

# THE INNOCENCE PROJECT 2013 ANNUAL REPORT

Benjamin N. Cardozo School of Law, Yeshiva University

## *Restoring Freedom*

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Gilbert Alejandro  
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Bennett Barbour  
Steven Barnes  
Jonathan Barr  
Chester Bauer  
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Kirk Bloodsworth  
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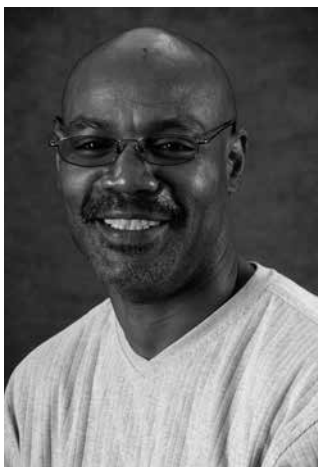
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Alan Crozier  
Rolando Cruz  
Calvin Wayne  
Cunningham  
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Entre Nax Karage  
William Kelly  
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Kerry Kotler  
Ray Krone  
Barry Laughman





The Innocence Project was founded in 1992 by Barry C. Scheck and Peter J. Neufeld at the Benjamin N. Cardozo School of Law at Yeshiva University to assist prisoners who could be proven innocent through DNA testing. To date, more than 300 people in the United States have been exonerated by DNA testing, including 18 who served time on death row. These people served an average of 13 years in prison before exoneration and release. The Innocence Project's full-time staff attorneys and Cardozo clinic students provided direct representation or critical assistance in most of these cases. The Innocence Project's groundbreaking use of DNA technology to free innocent people has provided irrefutable proof that wrongful convictions are not isolated or rare events but instead arise from systemic defects. Now an independent nonprofit organization closely affiliated with Cardozo School of Law at Yeshiva University, the Innocence Project's mission is nothing less than to free the staggering numbers of innocent people who remain incarcerated and to bring substantive reform to the system responsible for their unjust imprisonment.

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PHOTO: LISA ROSS.

# Restoring JUSTICE AND FREEDOM

Since our founding in 1992, the Innocence Project has been a leading force in improving the American criminal justice system. Our pioneering use of post-conviction DNA testing to exonerate innocent people of crimes they did not commit has made people in all aspects of the system question their strongly held beliefs about its infallibility.

Our years of hard work to expose the cracks in the system made great strides in 2013. Oklahoma became the 50th state in the nation to enact a post-conviction DNA statute. After three men were exonerated years after they were wrongly convicted, based in part on faulty hair analysis and scientifically invalid testimony by FBI analysts, the FBI and the Department of Justice agreed to collaborate with the Innocence Project and the National Association of Criminal Defense Lawyers on an unprecedented review of more than 2,000 criminal cases in which the FBI conducted microscopic hair analysis of crime scene evidence. And thanks to our unwavering persistence, Texas sent a powerful message to prosecutors across the nation by sending former Williamson County District Attorney Ken Anderson to jail for the intentional misconduct that contributed to the wrongful conviction of Michael Morton, who was wrongly imprisoned for the murder of his wife for 25 years.

Unfortunately, there is still much work to be done. But we will continue to let the lessons learned from our courageous clients help lead the way. The recent exoneration of Gerard Richardson, who served 19 years because of faulty bite mark analysis used in his trial, is helping to guide the work of our strategic litigation unit, which has adopted an impact litigation strategy to prevent unscientific and unreliable forensic practices from being used in our court rooms and criminal investigations.

And speaking of unreliable forensic practices, thanks, in part, to the advocacy of the Innocence Project, earlier this year the Department of Justice and the National Institute of Standards and Technology convened the first ever National Forensic Science Commission to develop standards for forensic disciplines. And shortly after the commission's first meeting, the Senate Commerce Committee unanimously voted out of committee a bill that would establish scientific review and standards for forensic sciences.

These and other achievements are clear signs of progress in the American law enforcement and judicial systems, which are becoming truer to their purpose — to seek and protect truth and justice.

Read this year's *Innocence Project Annual Report* for a snapshot of our 2013 victories. Your support, without question, makes our work possible.

