In the last six months, IPNO has freed six men from prison and reunited them with their loved ones. Darvin Castro Santos, Jarvis Ballard, and Kaliegh Smith were convicted of crimes they did not do and were exonerated. Guy Frank, Emanuel Randall and Alonzo Allen received unjust, inhumane sentences for crimes where no person was harmed. Mr. Frank and Mr. Randall were resentenced to time they have already served and were immediately released; Mr. Allen was paroled by the Parole Board who was moved by his determination to continually battle his lifelong addiction and regain his life.

Mr. Castro Santos and Mr. Ballard were convicted a decade apart in St. Bernard Parish. Both men were prosecuted by the same man—Glenn Diaz—who committed misconduct in both cases. They were exonerated on the same day, August 2, 2021, when the current district attorney agreed to vacate their convictions given new, compelling evidence of their innocence. They were the first two exonerations to ever occur in St. Bernard Parish and, as far as IPNO can tell, this is the first time that any innocence organization has exonerated two clients in different cases on the same day.

Mr. Castro Santos was convicted of being the leader of four men that attempted to rob a diner. He was convicted by a non-unanimous verdict based on unreliable eyewitness evidence at a trial that was riddled with anti-immigrant xenophobia led by the prosecutor. IPNO presented DNA evidence showing that Mr. Castro Santos was not the source of DNA found on items touched at the crime scene by the lead robber; presented phone records mapping how the lead robber and an accomplice travelled to the crime scene at a time when Mr. Castro Santos was clearly working in Houston; and presented witness accounts identifying the lead robber and corroborating that Mr. Castro Santos was in Houston throughout the weekend of the robbery. Mr. Castro Santos was wrongly imprisoned for nearly 12 years.
Mission

IPNO frees innocent people sentenced to life in prison and those serving unjust sentences. We recognize the root causes of wrongful convictions and unjust sentences as systemic racism and inequities. We work to expose and address these root causes by sharing our clients’ stories in court, the legislature, the community and the media. We support our clients living well and fully in the world after their release.

As of October 25, 2021, IPNO has freed or exonerated 39 innocent people and freed 8 unjustly sentenced people.

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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.
Dear Friends,

In the fall of 2000, Emily Bolton applied for a postgraduate legal fellowship from the National Association of Public Interest Law (NAPIL), now known as Equal Justice Works (EJW). In her application, Emily Bolton wrote about the 170 imprisoned men who had died at Angola from 1993 to 2000 and how they are buried at the cemetery at Point Lookout at Angola with tombstones that do not bear their names, just their prison numbers. These life-sentenced individuals had no right to post-conviction counsel, so no chance at freedom. Even in death, their bodies lie within prison grounds.

Her work with the Louisiana Crisis Assistance Center as an investigator on capital cases informed the dire necessity of her NAPIL proposal. When she and her team won by getting a death sentence changed to a life sentence, it was bittersweet because life without parole was still a death-in-prison sentence. She did not downplay the urgency and importance of preventing state sanctioned execution of its citizens, but believed many of her life-sentenced clients deserved a second chance, particularly those who never got a real first chance at trial. Her clients were on death row or death-in-prison row not because they committed the most atrocious, heinous crimes against humanity but because they were poor, Black, illiterate, under-educated and/or mentally ill. They received the most severe punishments possible because they were invisible.

Emily Bolton set an ambitious goal for her two-year fellowship: “to achieve the release or sentence reduction of up to 20 indigent inmates serving life sentences on fraudulent or fragile convictions.” She learned quickly the criminal legal system’s fixation with finality, resistance to correction and undoing of past harms, and the effectiveness of the procedural minefield designed to delay and even prevent meaningful review of troubling convictions.

Emily Bolton’s fellowship was the beginning of IPNO. On May 1, 2001, IPNO was incorporated as a nonprofit legal office representing life-sentenced, innocent people in prison, and we exonerated our first client—Dwight Labran—seven months and nine days later on December 10, 2001. He was convicted based on an unreliable single eyewitness whose true identity and the benefits he received from the state for his cooperation were never revealed to Mr. Labran. What is extraordinary about Mr. Labran’s case is how prosecutorial misconduct that put lives and freedom at jeopardy was actually quite ordinary, pervasive and accepted.

