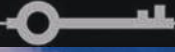


PENNSYLVANIA
INNOCENCE
PROJECT



Annual Report 2015



Pennsylvania Innocence Project 2015 Annual Report Contents



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From the Executive Director

2015 was a watershed year for the Pennsylvania Innocence Project. When we first opened our doors in April 2009 with a part-time executive director, a legal director and an office manager/paralegal in offices at Temple University, in a building soon to be demolished for the Morgan Hall dormitory, we had no reason to believe how far we would travel in seven years.

This year's accomplishments are amply detailed in this Annual Report. I would like to highlight some of those milestones that seemed unfathomable at the Project's beginning.

- At the start, we were well aware that there were over 50,000 inmates incarcerated in the Commonwealth of Pennsylvania. We did not expect that 10 percent of them would write to us; that we would evaluate more than 2,000 of their requests for assistance for further details; that we would more thoroughly review close to 1,000; and that with a queue of more than 200, we would be litigating 24 post-conviction relief petitions throughout the Commonwealth.

- We are immensely proud that we have co-counseled or have had active involvement with the exoneration, release or grant of a new trial of nine inmates in our seven-year existence.

We now have a full staff of seven and the concomitant resources to support them. This places the Pennsylvania Innocence Project, from a size standpoint, in the top tier of all Innocence Projects worldwide.

- With the addition of another staff attorney in 2015, we now have a full staff of seven and the concomitant resources to support them. This places the Pennsylvania Innocence Project, from a size standpoint, in the top tier of all Innocence Projects worldwide.

- To accommodate the additional personnel, working with Dean JoAnne Epps of Temple's Beasley School of Law, we located and occupied comfortable new offices at Temple's Center City campus; furnished through the generosity of Cozen O'Connor. We now have space for 16 volunteers, clinic students or interns, thus providing greater resources for case development.

- To be true to the name Pennsylvania Innocence Project, at the invitation of Duquesne University School of Law, the Project will expand in 2016 with the opening of an office in Pittsburgh. With the financial support of a two-year grant from the United States Department of Justice, a newly hired managing attorney will serve as primary instructor for an Innocence Clinic attended by students from Duquesne and University of Pittsburgh Law Schools, serve as project counsel of record in litigation, recruit and supervise volunteers, and otherwise be the face and presence of the Project in the western part of the Commonwealth.

This journey could not have been realized without the energy of our extraordinary board, our loyal and expanding donor base, the many dedicated volunteer lawyers and law students, and a professional staff second to none among Innocence Projects worldwide. We are immensely grateful to all who have accompanied us and made this exciting journey possible.

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Executive Director

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“Our collaboration with the Project on this case proved to be among the most personally and professionally satisfying in our combined 30 years of private practice.”

Jeffrey J. Bresch, Esq. & Katelyn M. Matscherz, Esq., Jones Day

Highlights

The Pennsylvania Innocence Project's mission is to

- secure the exoneration and restoration to society of persons who are innocent and have been wrongly convicted;
- provide clinical training and experience to law students;
- collaborate with law enforcement agencies and the courts to address systemic causes of wrongful convictions; and
- strengthen and improve the effectiveness of the criminal justice system through public education and advocacy.

The Project furthered each prong of its mission in 2015.

Exonerations

In 2015 the Project, with the assistance of our clinical students, summer interns and volunteer attorneys, screened more than 500 letters from inmates requesting assistance. At year's end the Project's lawyers and volunteer lawyers serving as co-counsel *pro bono* were litigating 22 post-conviction relief petitions filed in state courts and were about to file another four petitions. Additionally, our Case Review Committee authorized 20 cases for additional, intensive investigation.

James Hugney

We were brought into James Hugney's case to assist with litigation by his private attorney, Justin McShane. In January 2015, James was granted a new trial after 36 years in prison for an alleged arson-murder that he did not commit. James' conviction had been based on discredited fire science. He then accepted an Alford plea (not admitting guilt) to a lesser charge and was immediately released from prison based on time served.

