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## Board Members Fight for Sailors *Clemency Pursued in Norfolk Four Case*

MAIP's treasurer and former board president, Don Salzman, has continued to work over the past year with pro bono lawyers from Hogan & Hartson, Holland & Knight, and his own firm, Skadden Arps, seeking an absolute pardon based on innocence from Virginia Governor Timothy Kaine on behalf of the Norfolk Four.

MAIP's newest board member, Des Hogan, has been leading the Hogan team since the three law firms began work on behalf of the Norfolk Four in 2004.

The Norfolk Four, Danial Williams, Joseph Dick, Eric Wilson, and Derek Tice, are former Navy sailors who were convicted of the 1997 rape and murder of a fellow sailor's wife in an apartment complex off the Norfolk naval base. All four men were subjected to hours of coercive interrogation and

eventually confessed to the crime, even though they are absolutely innocent.

DNA evidence exonerated the four sailors and identified the real killer, Omar Ballard, who has confessed under oath to committing the crime by himself. Yet three of the sailors remain in prison. They are serving life sentences without the possibility of parole.

In November 2006, the Hogan team scored a tremendous victory when the Norfolk Circuit Court granted a Petition for a Writ of Habeas Corpus that Hogan filed on behalf of its client, Derek Tice.

Judge Martin found that Tice's original trial counsel had provided ineffective assistance when they failed to file a motion to suppress his confession for a violation of his right to remain silent. This finding entitled Tice to

a new trial.

The Hogan attorneys proved that Tice had told the police early in his interrogation that he no longer wished to answer questions, but the police violated his rights and kept interrogating him, ultimately obtaining a false confession.

Unfortunately, the Attorney General appealed the grant of habeas corpus relief, and the Virginia Supreme Court agreed to hear the appeal, which was argued on October 30, 2007. A decision on that appeal is expected in early January 2008.

In addition, in January 2007, the Norfolk Four legal team made a compelling presentation to the Virginia Parole Board in support of the pardon petitions.

The team presented expert witnesses in crime scene reconstruction and

*(Continued on page 5)*

## Virginia Old Case DNA Testing Project Continues with Input from MAIP

On October 22, MAIP's Executive Director, Shawn Armbrust, met with lab personnel at Virginia's Department of Forensic Sciences (DFS) to discuss a project in which DNA testing could be performed in more than 1,000 old cases.

The project, the first of its kind in any state, was ordered by Gov. Mark Warner at the beginning of 2005, in response to five

exonerations in cases where serologists had saved "clippings" of serology evidence.

The first exoneration in such a case was the case of MAIP client Marvin Anderson. When the lab searched his file for remaining evidence, personnel discovered that evidence that could contain testable DNA was taped to

*(Continued on page 3)*



## *A Message From Our President: Growing Without the Pain*

By David Eppler

The Mid-Atlantic Innocence Project is about to experience a growth spurt, but we are hoping to minimize the growing pains. The MAIP board recently crafted a long-range strategic plan for the organization's future. Over the next three years, MAIP plans to add three or four professionals to our staff. Our work has made clear that this step is necessary to ensure the fulfillment of our mission.

MAIP started seven years ago as an all-volunteer organization with no professional staff. To this day, our efforts are driven by our committed volunteers. I am in awe of the contributions so many make to the success of our project. For example, we have a team of volunteer lawyers who screen our cases to determine if there might be a bona fide and provable claim of innocence. Another group researches local wrongful convictions to root out the mistakes that were made in order to help shape policy going forward. Still others have stepped forward to litigate innocence claims and bring clemency petitions in each of our jurisdictions. Students at six area law schools — American, Catholic, Georgetown, UVA, William and Mary and Washington and Lee — work with us by marshalling the facts, researching the law and investigating every possible lead to pursue the innocence claims of men and women long forgotten in prison. MAIP unquestionably depends on these efforts, but we have learned that each phase of our work also desperately needs active support from professional staff. Unfortunately, our current staff is simply not large enough to provide that support.

