



TEXAS SOUTHERN UNIVERSITY
Thurgood Marshall School of Law



INNOCENCE PROJECT

Earl Carl Institute for Legal & Social Policy

Because Truth Matters

EARL CARL INSTITUTE FOR LEGAL & SOCIAL POLICY, INC.
TEXAS SOUTHERN UNIVERSITY
THURGOOD MARSHALL SCHOOL OF LAW

INNOCENCE PROJECT BIANNUAL REPORT

January 1, 2023 to May 31, 2023

Submitted July 3, 2023

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&

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About TMSLIP

The Thurgood Marshall School of Law Innocence Project (TMSLIP) is housed and operated under the Center for Criminal Justice at the Earl Carl Institute for Legal and Social Policy, Inc. (ECI). ECI is a research and writing think tank, affiliated with Texas Southern University's Thurgood Marshall School of Law, that focuses primarily on legal and social issues that disproportionately impact communities of color. ECI promotes equity, diversity, and inclusion, as well as race, gender, and social justice through legal representation, researching, writing, advocacy, and community education activities. ECI's attorneys and staff, assisted by law students, carry out the work on behalf of individuals and communities in need of quality, client-centered legal representation. Law student participation develops a cadre of public interest advocates passionate about bridging the legal gap and providing quality legal representation to those in need of assistance regardless of ability to pay.

TMSLIP's innocence work furthers ECI's mission to empower underserved and disenfranchised communities by addressing systemic social issues through legal representation, research, education, and advocacy. In pursuit of ECI's broader goals to address systemic social issues, TMSLIP's targeted mission is to identify individuals making claims of actual innocence, thoroughly investigate those claims, and provide quality, client-centered legal representation through the investigation and exoneration process. By providing hands-on, real life experience to law students, TMSLIP seeks to develop an interest in the intersection of the criminal justice reform and the leading causes of wrongful conviction for future attorneys who will join the fight for justice.

Biannual Report

This report details the work of the Thurgood Marshall School of Law Innocence Project (TMSLIP) from January 1 – May 31, 2023, including a narrative of how TIDC grant funds were used, TMSLIP's accomplishments related to actual innocence case services, and discussion of intake, investigation, and litigation process.

Project Configuration

TMSLIP transitioned for a hybrid-working model to working in office full-time. Both staff and students come in to assist in investigative efforts. Witness interviews, in-person prison visits, and in-person meetings with government officials have resumed.

TMSLIP currently employs one full time Supervising Attorney, Brian Ehrenberg. The Paralegal position has been vacant since mid-2022 due to university cutbacks. In the absence of this position, ECI has used unrestricted grants and donations to pay for a parttime person to scan and upload documents into the case management system as well as to prepare and mail acknowledgement of the receipt of documents. Currently, the Innocence Attorney along with the assistance of law students, volunteers, and ECI staff are responsible for handling correspondence, data entry, and responds to requests for assistance by acknowledging receipt of the request and providing an explanation of TMSLIP's review process. The Innocence Attorney, with assistance of students, initially reviews TPIQs, with an eye toward rejecting cases that do not meet program criteria on their face (i.e., not claiming innocence, outside of Texas, not a final conviction, death penalty case, etc.).

The remaining cases are then researched for case related documents readily available to the Attorney and students (e.g., appellate records, media reports, criminal history searches). The Innocence Attorney then screens the cases and determines whether further investigation is warranted

based on the Applicant’s claims and the evidence available. Case related information is uploaded into a case management system, which is accessible to staff and students authorized to work on the case throughout the investigative process.

Case Statistics

Since the last report, despite the lack of staff, TMSLIP backlog has decreased, with the number of cases now pending screening, investigation, and potential litigation at approximately 684. During the reporting period, TMSLIP staff and volunteers screened 241 questionnaires, which resulted in 32 cases being accepted for further investigation. TMSLIP has a current backlog of 800 questionnaires pending attorney screening. Currently, TMSLIP has 84 cases open in various stages of active investigation, and 300 cases on the waitlist for investigation.

