1-1-2008

The Innocence Quarterly [Winter 2008]

Northern California Innocence Project

Follow this and additional works at: http://digitalcommons.law.scu.edu/ncipnewsletter

Automated Citation
http://digitalcommons.law.scu.edu/ncipnewsletter/9

This Article is brought to you for free and open access by the Northern California Innocence Project at Santa Clara Law Digital Commons. It has been accepted for inclusion in Northern California Innocence Project Newsletter by an authorized administrator of Santa Clara Law Digital Commons. For more information, please contact sculawlibrarian@gmail.com.
The Innocence Project Honors Frank Quattrone

Call it kismet, a harmonic convergence or a cosmic alliance, but one morning in May 2004, when all hope seemed lost for the Innocence Project, Denise Quattrone urged her husband, Frank, to read a news article about a man named John Stoll. After serving 20 years in prison for crimes he did not commit, Stoll had just regained his freedom thanks to a little-known group called the Northern California Innocence Project.

At the time, Frank Quattrone was in a fight for his own freedom with the United States Department of Justice, a fight he ultimately won with a successful appeal. But as the jury returned a guilty verdict when Quattrone knew he was innocent, he vowed to help others in that situation who lacked the resources to fight injustice. Just two days later, he read the Stoll article and, moments later, placed a call to Cookie Ridolfi, the Innocence Project’s executive director. They soon discovered that their childhood backyards in South Philadelphia had faced one another, separated by a tiny patch of concrete alley. Karma. That call changed the fate of the Northern California Innocence Project and the unjustly imprisoned men it has returned to their lives and families.

Before that crucial phone call, the Northern California Innocence Project seemed destined for extinction. The State of California had eliminated the program’s funding in the wake of budget deficits. The few who remained on staff had just returned from four months in Bakersfield, fighting for and winning the release of John Stoll using their own credit cards to house key witnesses. Despite the enormity of this accomplishment, the attorneys were preparing to close the program down. Unable to attract the attention of major donors, they were mere months from shutting their doors.

“It wasn’t just financial support, which Frank and Denise gave us immediately in order to stop the bleeding,” Ridolfi says. “But Frank’s experience and phenomenal insight on how to build and sustain this organization has made such a difference.”

Until he was indicted for obstruction of justice in 2003, Quattrone had been one of the most successful investment bankers in Silicon Valley, helping entrepreneurs move their ideas from concept to publicly traded companies, many of which grew to be global giants, such as Cisco, Netscape and Amazon.com. Quattrone saw in the team at the Innocence Project the same drive and dedication he’d observed countless times in small private companies which ultimately became his most successful clients.

The similarities didn’t end there. Like many start-ups, the Innocence Project lacked professional management

continued on page 3
Sean Penn to Narrate Northern California Innocence Project Movie

Academy Award Winner Sean Penn has signed on to narrate a feature-length documentary highlighting the Northern California Innocence Project’s most high-profile case. Within minutes of watching “An American Witch Hunt” Penn “was in.” Compelled by the agonizing story of John Stoll and dozens of other wrongfully convicted people, Penn vowed to make sure the film gets released and publicized.

“An American Witch Hunt” chronicles the unraveling of a small town’s justice system. The main characters in this film, including Stoll, were all working-class moms and dads who were wrongly convicted of child molestation. They served lengthy prison terms and were ultimately exonerated. All of the convicted were recklessly pursued by the same District Attorney who remains in office today. His zealotry and political ambition supersedes truth and justice, even now. The Innocence Project’s Cookie Ridolfi and Linda Starr are strong voices in this film. In addition to clearly showing how the Innocence Project goes about freeing the innocent, they demonstrate how their work helps not only the innocent but the justice system as a whole.

Bay Area filmmakers Dana Nachman and Don Hardy have submitted “An American Witch Hunt” to the Tribeca Film Festival. Nachman and Hardy are working closely with Penn and his agents to make sure the film is positioned well for a worldwide release later this year.

Attention NCIP Alumni

If you have taken any of the NCIP courses, please contact Amy Kennedy at aekennedy@scu.edu. We are putting together an alumni article for the spring and would love to know where you are and what you are doing.
Frank Quattrone Honored

continued from page 1

skills and, according to Ridolfi, the essential skill of major fundraising. “We are lawyers who care deeply about innocent people who are languishing in prison. We do a great job litigating innocence claims, but you wouldn’t want any one of us running your business. Before Frank joined us, our idea of fundraising was holding a bake sale. We developed the program and survived on state funding, but when that money disappeared, we had very little in reserve,” Ridolfi says. “Frank made it possible for us to build our donor base.”

Quattrone’s impact on the organization was not just financial. His involvement on the Innocence Project’s Advisory Board has attracted other business and non-profit professionals.

Jim Anderson, a veteran venture capitalist in Silicon Valley, learned about the organization from Frank. “When Frank first told me about the Innocence Project, it was clear that there were some fundamental flaws in the way we implement our legal system,” says Anderson, who has known Quattrone for 25 years and praises him for his honesty and tenacity.

Speaking about Quattrone’s indictment, Anderson says, “Frank’s tragedy has led him to leverage his experience and expertise in helping the Innocence Project implement important changes in the way our justice system operates.” Anderson says he was motivated by Quattrone’s involvement to join the Advisory Board and “help raise public awareness about the need to correct the injustice often found in our legal system.”

