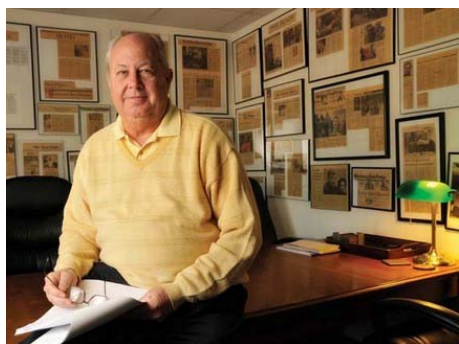


## The Exonerator

**Self-taught private investigator Jim McCloskey has helped free more than three dozen people who were imprisoned for crimes they didn't commit.**

By [Steve Weinberg](#)



*Private investigator Jim McCloskey devotes his career to helping free people who were wrongly convicted. (Bob Krist)*

The photographic pose seems a cliché now, given the frequency with which it's been struck during the past 25 years: Jim McCloskey, a self-taught private investigator, stands next to a man or a woman just released from prison after serving time for a murder or a rape committed by somebody else. Sometimes a third person shows up in the photograph, quite likely a lawyer who helped McCloskey expose the incompetence or misconduct of police detectives, prosecutors, crime laboratory analysts, psychiatrists, defense attorneys, judges, jailhouse informants, well-intended witnesses and jurors.

There have been more than 40 such photos taken through the years.

Advocates for innocent people in prison are few, partly because lawyers are trained to honor the sanctity of the finality of court decisions. Advocates courageous and idealistic enough to proceed on behalf of an imprisoned innocent count themselves successful if they help achieve one exoneration during a lifetime of trying.

That McCloskey — who is not a lawyer — has directed investigations resulting in dozens of exonerations is, by any measure, astounding. Those prone to biblical language use a stronger word: miraculous.

**I**n March 2008, Willie Green took his turn standing next to McCloskey.

A Los Angeles jury had convicted [Green](#) of murder during a break-in at a crack cocaine house. The conviction turned on a shaky eyewitness identification. Green first wrote McCloskey from prison in 1991, and, like many others who contact McCloskey, Green lacked a legal education, a support network and money.

When McCloskey accepts a case, he does not charge, depending instead on donations to his not-for-profit [Centurion Ministries](#). Overwhelmed by thousands of requests from prisoners, McCloskey wanted to investigate Green's innocence claim but could not fit it into his schedule until 2003.

Once committed, McCloskey went to neighborhoods where he was often unwelcome to interview the victim's family and friends, as well as survivors from the house invasion. McCloskey also located Green's unsuccessful defense lawyer, the victorious prosecutor, police detectives, and, most vital, the shaky eyewitness, a convicted murderer. Most of the individuals stood to suffer harm or embarrassment as a result of his probe. Yet McCloskey persuaded some of those who knew the truth to speak it.

McCloskey shared his findings with dubious, sometimes hostile prosecutors, raising questions about information that seemed damning to Green — and that may have been improperly fed to the alleged eyewitness to the murder by an aggressive police detective. McCloskey wondered how the eyewitness, Willie Finley, could have seen an intruder clearly.

“How can anyone make an accurate identification of an approaching man with a shotgun if [that witness], loaded up on crack cocaine and with painfully swollen face and eyes, is lying face down trying to look up amidst total chaos?” McCloskey asked. “All the victims in the small kitchen were screaming hysterically with fear from the shouting and terrifying threats from the two gun-wielding killers. Under such profound stress and physical disability, Finley claimed to have seen a man's face for only, at the most, a few seconds. Would anyone want his life to depend on an eyewitness identification of this nature?”

Despite cold receptions inside the criminal justice system, McCloskey's effort didn't flag — and neither did his faith. In correspondence during the Green case, McCloskey recited variations of Old Testament passages (Numbers 35:30, Deuteronomy 17:6, 2 Corinthians 13:1) suggesting that “no one should be convicted on the basis of only one witness.”

Peter Camiel, a lawyer retained by Centurion Ministries, watched McCloskey win Finley's trust. “This guy for years had refused to talk to anyone about his identification in Willie Green's case,” Camiel says. “Jim was able to get Finley to talk by first going to the guy's brother and carefully explaining the re-investigation. ... Then, over a period of time, Jim was able to convince the witness to come forward with the truth — that he had lied in court.”

On March 20, 2008, Stephen A. Marcus, a California Superior Court judge, freed Green. The sole eyewitness identifying Green lacked credibility, Marcus ruled. No evidence placed Green at the murder scene.

Freedom does not come cheap. Beyond the thousands of work hours that McCloskey, his staff, trained volunteers and outside lawyers didn't charge for, the cash outlay from Centurion Ministries in the case topped \$150,000.

