

IN PURSUIT OF:

ACCOUNTABILITY FREEDOM TRUTH

THE INNOCENCE PROJECT
2017 ANNUAL REPORT



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 350 people in the United States have been exonerated by DNA testing, including 20 who served time on death row. These people served an average of 14 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 number of innocent people who remain incarcerated and to bring substantive reform to the system responsible for their unjust imprisonment.

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A STEADFAST PURSUIT OF FREEDOM AND ACCOUNTABILITY

For the Innocence Project, 2017 was a year filled with remarkable milestones. Not only did we celebrate our 25th year as an organization, but we also saw our legislative efforts come to fruition with the passage of nine laws—a major feat—and also witnessed our client William Barnhouse become the 350th person in the United States to be exonerated through DNA testing. Truly, it was a momentous year. But if we learned anything in 2017, it was that despite our hard-earned record of critical victories in criminal justice reform, the work of the Innocence Project is far from done.

Mr. Barnhouse was just one of the people we helped to prove their innocence and reclaim their freedom. In total, we represented six individuals who regained their lives. And all of the cases, like the scores that came before them, reveal how the deeply problematic structure of the criminal justice system prevents it from realizing its single most important function: to protect all people equally.

Each of our clients exonerated in 2017—including Barnhouse, Mark Denny and Kirstin Lobato—represent factions of people who far too frequently are targeted and failed by the justice system. Because they were either poor or black or female, they were unjustly implicated, convicted and imprisoned for years—71 to be exact. Even more tragically, at the time of wrongful conviction, Denny and Lobato were adolescents. And although Barnhouse was an adult, he lived with life-long and severe mental health issues. They all deserved better.

It is because of cases like these that the Innocence Project remains steadfast in our effort to redefine the criminal justice system into the one that we all desperately need and deserve. Last year, after more than a decade of advocacy in New York, the state passed a law requiring law enforcement across the state to adopt practices that are scientifically proven to reduce the risk of innocent people being misidentified by eyewitnesses—the leading contributor to wrongful convictions in the United States. Through our work—and your support—we also got a similar law passed in Florida. We also worked with legislators in Kansas, California, Texas and New York to pass laws mandating that police interrogations be electronically recorded from start to finish—a safeguard against the phenomena of innocent people falsely confessing to crimes they did not commit.

To bring greater scientific integrity to courtroom practices and procedures, we trained and educated thousands of defense attorneys, judges and legal experts around why it's important to challenge the admissibility of unreliable evidence—such as that seen in our 2017 exoneration cases—into trials. And to help members of the public gain a deeper understanding of how the criminal justice system fails, and to inspire action to transform it, we launched the Guilty Plea Problem Campaign (www.guiltypleaproblem.org).

All of this work has been made possible because of the support of our donors. Their generosity is invaluable and we cannot say thank you enough. Their commitment to our work is changing lives and transforming the system.

As we look ahead, there's still so much work to do, and we're in it for the long haul. We hope that you'll join us on this important journey.

Jack Taylor
Board Chair

Peter J. Neufeld
Co-Director

Barry C. Scheck
Co-Director

Maddy deLone
Executive Director

FY17 VICTORIES: A YEAR IN REVIEW

TRANSFORMING THE SYSTEM

EDUCATING THE PUBLIC AND CREATING AWARENESS AROUND THE CAUSES AND EFFECTS OF WRONGFUL CONVICTIONS

2.25 Innocenceproject.org was visited more than **2.25 million** times

1,268 Our work garnered attention through nearly **1,268** stories in popular media outlets

330K  Facebook likes

70 The Innocence Project Speakers Bureau reached thousands of people across the country through more than 70 engagements

RESTORING FREEDOM

The Innocence Project received

2,417

new requests for representation

“I was just like every other adolescent. I loved to play—loved to have fun. I loved adventures. I grew up believing in justice and in heroes. When I got convicted of a crime I didn’t commit—it made me somewhat pessimistic. . . . I realized the heroes could actually be the bad guys. The Innocence Project restored my sense of and belief in justice. It showed me a side of the justice system I’d never seen—a side that realizes it makes mistakes and takes the initiative to fix those mistakes. It was a new side of justice. The Innocence Project revived my sense of optimism about justice period. They became the hero. To me, they are my hero.” – MARK DENNY

CHANGING THE LAWS AND PRACTICES, PROTECTING MORE PEOPLE

- We worked with legislators in **UT** to improve the state's post-conviction DNA law, making testing accessible to more people.
- We ushered in legislative reform in eyewitness I.D. practices in **NY** and **FL** to prevent eyewitness misidentifications.