Dennis McBride is another Quattrone connection on the Advisory Board. He has helped the organization make the best use of its money, applying the same principles of accounting, budgeting and forecasting he employed while at Silicon Graphics. “Before Frank became involved, the Innocence Project lived hand-to-mouth,” McBride says. “Now we raise nearly $800,000 a year.”

When Quattrone joined the Advisory Board, the Innocence Project was operating with limited funds and was unable to hire additional lawyers. Since Quattrone’s involvement, Ridolfi has been able to beef up her staff, allowing the group to investigate thousands of requests from prisoners with claims of innocence and exonerating and freeing five more people who were in prison serving time for crimes they did not commit.

Quattrone also introduced the group to Beau Takahara, who serves as its first development director in charge of the organization’s fundraising efforts. In March 2008, six years after opening its doors, the organization will hold its inaugural awards dinner to honor people who have been instrumental to its success. “I don’t know that we’d still be here without Frank,” Ridolfi says. “I’d call that pretty instrumental.”

Linda Starr, legal director at the Innocence Project, puts it this way: “Frank said that as he sat at the defense table with the best of counsel and resources, he thought about the plight of innocent people who had been wrongly convicted and had no resources with which to fight. He decided to use his own experience to help them prove their innocence and regain their freedom, and to help change the justice system to prevent future convictions of innocent people.”

—Linda Starr, legal director, NCIP

Saving the Northern California Innocence Project and helping it build its infrastructure is praiseworthy, but that’s not Quattrone’s most important legacy to the group. Thanks to him, Innocence Project attorneys and staff can now turn their full attention to identifying the innocent and winning their freedom. He’s also made it possible for Ridolfi to work on policy initiatives that will reduce and may eventually eliminate the causes of wrongful conviction. And that’s good news for everyone.
The Northern California Innocence Project celebrates its inaugural Justice for All Awards Dinner on Thursday, March 27th in the beautiful Rotunda of San Jose’s new City Hall and invites you to attend this very special evening honoring five individuals for their outstanding dedication to justice for all.

Frank Quattrone, the Innocence Project’s Advisory Board Chair featured in the lead article on page 1, will be honored for his work with the Innocence Project and will speak about his personal experience with the justice system. Former California State Attorney General John Van de Kamp, chair of the California Commission on the Fair Administration of Justice, will also be honored along with exoneree Antoine Goff, who served 14 years in prison for a crime he did not commit. Also receiving an award will be Dana Nachman and Don Hardy, documentary filmmakers of An American Witch Hunt, a film about exoneree John Stoll who was wrongly incarcerated for 20 years. Renowned New York civil rights attorney Barry Scheck, co-founder of The New York Innocence Project, will deliver keynote remarks.

George and Danielle Boutros and William J.B. Brady are the Honorary Co-chairs of the event. Lead supporters include Hilary Valentine and Don Listwin, the Gerbode Family, Tina and John Keker, Keker & Van Nest, Howard Rice Nemerovski Canady Falk & Rabkin, Morrison & Foerster, Simpson Thacher & Bartlett, and Rick and Kathy Kimball.

Your participation in this event will make a huge difference in helping the Innocence Project accomplish one of the most important goals of our time —achieving justice for all.

For information on table sponsorship and ticket purchase, please contact Beau Takahara, 408-554-1945, btakahara@scu.edu. Space in the Rotunda is limited and the event is expected to sell out early.

Thank you to additional early sponsors and supporters including:

Jim Anderson
Ronda & Gordon Eubanks/Tod Schlein
HRJ Capital
Orrick, Herrington & Sutcliffe LLP
Shearman & Sterling LLP
Skadden, Arps, Slate, Meagher & Flom LLP
Weil, Gotshal & Manges LLP
Arguedas, Cassman & Headley LLP
Sean Kali-rai
Cooley Godward Kronish LLP
Farella, Braun & Martel LLP
The Tech Museum of Innovation
Thelen, Reid, Brown, Raysman & Steiner
VMware
Wilson Sonsini Goodrich & Rosati Foundation
Zhone Technologies

March 27, 2008
6:00 to 9:00 PM
San Jose City Hall Rotunda

For more information on table sponsorship and ticket purchases, please call Beau at 408-554-1945 or email btakahara@scu.edu
NCIP Goes to the 9th Circuit

On October 15, Barry Scheck argued the case of Moore v. Lockyer in the 9th Circuit in San Francisco. Kenneth Moore is represented by the Northern California Innocence Project in a case that raises the very significant question of whether there is a federal due process right to post-conviction DNA testing and if there is, what standard must be shown to obtain that testing. The case also involves whether Moore is barred from pursuing this federal relief because he litigated and lost this claim earlier in state court pursuant to the state statute that authorizes post-conviction DNA testing.

Moore was convicted of a string of offenses in 1979. Moore always maintained his innocence and said that while he was guilty of having stolen a truck, he had nothing to do with the more serious offenses of armed robbery, rape and homicide, for which the state used a modus operandi theory. When California enacted Penal Code § 1405, which allows inmates appointment of counsel to investigate and, if appropriate, file a motion for DNA testing, Moore sought testing of remaining biological material. Although evidence remained in one of the rape cases, the state opposed testing and the court refused to grant it. Moore filed a federal civil rights complaint arguing that he had a federal constitutional right to access to that potentially exonerating evidence for post-conviction DNA testing. The Northern California Innocence Project assumed representation of Moore at the request of the federal district court. Along with lawyers at the New York Innocence Project, NCIP lawyers redrafted Moore’s complaint. After the State Attorney General filed a motion to dismiss the claim, NCIP lawyers opposed, appeared and argued the matter in the federal district court. When the federal district court dismissed the complaint on the basis of collateral estoppel, and with the pro bono assistance of the law firm of Weil, Gotshal and Manges, NCIP appealed to the 9th Circuit.

