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Northern California Innocence Project

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Oh, What a Night!

Inaugural Justice for All Awards Dinner Raises One Million Dollars to Free the Innocent

In January 2004, the Northern California Innocence Project was on the brink of going under. Lawyers paid their own way at hotels. Witnesses who had to testify were flown around the country on the lawyers’ personal credit cards.

At that desperate moment, the lawyers could never have imagined a night, in the not so distant future, when hundreds of people would gather in one of San Jose’s swankiest ballrooms to celebrate them as defenders of the innocent. And even if they dared to dream, it’s doubtful their fantasy would include the seven-digit sum that was raised that night to ensure that innocent California prisoners get a fighting chance for freedom.

This dream became a reality on March 27th when the Northern California Innocence Project held its first Justice for All Awards Dinner in the grand ballroom at the Fairmont Hotel.

Tony Lindsay, lead singer for the band Santana, entertained the over 600 dinner guests.

NCIP director Cookie Ridolfi emceed the four-hour, intensely personal affair. Through the delicate balance of levity and fierce passion that she is known for, Ridolfi engaged each person in the glittering ballroom.

The evening began when she introduced the NCIP’s fairy god-mother and father, a bay area couple who happened to read an article about NCIP in their local newspaper. This prominent Silicon Valley couple had recently experienced their own undeserved and unexpected run-in with the law. And on March 27, almost four years after they read the article, Ridolfi honored the fairy god-father turned NCIP board chair, Frank Quattrone, with the Justice for All Leadership Award.

“So May 3, 2004, a jury in New York found me guilty on obstruction of continued on page 5
From the Executive Director

You are Making a Difference

Although the paths that brought us together were different, the 640 people who gathered together on March 27th to celebrate the Northern California Innocence Project’s inaugural awards dinner shared a common purpose. An eclectic group—legislators, CEOs, police officers, public defenders, investment bankers, prosecutors, law firm attorneys, priests and rabbis, students, university leaders, exonerees and their families—we were together because each one of us had been touched in some way by the enormity of the human cost of wrongful conviction and by the shared desire to improve our system. We raised an astounding $1 million!

What a contrast to how we started in 2001 when, hopelessly short of cash and determined to bring attention to our work, we organized a cocktail reception and auction. Unlike this year’s dinner, which took place in the ballroom of the Fairmont Hotel, we held our first fundraiser in Santa Clara University’s faculty dining room. We served hors d’oeuvres and “Big House” red wine (appropriately labeled and generously donated). There were so few of us and so little competition that the auction offered great deals. Students and staff bought many of the items they had for months been soliciting as donations. We sold raffle tickets for food baskets, movie tickets, lunch with faculty and deans—priceless—and remarkably, we raised $27,000!

Though different in scale, our auction back then and our wonderful Justice for All Awards Dinner this year share something very important—both were driven by the same energy, excitement and commitment that fuels all of our work. We are privileged to do this work and continue it knowing that as more people come to understand the problem of wrongful conviction and the importance of our work, many more will be moved and inspired to join us. This year’s event demonstrates just that!

In the past seven years, California has seen significant change and we are proud to have had a role in that. We have successfully exonerated seven people, educated over 300 law students and played a central role in the work of the California Senate Commission on the Fair Administration of Justice. We’ve testified before State committees and given innumerable public presentations raising awareness of wrongful conviction and the importance of law reform.

As always, much remains to be done and because of your support, we are now strong enough to meet the challenge. At this year’s event we witnessed a powerful demonstration as 12 exonerees stood and announced the number of years they lost, a painful reminder of the terrible cost of wrongful conviction. And with this event, the Bay Area joined the forces of its enormous entrepreneurial energy and innovation with our efforts to right wrongful convictions and institute the changes needed to prevent them.

We are humbled by the generosity of the exonerees in moving forward with their lives and by your generosity in supporting this work. We look forward to seeing you all at next year’s event.

Cookie Ridolfi

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COOKI R IDOLFI
In 1982, a 21-year-old waitress named Debbie Carter was raped and strangled to death in her Oklahoma apartment. Two men were arrested and convicted for the brutal crime. Dennis Fritz received a life sentence. Ron Williamson was sent to death row. Both were innocent.

In March, Christy Sheppard, Ms. Carter's cousin, spoke to an audience of innocence professionals, exonerees, and their families about the exoneration of these two men, one of whom became the subject of John Grisham's 2006 bestseller, “The Innocent Man: Murder and Injustice in a Small Town.”

