William J. Skow. There was the case to the judge, the Honorable The defense waived a jury and tried known Willie for years and told friend testified that Willie was the both the print and television media. had been prominently featured in his photo and a videotape of him Knighten had been arrested and as the shooter. No photographs in connection with the incident. More than five months after the target sustained minor injuries to man believed to be the shooter’s near the entrance to the store. The vehicle. The bullets struck two men near the entrance to the store. The man believed to be the shooter’s target sustained minor injuries to his arm, but an innocent bystander was fatally wounded. Although several people were present at the scene of the shooting, no one was able to identify any of the three men in the dark blue Cadillac. More than five months after the shooting, no one had been arrested in connection with the incident. In early December, 1996, the police received an anonymous tip identifying Willie Knighten, Jr. as the shooter. No photographs were shown to the witnesses until Knighten had been arrested and his photograph had been prominently featured in both the print and television media. At trial, the victim’s sister and her friend testified that Willie was the shooter, even though they had known Willie for years and told police the night of the incident that the shooter was unknown to them. The defense waived a jury and tried the case to the judge, the Honorable William J. Skow. There was substantial evidence indicating that Willie was, as he maintained the entire time, completely innocent of the crime. Three foreign sets of finger and palm prints were found in the stolen dark blue Cadillac, and none of them matched Knighten. Two eyewitnesses testified that they saw the shooter or his arm, and Willie Knighten was not the shooter. An additional eyewitness, a friend of the deceased victim, testified that he saw the front and rear passengers in the car, and neither of those men was Willie Knighten, Jr. Finally, several people testified that Knighten was with them at a birthday party when the shooting occurred. Relying heavily on the eyewitness identification of Willie Knighten, Jr. as the shooter, Judge Skow found Knighten guilty. He was sentenced to 15 years to life in prison. As the years passed, information circulated around the neighborhood implicating three other men—unrelated to Willie Knighten, Jr.—in the crime. The eyewitnesses who implicated Knighten confessed to their friends that they implicated him either because they had seen his photograph in the newspaper and on the news when he was arrested or because the detective who showed them the photo array indicated that he was sure Knighten was the killer. Each time new information circulated, Knighten and his parents made sure Judge Skow was made aware of it. Twelve years later, Judge Skow was diagnosed with a terminal illness. By that time, he had been elevated to the state court of appeals. Before he died, he wrote a heartfelt letter to the Ohio Parole Board in which he indicated that he believed that he was mistaken in finding Willie Knighten, Jr. guilty of murder in 1997. He further indicated that Knighten’s case had weighed on his conscience for a number of years, and he did not want to leave this earth without informing the Board of his belief that Knighten was, in fact, innocent of the crime for which he had already served 12 years in prison. With the help of the OIP and numerous other supporters, Knighten successfully petitioned Ohio Governor Ted Strickland for an Order of Executive Clemency. Willie was released from prison two days before Thanksgiving. He gratefully returned to the home his parents have shared for many years to spend the holiday with his family and friends. Knighten, who finished high school and has completed several college courses, secured employment the very first week he was released. He continues to work with the OIP to secure a complete exoneration. According to OIP attorney, Karla Markley Hall, “Willie has missed so many opportunities during the time he was incarcerated, I look forward to the day when he is completely exonerated, and he will no longer have to identify himself as a convicted felon. He is so bright, and his family is very loving and stable. I am sure nothing will hold him back once his record is officially cleared.”

GOVERNOR STRICKLAND COMMUTES SENTENCE OF OIP CLIENT WILLIE KNIGHTEN, JR: WILLIE HOME FOR THANKSGIVING

In early January, 2010, the Criminal Justice Committee of the Ohio House of Representatives voted 9-2 in support of Senate Bill 77, legislation aimed at drastically reducing the risk of convicting the innocent. The OIP initially proposed the legislation to Governor Ted Strickland and the legislature in February 2009. Soon after its submission, the legislation was quickly supported by sponsor Senator David Goodman and Senator Bill Seitz, both Republicans. The bill proposes to identify specific procedures for the preservation of biological evidence for DNA testing, the recording of custodial interrogations for certain felonies, and the ‘double blind’ preparation of photo line-ups for eyewitness identification. The measure requiring the video recording of interrogations is designed to cut down on false confessions. The requirement that police use a ‘double blind’ process for line-ups, which means the officer administering the lineup does not know which person in the lineup is the suspect, is designed to reduce misidentifications by eyewitnesses. Mistaken identification due to outdated lineup procedures is the leading cause of wrongful conviction. The bill, which has the support of both Governor Strickland and Attorney General Richard Cordray, passed the Senate in June 2009 by a vote before moving to the House of Representatives. Now that it has been approved by the House Subcommittee, the next step is for the bill to be voted on by the full House of Representatives. If it passes that hurdle, the Senate must approve the changes made in the House (which the Senate is expected to do), and then the bill will go before Governor Strickland, who has already indicated he will sign it. The sponsor of the bill in the House, Chairman of the House Criminal Justice Committee Tyrone Yates, Democrat, stated upon the passage of the bill through his committee that Senate Bill 77 is the “most significant criminal justice bill in Ohio in more than a century.”