In the past few years, MAIP has transitioned into a professionally run organization led by Shawn Armbrust, a star in the innocence movement. Shawn is capably assisted by Eily Raman, whose years as an Assistant Federal Public Defender give her unique insight into the issues we confront. When MAIP began, most of the thousands of letters that our office received from prisoners were initially screened by law students. Correspondence was done by volunteers, and the process often dragged on for months. Today, most of our initial screening is conducted by Shawn or Eily. The most promising cases are fast-tracked to the screening committee or even directly to the investigation stage. Likewise, in the past, all of our investigations were conducted by volunteer students who often had limited training and oversight. Many investigations stagnated for months or even years. Today, many of

our students work on cases in a class, under the supervision of a law professor or a clinical instructor, and we have begun retaining professional investigators in select cases.

While we have made progress, speeding up our screening and investigations, we know we can do better. Thus, our strategic plan envisions hiring staff lawyers to train and supervise students and assist pro bono counsel and professional investigators to develop challenging leads and interview difficult witnesses. We want to provide continuity of representation to our clients: one lawyer who will review a prisoner's letter at intake, supervise a student group's investigation, oversee a professional investigation if warranted, and provide technical support to pro bono counsel in the litigation or clemency phase of a case.

MAIP is at its very best when a case becomes a collaborative effort between pro bono counsel, law students and staff. I learned this lesson first-hand over the past year and a half by co-counseling on a case for a prisoner in Virginia who has been asserting his innocence since his 1983 arrest. Barry Boss of Cozen O'Connor agreed to be lead counsel in the matter and to lend the sizable resources of his firm to the case. We inherited the case from a team of students at Georgetown, who had tracked down physical evidence for DNA testing that was long thought destroyed. But the students' involvement did not end with our assignment. They stayed involved by participating in regular strategy sessions and agreeing to draft motions and other case documents. They have been an invaluable part of the litigation team. We have also benefited greatly from MAIP's technical support. Sample motions, knowledge of the Commonwealth's DNA testing procedures, and expert referrals were just a few of the ways MAIP's staff has assisted on the case.

Pursuing a claim of innocence is a fulfilling pro bono assignment and a great training tool for a new lawyer. The assignment works best when MAIP is available for technical support. Unfortunately, we do not have a large enough staff to provide technical support in all of our cases or in every phase of our cases. The MAIP strategic plan thus envisions developing a staff that can provide that support to students and counsel for every bona fide claim of innocence in our region. With this dedication of resources, we believe that we can better achieve our mission of freeing the innocent.

***Thank you to our Champions of Justice, each of whom has made at least a \$5000 contribution, for your generous financial support throughout the year. Without you, our work would not be possible.***

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## ***MAIP Works to Improve Virginia Retesting Project, Cont.***

the file. That evidence was tested and resulted in Anderson's exoneration.

Two more men who requested DNA tests later were exonerated based on similarly preserved evidence. Then, in 2004, Warner ordered the lab to test 31 cases where evidence remained. The tests on those cases resulted in two more exonerations, and Warner subsequently ordered all cases to be tested.

Until recently, however, the full extent of the project was not clear, and the process for conducting the tests also was unclear. Lab personnel explained that they needed to search through more than 500,000 files to find evidence, an incredibly time-consuming and difficult process.

To date, DFS has located testable evidence in nearly 3,000 cases, but some of them involve minor crimes or did not result in a conviction. Of those approximately 3,000 cases, more than 450 have been reviewed by the lab, and 166 of those have been sent for testing.

Armbrust learned about the project through her work on another case and developed a good working relationship with the director of the state lab, the lab's counsel, and the Deputy Secretary of the Department of Public Safety, which oversees the lab.

Armbrust has been in conversations with those parties about how the project will proceed. MAIP's chief concern is how representation for defendants will be coordinated.