Ms. Sheppard was at Santa Clara University addressing an audience at the Ninth Annual Innocence Network Conference, hosted by the Northern California Innocence Project in March. She spoke about her family's ordeal, the devastation caused by Debbie's murder, and the grueling process of trials and appeals they endured. She also spoke of their anguish when they learned that Williamson and Fritz were innocent and then the hideous realization that the prosecution's star witness, who they had seen testify against the defendants, was the person who had so savagely taken Debbie's life.

Christy Sheppard's account illustrated the pain compounded for victims and their families when the discovery that an innocent person has been convicted becomes known. And the horror they feel when they realize that the actual perpetrator remains free. Ms. Sheppard spoke on a panel created to sensitize lawyers and investigators to the concerns and anxieties of the victims and to help find ways to ensure that the investigation of innocence claims does not cause them additional trauma.

While the focus of the plenary session was on victims and their families, it was also a striking reminder of how far victimization extends to the wrongfully convicted and their families. At one point during the session, an exoneree rose from the audience to relate his own experience in prison as a victim of brutal assaults by other inmates.

More than 300 people, including 70 exonerees, attended the two-day conference. Network members, from as far away as Australia and New Zealand, attended panels and discussions and lectured on four tracks including policy; litigation/investigation; active case workshops; and life after prison, geared to those who were wrongfully imprisoned, with sessions on developing coping skills and finance management.

Other subjects discussed at the conference were fraudulent forensics, faulty evidence, prosecutorial misconduct, innocence and the death penalty, starting and running an innocence project, and how to get an old, non-DNA case into court and win the case.

On feedback forms, network members said they were pleased with the range of topics discussed at the conference. One attendee called the Innocence Network Conference, “The best yet!” adding that sessions were, “Great, fantastic, couldn’t say enough good things.”

On Friday night, attendees were treated to “Barred from Life,” a performance work created by David Popalisky and Cookie Ridolfi, and performed by Popalisky, expressing the trauma associated with being wrongfully convicted.

Commenting on the show, one exoneree said, “It took me back to places I was—things I felt. It was amazing.”

Next year will mark the 10th anniversary of the Innocence Network Conference. It will be held in New York—the birthplace of The Innocence Project. For more information, go to www.innocencenetwork.org.

See page 10 for a collection of photos from the conference.

Exonerees recognize Alan Keel and Ed Blake, third and fourth from left, for testing the DNA that led to their exoneration.
Senate Study Wraps Up

Work of the California Commission on the Fair Administration of Justice Nears Completion

For the past three years, the California Commission on the Fair Administration of Justice (CCFAJ) has worked to meet its mandate—to “examine the causes of wrongful convictions, and to make recommendations and proposals to further insure that the administration of criminal justice in California is just, fair, and accurate.”

The 23-member, non-partisan Commission, created by Senate Resolution No. 44 on August 27, 2004, set out to accomplish its objectives by conducting interviews, holding public hearings and commissioning research, all aimed at better understanding California’s justice system, identifying its problems and finding ways to reduce the risk of wrongful conviction in the future.

The Commission began by examining factors that had in previous case studies been identified as leading contributors to wrongful conviction. In the first year, their focus was mistaken eyewitness identification, accounting for 80% of all wrongful convictions, false confessions, and the use of jailhouse informant testimony. While each issue was taken up separately, it is often not one but a combination of causal factors that leads to the conviction of innocent people.

Over the course of its tenure, the Commission also studied and made recommendations regarding problems of scientific evidence, the professional responsibility of prosecutors and defense attorneys and their role in wrongful conviction, and the uniquely difficult situation of exonerees, who face significant personal, psychological and financial challenges after exoneration. Finally, it examined the fair administration of the death penalty.

Recommendations Made, Three Bills Passed and Vetoed

In 2006, the Commission presented its first specific recommendations to the California legislature, leading to the passage of three bills. The bills represented modest reforms, all of which have been adopted by other states. The reforms addressed the significant problems of eyewitness misidentification, false confessions and the unreliability of jailhouse informants. While all three bills received approval from the California Senate and Assembly in 2006 and again in 2007, under pressure from law enforcement Governor Schwarzenegger vetoed all of them in both years. His vetoes met with widespread criticism from liberal and conservative media alike. The San Jose Mercury News, the Sacramento Bee, and the Los Angeles Times all took the Governor to task. The strongly libertarian Orange County Register and notoriously conservative Fox News also attacked Schwarzenegger for his rejection of these common-sense bills.

