler went to jail, Godsey was a straight-A student at Fairfield Middle School; by 1993, he was graduating second in his class of 202 students from the Ohio State University Moritz College of Law. Even as an ace student with loans to repay, his dreams weren't financial.

He was fascinated by the intellectual underpinnings of the law and knew that he wanted to be a professor one day.

Godsey gravitated toward criminal defense law, which, in his libertarian ideology, he saw as a necessary tool to keep the government in check. But after graduation, the appellate judge he was clerking for in Salt Lake City told him that prosecutors have the real power to affect change by getting justice right the first time. Godsey took the advice to heart. He paid off his law school debts with two years in Chicago and New York, working on multimillion-dollar cases for a major corporate law firm. Then he took a job as a federal prosecutor in New York, spending the next five years prosecuting organized crime, white-collar fraud, and more. His diligence didn't go unnoticed. In 1998, the FBI honored him for his "outstanding prosecutorial skills." In 2000, he received the Director's Award for Superior Performance from then-Attorney General Janet Reno. But he still had dreams of becoming an academic, and he wanted to return to the Cincinnati area. In 2001, he accepted a criminal law professorship at the Northern Kentucky University Chase College of Law. Part of his new job was to supervise NKU's nascent Kentucky Innocence Project.

The country's first Innocence Project was created in 1992 by Barry Scheck and Peter Neufeld as a legal clinic at Yeshiva University in New York. Scheck and Neufeld wanted to use the rapidly advancing field of DNA • CONTINUED ON PAGE 98

mixer, turning it out into its Cambro box (a food-safe container made from heavy duty plastic) while Sara takes over the mixer, measuring out ingredients for the Bad Boy loaves. Lew finishes cooling down the oven Mark had fired up the night before so it's ready to bake by 6 p.m.

**4:45** Sara pats down the froggie dough, stretching it out to accommodate a full sheet pan. Jack comes in crying. He needs his mommy to kiss a hurt on his leg. She does, returning immediately to finish mixing the 10-grain, moving it from mixer to Cambro, and then fitting the roasted garlic froggie into its pan. She. Never. Stops. Moving.

**5:02** Sara lays her head on the mixer and yawns. "Almost there," she says.

**6:15** The first batch of bread for tomorrow's market goes in the oven. At the same time, the Hobart mixer stops when overheated circuits blow a fuse.

**6:30** The mixer is running again. Mark delivers dinner: homemade sausages, flash fried kale, roasted potatoes, and focaccia. The scent of rosemary fills the room as Lew removes the froggies from the oven.

**7:44** Mark brings Jack in to say good-night to Sara. The three share a sweet short huddle and exchange goodnight kisses. As Mark and Jack head upstairs for bed, Lew pulls out the tortano and baguettes from the oven, and Sara returns to mixing dough for tomorrow's bake. She will fall into bed around midnight. Lew will spend the night in the spare bedroom, going to sleep about 2 a.m. after she has fed the oven with wood, re-fired it, and checked on it, starting the 24-hour process again.

#### Saturday, 7:58 a.m., Findlay Market

Though the market officially opens in a few minutes, there are already seven people standing in line. One customer announces she is on her way to a funeral, but must get her bread first. "Priorities," she says, and laughs.

**8:36** Louie Bonavita, Mark's uncle, stops by as he does every Saturday, rain or shine, bringing Mark breakfast: today,

an eggplant frittata between two slices of Blue Oven focaccia. Though the line is 15-deep, Mark temporarily leaves the customer service to Bill Summerville and another assistant, artist Anthony Wolking. (None of the market assistants will take any pay other than loaves of bread.) The respect and love between Mark and his uncle Louie is palpable. Still very present, sharp, and active, the 91-year-old Bonavita—a WWII vet who survived years of battles in the Pacific—made his career as a tailor, living just blocks from Findlay Market. He's largely responsible for Mark's passion about food, a passion that translates into an ability to connect to his customers through bread.

