

PROJECT FOR THE INNOCENT



Who needs our help today?

MISSION

The Loyola Law School Project for the Innocent (LPI) investigates and litigates cases of wrongful conviction. LPI's clients are men and women who are serving decades-long or life sentences in California prisons for crimes they did not commit.

The Project for the Innocent's mission is to free the innocent, create knowledgeable, dedicated students who are passionate about serving the public, and to ensure justice for future generations by advocating for necessary changes in the criminal justice system.

HISTORY

The Project for the Innocent was founded in 2011 by Professor Laurie L. Levenson and dedicated Loyola Law School students. The clinic is housed within Loyola Law School's Alarcón Advocacy Center. Named after distinguished Ninth Circuit Court of Appeals Judge Arthur L. Alarcón, the Center was created to provide Loyola students with the opportunity to work with highly experienced law school faculty to represent inmates in their post-conviction appeals. Students who participate in the Center's clinical programs, which include LPI, have an unparalleled experience. They learn firsthand how to interview clients and witnesses, and litigate meritorious cases in state and federal court.

Pictured on main image on cover, from left: Hueston Hennigan LLP Associate Michael Todisco, Hueston Hennigan Partner Brian Hennigan, LPI Program Director Adam Grant, LPI Legal Director Paula Mitchell, Hueston Hennigan Associate Joshua Stein, LPI client Maria Mendez, LPI Staff Attorney Seth Hancock, LPI Founder Laurie Levenson, LPI Attorney Megan Baca, LPI Postgraduate Fellow Arianna Price.

CLINIC FACULTY PROFILES

**LAURIE L. LEVENSON****Founder, Project for the Innocent****Professor of Law****David W. Burcham Chair in Ethical Advocacy**

While in law school, Laurie Levenson was chief articles editor of the UCLA Law Review. After graduation, she served as a law clerk to the Hon. James Hunter III of the United States Court of Appeals for the Third Circuit. In 1981, she was appointed assistant United States Attorney, Criminal Section, in Los Angeles, where she was a trial and appellate lawyer for eight years and attained the position of senior trial attorney and assistant division chief. Levenson was a member of the adjunct faculty of Southwestern University Law School from 1982-89. She joined the Loyola faculty in 1989 and served as Loyola's associate dean for academic affairs from 1996-99. She has been a visiting professor at UCLA School of Law and a D & L Straus distinguished visiting professor at Pepperdine University School of Law. Levenson currently leads the following programs at Loyola Law School: the Alarcón Advocacy Center, the Fidler Institute on Criminal Justice, the Capital Habeas Litigation Clinic and the Project for the Innocent.

**PAULA MITCHELL '02****Legal Director, Project for the Innocent****Visiting Professor of Law**

A prominent scholar and preeminent appellate advocate, Paula Mitchell is the co-author of "Executing the Will of the Voters?: A Roadmap to Mend or End the California Legislature's Multi-Billion Dollar Death Penalty Debacle." The article and the followup "Costs of Capital Punishment in California: Will Voters Choose Reform this November?" have been widely cited in the media. Mitchell co-authored both articles for the Loyola of Los Angeles Law Review with the Hon. Arthur L. Alarcón, U.S. Court of Appeals for the Ninth Circuit, for whom she clerked.

Mitchell is widely known for her expertise in appellate work, groundbreaking scholarship on capital punishment and her long tenure as a federal court judicial law clerk. She also is a 2002 alumna of the Law School and a longtime adjunct professor. Mitchell has taught Habeas Corpus & Prisoner Civil Rights and serves as the attorney supervisor of the law school's Ninth Circuit Appellate Clinic. She joined Loyola from Reed Smith, where she served as appellate counsel representing clients in all stages of civil and criminal appeals.

**ADAM GRANT '10****Program Director, Project for the Innocent**

Adam Grant is the program director of the Project for the Innocent, and a proud graduate of Loyola Law School's Evening Program. Prior to graduation from Loyola, he worked for the Alliance for Children's Rights, the Los Angeles County Public Defender's Office, the Los Angeles County District Attorney's Office, the Coalition to Abolish Slavery and Trafficking, the Office of Independent Review at the Los Angeles County Sheriff's Department and, most importantly, worked with Professor Levenson and other dedicated students on the wrongful conviction case of Obie Anthony. In 2011, when the Project for the Innocent opened its doors, Grant was its founding legal fellow.