The bills have recently been reintroduced for a third time, as was AB 2937, a new bill addressing remedies and services for those released from prison after wrongful conviction. Whether criticism from both sides of the ideological spectrum will lift the Governor from the spell of law enforcement lobbyists remains to be seen.

Fair Administration of the Death Penalty

The Commission spent considerable time examining the administration of California’s death penalty. It held public hearings at the State Capitol in Sacramento, the Los Angeles County Board of Supervisors Hearing Room and the California Mission Room at Santa Clara University. Chief Justice Ronald George of the California Supreme Court testified, as did numerous other witnesses including state prosecutors, defense attorneys, and social scientists. Families of murder victims—advocates for and against the death penalty—were also represented.

Whether criticism from both sides of the ideological spectrum will lift the Governor from the spell of law enforcement lobbyists remains to be seen.

The focus of the Commission’s review was on the practicalities and workings of the system, identifying its problems, and considering solutions and their cost. Questions concerning the morality of the death penalty were beyond the scope of its mandate and not considered.

Discussing California’s extraordinary capital case backlog, Chief Justice Ronald George testified that the death penalty system in the state is “dysfunctional,” citing delays of up to 25 years. Studies commissioned by CCFAJ reinforced Justice George’s view. After assessing numerous options the 20 member Commission unanimously concluded that taxpayers would be required to spend hundreds of millions of dollars to reduce the backlog and create a fair and effective system. Commissioners also agreed that doing nothing is not an option. It is now up to
California taxpayers to decide whether to pay the estimated $95 million each year to fix the system, limit the number of cases that qualify for a death sentence, continue spending millions on a broken system, or abolish it altogether.

**Widespread Impact**
The California Commission on the Fair Administration of Justice has received widespread attention with more than 140 articles appearing in newspapers across the country and abroad. Interest in the work of the Commission has also reached international audiences. Recently, members of the Supreme Court of France contacted the Commission to confer on issues of reporting misconduct among attorneys. The Japanese TV channel Asahi is planning a documentary on recording interrogations and is using the Commission’s recommendations as their template for reform.

The Commission, chaired by former California Attorney General John Van de Kamp, included State Attorney General Bill Lockyer and Jerry Brown. Also serving on the Commission: Three county district attorneys; two county public defenders; the director of the State Public Defender’s Office; the director of the California Habeas Corpus Resource Center; the Los Angeles County Sheriff; the Pleasant Hill Police Chief; the San Benito County Sheriff; the former Sheriff of Sacramento County; the President of the Peace Officers’ Research Association of California (PORAC); four lawyers in private practice; a federal magistrate judge; a victim’s rights advocate; and two law professors, including Innocence Project Executive Director Cookie Ridolfi. The Commission’s Executive Director, Gerald Uelmen, is a law professor and former member of the Innocence Project advisory board.

justice,” he told the audience. “Now, at that moment, my split second reaction was not anger, or shame, or self-pity. But it was an epiphany. If it could happen to me it could happen to anybody. It could happen to anyone in this room.”

With these words from Quattrone, the room full of lawyers, judges, civil servants, teachers, business leaders, bankers, and public defenders came closer to an issue that until recently was only on the minds of the innocent and their attorneys.

At the dinner, awards were also given to former California Attorney General John Van de Kamp, who is now the chairman of the California Commission on the Fair Administration of Justice; documentarians Dana Nachman and Don Hardy, whose film “An American Witch Hunt” chronicles the wrongful imprisonment of a group of Bakersfield parents; and exoneree Antoine Goff, who was wrongfully imprisoned for 13 years. Innocence Project Founder Barry Scheck gave a compelling keynote address.

The evening ended on a heart-wrenching note. Twelve exonerees from around the country took the stage. The ballroom fell silent as they shared the particulars of their wrongful convictions. Each shared his or her name, the prison number they were forced to wear, and the number of years they spent behind bars.

The event raised an astonishing one million dollars.

**Attention NCIP Alumni:**
If you have taken any of the NCIP courses, please contact Amy Kennedy at ae.kennedy@scu.edu. We plan to feature a few alumni in each newsletter and would love to know where you are and what you are doing.
Class Action
Santa Clara Law Students Learn About Lobbying and Obstacles to Legislative Reform

In a classroom at Santa Clara University, law students were asked to consider the plight of three bills presented to the California Legislature. The bills sought to correct problems that have led to the imprisonment of innocent men and women.

Each bill was introduced to the California Legislature. Not once—but twice.

Each bill was passed by both houses. Not once—but twice.