**8:46** Forty-five minutes into the market, approximately half of the 300 loaves have sold. Robin Wood, the florist and former WEBN DJ, stops by for loaves of pecan raisin and Bad Girl, and "something round for muffaletta." Mark suggests the 10-grain. Another customer recites her dinner menu that evening and asks what course she should serve bread with. "The Nicoise salad?" Mark sends her off with a country French. "Will you be at Hyde Park market tomorrow?" the next customer inquires. "I am becoming a groupie!" The man standing behind her agrees and confesses he is addicted to the Bad Boy and is concerned about how he is going to feed his addiction during the winter months when the market slows down. Mark assures him he'll be able to get Bad Boy on the weekends at Findlay, or Awakenings Coffee and Wine on Hyde Park Square, Sundays. Nearly every customer who comes to the stand talks about Blue Oven's bread in intimate, relational language. After three years, it's something that still surprises Mark and Sara.

**11:00** The last baguette is sold. Anthony helps Mark dismantle Blue Oven's stand and carry it to the truck. After he gets some shopping done for the household, Mark will drive the 45 minutes out to Williamsburg, check on the oven, and care for Jack while Sara bakes the 300 loaves for tomorrow's market. The breadheads will be waiting. ☺



science to determine the innocence of inmates who claimed they were wrongly convicted. The two lawyers devised a model that used law students to research case histories and draft court motions, under the guidance of staff attorneys who would represent the inmates in court. The model spread to law schools throughout the country. Now almost every state has its own Innocence Project.

Godsey remembers the prosecutor in him rolling his eyes the first time he listened to some NKU law students describe an inmate they had just visited. "They were going on about how they had looked into his eyes and talked to him and they could tell he was innocent," he says. "And I remember thinking this was the biggest bunch of crap!"

But Godsey retracted his skepticism when DNA evidence proved the man's innocence. And the more cases he researched, and the more he learned about the science of DNA, the clearer the scope of wrongful convictions became. "This is a national problem that people don't really know about," he says.

In 2003, a criminal law professorship opened at the University of Cincinnati, and Godsey moved across the river. At that time, Ohio didn't have its own Innocence Project. But with Godsey's experience at NKU, encouragement from then-city councilman John Cranley and defense attorney Bill Gallagher, and an eventual \$2 million endowment from philanthropists Lois and Richard Rosenthal, the Ohio Innocence Project was born in May 2003. The OIP's first act: to push for the passage of Ohio Senate Bill 11, which allowed retroactive DNA testing for convicted felons. The bill passed within the month.

From the beginning Godsey was busy

answering phones, reading inmates' letters, and digging into case histories. In 2004, he got a call from a Cleveland defense attorney named John Parker, who had been appointed to represent an inmate named Raymond Towler who was applying for DNA testing. Parker told Godsey that, against all odds, case evidence still existed. "It was pure dumb luck that it was saved," Godsey says.

Lucky or not, it was a tailor-made case for OIP, and Godsey started looking for a lab to test the evidence.

**HOPE AND DISAPPOINTMENT** were equally combustible emotions for Towler during his years in prison, and he quickly realized that the first could be just as destructive as the second. Towler watched other inmates put their faith in an early release program, all but certain their applications would be approved. Then, when their rejection letters arrived, these men would crumble. "I've seen guys just fall apart," Towler says. "And then they go do something stupid, hurt somebody or hurt themselves. Give up on themselves."

Towler found a way to face his situation dispassionately but still pursue his freedom. He took the personal side out of it; he didn't hold the victims, prosecutor, judge, jury, or any other individual accountable for what had happened. If the system had put him here, he decided, the system would have to get him out.

After his trial, Towler was taken to the Ohio Penitentiary in Columbus, a 150-year-old building with broken windows that birds would fly through. The prison was crowded and cold, and wracked by fights. He slept in a cell with four other men, each with their prison-issued belongings: an old wool blanket, two sheets, an inflatable pillow, two pairs of pants, and two shirts. Three months later, Towler was transferred to the maximum security Southern Ohio Correctional Facility in Lucasville, where he was in lockdown for 23 hours a day. In the one-hour recreational period where prisoners mingled outside, he saw men



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## THE CORRECTION

kill each other with homemade knives over gambling debts or love triangles.