For 20 years, IPNO has persisted to help make the invisible visible. We have freed 39 innocent individuals who were sentenced to death-in-prison sentences and collectively spent more than 922 years in prison.

For the next 20 years, IPNO will continue to make the invisible visible but in doing so, we will also tell uncomfortable truths about our history of racial oppression and how it has shaped our systems, institutions, relationships, prejudices and biases. We have proudly embraced a broader mission statement this year—our 20th Anniversary year—because we know we can be more and must do more in order to seek justice and equity in our criminal legal system that disproportionately touches and harms Black and Brown people, poor people, under-educated people, and people with cognitive disabilities and mental illnesses.

In the last three years, we have thoughtfully and strategically expanded our reach to breathe life into our new mission. Through our Unjust Punishment Project, we are freeing forgotten individuals sentenced to cruel and excessive sentences for crimes where no person was physically harmed. UPP freed Guy Frank who spent 20 years in prison for stealing two shirts from Saks 5th Avenue, Fate Winslow after 12 years of a life sentence for acting as a runner between the seller and the buyer of two marijuana cigarettes, and Emanuel...
Randall, incarcerated for 15 years for having .12 grams of cocaine.

Through our Client Services Division, we are providing holistic, wraparound support services to each and every one of our freed clients so that they are living in secure homes, receiving job training, earning a living wage, have access to medical care and mental health counseling, have appropriate clothing, food, medication, and that their other immediate and longer-term needs are met.

Through Louisiana Law Enforcement Accountability Database (LLEAD), we are building a publicly available database tracking law enforcement misconduct in Louisiana so that every Louisianan can know who is policing their streets and neighborhoods with a mission to keep them safe and whether or not they are actually doing so.

Through our Wrongful Conviction Clinic at LSU Paul M. Hebert Law Center, we are educating the future legal minds and civic leaders of Louisiana about the many ways our criminal legal system can fail and cause harm, and how to imagine and rebuild a different, more fair and just system.

Through our policy initiatives, we are mandating the use of evidence-based, best practices by law enforcement to achieve accurate and fair convictions, recognizing the dignity of innocent, exonerated individuals and their families harmed by state misconduct and failures, and creating new legal pathways for relief from unjust convictions and sentences.

All of IPNO’s work is possible because of you. Because of your commitment to freedom, justice, and equity, we are able to do what we do. I am deeply grateful for your faith and trust that IPNO can be more and do more. The kindness and generosity of supporters like you keep the talented, dedicated and fierce staff of IPNO nourished and ready to battle the many challenges that lie ahead for freedom, justice and equity.

Onward,

[Signature]

MISSION:

IPNO frees innocent people sentenced to life in prison and those serving unjust sentences. We recognize the root causes of wrongful convictions and unjust sentences as systemic racism and inequities. We work to expose and address these root causes by sharing our clients’ stories in court, the legislature, the community and the media. We support our clients living well and fully in the world after their release.
Mr. Ballard was convicted of being a third perpetrator of a two-person crime. Two men broke into an elderly lady’s house and raped her. These two men’s DNA were located at the scene. ADA Glenn Diaz however told the jury that the crime was perpetrated by three men and withheld from Mr. Ballard’s trial counsel that the victim and other witnesses had all described seeing only two perpetrators. The current DA initially opposed Mr. Ballard’s release, but, after IPNO secured a published opinion from the court of appeal that described the injustice suffered by Mr. Ballard and mandated that he get his day in court, the DA vacated his conviction. Mr. Ballard was wrongly imprisoned for 23 years.

Kaliegh Smith was exonerated on June 14, 2021 from Orleans Parish. The only witness who claimed to see Mr. Smith shoot the victim received secret financial benefits from the Orleans Parish District Attorney’s office (OPDA) which the lead prosecutor—Myles Ranier—knew about but chose not to disclose to trial counsel. IPNO discovered proof of this by suing the then-district attorney under the Public Records Act in 2020. Additionally, three different witnesses pointed law enforcement to a hitman who matched the description of the perpetrator, but this was also hidden from Mr. Smith’s trial lawyers, and male DNA that was not from Mr. Smith was found where the perpetrator had grabbed the victim’s t-shirt during a struggle with the victim. When the evidence of innocence was presented to OPDA, they agreed to vacate his conviction due to prosecutorial misconduct.

