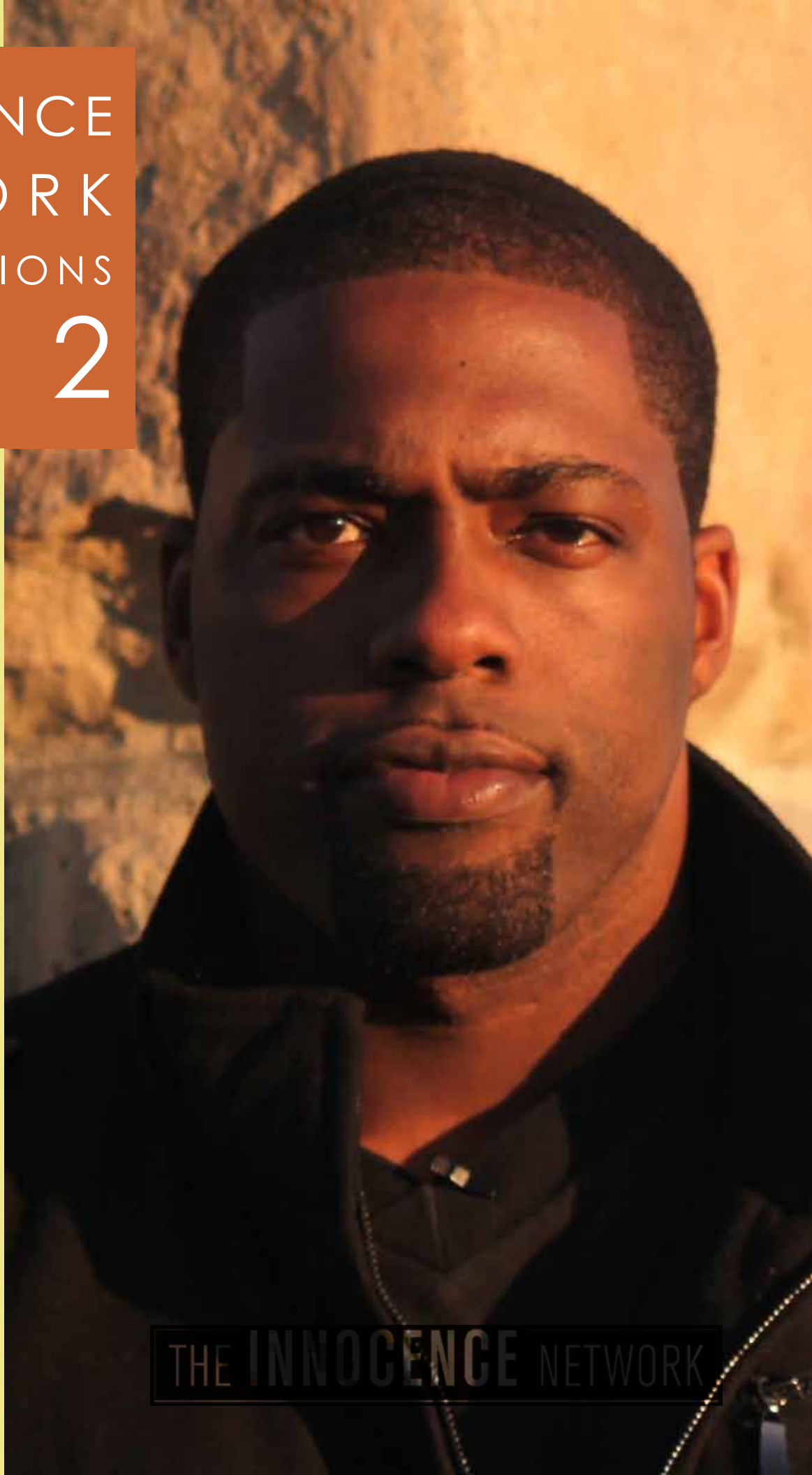


INNOCENCE
NETWORK
EXONERATIONS
2012



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COVER: California Innocence Project client Brian Banks was exonerated on May 24, 2012. Read more about his case on page 6. (Photo credit: Shane Glick)

22 EXONERATIONS

AND MANY MORE TO COME

The 22 wrongful convictions detailed in the Innocence Network's 2012 report are tragic reminders of how much work is still needed to uncover and prevent these terrible injustices.

