



With the help of students, faculty, and staff at Northwestern Law's Bluhm Legal Clinic, 11 wrongfully convicted men were exonerated and released from prison from October 2011 to January 2012—the single largest cluster of murder exonerations in a four-month period.

Photo: Terrill Swift outside the Cook County Criminal Courts Building after a judge threw out his conviction. (AP Photo/Charles Rex Arbogast)



RIGHTING WRONGS

By Tracy Marks

The feel of grass beneath their feet takes some getting used to. A hug from a loved one is nothing less than a miracle. Everyday events seem surreal and heartbreakingly dear. After languishing in jail year after miserable year, 11 wrongfully convicted men—Jonathan Barr, James Harden, Harold Richardson, Jacques Rivera, Juan Rivera, Michael Saunders, Shainne Sharp, Terrill Swift, Robert Taylor, Vincent Thames, and Robert Lee Veal—were released after serving a total of 186 years for crimes they did not commit. Of the 11, all but one were teenagers when arrested.

Their freedom represents the single largest cluster of murder exonerations in any four-month period in the history of the innocence movement, largely due to the efforts of the Bluhm Legal Clinic's Center on

Wrongful Convictions (CWC) and Center on Wrongful Convictions of Youth (CWCY) at Northwestern Law.

Terrill Swift was exonerated in January. Arrested for rape and murder at age 17, he was subsequently convicted even though DNA evidence excluded him from the crimes. A confession he signed, made with no adult present other than a police officer, was the only evidence that put him behind bars for 17 years. After his release from prison on parole, he was required to endure weekly sex offender counseling and the shame of having his name on a sex offender registry.

"I was terrified and was told if I just signed the document, I could go back home to my family. If I didn't, I'd spend the rest of my life in jail," Swift recalls when describing what led to the signing of a false confession. CWCY

staff attorney Joshua Tepfer says Swift's case "screamed out" to him and adds, "I'm drawn to juvenile cases where an entire case is based on a confession. Kids in a police station are scared and often will say whatever police and prosecutors want. Terrill's confession conflicted with physical evidence that demonstrated his innocence, but it didn't matter. His experience is repeated again and again in other cases in which convictions rest on confessions made by juveniles."

Tepfer notes an irony of law enforcement: police interview children who are witnesses differently than children who are suspects. Officers follow strict guidelines for witnesses because it is widely recognized that children are easily suggestible, but, says Tepfer, "all this is thrown out the window when the child is a suspect."

Swift and the other exonerees are rediscovering life outside of prison as they struggle to find apartments and jobs; deal with the reactions of friends, family, and the media; and grapple to find sense in the senselessness of their experience. Finding purpose from his tribulation, Swift now conducts workshops that teach school-age kids why they must read and understand everything they sign. At the beginning of each workshop Swift asks students to sign an attendance sheet. At one high school 119 of 120 students signed the form, only to find out they had thereby confessed to cheating on a math exam. He wants kids to avoid the kind of mistake that "cost me half my life."

Exoneree Jacques Rivera had been sentenced to 80 years in prison for murder, based solely on the eyewitness testimony of a 12-year-old who several days later told police officers he



Jacques Rivera after his release from Cook County Jail in October 2011. (Photo: Jennifer Linzer)

made a mistake. This admission went ignored for years. "I never gave up hope," says Rivera. "I knew I was innocent. Patience, determination, and faith kept me going." After a long search, CWC assistant executive director Jennifer Linzer and investigator Cynthia Estes tracked down the witness who had testified against Rivera. "He knew why we were there, and without us asking him a single question, he began crying, speaking of redemption," says CWC senior staff attorney Jane Raley. "He made a full and spontaneous recantation right then, told us that he lied at trial, that he made a mistake, that he tried to correct it, but no one would listen." Rivera was released in October 2011 after serving nearly 23 years behind bars. "Most cases are not overturned in the absence of DNA, with only a witness recantation," explains Raley. "Jacques's exoneration is a triumph."

The CWC and CWCY's legal team includes staff lawyers Karen Daniel, Jane Raley, Judy Royal (JD '81), Josh Tepfer, and Laura Nirider (JD '08) as well as CWC director Steven

Drizin (JD '86) and Jeff Urdangen, who heads the Center for Criminal Defense (CCD) and also works on CWC cases, as do dozens of law students and pro bono partners and associates from Chicago law firms. The centers receive some 200 letters a month from which the staff determines which cases to pursue after conducting extensive research. In cases involving multiple defendants such as the Dixmoor Five (Taylor, Barr, Harden, Sharp, and Veal) or the Englewood Four (Swift, Saunders, Richardson, and Thames), center attorneys represent only one defendant (because of conflict of interest considerations). Center attorneys work with other lawyers, often including Northwestern Law alumni like Stuart Chanen (JD '85) of the Valorem Group, who represented codefendants Veal in the Dixmoor case and Thames in the Englewood case, and focus on cases where innocence can be proven, such as through DNA evidence or with old-fashioned gumshoe detective work. "We see so many examples where the only shred of evidence that sends someone to die in prison is a forced confession, faulty science, an unreliable witness, or snitch testimony," says CWC executive director Rob Warden.