Guy Frank was convicted of theft of two shirts which he attempted to take out of Saks Fifth Avenue in September 2000. Even though the shirts were immediately returned and he had never been convicted of anything but petty theft and possession of drugs, and today that crime would have been a misdemeanor, Mr. Frank was given a sentence of 23 -years in prison. Unfortunately, he had already served more than 20 years when he was contacted by IPNO’s Unjust Punishment Project this spring. Thankfully, the UPP team was able to move quickly to secure his release: OPDA agreed that his sentence was egregious and worked with IPNO to have him re-sentenced immediately to time served. While Mr. Frank, now 68, is happily reunited with his family in New Orleans, during the two decades he served in prison he lost eleven family members, including his parents and some of his siblings.
Emanuel Randall was also released this spring, but only after serving an excessive sentence for a petty drug crime. In 2006, a police officer stopped Mr. Randall for a municipal violation and searched his clothing, finding 0.12 grams of cocaine in his pocket. Mr. Randall was convicted of possession of cocaine, a felony no matter how small the amount of cocaine, and was given a life sentence under Louisiana’s multiple offender law. IPNO’s UPP team persuaded OPDA to review his sentence and prosecutors agreed that Mr. Randall had served more than enough time in prison. He was released in April but lost nearly 15 years of his life to incarceration for carrying around a tiny amount of drugs.

Finally, Alonzo Allen walked out of prison on October 14, after serving ten years in prison for drug-related offenses. Mr. Allen, who is now 58, had a decades-long drug addiction that led him to many encounters with the law. When he received a 40-year sentence in 2011, he believed that he would spend the remainder of his life in prison. The UPP team was able to fix a problem with his sentence that had prohibited him from being considered for parole and then represented him before the parole board.

The parole board members praised Mr. Allen for his commitment to rehabilitative programming, his good conduct record, his thoughtful reflection on the addiction that led him to prison, and his sound re-entry plan. They voted unanimously to release him. Mr. Allen will now be able to live the remainder of his life peacefully with his siblings in Texas as a free person—something that until recently he never imagined possible.

2021 brought much change to IPNO. We said goodbye to Angélique Thomas, our inaugural social worker for our Client Services Division, Kia Hall Hayes, staff attorney of eight years, Devon Geyelin, an investigator, and Claire Singer, Avodah Fellow. We also welcomed many new staff members: UPP Program Coordinator Gwen Dilworth, Staff Attorneys Zac Crawford and Lauren Sapp, Re-Entry Coach Ed Johnson, Client Advocate Division Supervisor Virginia White, Operations Manager Ceisha James-Hayes, and Staff Investigator Marc Kalani.

Our Client Services Division welcomed two masters of social work interns from Tulane who have augmented the number of critical services provided to clients: Abbie Sussman and Sam Kaufman.

Speaking of our amazing staff, Legal Director Richard Davis got a spot in the Gambit’s 40 Under 40 issue – a nod to his accomplishments at IPNO over the past 16 years – true dedication!

Client Malcolm Alexander also enjoyed the spotlight with a glossy article in the American Kennel Club highlighting his incredible relationship with his dog, “Inn”, short for Innocence.

Greg Bright, one of IPNO’s first clients, received the National Performance Network’s 2021 Southern Artists for Social Change grant to help support his painting. Congratulations, Greg!

We are so proud that Executive Director Jee Park was recognized with the Camille Gravel Pro-Bono/Public Service Award from the New Orleans Chapter of the Federal Bar Association.

