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# The Innocence Quarterly [Spring 2002]

Northern California Innocence Project

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## A year in the life

It has been just over a year since we opened the doors of the Northern California Innocence Project at Santa Clara University. It was summer 2000 when we initially talked about the need for an Innocence Project in Northern California, one that would complement the work of the newly created California Innocence Project at Cal Western School of Law in San Diego. The original idea was to work on preparations for an Innocence Project over the next year with a planned starting date of fall 2001.

But all that changed when we realized that California Penal Code §1405 was in the works and would become law nine months before our scheduled opening. Concerned we would lose momentum generated by the enactment of the new statute if we delayed the project until fall, we decided to jump-start the program. So in January 2001, the NCIP opened for business.

Since that day, life has been a whirlwind. Starting early meant we had few resources and very little planned organization, so from day one the NCIP has been running on the passion, dedication and adrenaline of the people who care about this work. As students fondly characterize this office, "It's a black hole—once you enter the building, you never leave." But whatever we're doing, we're doing right—the project has far exceeded expectations.

Over the past 14 months, the NCIP has handled, at one stage or another, more than 800 requests from California inmates and a few outside the state. Of those, over 350 are actively being investigated. In February, we were successful in securing the release of 39-year-old Ron Reno, who had already served six years of a 25-to-life sentence for a crime he did not commit.

Not a DNA case, Reno's ordeal is particularly important because it forces public attention away from DNA and onto what really matters—the problems in our system that lead to wrongful convictions in the first place. The media is too often focused on the technical and scientific advances of DNA. They disregard the people who are in mistakenly in prison but where there is no DNA to prove their innocence.

The Reno case also underscores what is wrong with the three-strikes law. Faced with the threat of 75 or 100 years in prison, having been charged with four felonies, Reno pled guilty to a crime he was not guilty of in exchange for a 25-to-life sentence.



(Clockwise from top): NCIP Supervising Attorney Linda Starr, Ron Reno and girlfriend Debbie Brown at the NCIP's first anniversary celebration. Photo by Ami Mudd.

## NCIP client exonerated

The NCIP secured the exoneration and release of Ron Reno this past January. Reno had been in prison six years of a 25-to-life three-strikes sentence. With the help of the NCIP Reno was able to prove himself factually innocent of the charge. With his exoneration Reno became the first victory of the Innocence Project since it was founded one year ago. For the full story see page 4.

# MARY LIKINS

## legal nurse extraordinaire

By Kimberly Lynch

**M**ary Likins, Forensic Nurse Consultant for the Northern California Innocence Project, will be the first person to tell you that the legal inquiry into and investigation of a factual claim of innocence is very similar to the process of triage and medical diagnosis: both require a daunting degree of knowledge coupled with innate confidence in one's own professional expertise. Medicine and law are disciplines reliant upon factual knowledge and analytical ability. Both require the ability to remain objective, calm and organized in crisis. They both demand skill at quickly sorting essential facts from red herrings destined to lead the attorney or diagnostician to erroneous, potentially dangerous conclusions. Practitioners in both fields would agree that something decidedly unscientific and impossible to prove is characteristic of people who excel in either field: intuition. In addition,

the best result is obtained in either field when practitioners have the ability to tolerate uncertainty and rely on collaboration with colleagues to resolve it.

Mary, a registered nurse, brings to the Northern California Innocence Project twenty years of experience in emergency room medicine, trauma treatment and critical care. Her medical knowledge, experience, intuition and collaborative skill have proved to be invaluable to the success of the NCIP. Yet

*Every day brings a NEW CHALLENGE, a new field to investigate and MASTER in the hope of FINDING THE LAST PIECE OF A PUZZLE that will see an innocent person go free.*

she says if you had told her five years ago that she would be using her medical skill within the field of law she would have found such a proposition to be unimaginable.

In 1999, after a brief hiatus from full-time nursing, Mary earned a certificate as a Legal Nurse Consultant. The certification program at California State University, Hayward, gave her a strong legal background to merge with her existing nursing experience. After earning her certificate, it was her intention to build a network in the legal community and develop a career as a legal nurse consultant. She imagined she would be working on cases involving medical malpractice, personal injury and other health care delivery litigation.