After a spirited oral argument, the 9th Circuit took the case under submission and at this time, this significant decision remains pending.

Many of the NCIP students and staff who have worked on this case over the years it has been percolating were at the oral argument. The Innocence Project is thrilled to be at the forefront of such groundbreaking civil rights work.

The Northern California Innocence Project is honored to be hosting the 2008 Innocence Network Conference in March when hundreds of people involved in Innocence work throughout the country will meet at Santa Clara University over a three-day period. The Innocence Network conference is a rich educational forum for policy and litigation issues concerning wrongful conviction. It also provides a critical opportunity for exonerees to find social and emotional support from others who have suffered the unique and difficult experience of being wrongfully convicted and imprisoned. The conference allows those working within the larger Innocence Network to come together and share strategies to litigate innocence claims and to confer on and advance policy initiatives to address causes of and remedies for wrongful conviction.

Though aimed towards network members and exonerees, the Innocence Network conference is open to all who are interested in this issue. Please register online at:

www.ncip.scu.edu or www.innocencenetwork.org

March 28-30, 2008
Santa Clara University

If you have questions, feel free to contact the conference coordinator, Amy Kennedy, at aekennedy@scu.edu or 408-551-3000 x 6189.
Armando Ortiz, 22, spent the last six years behind bars serving two life sentences for a double-murder that he did not commit. On November 7, 2007, he and the Innocence Project team that represented him celebrated when the Fresno County Superior Court overturned his convictions.

Ortiz was sixteen when he was arrested for the robbery and murder of 19-year-old Manar Jaber and her unborn child at the Shop Kwik convenience store in Reedley, California. Ortiz became a suspect only when Robert Williams, a friend of Ortiz's mother, placed an anonymous call to the police asking for details of the crime and eventually accusing Ortiz of confessing to possibly killing someone while in a drunken stupor. Williams had been charged with multiple counts of child molestation and had charges pending against him at the time. Having no other suspects, police decided that Ortiz must have committed this shooting.

It was days before Ortiz even knew when the Jaber homicide had occurred. Once he knew the date, he told Daniel Harralson, the lawyer who represented him in juvenile court, that he was at his girlfriend's grandfather's birthday party in Fresno that night and morning. Believing that the truth would clear him, Ortiz surrendered himself to police.

Harralson interviewed all the members of the Martinez family who had been at the party, and all confirmed Ortiz's presence during the time the crime was committed. Harralson found their accounts detailed and consistent. When Ortiz was found fit to be tried as an adult, the court appointed Ernest Kinney to represent him. Despite having been told about the alibis by Harralson, Ortiz, and even some of the alibis themselves, Kinney never interviewed these key witnesses and failed to present their testimony at trial. When attorney Cliff Gardner and his staff reviewed the case to prepare the appeal, they found all the information about the alibi witnesses in the file, spoke with them and, like Harralson, found them compelling. Believing Ortiz innocent, Gardner then referred the case to the Innocence Project.

The Innocence Project interviewed nine of the alibi witness, along with other people related to the case. All welcomed the Innocence Project members into their homes and independently recalled stories and events from the birthday party, laughing at some memories and shaking their heads at others. They remembered Ortiz's presence with fondness, but also made clear that they would not help anyone who had committed such a heinous crime. As they said, helping Ortiz was “the right thing to do” because he was with them that night and therefore could not have murdered the young pregnant woman.

The Innocence Project's Ortiz Team, or “The Unit” as they came to be known by the Fresno County Jail occupants, arrived at the Fresno County Superior Court hearing on November 7, 2007, prepared for a full evidentiary hearing with witnesses and comprehensive argument. Without holding the hearing, Judge Gary Hoff granted Ortiz's petition for writ of habeas corpus and reversed the two murder and robbery convictions after finding that Kinney's “failure to conduct an investigation, to discover the alibi witness statements and to present alibi witness testimony was objectively unreasonable.” The court also discussed the weak nature of the case against Ortiz: “There was no physical evidence that tended to link the petitioner to the crime and no eyewitnesses who testified that the petitioner was present at the scene on the night of the murder. The primary evidence against the petitioner at trial was his drunken, incoherent ‘confession’ to his mother and one other person, however that statement was vague and full of inconsistencies.”

Given the circumstances, the Court found the ineffective assistance of counsel prejudiced Ortiz because there is a reasonable probability that the jury would have reached a different result if the defense has presented the alibi witnesses at trial.” The court subsequently denied the District Attorney's motion to vacate the ruling.

Despite this enormous victory, the Innocence Project is not yet finished with Ortiz's case. The District Attorney's Office is still threatening to retry him even in the face of overwhelming evidence of his innocence and the extremely weak case against him. “The Unit” will help the attorney appointed to his case.