A number of cases in this year's report point to many injustices yet to be discovered. In the case of Willie Grimes, who was wrongly convicted of rape, prosecutors overcame an extremely poor identification by the victim, who in court first mistakenly identified Grime's attorney as her attacker, by presenting the testimony of a lab analyst who claimed that hairs found on the victim's sheets were microscopically consistent to Grimes's and that it would be rare to find two individuals in the general population with the same microscopic hair characteristics. DNA evidence eventually proved the analyst wrong, as it did in two other DNA exonerations this year involving faulty hair analysis. Thanks in part to an investigative series in the Washington Post, the FBI announced that it would undertake a widespread review of cases involving hair analysis, which, given the lack of science behind this forensic discipline, is likely to uncover many more wrongful convictions.

David Lee Gavitt served more than 25 years for the arson murder of his wife and two daughters before prosecutors agreed to vacate his conviction because it was based on outdated arson science. Gavitt's case and that of Cameron Todd Willingham (who was convicted by similarly flawed evidence and executed in Texas) represent just the tip of the iceberg of the nation's wrongful arson prosecutions, which Network projects are beginning to litigate. For decades, fire investigators gave testimony about the origin of fires that had no scientific basis.

Drayton Witt served a decade in prison for the

murder of a five-month-old boy, who likely died because of complications from the medication he was prescribed for the flu, rather than by "shaken baby syndrome" as the prosecution originally claimed. (Even the original medical examiner eventually changed his opinion, and the state moved to dismiss the charges.) Fortunately, the medical community is finally speaking out about errors in diagnosing this condition, which has led to many wrongful convictions. Innocence Network projects are seeking cases from people who have been wrongly convicted in this way, and the Network recently hired its first full-time attorney to work exclusively on this issue.

While Network projects used a wide variety of tactics to prove innocence in these cases, it's noteworthy that nearly half continue to be DNA exonerations. In fact, 2012 saw the 300th person become exonerated through DNA evidence. In the two decades since DNA technology has been used in criminal prosecutions, courts have come to recognize its incredible power to prove innocence. While almost all exonerations require years of hard work, DNA, when available is often the swiftest path to exoneration. Unfortunately, it is available in less than 10% of serious felonies.

So as you read about the tragic miscarriages of justice contained in this report, remember that in many ways those profiled are the lucky ones. For every person who walked out of prison a free individual this year, there are many more still incarcerated, hoping that 2013 will be the year they finally get the break that will prove their innocence.

— KEITH FINDLEY
WISCONSIN INNOCENCE PROJECT CO-DIRECTOR,
CLINICAL PROFESSOR UNIVERSITY
OF WISCONSIN LAW SCHOOL,
INNOCENCE NETWORK BOARD PRESIDENT

THE CASES

1 **Juan Rivera** *Northwestern University Center on Wrongful Convictions*

On January 6, 2012, Juan Rivera walked out of Stateville Correctional Center after the Lake County State’s Attorney announced that the state would not appeal a unanimous Illinois Appellate Court decision throwing out Rivera’s conviction for the 1992 murder of 11-year-old Holly Staker.

Rivera had been convicted of the crime three times, by three juries, even though no physical evidence from the scene—including fingerprints, skin fragments, blood, and hair—linked him to the crime, and even though law enforcement records indicated that he was on electronic monitoring at his home more than two miles from the scene when the crime occurred. Before his third trial, in 2009, DNA testing positively eliminated him as the source of semen recovered from the victim, whom the prosecution alleged Rivera had raped. Even so, the prosecution convinced the jury to discredit the DNA evidence, theorizing that it may have become contaminated or that the young victim may have been sexually active. All three convictions rested primarily on two uncorroborated confessions that Rivera made following four days of grueling interrogation.