Photographer Jason Kerzinski spent months taking portraits of 12 of IPNO’s clients and asked each of them the question, “What does freedom mean to you?” Their portraits and their personal definitions of freedom were published in the Scalawag Magazine.
ORGANIZATIONAL SPOTLIGHT

Welcome to Town Ngombo Café and Sanctuary

Former IPNO clients and exonerees Jerome Morgan and Robert Jones launched their latest venture to support the community, Ngombo Café and Sanctuary, under Free-Dem Foundations in September 2021. Ngombo Café is adjacent to the former Resurrection After Exoneration House started by late exoneree John Thompson. Jerome and Robert reflect: “John Thompson is one of our heroes and we wanted to honor his legacy in using this space. Since his passing we’ve seen it as our obligation to continue his legacy by providing a space for entrepreneurship and other transitional services for formerly incarcerated people, especially those who are wrongly incarcerated.”

Ngombo Café is a healing space created by exonerees, artists, and activists that serves plant-based food from its takeout style window, while training and mentoring young people in food service and entrepreneurship. The beautiful garden in the back serves as an outdoor eating zone, altar space to architects of the prison abolition movement like Herman Wallace of the Angola Three, growing grounds for the foods that are cooked, and a space for reflection and community-building. During Hurricane Ida, Jerome and Robert and their partners Christin Wagner and Jackie Summell of Solitary Gardens turned Ngombo Café into a mutual aid station, which they will do once a month to support the community by distributing free food, herbal medicines and more.

Huge congratulations to Jerome and Robert! We look forward to stopping by for a moment of reflection and some tasty food.

SUPPORTER SPOTLIGHT

Takema Robinson, Member of IPNO’s Board of Directors

“I am the founder and the CEO of Converge Consulting. Our mission and purpose is to accelerate the creation of a radically just new world where communities of color thrive. I founded Converge in 2016 to fill a hole in the ecosystem of movement organizations in the Deep South, particularly a consulting firm that could provide strategy consulting to movement work in the region. I joined IPNO’s board because I was getting more and more involved in criminal legal reform and I really wanted to contribute to an organization at a board level. I wanted to deepen my understanding of not just the movement work but also the organizational work that was required for organizations like IPNO to exist.

I’m constantly inspired by my fellow board member Robert Jones and I think it has been his story and having the privilege of sitting next to him in these spaces that continue to inspire me: to see what he has done with his life and how he’s impacting others’ lives. When I look up in the middle of a board meeting, he is part of the reason why I choose to be here. I’m also inspired by a lot of my own family history in terms of being impacted by criminal legal reform, so that is another part of what inspires me to work with IPNO.

What has struck me is how we are beginning to expand our notion of innocence work. I am so inspired by how the organization is deepening its own racial and social justice commitments by looking at the overall injustice of the system. I have been inspired by the way the staff is leading on those issues. I see IPNO’s work as being part of the tip of the sword of the next generation of social and racial justice movement and I see IPNO taking a stance. I think as IPNO models what it means to evolve as an organization, expanding its vision beyond innocence into injustice, the fullness of injustice, I’m extremely excited about what that means for our next chapter and the next 20 years of our existence and the leadership we are going to bring to the field.”
Fate Winslow was tragically killed on May 4th in a triple shooting in Shreveport, Louisiana, less than five months after his release. Due to Louisiana’s racially biased and draconian habitual offender law, Fate spent 12 years at Angola on a life sentence for delivering $20 of marijuana to an undercover police officer from a seller. We are honored to have worked to bring some semblance of justice to Fate, and devastated that he got to experience so little of the liberty he was waiting for. We will remember his kindness, his love of cars, his deep, joyful laugh, and his passion for life, despite the cruel injustice done to him.