Ortiz remains upbeat, polite, respectful and, remarkably, not bitter. He also expressed his sympathy for the Jaber family and their loss, as well as the further hardship they must experience in knowing that neither of the true perpetrators of the crime have been brought to justice for their terrible acts. At the age of 22, Ortiz is thrilled to be getting a second chance at life and, on November 7, 2007, went from dealing with the possibility of spending the rest of his days in prison for a crime he did not commit to planning a career and a life with his son whom he has never seen as a free man.
With the help of the Northern California Innocence Project, two California exonerees have filed claims with the State Board of Control for compensation for the years they spent behind bars for crimes they did not commit.

In August, the Innocence Project filed a compensation claim on behalf of Jeffrey Rodriguez, a San Jose man freed on February 5, 2007, after over five years of imprisonment. Rodriguez, whose first jury hung 11-1 for acquittal, was ultimately convicted of robbery based on mistaken eyewitness testimony, misleading scientific expert testimony, junk science, and the trial attorney’s failure to call key witnesses. After Rodriguez’s conviction was overturned on appeal and prior to his third trial, Innocence Project student Curtis Macon worked on Rodriguez’s defense with Santa Clara County Deputy Public Defender Andy Gutierrez. Together, and with the cooperation of Deputy District Attorney David Pandori, they uncovered new evidence proving Rodriguez’s innocence, and all charges were dismissed. A Superior Court judge recently declared Rodriguez factually innocent.

In a second case, the Innocence Project secured the pro bono services of the law firm of Howard Rice Nemerovski Canady Falk and Rabkin to file a claim on behalf of NCIP exoneree Kenneth Foley, who was freed on April 5, 2007. Foley served over 11 years of a 25-to-life sentence for an armed burglary that he did not commit. At trial, the real perpetrator confessed to the crime, but the jury chose not to believe his testimony. NCIP uncovered new evidence that demonstrated no gun was used in the burglary and proved the original confessor actually did commit the crime. A judge released Foley after the District Attorney’s Office agreed Foley’s petition for writ of habeas corpus should be granted.

Under California law, wrongfully imprisoned individuals who meet certain requirements are entitled to $100 per day for each day of incarceration. Rodriguez is seeking $188,300, while Foley is seeking $422,200. Both claims are pending before the State Board of Control.

**Seeking Compensation to Restart Stolen Lives**

After spending over five years in prison for a robbery he didn’t commit, Jeffrey Rodriguez isn’t just living life, he’s chasing it. “I was so hungry when I got out that I couldn’t just sit around,” he said just nine months after his release. He described his time behind bars for a crime he did not do as “unbelievable, like having a nightmare and never waking up.” Now that he has woken up, he is more than making up for lost time.

Chores that many of us take for granted, Rodriguez feels privileged to do. “I’m taking all the necessary steps that I need to get back into the swing of things, getting my ID, getting my driver’s license, my bank account. I just got my truck, and it’s fully covered.”

These are big steps for a man who just months ago was at the whim of guards and prosecutors. Many people leave prison deeply damaged and disturbed, unable to complete the tasks Rodriguez enjoyed accomplishing almost immediately after he was released.

Rodriguez is proud of landing a job installing awnings around the Bay Area, but his most important work since being out is raising his ten-year-old son Jeffrey. “I’m with my son. I’m able to be involved with his life and help mold the man he’s gonna be. Every moment I get with him I’m trying to make the most out of it.” Young Jeffrey is thrilled to have his father home. He described it as a dream come true and exclaimed, “It feels great! I really like having him around now and playing basketball and football with him!”

Despite Rodriguez’s harrowing ordeal and nightmarish experience, he remains upbeat. He insists that he will not be bitter. “Because of what I went through, it is harder to get me down,” he said. This might be the biggest lesson he can teach his son, and the rest of us.

(Left to right) Jeffrey Rodriguez and his son, Jeffrey, his mother JoAnn, and NCIP intern Curtis Macon.

**The Life of a Free Man**
NCIP Seeks Accountability from Government Officials

In an effort to hold accountable those whose conduct contributes to wrongful convictions, the Innocence Project has called for official inquiry into two cases of questionable government conduct. In the first, Cookie Ridolfi, Executive Director of the Innocence Project, recently requested that the Santa Clara County District Attorney’s Office, a recipient of funds from the federal government’s Paul Coverdell Forensic Science Improvement Grant Program, initiate an investigation into the forensic errors that contributed to the wrongful conviction of Jeffrey Rodriguez. To be eligible for this substantial forensic grant, Coverdell recipients must investigate allegations of serious negligence or misconduct substantially affecting the integrity of forensic results. The terms of the grant require that the investigation be conducted by an independent, external entity.

In Rodriguez’s case, Mark Moriyama of the Santa Clara County Crime Lab, testified that he had conducted a fabric analysis of a stain on Rodriguez’s jeans and found evidence indicative of motor oil. Moriyama’s testimony provided the prosecutor with the only physical evidence linking Rodriguez to the scene of the crime, a robbery that took place behind a Kragen’s Auto Supply where dumpsters of discarded motor oil were stored.

In Rodriguez’s first trial, 12 defense witnesses testified and the jury deadlocked 11-1 in favor of acquittal. Rodriguez was convicted in his second trial, but the Court of Appeal reversed his conviction based on ineffective assistance of counsel for failing to call any defense witnesses, including alibi witnesses and an expert on eyewitness identification flaws, all of whom had testified in the first trial.

Before Rodriguez was retried for a third time, the jeans were re-examined by a criminalist from the Department of Justice, who contradicted Moriyama’s testimony, reporting that he could not confirm the presence of motor oil. A third criminalist reviewed both reports and reached the same conclusion. All charges were dismissed.

