The People Behind OIP
Saving Lives Takes Passion;
Hard Work, Idealism Will Follow

Record Year for Exonerations
Recantations Lead
to Freeing Six

Grooming a New Life
OIP Gives Nancy Smith
a Dog-Grooming Career,
Puts Her on Path of Peace
What is the OIP?

The Ohio Innocence Project is Ohio's only nonprofit organization dedicated to freeing innocent people in prison and preventing wrongful convictions. To achieve this, the OIP informs the public of criminal justice system flaws, works to improve the system and educates law students to be sensitive to systemic problems. To fulfill its mission, the OIP must build a sustainable organization.

OIP values include: 1) honesty; 2) leadership to shape a better future; 3) passion, demonstrated through a commitment in the heart and mind; 4) respect that honors the dignity of others; 5) teamwork; and 6) excellence that strives for the highest level of professionalism.

The OIP will work only on cases where new evidence supports an inmate’s claim of innocence.

Improving the criminal justice system 20 lawyers at a time

But the OIP does more than free the innocent and fight for reforms to decrease wrongful convictions. It trains law students and exposes them to the problems in the system. Each year, approximately 20 law students spend a full year working in the trenches — digging through files, interviewing witnesses and applying their knowledge of forensic techniques like DNA testing, as well as so many other things that make up the work we do.

They learn in a hands-on fashion how to build a case and what can make a case go wrong, resulting in a tragic injustice. They learn to question, to never accept the easy answer and to help ground-breaking legislative reforms to decrease the chance that innocent Ohioans will be wrongfully convicted in the future.

Thank you for your ongoing support.

Mark Godsey

Daniel P. and Judith L. Carmichael Professor of Law

Directors and Co-Founders, Ohio Innocence Project

The Ohio Innocence Project Team 2015-16

Left to right — Top row: John Elliman, Andrew Hyakula Finch, Alex Barengo, Chris Collman. Second row: Maxwell Morveland, Christopher Diedling, Stephen Otto, Kendall Jent, Stephen Kelly. Third row: Jennifer Bergeron (staff attorney), Sam Diciss, Jack Okus, Shelby Allen, Miranda Anandappa, Jodi Sharr (administrative director). Fourth row: Mark Godsey (director), Brian Howie (staff attorney) Liz Dieterich (research and writing assistant), Kathryn Lucas, Mallorie Thomas, Beckeza Brizzolara, Jordan Blake (intern), Donald Caster (staff attorney). Not pictured: Joe Woldbaugh.
On Oct. 25, 2014, alumni, staff, donors, exonerees and friends of the Ohio Innocence Project joined together to commemorate OIP’s first decade of battling injustice and freeing the wrongfully convicted in Ohio. The 10th Anniversary Gala was hosted by Cincinnati Mayor and OIP co-founder John Cranley.

Attendees were welcomed by Santa J. Ono, University of Cincinnati president and an avid supporter. Exoneree Nancy Smith and former OIP fellow Eva Hagar provided special commentaries, reflecting on their individual experiences with OIP, emphasizing the depth of the program’s impact and its importance.

The event celebrated five honorees whose contributions have helped OIP quickly become one of the most successful Innocence Projects in the nation.

First, exoneree Robert McClendon presented a special award to Peter Vitulli, president and CEO of the DNA Diagnostics Center (DDC). DDC has generously provided OIP with free forensic DNA testing since 2005. This testing has been instrumental in four of OIP’s exonerations, including McClendon’s exoneration in 2008.

The next two honorees, Jim and Nancy Petro, received recognition from exoneree Dean Gillispie for their continued support of OIP. Jim helped OIP secure the freedom of exoneree Clarence Elkins and later worked pro bono for the organization, helping free Gillispie. Jim was also instrumental in the passing of Senate Bill 77, a reform package that offered strong new protections for avoiding wrongful convictions and made it easier to exonerate innocent prisoners through DNA testing. Nancy is nationally recognized for her literary contributions to the innocence movement.

Louis Bilionis (dean at the time) honored the two people who have been OIP’s biggest benefactors — Dick and Lois Rosenthal, who together helped build OIP from the ground up. The “backbone” of OIP, the Rosenthals are largely responsible for the program’s substantial advancement in such a short period of time.

OIP director and co-founder Mark Godsey remarked that in just 10 years the OIP secured the freedom of 17 individuals, who combined served nearly 300 years in prison. Without the OIP’s efforts, these individuals would likely have spent the night of the gala in prison cells, doing time for crimes they did not commit.
Key Moments in 2014-15

Cognitive Neuroscionce Researcher from London Visits College of Law

Professor and Ohio Innocence Project director Mark Godsey, OIP attorney Brian Howe and three exonerees were recognized with the “Rose Elizabeth Bird Commitment to Justice Award” at the 24th Annual Death Penalty Focus Awards dinner, held May 7, 2015, in Beverly Hills, Calif. Death Penalty Focus is an organization committed to the abolition of the death penalty.