Barry C. Scheck, *Co-Director*  
Maddy deLone, *Executive Director*

Peter J. Neufeld, *Co-Director*  
Senator Rodney Ellis, *Board Chair*

# Restoring HOPE

When Randy Arledge wrote to the Innocence Project in 1999, his words conveyed his desperation: “Everybody wishes me luck, but no one will help me,” he wrote. Randy had already served nearly 16 years in prison for a crime that he did not commit. He had been wrongfully convicted of killing a young woman in a small Texas town and was sentenced to 99 years although there was no physical evidence connecting him to the crime. In describing the twists and turns of his case, Randy wrote, “. . . It sounds like a comedy show, I know, but it’s true and really happened . . . I can serve the rest of the time, but I do not think it’s right[;] the real killer gets away with the crime . . . Would you please help me?”



Edwin Grimsley, case analyst for the Innocence Project Intake Department.

Many wrongfully convicted people, like Randy, write to the Innocence Project as their last resort. These individuals have explored every other truth-seeking channel: investigation by law enforcement, trial and appeals, and yet freedom eludes them.

In the course of one year, the Innocence Project receives an estimated 2,400 letters from incarcerated people requesting investigation into their innocence claims. The need is great.

In 2013, the Innocence Project’s Intake Department, comprised of a small but steadfast staff of nine, processed more than 4,000 cases. This means that the department tracked down and studied tens of thousands of legal

## BENNIE STARKS: A 27-YEAR FIGHT FOR FREEDOM



Bennie Starks with Innocence Project Senior Attorney Vanessa Potkin at the 2013 Innocence Network Conference in North Carolina.

PHOTO: WUNC NORTH CAROLINA PUBLIC RADIO/SAMEER ABDEL-KHALEK.

documents and personally responded to more than 4,000 people. Their work will ultimately result in the exoneration of wrongfully convicted people. Randy Arledge was one of those people. The Innocence Project took on his case and, finally, after years of legal work, in 2013, he was declared innocent.

In his 1999 letter he said, “. . . I have seven grandchildren and have only met two of them so far. I have a wonderful and loving family to go home to. They may not be rich financially, but in love they are the richest. Thank you for taking the time to read all this.” Today, Randy is living in Tennessee and is surrounded by his family.

1986

**JANUARY**—A 69-year-old woman is out for a walk when she’s dragged into a ravine in Waukegan, Illinois, and raped and bitten. Bennie Starks becomes a suspect. **He is 26 years old.** He does not match the victim’s description and he has an alibi.

**SEPTEMBER**—At trial, a forensic dentist testifies that the teeth marks left on the victim’s skin match Starks’ teeth, and a serologist testifies that Starks cannot be excluded as a source of the semen found on the victim. Starks is convicted of rape and battery and sentenced to 60 years in prison.

1996

Starks’ appeal is denied. He contacts the Innocence Project, which requests DNA testing.

2000

**A forensic lab reports that DNA testing excludes Starks as the source of the semen found at the crime scene, implicating another male.**

2004

Contrary to the testimony at Starks’ trial, it is discovered that Starks should have been excluded from pre-trial serological tests. But prosecutors insist that Sparks was the attacker, claiming that the DNA exclusion was not probative. Innocence Project secures additional DNA testing. **Again, results exclude Starks’ DNA** and implicate the same person whose DNA was identified in the test conducted four years prior.

2006

Illinois court overturns Starks’ rape and battery conviction. He is released on bond. But, prosecutors refuse to drop charges and threaten to retry his case.

2012

Rape charges against Starks are dropped. Battery charges remain.

2013

Lake County State’s Attorney Mike Nerheim dismisses remaining battery charges. **Starks is finally exonerated. He is 53 years old.**

# Restoring INNOCENCE

On a recent visit to our office, Gerard Richardson reflected on his relationship with the Innocence Project: “[T]he students, the whole team working on weekends, doing whatever they could for me ... I love all of them for real. They helped me get something back that I couldn’t get on my own. I consider them my friends for life, not just my legal team.” Our mission is to exonerate people who are serving prison sentences for crimes they didn’t commit. In 2013, we worked on more than 200 active cases. Gerard’s case was one of them.

He was serving a 30-year sentence for murder. His conviction was based on testimony from a forensic dentist who claimed that bite mark analysis, an unscientific and unreliable forensic practice, was proof of Richardson’s guilt. No evidence other than the bite mark tied Gerard to the 1994 crime.

