

# OVERCOMING BARRIERS *to justice*



annual  
report  
2017



PENNSYLVANIA  
INNOCENCE  
PROJECT

*Unlocking the Truth.  
Freeing the Innocent.*





## LOOKING BACK AT 2017

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## Our HISTORY

The Pennsylvania Innocence Project was founded in 2008 under the leadership of David Richman and David Rudovsky. In 2009, thanks to the immense support of then Dean JoAnne Epps, its doors opened at Temple University's Beasley School of Law.

In 2016, the Project opened a second office in Pittsburgh, housed by Duquesne University Law School. This office helps to better serve clients incarcerated in Western Pennsylvania and build upon the Project's movement for wrongful conviction reform statewide.

The Project continues working to exonerate wrongfully convicted persons across the Commonwealth with the help of its dedicated staff, legal interns, and supporters.



## From Our EXECUTIVE DIRECTOR

In this, our 7th Annual Report, we celebrate those who have persevered to overcome extraordinary obstacles to justice. **In 2017, we were honored to witness three of our wrongly convicted clients – Shaurn Thomas, Marshall Hale, and Lorenzo Johnson – walk free of their prisons.** Together, these men served over 80 years in prison for no reason. Their extraordinary courage and ability to persevere when all hope seemed gone inspires all of us.



**Marissa Boyers Bluestine**

Executive Director, Pennsylvania Innocence Project

## From Our BOARD PRESIDENT

The Pennsylvania Innocence Project completes its eighth year with great pride in its accomplishments and undaunted by the “time critical” work that needs to be done.

What is time critical about our work? **Time is at the core of our mission.** We believe that one night in jail for an innocent person is one night too many. And if there were only one such innocent person, it would be too many.

And so it is with urgency that we report the accomplishments and challenges of 2017.

**As an organization, measured on the scale of other similar organizations, we are approaching maturity.** We are now well into the term of the second President of the Board. Our Board is reorganized and reinvigorated through the institution of modern methods of operation, with fewer board meetings, and more board committees, by-law committees, standing committees, working committees and ad hoc committees – and we believe this new committee structure is more functional for the current shape of the organization. And, the committees are engaged and active. No board member can honestly say they haven’t enough to do.

Our executive director and legal director, lawyers, investigators and staff work to further the mission every day, with the assistance of interns and volunteers across the Commonwealth.

But as we mature and grow, some things remain unchanged and will not change. We have and will continue to be focused on our core mission – to do everything in our power to make our

justice system just for everyone by making certain that no one is convicted of a crime that they didn’t commit or that didn’t occur.

All of us are working to achieve greater efficiency in the careful review of requests for representation from across the Commonwealth, recruiting volunteers to help review and investigate our cases, and to identify and recruit volunteers to litigate these cases. We continue to work to improve the criminal justice system to avoid mistaken convictions, and to facilitate humane treatment of the wrongly convicted upon release.

We recognize that no system of justice is perfect. However, we also recognize, as Superior Court Judge Bender said in a recent decision, “a system of criminal justice that prevents the correction of obvious errors is easily improved ...” And we work every day to do that.

**We expect our fundraising will help us achieve these three core goals: reform the system, speed exonerations, and support exonerees upon release.**

Thank you for all that you do to help advance our mission. I don’t know for a fact that your support will mean one less day, or week, or year, in prison for an innocent person, but I do know that for every dollar of support we receive we are moving toward achieving our goal.



**Howard Scher**

President, Board of Directors





## THE EXONERATION OF MARSHALL HALE: *His Long Road to Freedom*

On July 13, 2017, Marshall Hale was exonerated and released from a Commonwealth of Pennsylvania prison, having served over 33 years for a crime he did not commit. **Mr. Hale was one of the Pennsylvania Innocence Project's first clients when we opened in 2009.** Mr. Hale's extraordinary courage and tenacity are what enabled him to fight for three decades and overcome barriers which have thwarted countless others.

Mr. Hale was convicted in September 1984 of a November 1983 violent rape at gunpoint of a 14-year old girl in Philadelphia, Pennsylvania. In his brief three-day trial, the only evidence presented linking Mr. Hale to the crime was the victim's cross-racial identification of him.

