

Kevin Herrick Case Timeline

1985–1987: Prior Criminal History

June 20, 1985

At age 18, Kevin Herrick participated in the retaliatory shooting of an unoccupied vehicle after the owner had damaged a friend's car.

September 27, 1985

Herrick pled guilty and was sentenced as a youthful offender to 30 months imprisonment.

March 5, 1987

Herrick was released from prison.

1989–1991: Assault, Arrest, Trial, and Sentencing

July 14, 1989

Cheryl and Scott were assaulted in Pinellas County, Florida.

Approximately four hours later, Kevin Herrick was arrested and booked into the Pinellas County Jail.

July 15–18, 1989

The victims provided handwritten statements to law enforcement.

June 29, 1990

FDLE microanalysis determined that two hairs recovered from the victims' bedsheets did not match Cheryl, Scott, or Kevin Herrick.

The existence of these unidentified hairs was not presented to the jury.

October 2, 1990

Herrick rejected a five-year plea offer from the State and exercised his right to trial.

October 3, 1990

A six-person jury convicted Herrick of Armed Burglary, Sexual Battery, and Aggravated Battery.

October 25, 1990

Defense attorney Ed Leinster filed a motion for judicial review 22 days after the verdict.

Because the motion was untimely, it was denied. The missed deadline effectively eliminated Herrick's opportunity to obtain judicial review of whether the verdict was consistent with the weight of the evidence.

January 4, 1991

Herrick was sentenced to life imprisonment.

1991–1997: Direct Appeals and Post-Conviction Litigation

Between 1991 and 1997, Herrick pursued numerous appeals, motions for post-conviction relief, habeas corpus petitions, and requests for appointed counsel.

Although various legal claims were raised, courts repeatedly denied relief, often on procedural grounds rather than after a full evidentiary examination of the underlying facts.

1997–2001: Federal Evidentiary Hearing Reveals Significant Concerns About the Conviction

October 16, 1997

Attorney Michael Gillick filed a federal Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §2254 in the United States District Court for the Middle District of Florida.

May 21, 2001

A rare federal evidentiary hearing was conducted before U.S. Magistrate Judge Marc Pizzo.

The hearing produced substantial testimony and evidence that supporters contend undermined confidence in the conviction.

Unidentified Hair Evidence

FDLE testing established that hairs recovered from the victims' bedsheets did not belong to either victim or Kevin Herrick.

Victim Identification Concerns

Pat Porrey testified under oath that victim Scott told him shortly after the attack that he was not certain Kevin Herrick was the perpetrator.

Ineffective Assistance of Counsel

Criminal defense attorney Patrick Douraghty testified as an expert witness and concluded that trial attorney Ed Leinster's performance fell below constitutional standards and prejudiced the outcome of the trial.

Evidence of Attorney Impairment

Kevin's mother and sister testified that they smelled alcohol on Leinster's breath during trial.

Leinster's Own Testimony

Leinster testified while serving a prison sentence for DUI with serious bodily injury and denied being impaired during Herrick's trial.

Judge Pizzo's Statement

Judge Pizzo stated on the record that Leinster had previously appeared before him while under the influence of alcohol.

Outcome

Despite the evidence presented, federal relief was denied on procedural grounds under AEDPA and state procedural-default rules rather than on the merits of the evidence itself.

2006–2014: Audrey Swank and Innocence Project Involvement

2006

Audrey Swank, who served as Judge Pizzo's judicial assistant during the federal evidentiary hearing, contacted Kevin Herrick and his family.

According to Swank, the case had troubled her since the federal hearing and contributed to her decision to leave the federal court system. Believing a miscarriage of justice had occurred, she began assisting Herrick on a pro bono basis.

Swank became one of the most persistent advocates for review of the conviction.

2006

Through Swank's efforts, the Innocence Project became involved in the case.

October 3, 2006

The Innocence Project filed a motion seeking DNA testing of the unidentified hairs recovered from the victims' bedsheets.

The purpose of the testing was to determine whether the hairs could identify the actual assailant.