And each bill was vetoed by Governor Arnold Schwarzenegger. Not once—but twice.

The SCU students studied these bills and the roadblocks that prevented their passage in a seminar last spring taught by Innocence Project Director Cookie Ridolfi and Chris Boscia, executive assistant to the California Commission on the Fair Administration of Justice and recent graduate of Santa Clara University School of Law.

The course, Righting Wrongful Conviction: Policy and Legislative Reform, focused on bringing about change through the legislative process. Students were introduced to the complex world of criminal law, lobbyists and legislation. They studied theories on the legislative process. They studied and considered specific strategies for improving the chances of passing bills that would help people who are wrongfully accused and those who are convicted. Each bill addressed one of three pressing concerns facing our criminal justice system: faulty eyewitness accounts, dishonest testimony by jailhouse informants, and false confessions—each one a major factor in causing wrongful conviction.

These bills were “modest proposals, not aggressive,” Ridolfi says. The idea was to “teach students about these issues by getting them into the ring and providing them an opportunity to engage in a real way.”

Students received a strong dose of reality though, when they met with representatives of groups that oppose the legislative reforms.

The students entered the ring in three groups. Each group researched and reported on one of the defeated bills. Students studied the problems, the proposed solutions, the proposed legislation, the court opinions, and the direction in which the courts and the legislature are headed.

On the issue of mistaken eyewitness identification, for example, students reviewed the research of social scientists and psychologists and learned that witnesses are more likely to accurately identify a suspect when shown one photo at a time, rather than a “six-pack,” a group of six photos presented at the same time. They also learned that when the person presenting the photos is unaware of the identity of the suspect, the risk of influence by investigating officers is eliminated. Based on this knowledge, students realized that legislation proposing even simple changes in identification procedures could significantly reduce mistaken eyewitness identifications and wrongful conviction.

Based on their research, the students drafted legislation and brought it “to the floor” by presenting their bills in class. Together, line-by-line, the class analyzed the bills, and questioned and debated their feasibility. While the bills that had been submitted to Governor Schwarzenegger were conciliatory in nature, the students’ bills could be considered radical. Students received a strong dose of reality though, when they met with representatives of groups that oppose the legislative reforms. Speakers in the class included Curtis Hill, Sheriff of San Benito County, Peter Dunbar, Chief of Police, Pleasant Hill, and James Fox, District Attorney for San Mateo County.

Through discussions with the guest speakers, students found common ground between their own views
Second Time Around
Ninth Circuit finds due process in post-conviction DNA testing

On April 2, 2008, the Ninth Circuit ruled that a defendant had a federal due process right to access his or her biological evidence for further DNA testing using methods not available at the time of his conviction.

The case—Osborne v. District Attorney’s Office for Third Judicial District (2008) 521 F.3d 1118—involved a plaintiff convicted of kidnapping and rape who sought to obtain his DNA ten years after his conviction. The man, who was convicted in part on biological evidence and now claims his innocence, wanted his semen tested by current methods. In its ruling on the federal civil suit, the Ninth Circuit granted him that right.

The Northern California Innocence Project, along with the Innocence Project in New York, and the law firm working on a pro-bono basis Weil, Gotshal and Manges LLP, is representing Kenneth Moore in the companion case to Osborne. The case, which raises some of the same issues, is pending before the Ninth Circuit. Both cases were argued in October and the rulings much anticipated.

In its ruling on the Osborne case, the Ninth Circuit is the first federal appeals court to recognize a federal constitutional right to post-conviction access to the biological evidence in one’s case.

The Northern California Innocence Project, along with the Innocence Project in New York, and the law firm working on a pro-bono basis Weil, Gotshal and Manges LLP, is representing Kenneth Moore in the companion case to Osborne. The case, which raises some of the same issues, is pending before the Ninth Circuit. Both cases were argued in October and the rulings much anticipated.

The third introduction of the reform bills. And, they had the extraordinary opportunity to meet former Attorney General John Van de Kamp, chairman of the California Commission on the Fair Administration of Justice, on the floor of the hearing room. Mr. Van de Kamp, consulted with the students and then read the findings of their research in the hearing record.

Students gave the course very high marks and said it helped them in many ways. Mary Guzman plans to use the bill she worked on as a sample of her work, and says her final project is “far more reflective of my understanding of the law and quality of my work than a memo I may have written in other employment settings or other practicum courses that SCU offers.” Rachel Sievert relished the opportunity to debate the mock bills with those who would be affected by them, including law enforcement.