When Rivera was exonerated, he had spent 20 years in prison. He was represented by attorneys at the Center on Wrongful Convictions at Northwestern University School of Law and the law firm of Jenner & Block.

2 **Michael Saunders** *Innocence Project*

3 **Terrill Swift** *Northwestern University Center on Wrongful Convictions*

Michael Saunders, Terrill Swift, Harold Richardson and Vincent Thames were all wrongfully convicted after falsely confessing to the murder of a sex worker, Nina Glover, in Chicago in 1994.

No arrests were made in the case for four months, until, according to police, 18-year-old Jerry Fincher walked into a police station and voluntarily came forward with information about the murder, hoping to gain “some consideration” for a friend of his who was in custody. Over the next two days, while in police custody, Fincher gave an evolving series of statements indicating that he participated with Swift, 17, Richardson, 16, and Saunders, 15, and Thames, 18, in the abduction, rape and murder of Glover in the basement of Thames’ house.

Pre-trial DNA testing excluded all four defendants, yet the “Englewood Four” were convicted based on their false confessions. (A court ruled Fincher’s statement inadmissible, and he was never tried for the crime.) Through the collaboration of attorneys at the Innocence Project, which is affiliated with the Cardozo School of Law, the Center on Wrongful Convictions at Northwestern University, and the Exoneration Project at the University of Chicago, DNA testing identified the true assailant as Johnny Douglas, a man who was present at the scene when the body was recovered. Douglas, a convicted murderer, is now deceased. On January 17, 2012, the four men, who had been wrongfully imprisoned as teenagers, were finally exonerated.

4 Jonathan Moore *Illinois Innocence Project*

Jonathan Moore was wrongfully convicted of murder and two counts of attempted murder in 2002 and sentenced to 76 years in prison. Moore's conviction for the murder of 20-year-old Shawn Miller rested on the supposed eyewitness testimony of two individuals who came forward and claimed that Moore had been the gunman. Moore denied firing the fatal shots, but police claimed that he placed himself at the scene. Although the 2002 trial testimony of the two witnesses provided conflicting versions of the event, Moore was convicted.

In 2011, a key witness provided the Aurora Police Department with information previously undisclosed to the public, which indicated Moore's lack of involvement in the crime. Following this disclosure, the Downstate Illinois Innocence Project at the University of Illinois Springfield, (now the Illinois Innocence Project) the Kane County State's Attorney, and the Aurora Police put forth unprecedented cooperative effort to reinvestigate the case, interviewing both old and new witnesses. The surviving shooting victim reported anew that the female witness who had testified about Moore's involvement could not have been present because no females were present when the shooting occurred. Interviews also indicated that the second supposed "eyewitness" may have based his testimony less on what he actually witnessed and more on the word of the female and "word on the street."

This new evidence led all interested parties to conclude that Moore was not present at the scene of the crime.

On March 6, 2012, the Kane County State's Attorney presented a motion to vacate the conviction, and Moore was exonerated.

5 Darryl Washington *Innocence Project of Texas*

6 Shakara Robertson *Innocence Project of Texas*

7 Marcus Smith *Innocence Project of Texas*

Darryl Washington, Marcus Smith and Shakara Robertson were arrested in November 1994 in relation to the purse snatching of an elderly woman in Dallas, Texas, and charged with aggravated robbery. The victim could not identify any of them, but bystanders identified Washington, Smith and Robertson, by their clothing, as either participating in the robbery or running away.

Smith pleaded no contest in October 1995 in return for deferred adjudication and remained free. Washington went to trial before a jury and was convicted in April 1996 and sentenced to 99 years in prison. Robertson pled guilty in September 1996 and received probation.

Washington's case was initially assigned to Tracy Cobb, a law student volunteering with the Texas Innocence Network in 2002. She continued working on the case after she became an attorney and was able to track down four men who admitted to committing the crime. Working with the Innocence Project of Texas in 2009, their affidavits were presented to the Dallas County Conviction Integrity Unit, which conducted its own investigation and also determined the men were actually innocent. The three men were jointly exonerated on April 6, 2012.