At trial – conducted before DNA testing became available – a Philadelphia lab specialist testified that blood Type B and semen were found on some of the victim's clothing. She further explained that Mr. Hale was blood Type A and the victim blood Type O. Yet incredibly, the Commonwealth argued Mr. Hale could not be excluded as the rapist, because Type A blood was found on items at the scene – an abandoned house where heroin addicts would “shoot up.”

The jury convicted Mr. Hale. He was sentenced in April 1985 to 23.5 to 47 years in prison.

**In the years following his conviction, Mr. Hale filed many petitions on his own without counsel** to obtain



Marshall celebrating his release with attorney John Summers.

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DNA testing and discover evidence he contended had been withheld by the Commonwealth. Even after DNA testing became widely available, it was never performed; the Commonwealth either lost or destroyed all of the evidence from the trial. Yet Mr. Hale kept fighting.

In 1998 – 13 years after his conviction – the Commonwealth belatedly produced 25 pages of raw Philadelphia Police Department lab notes. The significance of those notes – which demonstrated Mr. Hale’s innocence – was not known until the Pennsylvania Innocence Project had them reviewed by an expert in 2009. He concluded that the notes proved Mr. Hale’s innocence, despite the lab technician’s trial testimony.

**This long-withheld evidence demonstrated Mr. Hale should have been excluded as a suspect, never charged, and never convicted.**



Marshall with Pennsylvania Innocence Project Executive Director Marissa Boyers Bluestine, & attorneys John Summers & Maureen Lawrence (from left).

The Project filed a petition for post-conviction relief in the Philadelphia Court of Common Pleas in 2010 – a quarter century after Mr. Hale’s conviction. The District Attorney’s Office opposed his petition even though the Director of the Philadelphia Police Department Forensic Science Bureau agreed with the

Project’s expert that the rape kit evidence excluded Mr. Hale.

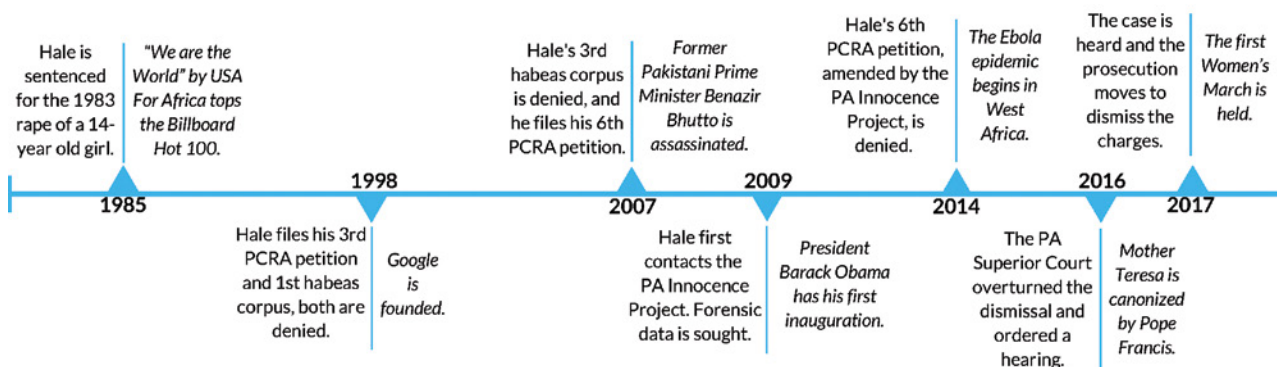
The DA’s Office opposed Mr. Hale’s petition on a technical ground saying Mr. Hale had “known” the facts showing his innocence when he received the stack of lab notes in 1998 and

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“The guards said, ‘Just admit you did it so you can get out. You’re gonna die in here.’ But I wasn’t going to admit to a crime I didn’t commit.”

## MARSHALL HALE’S JOURNEY TO FREEDOM

Marshall Hale spent 33 years in jail for a crime he did not commit. He tried proving his innocence for two decades before working with the PA Innocence Project.



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had “waited” to file his petition in 2010.

Unbelievably, the court accepted the DA’s position and dismissed Mr. Hale’s petition in 2015. On appeal to the Superior Court, John Summers, Dina L. Grove, and Maureen S. Lawrence – lawyers from Hangley Aronchick Segal Pudlin & Schiller – came on board to help.

