2014 Annual Report

Pennsylvania Innocence Project

Seeking Truth.

Providing Hope.

Freeing the Innocent.
“The Pennsylvania Innocence Project continuously demonstrates exceptional advocacy, with a mastery of cutting-edge legal issues arising in an array of complex cases, while always acting with great compassion for its clients.”

-Joshua Snyder, Esq., Boni & Zack LLC
We have four missions. Of these, exonerating and freeing innocent inmates is the most dramatic, visible, and gratifying. For personal and professional satisfaction, few things beat unshackling an innocent person, enabling his return to family, friends, and freedom and erasing the stigma of conviction.

Our other three missions—system change through collaboration with public officials, clinical training of law students, and public education and advocacy—are all aimed, directly or indirectly, at preventing wrongful convictions and removing existing obstacles to detecting and correcting those that have occurred.

Collaborating with law enforcement agencies and prosecutors on the adoption of best practices that will minimize the risk of arresting and prosecuting an innocent person is itself a best practice for achieving durable reform. Legislative advocacy is a second strategy for system improvement, but obtaining a legislative fix for criminal justice disrepair is a politically fraught process and has the drawback of relying on coercion to effect change. Public officials are more likely to embrace with a full heart ideas of their own than those imposed on them by lawmakers.

Clinical and public education are both aimed at creating an informed constituency for change and inspiring law students, lawyers and non-lawyers to volunteer their services to the cause of innocence. By exposing law students, practicing lawyers, and judges to the systemic flaws that breed wrongful convictions, and to the means for curing them, we can transform the culture of the criminal justice system.

So how well did we do in 2014 in advancing each of our missions? You need only read the Highlights and Accomplishments section of this report for the answers to that question.

By my accounting, we advanced each of our missions in 2014 in ways great and small. Those missions continue to shape our work and to inspire the extraordinary work of our talented staff led by Richard and Marissa and of all of our dedicated volunteer lawyers and law students. And while revenue generation is not part of our mission, it supplies the fuel that propels it. In that respect, too, 2014 was a success. The Pennsylvania Innocence Project is a lean operation, to be sure, but it is debt-free and, thanks to the support of an energetic board and expanding donor base, it can look forward with confidence to fulfilling its mission for years to come.

David Richman, President
The Pennsylvania Innocence Project works to exonerate those convicted of crimes they did not commit and to prevent innocent people from being convicted. The Pennsylvania Innocence Project has a four-fold mission to: (1) secure the exoneration, release from imprisonment, and restoration to society of persons who are innocent and have been wrongly convicted; (2) provide clinical training and experience to students in the fields of law, journalism, criminal justice, and forensic science; (3) collaborate with law enforcement agencies and the courts to address systemic causes of wrongful convictions; and (4) strengthen and improve the effectiveness of the criminal justice system in Pennsylvania through public education and advocacy.

Did You Know?

Over 1,661 exonerations total since 1989
Exonerations are from all 50 states and the District of Columbia
115 people served time on death row

For the most recent data, visit the National Registry of Exonerations at http://www.law.umich.edu/special/exoneration/Pages/about.aspx

“Our staff, board members, volunteers and clients of The Pennsylvania Innocence Project are engaged in a tenacious search for justice and the work they do is some of the most important being done in the country.”

- Barbara and Ed Haldeman

OUR MISSION
FINANCIALS

Fiscal Year 2014
January 1, 2014 – December 31, 2014

Revenue
Foundations and Federal Government Grants 308,649
Charitable Contributions 241,329
In-Kind Donations 70,500
• Includes Temple University Beasley School of Law
Workshop/Clinic Fees 14,000
Interest 909
TOTAL REVENUE 635,387

Expenditures
Personnel 313,802
Professional Fees 15,366
Program Costs 16,607
In-Kind 102,734
Administration & Other 78,790
TOTAL EXPENDITURES 527,299

NET REVENUE OVER EXPENDITURES 78,422
BEST OF 2014:

Securing exonerations: With the assistance of our clinical students, summer interns and volunteer attorneys, in 2014 the Project screened over 500 letters from inmates requesting assistance. At year’s end, the Project’s lawyers, aided by volunteer lawyers serving as co-counsel pro bono, were litigating 16 post-conviction relief petitions filed in state courts, another four petitions were about to be filed, and 20 cases were authorized by our Case Review Committees for additional, intensive investigation.

In February 2014, the Project obtained an order for a new trial for Gregory Brown in an Allegheny County alleged arson murder case. We were able to produce evidence that the federal government kept secret the fact that the only two witnesses to implicate Greg had been promised thousands of dollars in reward for their testimony, even though each testified at trial they expected no benefit for their cooperation. The District Attorney appealed the order for a new trial within minutes of it being handed down, thus delaying a second trial.

In October 2013, co-defendants Eugene Gilyard and Lance Felder were granted a new trial after almost 16 years in prison for a murder they did not commit. Not only was the Project able to discover new evidence of their innocence, but we also obtained a signed detailed confession from the real perpetrator admitting to not only the murder of Thomas Keal, but of the nonfatal shooting of another man the same day. All of that evidence had been presented to the court during an evidentiary hearing. In June 2014, the District Attorney’s Office withdrew all charges, fully exonerating Eugene and Lance.

While not counsel of record, the Project filed an amicus curie brief, cited by the U.S. Third Circuit Court of Appeals, in the Han Tak Lee case. Mr. Lee had been convicted of arson murder based on what is now discredited forensic “science.” Fire dynamics expert John Lentini subsequently testified in federal court that the testimony used to convict Mr. Lee of setting a fire that killed his troubled daughter was unreliable and would not be accepted in a court today. Represented by Peter Goldberger, a member of the Project’s Advisory Board, Mr. Lee was released from prison after 24 years for a conviction that lacked a crime.