In 2013, the Innocence Project secured new DNA testing of evidence from Gerard’s case. The results proved what Gerard had claimed all along: he was innocent. Gerard was released from prison in October 2013 and exonerated in December. Gerard spent 19 years in prison for a crime that he did not commit. Last year, for the first time in almost two decades, he celebrated Christmas alongside his family as a free man.

Unvalidated or improper forensic science played a role in nearly

50%

of the more than 300  
WRONGFUL CONVICTION  
cases overturned by post-conviction DNA testing.





Gerard Richardson, far right, walking in New York City with his brother Kevin and his sister Yvette shortly after he was released from prison for a murder that he did not commit. PHOTO: STAR LEDGER/BEN SOLOMON

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## STRATEGIC LITIGATION UNIT

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Court decisions can lead to wide-ranging reform, spurring better practices by police and prosecutors. That is why in 2012, the Innocence Project created the Strategic Litigation Unit to take on cases that we believe have the potential to prompt substantive change across the criminal justice system.

Over the past year, we worked on cases that would address two leading causes of wrongful convictions, namely faulty forensic evidence — specifically bite mark

comparison evidence — and eyewitness identification. As seen in Gerard Richardson's case, despite the scientific unreliability of bite mark evidence, it is still used in court rooms across the nation, having contributed to at least 24 wrongful convictions and/or arrests. Acting as co-counsel in some cases and by submitting friend-of-the-court briefs in others, we are working to persuade the courts that this evidence is far too unreliable and shouldn't be used as evidence of guilt in criminal trials.

To call attention to the need for reform in eyewitness identification procedures, we filed friend-of-the-court briefs, assisted lawyers in their direct representation and gave lectures to and trained hundreds of criminal defense lawyers. Our work was fruitful, prompting a decision by the Oregon Supreme Court to adopt a new framework for assessing the admissibility of eyewitness identification evidence. This victory builds upon a similar decision by the high court in New Jersey.

# *Restoring* **LIVES AND FAMILIES**

Exonerees face the seemingly formidable task of reinventing their lives and their identities when they walk out of prison. Many of them have lived decades within the rigid confines of prison. Navigating the intense transition back into the “outside world” can be distressing and disorienting.

The Innocence Project aims to meet the varied and individualized needs of each of our clients upon their release. Our Social Work Department reaches out to exonerees before they have even left prison to assess what type of support they will require to restore their lives. Needs can fall on a broad spectrum, from locating birth certificates and social security numbers to finding family members, securing housing or arranging for critical medical and psychological treatment.

For nearly every exoneration, a social worker is on hand to accompany exonerees in the first days following release to a local store to

purchase pajamas, clothes, eyeglasses, food and other day-to-day items that people need. They also help exonerees as they embark upon reuniting with family and establishing new personal relationships.

To reinforce a supportive network, the Social Work team organizes workshops, social events and other opportunities for exonerees to exchange stories about their experiences. For the 2013 Innocence Network conference, the Social Work Department organized sessions on holistic healing, dealing with trauma, storytelling and forgiveness.

*Twenty states have no compensation laws.*

Of the states that do have laws, the compensation varies.

SOME STATES OFFER

**\$80,000**

PER YEAR  
of false imprisonment



WHILE OTHERS AWARD

**NO MONETARY  
COMPENSATION,**  
only tuition assistance to  
the local community college.

George Allen with his mother, Lonzetta, photographed during her visits to see him in prison over the span of decades.



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## GEORGE ALLEN

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George Allen endured 30 years in prison before he was exonerated of rape and murder in 2013. Before Allen had even left prison, the Innocence Project Social Work team began working with his mother to help ease his transition home. Allen has long lived with mental health issues and needed specific medical care upon his release. Though Allen was fortunate to leave prison and still have a strong relationship in tact with his family, his mother, who would be his sole caregiver, was of elderly age and needed help in securing low-cost medical treatment until he would receive financial compensation from the state of Missouri. The Innocence Project Social Work Department helped Allen get the medicine and care he needed. Today, he lives with his sister and mother outside of St. Louis. His mother says, “It was hard when he got out. It’s still hard. The good thing is, I can call Karen (Innocence Project social worker), tell her what I need, and she helps me as much as she can. When I have a question, she can answer it. And she’s helped to connect me to organizations where I live that also help me. And she helps George, too. One thing I can say about everyone at the Innocence Project is that with them we’re not treated like clients; we’re treated like family. I thank God for you all.”



