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**SMU DEDMAN LAW DEASON CRIMINAL JUSTICE REFORM CENTER SEEKING PRISONER RELEASE AFTER FEDERAL JUDGE OVERTURNS CONVICTION**

***Case highlights importance of quality public defense and need to address Louisiana’s controversial rule permitting conviction by non-unanimous jury vote***

(DALLAS – MAY 1, 2018) Today, the [Deason Criminal Justice Reform Center](http://www.law.smu.edu/academics/deason-criminal-justice-reform-center) at [SMU Dedman School of Law](http://www.law.smu.edu/smu-dedman-school-of-law) announced that it is seeking the release of Troy Rhodes in a case that amplifies the need for justice reform. In 2003, a non-unanimous jury voted 10 to 2 to convict Mr. Rhodes of armed robbery and attempted second-degree murder, based largely on the testimony of a single eyewitness. Last month, a federal judge ruled that Mr. Rhodes had not received the effective assistance of counsel guaranteed by the Sixth Amendment.

“This case is emblematic of why a well-funded public defense system is essential,” said  [Pamela R. Metzger](https://www.law.smu.edu/professor-profiles/metzger), Inaugural Director of the Deason Center and Professor Law at SMU Dedman School of Law. “All defendants should have representation from an attorney who performs their job effectively under the law.”

In September of 2014, Judge Helen G. Berrigan held that Mr. Rhodes’ public defender provided constitutionally ineffective assistance of trial counsel when she failed to impeach the lone eyewitness with medical records. In March of this year, Judge Jane Triche-Milazzo ordered the Orleans Parish District Attorney to release or retry Mr. Rhodes within 120 days.

Mr. Rhodes’ conviction was based on the identification testimony of a single eyewitness. Experts have noted the unreliability of eyewitness testimony in general, and found cross-racial identification to be unreliable. Some experts calculate that eyewitnesses are one-and-a-half times more likely to wrongly identify someone of a different race. Best-practices in modern policing call for rigorous procedures to promote accuracy in identification. However, none of these procedures were used in Mr. Rhodes’ case.

“The New Orleans District Attorney now has an opportunity to acknowledge what science tells us about cross-racial ID: Mr. Rhodes is hopeful that the District Attorney will do so.” Metzger said.

The retrial order in Mr. Rhodes’ case comes at a time when Louisiana voters may have a chance to weigh in on an unusual law which allows for non-unanimous rulings. Louisiana is one of only two states in the U.S. to allow for convictions in felony cases without unanimous juries.

“Louisiana is on the cusp of addressing a devastating Reconstruction era law which has negatively impacted Mr. Rhodes and many defendants like him,” Metzger said.

Earlier this year, the Louisiana Senate passed a bill calling for a ballot measure amending the state’s constitution to require unanimous juries for convictions in all felony trials. A similar measure is currently working its way through the Louisiana House of Representatives.

The Deason Center has asked that Mr. Rhodes be released to live with his wife or in transitional reentry housing as he awaits retrial.

**About the Deason Criminal Justice Reform Center**

The Deason Criminal Justice Reform Center at SMU Dedman School of Law is a national leader committed to research-driven criminal justice reform that disrupts outdated systems and re-engineers justice policies to restore fairness, balance and compassion. The Deason Center brings a stats and stories approach to criminal justice reform. Through collection, analysis and assessment of data, the Deason Center identifies policy and reform needs. Wrapping these statistics around the untold stories of those who live, work and struggle in our criminal justice system, the Deason Center amplifies and personalizes criminal justice consequences and provides constructive polices for justice reform. The Deason Center’s dynamic, compassionate and hands-on approach puts the head and the heart to work for meaningful systemic change. The Deason Center publishes and promotes criminal justice reform scholarship in academic journals and public policy forums. The Center also supports and encourages the criminal justice scholarship of SMU Law faculty.

**About SMU Dedman School of Law**

The School of Law at SMU was founded in 1925. It was named Dedman School of Law in 2001 in honor of Dallas benefactors Nancy and Robert H. Dedman, Sr., and their family. SMU Dedman Law enjoys a national and international reputation of distinction. It is among the most competitive law schools in the country for admission, as well as one of the most successful in the placement of its graduates.

SMU is the nationally ranked global research university in the dynamic city of Dallas. SMU’s alumni, faculty and nearly 12,000 students in seven degree-granting schools demonstrate an entrepreneurial spirit as they lead change in their professions, communities and the world.

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