On October 16, 2019, Elvis Brooks left the Louisiana State Penitentiary at Angola a free man—after over 42 years of wrongful incarceration. Mr. Brooks reunited with his loving family, who have remained by his side since 1977. Mr. Brooks was arrested for the July 1, 1977 robbery and murder of a patron of the Welcome Inn bar in the Lower Ninth Ward of New Orleans. He was accused of being one of two armed perpetrators. Weeks after the crime, Mr. Brooks became a suspect because he was a Black man who lived in the area. He was identified in a photo array by three white strangers who had been inside the dimly lit bar.

- continued on page 8

On June 27, 2019, one day after the 17th anniversary of his wrongful conviction, Royal Clark, Jr. was exonerated from his 2002 armed robbery conviction. In the packed courtroom gallery, Mr. Clark's relatives – including his teenage son, Royal Clark, III, his mother, Catherine Clark, his father, Royal Clark, Sr., and his sister, Lakitta Clark – looked on as a district court judge vacated Mr. Clark’s conviction and the state dismissed the case against him.

New fingerprint evidence conclusively showed that Mr. Clark was innocent of the 2001 robbery of a Jefferson Parish Burger King, during which the perpetrator drank
Innocence Project New Orleans (IPNO) frees innocent, life-sentenced prisoners. We support our clients living well and fully in the world after their release. We advocate for sensible criminal justice policies that reduce wrongful convictions. This newsletter reports on IPNO’s activities in and out of court so that our supporters and members of the public may understand what we do. Any information about an open case that is contained in this newsletter is also contained in the public court record of the case.

As of October 2019, IPNO has freed or exonerated 36 innocent clients.

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On an overcast afternoon in October, IPNO’s former client and exoneree, Glenn Davis, and I spoke to a group of sixth, seventh and eighth graders at Benjamin Franklin Elementary School in New Orleans. Nearly all students were Black and most did not live in the uptown neighborhood where the school is located. When we arrived, more than 200 students were sitting on the auditorium floor, eager to discuss the Netflix series, When They See Us, and ask questions about Louisiana’s criminal legal system. The teacher who invited us opened the conversation by telling the students that any of them could be wrongly accused, convicted and sentenced to prison for a crime they did not commit. Many heads nodded, acknowledging the brutal and unfair truth of what she said. When I asked the crowd of young faces who has visited a prison, more than three-fourths of the children raised their hands. When I asked who has been to Angola, nearly a quarter of the children raised their hand. When I asked whether they thought innocent people are in prison, nearly every child’s hand shot up.

These children know more about the criminal legal system than the legislators I speak to every spring during the legislative session. They instinctively know that one in 23 adult Black men are in Louisiana prisons – four times the white male imprisonment rate. Black people make up 66% of Louisiana prisoners even though they account for just 33% of the overall state population. They understand that more than 250 years of slavery, 90 years of Jim Crow, and 60 years of separate but equal have all laid the framework for a criminal legal system that disproportionately touches the lives of Black families and imprisons Black men and women. Every person IPNO has freed or exonerated, but for one, was a young Black man when they were wrongly arrested, accused, convicted and sentenced to die in prison. IPNO has freed 36 men to date, who have been imprisoned more than 872 years between them.

Too many of the students’ lives have been touched by the criminal legal system. They understood that innocence cases were not an anomaly and did not happen in isolation, but were an inevitable consequence of structural racism, white privilege, prosecutorial abuse of power, under-resourced public defenders, coercive policing tactics and reliance on unreliable scientific methods. For nearly 20 years, IPNO has been the bright candle shedding light onto how the criminal legal system repeatedly fails its Black and Brown citizens for generations. For the next 20+ years, we intend to free many more innocent people and bring them home to their loved ones, and continue to be a forceful voice for real change. As much as we dream of it, IPNO will never have enough time or resources to represent and free every innocent person locked up in Louisiana prisons; so we will continue to do everything we can to advocate for sound policies and practices to prevent wrongful convictions and limit bias in our system.