Last November, the Ohio Innocence Project and UC Law’s Criminal Law Society invited Dr. Itiel Dror to speak at the University of Cincinnati College of Law. Dr. Dror is the senior cognitive neuroscience researcher at University College London. Dr. Dror addressed a packed lecture hall made up of students and members of the Cincinnati legal community.

He discussed his groundbreaking research, which included findings revealing the effect of cognitive bias on crime-scene expert testimony. Dror explained that cognitive bias renders expert testimony far less reliable than both the criminal justice system and the public generally believe. Dror explained that the way experts think and the way the brain works makes scientific testimony highly prone to human error.

Death Penalty Advocacy Group Honors Ohio Innocence Project and Its Exonerees

On July 31, 2015, the Ohio Innocence Project partnered with the Cincinnati Art Museum’s “Art After Dark” event. The event featured a beer garden in the museum courtyard, music and a VIP room with appetizers for OIP guests.

The general public was invited to meet and hear Ricky Jackson share his story as the longest-serving person to be exonerated in history. Mayor Cranley, OIP director Mark Godsey and exonerees Robert McClendon and Dean Gillispie were among the 150 in attendance.

Mr. Jackson graciously fielded questions from the audience, talking about his experience serving time in prison. While there were many emotionally driven moments to Mr. Jackson’s story, his most insightful explanation of his life after being wrongfully convicted and freed was summed up with this final thought about what most people take for granted, like walking under the stars: “What you may consider ordinary, I consider extraordinary.” After spending the majority of his life incarcerated, Mr. Jackson said he fully appreciates everything that freedom has to offer.

The “Art After Dark” event was just one of several domestic public speaking appearances by Mr. Jackson as he uses his own story to draw attention to the impact the Ohio Innocence Project has made and the shortfalls of our criminal justice system.

Ohio Innocence Project Leads International Innocence Movement

Mark Godsey and the Ohio Innocence Project, through its international component called the Center for the Global Study of Wrongful Convictions, have been leaders in helping the Innocence Movement spread around the world.

In the past decade, Mark has helped establish innocence organizations throughout Europe, Asia and Africa, while regularly consulting on such cases around the world. He has spoken about the movement to the Supreme Courts of China and Poland, and has given public lectures on the subject in India, South Africa, Ireland, the Netherlands, Wales, the Czech Republic and Italy, among others.

Mark is co-chair of the Innocence Network’s international committee and is part of a working group dedicated to establishing the right for prisoners to seek their release through new evidence of innocence as an international human right. Innocence Project co-founder Barry Scheck has recognized the Ohio Innocence Project as one of the organizations at the forefront of the International Innocence Movement.

In 2011, the OIP hosted the first International Innocence Conference at the Freedom Center in Cincinnati. Scheck referred to the conference as groundbreaking, noting that OIP has taken the lead in doing international work.

Little known fact: OIP frequently hosts international visitors who fly all the way to Ohio to spend a summer working as fellows. During the summer of 2015, OIP had visitors from Ireland and Italy.

To stay updated on wrongful convictions news, check out Mark Godsey’s blog www.wrongfulconvictionsblog.org.
Passion

Saving Lives Takes Passion — Hard Work and Idealism Will Follow

by Deb Rieselman

“Saving lives takes passion — hard work and idealism will follow,” Mark Godsey says, director of the University of Cincinnati’s Ohio Innocence Project (OIP).

That passion is what leads UC law students to labor an entire 12 months, even full time during the summer term. That passion keeps them from shirking any responsibilities when 20 cases are handed to them as soon as they walk through the door. Sometimes, they will work evenings and travel out of town. Rarely, will they see a case through to the end.

And it takes both passion and idealism to keep them focused on the fact that OIP has freed 23 prisoners over the last 12 years, rather than dwelling on the reality that the vast majority of their efforts will fail, based upon the numbers. “There’s an emotional toll to that,” says administrative director Jodi Shorr.

But the encouraging aspect is that when Godsey said, “The students are what make us better than other legal organizations that aren’t run by students,” he meant those last three words. These students are doing real work.

“Student idealism and passion is the lifeblood of the OIP. The students are what make us better than other legal organizations that aren’t run by students.” — OIP director Mark Godsey, speaking after the December 2011 release of Gillispie, who had served 20 years in prison.

By the end of the academic year, each student will have handled about 60 cases. Shorr’s database of all cases, in which OIP had at least done some research or made some phone calls, totaled 7,684 by mid-July.

“When I was in prison, seeing how hard the OIP students worked on my case inspired me and gave me hope, something I had not had for years. Whenever they came to visit me in prison, it was a blessing. ‘I’m not much on words, but I speak from the heart. They changed my life.’ — Clarence Elkins, freed from prison in ‘05 after serving 7.5 years, speaking at the UC College of Law in ‘06.