In response to Ridolfi’s request, Santa Clara County District Attorney Dolores Carr ordered an investigation of the case. The District Attorney’s Office also decided to review Moriyama’s other cases and the Crime Lab’s proficiency test performance information for 2003 through 2006.

In another effort to hold accountable those whose conduct contributed to a wrongful conviction, Ridolfi, on behalf of the Innocence Network, wrote and requested that the federal Office of the Inspector General investigate former Riverside County Detective Danny Miller and consider removing Miller from his current post as Special Agent of the FBI assigned to the Department of Homeland Security. In April 2007, a federal jury explicitly found that Detective Miller had fabricated the evidence that was used to convict Herman Atkins of a 1986 rape and robbery. In 2000 Atkins was exonerated based on DNA evidence with the help of the Innocence Project at Cardozo Law School. The jury ordered Riverside County to pay Herman Atkins two million dollars in damages for the twelve years that he lost in prison.

The Innocence Project believes that only accountability will result in the meaningful changes that can help prevent wrongful convictions.
California Legislative Reform Efforts to Prevent Wrongful Convictions

The California Commission on the Fair Administration of Justice, established by the California State Senate in 2004 to study the extent to which failures of California's criminal justice system resulted in wrongful convictions and make recommendations designed to ensure California's criminal justice system is fair and accurate, continues to make significant contributions to criminal justice reform in California. Since the spring of 2006, the Commission, on which NCIP Executive Director Cookie Ridolfi serves as a Commissioner, has held public hearings and issued reports on the following topics: mistaken eyewitness identification, false confessions, the use of jailhouse informant testimony, the DNA testing backlog in California, and problems with forensic science evidence. In response to the Commission's work, the Attorney General and Governor used federal grant funding to reduce California's DNA sample backlog from 300,000 untested samples to fewer than 40,000 samples. In addition, in response to Commission reports, California legislators enacted three bills aimed to reform eyewitness identification procedures to reduce mistaken eyewitness identifications (SB 756: D-Ridley-Thomas), to record custodial interrogations to reduce instances of false confession (SB 511: D-Alquist), and to require corroboration of jailhouse informant testimony in cases where no other evidence links the defendant to the crime (SB 609: D-Romero). All three bills passed the California Legislature in both 2006 and 2007, but were vetoed by the Governor in the eleventh hour as he bowed to pressure from law enforcement lobbyists. Media outlets spanning the ideological spectrum from the Orange County Register to The New York Times denounced the Governor's vetoes. The Commission will return with a new round of legislation in 2008.

In recent months, the Commission held public hearings on two more causes of wrongful conviction—prosecutorial misconduct and defense lawyer incompetence—as well as a hearing on remedies for wrongful conviction where Cookie Ridolfi and NCIP Legal Director Linda Starr testified. A Report and Recommendation on reporting lawyer misconduct to the State Bar, based in large part on groundbreaking research conducted by Ridolfi, was issued in October 2007. Three more reports are forthcoming including a report on funding of defense services in California, a report on compliance with Brady obligations, and a report on remedies for wrongful conviction. The Commission will now begin a four-month study on the fair administration of the death penalty in California, including three public hearings. The third public hearing will take place on March 28, 2008, in conjunction with the National Innocence Network Conference at Santa Clara University. For more information on the Commission, please visit www.ccfaj.org.

Cookie Ridolfi testifies in front of the California Commission on the Fair Administration of Justice. Pictured from left to right are Commissioners John Van de Kamp, Professor Gerald Uelman, Janet Gaard, James Fox, George Kennedy, and Michael Laurence.
A Class Changed by a Client

From left to right: Jill Kent, Linda Starr, Armando Ortiz, Paige Kaneb, Meghan Piano, Rachael Buchanan and Dan Bednarski in the Fresno County Jail after Armando’s case was reversed. Missing from the photo is Shauvi Rogers.
The Innocence Project experience for students can be transforming. As one student put it, “A lot of people want to go to law school to change the world, and this is one small contribution that actually does that.”

In the Innocence Project class, students participate in twice-weekly substantive classes, as well as conduct investigative and legal work on actual cases. Often, Innocence Project students become so involved in their cases that they return to the Advanced Class where they continue their work and attend small working seminars on topics related to their cases.

This fall semester’s Advanced Class also had the extraordinary opportunity to work together as a legal team representing Armando Ortiz in habeas corpus proceedings challenging his Fresno double-murder conviction. Their remarkable experiences demonstrate the unique combination of legal skills and sheer humanity developed by participation in the Innocence Project.

The team of students, Daniel Bednarski, Rachael Buchanan, and Shauvi Rogers, clinical fellows Meghan Piano and Paige Kaneb and Innocence Project attorneys Linda Starr and Jill Kent, researched and wrote pleadings, located and interviewed alibi witnesses, former lawyers, and other witnesses, and prepared witnesses and legal arguments for an evidentiary hearing. The multiple trips to Fresno paid off with the ultimate victory when a judge reversed Armando’s double-murder conviction based on evidence of ineffective assistance of counsel. Dan Bednarski hadn’t planned to return for a second term when he signed up for the beginning class last summer. But after researching a potential conflict of interest between two clients and drafting a post-conviction DNA testing motion, Dan returned this fall. His work on the Ortiz case required that he acquire a thorough knowledge of the legal concept of ineffective assistance of counsel, analyze what evidence existed or could be obtained that proved that concept and then strategize as to how to get that evidence and present it to the court. As he said, “Working in the Innocence Project gave me the irreplaceable experience of learning how to actually implement what I was learning in my classes. This class should be required of all law students.”