Letitia Smallwood

Represented by Senior Staff Attorney Nilam Sanghvi and volunteer co-counsel Joshua Snyder of Boni & Zack LLC, Letitia "Teri" Smallwood's case was one of the first to go through the Project's four-stage screening process.

On April 20, 2015, after 42 years in prison for an arson-murder she did not commit, Judge Edward Guido of Cumberland County granted Teri a new trial. Similar to James Hugney's case, the court found that Teri's conviction was based on discredited fire science. Teri was released on bail in May; the Commonwealth's appeal of the new trial order is now pending.



Teri Smallwood enjoys her first day at home in 42 years.

Lewis James Fogle

The Project served as co-counsel with the Innocence Project in New York in exonerating Lewis James “Jim” Fogle after 34 years in prison. Newly available DNA testing excluded him as the person who assaulted and murdered a 15-year-old girl in 1984. Jim was released from prison in August, and in September, the Indiana County District Attorney announced that he would not retry the case and filed a motion to dismiss with prejudice. Jim is now living with his wife in Indiana, Pennsylvania, and describes his newly won freedom as being “like stepping out onto Mars.”



James Fogle, center, is pictured here with Legal Director Marissa Bluestine and Innocence Project Managing Attorney David Lottus.

“Words can’t ever express how thankful I am for you and the team. You not only stood for truth and what’s right, but you took the extra mile to prove and show that.”

Crystal Weimer, released from prison October 2, 2015



Crystal Weimer is pictured here with Investigator Nicholas Kato.

Crystal Weimer

With volunteer lawyers Jeffrey Bresch and Katelyn Matscherz of Jones Day, the Project also won a new trial for Crystal Weimer in October. Crystal was wrongly convicted of participating in the 2001 murder of a Connellsville, Pennsylvania, man and spent nearly 11 years incarcerated. The conviction was largely based on bite mark evidence and the testimony of an expert forensic dentist. That same dentist also testified at the post-conviction hearing that his previous methods of matching bite marks to suspects was “junk science” and that he would not give the same testimony today. That testimony spurred the court to grant Crystal’s petition and order her released on unsecured bond. A motion to dismiss all charges against her is now pending.

Gregory Brown

Last year, the Project obtained an order for a new trial for Gregory Brown in an Allegheny County alleged arson-murder case. The Commonwealth appealed the order for a new trial to the Superior Court, thus delaying a second trial. In 2015, the Superior Court affirmed Judge Williams’ decision, and the Commonwealth immediately appealed to the Supreme Court. After the Supreme Court denied the request for appeal, the Commonwealth filed a Motion to Recuse Judge Williams from hearing the trial, which was denied. That issue is now on appeal to Superior Court, again delaying Greg’s trial.

Highlights

DNA cases

The Project had three DNA cases out for testing in Philadelphia; in each case, we asked the District Attorney to consent to the testing without litigation. After each was contested, all three were granted testing by the respective PCRA courts. The District Attorney's Office appealed one case, but the Superior Court affirmed the PCRA court's order. Testing is underway in all three cases.

Clinical training

The Project conducts clinical legal programs for students from Temple University Beasley School of Law and Villanova University School of Law, as well as a practicum program for students from Drexel University's Thomas R. Kline School of Law. In the spring and fall semesters of 2015, we had a total of 16 clinical students. We also had many law student volunteers from Temple, Villanova, Drexel, and the University of Pennsylvania and undergraduate interns from Temple. After participating in training sessions conducted by our staff, the students chiefly focused on screening inmate questionnaires and case files. We also operate a summer internship program and welcomed 10 full-time legal interns from all of the area's law schools and Penn State, in addition to four undergraduates and one high school student.

Penn State law students continued to work remotely on Stage 2 case reviews. That 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 the Project to establish a clinic that would serve its students and students from the University of Pittsburgh School of Law alike. We are eager to better serve our clients incarcerated in Western Pennsylvania and build the constituency for innocence. In October, the Project received a two-year grant from the U.S. Department of Justice that will fund a full-time attorney to manage the Pittsburgh office and clinical program.