And Michael Chavez praised the way the course combined in-depth instruction on substantive areas of law with a theoretical approach to current law and policy, while also focusing on the development of practical skills. Most important, he says, the course “prepared me to go out and meaningfully affect my community.”
This year, thanks to generous donations, the Northern California Innocence Project was able to hire two clinical fellows who are providing critically needed assistance to the attorneys litigating innocence claims. Two recent law graduates, Meghan Piano and Paige Kaneb, are getting invaluable experience as they transition into their new roles as attorneys.

Having both now passed the Bar exam, they work closely with legal director Linda Starr on cases in various stages of litigation, interviewing witnesses, conducting complex forensic science research, and leading teams of students in major investigative efforts. They have done extensive legal research and have drafted pleadings for state and federal court. They were both part of the team that was successful in the recent reversal of double homicide convictions of Armando Ortiz, a 16-year-old boy who received two life sentences for these wrongful convictions.

As Innocence Project fellows, Meghan and Paige also share in a wide range of other project work and are making significant contributions to the program. They have provided invaluable assistance preparing testimony for public hearings before the California Commission on the Fair Administration of Justice, public speaking presentations and workshops. Paige has taken on the responsibility of assembling and managing the Innocence Project newsletters and Meghan carried major responsibilities in organizing and managing the Justice for All Awards dinner.

Meghan first started working with the Northern California Innocence Project as a law student at Santa Clara. She began as a research assistant and went on to do an independent study researching and writing on public policy. Meghan developed an interest in criminal law while she was studying political science and philosophy as an undergraduate. Her interest in criminal law led her to law school. Working in civil firms only confirmed that interest. Meghan is thrilled at the opportunities the Innocence Project fellowship has given her. During the past year, she has been afforded a level of responsibility and involvement in high profile cases and policy work that few lawyers ever achieve, let alone one year out of law school.

Paige became interested in working with the Innocence Project when she heard Executive Director Cookie Ridolfi speak at the University of San Francisco in a law school seminar on wrongful conviction. When she graduated from law school, she turned down an opportunity to work in Guatemala’s Commission Against Impunity to volunteer with the Innocence Project. After six months, she agreed to continue on as a clinical fellow.

Paige appreciates the opportunity she has to conceive and direct investigations in her own assigned cases and she loves that the job requires her to continue learning.

Both Paige and Meghan regard their involvement in the Armando Ortiz case as a highlight of their young lives. They enjoyed the hard work of identifying and locating witnesses, and then traveling to Fresno to conduct the interviews. They thrived on developing intricate legal arguments and drafting and filing numerous documents. And both were astonished and thrilled when their Herculean efforts paid off with the reversal of the convictions.

Still, both women say what they value most about their fellowship experience at the Innocence Project is the deep and touching human side of the work.

The Northern California Innocence Project is lucky to have two such talented, hardworking and caring young lawyers as Meghan and Paige.
At a hearing on June 11, 2008, in Fresno County Superior Court, the Fresno County District Attorney dismissed murder charges against twenty-three-year-old Armando Ortiz. The dismissal of the charges follows the reversal of his murder convictions in late October obtained by the Northern California Innocence Project.

The 2001 case involved the brutal robbery/murder of a pregnant convenience store clerk in Reedley, California. Mr. Ortiz, age 16, was tried as an adult, convicted of two counts of first degree murder, and received two sentences of life without the possibility of parole. The Northern California Innocence Project took Mr. Ortiz’s case after the exceptional work of his appellate attorneys, Lazuli Whitt and Cliff Gardner, revealed numerous alibi witnesses who had never been interviewed. Overseen by Innocence Project Legal Director Linda Starr, along with supervising attorney Jill Kent and clinical fellows Paige Kaneb and Meghan Piano, a team of law students found that despite the fact that both Mr. Ortiz himself and his juvenile attorney Daniel Harralson had repeatedly told his trial attorney, Ernest Kinney, and the prosecution about the alibi witnesses, Kinney never contacted these many unbiased witnesses who would have testified that Mr. Ortiz was with them at the time of the murder. Mr. Ortiz has always maintained his innocence, testifying at trial that he had never been to Reedley, California. There was no physical evidence linking Mr. Ortiz to the offense. The Innocence Project filed a petition for writ of habeas corpus for Mr. Ortiz, arguing that he was innocent and that he had received ineffective assistance of counsel. In November 2007, Fresno Superior Court Judge Gary Hoff granted the petition, finding that Mr. Ortiz’s trial attorney’s failure to present the testimony of the alibi witnesses deprived him of a fair trial.

