

THE UNPREDICTABLE JOURNEY

*Jennifer Thompson**

It was the summer of 2000. I had just returned from the mountains of North Carolina where I tearfully said goodbye to my triplets. They would spend the next seven days camping, swimming, playing, and singing at camp. While I knew I would miss them terribly, my mind raced to how I would use all of the uninterrupted hours to tackle projects that had been left undone for the last ten years. The silence and calm, however, lasted a mere day as a phone call from Texas would not only change that week but also the rest of my life.

“Jennifer, my name is Dick Burr. I am a lawyer who is representing a death row inmate here in Texas. Gary Graham has been on the row here for nineteen years and is scheduled to die by lethal injection in twenty-two days. I wanted to find out if we could fly you here for a press conference so you could tell your story?”

Who was this man, I thought? And why in the world would anyone want to hear me at a press conference? What do I care about some death row inmate in Texas? I certainly did not want to speak out for some murderer. “Mr. Burr, you should probably know that I support the death penalty. This is the United States of America and there is no way that we could possibly execute an innocent person. I do not want to advocate for some guilty guy!” I said.

Mr. Burr promptly told me he understood, but could he please overnight me the information on the case. After reading it, perhaps I might reconsider. With doubt in my mind and against my better judgment, I told him I would read it and get back to him. Within forty-eight hours, I found myself in Houston, Texas.

As one never to pass up a free meal, I was invited to meet

* Jennifer Thompson, a native of North Carolina, is an outspoken opponent of the death penalty and proponent of judicial and criminal justice reform. She is a member of the North Carolina Actual Innocence Commission, the advisory committee for Active Voices, the Constitution Project, and Mothers for Justice.

downstairs for dinner. I found myself at a table of fifteen people, none of whom I knew. As the group began ordering beverages, I grew increasingly nervous. Rob Warden, who sat to my left, stood up and introduced himself as the co-director of the Center on Wrongful Convictions out of Chicago. "Thank you all for coming," he said. "I would like each of you to stand and tell a little about who you are and why you are here."

The large barrel-chested man directly across from me went first. "My name is Kirk Bloodsworth. I am an ex-marine from Cambridge, Maryland. I spent eight years, eleven months, and nineteen days in prison for the rape and murder of a nine-year-old little girl. Three of those years I sat on death row waiting to be gassed to death. The only evidence against me was eyewitness identification. DNA proved I was an innocent man."

I am sure my face registered the utter shock that bolted through my body. How can that happen, I thought?

"My name is Joyce Ann Brown. I spent nineteen years in a women's prison here in Texas. My time card at work proved where I was at the time of the robbery and murder. But eyewitnesses identified me as the person who shot that store owner and his wife. Nineteen years! I missed my son growing up. Nothing can ever give that back."

Dear God, I thought! Women are wrongfully convicted too, here in America? This just can't be. My mind was spinning. The next person to stand was Kevin Green, a marine from California. He went out one night to get his pregnant wife a hamburger, only to return and find her raped and bludgeoned by a two-by-four, rendered blind and brain damaged. Their unborn daughter died and Kevin spent the next sixteen years in San Quentin for rape and murder until DNA revealed his innocence.

Dennis Williams, seventeen years on death row. Tim Durham, twelve years in prison of his 3,200 year sentence for rape and murder. Marvin Anderson and Herman Atkins. All innocent, all eyewitness IDs.

Now it was my turn. As I fought the rising vomit in my throat and the shaking of my legs, I stood and introduced myself. "My name is Jennifer Thompson. I am from North Carolina."

On July 28, 1984, I had gone to bed alone. At the young age of twenty-two, I finally had it together. I was to graduate the following year, *summa cum laude* with a perfect 4.0 GPA. I was about to get engaged to the man of my dreams. A teaching assistant position was waiting for me at the University of North

2011/2012]

The Unpredictable Journey

1531

Carolina at Greensboro upon graduation. I was proud of my accomplishments and so were my parents. But at 3 a.m. on July 29th, all those plans and goals would be shattered when an intruder broke into my apartment, put a knife to my throat and raped me. As I struggled to understand what was happening to me, the reality was that this could be the last day of my life, that this man would be the last person my eyes would see and that violence would be the last touch my body would feel. Would the death be quick? Would it be slow?

My mind searched for a plan. His size, the weapon at my throat, and the knowledge that I was not his first victim prevented me from physically fighting, but the desire to live and not die in that bed forced me to stay present. "I will live," I thought, "and when they catch you, I will make sure you spend the rest of your life in prison, like the dog you are." I only wished I had a gun so I could shoot him between his eyes.

I managed to escape that night and a neighbor let me in. The rapist fled and within an hour he broke into another woman's home, beat her, and raped her. By the time I was taken to the police station, the city of Burlington was looking for a serial rapist: young black male, twenty-two to twenty-five-years-old, about 5'11" to 6' tall, 175 to 185 pounds, wearing a navy blue shirt with white stripes on the sleeves, army fatigue pants, and dark colored canvas shoes. The community was frightened.