“Student idealism and passion.” That’s how director Mark Godsey sums up the lifeblood of the Ohio Innocence Project, and no one would argue — neither the prisoners nor the state attorney general’s office.

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Right from the start, they make case presentations to the OIP staff and other fellows regarding which cases they should take. During the course of a one-year fellowship, they will conduct research, knock on doors, visit inmates, meet families, request public records, study cases down to the tiniest minutia, meet with staff attorneys nearly daily and try as hard as possible to uncover new evidence.

“We throw them in,” Shorr admits, “and they’re holding someone’s life in their hands. It’s overwhelming.”

“So many students through the years have poured their hearts and souls into this case. So many of them have cried with Dean (Gillispie) and his mother, or held their hands. Without their passion and inspiration, this victory would not have happened.

“Student idealism and passion is the lifeblood of the OIP. The students are what make us better than other legal organizations that aren’t run by students.” — OIP director Mark Godsey, speaking after the December 2011 release of Gillispie, who had served 20 years in prison.

From the left — OIP staff Jennifer Paschen Bergeron, Brian Howe, Mark Godsey, Liza Dietrich, Jodi Shorr, Donald Caster.

His OIP partner, Jack Duhan, adds, “We get good experience — hands-on stuff that people usually don’t get at our age. It’s a positive experience that has me thinking more and more about working in the area of criminal defense.”

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OIP was born in 2003, and today the workload is handled by one director, one administrative director, two full-time...
The OIP office is often full of fellows working on different cases — some working silently while trying to discover valuable research and others debating strategies with co-fellows. By the spring, the students are assisting the underdog in litigation. They get to track down witnesses from 20 years ago. They get to do fun stuff like finding new evidence. By fall, they are assisting staff attorneys who have previously been an OIP fellow.

“I have about 60 cases in my head at all times,” Howe points out, “and they are never the same 60 cases from week to week. Only about 10 to 12 of them will be in active litigation. The rest are in various stages of investigation. “If we do a job well, that’s great, but if we make a mistake, an innocent person could die in prison. That is a huge amount of pressure.”

The pressure of teaching may be less, but he takes it just as seriously. “We really care about the students understanding all of this,” he says, “Once you pour all of your time and energy into making sure they can handle these situations, you watch them become so competent at this niche job … then they leave us. Then we get 20 more students.”

“Caring so much about justice being done seems to create an environment with lots of respect and camaraderie among students, staff and attorneys. Like most OIP fellows, Howe has remained in the office certainly serves a crucial function in helping to relieve stress. But Shorr has another avenue available. Once or twice a week, he brings in his two dogs. "Having dogs around can be very calming," she states. "They were rescue dogs, and we rescue people."
Jodi Shorr trades FBI for OIP

Initially, the prospect of working for an organization like the Ohio Innocence Project was not on Jodi Shorr’s radar. As an undergrad at Indiana University, Jodi majored in applied health science and minored in psychology, sociology and public health. After college while living in New Jersey, she worked in publishing.

Then later when living in Washington, D.C., she worked at a health-outcomes research organization before making the decision to get her master’s. Intrinsically interested in the criminal mind and what motivates criminal behavior, Jodi planned to earn a master’s degree in criminology and eventually work in the FBI.

Jodi attended Northern Arizona University, a decision she owes in part to director of the Arizona Innocence Project (AIP) Professor Rob Schehr. Schehr introduced Jodi to the concept of wrongful conviction and offered her the opportunity to work for the Arizona Innocence Project. After finishing her master’s degree, Jodi worked as a graduate assistant for the AIP for two years, as well as a volunteer investigator for the AIP.

While finishing her master’s degree in 2009, she did a summer internship at OIP. Less than a year later, OIP’s administrator left the position, and Jodi interviewed for and received the role. Over time, she truly believes in. It’s what she focuses on during the inevitable long stretches of time between court decisions and exonerations.

Students help motivate Donald Caster

Donald Caster was born and raised in Buffalo, New York. Donald’s mother supported the family as a full-time administrative professional, while his father attended seminary. Donald was raised in an environment that valued religious principles. As he and his sister became adults, they both pursued different forms of human rights advocacy. While Donald’s sister joined the Peace Corps, Donald took a more traditional route and entered the legal profession.

A 2003 graduate of the University of Cincinnati College of Law, Donald practiced law in many forms before coming to work for the Ohio Innocence Project. Right out of law school, Donald clerked for a federal judge in West Virginia, then joined a renowned civil-rights firm as an associate attorney. Next, Donald opened a solo practice, focused toward criminal defense and then worked as a Butler County prosecutor.

In 2012, Donald learned of an opening at OIP and immediately applied. He was drawn to the challenging nature of post-conviction litigation and the unique opportunity to work with innocent clients.