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*Of the individuals who have been exonerated through DNA*

**35% ⇒ \$0**

**HAVE RECEIVED NO COMPENSATION**  
regardless of whether their state has a compensation law.

# *Restoring* **CONFIDENCE IN THE AMERICAN CRIMINAL JUSTICE SYSTEM**

More than 300 exonerations have taught us that our country's criminal justice system isn't trustworthy. Our safety and justice are compromised by bad identification procedures, faulty interrogation practices, improper forensic science, inadequate defense lawyers and law enforcement error and misconduct that lead to innocent people being convicted and those who committed the crimes going unpunished.



On Monday, April 30, 2012, a Colorado district judge dismissed all charges against Robert Dewey and declared him innocent. After serving 17 years in prison, Dewey became a free man. He is pictured here with his parents.  
PHOTO: WILLIAM WOODY.

The Innocence Project is working to restore the American public's confidence in the judicial system's ability to protect and redeem innocent people. In 2013, we celebrated a landmark victory: Oklahoma became the 50th state to adopt legislation that promises access to post-conviction DNA testing. As we strive to refine those state-by-state DNA laws so that more wrongfully convicted people will be eligible to request testing of evidence we are also partnering with state and local policy makers to address two main causes of wrongful convictions, namely eyewitness identifications and interrogation techniques that lead to false confessions. Our policy staff is lobbying statehouses and working with police departments across the nation to enact proven practices to reduce the risk of innocent individuals being mistakenly identified, and for mandatory recording of interrogations so that there is a record of what occurred in the interrogation room.

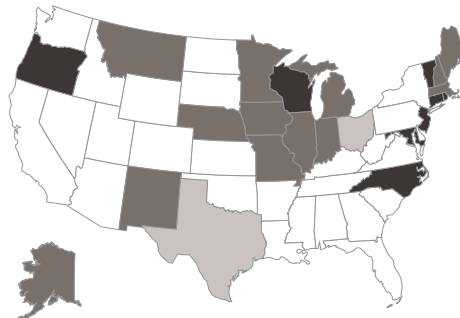
We are also working in Washington, D.C., to urge federal oversight of forensic practices. Our efforts have helped to create the first ever National Commission on Forensic Science which will help to ensure that forensic practices are based on the best science. We are also working with law makers to enact legislation to support research and establish uniform standards for forensics.

When wrongfully convicted people are exonerated, they should know undoubtedly that the state will compensate them for the injustice they have endured. That's why in 2013 we worked with Colorado exoneree and Innocence Project client Robert Dewey to lobby the state for improved compensation laws for exonerated people. In 2012, Dewey was cleared of the murder and rape of a 19-year-old girl. He had served more than 17 years of a life sentence when DNA testing proved his innocence.

Dewey walked out of prison in his 50s with nothing. For months, he lived off of food stamps and assistance from the Innocence Project's Exoneree Fund and didn't have a permanent home.

With the backing of the Innocence Project and local allies, Dewey lobbied the Colorado Legislature for compensation and other benefits, such as job training, counseling and medical benefits for exonerees. In June 2013, the state passed a new law that will give exonerees up to \$70,000 for each year they were wrongfully imprisoned for a felony conviction. Colorado became the 28th state to provide exonerees with compensation. Dewey finally received his first compensation check in October 2013. He is also entitled to four years of college-level education paid for by the state.

**22** STATES  
require the recording  
of interrogations.



States with police recording of interrogations      States with both reforms      States with ID reform

**10** STATES  
have enacted  
eyewitness reform.

# 2013

# YEAR IN REVIEW

## 01 JANUARY

Bennie Starks is exonerated after a decades-long fight to reclaim his innocence. In 1986, Starks was wrongfully convicted of raping and robbing an elderly Illinois woman and was sentenced to 60 years in prison. In 1996, Starks wrote to the Innocence Project, which secured new DNA testing that excluded Starks as the perpetrator in 2000.