Picking Cotton Review

The Rosenthal Institute for Justice/Ohio Innocence Project, together with the YWCA of Greater Cincinnati, the College of Law and the Cincinnati Museum Center, sponsored Picking Cotton on September 17, 2009 as part of the Cincinnati Museum Center’s Insights Lecture Series. Featured speakers were Jennifer Thompson-Cannon and Ronald Cotton, co-authors of “Picking Cotton: Our Memoir of Injustice and Redemption,” a New York Times Bestseller. The book tells the story of Jennifer, who was raped as a college student, and Ronald, who Jennifer selected in a line-up as her attacker. Ronald served 11 years in prison for the attack before DNA proofed he was not the perpetrator. Two years after Ronald was released from prison, he and Jennifer met and have since developed a very special friendship. The event was a huge success, and was attended by more than 300, with an overflow crowd watching via live feed from the Museum Center’s Omnimax theatre. (Updated from left to right: Row 1: Ronald Cotton, State Senator Erz Kuyrney; Row 2: Dean Louis Bihoua; Kathy Beecham, President of the Board of the Greater Cincinnati YWCA; Jennifer Thompson-Cannon; Tonya Matthews, Vice President of Museums, Cincinnati Museum Center; OIP Director Mark Godsey; Robert McClendon, exoneree.)

“Historic” Senate Bill 77 Approved by Ohio House Subcommittee

Ohio Innocence Project
Lois and Richard Rosenthal Institute for Justice

Volume 2, Issue 1 Winter 2010
The Ohio Innocence Project (OIP) seeks to identify and assist prison inmates who claim to be actually innocent of the crimes for which they were convicted. The OIP will review an inmate’s request and conduct an investigation to determine whether the request meets OIP review and screening criteria. The OIP will work only on those cases where new evidence, whether newly discovered or developed through investigation, supports the inmate’s claim of innocence. The best type of new evidence is physical evidence (i.e., DNA) that was not tested prior to trial. The OIP also will work on cases that do not involve DNA if the appropriate criteria are met. While there is no fee for OIP services, inmates may be required to pay for DNA testing or other expert witness fees.

Meet the OIP Team

2009–2010 OIP Fellows—Marie Alao, Christie Beho, Brian Scott,Crowley, Sean Graves, Ryan Houston, Matt Katz, Megan Lorentz, Elise Lucas, Alison Minnner, Aishah Memem, Jonathan Norman, Daryl Osuch, Lauren Presley,Stacey Skaza, Jessica Strudhoff, Chad Thompson, Emily Vance, Sam Warden, Jing Zhang


In 2005, I was one of the fortunate law students selected to receive a fellowship from the Ohio Innocence Project, and for the next year and a half, I buried myself in the Droege Center, a section of the law school library where OIP Fellows gather and work together. Here, I sorted through stacked boxes of files and court transcripts, the carbon copies of the evidence presented at the trials of the clients who had appealed to OIP for help, claiming that they were innocent of the crimes for which they were convicted.

I grew up in New York and went to college in Austin. My plan was to become a writer or an architect, and live a quiet life in a liberaledgerecity like those where I had grown up and gone to school. If someone had told me in my early twenties that I would someday attend law school and I would do so in Cincinnati, I would not have believed them. I not only attended law school in Cincinnati, I would not have believed them in my early twenties that I would someday attend law school and I would do so in Cincinnati. I have returned here, to live and to work as an Assistant Federal Public Defender, and I could not be any happier.

During my first summer in Cincinnati, the Droege Center became my home away from home, a place where time took on another quality altogether. I learned the ins and outs of DNA; the pattern blood should make when it gushes out from a chest wound; the pitfalls of eyewitness identification and fingerprint analysis, and the esteem in which both are nonetheless held by juries across the country. I learned, as did my clients, of the death grip of procedure, how a trial attorney’s failure to say or do something at one step along the way can all but ensure that a person will be denied any post-conviction relief.