The Project had five DNA cases out for testing in Philadelphia; in each case, we asked the District Attorney to consent to the testing without the need for litigation. After each was contested by the District Attorney, all five were granted testing by a PCRA court. The District Attorney’s Office chose to appeal two cases to state Superior Court – one of which was still pending - and the others were in various stages of DNA testing or evidence acquisition.

Clinical training: The Project’s student clinic at Temple’s Beasley School of Law includes law students from Temple, Villanova, Penn, Widener, and Drexel as well as undergraduate students from Philadelphia University and Temple. In the spring and fall semesters of 2014, we had a total of 23 clinical students. The Project also enjoyed the services of a large number of student volunteers from all of the local law schools. They were engaged chiefly in screening inmate questionnaires, after participating in training sessions conducted by staff on campus. The Project also operates a summer internship program, and we welcomed 11 full time legal interns from all of the area law schools, Penn State and the New England School of Law, as well as one undergraduate from Philadelphia University.
Penn State law students continued to work remotely on Stage 2 case reviews. The University has two law schools, and we do one training per semester at Dickinson Law in Carlisle, with a live video conference to Penn State Law in State College.

Duquesne University School of Law has asked us to establish a clinic that would serve its students and students from the University of Pittsburgh School of Law alike, and we are eager to do so to better serve our clients who are incarcerated in Western Pennsylvania and to build the constituency for innocence. We are working on marshalling support within the Pittsburgh legal community for the initiative.

**Addressing the Causes of Wrongful Convictions:** Legal Director Marissa Bluestine met with state Senator Stewart Greenleaf and the Pennsylvania District Attorneys Association regarding proposed legislation to amend the deadline for filing a Post-Conviction Relief Act petition based on the discovery of new evidence. The goal is to introduce legislation extending the deadline for filing PCRA petitions based on newly discovered evidence from 60 days to one year.

Marissa also worked with a representative of the Pennsylvania District Attorneys Association from the Montgomery County District Attorney’s Office to draft a new DNA post-conviction testing law, with the goal of introducing legislation in 2015.

Marissa assisted the Philadelphia Police Department in drafting new protocols for conducting photo arrays and lineups as well as recording suspect interrogations. She also worked with the Department in creating a training program on the new protocols for the detectives. The Department has begun recording interrogations in all homicide cases and was expected to roll out the other protocols in 2015.

The Project had filed an amicus curie brief in Commonwealth v. Walker – a case Marissa tried as an Assistant Defender and preserved the issues for presentation on appeal - that asked the Pennsylvania Supreme Court to overturn its ban on behavioral science expert testimony about the factors that lead to mistaken eyewitness identifications. In May 2014, the Supreme Court held in favor of Walker, allowing expert witnesses in eyewitness cases statewide.

**2014 Honorees**

**Hero of Justice Award** | Commissioner Charles H. Ramsey, Philadelphia Police Department

**Maureen Rowley Award** | Dean JoAnne A. Epps, Temple University Beasley School of Law

**Edward D. Ohlbaum Volunteer Award** | James Figorski, Dechert LLP
Public education and advocacy: On June 5, 2014, the Project hosted a re-enactment of the arguments in Brady v. Maryland at the Temple Criminal Inn of Court. Brady is the 1963 U.S. Supreme Court decision holding that the prosecution in a criminal case may not withhold exculpatory evidence from the defendant.

The Project also hosted a session at the October Philadelphia Bar Association Bench-Bar Conference on “Witnesses, Eyewitnesses and Videotape” - Progress or Boondoggle? with Philadelphia Police Commissioner Charles Ramsey and John Hollway of the Quattrone Center.

The Project partnered with the Philadelphia Police Department Office of Forensic Sciences to present the first comprehensive academy on forensic science for practicing lawyers and judges to be offered in Pennsylvania. The eight-week, 16-credit CLE course covered the areas of forensic science most likely to be used in a criminal investigation, particularly homicides.

Other Developments: In May, the Project marked its fifth anniversary with a celebration at the Kimmel Center and presented its Hero of Justice Award to Philadelphia Police Commissioner Charles H. Ramsey for his leadership in bringing best practices to police investigations in Philadelphia. Dean JoAnne A. Epps of the Temple University Beasley School of Law, whose exceptional support of the Project from its inception helped make it a reality, received the Maureen Rowley Award, and James Figorski of Dechert LLP received the Edward D. Ohlbaum Volunteer Award for his work as pro bono co-counsel in the case of Shaurn Thomas.

Also featured at the event was the premier of a documentary produced by the Penn Program on Documentaries & the Law in collaboration with the Pennsylvania Innocence Project. Entitled Looking for Justice: The Eugene Gilyard Story and Best Practices for Eyewitness Identification, the video was followed by remarks from Mr. Gilyard.

The Project’s first full-time investigator, Shaina Tyler, moved to California and was succeeded by Nicholas Kato. Shaina’s investigation, which helped uncover the required new evidence, and her testimony before the court were critical in obtaining the exonerations of Eugene Gilyard and Lance Felder. Following Shaina’s departure, Nick began working as the Project’s staff investigator in May 2014. He investigated criminal cases for the Defender Association in Seattle for five years before moving to Philadelphia.
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“We are honored to support the remarkable work of the Innocence Project. With courage, compassion and inspired advocacy, the Project’s lawyers have not only saved the lives of innocent women and men, but have also helped improve the quality of justice in our nation.”

- Doris and James Brogan

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“There are no words which can truly express my gratitude for the Pennsylvania Innocence Project. Due to their relentless investigation and diligent litigation, I am a free man today!”

- Eugene Gilyard, Exoneree, Husband and Father
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