Bennie Starks. PHOTO: INGRID BONNE.

It took multiple appeals and ongoing advocacy before he was fully exonerated in early 2013.



George Allen

George Allen is exonerated in St. Louis, Missouri, after serving 30 years of his life in prison. Allen was wrongfully convicted in 1982 of murder and rape and sentenced to 99 years in prison. His conviction was based on a false confession he made during an interrogation in which the police knew that they had mistaken Allen for the suspect, but questioned him anyway.

## 02 FEBRUARY

Randy Arledge is released from prison after DNA revealed that he was innocent of a 1984 Texas murder conviction. He served 30 years in prison. Arledge was convicted based almost entirely on testimony from an informant and was sentenced to 99 years in prison. The Innocence Project conducted DNA testing of crime-scene evidence that excluded Arledge and identified another perpetrator.

## 03 MARCH

Kentucky passes bill that expands access to post-conviction DNA testing to all violent crimes.

## 04 APRIL

Texas court rules that former prosecutor Ken Anderson will face criminal charges for knowingly withholding evidence that could have prevented exoneree Michael Morton from being wrongfully convicted of murdering his wife and spending 25 years in prison.

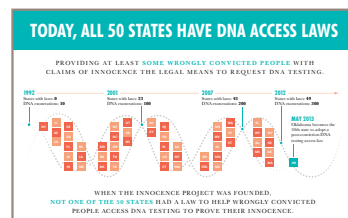
## 06 JUNE

Colorado passes a law that will compensate wrongfully convicted people up to \$70K for each year served in prison. Exonerees Timothy Masters and Robert Dewey personally lobbied for the bill's adoption. Death-row exonerees will be entitled to an additional \$50K per year.

## 05 MAY

Washington state signs wrongful conviction compensation into law, providing exonerees with up to \$50K per year spent wrongfully imprisoned and death-row exonerees with an additional \$50K per year.

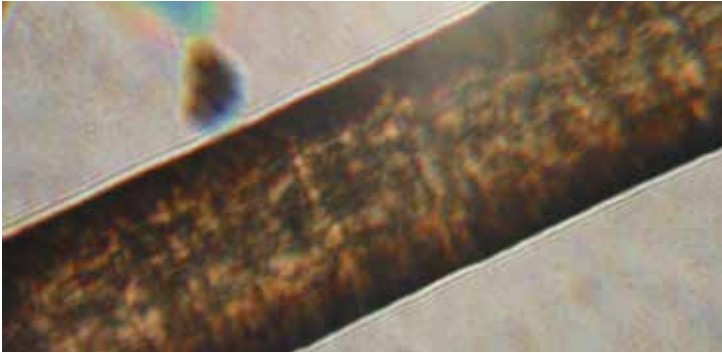
**Oklahoma is the 50th state to pass a law that allows for post-conviction DNA testing.**



As recently as 1992, there were no states that had laws providing access to post-conviction DNA testing. Today, all 50 states have adopted laws providing access.

## 07 JULY

**At the urging of the Innocence Project and others, the U.S. Federal Bureau of Investigations (FBI) and the U.S. Department of Justice announce that they will conduct a landmark review of more than 2,000 convictions that were based on microscopic hair analysis by the FBI between 1980 and 1999.**



In recent years, the FBI has acknowledged that many of its analysts provided scientifically invalid reports and/or testimony in criminal cases that used forensic hair comparison evidence. PHOTO: WARON TOMATO/FLICKR.

## 08 AUGUST

Illinois Governor Pat Quinn signs bill that expands the recording of interrogations to include people suspected in any of eight violent felonies. Under the new law, any statement made by a suspect will be inadmissible in court if it was not recorded as part of the interrogation.

## 09 SEPTEMBER

Innocence Project presents new evidence from the Cameron Todd Willingham case, including possible false testimony from a jailhouse informant at Willingham's trial and indications of prosecutorial misconduct, which may have contributed to Willingham's wrongful execution. The Innocence Project and Willingham's family ask Governor Perry and the Board of Pardons and Paroles to conduct investigation.

## 10 OCTOBER

Kansas expands post-conviction DNA testing beyond only first-degree testing to certain second-degree murder cases.