It never occurred to Mary, until she met Cookie Ridolfi, that there might be another application for her education, experience and skill. Cookie was look-

ing for someone with a science and medical background to help the project evaluate forensic evidence. Mary thought helping the NCIP while she was building her own practice would be an interesting short-term vol-

unteer assignment. She signed on in December 2000 and over a year later is still with the Project. Now a full-time NCIP employee, she is quick to tell you that nothing could compare to the challenge and satisfaction she has experienced working for the NCIP.

When asked why she has stayed with the project she smiles and says, "Because I know it is where I am supposed to be." She confesses she takes some ribbing about her "feelings" from Cookie. But it is that intuition—those "feelings"—coupled with her medical expertise, skill and administrative abilities that make her an invaluable member of the staff.

Mary spends hours patiently working through questions brought to her by students reviewing cases. She has organized the logistics of assigning cases, supervised investigative progress, and worked directly with medical examiners, criminalists and private investiga-

See *Legal nurse extraordinaire*, page 7



Forensic Nurse Mary Likins. Photo by Lori Kinder.

## NCIP receives state funding

In February 2002, the Office of Criminal Justice Planning announced that the Northern California Innocence Project was selected to receive funding under the California Innocence Protection Program. NCIP will receive \$240,000 over the next year.

The Innocence Protection Program was established in the State Budget to support law clinics, public defenders and others in investigating claims of wrongful conviction. The funding was proposed by Senate President pro tem John Burton (D-San Francisco) as a follow-up to legislation he authored creating a right to post conviction DNA testing for claims of innocence.

"We established the right, so it seems only fair to back it up with some resources," Burton said. "In a bunch of cases where inmates have repeatedly claimed innocence, but didn't have a way to prove it, the Northern California Innocence Project has stepped up to the plate. With this funding, the state's essentially giving them a bat."

The NCIP will use the funding to pay staff salaries, investigation and other expenses incurred for work on DNA cases.

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Golden Gate Program Supervisors

### NCIP Advisory Board

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## Neufeld encourages law students to take part in "the new civil rights movement"

By Dori L. Yob

**O**n Thursday, February 14, Peter Neufeld spent his day in Santa Clara celebrating the Northern California Innocence Project's first anniversary and, more importantly, its first exoneration. Neufeld is a nationally known criminal and civil rights attorney and co-founder of the first Innocence Project, located at the Benjamin N. Cardozo School of Law in New York. Neufeld works alongside attorney Barry Scheck in an effort to seek the release of wrongfully convicted people through DNA testing. Neufeld, Scheck and Jim Dwyer are co-authors of the 2000 book *Actual Innocence*. Together with law students at Cardozo, Scheck and Neufeld have helped free 102 wrongfully convicted people.



Attorney Peter Neufeld. Photo by Barry Holtzclaw.

During Neufeld's visit, he met with law students and faculty to discuss his work and to congratulate NCIP on its recent success in winning exoneration for Ron Reno, imprisoned for 25-to-life on a wrongful three strikes conviction. Neufeld began his discussion by explaining the facts of Cardozo Law School's most recent exoneration. In that case, Bruce Godschalk was serving a 20-year sentence for two Philadelphia rapes he did not commit. Godschalk said he falsely confessed to the rapes because the interviewing detective threatened him. He fought for DNA testing for seven years while in prison. When Godschalk's DNA was finally tested, the results showed that both rapes were committed by the same man, but not by Godschalk.

As he discussed the problems with the case, Neufeld said he was most shocked by the attitude of the district attorney in Godschalk's case. After the DNA results were released, the district attorney said that the DNA testing is flawed and that he trusts his detective, whom he twice promoted, more than he trusts the DNA results.

Neufeld said that although people like Godschalk and Reno would not be out of jail without the hard work of innocence projects, the overall mission of the organizations is even greater than that. He said, "What is most important is not how they got out, but how they got in." He continued, "The only way we can get reform is through awareness of the problems." Neufeld complimented Ami Mudd and Marina Jorgensen, the students who worked hard on Reno's case. Neufeld remarked, "People are taking notice of this problem because of students like Ami and Marina."