"We're thrilled that Virginia has decided to perform DNA testing on so many old cases, which could result in a significant number of exonerations," said Armbrust. "I also am pleased that the lab is willing to discuss the program with us, a sign that it is being taken seriously at the highest levels."

As part of MAIP's work on this project, Armbrust has been working with prominent Virginia lawyers, such as MAIP Board Member Steve Northup, a Troutman Sanders partner from the firm's Richmond office. Together, they

are working under MAIP's lead to ensure that the process developed maximizes the chances of exonerating innocent defendants.

"If this project proceeds as we expect," Armbrust said, "Virginia's bold decision to undertake this program can serve as a model for other states who are concerned about the problem of wrongful convictions."

## **MAIP Fights for Change to VA Law**

On October 17, Shawn Armbrust, MAIP's Executive Director, appeared before Virginia's Forensic Science Board to recommend that the Board endorse a change to Virginia's post-conviction DNA testing law that would allow prisoners to obtain more cutting-edge types of DNA testing.

The Board seemed interested in the change and requested only a few tweaks to the proposed language. They will consider formally endorsing the proposal at their January meeting.

In the meantime, on December 13, Armbrust will make a similar presentation to the Virginia State Crime Commission, advocating that they consider supporting the change.

As it currently is written, the law only allows prisoners to obtain a type of DNA testing performed by the state Department of Forensic Science (DFS). Thus, while defendants can obtain the traditional type of testing known as STR, as well as DNA testing on hairs, other forms of testing that DFS does not perform are off limits.

Most significantly, prisoners cannot obtain Y-STR testing, which can test for male DNA and is particularly useful in cases with very small amounts of DNA, such as some rape cases and cases involving fingernail scrapings.

Cassie Johnson, an Orchid Cell-mark scientist who leads that lab's Y-STR analysis, explained to the Board that Y-STR is a widely accepted form of testing that often can be used if traditional STR tests cannot obtain a result.

MAIP hopes to obtain Y-STR testing in the case of Michael Hash, which is profiled on page 5 of this newsletter.

## **MAIP Law Schools Starting to Offer Students Credit for Work with MAIP**

In the past year, law schools affiliated with MAIP have begun establishing investigative clinics or classes, in recognition of the meaningful educational experiences law students can have in connection with wrongful convictions work.

Although MAIP has long welcomed student groups as volunteers, the institutionalization of classes and clinics is helping us to further professionalize our investigations. The classes and clinics offer credit, improved training, and better supervision to students who devote time to our cases.

MAIP is thrilled to welcome students at William & Mary School of Law into its fold. These committed students began advocating for a MAIP-affiliated clinic last year. The school responded immediately by creating a clinic, which is being taught this year by Fred Gerson, a respected post-conviction lawyer in Virginia.

In addition, Georgetown University Law Center established a class

with MAIP as part of its new "experiential learning" program that pairs full-time faculty with nonprofit lawyers to teach a seminar that is integrated with practical work experience. Prof. Wally Mlyniec approached MAIP Executive Director Shawn Armbrust about co-teaching the class, which began this semester.

Last year, Catholic University's Columbus School of Law established a class taught by Prof. Sandy Ogilvy, in which students investigated MAIP cases for credit. The school was so pleased with the program that it has established a full-fledged clinic in conjunction with MAIP this year.

The University of Virginia School of Law is considering a proposal to establish a clinic affiliated with MAIP, and American University's Washington College of Law is continuing to offer a class for students who participate in investigations.

Even though they don't litigate cases, students in MAIP clinics learn important legal skills, such as investigation and fact development.

## Founding Member Leaves MAIP Board

One of our founding board members and our first volunteer executive director, Julia Sullivan, stepped down from our board this year.

Julia first got involved with MAIP in 2001, when it had just gotten office space at Washington College of Law, and founder Page Kennedy was building the organization from scratch. Julia jumped in and has watched the project grow.