In June, after months of reinvestigation by Ortiz’s new trial counsel, Mark Broughton, and Fresno County Deputy District Attorney Jonathan Skiles, the Fresno County District Attorney’s Office finally dropped all charges against Mr. Ortiz for the offense.

This victory for our justice system was obtained only through the extraordinary cumulative work of Mr. Harralson, who fought to have Mr. Ortiz’s alibi considered both before and after the conviction, Ms. Whitt, whose investigation during the appeal led to the filing of the petition for writ of habeas corpus and which she personally financed, the tireless work of Innocence Project staff and students in preparing for and arguing the habeas petition, the thorough and inspired reinvestigation of the case by Mr. Broughton, and the willingness of Mr. Skiles to do the right thing.

While it has taken 6 years, finally Mr. Ortiz’s innocence has been recognized. We are thrilled that our work led to the convictions’ reversal, and inspired by Mr. Broughton’s exhaustive reinvestigation of the case. We also commend the Fresno County District Attorney’s Office for their openness in reconsidering the case which ultimately led to the decision to drop the charges. This is the seventh exoneration secured by the NCIP since its inception in 2001.
NCIP hosted the Ninth Annual Innocence Network Conference this Spring.

1. John Thompson, Director of Resurrection After Exoneration, and Kenneth Wyniemko, Director of the Ken Wyniemko Foundation, speak on a panel of exoneree leaders.

2. Recent exonerees Levon Brooks and Kennedy Brewer toast Peter Neufeld, co-founder of The Innocence Project.

3. Maddy deLone, Executive Director of The Innocence Project, with Barry Gibbs, exoneree.


5. Victoria Mathews, Jessica Jerving and California Innocence Project Students attended the conference.


NCIP celebrated the inaugural *Justice for All* Awards Dinner.

1. Antoine Goff, exonerated after spending 13 years in prison, accepts the *Justice for All* Freedom Award on behalf of all exonerees. 2. Student volunteers Shabnam Tai, Lauren Suhl and Erica Arena. 3. NCIP remembered exoneree Arthur Carmona, who was recently released and then tragically killed in February. 4. The 640 guests were captivated throughout the night by the speakers, honorees and San Jose Jazz accompanied by Tony Lindsay. 5. Herman Atkins holds up the number assigned to him by California while he was wrongfully imprisoned for 11.5 years before before ripping it up. 6. Innocence Project Executive Director Cookie Ridolfi served as master of ceremonies. 7. Former Attorney General John Van de Kamp, Professor Gerald Uelman, NCIP Legal Director Linda Starr, NCIP Executive Director Cookie Ridolfi and exoneree Antoine Goff. 8. Tony Lindsay, lead singer for Santana, entertained the guests.
The Northern California Innocence Project is both a non-profit law firm that works to obtain the freedom of innocent people and a legal clinic offered to students of Santa Clara Law. The Innocence Project offers law students the chance to do life-changing work while learning how to practice law. Students attend class and work closely with attorneys researching, investigating and litigating claims of innocence. The Project helps them develop the critical practical skills and legal reasoning needed for the successful practice of law. Our graduates practice law in every imaginable practice area. Regardless of their area of practice, NCIP graduates take from NCIP developed skills in research, writing and communication that well serve them and their employers. They also acquire a deep understanding of the real lives affected by our legal system and the real issues—legal, ethical and practical—that must be grappled with in actual cases.

ELIZABETH VOORHEES
Innocence Project alumni Elizabeth Voorhees became interested in the Program when she was pursuing the Public Interest/Social Justice certificate offered by Santa Clara Law. She signed up for the seminar class and was assigned to the legal team in the John Stoll case. She continued working on the case even after she graduated from law school in May of 2003. John had been convicted of 17 counts of child molestation and served 20 years before his exoneration and release on May 4, 2004, his 61st birthday. Voorhees describes her experience working on the case as life-changing. “John came over to Santa Cruz with me and stood on the beach, looking at the waves for the first time in 20 years, and we cried together. He kept telling me that he had forgotten how much color is in the world; we just take it for granted.” Voorhees is currently in private practice in Santa Cruz and Monterey county taking family law/civil harassment cases. In the fall of 2008, she hopes to open her own non-profit organization, Trinity Legal Center, which will provide low-cost mediation services to families, classes in non-violent relationship communication for teens and young adults, and legal services for battered women and their children.