WORK PERFORMANCE DATA

Total requests for assistance received	241
Request for assistance based on new claim of actual innocence ^a	32
Innocence claims screened ^b	241
Innocence claims closed after screening	209
Innocence claims closed after investigation	8
Innocence claims with legal remedy pursued	4
Innocence claims with relief granted	0
Innocence claims with relief denied	0
Innocence claims under active investigation at end of period;	86
Innocence claims awaiting investigation at end of period;	250
Law students participating	2
Hours performed by law students	≈ 100
Students from other fields of study	0
Hours performed by students from other fields of study	0

^a Includes all TPIOs received and letters warranting request for TPIO

^b Only includes questionnaires screened for further investigation

Summary of Innocence Claims with Legal Remedy Pursued

During the reporting period, TMSLIP has been actively pursuing legal remedies in five cases.

First, TMSLIP signed on as co-counsel to an innocence claim that was pending parole review in the Texas Department of Criminal Justice. PV was wrongfully convicted of murder in 2006. He has served 17 years of his 30-year sentence. He is currently fighting his actual innocence claim in Federal Court. TMSLIP was approached by Attorney Chris Self and Latham & Watkins to represent him in his Parole Review hearing. Attorney Ehrenberg met with PV and his family numerous times preparing them for their statements in front of the Parole Board. Attorney Ehrenberg also presented PV's Innocence Case to the Parole Board. Unfortunately, PV's parole was denied stating the nature of the offense.

Second, TMSLIP has been working diligently on exonerating GG. A man wrongfully convicted of Sexual Assault of a Child. The complaining witness has signed and notarized an affidavit recanting the statement she gave over a decade prior. In her interview with Attorney Ehrenberg, the complaining witness stated that she only signed the original statement because her aunt threatened to give her over to CPS who she believed would have separated her and her newborn son. Attorney Ehrenberg was able to also recover a DNA test that shows GG is not the father of the complaining witness's son, which contradicts the police report and statement given at the time. Additionally, TMSLIP have retained a psychosexual counselor to examine GG. The results of the exam have shown he is a low risk of being a sexual predator. Attorney Ehrenberg, is currently drafting the Writ of Habeas Corpus and expect it to be filed in the coming months.

Third, TMSLIP has been working together with the Travis County Conviction Integrity Unit to have the DNA evidence retested in a 1998 murder. JA was wrongfully convicted of Murder in 2007 based on one finger print. After an extensive investigation of the case, Attorney Ehrenberg met with Travis County's CIU and explained JA's version of events along with the current advancements in

forensic science that could uncover a DNA mixture in the blood-soaked clothes and knife. After subsequent meetings and viewings of the physical evidence, Travis County CIU has agreed to not oppose Attorney Ehrenberg's motion for DNA retesting. This motion is expected to be filed within the coming weeks.

Fourth, TMSLIP represents one of four co-defendants who are pursuing actual innocence along with the Innocence Project of Texas and private attorneys. The Anderson County District Attorney's office reached out to TMSLIP due to the complaining witness coming to her office to recant her story of kidnapping and rape; blaming it on her drug addiction. TMSLIP represents HH in this group of four and is currently drafting a writ in partnership with IPOTX and a private attorney and expect it to be filed by the end of the summer.

Finally, TMSLIP represents ID in his parole review and actual innocence writ for his 30-year murder conviction that another man has confessed to committing. TMSLIP is working in partnership with Princeton to investigate and prepare his innocence writ and parole packet. A documentary of ID's case can be found at <https://youtu.be/OpV9qkt7JHM>. ID's parole review is scheduled for December of 2023.

Use of Grant Funds

During the reported period, the fulltime position of Innocence Attorney remained filled. The TIDC grant funds were used to cover the salary and benefits for the fulltime employee during their time of employment as well as the cost of expert services used in relation to innocence claims. These services were a psychosexual evaluation and an instance offense polygraph examination. Salary and benefits for the fulltime position and expert services total approximately \$28,269.00. No TIDC funding was used for legal clinic expenses, teaching and student supervision not directly related to eligible case-related activities.