



INNOCENCE PROJECT OF FLORIDA, INC.
Unlock the Truth

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For Immediate Release

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Jimmy Ates Released After More than 20 Years Wrongfully Incarcerated
Ates Agrees to Enter No Contest Plea in Exchange for Immediate Release

(Tallahassee, FL) On Thursday March 11, 2021, Jimmy Ates was released from the Okaloosa County Jail as a result of entering into a plea agreement with the State. This agreement did not require Ates to admit guilt and allowed him to, as he always has, maintain his innocence. This agreement brings to an end almost 30 years of litigation since Ates' wife was tragically murdered.

Ates' second release from wrongful incarceration marks a rare passage through Florida's criminal justice system – one marked by both scientifically invalid and withheld evidence. He was originally convicted in 1998 for the murder of his wife in 1991, although there is evidence that Ates was at work during the time of the murder, as well as evidence suggesting others committed the murder and robbery.

In December 2008 the Innocence Project of Florida won a reversal of the conviction based on the state failing to disclose an exculpatory fingerprint on a key piece of evidence and the state's presentation of scientifically invalid forensic conclusions. Ates was the first person in the nation to have a conviction overturned based on the FBI's disavowal of Comparative Bullet Lead Analysis (CBLA).

Ates was released pending a retrial, when in 2011, he was convicted again. In 2009 however, law enforcement had a confidential informant record a conversation with an alternative perpetrator of the murder. The recording discussed a "robbery gone bad" and murder of Mrs. Ates with no mention of Jimmy having been involved. At a 2018 hearing, the confidential informant gave sworn testimony that the alternative suspect confessed to killing Ates' wife and that she told law enforcement of this confession before Ates' 2011 trial. This evidence was withheld from trial counsel in violation of the U.S. Constitution, and was not disclosed until more than three years after the second conviction.

This was enough for the judge in Okaloosa County to overturn his conviction a second time, finding that material exculpatory evidence had been withheld, and the non-disclosure of the recording cut off the defense's ability to locate, interview and present the confidential informant. In the almost 30 years since his wife's murder, Jimmy Ates spent a more than 20 years incarcerated. With two overturned convictions already, 74-year-old Jimmy Ates was again facing an unprecedented third trial.

Given his age and the uncertainty of when a trial would occur due to the ongoing COVID-19 pandemic, Ates' entered into an agreement that allowed him to maintain his innocence and still go home to safety, where he could live whatever remains of his life in freedom.

Please remember the Innocence Project of Florida in your will and other estate plans.

Innocence Project of Florida (IPF) Executive Director and attorney Seth Miller stated, “Jimmy Ates has maintained his innocence since his wife was murdered in 1991. While there is evidence that squarely points to his innocence, this result allows him to go home immediately, and avoid the risk of further uncertainty in the length of these criminal proceedings. We are thrilled that Jimmy will be going home to his family today and wish him the best of luck.”

Along with Seth Miller, attorneys Joshua Tepfer, Karl Leonard and Tara Thompson from the Exoneration Project in Chicago, Illinois, represented Mr. Ates in the trial proceedings. IPF Staff Investigator Jennie Nepstad provided critical field investigation in this case. Former IPF Staff Attorneys Bobbi Madonna, Melissa Montle and Krista Dolan also represented Mr. Ates through the course of this case.

The Innocence Project of Florida (IPF) is a 501(c)(3) organization dedicated to finding and freeing innocent people in Florida prisons. IPF, along with lawyers from the Exoneration Project, represented Jimmy Ates for free, including all costs associated with the litigation.

IPF's website is www.FloridaInnocence.org.

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