September 13, 2007

The motion for DNA testing was denied.

As a result, DNA testing was never conducted and the identity of the unknown hair contributor remains undetermined.

2008–2014

Subsequent appeals relating to DNA testing and post-conviction relief were denied.

May 2014

Attorney Michael Ufferman filed a habeas corpus petition seeking sentencing relief.

October 20, 2014

The Second District Court of Appeal denied relief.

2019: Clemency Petition

July 15, 2019

Herrick submitted a petition for executive clemency to Florida Governor Ron DeSantis.

The petition included support from advocates who had reviewed the case and believed significant questions remained regarding the conviction.

Audrey Swank submitted a clemency support letter detailing her observations from the federal evidentiary hearing and her belief that a miscarriage of justice had occurred.

The clemency petition was denied.

2023–2025: Renewed Investigation and National Attention

Bone Valley Connection and Growing Public Awareness

2023

Pulitzer Prize-winning journalist Gilbert King and the Bone Valley investigative team began reviewing Kevin Herrick's case.

Public interest increased due to the connection between Herrick and Leo Schofield, whose wrongful-conviction case became the focus of the nationally acclaimed Bone Valley podcast.

Herrick and Schofield spent decades incarcerated together while maintaining their innocence.

Following Schofield's release, supporters began using the phrase:

"Kevin Is Next."

The phrase ultimately became the foundation for KevinIsNext.com and broader public advocacy efforts.

Georgetown University Review

2024–2025

Georgetown University's Making an Exoneree Program undertook a comprehensive review of the conviction.

Students, faculty, attorneys, and advocates reviewed:

- Trial transcripts
- Investigative reports
- Witness statements
- Forensic evidence
- Post-conviction records

The review generated additional questions regarding:

- Evidence disclosure
 - Alternative suspect information
 - Witness reliability
 - The handling of potentially exculpatory evidence
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Independent Investigation Intensifies

2025–2026

Wrongful-conviction investigator Dr. Amanda Lewis began an extensive reinvestigation of the case.

Investigators reexamined law enforcement reports, witness statements, public records, forensic materials, and court filings.

Previously overlooked information and investigative leads were identified and incorporated into a developing post-conviction strategy.

2026: Comprehensive Post-Conviction Challenge Filed

New Legal Representation

2025–2026

Kevin Herrick retained Allison Ferber Miller, former Chief of Staff for the Office of the Public Defender for Florida's Sixth Judicial Circuit.

Miller undertook a comprehensive review of the conviction and coordinated the presentation of newly developed evidence.

Post-Conviction Motion Filed

April 2026

A comprehensive motion for post-conviction relief was filed on Herrick's behalf.

The motion consolidates decades of investigation, legal analysis, witness development, forensic review, and evidentiary findings.

The motion alleges:

- Brady violations (suppression of exculpatory evidence)
- Giglio violations (failure to correct false or misleading testimony)
- Napue violations (presentation of testimony alleged to be false)
- Failure to disclose alternative suspect evidence
- Failure to disclose forensic evidence
- Missing investigative records
- Destruction of physical evidence
- Newly discovered evidence not previously available to the defense

The motion seeks judicial review of evidence that supporters contend substantially undermines confidence in the verdict.

Media Coverage Following Filing

April 2026

April 26, 2026

The Tampa Bay Times published a major front-page Sunday edition article examining the newly filed motion and the questions surrounding Herrick's conviction.

April 27, 2026

FOX 13 Tampa Bay featured the case as its lead 6:00 p.m. news segment.

April 28, 2026

ABC Action News Tampa Bay aired a feature segment highlighting the allegations raised in the motion and the continuing efforts to obtain judicial review.

Current Status

June 2026

Kevin Herrick has spent more than 37 years incarcerated while consistently maintaining his innocence.

The current post-conviction motion represents the most comprehensive challenge to his conviction since trial and seeks the first full judicial review of evidence developed through decades of post-conviction investigation.

Supporters contend that the evidence now available raises substantial questions about the integrity of the conviction and warrants a new evidentiary hearing.