EXONERATED CLIENTS

MICHAEL TIRPAK, 2019

The Loyola Project for the Innocent secured the February 2019 release of client Michael Tirpak, who spent 25 years in prison for a 1994 crime he did not commit, in what is believed to be the first such case relying on new California legislation over use of the so-called “felony murder rule.”

After overruling the Los Angeles County District Attorney’s challenge to the constitutionality of California Senate Bill 1437, Los Angeles Superior Court Judge Curtis Rappe vacated Tirpak’s murder conviction and ordered his immediate release from prison. Tirpak is the first person in Los Angeles County to receive the retroactive relief provided for in Senate Bill 1437.

Tirpak was convicted of first degree murder in 1996 for his alleged role as a “getaway driver” in an attempted robbery that tragically ended with the death of David Falconer. “Since the time of his arrest, Michael has maintained that he had nothing to do with the crime. He didn’t plan it, he didn’t have knowledge it was going to take place, and he didn’t know the guys he was with that night were armed,” said LPI Staff Attorney Seth Hancock ’17. “In fact, evidence presented at trial showed that Mr. Tirpak was using a payphone down the street at the time the attempted robbery took place.”

“We are delighted that Michael’s conviction has been vacated and he can now come home to be with his family,” said Paula Mitchell, ’02 LPI’s legal director. “He was convicted under California’s felony murder rule, which until recently permitted the state to sentence individuals to life without parole, even in murder cases where that person played no actual role in the crime. He was only 18 years old when he was sentenced to die in prison for a crime he had nothing to do with.”

“We began investigating Mr. Tirpak’s case in 2015, looking for credible new evidence that would affirmatively prove his innocence. But while LPI investigated the case, several laws went into effect that helped bring Michael home sooner, without requiring prolonged litigation as to his innocence,” LPI Program Director Adam Grant ’10 explained.

Tirpak maintains his innocence of any involvement in the crimes for which he was convicted. Tirpak is grateful for the passage of SB 1437, which ended a decades-long legal rule that justified some of the harshest treatment to even the most minor offenders.



LPI students and attorneys greet client Michael Tirpak upon his release from prison.



LPI Staff Attorney Megan Baca, client Maria Mendez and LPI Postgraduate Fellow Arianna Price.

MARIA MENDEZ, 2018

The Loyola Project for the Innocent and Hueston Hennigan LLP secured the July 2018 release of their client Maria Mendez, a grandmother wrongfully convicted of causing the death of her grandson while he was in her care, following a hearing during which Mendez's post-conviction attorneys presented new evidence. Mendez has reunited with her family in Mexico after serving 11 years of a 25-years-to-life sentence.

The release was the culmination of three years of research and investigation by LPI, which worked to establish that Mendez's conviction relied on what has been determined was false testimony. Armed with newly acquired exculpatory evidence, LPI in 2016 filed a petition for a writ of habeas corpus, which is used to bring a prisoner before the court to determine if the person's imprisonment or detention is lawful. Lawyers from LPI and Hueston Hennigan argued at a recent evidentiary hearing that Mendez did not receive a fair trial. After hearing testimony from medical experts, on June 27, 2018, the court ordered that Mendez be immediately released from prison, based on a deal reached with prosecutors.

LPI's investigation uncovered critical evidence, including CT scans and autopsy photos of the child's brain, which were never turned over to defense counsel at the time of trial. This newly acquired material showed the prosecution presented faulty evidence by Dr. Carol Berkowitz, who told police, the coroner and the jury that Mendez's grandson suffered from "Abusive Head Trauma" (AHT), formerly referred to as "Shaken Baby Syndrome" (SBS), while he was in the care of his grandmother. Additionally, the new evidence showed that Deputy Medical Examiner Dr. Yulai Wang testified falsely at trial that no autopsy photos were taken of the internal injuries.

The suppressed evidence undermined the conviction because it showed the child's injuries were consistent with an accidental fall, LPI and Hueston Hennigan attorneys argued. Mendez, a mother of 10 children, has always steadfastly denied any role in the injuries that led to her grandson Emmanuel's death. She continues to proclaim her innocence and accepted the deal only to avoid further prison time.

Mendez's petition was supported by notable experts from around the country, including Dr. Paula Brill of Cornell Medical College; Dr. William Wallace, Chief of Pulmonary Pathology at David Geffen School of Medicine at UCLA; Dr. Julie Mack of Penn State University; Dr. Ronald Auer at the University of Saskatchewan; and Dr. Frank Sheridan, former Chief Coroner of San Bernardino County. All of these medical experts offered their assistance on a pro bono basis and all agreed that the medical evidence showed that the child's death was accidental, not inflicted.