“Working as a team over the past six years,” she says, “we have professionalized the project’s case management procedures, established solid relationships with funding sources, hired three wonderful employees, initiated new student programs at Catholic University, Washington and Lee, and the University of Virginia, launched a web site and blog, created an extremely impressive advisory board, and continued to recruit talented and hardworking board members.”

Julia is most proud of recruiting volunteer counsel who secured the exoneration and pardon of Marvin Anderson, a Virginia man who served 11 years in prison for a rape that he did not commit.

“The work that volunteer lawyers do for these otherwise forgotten prisoners is a tremendous credit not only to MAIP, but to the legal profession,” she said.

Julia personally has taken on two of MAIP’s cases, those of Aleck Carpitcher and Larry Fowlkes. Both men are serving long sentences for crimes that they clearly did not commit.

Fowlkes has a clemency petition pending with Gov. Kaine. Carpitcher received the first-ever hearing by the Virginia Supreme Court under the Writ of Actual Innocence statute, but his petition was denied earlier this year.

“Julia’s incredible passion and legal skills have been a huge asset to MAIP, as well as to Mr. Fowlkes and Mr. Carpitcher,” said Don Salzman, MAIP’s former President and current Treasurer. “Her invaluable ideas and energy will be sorely missed.”

## MAIP Successfully Advocates for Changes to Maryland Law

In the past year, MAIP’s involvement in Maryland policy advocacy resulted in the passage of two laws that will help prevent wrongful convictions in the state by properly regulating forensic laboratories and by improving eyewitness identification procedures.

MAIP began the legislative session in Maryland by helping to organize an “Innocence Briefing” for the House Judiciary Committee and the Senate Judicial Proceedings Committee. Along with several allies, MAIP brought together speakers who could educate legislators about eyewitness identification, crime lab error, and false confessions. MAIP also prepared briefing books that legislators used throughout the session.

The briefings allowed MAIP to present its side of the issues without response from any opposition, a huge asset as the legislative session began.

An eyewitness identification reform bill easily passed in both chambers. It requires law enforcement agencies to adopt written procedures for eyewitness identifications that comply with Department of Justice guidelines.

MAIP and its allies will be following up to ensure that law enforcement agencies adopt and use procedures that are properly recommended by experts.

By far the most significant bill, however, was a bill that aims to regulate

Maryland’s crime labs under the same agency that regulates Maryland’s clinical labs.

This legislation is the first of its kind in the country, and it will force the state’s crime labs to adopt appropriate procedures for testing evidence, maintaining staff quality, and uncovering lab errors. The bill passed unanimously, after the media broke a story about a ballistics examiner who lied about his resume and performed faulty analysis in several cases.

“Maryland’s crime lab legislation is really revolutionary,” said Shawn Armbrust, MAIP’s Executive Director. “No other state has yet adopted a scheme for regulating crime labs that is this comprehensive. I believe it will help prevent wrongful convictions.”

MAIP also advocated for a bill that would require police departments to videotape all custodial interrogations. Although the bill did not pass this year, it came closer than ever before, due in no small part to the testimony of Det. Jim Trainum of the Metropolitan Police Department, a key MAIP ally.

For the upcoming year, MAIP is focusing on two Maryland priorities: (1) ensuring that the crime lab oversight bill is properly funded; and (2) passing a bill that would require the videotaping of interrogations.

## 200th DNA Exoneration and Other News in Brief

- In April, Jerry Miller became the 200th prisoner in the United States to be exonerated based on DNA testing. This dubious achievement has led to even more questions about the quality of the criminal justice system in this country.
- MAIP Executive Director Shawn Armbrust continues to serve on the Innocence Network Board of Directors, which also re-elected her as its secretary for the 2007-2008 term.
- MAIP has signed up with GoodSearch, a search engine and shopping portal that donates to nonprofit organizations that have signed up for the service and are selected by users. Visit [www.goodsearch.com](http://www.goodsearch.com) when you conduct online searches or shopping and choose MAIP as your charity. We’ll receive a small donation for every search you perform and every on-line purchase you complete!