- We successfully lobbied for the reauthorization of the **Justice for All Act**, which will support and expand DNA testing across the country and reauthorize funding and oversight for state and local crime labs.



- We helped get a law passed in **TX** that regulates and requires disclosure of jail house informant testimony.

- We got laws passed in **KS**, **NY**, **TX** and **CA** mandating the recording of interrogations to prevent false confessions.

- We helped pass a law in **MI** to compensate exonerated people.

EDUCATING THE COURTS

We trained nearly

2,600

judges, public defenders, forensic practitioners, scientists and academics on eyewitness I.D., cognitive bias and on litigating false confessions and the use of unreliable forensic evidence and testimony in court.

We achieved major court rulings:

10

in Eyewitness I.D.

16

in Forensics

Mark Denny was exonerated with help from the Innocence Project in December 2017 after 30 years of being wrongfully incarcerated.

Photo: Sameer Abdel-Khalek.

A close-up photograph of a woman in a police uniform, smiling broadly. The image is overlaid with a semi-transparent green filter. The woman has blonde hair and is wearing a dark jacket with a badge and a name tag. The background is blurred.

CALLING FOR A JUSTICE SYSTEM THAT

TRULY
PROTECTS
THE
INNOCENT



Kirstin "Blaise" Lobato at her high school graduation and with her loved ones during her youth.

LEFT: Kirstin "Blaise" Lobato during her visit to New York City in March 2018.

Photo: Alicia Maule.

In 2000, Kirstin "Blaise" Lobato was a strong and tenacious 17-year-old. She had charted her own path for her life, which had been met with many obstacles, and was making headway toward achieving her goals.

She graduated early from high school. She also completed the tests to enter the Navy as an air traffic control operations specialist and was ready to start basic training immediately after her 18th birthday. But all of those plans were upended in May 2002 when Lobato was convicted of a grisly murder she did not commit and was sentenced to 40 to 100 years in prison in Nevada.

Being wrongfully convicted as a teenager, Lobato lost the prime years of her life. Suddenly and indefinitely, Lobato lost her right to move freely, to make her own decisions and to live out her dreams. During low points of her years in prison, says Lobato, she didn't know if she was going to make it through.

The Innocence Project became involved in Lobato's case in 2010. It was not a typical Innocence Project case, as DNA alone would not prove innocence. In October 2017, Innocence Project attorneys, along with local counsel David Chesnoff and Robert Demarco of Chesnoff & Schonfeld, presented testimony from forensic entomologists

and a forensic pathologist who independently concluded that the state had narrowed the victim's time of death to a time when Lobato was undisputedly with her family three hours away from the crime scene.

Based on this evidence, the court found that Lobato's defense counsel at her original trial violated her constitutional rights by failing to call scientific experts who could confirm her strong alibi. After 16 years in prison for a crime she did not commit, Lobato was exonerated on December 29, 2017 and released on January 3, 2018.

Lobato's case is one of the many cases on which the Innocence Project has partnered with either local counsel or an Innocence Network organization to help prove a person's innocence. Like in Lobato's case, the Innocence Project often assists local counsel in providing clients with the defense they so desperately need and deserve. Although Lobato's case was not a typical DNA case, it was the Innocence Project's resources and scientific expertise that helped Lobato secure her freedom.

Today, Lobato remains strong, bold and full of life. She is determined to reclaim her future.

"I thought that I was going to die in prison," says Lobato. "I'm so glad that I was wrong."

SUPPORTING EXONEREES AS THEY

FORGE AHEAD

“Since being freed, I’m trying to readjust. I feel like I’m starting all over again. I’m unwinding and learning how to enjoy the fact that I’m actually free. Free to think. Free to go.” – MARK DENNY

In 1987, Mark Denny was a kid growing up in Brooklyn. Like most teens, Denny was a dreamer. He imagined becoming like the people he admired: a professional boxer, a pilot, a police officer. But when he was just 17, Denny was misidentified as one of several young men who raped a young woman in the back room of a fast food restaurant. He had an alibi. No physical evidence linked him to the crime. Nonetheless, Denny was wrongfully convicted and sentenced to 19 to 57 years in prison based on an unreliable identification.

Thirty years after the crime was committed—and after more than eight years of work by the Innocence Project—Denny was finally exonerated in 2017, just days before Christmas. Today, Denny is working to restore his life.