When I wasn’t studying transcripts or drafting motions, I was taking investigative road trips with my OIP partner, someone who would become a close friend and go on to become a civil rights attorney in Chicago. She and I learned that due diligence required that we visit crime scenes, locate witnesses, and consult with experts. One such trip found us in a dark, seedy bar in Xenia, Ohio, interviewing locals about a murder for which our OIP client had been convicted and sentenced to death, trying to find anything that might lead us to actionable evidence in a case nearly twenty years old.

My work with the Innocence Project didn’t result in the exoneration of a client, though I shared in the elation that enveloped our group when we learned that two of our Fellows had secured the freedom of Clarence Enderle and Ken Johnson after seven years for a crime he did not commit. Being exposed to prosecutorial misconduct, ineffective assistance of counsel, and a system stacked against the accused from the moment go, we each walked away from the fellowship having learned the most important lesson of all: how not to be an attorney.

Some of my co-Fellows were called to fill the need for prosecutors, and they do understand that their job, at the end of every day, is not to win but to seek justice. I began my law career as a county public defender in Louisville, Kentucky, juggling ten, and at its worst, twenty-one cases a day with half of them set for trial. There were times when I could see how a moment’s distraction could lead to a terrible outcome, how not listening closely enough to my client’s story could lead me to miss the critical piece that could, left unsaid to the court, have devastating effects. OIP prepared me for this, had shown me what can happen when you look away.

As an Assistant Federal Public Defender, my caseload is lighter, but the stakes, in many ways, are higher. The cases are often more complicated and sentencing in federal court is a beast wholly unlike sentencing in state court; our clients face the prospect of innocents languishing in jail or, worse, being put to death for crimes that they did not commit. It is intolerable to every American, regardless of race, politics, sex, origin, or creed.

Karin Savir ’07: From OIP to Federal Public Defender

On October 2, 2009, RJI hosted “Strengthening Prosecutions: Improving Eyewitness Identification Procedures in Ohio,” a three-day training event held at the Ohio Supreme Court in Columbus which brought together three experts from law enforcement and academia to address recent developments in the field of eyewitness identifications, different eyewitness procedures, and practical experiences from the implementation of new procedures. Its goal was to educate Ohio law enforcement agencies and prosecutors about the advantages of adopting new eyewitness identification procedures. The direct results of these procedures, if adopted, will be seen through—out the criminal justice system. They will make law enforcement investigations more efficient by eliminating false suspects; will strengthen prosecutions by providing them with more accurate identifications; and will make communities safer by putting the true perpetrators behind bars.

The event was well attended by more than 50 police officers and prosecutors representing a variety of counties across the state. The evaluations completed by attendees demonstrated that they were open and receptive to the reforms. To view the training session online, go to: http://www.law.uc.edu/institutes/rosenthal/eyewitness.shtml.
held that the absence of Reynolds’ DNA on the evidence coupled with the simultaneous presence of a known felon’s DNA would create a strong probability of a different result at a trial in Reynolds’ case. The prosecutor filed a memorandum with the Ohio Supreme Court asking the court to reverse the case and, ultimately, to overturn the appellate decision. The Ohio Supreme Court recently declined to hear the case, so testing can finally proceed as ordered by the appellate court.

David Ayers, Court of Appeals victory

In November 2009, former staff attorney David Laing and the OIP won a major victory in the Ohio Court of Appeals for the Petition for habeas corpus filed in federal court

In 1998, Prade was convicted of the murder of his ex-wife, Margie. In 2009, the OIP submitted an Application for DNA testing for Prade as part of the Columbus Dispatch/Dispatch of Convictions series. Prade’s requests to test materials from the crime scene were denied at the trial and appellate level over the past year, but in June 2009 the Ohio Supreme Court accepted his appeal. The issue for review in this case centers around whether a defendant’s DNA testing that yielded inconclusive results can bar an application for testing using newer, more advanced DNA testing methods. The OIP has been able to retain key legal experts to defend the appeal. If the testing is ever done, it will be done properly. Prade’s case was on the cusp of new evidence at the time DNA testing was abandoned. Prade believes that evidence that could exonerate him still exists.