## MAIP Investigation Helps in Hearing *MAIP Also Pursuing DNA Tests in Hash Case*

In October, the Culpeper County Circuit Court held an evidentiary hearing in the case of Michael Hash, an innocent man whose case is being actively supported by MAIP.

Hash was convicted in the 1996 shooting death of an elderly Virginia woman. He did not become a suspect until 2000, when police interviewed Alesha Shelton, who had been convicted of a similar crime.

Shelton told investigators that she overheard Hash and Jason Kloby plan the crime and later discuss it, suggesting that they talk to another alleged accomplice, Eric Weakley.

Weakley initially denied any knowledge of the crime. Then, after multiple interrogation sessions, he told several versions of a story placing him at the scene while Hash and Kloby committed the murders.

Weakley's and Shelton's testimony contradicted each other, the physical evidence, and the testimony of unbiased witnesses. In addition, Weakley is an established liar. Nevertheless, police arrested Hash and Kloby.

Kloby was tried first and acquitted. At Hash's trial, the government strengthened its case by introducing the testimony of Paul Carter, a drug dealer who was serving a federal sentence.

Carter testified that Hash confessed to him in jail. Carter also told the jury,

falsely, that he could not receive any sentencing benefit in his federal case for his testimony against Hash. Following this testimony, Hash was convicted.

After Hash's conviction, attorney David Hargett took up his case. Hargett learned that prosecutors had withheld exculpatory information and that defense counsel had failed to discover readily available information that would have discredited Carter's story. He filed a state habeas corpus petition and won an evidentiary hearing.

In 2006, Hash's family approached MAIP, asking if MAIP could locate the victim's fingernail scrapings so that sophisticated DNA tests could be pursued. MAIP has located the evidence in and is working to change Virginia's post-conviction DNA testing law so it can be tested (see article on page 3).

In July, Hargett and the Hash family asked MAIP to get more involved by funding the investigation. MAIP hired Larry Smith, a retired FBI agent, to investigate the case.

Smith uncovered significant leads. He interviewed four witnesses who testified at the hearing. As a result of his work, both lead detectives in the case have said they believe in Hash's innocence. They have described intense political pressure involved in the decision to arrest Hash.

A decision in the habeas case is expected after February 2008.

## ***Board Members Fight for Norfolk Four, cont.***

forensic pathology who explained in detail why the evidence conclusively shows that Ballard committed this crime alone.

The pro bono lawyers also brought to the hearing a decorated Navy officer who was Joseph Dick's supervisor at the time of the offense. This officer testified that Dick was assigned to duty on his ship on the night of the murder, and could not have participated in the crime.

A former FBI agent explained how the coercive interrogation tactics used by the Norfolk police posed a high risk of causing false confessions. He also explained how the sailors' statements bear all the signs of false confessions.

Finally, a Texas man who spent more than 10 years in prison for a murder he did not commit and is now a practicing attorney, explained how, as a bright young man with no prior experience with the criminal justice system, he was pressured into confessing to a crime that he did not commit.

The Norfolk Four legal team has gained wide support for their clients' cause, including, among others, four former Virginia attorneys general.

In August 2007 a lengthy, objective, and very favorable article about the case appeared in the *New York Times Sunday Magazine*.

## ***MAIP Students Stay Involved in Cases***

In a growing number of cases, law students who have been involved with MAIP and other Innocence Projects are approaching MAIP about staying involved in their cases or representing MAIP clients as they transition to the practice of law.

Cyrus Frelinghuysen, a recent Georgetown Law grad, is now a first-year associate at Howrey & Simon. As a law student, he was actively involved in the case of Tyrone Powe, working with Cozen O'Connor's Barry Boss and MAIP President David Eppler to obtain testing for Powe on evidence discovered by Georgetown students.