Most of the prisoners Towler walked among had at least life sentences, sometimes double- or triple-life. “Guys had charges stacked up so high they couldn’t make any sense,” he says. Soon after he got to Lucasville, a guard discovered a foot-long shank that Towler’s cell-mate had fashioned from a kitchen spoon. When neither prisoner would fess up, both were punished with 90 days in solitary confinement. Towler didn’t let it faze him. “You gotta be in that building somewhere,” he says. “So what if you’re in the hole.”

Towler had been in prison for two years when his mother died. The warden let him attend her wake—even lent him a suit—but he had to be in manacles. When he gathered with his family in a funeral home on Cleveland’s east side, his feet were chained together and his hands were locked to his waist. “It felt like *The Silence of the Lambs*,” he recalls.

Towler spent those first years going through his appeals and post-conviction proceedings. He applied for commutation from the governor. He wrote letters to the parole board. “It’s like they say in the lotto,” he says. “You gotta play to win.” But it was always a roller-coaster ride, and coping with the stream of form-letter denials was a skill he had to master. He cultivated a mental resilience to hedge his hopes. “I’d be ready if it happened, and still be ready if it didn’t,” he says.

Lucasville was a violent place. (Five years after he was transferred to another prison, in 1993, cell-block riots would leave nine inmates and one correctional officer dead.) Towler stayed safe by choosing carefully the company he kept. He attended church services with the prison chaplain and “sought out certain people who were pretty much like me,” he says. “Maybe not innocent, but at least they were trying to do something with their life.”

**TOWLER SPENT SEVEN** years at Lucasville, cycling through 20 different cells with more than 50 cell-mates, not all of

them sane. Then one day a clerk he had made friends with put his name on a list of prisoners to be transferred. He was moved to Marion Correctional Institution, where his security level was ultimately dropped from “maximum” to “medium.” His freedoms grew. He was able to paint and play the guitar. He followed season after season of his favorite teams, the Browns and the Cavs. He liked watching the track events at the Olympics. (He would see seven summer games before he was released.) At Marion he worked toward two associate’s degrees he would later earn in arts and business.

In 1994, Towler was transferred to the Grafton Correctional Institution east of Cleveland, which is where he was two years later when he became eligible for parole. He had an impeccable record, and he allowed himself the hope that he could be released. But the parole board gave him another 15 years. “I think the wording was, ‘Because of the seriousness of the crime, releasing you at this time would not reflect justice,’” Towler says. He knew what they really meant: *You’re not going anywhere*.

Years later he wrote two songs for a prison project—the inmates recorded a kids’ album called *Wings of Hope*. When word got out that he was a contributor, his face and charge were splashed across the media again. “Sex Offender Credited for Children’s Songs CD in Ohio,” the headline read on Fox News. The same day the staff gave him a copy of the album, they took it away. It was one of his lowest points. “That was almost worse than getting the 15 years from the parole board,” he says.

**FROM THE BEGINNING**, Towler believed that physical evidence would clear him. After his arrest, he’d offered a blood sample and several pubic hairs. The science of the times could do little with them. But when O.J. Simpson went on trial in 1994, Towler started to hear about DNA and the precision with which it could identify the perpetrator of a crime.

The first form of DNA testing to be used in forensic science was called DQ-

alpha. This test, developed in the late 1980s, could distinguish some variation in genetic material, but couldn’t isolate an individual. By the early 1990s, scientists could use STR (short tandem repeat) testing. With the exception of identical twins, no two people have the same STR profile. (CODIS, the FBI’s database, uses criminals’ STR profiles.) But perhaps the most useful DNA test for Innocence Projects around the country is YSTR, which was developed around 2004. This method searches for the DNA of the Y-chromosome, which only men have, and is useful in cases of rape, where a woman’s DNA would otherwise overwhelm her attacker’s.

As he learned about how DNA could unequivocally prove guilt or innocence, Towler started saving his money so that he could afford the lab fees if a judge would allow his case evidence to be tested. He started painting more, selling pictures to the guards and other inmates, or sending them to his sister to sell on the outside.