“Working in the Innocence Project gave me the irreplaceable experience of learning how to actually implement what I was learning in my classes. This class should be required of all law students.”
—Dan Bednarski

Students have found that what they learn in the Innocence Project is valuable to them regardless of whether or not they intend to practice criminal law.

Rachael Buchanan, a second-year law student with an undergraduate degree in biology, was attracted to the Innocence Project as a way to put her science background to use. Rachael was assigned a complex rape case that so interested her that she returned for the Advanced class to continue to dig for the lost evidence that may exonerate her client. As she said while putting in late night hours in a Fresno hotel room researching and debating the evidentiary underpinnings for how we would attempt to introduce a piece of evidence, “NCIP is awesome.”

Students have found that what they learn in the Innocence Project is valuable to them regardless of whether or not they intend to practice criminal law.

Rachael Buchanan, a second-year law student with an undergraduate degree in biology, was attracted to the Innocence Project as a way to put her science background to use. Rachael was assigned a complex rape case that so interested her that she returned for the Advanced class to continue to dig for the lost evidence that may exonerate her client. As she said while putting in late night hours in a Fresno hotel room researching and debating the evidentiary underpinnings for how we would attempt to introduce a piece of evidence, “NCIP is awesome.”
Paul M. Posner memorial gifts

Paul M. Posner, a Paso Robles lawyer who demonstrated a lifelong commitment to social justice, passed away last April at age 77. His wife, Linda, touchingly requested that gifts honoring his memory be made to the Innocence Project.

“His work reflected not only his intellect, but also his commitment,” said state Deputy Attorney General David Glassman, a friend, who argued court cases against Posner. “He was very unusual in that regard. . . . I admired his professional skills and also his tenacity.” During his career, Posner advocated for the rights of the individual, represented unions and those on death row, and was very active in Democratic Party politics. The Innocence Project considers it a great tribute to be honored in his memory.

Eleanor M. Kraft

Eleanor M. Kraft of Palo Alto has been a practicing attorney for 47 years. For over 30 of those years she has worked as a court appointed appellate lawyer drafting appeals for indigent individuals in four California Appellate Districts. Mother of six children (her son Rudy also does appellate work), Eleanor also handles Proposition 36 pro bono cases, and is the president of the board of Friends Outside in Santa Clara County, an organization that provides support and services to inmates and their families. The Innocence Project thanks the many donors who have made gifts in honor of Eleanor and her long years of service to criminal justice, and deeply appreciates Eleanor’s suggestion that they do so.

profile

Stan Morgan, Volunteer Investigator

Private investigator Stan Morgan believes that everyone should give their time to a cause. “Everyone should perform some community service,” he said. “I’m a little bit radical like that.”

Based out of Tulare County, Morgan volunteers his time with the Northern California Innocence Project, visiting correctional facilities and interviewing people as part of the Project’s exoneration work on cases ranging from robbery to murder. The work is similar to the criminal investigations his business undertakes.

“It’s basically another case,” he said. “That’s how I approach it.”

Morgan doesn’t dedicate a specific number of hours per week to the Innocence Project. Instead, he said, “when they need something, they give me a call, and I go do it.” Morgan credits his volunteerism to a belief in the Constitution and judicial system. “It’s the right thing to do,” he said. According to Morgan, the Innocence Project performs a valuable service, not just for the wrongly convicted but also for both law students and undergraduates who work with the group. “It certainly enlightens them,” he said.

A retired parole agent, Morgan was licensed as a private investigator in 1998, and got involved with the NCIP a couple of years later, after responding to postings on an e-mail network. Stan has made many trips to conduct inmate interviews at Corcoran State Prison, not far from his home. Most recently he has conducted critical interviews in the Visalia area with a victim offering a potential recantation of trial testimony that resulted in two robbery convictions. While his years in law enforcement gave him experience with one part of the criminal justice system, Morgan sees consistency between his work then and now. “If you search for the truth, it doesn’t matter what side you’re on,” he said.
Donor Honor Roll

Thanks to the generous support of our donors, we can continue our important work—fighting for justice for those who have been wrongly convicted, raising public awareness about the prevalence and causes of wrongful conviction, and promoting substantive legal reforms to prevent future wrongful convictions. Thank you very much.

Please note: This list reflects gifts and pledges from July 1, 2006, through January 9, 2008. We make every effort to compile an accurate list. If your name is missing or misspelled, please contact Beau Takahara, Director of Development, at 408-554-1945 or email btakahara@scu.edu.