The STR test results in Powe's case were inconclusive, but Frelinghuysen has received permission from Howrey to work with Boss and Eppler to try obtaining Y-STR testing in the case.

"Cases like Powe represent a perfect storm," said Shawn Armbrust, MAIP's Executive Director. "They mean that we have succeeded in part of our mission, which involves educating students, and they also allow more law firms to get involved in our work."

MAIP students aren't the only students of Innocence Projects to contact MAIP. Last year, Rachel Yasser, a Latham & Watkins associate who had been a student with Northwestern University School of Law's Center on Wrongful Convictions, contacted MAIP's Executive Director about co-counseling on a case.

Yasser, associate Cameron Smith, partner Kathryn H. Ruemmler, and MAIP quickly began working together on a post-conviction DNA case.

Yasser's enthusiasm for the work has produced tremendous interest at Latham about MAIP. Both the firm and its associates are happy about the potential for young lawyers to obtain litigation experience, and they are eager to co-counsel with MAIP on more cases.

"Working with MAIP, particularly on DNA cases, gives young associates the opportunity to really take charge of a fairly limited case, and it also allows law firms to get involved in a great issue," said Armbrust. "We hope more of our students stay involved."

## WCL-Sponsored “Innocence Week” a Huge Success for MAIP and School



MAIP Executive Director Shawn Armbrust (left) talks to exonerees Dennis Fritz (middle) and Marvin Anderson (right) after their presentations at Innocence Week.

In March, MAIP joined with the Washington College of Law (WCL) in organizing Innocence Week, a five-day series of events focusing on exonerations, exonerees, and the causes and effects of wrongful convictions.

Highlights of the week included lunchtime talks by exonerees Kirk Bloodsworth, Marvin Anderson, and Dennis Fritz. Bloodsworth and Anderson are MAIP Honorary Board members.

Bloodsworth was the first Maryland death row inmate exonerated by DNA. He provided a first-person account of the life of an innocent man inside the Maryland prison system.

He also told audience members the fascinating story of his post-exoneration interactions with the prosecutors. After many years of authorities denying Bloodsworth's innocence and refusing to search for the true murderer, a cold hit in a DNA database finally identified the real killer. The prosecutor who had urged that Bloodsworth be put to death called him on the telephone and met him at a Burger King parking lot to apologize.

Marvin Anderson, a MAIP client who was exonerated after serving 15

years in prison for a rape that he did not commit, spoke about the factors that had led to his wrongful conviction.

He initially became a suspect because the perpetrator had told the victim that he had a white girlfriend, and Mr. Anderson lived with a white woman at the time. Anderson's photo was the only color picture in a group of photos shown to the victim for identification. Once she identified him, detectives did not pursue additional leads.

Although Anderson's mother ultimately solved the crime and found the real rapist, and although that rapist appeared in court and confessed to the crime, Anderson was not freed until DNA proved his innocence.

Dennis Fritz was a high school teacher and single father from Oklahoma who was convicted and sentenced to life in prison for a rape and murder.

Fritz described his sheer determination to overturn his conviction through intense study of materials available in the prison library. He talked about finding The Innocence Project after ten desperate years, and the hope and freedom that it finally brought him.

“Before coming to MAIP, I had never heard an exoneree tell his story,” said MAIP's Assistant Director, Eily Raman. “I was amazed by how each of these three men, none of whom had any reason to be particularly articulate or compelling public speakers before their arrests, had managed to take a terrible experience and turn it into a powerful message about the need for change.”

Another featured Innocence Week speaker was Det. Jim Trainum, head of the cold case unit of Washington, DC's Metropolitan Police Department. Det. Trainum spoke to students and guests about his experience in obtaining a false confession from a suspect.

The interrogation session had been recorded, and he was able to use the videotape to show the audience exactly what techniques had led the suspect to confess to a crime that she didn't commit, and what led the interrogating officers to believe that confession.