Three years later, Donald has come to appreciate another aspect of OIP — working with law students. Not only do the students help Donald stay motivated, but they have also proven to be an invaluable resource. When Donald was hired he had only six weeks to prepare for a hearing that would determine whether Glenn Tinney would be released from prison. By then, the fellows assigned to Tinney’s case had worked on it for several months. They helped bring Donald up-to-date on years of litigation and post-conviction developments. Thanks to the students, Donald became familiar enough with the case to argue successfully for Tinney’s release.

Foreign affairs led Jennifer Paschen Bergeron to law degree

Prior to attending law school, Jennifer Paschen Bergeron studied international affairs and French at Centre College in Danville, Ky. She received a master’s in foreign affairs from the University of Virginia. After graduating, Jennifer decided to study law at the University of Cincinnati College of Law.

She graduated in 2002 and became a member of the Ohio Bar the following November. As a new attorney, Jennifer worked in the litigation and employment-law department of Vorys’ and Sater. She later left Vory’s and Sater to work as an associate for the firm of Ulmer and Berne.

Jennifer was hired as a staff attorney with OIP in 2007. Less than a year later, she helped exonerate Robert McClendon. McClendon’s case was highlighted in the Columbus Dispatch, calling for the re-examination of several questionable convictions. Following the publication, Jennifer filed an application for DNA testing on McClendon’s behalf. Expecting a lot of pushback from the prosecutor’s office and a lengthy court battle, Jennifer was pleasantly surprised when the application went unopposed.

Testing was conducted on evidence left over from the rape that led to McClendon’s conviction. The results proved McClendon innocent. Using the results, Jennifer helped overturn McClendon’s conviction. McClendon had served 18 years prior to being released.

Jennifer takes pride in knowing that OIP represents hope to thousands of wrongfully convicted inmates across Ohio. She often receives letters of gratitude from clients.

A surprising number of these letters come from clients whose cases have been closed. This means a lot to Jennifer, especially when circumstances force her to close a case she truly believes in. It’s what she focuses on during the inevitable long stretches of time between court decisions and exonerations.

New attorney Brian Howe once an OIP fellow

In addition to being the newest attorney at OIP, Brian Howe is currently the only attorney on staff who was once a fellow with the project. During his second year as a student at the University of Cincinnati College of Law, Brian participated in OIP under the direction of then-staff attorney David Laing.

Returning to OIP has given Brian the opportunity to review some of the same cases he had worked on in 2008-09. Not only is it interesting to view cases at two widely different stages in development, but he even saw some of the cases through to the end.

Between November 2014 and March 2015, Brian secured the release of six of his clients. One of these clients was Ricky Jackson, who holds the record for the longest time served of any exoneratee. Ricky was in prison for 39 years, which includes years before his attorney was even born. Yet Brian had worked on the case while a student.

Prior to law school, Brian studied philosophy and Russian at the Ohio State University. As an undergrad, he spent a semester abroad in St. Petersburg, Russia. After earning his bachelor’s in 2003, he entered the workforce, negotiating ad rates for advertising agencies. Brian attended UC Law from 2007-10, during which time he became a fellow with OIP and interned at Legal Aid.

After law school, Brian worked for Legal Aid as an Equal Justice fellow, litigating foreclosure and housing-related issues.

Brian really likes the challenge of representing the underdog. At Legal Aid, he represented individuals who were facing eviction at the hands of large corporations and banks. Although he and his colleagues had high success rates, each case was an uphill battle.
OIP by the Numbers 2003-15

Innocents released 23

- 8 Witness misidentifications
- 10 False testimonies
- 12 Official misconduct
- 2 False confessions
- 9 Cases in which DNA was used to prove innocence
- 5 Faulty science

Total amount of prison time served 425.5 years

A Review of 2014-15

OIP had 6 exonerees released between November 2014 and March 2015, an OIP record.

Client highlight

OIP client Ricky Jackson holds the national record for longest time served by an exoneree, 39 years (1975-2014).

20 OIP fellows worked on Ricky’s case for more than 9 years before his exoneration.

Letters received regarding cases in 2014 1,943

Letters sent regarding cases in 2014 2,755

Cases OIP opened in 2014 500

Cases OIP actively worked on in 2014 250

Time on phone with inmates 6,361 minutes

Academic year 2014-15

Current staff

Director: 1
Administrative director: 1
Full-time staff attorneys: 2
Part-time staff attorney: 1
Research and writing assistant: 1
Fellows: 17

For more information and to connect with OIP:
Follow us on Facebook: facebook.com/OhioInnocenceProject
or visit us at www.law.uc.edu/oip.

Support OIP efforts
Donate by mobile phone: www.uc.edu/give (Specify OIP under “other.”)
Donate online: www.uc.edu/give (Select OIP from the dropdown menu.)

Why were they convicted?