Preventing wrongful convictions

In 2014, Legal Director Marissa Bluestine assisted the Philadelphia Police Department in drafting new protocols for conducting photo arrays and lineups, as well as recording suspect interrogations. It also implemented the interrogations protocol for homicide investigations. Further progress was made in 2015, as the department fully adopted the use of blind, sequential photo arrays and began moving to record all suspect interrogations—even beyond homicides.

Allegheny County has adopted similar investigation protocols, and the Pennsylvania Chiefs of Police have implemented an accreditation policy requiring the adoption of an eyewitness identification protocol.

Marissa continued to work with State Senator Stewart Greenleaf's office and the Pennsylvania District Attorneys Association to draft two pieces of proposed legislation that would amend the Post-Conviction Relief Act and the statute governing DNA testing. The former would extend the deadline for filing a post-conviction petition

based on newly discovered evidence from 60 days to one year. The latter would allow people who have served their sentence and those who have pled guilty to obtain DNA testing and also allow any DNA profiles developed to be entered into the FBI's Combined DNA Index System to try to identify the true perpetrator of the crime.

Last year, the Project also took steps toward a new legislative initiative to seek compensation for those whose wrongful convictions have been vacated.

Public education and advocacy

Working with the Philadelphia Police Department Office of Forensic Sciences, the Project again ran its Forensic Science Academy, the first comprehensive academy on forensic science for practicing lawyers and judges to be offered in Pennsylvania. This year's course was approved for 20 continuing legal education credits and ran from April 18 through June 23.

The Project also co-presented a CLE class with the Northern California Innocence Project at the annual National Association of Criminal Defense Lawyers post-conviction conference in Orlando. It was titled "Working with Experts in Post-Conviction Cases: Finding and Using Experts."

In October, the Project co-sponsored the Law Foundation Lecture with Temple University Beasley School of Law, featuring noted civil rights attorney and social justice advocate Bryan Stevenson (right). The founder and executive director of the Equal Justice Initiative, Stevenson eloquently outlined the tools young lawyers will need to effect social justice in the U.S.

Also in October, the Project co-sponsored a CLE program titled "Fifty Years After *Miranda v. Arizona*," about the landmark Supreme Court decision that the Fifth Amendment privilege against self-incrimination requires law enforcement officials to advise a suspect interrogated in custody of his rights to remain silent and to obtain an attorney.



Other developments

The Project marked its sixth anniversary with a celebration at the University of the Arts, where it recognized its 2015 Honorees (see page 9). And for the second year, the Penn Program on Documentaries & the Law collaborated with the Project in producing a short documentary video. Titled *Wrongful Arson Convictions and Developments in the Forensics of Fire Investigations*, it focuses on advances in fire science that have raised questions about many arson convictions and featured the case of Teri Smallwood.

With the help of a two-year grant from the U. S. Department of Justice, the Project expanded its legal staff, adding T.C. Tanski. Nilam Sanghvi was promoted to Senior Staff Attorney, responsible for supervising the Project's case work.

Temple University and Cozen O'Connor PC helped the Project move from the university's main campus to Temple University Center City. Temple worked with the Project to identify and fit out offices in its Center City facility, and Cozen O'Connor PC generously donated nearly all of the furniture.

2015 Honorees

On May 12, the Project held its 6th Annual Celebration at the University of the Arts. The program, *Seeking Truth: Stories from the Pennsylvania Innocence Project*, was hosted by award-winning storyteller Hillary Rea. The evening's storytellers included Joshua Snyder of Boni & Zack LLC and volunteer co-counsel for Teri Smallwood, and poet and author Lisa Smallwood, Teri's sister. It also was an opportunity to honor not only Josh, but also Charles and Barbara Haldeman and Ellen Greenlee.