Rod Uphoff is a University of Missouri law professor who studies wrongful convictions and a former defense lawyer who has seen the flaws in the criminal justice system up close. He describes McCloskey's repeated success as extraordinary. "Year after year," Uphoff says, "he pours his heart and soul into the daunting task of trying to correct the mistakes of a system that is reluctant to acknowledge it makes mistakes."

**J**ames C. McCloskey III grew up comfortably in the Philadelphia suburb of Havertown. The family attended an evangelical Presbyterian church. Although McCloskey accompanied the family, he came to resent organized religion and stopped attending church while at Bucknell University.

Graduating in 1964 with an economics degree, lots of fraternity buddies and no career plan, McCloskey volunteered for the U.S. Navy to see the world. He won assignment to Tokyo. Later, he fought in the Vietnam War.

After his discharge, McCloskey established a goal of making money to live well. He earned a master's degree in international business, returned to Japan to represent corporations and settled in New York City for a Wall Street job. Often in love but never wed, McCloskey reached his mid-30s with a healthy bank account accompanied by what he describes as a hollowness inside.

He started attending church again. The lessons McCloskey heard in the sermons "compelled one to serve others, and the only person I had been serving was myself." He began exploring the ministry. At times, he recalls, "I thought I was crazy. Me, in the ministry? If my friends and family ever discovered that, they'd think I was a fool, and a hypocrite as well."

During 1978, McCloskey gave notice that he would be leaving his lucrative consulting job and explained why. He still recalls his boss's words: "Gee, Jim, I didn't even know you went to church."

At age 37, McCloskey entered [Princeton Theological Seminary](#). Required to complete an internship, he could choose among a church, a nursing home or a prison. McCloskey picked Trenton State Prison for his fieldwork.

In the prison, McCloskey met Jorge De Los Santos, a convicted murderer who had never stopped proclaiming his innocence during six years of incarceration, and who, like most inmates, couldn't find an attentive audience because of the assumption that all prisoners say they're innocent.

De Los Santos explained to McCloskey that the prosecution won its conviction based on perjured testimony of two men. After months spent studying the conviction, McCloskey decided De Los Santos might be telling the truth.

McCloskey left the seminary to devote full time to sleuthing on behalf of De Los Santos. The legal defense fund of the national Presbyterian Church contributed \$7,500. McCloskey explained to incredulous friends, “How can I, believing in innocence, just turn my back and go about my life? ... I can’t just throw up words of prayer to God to somehow help out and then move on without doing anything.”

A break occurred when Richard Delli Santi, a jailhouse informant who had testified against De Los Santos, admitted he had fed false information to police.

“You’re the first person I’ve ever admitted to that I lied,” Delli Santi told McCloskey. “I’m tired. It’s a big weight on my shoulders. I can’t get my life together.”

McCloskey provided the documentation to Paul Casteleiro, a Hoboken, N.J., lawyer, who won a hearing in U.S. District Court. On July 5, 1983, Judge Frederick B. Lacey ordered De Los Santos freed from prison based on police and prosecutorial misconduct.

After the De Los Santos victory, McCloskey chose Princeton, N.J., as his base, establishing Centurion Ministries, named for the Roman soldier at the Crucifixion who said, “Surely, this one was innocent.” Pleas for help poured in — from inmates, their lawyers, their loved ones. McCloskey worked alone, living rent-free in a cramped space in exchange for helping his elderly landlady with grocery shopping.

**D**espite the long odds against achieving even a single exoneration, McCloskey succeeded again, and then again. McCloskey might seem lucky, but there are no lazy lucky investigators. He manufactured his luck, learning to unearth documents from courthouses, lawyers’ offices and police departments, and to combine that information with sensitive information he’d persuaded reluctant witnesses to reveal.

The difficulty of achieving a post-conviction exoneration is high. A ruling from three appellate judges regarding Darryl Burton, a Centurion Ministries client, illustrates just how high. McCloskey led an eight-year effort to show Burton did not commit the St. Louis murder that led to his imprisonment. The appellate judges said:

“One cannot read the record ... without developing a nagging suspicion that the wrong man may have been convicted of capital murder. ... Since his trial and imprisonment, new evidence has come to light that shakes the limbs of the prosecution’s case. One eyewitness has recanted and admitted perjury. One witness says it was physically impossible for him to have seen the crime, casting doubt on another witness’ story. A layperson would have little trouble concluding Burton should be permitted to present his evidence of innocence in some forum. Unfortunately, Burton’s

claims and evidence run headlong into the thicket of impediments erected by courts and by Congress.”

The judges said they could find no way to free him because of the restrictions on endless appeals erected by the U.S. Congress and prior court decisions. The law and common sense sometimes do not mesh — “actual innocence” claims from inmates, even when compelling, do not automatically mean an appeal can move forward if previous appeals have failed.

Despite that profoundly depressing ruling, McCloskey refused to abandon Burton. Sometimes digging out information solo, sometimes accompanied by private investigator Dan Clark, sometimes in tandem with Kansas City lawyers Cheryl Pilate and Charles Rogers, McCloskey filed new evidence with a judge, Richard Callahan. He had opened his courtroom to the possibility of freedom for Burton in the wake of a procedural ruling by the Missouri Supreme Court on a case other than Burton’s.