On May 19th, Eric Isaac passed away of natural causes unexpectedly at his home, less than three months after he regained his freedom. Eric spent 24 years, 4 months, and 23 days in prison. He was arrested for selling one rock of cocaine to an undercover police officer, and a non-unanimous jury found him guilty. Because of Louisiana’s habitual offender law, he was sentenced to life in prison. In the short three months he was home, Eric got to meet his grandson, spent time with his kids, ate in restaurants, worked at a job, bought a car and rented an apartment. We will remember Eric for his sharp sense of humor, his caring heart, his deep love for his children and his loud and joyful laugh.
Shannon Ferguson, 61, is serving a 60-year sentence for possessing .03 grams—a speck—of crack cocaine. He has already been in prison for a decade. Mr. Ferguson, who was prosecuted in St. Mary Parish, willingly represented himself at trial, but requested a lawyer for sentencing and was never given one. At the sentencing hearing, he didn’t know what to do to help himself. Mr. Ferguson never gave the judge any information that might have persuaded him to impose a lower sentence, like Mr. Ferguson’s documented mental health history, substance abuse disorder, or the fact that he had served his country in the military. The judge sentenced Mr. Ferguson to 60 years—an effective life sentence. While Mr. Ferguson has since tried on his own to challenge his sentence as excessive, courts have told him that he cannot because he didn’t file the right motions after he was sentenced, as a lawyer would have known to do.

Tyrone Mitchell, 50, is serving a life sentence for selling .28 grams of cocaine to an undercover officer in 2010 even though he has never committed a violent crime. His attorney in Vermilion Parish did nothing to prevent the judge from giving Mr. Mitchell that sentence by objecting, by filing motions to allow Mr. Mitchell to appeal, or by offering any evidence about why Mr. Mitchell didn’t deserve a life sentence. The judge never heard that Mr. Mitchell was a lifelong member of his church; that he was a dedicated father to his children; that he had a steady work history of fixing and detailing cars and was trusted by law enforcement to do so; that he had suffered from substance abuse that had been particularly bad after the loss of his mother; nor that he had a supportive family who would embrace his return to the community. Mr. Mitchell was sentenced to live every day of the rest of his life at Angola with no recourse on appeal because he had a lawyer who did not do what the constitution requires.

IPNO filed these petitions in late July and hopes to win reduced sentences for Mr. Ferguson and Mr. Mitchell that will allow them to be released as soon as possible.

Cheri Hayden In April, the Louisiana Supreme Court ordered that the district court must hold a hearing to consider all the evidence that IPNO had presented that shows Ms. Hayden is innocent and her trial was unconstitutional. IPNO first presented evidence of Ms. Hayden’s innocence in 2018, but the district court declined to consider the post-conviction application on procedural grounds and the court of appeal left this decision in place. While this litigation was going on, IPNO continued investigating the case and found even more evidence confirming Ms. Hayden’s innocence. While this newest evidence was before the district court in a new post-conviction application, the Louisiana Supreme Court ruled that the district court erred in not considering the 2018 filing, and Ms. Hayden will now receive a hearing on all the evidence. IPNO has strong evidence showing how another woman actually committed the crime for which Ms. Hayden is wrongly convicted, and how the State’s lone, star witness at trial was pressured to positively identify Ms. Hayden. This hearing was set for early September, but has been delayed due to Hurricane Ida.
IPNO Staff Files Bar Complaints Against Prosecutors

This summer, Kaliegh Smith was exonerated after 13 ½ years in prison. He was only convicted because of prosecutorial misconduct. Based on the evidence uncovered during IPNO’s representation of him, his attorneys filed bar complaints against four of the prosecutors that personally committed documented misconduct. Myles Ranier was the lead prosecutor at Mr. Smith’s trial. He knew of significant evidence that would have helped Mr. Smith’s defense, including that his office was secretly giving financial assistance to the prosecution’s crucial witness, but chose not to disclose this. He even falsely claimed to the court that his office had an attorney-client relationship with the witness. Two senior lawyers—Donna Andrieu and Robert Freemen—oversaw and participated in the trial misconduct. A fourth lawyer, Andrew Pickett, committed misconduct post-trial which delayed the trial misconduct from coming to light. The four complaints are currently with the Office of Disciplinary Counsel, which has the duty to investigate and prosecute professional misconduct by attorneys, but unfortunately has a history of carrying out their duty without much vigor.

Two Exonerees Fight for Compensation

This summer, IPNO conducted two hearings seeking compensation for wrongfully convicted clients. In both cases, the district court judges denied compensation to IPNO’s clients. In one case the judge did not consider DNA evidence of the client’s innocence because the tested evidence had not been used as part of the original trial, even though the trial had occurred decades before forensic DNA testing existed. In the other case, the judge ruled clear evidence of someone else having committed the crime was outweighed by a single questionable eyewitness identification by a witness who was equivocal at the time. IPNO is appealing both these cases and still hopes that it will secure compensation for its clients.