After a thorough and full oral argument and briefing, in a unanimous opinion written by Judge Olson and joined by Judge Ott and Justice Stevens, the Pennsylvania Superior Court reversed the trial court decision in September 2016.

As a team, we then met several times with the Philadelphia DA’s Conviction Review Unit. The Unit finally gave Mr. Hale’s claims the review they deserved. After meeting with Mr. Hale’s expert and the Director of the Police Department’s Office of Forensic Science, the DA finally agreed to recommend Mr. Hale’s exoneration and release.

**On July 13, 2017, the trial court formally released and exonerated Mr. Hale,** nearly 33 years after he was wrongfully convicted, 19 years after he first received the previously



Finally free after serving over 33 years for a crime he did not commit, Marshall is looking forward to what the future holds.

undisclosed lab notes, and almost 8 years after the Project argued those lab notes conclusively demonstrated his innocence. Mr. Hale was released into the arms of his loving family.

**Written by:** John S. Summers, Maureen S. Lawrence, & Dina L. Grove (*Hangley Aronchick Segal Pudlin & Schiller*)

**Edited by:** Marissa Bluestine & Alexis Anderson

“ When I first got convicted, I just knew I was going to get out. I knew I wasn’t going to stay incarcerated for the rest of my life. ”



Marshall with fellow Pennsylvania Innocence Project exoneree Shaurn Thomas, enjoying the Reading Terminal Market. You can read Shaurn’s story on the next page.



## 2017 Exonerees: WHEN THE BARRIERS COME DOWN

In 2017, two more of our clients overcame barriers to freedom. Lorenzo Johnson and Shaurn Thomas walked free after serving a combined 46 years in prison. Here are their stories.

### Lorenzo Johnson

Lorenzo Johnson has always maintained he was nowhere near Harrisburg, Pennsylvania the night Taraja Williams was murdered in 1995; he was in Yonkers, New York. **Based on testimony later shown to be untrue, Lorenzo was convicted and sentenced to serve a life behind bars.** In 2011, Lorenzo was briefly freed when the Third Circuit Court of Appeals granted his appeal and ordered him released. But that victory was short-lived when the United States Supreme Court summarily reversed the decision. Days after that, on June 4th, 2012, Lorenzo turned himself in to continue serving his life sentence. In the summer of 2017, in the middle of litigating another petition raising Lorenzo's actual innocence and evidence suppressed by the Commonwealth, **the Pennsylvania Attorney General agreed to have Lorenzo plead no contest to reduced charges, allowing him to again walk free** – this time, for good. Lorenzo swallowed what he called a “bitter pill” by accepting. In the end, he said of his family and loved ones who had stuck by him for so long, “I had to end their pain.”



### Shaurn Thomas

In November 1990, **Shaurn Thomas stood before a Philadelphia juvenile magistrate at the moment a horrible murder was committed miles away.** Two years later, shockingly, a jury overlooked that evidence and convicted Shaurn of having participated in the crime based entirely upon the testimony of two incentivized witnesses. At age 19, he was sentenced to spend the remainder of his natural life in prison. The Project started reviewing Shaurn's case in 2009, working with pro bono partner Jim Figorski of Dechert LLP (recipient of our first Ohlbaum Award, which recognizes outstanding volunteers). After years of disappointments and setbacks, we finally saw progress working with the Conviction Review Unit (CRU) of the Philadelphia District Attorney's Office. After members of the CRU discovered witness statements never turned over at Shaurn's trial – statements from other men who could have committed the murder – Shaurn was released in May 2017, and fully exonerated a few weeks later. One of the most inspiring things about Shaurn is his response to the reporter who asked him if he was bitter: **“Life is too short to hold a grudge.”**



## ***Client Breakthroughs:*** **JUSTICE IS WITHIN REACH**

Overcoming barriers is a long and frustrating process. For too many of our clients, we see some gains and wins followed by heartbreaking setbacks. This year, **many of our clients inched a little closer to freedom.** These are four.

### ***Rusty Brensinger***

Rusty Brensinger's case ended 2016 on a low note with a denial of his PCRA petition just before the holidays – not on the merits, but due to a determination that Rusty could have obtained scientific expert opinions showing that he did not cause the victim's death earlier than he did. But that did not stop Rusty or the Project. We spent 2017 appealing that decision with our pro bono partners from Buchanan Ingersoll and Rooney, and helping Rusty with his parole application in the hopes that he will be able to be home with his family while continuing his fight to prove his innocence.