Hero of Justice Award
Charles and Barbara Haldeman



Maureen Rowley Award
Ellen Greenlee, Chief Defender (ret.)
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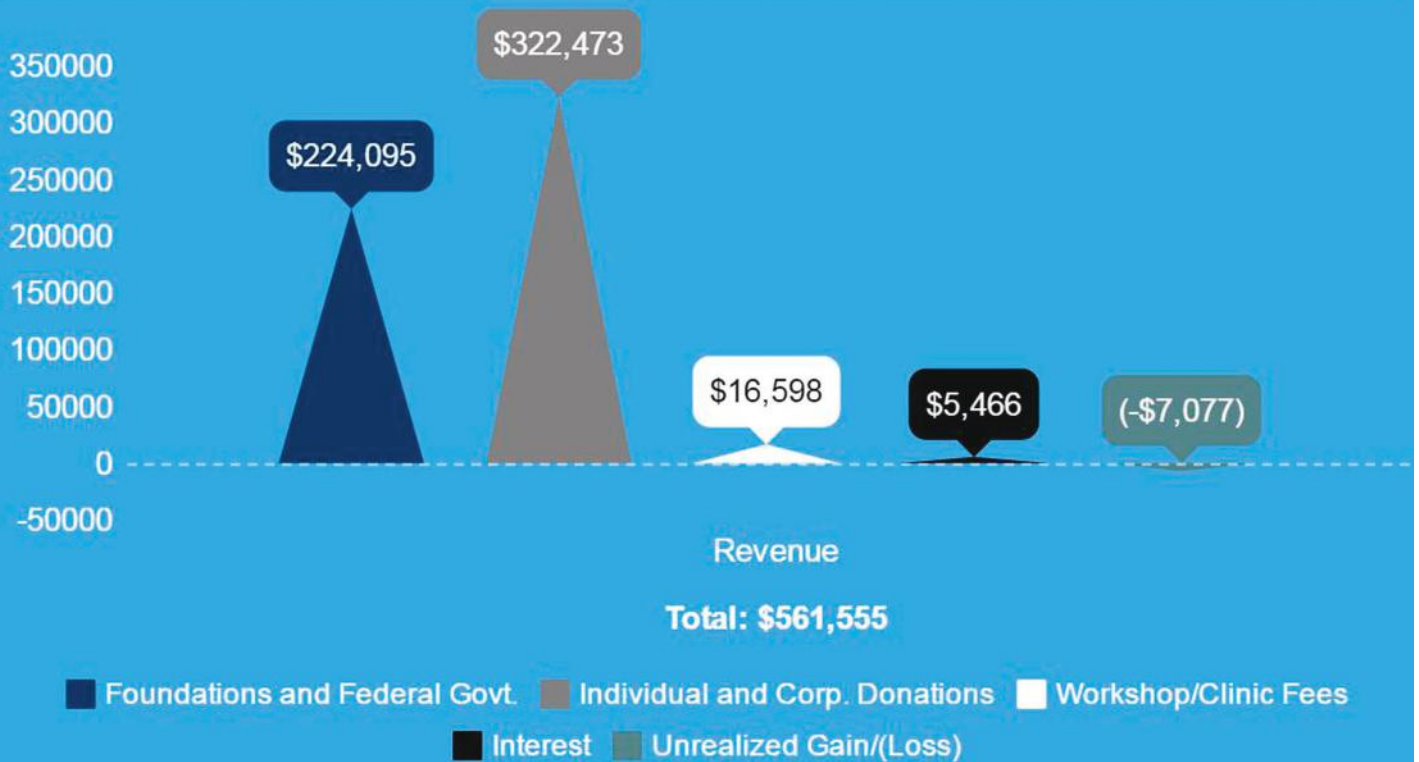


Edward D. Ohlbaum Volunteer Award
Joshua Snyder
Boni & Zack LLC



Charles and Barbara Haldeman (top left) were recognized for their longstanding and extremely generous support of our mission; Ellen Greenlee (above) received the Maureen Rowley Award for her 25 years of leadership in enforcing the promise of *Gideon v. Wainwright*; and Joshua Snyder (left) was honored for his years of work as pro bono co-counsel in the case of Teri Smallwood.

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“The Pennsylvania Innocence Project has moved what seemed like an insurmountable mountain of injustice exacted in our lives for 42 years. They have brought my sister back home to us, when all others turned a blind eye to injustice.”

Lisa Smallwood, sister of Teri Smallwood, released from prison on May 11, 2015

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Make a tax-deductible contribution by check, made payable to the Pennsylvania Innocence Project, and mail it to

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