8 Darrin Hill *Innocence Project New Orleans*

On April 27, 2012, Darrin Hill was freed and exonerated after 20 years of wrongful confinement at a state mental health hospital in Jackson, Louisiana. Hill's exoneration marks the first for the National Institute of Justice-funded Orleans Parish Post-Conviction DNA Testing Project, which partners with the Innocence Project New Orleans and other local organizations, including the Orleans Parish

District Attorney's Office, to catalogue all of the evidence remaining in Orleans Parish since Hurricane Katrina.

Hill was found not guilty by reason of insanity in the rape, robbery and kidnapping of a New Orleans woman in 1992, after the victim identified Hill as the perpetrator. Criminal District Judge Frank Marullo deemed that Hill, who is a diagnosed bipolar schizophrenic, was a danger to himself and to society and had him committed to the East Louisiana Mental Health System. He was sent to the state hospital in 1995 and spent almost 20 years there before staff inventorying evidence at the Orleans Parish courthouse rediscovered the rape kit from the crime, which had been buried for years amongst thousands of pieces of similar evidence waiting to be inventoried.

At the time of the crime, the DNA testing needed to prove Hill's innocence was not available, so DNA tests were never requested. When the results from the testing of the rape kit came back, they excluded Hill and his lawyers and Innocence Project New Orleans moved for his immediate release from custody. The New Orleans District Attorney joined in the motion. Without the grant that Innocence Project New Orleans secured, he would likely never have been freed, as there is no provision for DNA testing on behalf of persons committed to mental health facilities.

9 **Robert Dewey** *Innocence Project*

In 1996, as Robert Dewey was sentenced to life without parole for the Fort Collins, Colorado, rape and murder of 19-year-old Jacie Taylor, he warned the judge, "There is still a killer out there." Almost 18 years later, the truth of Dewey's words was finally recognized.

Police built a circumstantial case against Dewey based on the fact that he had allegedly hid in a closet while police were interviewing friends of the victim's. Some of Taylor's friends also reported that she had said she was afraid of Dewey. Although tests on the semen recovered from the crime scene excluded Dewey, authorities merely concluded that there must

have been a second perpetrator. Tests performed on a shirt recovered from his belongings showed the presence of blood and determined that it could have come from the victim or Dewey—or almost half of the Caucasian population. He was wrongfully convicted in 1995.

In 2007, Dewey and his attorney, Danyel Joffe, approached the Innocence Project, which is affiliated with Cardozo School of Law, for assistance and to seek further DNA testing of the blood on the shirt. Advances in DNA testing finally excluded Dewey and pointed to another man who had committed a similar murder. Dewey was exonerated on April 30, 2012.

10 **Brian Banks** *California Innocence Project*

In 2002, 16-year-old Brian Banks was accused by a high-school acquaintance, Wanetta Gibson, of rape and kidnapping on the school campus. Banks was faced with a difficult decision—either fight the charges and risk 41 years-to-life in prison, or take a plea deal and spend a little over five years incarcerated.

Ultimately, Banks pled no contest. After he was incarcerated, Gibson and her mother sued the school district and received a \$1.5 million settlement. After Banks served his sentence, he was put on parole, forced to wear an electronic ankle bracelet and register as a sex offender.

In February 2011, Gibson contacted Banks through Facebook and asked to meet with him. The meeting was secretly recorded and Gibson admitted that the rape and kidnapping never occurred. She said she had been afraid to come forward earlier for fear that the settlement money would be taken away. The California Innocence Project at California Western School of Law presented the video to the Los Angeles District Attorney's office and filed a habeas petition in Los Angeles Superior Court asking that Banks' conviction be reversed. After a long series of negotiations, interviews and investigation, the District Attorney conceded the petition, and Bank's conviction was reversed on May 24, 2012.