In 2001, new DNA evidence helped free Anthony Michael Green, also from Cleveland, who had spent 13 years in prison for a rape he didn’t commit. Days before he was released, Green gave Towler contact information for the New York Innocence Project, which had won him his freedom. Towler wrote the New York agency repeatedly but it was too overloaded to review his case.

Then, in 2003, Towler read about the Ohio Senate bill allowing retroactive DNA testing for convicted felons. He filled out the paperwork on his own. A judge approved his request and appointed a defense attorney to represent him—which is how Towler met John Parker and eventually Mark Godsey. In September 2004, with advice from Godsey, Parker arranged for Kate’s underwear, the fingernail scrapings, and the three black pubic hairs to be sent to a DNA lab in Texas.

After struggling for two decades to clear his name, it seemed like Towler finally had the key. But when the lab tested the underwear, they found no trace of semen or any male DNA. And when the



technicians opened the envelopes containing the fingernail scrapings and pubic hairs of Kate's assailant, they were empty. Whether the evidence disappeared by accident or sabotage remains a mystery, but for Towler the result was the same: In his decades-long fight for justice, he had just lost another round.

**THE MORE HE** learned about Towler's case, the more hope Godsey had that science would catch up with it. When OIP partnered with the *Columbus Dispatch* in 2008 to highlight the 30 best prospects of 313 Ohio inmates who were requesting DNA tests, Godsey made sure that Towler was on the list.

The percentage of convicts who take the time to fill out a 23-page Innocence Project questionnaire is small, but it's enough to keep OIP busy. The project has received 5,079 case review requests since 2003; it's actively investigating 287. They have litigated for DNA testing for about 70 cases and have gone to court claiming their client is innocent fewer than 15 times. Since its inception, the OIP has helped free 10 innocent people.

The group is also addressing the root causes of wrongful convictions by working with the Ohio legislature. The original DNA bill, which passed in 2003, has since gone through four evolutions, culminating in Senate Bill 77, an omnibus package that reforms the procedures of evidence preservation, access to DNA testing, eye-witness identification, and police interrogations. "It's the best bill anywhere in the country so far," Godsey says. He credits OIP's statutory success to support from politicians like State Senator Bill Seitz from Green Township, "a conservative, law-and-order Republican who gets our mission and understands it's not at odds with law enforcement."

The bulk of the groundwork for the Innocence Project is done by law students. At the end of their first or second year of classes, 20 UC law students are picked for summer internships with OIP. They work 40 hours a week answering phones, researching cases, looking for

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new witnesses or lines of investigation, visiting inmates in prison, and corresponding with clients and their families. Working in pairs, they may be responsible for up to 50 cases, and they work on these cases throughout their next year of law school. "It's a fantastic model," Godsey says. "Students aren't jaded. They have all this idealism and energy. The only thing they don't have on experienced lawyers is experience."

In the summer of 2009, UC law students Matt Katz and Chris Brown inherited Towler's case. "On paper this is not the best case in the world," Katz remembers thinking. Four witnesses had identified Towler as the culprit, including Josh and Kate, who saw their attacker at close range for 15 minutes. By the time they got the case, the paperwork requesting further DNA testing had been filed. As they waited on a decision from the judge to go forward, the two kept in touch with Towler and even drove to visit him.

Katz, a gangly 26-year-old from Indianapolis, and Brown, a wispy 24-year-old with glasses, remember that first meeting with their client. "The prison was in the middle of a pig farm, and it smelled like a pig farm," Katz recalls. "It was 90 degrees, all the walls were drab, but [Towler] was very upbeat. He walked in with a stroll and a hum. He had a smile on his face."

There was hardly any new information on his case, so, sitting around a three-foot-tall kids' table in the visitation area, they talked about the NBA playoffs, and about music and art. Both students knew that their gut reaction about Towler's innocence was of little consequence—DNA was the ultimate arbiter and the only evidence that would matter in court. But they recognized a sincerity in Towler that rang true. He spoke with a calm confidence and jocular good humor that belied all the years he had lost. "Talking to him, in my mind there was no way that he was guilty," Katz recalls.