Average number of years worked on cases before innocents released 6 years

Among those released this year, 3 served time on death row.

To put this into perspective, Ricky first entered jail the same year the Vietnam War ended.

Cases in which DNA was used to prove innocence 12

Official misconduct 9

Witness misidentifications 8

False confessions 2

False testimonies 10

Faulty science 5

Official misconduct 12

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False testimonies 10

Faulty science 5

Approximately 22 of them are currently being litigated.
The OIP Board, formed in 2013, is responsible for the integrity and growth of the organization. The OIP Board meets regularly, helping to advance OIP’s mission.

Each board member has an annual commitment to raise funds for OIP. Since 2014, the board has provided additional support with Development, Marketing and PR efforts, helping the organization gain additional awareness in the community and increased publicity of OIP’s successes and mission.

Also, the board, along with the help of volunteer consultants, revised the mission, vision and values, as well as developed a strategic plan that identifies specific objectives, goals, strategies and measures for the organization.

Through events, project efforts, donors and sponsorships, OIP has raised more than $5.2 million from over 600 donors. In October 2014, OIP celebrated its 10th anniversary with its first dinner gala, which netted $152,169.

OIP Board Proudly Recognizes Its Board of Advocates and Their Achievements

OIP Board of Advocate Members

Steve Black  
Board President, Attorney

John Isidor  
Board Vice President, Human Subject Protection Consulting, LLC

Greg Bell  
President, KCB Capital Partners

Joe Brant  
Of Counsel, Katz Teller Brant & Hild

Kathy Brinkman  
Of Counsel, Porter Wright Morris & Arthur

Dena Cranley  
Community Advocate

Anne Levin Dalys  
Community Advocate

Dean Gillispie  
Exoneree

Mark Godsey  
Professor, UC College of Law

Paul Heldman  
Retired Executive Vice President & General Counsel of The Kroger Co.

Hon. Nathanial Jones  
Of Counsel, Blank Rome LLP

Cliff Schecter  
President, Libertas LLC

Curtis Scribner  
Senior Counsel, The Procter & Gamble Company

Mandy Shoemaker  
UC University Honors Program

Dick Weiland  
Richard Consulting Corporation

Through the efforts of OIP supporter Jim Petro, an OIP Board of Advocates has been formed in Northeast Ohio to provide regionally focused support for OIP.

The Executive Committee comprises many individuals who have helped support OIP in the past:

- Alex Berezis serves as NE Board President
- Terry Gilbert and Mark Devan, criminal defense lawyers who have been actively involved in working with OIP in its cases
- Judy Lipton and Carmen Nasso of the Case Western Reserve Law School Clinic
- Robert Tobik, chief Cuyahoga County public defender
- Phil Calabrese and Michael Meuti, attorneys at large corporate firms who have volunteered their expertise to OIP
- Gordon Friedman, Andrea Whitaker and Jacqueline Greene from the criminal defense bar
- Jim Petro, former Ohio Attorney General
- Raymond Towler, exoneree representative

As a local resource, the board will support OIP’s litigation efforts in Northeast Ohio and provide insight into the inner workings of the Cleveland and Northeast Ohio courts. The board will also educate the community about the Ohio Innocence Project through educational seminars, training programs and judicial conferences. It also hopes to tap into the philanthropic spirit of Cleveland to expand OIP’s capacity via fundraising efforts in the northeastern part of the state.

The Northeast board held their first fundraiser at Lolita in Cleveland on June 15, 2015, raising more than $14,000 thanks in part to a matching gift of $5,000 by Terry and Robin Gilbert.

OIP Forms Northeast Ohio Board of Advocates

Rosenthal Award-Winning Attorneys Say OIP Work Most Meaningful

by Deb Rosentman

During Andy Cassady’s first semester at UC’s College of Law in 2011, the Ohio Innocence Project had just freed Dean Gillispie from 20 unjust years in prison. Cassady attended a large seminar about the case, where OIP director and Professor Mark Godsey played a video of him telling Gillispie’s mom that her son would soon be home. “She cried and cried,” Cassady clearly remembers. “As soon as I saw that, I knew that’s what I wanted — to do work that meaningful.”

The following summer, he applied to work with the OIP for a year as a fellow, the designation given to accepted students. He clearly arrived with a passion for the work, which helped him win the Lois Rosenthal Award, a scholarship “awarded to fellows exhibiting the highest level of skill, determination and passion for justice.”

Immediately upon reporting to OIP, he was given a stack of 20 cases. That stack grew to roughly 60 cases during the year, with 20 cases active at a time. “One of the great things about the OIP,” Cassady says, “is the amount of work you get to do — writing motions, trying to find evidence and witnesses, making recommendations. It was an eye opening experience.