SEAN COONEY
Sean Cooney graduated in 2007 and is an associate at McGrane Greenfield LLP, a small, civil litigation firm focusing on business, commercial real estate, and bankruptcy litigation. Cooney enrolled in the Innocence Project “to get involved with something that really mattered,” and to develop legal skills. The experience was invaluable to Cooney, who says the Innocence Project taught him how to take a small amount of resources and use them with tremendous efficiency. He also said the course was also “crucial” in developing his writing skills. Cooney had struggled through Legal Research and Writing courses before taking the Innocence Project and afterwards, won ‘Best Brief’ for the honors moot court competition. Cooney recommends the Innocence Project to all students because “it’s a great place to build skills necessary in all areas of law, and it also builds case management skills that law school just doesn’t teach you.”
EMILY WANG

Emily Wang graduated in 2003, worked for two firms after graduation and then successfully opened her own criminal defense firm two years ago, the Law Offices of Emily Wang. Wang says that her work at the Innocence Project is harder than what she does now. “Because it’s post-conviction, you really have to look over every nook and cranny, every detail—you’re really reviewing someone else’s work trying to see what happened or what went wrong and it’s easier to just start from scratch.” She described NCIP as a great way to learn what not to do while at the same time helping people. Wang would absolutely recommend students take the class, saying, “If you can do an Innocence Project case, you can do any criminal case.”

“I think it makes more sense for prosecutor oriented people to do NCIP than defense-minded individuals—because if we do our job correctly than the Innocence Project wouldn’t need to exist.”

—MICHAEL HEMKER

MICHAEL HEMKER

Michael Hemker is a Deputy District Attorney in Shasta County. He enrolled in the Innocence Project because he wanted as much exposure to criminal law as he could get in law school and because he likes the investigative side of criminal law and knew would get to do that there. He was also looking for a well-rounded view of criminal law and knew he would get to do that there, and because he wanted a well-rounded view of criminal law before becoming a prosecutor. Hemker loved the hands-on experience and recommends it to all students who, he says, “will learn more from a clinic than they will from a lecture course.” Working at NCIP taught him to always be upfront about discovery and not to try to hide anything. Hemker stated that, “[e]ither you have a case or you don’t, and if you don’t, admit it and let the case go… I think it makes more sense for prosecutor oriented people to do NCIP than defense minded individuals—because if we do our job correctly then the Innocence Project wouldn’t need to exist.”

The alumni profiles will be a recurring feature in our newsletter. If you are an alumni please contact us with an update on what you are doing.
She Digs NCIP

It was her love for archaeology that attracted paralegal BARBARA GOODING to the Northern California Innocence Project.

“In college I was an archaeology major,” she explains. “I like to go digging for things, to piece together materials and put together information. It is like solving a puzzle.”

Today, as an NCIP volunteer, the puzzles she solves have nothing to do with old bones and ancient artifacts and everything to do with truth and justice.

Barbara helps screen cases and collect documents. She also chips away at the backlog of payments owed by counties that appointed NCIP to represent clients. Her service to the Innocence Project has been invaluable.

Barbara learned of the Innocence Project at a paralegal conference. Mary Likins, NCIP case manager and forensic nurse, was delivering a presentation. Barbara was immediately drawn to the project and its work.

She contacted the Innocence Project and offered her services as a paralegal. During the past year, she has worked one day a week unearthing materials that can help to prove an inmate’s innocence.

Keeping Them Honest

Money was never the object for RICK VON GELDERN. As a private investigator for more than 20 years, his inspiration has come from something far less tangible.

“It's the Constitution and individual rights that motivate me,” he says—and are the reasons why he is always ready to help the Innocence Project.

Rick has provided pro bono investigations on three major cases, tracking down witnesses and finding evidence that might be suitable for DNA testing.

“The work of the NCIP is noble and necessary,” he says. “It is a good signal to the prosecution, the police, the victims and their families that just because a person has been arrested, prosecuted, convicted and scorned, it is not always the truth. Mistakes are made and the more this is exposed, the more it may prevent juries from making the same mistake in the future.”

Rick’s office worked with Barry Scheck during the early years of the Innocence Project and he was a pioneer in exposing junk science.

In the early 1990s, he was an investigator with a team of criminal defense attorneys and molecular biologists. They examined a type of DNA science that had been advanced and used by the FBI to gain convictions.

Rick and his team fought vigorously and were able to successfully expose the FBI methodology as flawed. His work has been invaluable, particularly in small counties where resources and access to experts is limited.

In the mid to late 1990s, Rick and a private defense attorney opened the DNA Litigation Project. The group provided public defenders and private defense attorneys with information and experts they could use to defend cases resting on DNA evidence.

