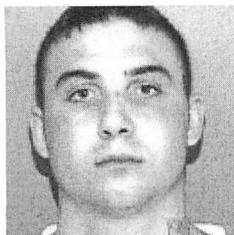




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Cody Davis



**Incident Date:** 2/27/06      **Year of Conviction:** 2006  
**Jurisdiction:** FL              **Exoneration Date:** 3/9/07  
**Charge:** Robbery              **Sentence Served:** 5 Months  
**Conviction:** Robbery        **Real perpetrator found?** Yes  
**Sentence:** 3 Years              **Contributing Causes:**  
                                                  Eyewitness Misidentification  
                                                  **Compensation?** Not Yet

Understand The Causes: Eyewitness Identification

Five months after he was convicted of robbery, Cody Davis was exonerated by DNA testing. The evidence was sent to the crime lab at the time of the crime, but because it was not readily apparent that the evidence would be probative, it was not prioritized. Once Davis' evidence worked its way through the crime laboratory testing backlog, it proved his innocence.

**The Crime**

On February 27, 2006, a Caucasian man robbed Foster's Too, a bar in West Palm Beach, Florida, at gunpoint, forcing the bartender to give him money from the bar's cash register.

**The Identification**

During the investigation, police were told that Cody Davis had been bragging about committing robberies around the time of the crime. Two witnesses to the robbery subsequently identified Davis in a photo lineup. However, one witness remembered a tattoo on the robber's hand, which Davis did not have.

**The Biological Evidence**

Police found a ski mask outside of the bar, but it was not considered evidence because none of the eyewitnesses reported the robber with a ski mask. The mask was still turned over to the sheriff's laboratory for testing, but it was not given testing priority. Therefore, without the testing completed, Davis went to trial. His attorney, Sim Gershon, was never informed that the mask was undergoing testing. On October 16, 2006, a jury convicted Davis based on the testimony of the eyewitnesses and the informant.

**Post-Conviction**

Four months after Davis' conviction, the Palm Beach County Sheriff's Office Crime Laboratory completed testing on the ski mask found in the bar, and found another man's profile. The profile was compared to a DNA database, and the profile matched Jeremy Prichard, who was in jail awaiting trial on unrelated charges. Prichard has a distinctive tattoo on his hand, similar to the one that the eyewitness recalled. When investigators questioned Prichard, he confessed to the Foster's Too robbery, as well as three other bar robberies. The District Attorney's Office immediately moved to have Davis released, and he walked out of prison in early 2007.

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