“We honored our legal skills on some seriously heinous crimes. We were reviewing case files with real victims on the other side. “I learned to manage client expectations was probably the most important thing I learned. I always wanted to express my hopefulness to clients, but you have to be realistic, and you have to be very careful to not give clients false hope.”

Cassady passed the bar exam after being hooded in 2014 and landed a job at Dinsmore, Cincinnati's largest law firm. Despite his employer's prestige, Cassady claims that the OIP work “will probably be the most important work I ever do in my entire legal career.”

He explains why: “We were our clients’ last line of defense. They had been unsuccessful at every stage of the game. And if we didn’t take the case, there was no one behind us. They put all their trust and hope into our hands.”

Scott Crowley, A&S ’08, JD ’11, worked on OIP from 2009-10 and was also a Lois Rosenthal Award winner. He says it was great hands-on training for his career as a prosecutor in the Marines. “OIP taught me hard work and persistence. I needed to do research to find new evidence, suppress evidence and new witnesses. I needed to know the facts of the case inside and out.”

What is the Rosenthal Award? Each year, the Lois Rosenthal Award is given to the two OIP fellows who exhibit the highest level of skill, determination and passion for justice. Since 2003, 24 fellows have received this honor.

What surprised him most in his OIP days were the clients. “They were always very, very humble, as well as charismatic, interesting and without any hard feelings toward anyone. I don’t know how they do it.”

And what was the hardest part of the job? “We pursued our heart and soul into these cases and got setback after setback after setback. It was difficult to get clients false hope.”

Technically, Crowley’s military title was “judge advocate.” (“San Diego was his last location.) He explains it simply, “Did you see the movie ‘A Few Good Men’? I am Kevin Bacon.” The job had consisted of a wide variety of legal work, but he completed his service in August and returned home to work at the City of Cincinnati Law Department as an assistant city solicitor.

What is the Rosenthal Award? Each year, the Lois Rosenthal Award is given to the two OIP fellows who exhibit the highest level of skill, determination and passion for justice. Since 2003, 24 fellows have received this honor.
hen Lois Rosenthal passed away in July 2014 at age 75, Cincinnati lost a benefactor who changed thousands of lives and helped save the lives of at least 23 people — wrongfully convicted individuals who had been rescued from death row or near life sentences through the Ohio Innocence Project. Lois and her husband of 54 years, Richard, virtually created OIP in 2003.

Richard and Lois (a 1960 economics alumna at UC and an ’08 Honorary Doctorate recipient) started donating to the College of Law in 2003, then gave a $1 million gift in 2004 to endow the Lois and Richard Rosenthal Institute for Justice, which operates the Ohio Innocence Project. Their total gifts to the college totaled more than $2.5 million.

An Institute for Justice is what one would have expected out of Lois, who was always taking care of the oppressed, hungry and disadvantaged of Cincinnati, where she had been born and raised.

She began the Rosenthal Fresh Foods Initiative at Cincinnati’s Freestore Foodbank, where food was collected from companies and distributed to those in need. Lois and Richard instituted the Rosey Reader Program to foster a love of reading in Cincinnati Public Schools by providing free books to more than 30,000 young children.

To bring art to the less fortunate, the couple founded Uptown Arts in Over the Rhine to offer free classes in performing and visual arts to children aged 5 to 10. Plus, the Rosenthal Next Generation Theatre Series introduced more than 76,000 children and their parents to live performances at Cincinnati Playhouse in the Park.

The couple also established the Playhouse’s Rosenthal New Play Prize, which produced 15 world premiere productions — several nominated for Pulitzer Prizes — from 1988-2003.

Museums were a passion of theirs. In 2003, the Rosenthals donated enough money to the Cincinnati Art Museum to ensure free admission in perpetuity. As a National Underground Railroad Freedom Center trustee, Lois was instrumental in bringing to life “Invisible: Slavery Today,” the world’s first museum-quality, permanent exhibition dealing with modern-day slavery and human trafficking.

As a Cincinnati Zoo trustee, she helped create a high-school program, worked to halt animal entertainment acts and was instrumental in beginning an artificial-insemination program for endangered species.

The couple’s 1999 gift of 56 million toward the Contemporary Arts Center’s new home remains one of the largest one-time gifts to a Cincinnati institution.

From 1985-99, Richard owned F&W Publications, a specialty-book and magazine publisher, where Lois became the editor of the literary magazine “Story,” which was nominated five times in the prestigious National Magazine Awards’ short-fiction category and won twice.

“What the Ohio Innocence Project is today came from Lois Rosenthal,” says OIP director and Professor Mark Godsey. “John Cranley (OIP co-founder with Godsey) and I were a couple of lawyers who could work cases, but we didn’t know how to build an institution. Fortunately, Lois took us under her wing early on, and it was her vision, her involvement, that showed us what this organization could become. Twenty-three wrongfully convicted Ohioans — and many more in the future — can thank Lois and Dick Rosenthal for their freedom.”