Within three days, they had a suspect. I was called down to the police department twice, once to look at a photo lineup and the other to look at a physical lineup. Both times I was able to pick him out. His name was Ronald Cotton. "Good job Jennifer!" "That's who we thought it was." "Same guy you picked from the photo Ms. Thompson." I was relieved because now the city could breathe. He was off the streets and the women were safe again. Now I just had to get through the trial.

The trial began in January of 1985. For two weeks, I would go into that courtroom and have to look at that face. That face haunted me every night. I would see it at the edge of every nightmare, and I hated it. I hated them all—Ronald Cotton, his family, his attorney. They were liars and bad people. How could anyone defend him and represent a rapist? How could they live with themselves?

After four hours of deliberation, the jury found Ronald Cotton guilty of first degree rape, first degree sexual offense, first degree breaking and entering, and he was sentenced to life in prison plus

fifty-four years. I watched his face register shock as mine only showed joy. It was justice for me, for the second victim who could not identify him, and for all the other victims of rape who never got closure. This was our day of victory; the system had worked. He would never see freedom again, which was only fair. I wished him nothing but pain and suffering, just like what he had done to me.

It was a journey I never wanted, never asked for, and would never have wished on another human being. But sometimes we don't get to choose the journey; the journey chooses us. Then one has to decide what to do with the lessons learned. This is where I found myself over a decade later in June of 1995. For eleven years, I had dreamed of that face, the evilness, the pain, and the fear I felt during those dark moments. At the edge of my nightmares, I could hear his voice, smell his breath, and then my screams would wake me with my heart in my throat. He broke into my home, awakened me to a knife at my throat, and raped me. He had destroyed me that night. He stole everything from me—my goals, dreams, and trust in humanity. I hated him with a rage that all but consumed me.

Now 4,000 days had gone by, eleven Christmases, eleven birthdays, people had been born, and loved ones had died. And on June 30th of 1995, the man I had hated and prayed to die walked out of prison a free man, a free innocent man. The rage had been misplaced; the hatred had been misplaced. I was wrong. I had sent an innocent man to prison. A third of his life was over, and the shame, guilt, and fear began to suffocate me. I had let down everyone—the police department, the district attorney's office, the community, the other women who became victims of Bobby Poole (the man identified by DNA as my actual rapist), but especially Ronald Cotton and his family.

I had become familiar with being a victim, knew how to do that, but now I was the offender and Ronald was the victim. I could not imagine how much he must hate me and want revenge, retaliation, and vengeance. I know I would have wanted those things. I stopped functioning. I could not pick up the phone. Leaving the house was terrifying; the children must be watched at all times. He could be anywhere, ready to jump out at me, and punish me for what I had done. This would continue for almost two years until I finally realized that I was truly dying inside and I needed help.

In April 1997, I found myself sitting in a pastor's office in a small church not far from where I had been raped thirteen years earlier. What do I say to him? How do I begin this conversation? "Ronald,

2011/2012]

The Unpredictable Journey

1533

Ron, Mr. Cotton?" Where do I begin to tell him how sorry I was? Before I could get myself together, there he was, standing before me with his new wife. I started to shake and cry uncontrollably. "Ronald, if I spent every minute of every hour for the rest of my life telling you how sorry I am for what I did, could you ever forgive me?" Blinking back my tears, I watched this man take my hands and cry, "Jennifer, I forgive you. I forgave you years ago. I am not angry at you. Don't be afraid of me because I will not hurt you. I want you to have a good life; I want to have a good life. Be happy."

I could not believe what had just happened. Suddenly, everything changed for me. Not only had I judged this man, prayed for his death, and spent all those years in hate, but I realized that this man was a better person than me. I had prayed for his death, but he taught me how to live again. He showed me how to let go of the pain, to begin healing, and to begin a journey that gave me more blessings than I could have ever imagined.

As I looked into the faces of these men and women in Texas that night, tears streaming down my face, I told them how sorry I was for what they been through, the years they had lost, and the pain they had suffered. I could see the anguish in their eyes, not just for their suffering but for mine. No amount of money could ever give them back what they had lost. But perhaps, as victims of a flawed system, we could make a difference if our voices were heard.

We could not save Gary Graham from the hands of Texas, but his death took me to a place where I had to challenge my understanding of the death penalty. I would never be the same woman after that; my life was forever changed.

The impact of a wrongful conviction extends so much further than to a victim and the exoneree. The pool of victims from 1984 was huge. Me, Ron, the police department, our families, and the other women who became victims when we left Bobby Poole on the streets of Burlington, North Carolina; we all suffered. So much pain, so much time. Looking back now, Ronald and I were lucky. I shudder to think of those people we will never be able to save.