Brian Hennigan, partner at Hueston Hennigan, summed up the experience: "We have an obligation to our community, to our profession and to ourselves to fight for justice. We have been proud to join the Loyola Project for the Innocent in that fight for Maria Mendez."

EXONERATED CLIENTS

ANDREW WILSON, 2017

After spending more than 32 years behind bars for a murder he did not commit, Loyola Law School Project for the Innocent (LPI) client Andrew Leander Wilson was released Thursday, March 16, 2017 from prison.

Wilson was ordered released by Judge Laura Priver, who found that Wilson's constitutional rights had been violated as a result of the prosecution's withholding of exculpatory evidence and unreliability of the single eye-witness who testified against him. The hearing came as a result of more than two years of legal work by LPI attorneys and students, who conducted interviews and drafted court filings to help substantiate the violations.

During the hearing, the Los Angeles District Attorney's Office announced it no longer had confidence in Wilson's conviction. The DA has stated it will not re-try Wilson, who was originally arrested on Dec. 2, 1984 for a murder that allegedly occurred on Oct. 23, 1984.

"Numerous due process violations that recently came to light show conclusively that Mr. Wilson did not receive a fair trial," said Paula Mitchell, LPI Legal Director and counsel for Wilson. "Mr. Wilson has maintained his innocence from the day he was arrested in 1984. He has never wavered and never stopped fighting to prove his innocence."

After his release, Wilson travelled to St. Louis to help his mother, Margie Davis, celebrate her 97th birthday in May 2017. She fought hard to vindicate her son and never stopped believing in his innocence, even for a moment.

"I was able to visit Andrew in prison. Seeing him in that setting, and being able to hug him after the trial and see him with his family — I can't explain what that's like. Those are the parts of life that are so beautiful. Anything is possible; I've seen that now. Because of the Project for the Innocent, I know that I can make a difference in this world."

— Alexa Horner '18



Andrew Wilson celebrates his release with family and members of the Loyola Project for the Innocent.



The Loyola Project for the Innocent was honored by the Los Angeles County Board of Supervisors for its work on behalf of the wrongfully convicted in “pursuit of a more just and fair criminal justice system.” Pictured, from left: L.A. County Supervisor Sheila Kuehl, LPI client Marco Contreras, LPI Founder Laurie Levenson, LPI Legal Director Paula Mitchell, L.A. County Board of Supervisors Chairman Mark Ridley-Thomas and LPI Program Director Adam Grant.

MARCO CONTRERAS, 2017

Marco Contreras was convicted at age 20 of an attempted murder he did not commit. On the morning of Sep. 10, 1996, while Contreras was at home sleeping after working the midnight shift as an unarmed security guard at a hospital, a gunman approached a customer at a Compton gas station, asked him a question and opened fire, shooting him several times. The victim survived by diving under a parked truck. A passing motorist saw the shooter run to a getaway car in an alley and speed off. The witness, a civilian employee of the Los Angeles County Sheriff's Department, wrote down the license plate number of the getaway car and reported it to the Compton Police Department.

Using the license plate number, Compton police detectives honed in on the getaway driver, Contreras' brother, Miguel. They had no suspects for the shooter, however, until Contreras attended Miguel's preliminary hearing. While waiting to testify against Miguel, the eyewitness looked across the gallery and misidentified Contreras as the shooter in the case. Contreras was arrested moments later, beginning a 20-year nightmare of wrongful conviction and incarceration in some of California's worst prisons.

In 1997, Contreras was convicted at trial and sentenced to life-plus-seven-years for the robbery and attempted murder at the gas station. In 1998, brother Miguel, who had pled to a lesser charge, returned to Compton and approached the detective who arrested him and Contreras, persuading the detective to sign a sworn declaration that he no longer believed Marco was the shooter.

In 2012, LPI was contacted by a lawyer who had heard about Contreras' case. When LPI opened the file, attorneys and students found the sworn declaration by the detective. It had been there since 1998 and had never been filed with the court. LPI lawyers and students investigated Contreras' case for five years, tracking down witnesses and following leads to find out what really happened at that Compton gas station.