The Innocence Project social work team was key in helping Denny transition from an unjust existence in prison to a life of freedom and

new opportunity. In the weeks leading up to his exoneration, our social workers connected with Denny and his family to ensure that he could enter his new life with ease and support. And upon Denny's exoneration, they helped him to secure benefits to meet his day-to-day needs and expenses. They also provided him with the necessary resources to pursue one of his goals: to become a barber.

Today, Denny has his barber certificate. (He's even cut the hair of a number of Innocence Project staff!) And through the ongoing and dedicated facilitation of the social work team, Denny is living on his own in an affordable apartment in New York City.

Over the next year and a half, the Innocence Project will continue to partner with Denny to help him get on his feet so he can move ahead in creating the life that he wants and fully deserves.

Mark Denny at the 2018
Innocence Network Conference
in Memphis, Tennessee.

Photo: Lacy Atkins.



EXPOSING FLAWS WITHIN A BROKEN SYSTEM AND
DEMANDING
A NEW FORM
OF JUSTICE

In December 1992, William Barnhouse—a man who has lived with severe mental illness for the entirety of his life—was convicted of sexual assault and sentenced to 80 years in prison. Prosecutors and forensic experts argued that scientific evidence proved without a doubt that Barnhouse was guilty of raping a 22-year-old woman behind a vacant building in Muncie, Indiana, earlier that year. But an investigation into the case more than two decades later revealed that authorities had bungled the case from the very start. New DNA testing proved that Barnhouse was actually innocent and that the identification and testimony used against him in court were completely wrong.

Police initially apprehended Barnhouse because he allegedly fit the description of the attacker and took him to the crime scene where they conducted a highly suggestive and problematic identification procedure called a show-up. At both the show-up and in court, the victim identified Barnhouse as the man who raped her. Her identification was supported by an Indiana State Police serologist who testified erroneously. Additionally, a hair analyst from the Indiana State Police testified that a hair found at the crime scene was a “match” to Barnhouse.

But DNA secured by the Innocence Project disproved the testimony provided by each of the experts. Barnhouse was, in fact, excluded as the source of the sperm found on the victim’s jeans and in the rape kit. And, since 1977, the FBI has instructed its examiners that

microscopic hair comparison could not produce a positive identification or a “match,” proving that the statement made by the hair analyst in Barnhouse’s case exceeded the limits of science.

Because of cases like Barnhouse’s, the Innocence Project policy team is steadfast in getting laws passed across the country, mandating the use of smarter and more reliable investigation practices to reduce wrongful convictions.

Over the past five years, the Innocence Project has fostered significant growth in the area of eyewitness identification reform. In FY13, only seven states were in reform. Because of the Innocence Project’s work, now half the states use blind administration statewide. In 2017 alone, both Florida and New York signed into law bills requiring police to use scientifically backed procedures that reduce eyewitness misidentification—a leading contributor to wrongful convictions.

And because erroneous microscopic hair analysis contributed to 20 percent of the nation’s more than 350 DNA exonerations, we will continue to urge jurisdictions across the country to thoroughly review cases where erroneous hair evidence was used to secure a conviction. We will also litigate and weigh in on wrongful convictions that were secured through other unreliable and outdated forensic practices, such as bitemark evidence, challenging courts to change their rules around admissibility of such evidence and to set new precedents for future rulings.



“It was rough. I was always innocent. I’m glad it’s finally over. I feel so happy.”

– WILLIAM BARNHOUSE

Opposite page: William Barnhouse with Innocence Project Senior Staff Attorney Seema Saifee (right), and Cardozo clinic student Kayla Mannucci (left) on the day of his release in March 2017.

Photo: Innocence Project.



CHAMPIONS OF THE INNOCENCE PROJECT



The Innocence Project’s success in 2017—and every year—is possible only because of the generous support we receive from our donors. It is their deep commitment to our mission that enables us to help free wrongfully convicted people, hold bad actors accountable and foster systemic change within our country’s criminal justice system. We are tremendously thankful to our donors—our champions—for their unwavering support of our work.

Opposite Page: Exonerees Gerard Richardson (left) and the late Barry Gibbs. Upper right: Innocence Project Staff Members with Innocence Ambassador Ryan Phillippe (center back row). Right: Exoneree Derrick Hamilton and Innocence Project Case Analyst Chelsea Desruisseaux.