He's now happy to report that advances in DNA technology and a deeper understanding of its use have made that work obsolete.

Today, Rick has his own investigation firm in Sacramento, Capital City Investigators, which specializes in civil defense cases. He recently worked on a case involving the Catholic Diocese investigating claims of sexual assault on behalf of 32 plaintiffs. The case settled in 2005 for $35 million.

Now 55, Rick says he's thinking about reducing his workload, but that doesn't mean stepping back from his involvement with the NCIP.

“I always enjoy helping out the Innocence Project,” he says. “Hopefully part of what I do for you helps to keep the system honest.”
Gerbode Family: A Long Time NCIP Supporter

“It is disgusting; it is shameful,” asserts Colin Gerbode, the oldest of the three siblings that comprise the Gerbode Family Foundation trustees. “I am incensed, as an American, that NCIP is necessary. It is truly frightening that innocent people can be jailed in this country, and equally reassuring that NCIP works to identify these innocent people and work for their freedom. And the mere fact that NCIP is necessary obligates me and mine to help.”

The Gerbode Family Foundation has been a multi-year supporter of the Innocence Project since 2002. Familiar with NCIP through Elizabeth Voorhees, a former student of Santa Clara University Law School and the Innocence Project’s legal clinic, the family was one of the first foundations to step up and provide support for the project. “Beth did a good deal of research on the John Stoll case,” says Colin. (Editor’s note: John Stoll was exonerated in 2004 after nearly 20 years in prison for a crime he did not commit. NCIP, working in collaboration with the California Innocence Project at California Western School of Law in San Diego, won Stoll’s freedom.)

Several things conspired to make it possible for the Gerbodes to donate. It was the collision of “values and opportunity,” explains Colin. Voorhees graduated from Santa Clara University Law School in 2003 and went on to study for the Bar, keeping in touch with NCIP. At one point in 2005, she reported to Colin that NCIP had lost state funding and was perilously close to closing its doors. Around the same time, the Gerbode family, a Bay Area family with a long tradition of philanthropy, established a foundation for the current generation to administer: siblings Colin, Ian and Sharon Gerbode.

“It’s a tradition in our family to give something back,” notes Colin. “The Foundation is one of several my family has established over the years. This foundation was started specifically to allow my siblings and me to experience the philanthropic process in a hands-on way.” So the connection was made, and the Gerbode Family Foundation and its three sibling trustees decided to contribute $100,000 that year so that NCIP “could continue its important work,” says Gerbode, “and we also decided to make it part of our regular annual foundation contributions.”

“I personally feel good about what we have been able to accomplish through our philanthropy,” remarks Colin. “We have done some good things that have real impact on our society—supporting NCIP, providing funds for disaster relief and for Doctors Without Borders are at the top of the list for us.”

“With our contributions to NCIP, we can see that we really have an opportunity to make a difference, not only for individuals faced with wrongful conviction, but to also change the way our justice system is working. We have the opportunity, through NCIP, to make the system work better, with the overarching goal of ‘innocent until proven guilty’ and making it impossible for the innocent to go to prison.”

“We are so glad to have been a part of incubating NCIP early on, to help get it to the point of having over 600 people at the San Jose Fairmont for an awards dinner that raised $1 million.”

Cookie Ridolfi, Executive Director of the Innocence Project, knows the Project would not exist without the generosity of people like Colin. “We are so fortunate that donors like the Gerbode Family Foundation understand that speed equals resources available—in this case to speed justice for the wrongly convicted takes resources of both time and money. The generosity of the Gerbodes over the last several years has been unbelievably critical in advancing our pursuit of justice for the wrongly convicted and more recently, in promoting policy changes needed to reform our justice system.”

The Gerbode Family Foundation is administered by the Silicon Valley Community Foundation, led by CEO and President Emmett Carson. The Community Foundation was created in 2006 through the landmark merger of Peninsula Community Foundation and Community Foundation Silicon Valley, and launched in January 2007.

Serving all of San Mateo and Santa Clara Counties, Silicon Valley Community Foundation is a partner and resource to organizations improving the quality of life in our region, and to those who want to give back locally, nationally and internationally.
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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. We deeply appreciate all those who helped us raise a record breaking amount of money this year.

Please note: This list reflects cumulative gifts and pledges from July 1, 2006, to May 23, 2008. We make every effort to compile an accurate list. If your name is missing or misspelled, please let us know.

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[16]
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