— Jee Park
**Forensic Analysis Secured in Three Cases**

IPNO has recently secured orders for post-conviction DNA testing in two cases— one from Allen Parish and the other Orleans Parish. In each case the district attorney’s offices had opposed the testing of evidence that could prove the innocence of someone serving a life sentence. Thanks to IPNO overcoming these oppositions, the evidence from each case is currently being tested using cutting edge technology.

In a third case from Tangipahoa Parish, in which IPNO has already secured DNA testing, IPNO was able to secure an order for fingerprint evidence from the crime scene to be compared to the national fingerprint database in order to try and solve the crime. In the last year, checking fingerprints against this database has already proved two men innocent and secured their exonerations.

IPNO’s litigation of its DNA cases has primarily been funded by the Louisiana Public Defender Board (LPDB) since 2008. IPNO is the only organization in the state that provides a safety net to life-sentenced wrongly convicted people in post-conviction proceedings.

**Compensation**

Thanks to the Lakeshore Foundation and The Roddick Foundation, IPNO represents exonerated prisoners and fights to secure them compensation at no cost. Before this support was available, exonerees frequently had to promise away parts of their compensation payments in order to retain a lawyer to represent them. This year so far, IPNO has won compensation for two inmates and, utilizing a change in the law that IPNO secured, obtained judgments awarding additional compensation for loss of life opportunities for eight exonerees who had previously been found eligible for compensation. In addition, IPNO is currently litigating the right to compensation for four other exonerees in cases from Orleans, Jefferson, and East Baton Rouge Parishes.

**James Skinner at the Louisiana Supreme Court**

In 2016, the U.S. Supreme Court vacated Michael Weary’s conviction due to the State having withheld evidence that was favorable to him. IPNO client James Skinner was convicted of the same crime as Mr. Weary with prosecutors relying on the same purported eyewitnesses and withholding the same evidence undermining their witnesses’ accounts.

Because Mr. Weary was sentenced to death, he had lawyers representing him, whereas Mr. Skinner has life without parole and so was unrepresented until IPNO was able to take his case thanks to the support of Morgan, Lewis & Bockius LLP and LPDB.

Once IPNO was able to take Mr. Skinner’s case, he had a motion to suppress identification, using the training materials provided by IPNO, and successfully suppressed the eyewitness identification expert to testify in a trial. Prior to Act 115’s enactment, Louisiana was one of two states (Nebraska being the other) that outright prohibited such an expert from testifying in trial.

Since the successful passage of these two new laws, IPNO has been training judges, prosecutors, and defenders all across Louisiana on the social science research and findings underpinning these new laws, and how, with proper implementation, these laws may decrease the likelihood of wrongful convictions based on eyewitness mistakes.

During the last two legislative sessions, IPNO helped pass two laws that will help prevent eyewitness misidentifications. Act 466 mandates that police officers use evidence-based, best practices when conducting eyewitness identification procedures with victims and eyewitnesses. Act 115 allows a memory and eyewitness identification expert to testify in a trial. Prior to Act 115’s enactment, Louisiana was one of two states (Nebraska being the other) that outright prohibited such an expert from testifying in trial.

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**Nationally, more than 70% of DNA exoneration cases involved mistaken eyewitness identification. In Louisiana, 15 out of 16 DNA exoneration cases and an additional 14 non-DNA exoneration cases involved eyewitness mistakes.**

IPNO’s consultations and trainings have had real impact on defense practices on the ground. A public defender from the 15th judicial district in Vermillion whom IPNO has been working with recently e-mailed:

“My client’s been in jail for 2½ years and since inheriting the case a little over a year ago I have provided the ADA off and on the record with tons of exculpatory evidence, including notice of two alibi witnesses, an unrelated Facebook post that he made at about the exact time of the murder, and the complete lack of investigation by law enforcement – this was a total hunch case. None of this moved the needle, he kept saying, ‘We’ll let the jury decide.’ But when I handed him [the memory and eyewitness identification expert’s] report a week before the Daubert hearing … he told me he was dismissing [the case] based on information provided by the defense.’