11

Bennett Barbour

Innocence Project at the University of Virginia School of Law

Bennett Barbour was tried and wrongfully convicted of raping a Virginia college student at gunpoint in 1978, based almost entirely on misidentification. Police put together a photographic lineup that included 22-year-old Bennett Barbour, who had been arrested in 1977 on a petty larceny charge. The victim initially picked up three of the photographs and ultimately selected Barbour.

Many years later, DNA tests were conducted in Barbour's case as part of Virginia's ongoing Old Case Testing Project — an initiative launched in 2004 by former Gov. Mark Warner to examine evidence from convictions between 1973 and 1988 for possible signs of innocence. The results cleared Barbour of the crime (and got a cold hit to the real perpetrator, who had committed a similar crime in the same time period) and the state lab provided the exonerating results to the Commonwealth Attorney's Office in June of 2010. Barbour, however, was not informed of the testing for an additional 18 months.

When Barbour, who was suffering from cancer, was finally notified, he immediately sought the assistance of the Innocence Project at the University of Virginia School of Law, which filed a petition for a writ of actual innocence with the Virginia Supreme Court. Barbour was officially exonerated on May 24, 2012, at the urging of the Virginia Attorney General. He had spent four years in prison and over 30 on parole.

12

David Lee Gavitt

Michigan Innocence Clinic

David Lee Gavitt was wrongfully convicted of felony murder in Michigan in 1986 in connection with a house fire that killed his wife and two young daughters.

At trial, the state presented no motive but argued that science made it clear that the fire was intentionally set, and Gavitt was the only possible arsonist. A prosecution expert testified

that gasoline was found on samples of the living room carpet. Two additional expert witnesses described things such as liquid pour patterns, deep and low burning, crazed glass and more that they deemed to be the unmistakable "fingerprint of arson." These old arson indicators have since been deemed to have no scientific basis.

The Michigan Innocence Clinic at the University of Michigan Law School took on Gavitt's case in 2010 and began consulting with renowned arson expert John Lentini. Lentini discovered that every piece of the state's origin and cause testimony against Gavitt was based on outdated, unreliable methods. Multiple experts also concluded that the original lab reports indicating evidence of an accelerant had been misread and were incorrect. In fact, no evidence of gasoline existed.

The Michigan Innocence Clinic prepared a court filing on Gavitt's behalf, but the prosecutor's office agreed to reevaluate the case before official court proceedings would begin. Following months of independent investigation, the prosecutor agreed that Gavitt's conviction should be vacated and the charges dismissed. He walked out of prison on June 6, 2012 after 27 years of wrongful incarceration.

13

Michael Winston

Northwestern University Center on Wrongful Convictions

In 2007, Michael Winston was wrongfully convicted of a 2005 Chicago murder and sentenced to 40 years in prison.

Winston and his older brother were present at the scene of the crime, in which 21-year-old gang member Victor Parson was shot and killed on Chicago's South Side. After the Chicago Police received an anonymous tip implicating Winston and his brother as the perpetrators, they picked up one of the victim's companions and showed him a photo lineup containing the pictures of the two brothers. The companion identified Michael Winston as the man he saw with a gun.

In February 2007, Winston went on trial in Cook

County Circuit Court before a judge, waiving his right to a jury. He testified on his own behalf, stating that his brother had fired the shots. However, Robert Winston denied this. Michael Winston was found guilty of the murder and sentenced to 40 years.

In April 2007, a motion for a new trial was filed that included a statement from Winston's brother, in which he confessed to the shooting. At a hearing, the brother testified that he gave the statement a few days after Winston was convicted. The Center on Wrongful Convictions at Northwestern University School of Law took on Winston's case, and he received a re-trial before a judge in June 2012. On July 2, 2012, Cook County Circuit Court Judge Lawrence Flood acquitted Winston, who was then released after five years in prison.

14 **Andre Davis** *Northwestern University Center on Wrongful Convictions*

Andre Davis was exonerated on July 6, 2012, after spending almost 32 years wrongfully imprisoned for the rape and murder of a three-year-old girl in Illinois in 1980.