### ***Dontia Patterson***

Dontia Patterson was 19 when he was wrongly convicted of murdering his close friend and sentenced to life in prison without the possibility of parole. In 2017, after reviewing and investigating Dontia's case for almost four years, we filed an amended PCRA petition along with our pro bono partners from Cozen O'Connor based on the ineffective assistance provided by Dontia's trial counsel in failing to present critical evidence to the jury, including information from a witness who was closest to the shooter and told police it was not Dontia, as well as evidence of the unreliability of eyewitness identifications and surveillance video used to convict Dontia. We convinced the DA's office to undertake a review of the prosecution in the hopes of obtaining an agreement to exonerate Dontia. That review is ongoing.

### ***Larry "Trent" Roberts***

Larry Trent Roberts was convicted of murdering his friend in Harrisburg even though his trial counsel had access to alibi evidence showing he could not have committed the murder; he simply chose not to present it. Through the Project's investigative efforts, we, along with a pro bono team from Pepper Hamilton led by Tom Schmidt, uncovered evidence that had been suppressed by the Commonwealth and showed that witnesses had lied at trial. After a multi-day hearing in 2016, in 2017, the judge issued his decision granting Trent a new trial based on the ineffective assistance of his trial lawyer, the unconstitutional suppression of evidence, and the new evidence from a key witness who recanted his trial testimony. Despite this, the Commonwealth appealed. We spent 2017 responding to that appeal, while Trent remained wrongfully incarcerated.

### ***Letitia "Teri" Smallwood***

Teri Smallwood was convicted of arson and murder in 1973. In April 2015, her conviction was overturned when the Project, along with co-counsel Joshua Snyder of Boni & Zack, demonstrated that the fire investigation leading to the arson determination was unreliable. The Commonwealth appealed, arguing that the petition had not been timely filed. Unfortunately, the Superior Court agreed – even though it recognized that a jury likely would have decided the case differently if it heard the testimony of our fire investigation expert who analyzed the case using modern standards. We spent 2017 seeking justice for Teri by asking the Pennsylvania Supreme Court to review that decision.







## From Our PHILADELPHIA & PITTSBURGH OFFICES

**2017 was a banner year for case work at the Pennsylvania Innocence Project, capped by three exonerations and an order granting a new trial!** You have read the stories of three men who we had the privilege of bringing home this year – Marshall Hale, Lorenzo Johnson, and Shaurn Thomas – in this report, as well as the story of Larry Trent Roberts, who is still incarcerated despite winning a new trial because the Commonwealth decided to appeal. We hope you are as inspired by them as we have been throughout the years spent working on their cases.

**2017 marked the first full year of operations of our Pittsburgh office,** allowing the Project to provide more seamless and robust representation to the convicted innocent throughout the Commonwealth. Working together, staff from both offices filed 6 new petitions seeking new trials or DNA testing for our clients. A number of these cases furthered the Project's efforts to bring reliable science to the courtroom, including cases highlighting unreliable eyewitness identifications used to convict our clients Khalif McDuffy (Delaware County) and Dontia Patterson (Philadelphia County) and unreliable fire investigation testimony used to convict our client James Young (Westmoreland County) of arson and murder even though the fire likely had an accidental cause. **Our Pittsburgh office was a finalist for a Martin Luther King award** from the

Coro Foundation, highlighting the western Pennsylvania community's warm embrace of our mission.

The Project also shepherded dozens of cases through our intensive, multi-stage review process; provided clinical training for law students, undergraduates, high school students, and forensic science and social work graduate students from 25 schools; and provided training and education sessions for attorneys, community members, and law enforcement personnel across the Commonwealth on issues related to wrongful convictions.

Of course, **none of this could be accomplished without your support and the support of our pro bono partners** across the Commonwealth who give their time, energy, intellect, and compassion to make our work possible. Thank you for your continued support, and we look forward to another banner year in 2018.

**Nilam A. Sanghvi**  
Legal Director

**Liz DeLosa**  
Managing Attorney, Pittsburgh Office



# PHILADELPHIA ANNUAL EVENT

## May 2017

In May, 2017, we held our 8th annual celebration to honor Lifelines for our clients: those who provided unrelenting support and hope to our clients, sustaining them during their years spent wrongly convicted.