I’m convinced that without [the expert] working on this case, without IPNO working to get [Act 115 passed], we would have had to try this case, and my client’s life would hang on how well the ADA could persuade the jury to believe in the power of eyewitness identification. I know these arguments have overcome some pretty powerful exculpatory, and even alibi evidence in past cases, and landed innocent people, as well as not-guilty [beyond a reasonable doubt] people in jail. I truly believe my client is innocent, and I’m so happy I didn’t have to try my luck.”

Another public defender from the 16th judicial district in New Iberia recently litigated a motion to suppress identification, using the training materials provided by IPNO, and successfully suppressed the eyewitness identification in her case. She writes, “I used a lot of the information you’ll sent us and incorporated it into my memorandum which was very helpful.” This was her first motion to suppress identification victory.

Freeing the innocent currently in prison must go hand-in-hand with preventing wrongful convictions, and IPNO will continue to work to ensure our educational and policy work have real impact on actual practices.
On October 8, 2019, the U.S. Supreme Court heard oral arguments in Ramos v. Louisiana revisiting the question of whether the 14th Amendment requires jury verdicts to be unanimous in criminal trials in state courts. Evangelisto Ramos’s case was accepted for review by the U.S. Supreme Court due to Calvin Duncan’s persistence. Mr. Duncan was freed in 2011 with IPNO’s help.

For the last six years, as director of the Light of Justice program at the Promise of Justice Initiative (PJI), Mr. Duncan, along with PJI attorney Ben Cohen, have been litigating this issue to the U.S. Supreme Court. Mr. Ramos’s case is the 23rd time they have sought the Supreme Court’s intervention. In other words, it took 23 petitions in 23 different cases, but Mr. Duncan’s determination finally paid off.

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23 petitions in 23 different cases, but Mr. Duncan’s determination finally paid off. Jury unanimity is an issue Mr. Duncan has been wrestling with since he was an inmate counsel substitute (jailhouse lawyer) at the Louisiana State Penitentiary at Angola. Only Louisiana and Oregon have permitted nonunanimous jury verdicts. Louisiana now requires unanimous jury verdicts, due to a constitutional amendment that was passed by Louisiana voters in 2018, but the change is prospective and does not provide relief to prisoners convicted by 10-2/11-1 verdicts. The Supreme Court’s decision in Ramos will likely be issued this spring. If the Supreme Court issues a favorable decision, more work and follow-up litigation will be needed to ensure application of that decision to hundreds of prisoners. No doubt, Mr. Duncan will lead the way.

New Orleans hotly debated similar topics when similar acts of official violence and tragedies shocked the city for many years. Mary Howell, a long-time civil rights lawyer and advocate, who has represented many victims of police violence for nearly 40 years, talks about how New Orleans has the awful distinction of having two of its former police officers sentenced to die, had scores of detectives running drug rings and committing bank robberies, and regularly using excessive force during ordinary civilian confrontations. In 2011, things changed when then-Mayor Mitch Landrieu invited the Department of Justice (DOJ) to intervene and help the New Orleans Police Department (NOPD) clean up their act. NOPD had lost credibility with citizens, and violence reached new levels. NOPD entered into a consent decree with DOJ in 2013.

One of the key provisions of the consent decree was overhauling the educational and training program of NOPD recruits and officers. In 2016, IPNO and the NOPD partnered to develop a national first: a training on causes of wrongful convictions, which of those causes are within law enforcement control, and cognitive biases and their impact on faulty investigations. The training on investigative best practices is grounded in scientific research and findings. IPNO uses real life cases of wrongful convictions to identify investigative shortfalls and blind spots that contributed to it. To date, we have trained over 400 detectives, including the prior police chief and command staff. One detective, one commander at a time, IPNO is working with local leaders like Ms. Howell to change the system through education and training.
Within three months of his arrest, Mr. Brooks faced a capital trial. The three cross-racial identifications were the only evidence presented against Mr. Brooks. In contrast to the weakness of the State’s case, Mr. Brooks presented 12 alibi witnesses at his trial. These witnesses testified that Mr. Brooks was at home at the time of the crime and gave specific information about what Mr. Brooks had been wearing and doing during the specified time. Though spared the death penalty, Mr. Brooks was convicted and sentenced to life in prison in a trial that lasted less than a day.