Lunchtime panels also included presentations from author Tim Junkin, who wrote a book about Bloodsworth's case; John Terzano, the Executive Director of The Justice Project; Timothy O'Toole, from the Special Litigation Division of the Public Defender Service for the District of Columbia; WCL Prof. Angela Davis; WCL Prof. Ira Robbins; WCL Prof. and MAIP Board Member Cynthia Jones; and Shawn Armbrust, MAIP's Executive Director.

The week culminated in two performances of the critically acclaimed play *The Exonerated*.

All of the lunchtime panels were free and open to the public. They are now available to view via podcast. From [www.wcl.american.edu/podcasts](http://www.wcl.american.edu/podcasts), click on "Washington College of Law Podcast" and then enter the search term "innocence."

The entire week provided a powerful reminder of the importance of MAIP's work. We are grateful to WCL, which made the week possible, and to the law firm sponsors who helped make the week such a success. We hope to bring similar programming to WCL in years to come.

## Spotlight on a Firm: Troutman Sanders

MAIP's longstanding and productive relationship with Troutman Sanders has proven to be an invaluable asset. The firm's generous commitments in so many areas are making a huge difference in MAIP's work throughout Virginia.

Troutman's commitment to wrongful convictions work predates its work with MAIP. MAIP Board member and pro bono partner Steve Northup began working on pro bono death penalty cases in the 1980's.

In 1998, a former Troutman associate who had worked with Northup on those cases asked him to get involved in the case of Honorary Board member Beverly Monroe, who had been wrongfully convicted of murdering her boyfriend. The fight to win her habeas corpus relief required the resources of a large firm, and Troutman was more than willing to provide Monroe with pro bono representation.

In 2002, their work paid off, and they won a rare victory in the United States District Court for the Eastern District of Virginia, which subsequently was affirmed by the United States Court of Appeals for the Fourth Circuit. The state declined to retry Monroe, thus ensuring her continued freedom.

"The highlight of my career was walking Beverly Monroe out of prison," Northup said. In addition to the emotional experience, he said, wrongful conviction cases are a great opportunity for pro bono lawyers to fight for an important cause while working on legally interesting topics, such as cutting-edge scientific evidence and recanting witnesses.

When Monroe was released, her daughter, former MAIP Board member (and current Executive Director of the Rocky Mountain Innocence Center) Katie Monroe, joined MAIP's board and quickly recruited Northup to serve on the board, as well.

"When MAIP wanted to recruit a Virginia lawyer for its Board, I couldn't think of a better person than Steve," Monroe said. "He has a tremendous passion for righting injustices, and his talents as a lawyer and a person are beyond compare. I also knew that his position at one of Virginia's top law firms would be of great help to MAIP as MAIP began to work more intensively in Virginia."

Since Northup began to serve on the Board, his contributions and the

contributions of Troutman have been immeasurable.

Most significantly, Northup recruited Robert Angle, a litigation partner, and George Somerville, one of the best appellate advocates in Virginia, to represent Aleck Carpitcher, a MAIP client who was wrongfully convicted of child molestation.

Carpitcher also was being represented by MAIP Board Member Julia Sullivan, who thought she needed the expertise of a Virginia firm to litigate a difficult case that involved the recantation of the complaining witness.

The Troutman team and Sullivan filed one of the first petitions under Virginia's new Writ of Actual Innocence statute, which allows prisoners with newly discovered, non-biological evidence of innocence to seek relief from the courts.

Their work led to Carpitcher receiving one of the first hearings granted under the statute. Although the Court of Appeals denied his petition, the case ultimately became the first case reviewed by the Virginia Supreme Court under the statute.

Despite the tremendous advocacy efforts of Carpitcher's legal team, the Virginia Supreme Court affirmed the Court of Appeals decision that denied Carpitcher relief. A clemency petition currently is under consideration.