Lois is survived by her husband, Richard; their two children, Jennie and David; four grandchildren; and her brother, Harvey Reis.

“Hers has always been a hands-on philosophy of serving — not from afar but up close where it all counts.”

— former Cincinnati City Council member Marian Spencer
Recantations Lead to Freeing Six

The Ohio Innocence Project celebrated six victories this year. In November 2014, the Cuyahoga County Prosecutor dropped charges against Ricky Jackson, Kwame Ajamu and Wiley Bridgeman, 39 years after the men were convicted of murder. Just four months later, Derrick Wheatt, Launese Glover and Eugene Johnson experienced freedom for the first time in 20 years after Judge Nancy Russo threw out their 1996 murder convictions.
Jackson, Bridgeman and Ajamu

In 1975, Ricky Jackson, Wiley Bridgeman and Kwame Ajamu were convicted of murder and sentenced to death based on the trial testimony of a 12-year-old boy named Eddie Vernon. Vernon’s eyewitness testimony was compelling, but it was a lie. Vernon told the police a story he made up about Jackson and his friends being involved. When the boy tried to back out from testifying, the police threatened to arrest him and his family. Then, last, the authorities. Then, last, advised him to tell the truth to his pastor, who forward with the truth.

Vernon, now in his 50s, came details on page 9.)

When the boy tried to drop all the charges against the state for the time they spent incarcerated.

November, Vernon recanted his prior testimony in the Cuyahoga County Common Pleas Court. Vernon’s recantation proved so compelling that it prompted the Cuyahoga County Prosecutor Tim McGinty to drop all the charges against Jackson, Ajamu and Bridgeman.

Jackson and Bridgeman were released from prison the same day after spending 39 and 38 years in prison, respectively. Ajamu, who was released a decade earlier, came to greet the men. The three men were later fully exonerated and declared officially innocent of the crime that resulted in several decades of incarceration. They are now entitled to receive compensation from the state for the time they spent incarcerated.

On May 7, 2015, Jackson, Bridgeman, Ajamu, OIP staff attorney Brian Howe and OIP Director Mark Godsey received the Rose Elizabeth Bird Commitment to Justice Award at the 24th Annual Death Penalty Focus Awards. (See story on page 4.) Jackson, Bridgeman and Ajamu spent several years on death row before Ohio’s death penalty was ruled unconstitutional.

Wheat, Glover and Johnson

In March 2015, Cuyahoga County Judge Nancy Russo threw out the 1996 murder convictions of Derrick Wheat, Laurese Glover and Eugene Johnson, granting each man a new trial.

Wheat, Glover and Johnson were convicted of the 1995 shooting death of 19-year-old Clifton Hudson. Their convictions were based on three things: 1) an identification made by 14-year-old Tamika Harris, 2) faulty scientific evidence involving gunshot residue (GSR) and 3) the presence of the three teenagers near the scene of the murder.

A decade later Harris admitted that she did not actually see the faces of the men who shot Hudson. In 2009, OIP filed a motion for new trial based on the recantation and new information debunking the prosecution’s GSR evidence. Unfortunately the motion was denied.

Four years later, OIP got a break in the case when, in 2013, it obtained police reports containing exculpatory information that was withheld during trial. The reports included information that was not raised at the original trial, including the existence of two witnesses who confirmed that the shooter came from a nearby post-office lot, not the defendants’ truck. One of those witnesses even claimed he recognized the shooter as a sibling of one of his classmates.

The reports also showed that unknown people in a different car had shot at the victim’s brother just days before the crime and that someone had threatened the victim himself the day before the murder. No known connection between any of those threats and the defendants existed.

The OIP filed another new trial motion on the basis that this information was never disclosed to the defense. On March 26, after reviewing the evidence, Judge Russo granted the motion and threw out the murder convictions. Glover, Wheat and Johnson were released that day after making bail. The men served 18 years for the crime they did not commit and spent their entire adult life in prison.

The OIP represented defendants Wheat and Glover; attorneys Brett Murner and Jim Valentine represented Johnson. Additionally, co-counsel on this case was Carmen Nasso, senior instructor of law, and law students at the Milton A. Kramer Law Clinic, Case Western Reserve School of Law in Cleveland, Ohio.

Ricky Jackson Impacts OIP Students, Inspires Them to Get Involved

Past and present fellows react to hearing Ricky Jackson speak at UC

Stephen Otte, current fellow: “After hearing Ricky tell his story, I felt inspired. It was empowering. I knew right then that I wanted to work for OIP. That I wanted to do something that significant.”

Kathryn Lucas, current fellow: “I was struck by Ricky’s mental strength, how he was able to persevere and not let his spirit break through 39 years of imprisonment.”

Rebecca Brizzolara, current fellow: “Ricky is such a good person. He holds no grudges and refuses to dwell on things. He is so positive and has such a good sense of humor.”