Baltimore Police implement "double-blind" identification procedure in an effort to reduce number of innocent people who are wrongly convicted.

Sedrick Courtney is declared actually innocent by Tulsa County district judge after DNA results secured by the Innocence Project revealed his innocence in 2012.

## 11 NOVEMBER

Innocence Project founders and co-directors receive Double Helix Medal from Cold Spring Harbor Laboratory. The honor is given annually to people who have strived to improve human health and have positively influenced the world.



Peter Neufeld, left, and Barry Scheck, right, with James Watson, who helped discover the structure of DNA. PHOTO: GRABAU@CSHL.

## 12 DECEMBER

Gerard Richardson is exonerated by post-conviction DNA testing after being wrongfully convicted of a 1994 murder and spending more than 19 years in prison.



Gerard Richardson.  
PHOTO: GINA PAPER-EREWING.

The Innocence Project joins the International Association of Chiefs of Police in releasing a report to urge police departments across the country to change the way they conduct criminal investigations, in an effort to prevent wrongful convictions.

# *Public Education*

## DEEPENING AWARENESS

Damon Thibodeaux was exonerated in September of 2012 from Louisiana's Angola prison where he had served more than 15 years on death row after being wrongfully convicted of murdering his 14-year-old cousin. Before he was released, the Innocence Project had begun working with CBS News to produce a *48 Hours* episode that would reveal the truth behind Damon's case — that DNA testing had proven that he was not the killer and that the real perpetrator had yet to be identified. Earlier this year, the episode aired, allowing Damon to tell his story. It was perhaps the first time that Damon declared his innocence to an audience who wanted to listen and was willing to believe him.



The Innocence Project believes that every exoneree's story should be told. It is because of these courageous stories that we are able to drive true reform. Damon's story, broadcast across the television airwaves and the internet, introduced people to the power of DNA testing and to some of the issues within law enforcement and the courtroom that can send people to prison for crimes they didn't commit.

To give exonerees an outlet to share their experiences and to educate people about the flaws in the system, we arrange speaking

Damon Thibodeaux.  
PHOTO: WUNC NORTH CAROLINA PUBLIC RADIO/SAMEER ABDEL-KHALEK.





*False Conviction: Innocence, Science and Guilt*, written by Jim Dwyer in collaboration with the New York Hall of Science and the Innocence Project, was released in 2014. Part of its proceeds go to benefit the Innocence Project.

engagements for exonerees at universities, corporations, and civic and religious organizations. Last year, dozens of exonerees told their stories at venues all across the country.

And to bring awareness to the people who have, perhaps, the greatest influence over courtroom practices and the potential to transform them, we educate judges and lawyers from throughout the United States. In 2013, we trained hundreds of judges and thousands of attorneys and other legal experts on the problems of unvalidated and unreliable forensic evidence and the need to reform eyewitness identification procedures.

In the ever-changing world of multi- and social-media communications, the Innocence Project is also taking advantage of every available channel to talk about wrongful convictions. Earlier this year, we invited Central Park Five exoneree Raymond Santana to host an Ask Me Anything session on Reddit.com

where he talked with people around the globe about what it was like to be wrongfully convicted of the notorious crime.

In collaboration with the renowned journalist and *New York Times* columnist Jim Dwyer and the New York Hall of Science, the Innocence Project also released an iBook, *False Conviction: Innocence, Science and Guilt*, that looks at the criminal justice system from a scientific perspective. The book offers an immersive learning experience — combining first-rate writing with interactive video and virtual situations — that teaches readers about specific Innocence Project cases, the details of DNA testing, the mistakes that lead to misidentifications and false confessions and the dangers of improper forensics analysis.

Over the coming year, we will strive to grow our education efforts, extending the reach of our mission, our work and the stories of brave people like Damon.

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## FOLLOW US:

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innocenceproject](https://facebook.com/innocenceproject)

[twitter.com/innocence](https://twitter.com/innocence)

THE INNOCENCE  
PROJECT HAS ALMOST

**70,000**

 FRIENDS ON  
FACEBOOK

AND  
CLOSE TO

**31,000**

 FOLLOWERS  
ON TWITTER

# *Supporters* **FURTHERING OUR WORK**

Last year, a team of Innocence Project supporters signed up to run the New York City Marathon to raise money and awareness for the organization. In preparation for the big race, they diligently trained during early morning hours and in stifling summer heat, all the while securing pledges of support.