The 19-year-old Davis was new to the area and visiting at a house nearby at the time of the crime. When Davis was asked by an investigator during questioning if he had killed the girl, Davis allegedly responded, "It's possible." The investigator later admitted that this comment may have been taken out of context, but the interrogation was not recorded. Blood-type testing included Davis as well as roughly 20% of the population. Davis was convicted and sentenced to 80 years. Prosecutors had sought the death penalty.

Years later, a relative of the victim's, who always had doubts about Davis' involvement in the crime, wrote to him suggesting that he seek assistance from the Center on Wrongful Convictions at Northwestern University School of Law. New DNA testing obtained by the Center linked the crime to another person,

Maurice Tucker, who had been a witness for the prosecution at both of Davis' trials. Davis was exonerated.

15 **Sedrick Courtney** *Innocence Project*

Sedrick Courtney was misidentified by the victim of a 1996 violent burglary and sentenced to 30 years in prison. The Tulsa, Oklahoma, woman suffered a traumatic brain injury as a result of the incident. At trial, she identified Courtney as her assailant, saying she was "positive" in her identification. Courtney was known to the victim as a former neighbor and acquaintance. Paired with the testimony of a microscopic hair analyst who had examined hair from two ski masks worn by the assailants, Courtney's wrongful conviction was secured.

The Innocence Project, which is affiliated with Cardozo School of Law, accepted Courtney's case in 2007. Though Courtney's initial request for DNA testing in 2001 had been rejected—the Tulsa Police Department claimed that the evidence had been destroyed—repeated requests from the Innocence Project resulted in the discovery that the ski masks and hairs were still in the possession of the police.

Mitochondrial DNA testing showed that none of the hairs matched Courtney. Tulsa County prosecutors agreed that Courtney's conviction should be reversed. On July 19, 2012, a Tulsa County District judge granted the Innocence Project's motion to vacate Courtney's conviction and exonerated him after 15 years.

16 **Noe Moreno** *Duke Center for Criminal Justice and Professional Responsibility*

After a deadly 2006 car crash, Noe Moreno was arrested and charged with second-degree murder, two counts of assault with a deadly weapon and drunk driving.

Moreno was driving in Charlotte, North Carolina, with his brother and two other men

when their car veered into the other lane and was hit broadside by an oncoming vehicle. Although it was difficult to tell who had been driving since the vehicle and its occupants were jostled about, police arrested Moreno, a Mexican immigrant who spoke no English at the time. With almost no pretrial investigation, Moreno's defense lawyer advised Moreno that he could not win the case, and Moreno pled guilty in 2007 and was sentenced to 18-22 years in prison.

Shortly after his sentencing, Moreno attempted to reassert his innocence with the help of Duke Center for Criminal Justice and Professional Responsibility. Reconstructions of the accident and analysis of injuries by a trauma surgeon concluded that it was not possible that Moreno could have been the driver of the vehicle. On August 31, 2012, the convictions were vacated and the charges against Moreno were dismissed.

17 **Jason Puracal** *California Innocence Project*

Jason Puracal, a Tacoma, Washington, native, was wrongfully incarcerated for two years in Nicaragua and released in September 2012.

Puracal initially went to Nicaragua as a Peace Corps volunteer and later stayed to build a successful real estate practice. In 2010, without explanation, armed police raided Puracal's home and office. After the raid, he was arrested and charged with money laundering and drug trafficking, although there was no evidence to support these charges. No drugs were found in his home or office, and the financial exchanges that were alleged to be money laundering were legitimate real estate transactions through an escrow account. Regardless, Puracal was convicted and sentenced to 22 years.

Puracal's sister initially contacted the David House Agency for assistance. Other organizations joined the effort, including the California Innocence Project at California Western School of Law and Innocence Project

Northwest at the University of Washington School of Law. With additional support from influential officials in Congress, lawyers, and activists, the Nicaraguan appeals court finally granted Puracal a hearing in August 2012.

On September 18, 2012, the appeals court vacated his conviction and ordered him released. A few days later, he flew back to the United States where he was reunited with his family.