"I was in awe of the way he carried himself," Brown adds.

The students left, frustrated that all they could tell him was to wait a while longer. Towler thanked them for the visit. He was in his 29th year of imprisonment, but those years were behind him. As for his future—well, that was up to science and God.

**TOWLER'S EQUANIMITY** was indeed impressive, especially since a year earlier science had failed him a second time. Godsey had arranged for another testing of the underwear, even though he knew it was a long shot. "We're talking about 30-year-old panties that have been sitting on a shelf with, at most, trace amounts of semen from the attacker," he says. The technology had been too weak to detect any DNA in the material four years earlier, but by 2008 laboratories had new methods they could use.

Technicians at DNA Diagnostics Cen-



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ter, a Cincinnati lab, tested Kate's underwear for free. This time they detected semen in the fabric and DNA from a male that was not Raymond Towler, but they weren't able to locate any sperm cells. The prosecution contended that the DNA could have come from a contamination of the evidence—a man opening the evidence bag and sneezing, for example. "It was a dumb argument," Godsey says, "but we couldn't disprove it." Towler remained behind bars. Within months, Godsey heard that a Texas lab had developed a solution to draw sperm cells out of fabric. He had the underwear sent there in the summer of 2009, but stall tactics by the prosecution delayed testing until this past April.

Godsey will never forget the moment he saw the test results. They came by e-mail on May 3 at 6:50 p.m. He was alone in the office, at the end of the day. "I feel that we have now reached a point where testing can be stopped," wrote Rick Staub,

the director of the forensic lab in Dallas. The DNA they analyzed from the sperm, he said, is clearly "NOT RAYMOND TOWLER."

And just like that, the error that had transformed Raymond Towler's life had been corrected. He'd lost his freedom so fast in 1981; now he was about to regain it at breakneck speed.

Godsey alerted everyone on the OIP team that night—everyone except Towler; he needed to think through the legal issues of the release. The next morning came another surprise. The Cuyahoga County prosecutor, who had also received the forensic lab e-mail, wanted to let Towler out immediately. But the judge was out of town, so they had to wait one more day. Godsey called Towler's brother, who began to cry. Then he called Towler himself. "He was in shock," Godsey remembers. "He actually didn't react that much. I think it takes a while to sink in, you know?"

In truth, a sergeant at Grafton prison had told Towler the good news a couple minutes before Godsey called. It didn't take long for a crowd to gather around his bunk. He was taking a few things with him—his electronic keyboard and paints—but giving away his TV, CDs, and stereo. Then he was taken to the county jail, where he would spend his final night in a locked cell.

He went to court the next day in clothes a deputy sheriff gave him—pants, a shirt, a black sweater, and shoes. Towler recalls his agony in the Cleveland Justice Center, listening to Judge Eileen Gallagher go through the proceedings. "It was almost like I couldn't even hear what she was saying," he says. "I kept saying in my head, 'Hit the gavel now, so we can leave!'"

Instead, the judge stunned everyone by stepping down from the bench and giving him a hug—the first affectionate touch he'd felt in years. "Mr. Towler, it's



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## THE CORRECTION

a long day coming,” Judge Gallagher said, and then she recited for him the traditional Irish blessing: “May the road rise to meet you, may the wind be always at your back. May the sun shine warm on your face, may the rain fall softly upon your fields. May God hold you in the palm of his hand, now and forever.”

“I started smiling right there,” Towler says. There were tears and flashbulbs, then the gavel finally came down and the door was opened for him to leave. It was May 5, 2010. After 28 years, 7 months, and 17 days behind bars, Raymond Daniel Towler descended the courthouse steps into the fresh air of the free world.

**TOWLER IS THE** 10th wrongfully convicted person that OIP has helped free in its seven-year history, and the longest serving in Ohio. Carrie Wood, who joined OIP as a staff attorney just months before Towler’s release, points out the dark side to the exonerations. In Towler’s case, for example, Cuyahoga County now has an open child rape case that is 30 years cold, and a victim—Kate—who has no closure. Wood can’t imagine how it would feel “to think that the person who had done this to her had never been brought to justice.”