We presented Rabia Chaudry with the Maureen Rowley Award for her work exploring wrongful convictions through her podcast, "Undisclosed," which has featured several Project clients' struggle for justice.



Congratulations to all of our 2017 honorees!



We honored two men indispensable to the Project's founding – David Richman & David Rudovsky (from left). Without them, there truly would be no Pennsylvania Innocence Project.



Cozen O'Connor was presented with our Hero of Justice Award for its faithful & multifaceted support of the Project, our clients, & our mission.



We were proud to recognize three of our exonerees & their families: Eugene Gilyard & his mother Christine; Donte Rollins & his mother Ava; Kenneth Granger & his daughter Tonya (from left).



# PITTSBURGH ANNUAL EVENT

## October 2017

To celebrate the first anniversary of opening our Western Pennsylvania office in Pittsburgh, we gathered at the amazing PNC Tower in downtown Pittsburgh. Greeted by PNC General Counsel Greg Jordan, we enjoyed **an evening of celebrating our clients, and the pro bono partners and supporters who help advance the Project's mission.**



## EDUCATIONAL INSTITUTION Support

A core part of our mission is to provide clinical training and experience to students in the fields of law, journalism, criminal justice, social work, and forensic science as well as undergraduate programs. Being housed at Temple University through Temple University Beasley School of Law in Philadelphia and at Duquesne University School of Law in Pittsburgh allows us to work with students on cases and all aspects of our work.



In 2017 we worked with interns and provided law clinics from schools all over the Commonwealth and beyond. Those schools included:

- ♦ Arcadia University
- ♦ Community College of Philadelphia
- ♦ Conestoga High School
- ♦ Drexel University Thomas R. Kline School of Law
- ♦ Duke University
- ♦ Duquesne University School of Law
- ♦ Harvard Law School
- ♦ Indiana University
- ♦ George Washington University
- ♦ Oberlin College and Conservatory
- ♦ Pennsylvania State University, Dickinson Law
- ♦ Philadelphia College of Osteopathic Medicine
- ♦ Riverview High School
- ♦ Rutgers Law School
- ♦ Taylor Allderdice High School
- ♦ Temple University
- ♦ Temple University Beasley School of Law
- ♦ University of Akron School of Law
- ♦ University of Pennsylvania Law School
- ♦ University of Pittsburgh
- ♦ University of Pittsburgh at Greensburg
- ♦ University of Pittsburgh School of Law
- ♦ Vanderbilt University
- ♦ Villanova University Charles Widger School of Law
- ♦ West Virginia University College of Law