Since Neufeld helped open the first innocence project, 25 similar organizations have been established around the country. Neufeld emphasized that the projects are important not only because they are helping to get innocent people out of jail, but because "students are becoming empowered to make substantive change." Neufeld said that when he looks at the facts of Reno's case he sees two problems that recur in many of the innocence cases. The first is ineffective assistance of counsel, which Neufeld says is a major cause in 25% of wrongful convictions. This problem can only be corrected through "systemwide change," Neufeld remarked. The second problem is the three strikes law. Before that law, people pled to felonies so they would not have to spend time in jail awaiting trial. Once the law was enacted, those felonies became strikes and people like Reno ended up with life sentences for relatively small crimes.

Neufeld is enthusiastic about the work of innocence projects throughout the country. He said the recent "wave of exonerations" has ignited a "new civil rights movement." Neufeld said that this revolution is an excellent opportunity to make substantive change, and "we all have a chance to be a part of it." Neufeld said it is great to get involved based on feelings of political and social responsibility, but when you look beyond that, there is an excellent selfish reason to do this work as well—"It is a great emotional high!"





Top row: Ami Mudd, Mary Likins (NCIP Forensic Nurse/Case Manager), Ron Reno, Marina Jorgensen. Bottom row: Jan Turley (paralegal), Debbie Brown (Reno's girlfriend), Mike Willemssen, Linda Starr and Cookie Ridolfi. Photo by Ben C. Morgan. Montage by Jill Kent.

# Wrongfully convicted, rightfully freed

You're arrested and have  
a LIFE SENTENCE for a  
crime you didn't commit.

You have a great appellate attorney  
but lose on appeal. WILL NEW EVIDENCE BE YOUR TICKET HOME?



By Marina Jorgensen

**Y**ou've met your attorney for the first time five minutes before your trial is to begin. You've had no legal training, you have a prior record and your attorney tells you to either plead guilty and get 25-to-life or go to trial and get 100-to-life. You decide to cut your losses and plead guilty. Twenty-five-to-life...at least you might have a chance of getting out when you're in your sixties.

Those were the options presented to Ronald Reno six years ago when he made the decision to plead guilty to felony possession of a firearm. His nightmare began back on April 16, 1996, a day that would change his life forever. It was on that day Reno went to Sears to meet up with two friends who were there shopping. After Reno found his friends he spotted a pair of boots that he liked. He tried on the pair in his size but decided not to get them because he didn't have enough money. His friend offered to buy them for him if he promised to pay her back later. Reno agreed. While Reno continued to browse, his friend made the purchase.

Reno subsequently got separated from his friends and went out to the parking lot, looking for the truck his friends had said they were getting a ride home in. Reno found the truck. His friends weren't there, but a man named Preston Marsh was. Reno didn't know Marsh but they talked for a moment and Reno asked if he could leave his boots in the truck while he looked for his friends. Marsh said OK.

When Reno reentered Sears he had his friends paged. He was then lead to the security office where his friends had been taken into custody for using a stolen credit card to make their purchases that day. Reno immediately offered to return the boots. He was escorted out to the truck by security but when they got there the truck was locked and Marsh was gone. The

security guards jimmied the locks on the truck to retrieve the boots. When they opened the boot box there was a gun inside.

Marsh had bought the gun for \$50 earlier that day and was attempting to sell it to one of Reno's friends for a quick profit. After Reno left the boot box in the truck, Marsh decided to go to 7-11 to get a soda. He didn't want to have the gun on him so he stashed it in the boot box. On his way back from 7-11 he saw the security guards around the truck and took off.

However, security decided the gun was Reno's, so they took him into custody and he was arrested. With other felonies already on his record, Reno felt helpless when urged to accept 25-to-life without a trial. He decided to take the deal rather than risk a 100-year sentence, thinking he'd at least stand a chance of seeing his family again if he took the plea bargain.

About 10 days later Reno attempted to withdraw his plea. His request was denied. Two years later on appeal the court found Reno's trial counsel to be ineffective, but because Reno did not produce Marsh in court, the ineffectiveness was found not to have prejudiced his case. So Reno sat in jail, believing his last chance was used up, with no options but to do his time—to be in prison so long he would never be able to have children or see his parents again.