EXONERATORS (100,000+)

Anonymous
Colin, Ian, and Sharon Gerbode/Silicon Valley Community Foundation
Listwin Family Foundation/Hilary Valentine and Donald Listwin
Frank and Denise Quattrone

LIBERATORS ($50,000-$99,999)

Jim Anderson
Danielle and George Boutros

FREEDOM FIGHTERS ($25,000-$49,999)

Anonymous
Ronda and Gordon Eubanks
Howard Rice Nemerovski Canady Falk & Rabkin LLP
Keker & Van Nest LLP
Kathryn Kimball Family Trust/Kathryn and Richard Kimball
Morrison & Foerster LLP
John Powell
Simpson Thacher & Bartlett LLP

JUSTICE SEEKERS ($10,000-$24,999)

Anonymous
The Dawson Family Fund/Silicon Valley Community Foundation

Patriots ($5,000-$9,999)

Anonymous
Susan and William Glennon
Arguedas, Cassman & Headley, LLP
Benhamou Family Foundation/Ilenea and Eric Benhamou
Boehlike Family Foundation/Kay and Bob Boehlike
Bredt Family Fund/Polly and Thomas Bredt
Christopher Carter
Cooley Godward Kronish LLP
Fallon Family Revocable Trust/Shannon and Tom Fallon
Farella Braun + Martel LLP
Jean Kali-rai

ADVOCATES ($2,500-$4,999)

Jeryl and Ron Abelmann
Anne and Adrian Dollard
Claire and John Hunter Davis
Mary Jane and William Kelly
Angela and Robert Kent
Ann and James Lazarus
Candace and Mark G. Leonard
Robert McIntosh
Jennifer and John Metz
Jessica and Richard Millard
Holly and James Parmelee
Karen and Arthur Plank
Julia Schwartzman and David Popowitz
Jane and Larry Solomon
Zitrin Foundation/Charlotte and Arthur Zitrin

DEFENDERS ($1,000-$2,499)

Anonymous
John Albanese
Margalynne Armstrong
Michele and Allen Asch
Jennifer and Charles Beeler
Diane A. Bellas
Susan and Mark Bertelsen
Jackie and Richard Boberg
Craig Brennan
William Carrico
Christine and Francis Currie
Sarah and Jason Dilullo
Kristin Klein and William Donahoe
Pamela Dougherty

PARTNERS ($500-$999)

John Baldwin
Kathryn Beck
William L. Burnham
Tom Cave
Susan and Richard Cortese
Susan and John Diekman
Donna Dubinsky Philanthropic Fund
Marty Feldman
Donald E. Field

PUBLIC ROLL

Barbara Fargo and Martin Williams
Karen and Andrew Fisher
Jill and Craig Fordyce
Susan and David Gill
Michael Grimes
Mary Beth Long and David Grunbaum
Ellyn and Kenneth G. Hausman
Michael Judge
The Kelly Family Trust/Daniel Kelly
Ellen Kirzetzberg and Tom Hoglund
Leslie Family Foundation/Debra and Mark Leslie
Jan Nielsen Little and Rory Little
Ruth and David Locala
James E. Long
Lori and Dennis McBride
Jo M. and Michael D. McCarver
Sharon and Stanley Meresman
Cynthia and Forrest Miller
Tashia and John Morgridge
Joanne and Frederick O’Such
Alexandra and George Pantazis
Praisner Family Foundation/Jan and Michael Praisner
Andrew and Debra Ratcheff
Gift Fund
Lee Raney
Riordan & Horgan
Kathleen Rydar
Saper Family Philanthropic Fund/Vivian and Jeffrey D. Saper
Albert Schreck
Lisa Short and Michael Snedeker
Barbara and Larry Sonsini
Chryssoula Kaloudi Soulisotis
Margaret and Allan Steyer
Jon Streeter
Beau Takahara
Patricia Tervilliger
Cathi and Kirk Triplett
Martha and Gerald Uelmen
Jeanne and Cyril Yansouni

Donor Honor Roll

Northern California Innocence Project

[13]
Donor Honor Roll

Geffon & Isger
John George
Donald Greenberg
Deborah and Russell Hall
Arthur Jackson
Keys Conference
Virginia Chang Kiraly
Michele Kyrouz
LaGrange Family Trust/Ruth and Daun LaGrange
Tom Lehrer
Peggy and Pedro Lizaur
Lombardo & Gilles
Thomas Mitchell
Elizabeth and John F. Moulds
Noke Charitable Foundation
Sally Palmer
Kathleen Ridolfi and Linda Starr
Cindy and Allen J. Ruby
Dallas Sacher
Melisse Herman and James Wall

ASSOCIATES ($250-$499)

Anonymous
Ilene and Robert Adler
Anonymous/United Way of the Bay Area
Michael Blake/East Bay Community Foundation
Diane and Aldo Branch
Geoffrey Braun
Debra Brodsky
Patricia Burbank
Margaret and Reid Dennis
Joe Dermer
Tanya Friedman and Denise Savoy
Jody Hucko and Scott MacDonald
Patricia Kern and Lawrence Rosania
Joan Dempsey Klein and Conrad Klein
Darby Siemelkamp and Michael Kresser
Jill and Joe Lervold
Cheri and Dave Levenson
Emily Maloney
Scott Maurer
Alexandra McClure and Blake Hayward
Thomas Nolan
Marianne Minor and Gregory Paraskou
Phyllis and Mike Shea
Carolyn Silberman

Toshia and Clark Struve
Sunwolf
Vonda and J. Daniel Tibbitts
Douglas R. Young

COUNSELORS ($100-$249)