“We found that the prosecution’s star witness, Claudex Simmons, a lifelong drug-addicted criminal, had lied at trial when he testified that he only had two convictions prior to the Burton trial,” McCloskey said, “when in fact he had 12 prior convictions.”

In addition, McCloskey brought testimony to the judge’s attention from a gas station cashier on duty when the murder occurred. Joan Williams swore under oath that although she could not see the face of the shooter well, she could see he was “a real light-skinned person.” Burton’s skin is extremely dark.

On August 29, 2008, Burton posed for an exoneration photograph with McCloskey. “Jim McCloskey saved my life,” Burton says. Exoneree after exoneree speaks of McCloskey with similar reverence. Joyce Brown, who served nearly a decade in prison for a Dallas murder she did not commit, kept track from her prison cell as McCloskey wore out shoes to gather non-DNA evidence that led to her exoneration. She calls him “the miracle man.”

**T**he addition of Kate Germond to the Centurion Ministries staff in 1987 doubled McCloskey’s effectiveness. The pairing began shortly after Germond moved from Mendocino, Calif., to New York, following her husband, who had been transferred by his employer. The businesswoman/community activist read a newspaper profile of McCloskey, a lifelong bachelor. Noticing clutter in the photograph accompanying the story, Germond thought she could organize the office.

Nobody had ever offered McCloskey assistance, so he accepted Germond’s overture — but made it clear that he could not offer her a meaningful salary. She commuted between New York City and Princeton, anyway. Germond progressed from organizing the office to fieldwork, eventually helping to win exonerations.

McCloskey’s next hire turned out just as well. Paul Henderson had left *The Seattle Times* after winning a Pulitzer Prize for helping vindicate a man falsely accused of rape. He took

assignments from McCloskey on a case-by-case basis and, in 1996, accepted a salaried position at Centurion. Soon, he, McCloskey and Germond were collaborating on investigations that led to exonerations.

Because McCloskey has never mastered computer technology (e-mailing and faxing continue to elude his grasp) and keeps track of cases in his head, Lisa Kurtz, in her 11th year at Centurion Ministries, acts as his administrative right and left hands. And McCloskey, Kurtz, Germond, her assistant Dale Jacobs and Henderson receive backup from about a dozen volunteers, screened by Centurion staff member Heather McNally.

The volunteers are mostly retired from professional employment — physicians, lawyers, IRS agents, accountants, corporate executives, computer programmers, journalists. As they develop cases, a relative few make cut after cut, finally ending up “on the board,” a posting outside McCloskey’s office that means a case will get full investigation.

So far, only one case has made the board when it shouldn’t have. It involved Roger Coleman, convicted of a 1981 murder in Virginia. McCloskey labored on Coleman’s behalf as the inmate sat on death row. Even after Coleman’s execution by the state, McCloskey pushed for DNA testing that, he felt, would show Virginia had killed an innocent man. Instead, the test confirmed Coleman’s guilt. To this day, McCloskey is baffled, unsure how he read the evidence incorrectly.

Joshua Marquis, a prosecutor in Oregon, credits McCloskey for openly admitting his mistaken judgment about Coleman. Speaking on behalf of the [National District Attorneys Association](#), Marquis says prosecutors generally do not resent McCloskey — despite his frequent harsh comments about them and others in law enforcement — because of McCloskey’s obvious sincerity and noble motives.

**I**n addition to Centurion Ministries, there are about 50 innocence projects around the country. Many are based in universities, most frequently in law schools. Besides Centurion, only one is national in scope — The Innocence Project in New York, founded by lawyers Barry Scheck and Peter Neufeld. That operation — which has a larger staff and larger budget than Centurion — emphasizes cases in which evidence allows for DNA testing.

In most jurisdictions, however, testable DNA evidence is available in 10 percent or fewer of potential actual-innocence cases. Centurion emphasizes non-DNA cases, which usually require more extensive investigations and yield less certainty about innocence or guilt.

Although genuinely obsessive about his work, McCloskey has a personal life; he roots for his beloved Philadelphia Eagles, 76ers and Phillies, reads novels and biographies, visits a personal trainer who helps him attempt to lose weight and entertains friends — especially those made nearly 50 years ago at Bucknell. Still, the refrigerator in his bachelor pad contains almost nothing, because McCloskey usually eats out.

Last year, McCloskey had to curtail his travel and, therefore, his work because of surgery for prostate cancer, recuperating at his home on an isolated lane in a quiet Princeton neighborhood. But early this year, having beaten the cancer, McCloskey resumed his rigorous travel schedule, his enthusiasm and outrage undimmed at age 66. He expects to pose for more than one new photograph to hang on his office wall during the next year.

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