Then one day in April 2001 Reno was working intake at the prison admissions office when he saw the name "Preston

Marsh" on the roster. Reno couldn't believe his eyes. Neither his attorneys nor the police had been able to locate Marsh because he had been living on the lam under an assumed name for several years prior. It wasn't until his photo appeared on "Crime Stoppers" that he was arrested by authorities on unrelated charges. And now he was in the same prison, just a few cells away.

Reno found Marsh and told him what happened on that April day five years earlier. Marsh at some risk to himself volunteered to come forward to take responsibility for the gun.

Reno sent Marsh's declaration to his appellate attorney, Michael Willemssen. Willemssen had doggedly represented Reno on appeal

and in the habeas proceedings where trial counsel had been found ineffective. However, the California Supreme Court had recently hired Willemssen as a staff attorney. As a court employee he was therefore unable to represent Reno in any further proceedings. Unwilling to leave Reno without an attorney, Willemssen referred the case to the Northern California Innocence Project. When Willemssen told NCIP Director Kathleen "Cookie" Ridolfi and NCIP Supervising Attorney Linda Starr about Reno's case they agreed to represent him.

The case came along in early May 2001, just before the NCIP's new group of summer students came on board. It was

See *Rightfully freed*, back page

*For over five years Ron Reno sat in jail for A  
CRIME HE DIDN'T COMMIT with NO HOPE of  
release. That's when the NEWLY FOUNDED  
Northern California Innocence Project stepped in.*

## A conversation with Ron Reno

**NCIP** How did you learn about the Northern California Innocence Project?

**RR** Through our attorney, Michael Willemssen.

**NCIP** What kinds of things did you hear about the Project from either attorneys, inmates, friends or family?

**RR** That they took hopeless cases, to review and then prove the innocence.

**NCIP** What was it like having students represent you?

**RR** It was nice. They weren't hardened by the system. They truly believed in me.

**NCIP** In the beginning and throughout the process did you think the petition for habeas corpus would be successful?

**RR** I trusted in the way that the Project put everything together, but I did not trust how Fresno County would handle it. I figured they would hand it off to the next level.

**NCIP** Did you think the students would be able to handle the petition?

**RR** Yes. I had full confidence in them.

**NCIP** What have you been doing since you were released?

**RR** Working, spending time with my family and friends. Enjoying all the things in life that you are deprived of incarcerated.

**NCIP** What are your plans for the future?

**RR** To stay clean and be a productive member of society.

**NCIP** Given what you have been through, do you have any plans to help people who are in a similar situation?

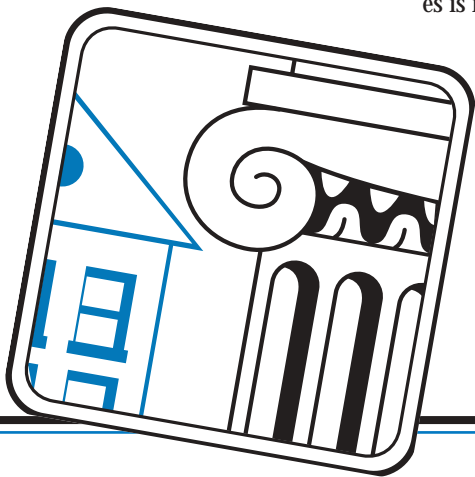
**RR** I would do whatever I could do to help but I think the best thing I could do is to set the best example possible.



# STREET SMARTS

## INNOCENCE PROJECT STUDENTS LEARN HOW THE LAW REALLY WORKS

By Paula Moreno



The Northern California Innocence Project (NCIP) at Santa Clara University School of Law is a clinical experience offered to law students. Students enrolled in the course earn units by investigating cases of California prison inmates who claim to be factually innocent and by attending classes twice a week. The course is taught by Professor Cookie Ridolfi, Supervising Attorney Linda Starr and Forensic Nurse Consultant Mary Likins.

Part of class time is spent in “case-round” sessions where students present the facts and procedural history of a case to the class to collaborate on how the investigation should proceed. The balance of class time is dedicated to lectures and discussions about the workings and weaknesses of the criminal justice system. This semester students also benefited from the experience and advice of a local public defender who attended a case-round session. Other lecturers have included professional investigators, criminal appellate attorneys and a forensic scientist.