Larry Jerido, Prosecutor cooperation essential to getting quick approval for DNA testing

Sherman Carpenter was active in his local church, playing the organ during services. One day, he went missing. His friends, and even his church, were convinced that Sherman was murdered. The OIP was able to add DNA testing to OIP client David Ayers. Ayers was convicted in 2000 of aggravated murder of an elderly woman who lived in the same apartment complex. His conviction was based primarily on eyewitness identification, the single leading cause of wrongful conviction. The police collected a pubic hair, blood, and fingernail scrapings from the victim, but none of these materials were linked to Ayers. At the time for DNA testing to begin, the testing was available but the OIP and the court agreed, denying the motion. The recent victory in the Court of Appeals not only ensures that Ayers will finally receive his long awaited testing, but stands as tremendous precedent in future cases. The Court of Appeals stated: “The ultimate objective of our system of criminal law is that the guilty be convicted and the innocent go free. If DNA testing has the proven ability to exonerate wrongly convicted people, we can perceive no viable argument that matters of judicial economy and expediency should interfere with the right of a defendant to have the evidence available to him in that case tested.”

Welcome New OIP Staff Members

Carrie Wood, Staff Attorney

The OIP welcomes Carrie Wood as a full-time staff attorney. Carrie completed her undergraduate studies at Cornell University, majoring in Engineering. After graduating from the University of New Hampshire College of Law, Carrie served as a public defender for the Legal Aid Society in New York City representing indigent defendants in the criminal justice system.

Jodi Shorr, Administrative Coordinator & Policy Analyst

In September 2009, the Ohio Innocence Project (OIP) welcomed Jodi Shorr as our Administrative Coordinator & Policy Analyst. She comes to us from Northern Arizona University where she is currently finishing her Masters Degree in Criminology & Criminal Justice with a specialization in Wrongful Conviction. Jodi also worked for the Northern Arizona Justice Project as two years as an intern while still in school. Jodi is now a Visiting Fellow at OIP. We are happy to announce that Jodi is now a full-fledged member of the OIP family.
The Ohio Innocence Project (OIP) would like to extend a special thanks to local Fairfield, Ohio, DNA laboratory DNA Diagnostics Center (DDC) for its extraordinary public service in providing free DNA testing to a number of OIP clients.

In January 2008, the Ohio Innocence Project and the Columbus Dispatch announced their Test of Convictions project, which included 30 cases in Ohio where inmates had previously sought DNA testing and had been denied by the courts. With the announcement of this project, the OIP and the Ohio Public Defenders Office filed renewed DNA applications for each of the 30 inmates. The project thus far has resulted in two exonerations (Robert McClendon and Joseph Fears) with several more possibly on the horizon.

A major reason why the Test of Convictions project has been successful is the participation of DDC. DDC agreed to perform the required DNA testing in all 30 cases for free. This generosity by DDC undermined any conceivable argument by prosecutors or courts that the testing might result in the spending of taxpayer dollars, and thus made the granting of DNA testing more likely for each inmate. DDC performed the testing that resulted in the exonerations of McClendon and Fears, and is currently processing several additional cases. Without a doubt, no DNA laboratory in the United States has ever provided such a generous service to an innocence project.

We commend DDC for its unprecedented public service that has helped permanently improve the criminal justice system in Ohio.

Thank You!
The Ohio Innocence Project also wishes to thank the following people for their continued support and assistance:

**Assistance:**
- Dave Alden, Jim Young, and Ann Netzel of Jones Day Cleveland, for their outstanding pro bono work on several OIP cases
- Mark DeVan of Berkenman, Gordon, Murray & DeVan for his pro bono effort in the Raymond Towler case
- Bill Gallagher for his pro bono assistance in the Bryant Gaines case
- Jim Petro, former Attorney General of Ohio, for his efforts in the Roger Dean Gillisipie case and in pushing SB77 through the Senate
- Senators Bill Seitz and David Goodman for their tireless efforts in getting SB77 successfully through the Senate with a 32-1 vote
- Exonerees Clarence Elkins, Robert McClendon, Walter Smith, Joseph Fears and Danny Brown, for their efforts in testifying and supporting SB77 on numerous occasions in committee hearings before the Senate
- Representatives Tyrome Yates and Connie Pillich for their work in support of SB77 in the House
- The Innocence Project staff, particularly Rebecca Brown, Zeke Edwards, and Steve Saloom, for their continued advice and assistance throughout the legislative process

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- Mr. John M. Shepherd
- Mr. Brent W. Sigg
- Prof. Suja A. Thomas
- Ms. Caroline C. Vigran
- Malcolm Hewitt Wiener Foundation
- Ms. Penny D. Winkle

**45** (The number of cases OIP has represented or is actively litigating)
**9** (The number of DNA exonerations in Ohio)
**251** (The number of US DNA exonerations)