18 **Damon Thibodeaux** *Innocence Project*

Damon Thibodeaux became the 300th person to be exonerated by DNA evidence on September 28, 2012. Thibodeaux was wrongfully convicted and sentenced to death for the aggravated rape and murder of his 14-year-old step cousin, Crystal Champagne, in 1997 in Louisiana. Due to exhaustion and fear of the death penalty, Thibodeaux confessed after a nearly nine-hour interrogation.

At Thibodeaux's 1997 trial, the prosecution built its case around his confession. There was no physical evidence linking Thibodeaux to the crimes, and though Crystal was found undressed, no semen was found on her body and no other physical evidence that she had been raped. She had been strangled with a section of red cord found severed from a nearby tree. A week after the crime, detectives questioned two women walking on the levee close to where the victim's body had been found. Both said they saw a man pacing and acting nervously on the evening of the murder. Both women picked a photo of Thibodeaux from a photographic lineup, and both identified him at trial.

In 2007, the Jefferson Parish District Attorney's Office and the Innocence Project opened a joint reinvestigation of Thibodeaux's case, which found the confession to be entirely false and incongruous with all of the important facts of the crime. Multiple rounds of DNA testing on items in evidence, including a section of the red

cord, found no connection between the murder and Thibodeaux. The Innocence Project, which is affiliated with the Cardozo School of Law, the Capital Post-Conviction Project of Louisiana, and the law firm of Fredrikson & Byron represented Thibodeaux in his exoneration. Thibodeaux had spent 15 years on death row by the time he was released.

19 **Willie Grimes** *North Carolina Center on Actual Innocence*

Willie Grimes was wrongfully convicted of the 1987 rape and kidnapping of a 69-year-old North Carolina woman and sentenced to life in prison.

When Grimes learned that a warrant for his arrest had been issued, he turned himself in to police. Based on the victim's photo spread identification, Grimes was arrested and charged although he had a strong alibi for the night of the rape and fingerprint evidence collected from the crime scene did not implicate him.

In 1988, Grimes' case went to trial. The victim was shown the photo spread she had initially seen and could not identify Grimes' photo or remember if it was the same lineup she was shown previously. She identified Grimes in court, but only after mistakenly identifying his attorney as the rapist. The judge excluded the photo spread identification but allowed the in-court identification. Grimes' conviction also centered on testimony from a crime lab analyst who said that hairs found on the victim's bedsheet were microscopically consistent to Grimes.

At the close of trial, Grimes' attorney requested that the biological evidence be submitted for DNA testing, a forward thinking request for 1988. The judge took the request under advisement, but the judge and the defense attorney failed to ever follow up.

Grimes again sought DNA testing, and further analysis of the fingerprint evidence, in 1991, but

he was told that the physical evidence had been destroyed. The North Carolina Center on Actual Innocence accepted the case and helped secure a database run of the fingerprint evidence, which had not been destroyed, and implicated an alternate suspect. In May 2012, Grimes was released on parole, and on October 5, 2012, a three-judge panel declared Grimes innocent and vacated his conviction. He had served more than 24 years in prison.

20 **David Lee Wiggins** *Innocence Project*

David Lee Wiggins was wrongfully convicted of raping a child in Fort Worth, Texas, and was sentenced to life in prison in 1989. The 14-year-old victim was attacked in her home after opening the back door to let the dog go outside.

In her misidentification of Wiggins, the victim witness became prone to what social scientists call "mug shot commitment." She viewed Wiggins' photo in a photo array, and he also appeared in a live line-up. He was the only person to appear in both. Wiggins filed a pro se, handwritten motion from jail to suppress the victim's identification, but his attorney never followed up on the motion, and the court never held a hearing on the issue before or during the trial.