Many of the classes focus on the causes of wrongful conviction. Understanding these causes is imperative so students can recognize what errors in the system lead to the conviction and imprisonment of innocent people.

Recently, students at the NCIP had a unique opportunity when Peter Neufeld, co-author of the book *Actual Innocence* and co-founder of the Cardozo Innocence Project in New York, visited. During a lecture Neufeld played an audio-taped confession of a man who had recently been exonerated. The tape reinforced what the students had already learned earlier in the semester—innocent people do confess to crimes that they did not commit. This type of hands-on learning makes the NCIP an exceptional experience for students. Neufeld reminded the audience that the purpose of Innocence Project work is not only to figure out how to

get innocent people out of jail, but also to figure out how they became incarcerated in the first place, with the goal of improving the criminal justice system.

To that end, students engage in a multidisciplinary study of legal cases and articles, psychological and sociological studies and data, and forensic science. They study the complex world of state and federal post-conviction proceedings and learn techniques of investigation and interviewing witnesses. They then put it all together and draft legal pleadings and briefs. Many students have been so intrigued by the legal questions presented in their cases that they have written law review articles exploring these issues.

In the NCIP’s first year, students already secured the exoneration of one inmate (*see story, page 4*). However, the success of the NCIP goes beyond exonerations. Few law school classes challenge students intellectually and emotionally both in the classroom and in the work they do for real clients. Because the NCIP is run much like a civil or criminal law firm the students learn practical legal skills such as time management, appropriate and effective communication, writing memos and briefs, and using an electronic case management and billing system.

## NCIP goes High-tech with Amicus Attorney



How *does a staff of five plus numerous law students* TRACK OVER 700 *cases?*

By Mary Likins

NCIP staff and students are embracing the information age by converting to Amicus Attorney, a law office practice management program developed by Gavel and Gown Software of Toronto, Canada. The application is the world’s most popular law practice management program, with over 165,000 clients worldwide.

Amicus Attorney is a sophisticated yet user-friendly program that manages data on the over 800 NCIP inmate contacts and 350 active files. Mastery of this sophisticated program allows staff to view,

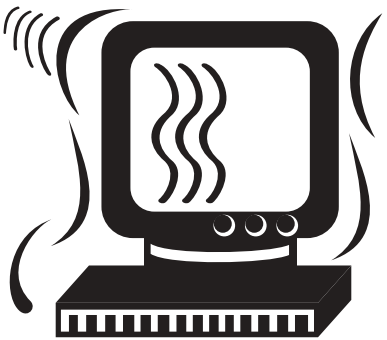
edit and evaluate case information from their desktops, as well as assist students in organizing information in an efficient way. Amicus also gives SCU law students the opportunity to work with the same type of law office program they will likely encounter after graduation.

NCIP customized Amicus to suit the unique needs of an innocence project with the help of ProBill Law Firm Solutions, Inc., of Boca Raton, Florida. John Mitchell and Tana Boniello, owners of ProBill, have made significant donations to NCIP and other innocence projects to assure their success in implementing Amicus.

“We are very pleased to be a part of the excellent work being done by innocence projects nationwide,” Mitchell said.

It has been a difficult conversion process for NCIP staff, which has struggled with program crashes, server problems and network nightmares. For the technologically challenged NCIP staff, the hero has been Hadi Amjadi from the law school’s Computer Services department. Amjadi spent quite a bit of his spare time at the project’s office, guiding the staff and students through the techno-maze.

NCIP students appreciate the opportunity to learn Amicus Attorney. Paula



Moreno, NCIP student and research assistant, finds the system helps keep case consistency despite inevitable student turnover.

“Before Amicus we had multiple generations of case summary documents, each prepared by a different student. Now we have only one method for storing information, and case data is much more precise,” Moreno said.

Other innocence projects around the country are following NCIP’s lead. The California Innocence Project in San Diego was so impressed with the system at NCIP they decided to purchase Amicus Attorney themselves. The Innocence Program at Cardozo Law School in New York also uses Amicus to manage their cases.

## Legal nurse extraordinaire

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tors to advance inquiries. In the process, she has come to love working with law students. She takes immense satisfaction watching students grow in both professional expertise and personal and professional confidence.