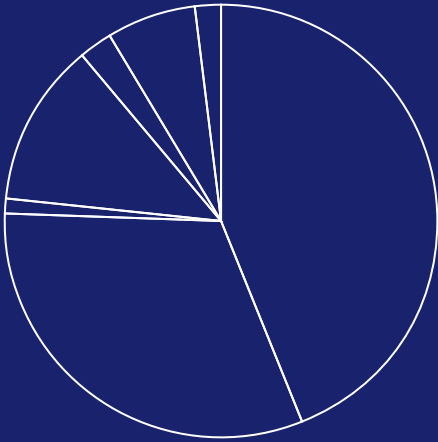
Photos: Mattedesign.



FISCAL YEAR 2017

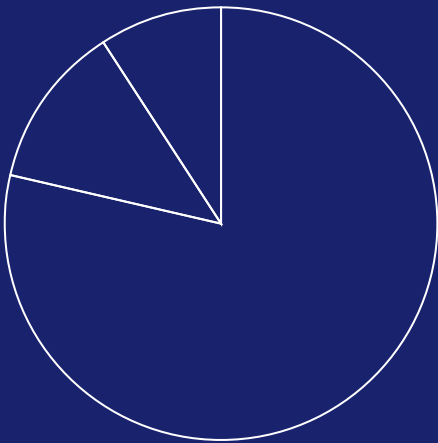
FINANCIAL INFORMATION

JULY 1, 2016 – JUNE 30, 2017



OPERATING REVENUE

44%	INDIVIDUALS	7,387,273
31%	FOUNDATIONS	5,312,160
1%	CORPORATIONS	182,735
12%	FUNDRAISING EVENTS (NET)	2,048,132
3%	YESHIVA UNIVERSITY	425,000
7%	INVESTMENTS & GENERAL	1,102,348
2%	OTHER INCOME	299,076
		\$16,756,724



EXPENDITURES

79%	PROGRAMS	9,524,746
12%	MANAGEMENT	1,464,523
9%	FUNDRAISING	1,093,398
		\$12,082,667

FISCAL YEAR 2017

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Exoneree Alan Newton and Innocence Project Director of Operations Angela Amel. Photo: Mattedesign.

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“I will never forget the first time I heard an exoneree share the story of his 27 years sitting in a prison cell knowing he was innocent. It is hard to imagine a greater injustice than to be wrongfully incarcerated—decades of the most precious years of life stolen from you. The Innocence Project’s tireless work to right these most-egregious of wrongs, to restore the rights and lives of the wrongfully convicted and their fight to ensure that the same fate is less likely to befall others is perhaps the most impactful work I can imagine.”

-CATESBY PERRIN

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 and critical role
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 concepts of integrity
 and fairness around
 which our country and
 democracy are built.
 It is the most American
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 combining science,
 critical reasoning
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 has rescued some of
 the least fortunate
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 country, and shed
 light on how many
 more likely yet await
 justice. Their work
 reminds us that no
 legal system—however
 well intentioned—is
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 humbling to witness,
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Innocence Project Social Worker Karen Wolff, and friends of the Innocence Project Frances Crocker and Sarah Warren. Photo: Mattedesign.

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-EKOW N. YANKAH,
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“Thanks to the
tireless work of the
Innocence Project,
we can envision a
day when the policies
that lead to wrongful
convictions and
incarcerations are
a thing of the past.”

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Nate Brown, pictured with his grandson,
on the day he was exonerated in June 2014
in New Orleans. Photo: *The New Orleans Advocate*.

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BLIND

Blind
Justice is blind
So many of us suffer in her name
Justice cannot function
Unless she finds someone to blame
There's no rhyme or reason to her control
In the psychopathic scheme of things
She (I) do what I want
Out of control
Justice Justice
I love you
I will try to fix you
I love you
I will try to fix you
Blind

- INNOCENCE PROJECT CLIENT LEROY HARRIS

Leroy Harris at the 2018 Innocence Network Conference in Memphis, Tennessee. Harris was released from prison in November 2017 after being wrongfully imprisoned for 29 years in Connecticut. Photo: Lacy Atkins.

INNOCENCE PROJECT

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Yeshiva University

Donate online at innocenceproject.org

More than 350 people in the United States have been exonerated through DNA testing. The Innocence Project was involved in more than 200 of those DNA exonerations. Others were helped by Innocence Network organizations, private attorneys and by pro se defendants in a few instances.

Cover: Kirstin "Blaise" Lobato at the 2018 Innocence Network Conference in Memphis, Tennessee.

Photo: Lacy Atkins.