When Sunday, November 3 finally arrived, they braved their way to the starting line in Staten Island and ran 26 miles to cross the finish line in Central Park, raising \$28,000 for the cause. The Innocence Project is endlessly grateful to the team for their drive and commitment.

Whether our supporters are running a marathon, attending our Young Professionals and annual gala events or donating online,

they are the lifeline of our work. Because they go the extra mile in giving generously to the organization, we are able to further and deepen our efforts each year.

Innocence Project supporters represent an expansive cross-section of people. Ranging in age and profession, and representing big cities and small towns from around the globe, our donors are diverse. But they share a passion for exonerating wrongfully convicted people and for reinforcing the criminal justice system with laws and processes that are rooted in justice and scientific reliability.

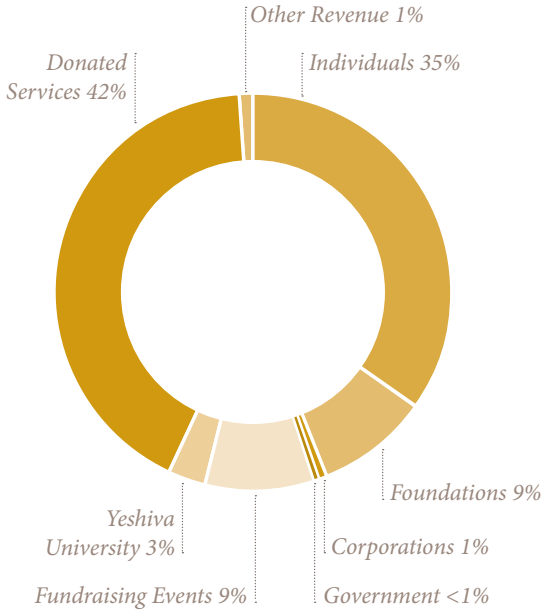
The Innocence Project simply would not exist without the steady support of each of our donors. Your funding allows us to provide expert legal services on a pro-bono basis for all of our clients and to secure first-rate DNA testing for them. We rely on you and we thank you.



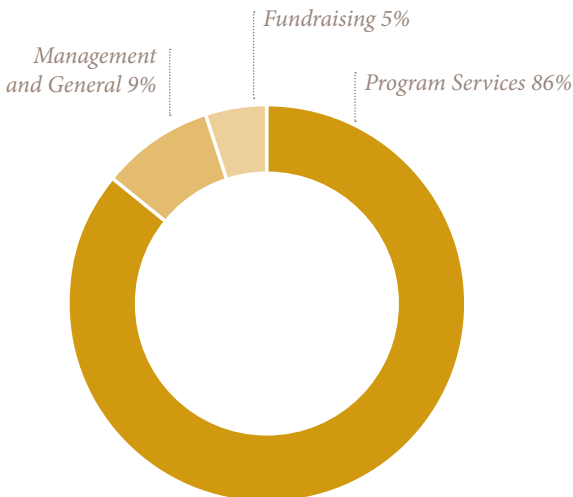
Innocence Project supporters and staff gather for a group shot just minutes before starting the 2013 New York City Marathon. PHOTO: LAURA MA.

# FINANCIAL INFORMATION

FISCAL YEAR JULY 1, 2012 – JUNE 30, 2013



OPERATING REVENUE	
Individuals	5,427,451
Foundations	1,452,628
Corporations	230,949
Government	56,256
Fundraising Events (Net)	1,343,426
Yeshiva University	425,000
Donated Services	6,475,531
Other Revenue	134,661
	<b>\$ 15,545,902</b>



EXPENDITURES	
Program Services	13,825,785
Management & General	1,403,040
Fundraising	754,301
	<b>\$ 15,983,126</b>

# DONORS

## 2013

### \$1,000,000+

Dianne and John Moores  
The Pershing Square Foundation

### \$100,000+

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that all people, regardless of their race, will  
be treated fairly and equally by our country's  
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Gerard Richardson with his sister Yvette Green (right) and Innocence Project Senior Attorney Vanessa Potkin (left) as he leaves a New Jersey courthouse on the day of his exoneration.

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