The best thing about the project, she said, is the staff. She loves coming to work each day. The environment is one that invites creativity, rewards initiative and challenges intellect. Every day brings a new field to investigate and master in the hope of finding the last piece of a puzzle that will see an innocent person go free.

Mary finds it exciting to be working on something that brings together her love of forensic science, an opportunity to help individuals who were wrongfully convicted and the chance to create a better system of justice. When she talks about the benefits of nursing, of seeing people comforted by her care, her voice has the same compassionate tone as when she talks about the relief and hope she has seen the Project bring to the wrongfully convicted and

their families.

Her belief in the value of the work and her “feeling” that this is where she is supposed to be has inspired students to look deeply at our system of criminal justice, highlighting the human cost of error. With her unique combination of compassion and detached objectivity, Mary makes students comfortable with looking past the name on a case to the person belonging to the name. Students quickly learn to rely on her patience and expertise to sort through complex and sometimes emotionally challenging cases.

Mary continues to provide independent legal nurse consultant services to attorneys throughout California, assisting them with expert interpretation of medical records in both criminal and civil matters. But her first love is her work at NCIP. She is the first to tell you she has benefited incalculably from working for the NCIP and the last to realize just how much the staff, students and clients of the project benefit from her expertise and support.

## HELP US FREE THE INNOCENT

*The NCIP is funded through SCU, grants and private donations. If you would like to help please fill out this form and return it with your donation to the address below. Thank you for supporting our efforts.*

- ☐ Champion Level: \$5000 or more
- ☐ Benefactor Level: \$3000 or more
- ☐ Representative Level: \$1000 or more
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Name \_\_\_\_\_  
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Make your check payable to Northern California Innocence Project and mail with this form to:

**Northern California Innocence Project**  
**874 Lafayette Street**  
**Santa Clara, CA 95050**

*Donations are tax-deductible as provided by law.*

# Rightfully freed

continued from page 5

only the NCIP's second group of students since its inception that January. The case was assigned to two earnest students, Ami Mudd and Marina Jorgensen. Under Starr's supervision, the students researched and wrote a petition for writ of habeas corpus based upon newly discovered evidence and actual innocence. The students filed the writ at the end of July. The Fresno County Superior Court issued an order to show cause and scheduled an evidentiary hearing. The Fresno County District Attorney responded and the NCIP filed their traverse. The matter was set for a January 23, 2002 hearing.

Ridolfi, Starr, Mudd and Jorgensen traveled to Fresno the day before the hearing and met with the D. A., who was then ready to deal. After meeting Marsh in prison, the D.A. believed Reno to be innocent of the gun charge but felt with his prior record that he must be guilty of something. The deal was made that the petition for writ of

habeas corpus would be granted, Reno would plead guilty to one count of fraudulent use of a credit card and all other charges, along with all but one of his strike priors, would be dismissed. The guilty plea would result in a four-year sentence. Under this plea he would be released immediately with six years time served. Reno took the deal and was released from county jail the next day.

Since that time Reno has been welcomed back into his strong community of friends and family. He has already taken classes to become a phlebotomist so he can work with his girlfriend's business of conducting medical exams for insurance companies. He came to Santa Clara on February 14 for the NCIP fundraiser and with great eloquence shared his story with a classroom of law students and at a press conference earlier in the day.

Reno is anxious to get on with his life and plans to repay the Innocence Project by living out a meaningful life.

# Year

continued from front page

This case clearly demonstrates the unfair pressure that three strikes places on innocent people to plead guilty.

The NCIP has as a primary objective the exploration of the causes of wrongful conviction and the education of students and the public about these important issues. Law reform is an important part of our work. Right now, we are exploring ways to reform identification procedures in California, as was recently done in New Jersey. Within a University setting, the NCIP is uniquely situated to address these issues. In our next newsletter we'll feature a more detailed description of this project.

For anyone interested in criminal defense or in addressing problems of our criminal justice system, there is no more exciting place to work today than an innocence project. On a personal note, having worked in the criminal law arena for more than thirty years, I would rank this work at the top of that experience. On behalf of the NCIP staff and students I thank you for your continued support.

Cookie Ridolfi  
Director, NCIP



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