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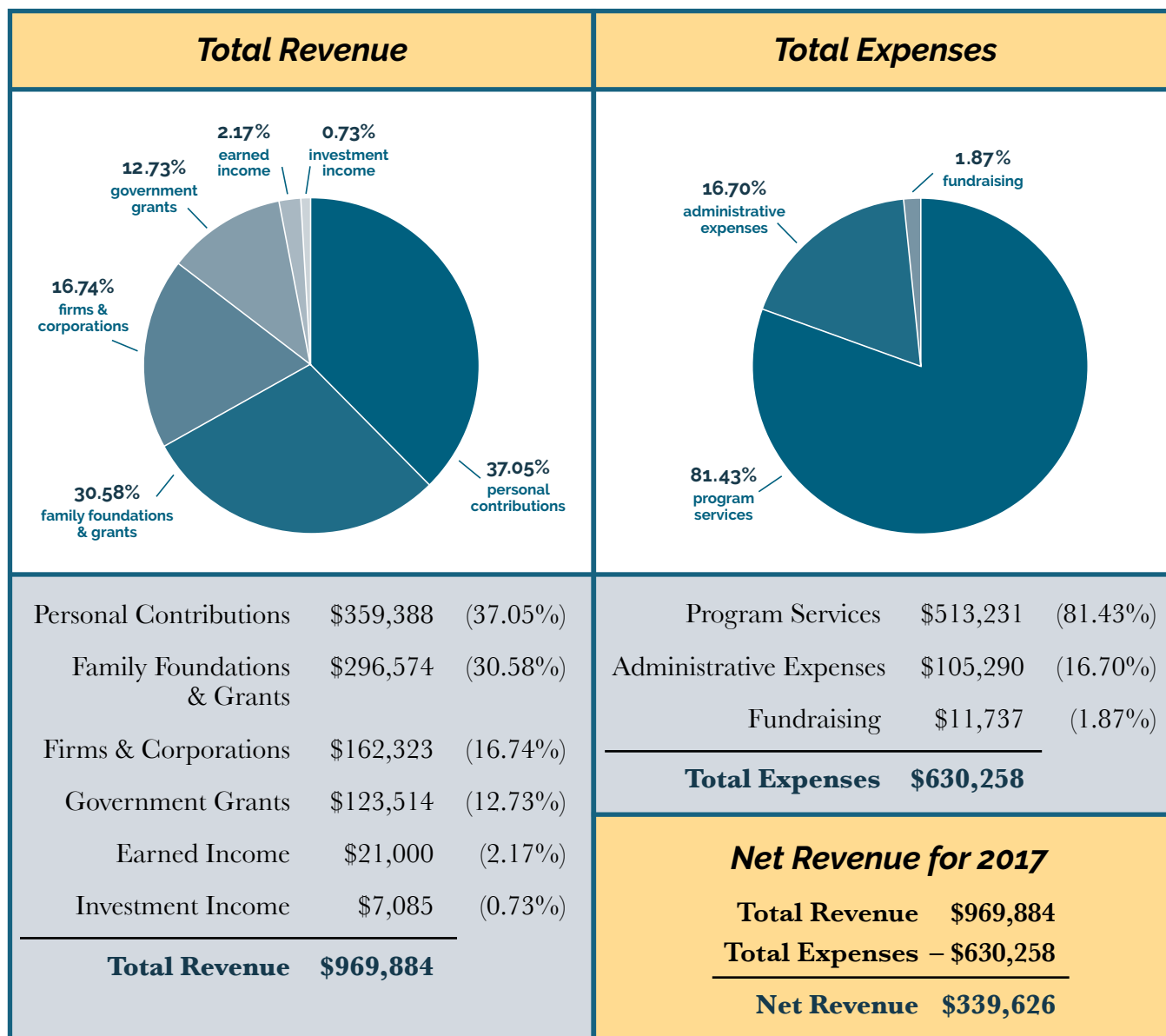
As a tiny public interest law firm, we would never be able to do the work we do, or have the impact we have, without the steadfast support and partnership of lawyers all across the Commonwealth. **In every case we take to court, we are accompanied by extraordinary, dedicated lawyers who volunteer their time and resources to help free our clients.** For their tireless efforts, we are ever so grateful.

### *Pro Bono Law Firm & Corporate Partners*

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For greater detail, you are welcome to review our 990 on [Guidestar.org](http://Guidestar.org).



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The PA Innocence Project is in the business of finding justice for the innocent. To accomplish this goal, the Project must be made aware of those who need its help-- and this begins with a letter.

## Actions Resulting from Letters Sent in 2017

539

LETTERS  
FROM  
PRISONERS

398

FOLLOW-UP  
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141

QUESTIONNAIRES  
SENT OUT

11

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AFTER  
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NEW CASE IN  
LITIGATION



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PRO BONO ATTORNEYS

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UNDER REVIEW BY  
LAW STUDENTS &  
PRO BONO ATTORNEYS

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STAGE 2  
CASES WAITING  
FOR REVIEW



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The Pennsylvania Innocence Project  
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Philadelphia, PA 19102

**Phone:** 215-204-4255

**Website:** [innocenceprojectpa.org](http://innocenceprojectpa.org)

**E-mail:** [innocenceprojectpa@temple.edu](mailto:innocenceprojectpa@temple.edu)

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## *We Feel* **SO REFRESHED!**

You may have noticed a new look for our logo. **Thanks to the generous and brilliant designers at Aloysius Butler & Clark Creative** in Philadelphia, we have a fresh new look – just in time for our upcoming 10th Anniversary.

The firm designers donated their time to help us. The logo they designed for us keeps the lock theme from our old logo, but re-imagines as it as an open padlock in the shape of a keystone – the Pennsylvania symbol. They also used our state colors – blue and yellow – in the design to emphasize our statewide work. We could not be happier.

***Thank you, Aloysius Butler & Clark!***

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