The LSU Wrongful Conviction Clinic Gets to Work

This semester, IPNO’s Wrongful Conviction Clinic at the LSU Paul M. Herbert Law Center got to work. The inaugural class of six third year law students were sworn in as Rule XX student practitioners by IPNO exoneree Jerome Morgan. In addition to swearing in the students, Mr. Morgan spent two hours talking with them about his childhood in Pontchartrain Park, his experience of being wrongfully convicted and then exonerated, the work he has been doing since his release as an advocate and guide for young people in New Orleans, and the role of racism in the criminal legal system as a whole. Mr. Morgan even led the students in a quiz about wrongful convictions in Louisiana.

Following this inspirational swearing in, the clinical students have met with their potential clients and are at work gathering records and ferreting out DNA testable evidence in cases from around the state. One student was inspired to register for the Clinic after learning about Curtis Flowers’ wrongful conviction from the popular podcast In the Dark. Another student interned for a public defender’s office and wanted to learn more about how a conviction can be undone after appeals are completed. We look forward to continuing this work with LSU students.
On June 14, 2021, Governor Edwards signed into law **Act 257** which increases the wrongful conviction compensation for innocent exonerees in Louisiana from $25,000 per year to $40,000 per year. The new law maintains the ten-year cap for compensation payments, disregarding the fact that most exonerees are wrongfully convicted and imprisoned well over 10 years; however, the increase in the total amount of payment available to innocent exonerees from $250,000 to $400,000 provides needed relief to all Louisiana exonerees who qualify for wrongful conviction compensation due to its retroactive application. State Representative Joe Marino sponsored this legislation and zealously fought for its passage.

As the bill made its way through the Louisiana House and Senate, budgetary concerns had to be addressed, votes needed to be won, and critical negotiations were made by Rep. Marino with State Senators Cameron Henry, Jimmy Harris, and Regina Barrows’ support.

Many of IPNO’s clients—Jerome Morgan, Archie Williams, Wilbert Jones, Glenn Davis, Greg Bright, Anthony Johnson, Larry Delmore, Robert Jones—appeared before the various committees and spoke with many legislators about the need for the increase and how this bill will directly impact their lives. Louisiana continues to lag behind our sister states—MS, AL, and TX—in the amount of wrongful conviction compensation to exonerees, but **Act 257** was a significant step in the right direction. It took two years of public engagement, strategic advocacy and one-on-one meetings with stakeholders to make this gain possible, and we will continue to fight for our clients’ dignity.

Additionally, IPNO was successful in amending Louisiana’s post-conviction statute in a historically significant way by establishing a first ever, free-standing innocence claim in Louisiana law, and by providing needed discretion to prosecutors, defenders and judges to collectively revisit troubling convictions and excessive sentences to negotiate different, more just outcomes. This law, **Act 104**, was carried by Senator Gary Smith. IPNO and the Louisiana District Attorney’s Association (LDAA) worked together for well over a year to carefully draft then redraft this legislation. It is far from perfect, but a negotiated piece of legislation with the potential to free many people from prison.

Under **Act 104**, imprisoned individuals with freestanding innocence claims that may be procedurally barred have until the end of 2022 to file their claims anew. Also, Act 104 has been instrumental in providing district attorneys with progressive agendas to revisit extreme sentences, particularly those meted under Louisiana’s draconian habitual offender law, and convictions based on non-unanimous jury verdicts with a clear legal pathway to do so.

Clockwise from left: Jerome Morgan, Larry Delmore, Glenn Davis, Robert Jones, Doug Dilosa, Anthony Johnson and Wilbert Jones
Without our staff, our work would be incomplete. We appreciate our team’s dedication to our clients, justice, and freedom.
IPNO thanks its recent donors, especially our sustaining donors and those who have given more than $200.

Support received between January 15th and October 14th 2021.

**THANK YOU**

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