But the science that got the wrong person out of jail can be used to put the right person in. The newly identified DNA of Kate’s rapist will be checked against national FBI databases; as of 2011, Ohio law will require a DNA sample be taken from anyone arrested for a felony.

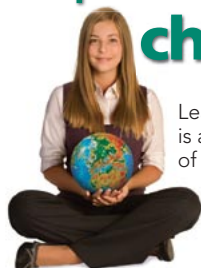
Wood hopes that there will be fewer wrongful convictions as DNA databases grow, and new laws promote best practices for photo lineups, evidence preservation, and police interrogations. But she doesn’t think she’ll be out of a job anytime soon. Sitting in her cubicle in the OIP office, she’s surrounded by boxes overflowing with the case files of dozens of other inmates. Some of them may be

innocent, others guilty. But each one is a shout from a very dark place, and where DNA evidence can be found or new witnesses brought forward, OIP will work to ensure that justice is delivered.

“It’s not just paper, these are all people,” Wood says, swiveling her chair to take in the piles around her. “These boxes of crap that you see everywhere, these are all people.”

**HAVING SPENT MORE** of his life in prison than out, Towler’s adjustment to freedom hasn’t been easy. “I still feel like a tourist,” he says. Sitting at the Coffee Emporium on Central Parkway on a recent visit to Cincinnati, he lets out a sad laugh at the memory of his first night of freedom. He returned to his mother’s house, where his brother now lives. It was like he’d just stepped out of a time machine. “That was awkward,” he says. “I couldn’t stay, but I still visit my brother all the time.”

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A Cleveland insurance broker offered Towler a mail delivery job in his company's building. He works nine to five. He lives with a cousin, so his costs are low. He pays part of the utilities, and makes payments on a 2010 Ford Focus. It's no 1970 Monte Carlo, but it drives.

Towler plays guitar and piano for Mount Zion Baptist Church in Oberlin, Ohio, and has started a gospel band called Spirit and Truth with some other men who served time. He recently went back to Grafton prison to perform for the inmates, who greeted him with a mixture of warmth, pride, and desperation.

He has some compensation money coming to him from the state, whose actuaries have determined the value of one year of freedom to be \$47,000 and change. This figure entitles Towler to a settlement of more than \$1.3 million. Lawyers tell him he should get the first half of his settlement before the year is over. "I wouldn't have done it for any

amount of money," he says. "I don't know anyone with their sanity who would."

Towler is still learning about this new world. He was given a BlackBerry, but barely knows how to use it. He is discovering the Internet, but thinks old-fashioned research is faster. He still has a beard. It's thicker now than when he went in, and flecked with white. It sets off his broad jaw in a way that makes him look Biblical, ageless. Dressed in a red polo with black stripes, Towler tells his story quietly and with the same even keel that helped him survive the last 29 years. It's painful to look back at some of the things that happened. "But believe me, it doesn't outweigh the stuff to look forward to," he says. "Not even close."

Godsey now counts Towler among his friends. Watching his release in the Cleveland courtroom that day was one of the most satisfying experiences of his life. "It's the ultimate sense of joy or vindication or success that you can experi-

ence as a lawyer or as a person," he says. And in Godsey's view, the exoneration couldn't have happened to a better man. "I've never seen anyone who can think through a situation and come to peace with it like he does."

This past summer, Towler came to town to see Godsey. They went to a Reds game, then saw some live music at the Blue Wisp. As Towler sat and listened, Godsey couldn't help but sneak an occasional glance at him across the table and quietly marvel at what has transpired. "Here's a guy that I fought for years for," Godsey says. "He could still be in prison but now he's sitting in a jazz club."

Towler doesn't drink; he wants to be clear-headed as he embraces his new life. He has his music and his art. He has his family and his faith. And he has his freedom, a prize whose value he understands better than most.

"Nothing is free, even freedom," he says. "But it's a price I'm willing to pay." ©



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