IPNO’s investigation into Mr. Brooks’ case revealed exculpatory evidence, known by the State, that was never known by Mr. Brooks or his attorney. Fingerprints on beer cans held by the robbers did not belong to Mr. Brooks. Additionally, police knew that the same perpetrators of the Welcome Inn crime had committed another armed robbery immediately beforehand. The Black victims of this earlier armed robbery did not identify Mr. Brooks as one of the men who robbed them.

Faced with these Brady violation allegations, the Orleans Parish District Attorney’s office approached Mr. Brooks and offered him a plea deal, allowing him to vacate his first-degree murder conviction and plead to lesser crimes. This plea agreement allowed Mr. Brooks to be resentenced to time-served and entitled him to immediate release. Though Elvis Brooks was loathe to forego the opportunity to prove his innocence in court, he chose to accept the plea offer and not miss out on another single day with his family. Mr. Brooks now lives in Alexandria, Louisiana near his younger brother and many of his nieces and nephews, all of whom have been excited to help “Uncle Elvis” get settled in.

-continued from page 4 (Elvis Brooks)

from a cup just before the holdup. Jefferson Parish Sheriff’s Office (JPSO) investigators obtained prints from the cup, but determined that they were not suitable to compare against Mr. Clark’s fingerprints. His wrongful conviction was based entirely on the identification of a single eyewitness—a cashier who admitted at trial that her attention was focused on the perpetrator’s gun and not on his face.

IPNO agreed to take his case in 2018, initially seeking to test the prints for DNA evidence. Then, in March 2019, IPNO and the Innocence Project secured the exoneration of Archie Williams from a 1982 Baton Rouge rape when crime scene prints excluded him and matched the actual perpetrator. Mr. Williams’ exoneration spurred our request for JPSO to reexamine whether the fingerprints on the cup in Mr. Clark’s case were suitable for comparison. JPSO agreed, and, three weeks later, notified IPNO that the prints excluded Mr. Clark and matched those of Jessie Perry, who was in prison serving a 30-year prison term for robberies committed in January 2002—less than two months after the Burger King robbery. A subsequent investigation showed that Mr. Perry’s age and physical appearance more closely matched the description of the perpetrator than Mr. Clark, and that Mr. Perry had committed a string of similar robberies in the same area.

Mr. Clark’s case serves as the second example of the need for the Louisiana Legislature to create a clear legal right for prisoners to access forensic databases in appropriate cases.
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in memoriam

Bobbie Jean Johnson

On October 25th, our community lost a special woman – Bobbie Jean Johnson. Ms. Johnson was wrongly convicted and imprisoned for nearly 41 years and was freed February 8, 2018. IPNO, along with the Promise of Justice Initiative, Georgia Innocence Project and many others worked to free and support her. Ms. Johnson had not even been home for two years and was just about to celebrate her second birthday on November 5th as a free woman. In that short period of time, she touched so many lives. Ms. Johnson loved you from the second you met her. She had the warmest smile and gave the biggest hugs. She wanted more than anything to be surrounded by love and to give love – and she did. Our hearts are broken; her life was cut way too short due to the decades of neglect on her health by the prison system. We will miss her dearly and we will continue to fight in her name.


Cedric Willis

IPNO was heartbroken by the death of Cedric Willis, our friend and former client. Mr. Willis was shot to death near his home in Jackson, Mississippi on June 24th. He had just turned 44 years old. Mr. Willis was a free man for just over 13 years, barely longer than the 12 years he was wrongly convicted. We knew Mr. Willis as a proud voter, a public speaker, a sometime-fitness fanatic, an introspective soul, a devoted shopper, a son, brother, father, friend, and a first-class comedian. He was an extraordinary human, with a huge heart, a great brain, an outstanding sense of humor and a gentle spirit. We are devastated that senseless gun violence has taken another life, one so dear to us.

Cedric Willis shortly after his release.
Please consider becoming a sustaining donor

A group of passionate donors (see page 10) is making a difference in the lives of the wrongly convicted through their sustaining contributions. Please join them.

Monthly giving means strong and steady funding that IPNO can count on, allowing us to make meaningful long-term commitments to our clients.

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