Brian Howe, OIP staff attorney, 08-09 fellow: “I know that innocent people accept guilty pleas with time served. Ricky, for instance, was in shackles with a high likelihood of dying in prison when he had to make the decision: ‘Are you willing to gamble with what’s left of your life based only on principle?’ He did. And he won.”

Catlin Wells, ‘14-15 fellow: “I watched Ricky Jackson walk out of jail. Surrounded by a sea of microphones, he shrugged off questions about systematic injustice and the 22-year-old whose testimony led to his incarceration. ‘I’m just glad to be out. I’m glad to be free.’ A few hours later, Dayton exoneree Dean Gillispie looked at Ricky, gestured towards a line of exonerees and said, ‘We’ll take care of you. You’ve been our brother now. You’re one of us.’

“My job is not about accumulating credentials, but about a man who, after almost four decades in jail, had the compassion to forgive the kid who put him there. It’s about Dean, his line of brothers and the other innocent men and women who still sit behind bars waiting until they too can throw their hands up and say, ‘I’m free.’”

From the left — OIP exonerees: Robert McClendon, Ricky Jackson, (attorney) Brian Howe ’10, Ray Twiler, Dean Gillispie and Clarence Ellkins
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In 1994, when Nancy Smith was unjustly locked behind bars for nearly 15 years, her worst pain came from being separated from loved ones — four children and a fiancé. Family members watched over the 12- to 18-year-olds, but Smith missed two graduations, two marriages, a divorce, the birth of eight grandchildren, being able to marry her fiancé and her daughter’s grief over stillborn twins. Her heart ached to celebrate with them, cry with them and simply hold them. When the Ohio Innocence Project helped free her in 2009, she finally got to cry in their arms. Of course, she had to get to know them all over again, but everyone was patient. That’s the miracle that can bloom with love and constant faith in God, she says. When the Ohio Innocence Project took me 14½ years to realize that I was never alone.”

In 1993, Smith had been totally shocked when she was arrested on charges of molesting preschoolers (age 3 and 4) who rode on the Head Start bus she drove. Her case was part of what is now known as the “Daycare Hysteria Cases,” where copycat molestation allegations were made at daycares across the country after a story aired on 60 Minutes about molestation that had allegedly occurred at a daycare in California.

In the California case, the families of the children were awarded large settlements, and similar claims soon arose across the country. It is now known that many of the individuals convicted were innocent victims. Like in other cases, Nancy Smith’s accusers obtained large cash settlements from Head Start after she was declared guilty.

The OIP and others amassed evidence over the years that proved that Nancy Smith was innocent. This evidence included records which showed that Nancy was at her other job on the day the molestation allegedly took place, and evidence — including video evidence — showing that the children had been coached and told what to say by their parents.

The evidence of Nancy’s innocence was detailed in a “Dateline NBC” episode that aired on April 9, 2012. Haunted Memories (Parts 1-6) are available at http://go.oip.211x.

In 2009, a new judge ruled that Nancy was innocent and acquitted her. At that point, she was released. That decision was later overturned by the Ohio Supreme Court on jurisdictional grounds (the Ohio Supreme Court did not challenge the trial court’s finding that she was acquitted, but merely held the trial court did not have jurisdiction to reopen the case). But the prosecutors, fortunately, recognizing the problems with the case, agreed to drop the remaining charges against Nancy so that she could remain free.

Regaining a normal life was difficult. “I stayed away from crowds,” she says. “I was afraid someone would recognize me. I refused to look at cops because I don’t trust them.”

“I babysat for my daughters, which was safe. I didn’t have to go out into public and deal with anybody.”

In 2014, she realized that although she had been free for nearly six years, she had remained in her own prison. “I had no social life. I was stuck. I needed to get a job and get on with my life.”

After praying about it, she decided she wanted to be a dog groomer, but financing the education and equipment was a problem. Once again, OIP took care of her, helping pay for her education and equipment through the Phoenix Initiative, a sub-component of OIP that helps exonerees get back on their feet.

Last fall, she became certified and is working at Amherst Animal Hospital. “I love it,” she says excitedly. “It gets easier every time.”

Something else is getting easier — being in public.

“I’ve come a long way,” she says with a quiet sense of pride. “I like being out amongst adult people. We have a little concert area in town where I would never go, but I’ve gone a few times now. “I’m finally coming into my peace of mind since I started dog grooming.”
Cases from 14 Different Counties Being Reviewed

The OIP is currently reviewing cases of inmates housed in 14 state correctional institutions. Their cases come from 14 Ohio counties.

As a result of the wide distribution of inmates and cases around the state, OIP fellows and staff spend many hours reading and writing letters and speaking with inmates about their cases.

Prior to actively taking on a case, the OIP staff and fellows will meet the inmate in person to discuss the case, the plan for litigation and all expectations of the case.

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