No physical evidence connected Wiggins to the crime. In fact, none of the fingerprints recovered from the crime scene implicated him. He consistently maintained his innocence and filed many unsuccessful requests for DNA testing. In 2007, the Innocence Project, which is affiliated with the Cardozo School of Law, took on Wiggins' case and pursued testing of the DNA evidence recovered from the victim's clothes. In August 2012, DNA results conclusively excluded Wiggins as the source of the partial DNA profile, and with the consent of the Tarrant County District Attorney's Office, he was freed after spending 24 years in prison. Wiggins was then officially exonerated on October 12, 2012.

21

Drayton Witt *Arizona Justice Project*

On October 29, 2012, the Arizona Superior Court dismissed the State's case against Drayton Witt who was convicted in 2002 of the second-degree murder of five-month-old Steven Witt. Though not his biological child, Witt was raising Steven as his own son.

Steven Witt had suffered medical problems almost every day of his short life. After being prescribed Cefzil for flu-like symptoms, he began to experience seizures. On June 1, 2000, Steven suffered a catastrophic seizure, which resulted in his death. However, medical professionals at the time believed that he had been fatally injured.

On February 26, 2002, after a 10-day trial, a jury convicted Witt of second-degree murder, and sentenced him to 20 years in prison. The State witnesses relied on the triad of symptoms associated with "Shaken Baby Syndrome" (subdural hematoma, retinal hemorrhages, and cerebral edema) to conclude that the baby must have been shaken by his father, the only adult with him at the time of the fatal seizure.

The Arizona Justice Project began working on Witt's case in 2008. Eight different experts in a variety of fields reviewed the case and provided sworn testimony in support of Witt. Finally, the medical examiner who conducted Steven's autopsy re-examined the case and signed a sworn affidavit stating that he no longer stood by his previous conclusion. Witt was released on May 31, 2012 after 12 years in prison and officially exonerated five months later when the State moved to dismiss the charges against him.

22

Selesa Likine *Michigan Innocence Clinic*

Selesa Likine was charged in 2008 with the felony of failing to pay child support. Likine could not have made the payments because she had become severely mentally ill with schizophrenia, lost her job, was involuntarily hospitalized and was declared

disabled by the Social Security Administration. At the same time, her child support payments were increased by a factor of seven due to an administrative error.

Likine's trial counsel was not allowed to explain to the jury why she didn't make the payments in full or even that the assessed charges were erroneously high. During deliberations, the jury sent out a note asking if Likine was employed during the period when she did not make her payments, but the judge told the jury that it was irrelevant. The jury never learned that she had been involuntarily hospitalized during that period.

The Michigan Innocence Clinic successfully convinced the Michigan Supreme Court to reverse Likine's felony conviction. Four months later on November 14, 2012, the Michigan Attorney General dismissed, with prejudice, all charges against her. She spent four years on felony probation and served 43 days in jail.

NETWORK MEMBERS

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Center on Wrongful Convictions

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**Office of the Public Defender,
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University of Cincinnati College of Law

**Office of the Ohio Public Defender, Wrongful
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Oklahoma Innocence Project
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Sellenger Centre Criminal Justice Review Project
The School of Law and Justice,
Edith Cowan University (Australia)

Texas Center for Actual Innocence
University of Texas School of Law

**Thomas M. Cooley Law School
Innocence Project**

**Thurgood Marshall School of Law
Innocence Project**
Earl Carl Institute

**University of British Columbia Law
Innocence Project**
University of British Columbia
Law School (Canada)

University of Leeds Innocence Project
The University of Leeds School of Law (UK)

**Wake Forest University Law School Innocence
and Justice Clinic**
Wake Forest University Law School

Wesleyan Innocence Project
Texas Wesleyan University School of Law

West Virginia Innocence Project
West Virginia University College of Law

Wisconsin Innocence Project
University of Wisconsin Law School

Witness to Innocence

Wrongful Conviction Clinic
Indiana University School of Law

INNOCENCE NETWORK

The Innocence Network is an affiliation of 64 member organizations dedicated to providing pro bono legal and investigative services to individuals seeking to prove innocence of crimes for which they have been convicted and working to redress the causes of wrongful convictions.

For more on the Innocence Network and for information on how to contact member organizations, please visit www.innocencenetwork.org.

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