Anonymous
Cecilia and William Arzbaecher
Franklyn Athias
Maureen and Louis Basile
Terri and Jeff Britton
Sherry Burke
Jeanne and Edward Cavallini
Amy Grigsby and Stephanie L. Clarke
Colette Crutcher and Mark Joseph Roller
Gail and W.J. Cusack
Randy Daar
Melissa Davidson
Laurel Davidson
Daniel Dean
Linda Fox and Floyd Dickman
Kathleen and Richard Donze
Joann Dost
Davina and Ron Drabkin
Jan and Jerry Finney
Roberta A. Fitzpatrick
John Fox Marketing Consulting
Agnes and Howard Franklin
Nora Frimann
Jose Edwin Gayla
Leanne and Peter Giles
Jean M. Gill
Audrey and E. Jackson Going
Marion and Roger Gray
Dr. and Mrs. Birt Harvey
Deanna Hisaw and Charles Sexton
Lisa Honig and Dale Schroedel
Karen Janowski
Kyle Jones
Karen Kang and Jonathan Ferraiolo
Mary Kennedy and Michael Nelson
Kat Kozik and Alison Hardy
Margeret Kraft
Teresa and William Krivan
Jeanette Leach
Steve and Sara Ledoux
Rosemary Ellmer and Emile McNaney
Margaret McAluliffe
Madeleine McClellan
Sheri Perlman and John McKenna
Charles M. Mesirow
Cynthia Taylor and Michael Millman
Julia O’Leary
Henry Organ
Nancy Pemberton
Maureen Pettibone
Sam Polverino
Sharon Raab
Ann Ratcliffe
Kara Lang and Dennis Roberts
John Sandersfeld
Carol Sanger
Harriet Siegel
Elise and David Simon
Amanda Roze and Alan Siraco
Lynne Snyder
Susan Solat and Bill Seawick
Patrick Sullivan
Augusto Syjucio
Kimberly and Jeffrey Thoma
Mr. and Mrs. Paul Titterton
Varda Treibach-Heck
Carolyn and H. Anton Tucker
Robert Weisberg
Matthew H. Wilson
Nancy and Eric Wright
Christine and Patrick Yam

FRIENDS (Up to $100)

AARP- Palo Alto Chapter #929
Frances and Arthur Adams
Marlene and John Arnold
Susanna Baird
Ann Balin
Linda and Ken Bareilles
Kandis Scott
Tandy Beal and Jonathan Scoville
Michael Berger
Selma Burkom
Autumn and Alex Casadonte
Mary and Stephen Chapel
Phillip Cherney
Daksha and Anil Dave
Harvey Endler
Helen Foerster
Patricia and Edward Grange
Amy Grigsby and Richard Such
M. June Hansen
Bonnie and Eugene Horwitz
Christian Iversen
Thomas Jaworowski
Robert and Joseph Kehret
Barbara Kent
Anna Klay
Valerie Kockelman
Roger Kosek
Leni Lane
Joyce and Mark Levy
Sean Lep Lui
Ed Mananquil
Peggy and Demian Martin
Nancy and Richard Marty
Mercedes and Terence McCaffrey
Sharissa Jones and Daniel Medwed
Joyce Lavigne Millner
Clare Mynderse
Elinor and Thomas Osborne
Helene Pier
Jeanne and Richard Placone
Esther and J.A. Rechenmacher
Marian Jane Sanders
Roberta Silverstein and Stephen Sperber
Judith Steiner
Margaret Stevenson and David Flamm
Braeden Liam Sullivan
Ann and George Teets
Susan Thomas
Eloise Trainor
Charles Wallau
Robert Wieckowski
Audrey Wong
Paul Woolley
Your donation provides the opportunity to achieve even greater success in 2008.

In 2007 the Innocence Project processed 900 requests for assistance received from inmates who are among California’s 176,000 prisoners. Currently, Innocence Project attorneys, staff and dozens of Santa Clara University law students are investigating or litigating over 100 active cases! Your support gives us the means to free the innocent and fight for systemic changes to ensure innocent people are not imprisoned for crimes they did not commit.

Please accept my gift to the Northern California Innocence Project.

Amount □ $1000 □ $500 □ $250 □ $100 Other ________________________________

Name ________________________________

Address ________________________________ City __________ State _______ Zip __________

Home phone ________________________________ Work phone ________________________________ E-mail ________________________________

□ Please charge my credit card. Check one: □ Visa □ Mastercard

Card # ________________________________

Expiration date ________________________________ Name on card ________________________________

Signature ________________________________

□ My check, payable to Northern California Innocence Project, is enclosed.
Mail to Northern California Innocence Project at Santa Clara Law, 500 El Camino Real, Santa Clara, CA 95053-0422

□ I would like to donate stock. Please contact me.
To donate by phone call 408.554.1945. To donate at our website, go to www.ncip.scu.edu.
(Designate Northern California Innocence Project.)

My gift is in honor of __________________________________________

My gift is in memory of _________________________________________

Please list my name(s) in your donor publications as _________________________________________

□ No, thank you. Please do not list me in your donor publications.

Your contribution is tax deductible under Internal Revenue Service Act section 501(c)(3).

Thank you for your generosity!

[15]
Upcoming Events

Northern California Innocence Project Awards Dinner
March 27, 2008

6:00 to 9:00 PM
San Jose City Hall Rotunda

For more information on table sponsorship and ticket purchases, please call Beau at 408-554-1945 or email btakahara@scu.edu

2008 Innocence Network Conference
March 28-30, 2008

Hosted by the Northern California Innocence Project
at Santa Clara University School of Law

For more information and to register visit www.ncip.scu.edu
Questions: Contact Amy Kennedy at aekennedy@scu.edu