When the CWC opened in 1998, wrongful convictions were viewed as rare exceptions. "Our efforts not only free innocent people but

EXONERATION DATABASE LAUNCHED

The National Registry of Exonerations—www.exonerationregistry.org—is a joint project of the University of Michigan Law School and Northwestern Law's Center on Wrongful Convictions. Launched in May, the searchable database of all known exonerations in the United States since 1989 contains nearly 900 detailed summaries. It is the largest collection of such cases ever assembled.

also reveal mistakes and missteps at every juncture of our justice system: from the moment the yellow crime tape goes up to the last appeal,” says Warden. “The work of the CWC has contributed to the exoneration of 36 men and women and counting.”

From freeing individual clients to reforming the legal system, the work of the CWC is transformative. Drizin says, “We take clients out of abject misery and return them to the streets, free. Perhaps most inspiring is seeing how it affects our students, the passion they bring to the work, the ways in which their worldviews change, seeing them come up with remarkably creative legal strategies that some of us who have been involved in the game for a long time didn’t think of ourselves.”

Working side by side with CWC, CWCY, and pro bono lawyers, students reinvestigate each crime, tracking down witnesses, questioning detectives, and poring through forensic reports. They advocate tirelessly for appeals, present before prison review boards, and submit requests for certificates of innocence.

“The CWC has given me extraordinary opportunities to learn from some of the best attorneys around and take on responsibilities most other law students do not,” says Rebecca Stephens (JD ’13), who worked on Terrill Swift’s case. “In addition to writing parts of briefs that are filed in court, I participate in cases from start to finish: developing a strategy, filing pleadings, arguing motions, and doing everything in between.”

Sarah Terman (JD ’08), a former CWC student, now volunteers with the CWC. “My clinical professors at the center guided me in meeting with my first client, drafting my first brief, and preparing for my first oral argument,” she says. “Acquiring that foundational experience as a third-year law student allowed me to really hit the ground running in my first job after graduation.”

As important as professional experience are the insights into the power of attorneys. “Our day at the office can extinguish a life, tear apart

a family, or free someone from a crime they did not commit,” Terman says. “There is no room for complacency.”

It is the potential to change flawed systems, as well as the power to help individuals, that motivates Terman and other alumni to continue to work on center cases. “Those of us who have been part of the center seem not to be able to leave,” she says. “We come back; we get our firms to commit. This is such important work.”

Terman and her colleagues launched the center’s Justice Council, a junior board that offers new alumni the chance to stay involved with the CWC even if their firms don’t have a pro bono relationship. In June the Justice Council hosted its first fundraiser, a welcome-home party for the recent exonerees. The more than 500 guests attending “were honored to hear firsthand stories from several of the exonerees,” says council president Katie Pelech (JD ’10). “We also were so happy to raise almost \$65,000 to be invested in freeing more people wrongfully convicted of crimes.”

“When we are successful as we have been this past year, the work is incomparably rewarding, but it is very labor and cost intensive,” says Raley. “We travel to interview witnesses, to

track down leads; we hire the best forensic experts. Without pro bono service from attorneys—like Terri Mascherin (JD ’84), Tom Sullivan, and Andrew Vail at Jenner and Block, and Ron Safer and his team at Schiff Hardin and Waite—along with hours of work from our intrepid, ingenious students and the financial support from our many contributors, this would all be impossible.”

Two more wrongfully convicted men received their independence in July. Andre Davis, who spent 32 years in prison for rape and murder—a longer prison term than that of any other known innocent person in Illinois—was exonerated and released from prison after DNA evidence linked the crime to another man. Michael Winston, a client of Urdangen and the CCD, had served six-and-a-half years of a 40-year sentence based on an erroneous identification.

Currently, the Center on Wrongful Convictions is working to overturn the conviction of Kristine Bunch, who has finally been granted a new trial on arson and murder charges in connection with the death of her son. “For every Robert Taylor,” says Rob Warden, “there is a Kristine Bunch waiting for justice. We don’t give up on them.” ■

ELEVEN MEN FREED IN FOUR MONTHS

<i>Exoneree</i>	<i>Conviction</i>	<i>Cause of wrongful conviction</i>	<i>Evidence for exoneration</i>	<i>Years served</i>
Jonathan Barr	rape & murder	coerced perjured testimony	DNA; witness recantation	19 years
James Harden	rape & murder	coerced perjured testimony	DNA; witness recantation	19 years
Harold Richardson	rape & murder	false confession	DNA	17 years
Jacques Rivera	murder	faulty eyewitness	eyewitness recantation	23 years
Juan Rivera	murder	false confession; snitch testimony	DNA	19 years
Michael Saunders	rape & murder	false confession	DNA	17 years
Shainne Sharp	rape & murder	false confession; false guilty plea	DNA	10 years
Terrill Swift	rape & murder	false confession	DNA	17 years
Robert Taylor	rape & murder	coerced perjured testimony	DNA; witness recantation	19 years
Vincent Thames	rape & murder	false confession; false guilty plea	DNA	16 years
Robert Lee Veal	rape & murder	false confession; false guilty plea	DNA	10 years