Troutman's assistance to MAIP

does not end with representation of MAIP-referred clients. Its stature as one of the preeminent firms in Virginia, combined with its willingness to assist MAIP in policy and fundraising efforts, is having a tremendous impact on MAIP's position in Virginia.

For example, at the request of MAIP Treasurer Don Salzman, Troutman hosted a press conference on behalf of the Norfolk Four, allowing defense counsel access to space and media in Richmond that otherwise would have been out of reach. Troutman partners John Daniel and Anthony F. Troy, a former Virginia Attorney General, also have been providing crucial assistance to the Norfolk Four lawyers.

Daniel also has been assisting MAIP as it attempts to secure adequate safeguards for defendants whose DNA is being tested as part of the old case testing project. His insight into the Virginia landscape is a true asset as MAIP attempts to negotiate with policymakers.

Finally, Northup provided invaluable assistance in MAIP's fundraising efforts this year. He appeared with Shawn Armbrust, MAIP's Executive Director, Salzman, and George Hettrick of Hunton & Williams when Armbrust made a presentation to the Virginia Law Foundation. The support of local bar leaders was crucial for the Washington-based MAIP as it sought funding from the Foundation, and their presence ultimately helped to secure a sizable first-time grant.

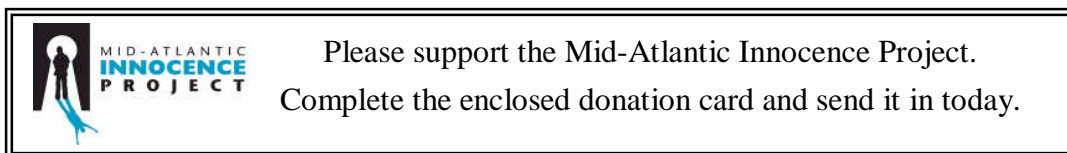
**MAIP thanks its committed volunteers, who devote a tremendous amount of time to our work. We particularly wish to thank the following law firms, who work on a pro bono basis to help us screen, investigate, and litigate cases:**

*Akin, Gump, Strauss, Hauer & Feld · Arnold & Porter · Baker Botts · Cleary, Gottlieb, Stein & Hamilton · Covington & Burling · Cozen O'Connor · DLA Piper · Howrey & Simon · Hunton & Williams · Latham & Watkins · Morrison & Foerster · O'Melveny & Myers · Schnader, Harrison, Segal & Lewis · Skadden Arps · Steptoe & Johnson · Sullivan & Cromwell · Troutman Sanders · Wilmer Hale*

## MAIP Case Updates

Over the past year, MAIP has screened hundreds of cases and investigated many others. Although not all cases involve innocence claims or result in the discovery of new evidence, students and staff this year have made tremendous progress on several promising cases:

- In two Maryland cases, student volunteers at Georgetown University Law Center (GULC) discovered evidence that could be subjected to post-conviction DNA testing and could prove the defendants innocent.
- Student volunteers at the University of Virginia School of Law believe they may have located testable DNA evidence in a Virginia hospital in the case of a man convicted of a 1979 rape.
- In three Virginia cases, MAIP's Executive Director confirmed that the Virginia Department of Forensic Science possesses physical evidence that could be subjected to post-conviction DNA testing. They likely will be tested as part of the Old Case Testing Project.
- Students in GULC's Wrongful Convictions class are teaming up with Det. Jim Trainum of the Metropolitan Police Department to investigate the case of a man who may have falsely confessed to a high-profile District of Columbia murder.
- Volunteer investigators at GULC have uncovered two eyewitnesses in a Baltimore murder case who point to another person as the real killer. The victim's brother also says that the defendant is innocent and that he knows who committed the crime.



### MAIP Honorary Board

Our Honorary Board is comprised of a diverse and bipartisan group of local lawyers, law school deans, current and former judges, prosecutors, policymakers, area exonerees, and other prominent Americans who support MAIP.

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