Along the way, LPI students made presentations of the case to two different divisions at the Los Angeles County District Attorney's Office, including their newly formed Conviction Review Unit. Finally, on March 28, 2017, following a joint motion by LPI and the District Attorney's office, Judge William C. Ryan of the Los Angeles County Superior Court vacated Contreras' conviction and found him factually innocent of the crime. He was released that day after 20 years in prison.

EXONERATED CLIENTS

JAIME PONCE, 2017

Jaime Ponce came to the United States from Mexico when he was 16 years old to join his parents, who were living and working in the Los Angeles area. Ponce was working two jobs to help support his family. He also enrolled himself in an ESL program at North Hollywood High School in hopes of earning his high school diploma.

On July 27, 1998, an attempted drive-by shooting occurred in Sylmar. No one was shot, or even injured. Ponce was attending a party at a house in that same neighborhood. Because he was tired from working an all-nighter the evening before, he had gone to sleep in one of the bedrooms at the house where the party was happening. He was awakened later that night by police officers looking for the persons involved in the drive-by. The would-be victim of the shooting did not identify Ponce as the shooter, neither in a field show up nor in a photo array.

A few days later, Ponce, just 19 years old and with no criminal record, was arrested and charged with two counts of attempted murder for his role as the shooter in the drive-by shooting attempt. Ponce's defense lawyer did not speak Spanish, never visited him in jail and met him for the first time on the day his trial started. She conducted no investigation and failed to talk to a single witness.

The prosecution argued through testimony of a "gang expert" that Ponce committed the crime because he was a gang member. But there was no evidence, other than the expert's opinion, that Ponce belonged to a gang. Ponce was convicted and sentenced to 47 years to life in prison. He was sent immediately to Pelican Bay, where he was brutally attacked and hospitalized, suffering broken bones and other horrific injuries. His attorney no longer practices law.

In 2015, the Court of Appeal agreed that Ponce may not have been adequately represented at trial and asked the trial court to hold a hearing to determine if the conviction should stand. At that point, LPI took Ponce's case. With an evidentiary hearing looming on the horizon, the prosecution offered Ponce a deal that would permit his immediate release from prison. Because of his immigration status, Ponce agreed to administrative removal so that he could immediately return to Mexico and join his family, who now resides there, without further federal detention.

Ponce resides near family in Mexico. While he was in prison, Ponce worked hard at developing his artistic talents — a passion he continues to nurture.

From Right: Loyola Project for the Innocent Legal Director Paula Mitchell, client Jaime Ponce and alumna Eliza Haney '16.





LPI client Kash Register visits Loyola's campus to meet with the attorneys and students who represented him.

KASH REGISTER, 2013

Kash Register, a remarkable man with an equally remarkable name, was convicted in 1979 for murdering an elderly man in his parking garage. His conviction turned on the identifications of two alleged witnesses. Register steadfastly maintained his innocence for 34 years, despite being denied parole on 11 different occasions. Though he would have had a chance at release if he had expressed "remorse," he refused to admit to a crime that he did not commit.

In 2012, a series of coincidences changed the course of his life. One of the eyewitnesses' sisters came forward with information that the prosecution's key witness had lied. Assisted by a jailhouse lawyer (now law student), Register filed a habeas petition with this new information. The petition got the attention of Superior Court Judge Katherine Mader, who appointed lawyers for Register.

Loyola's Project for the Innocent investigated Register's case for nearly a year, uncovering additional information that ultimately led Judge Mader to overturn Register's conviction. Students threw themselves into the case, driving long distances to interview witnesses, unearthing old documents and even participating in a stake-out. Thanks to the efforts of LPI's faculty and students, the new evidence showed that both eyewitnesses were completely untrustworthy.

Finding that Register's trial was fatally infected by perjury, and by the state's withholding of exculpatory and impeaching evidence, Judge Mader overturned Register's conviction on Nov. 7, 2013.

Reflecting on the work of LPI in Register's case, Professor Levenson said, "There is nothing more gratifying in life than helping an innocent person regain his freedom. The criminal justice system makes mistakes. Our job is to correct them." Former Director Lara Bazelon described it as "the greatest honor of my life to be part of a team of people who represented Kash Register. His grace, wisdom and inner strength in the face of indescribable suffering and injustice is truly awe-inspiring." Program Director Adam Grant said, "We literally dream of moments like this, where we walk into a courtroom and, just by being committed lawyers and advocates, put a stop to the intense pain and suffering that another person is enduring. But to be able to do that for Kash and his mother, Wilma, two of the loveliest, dearest people I've ever met, creates an indescribable feeling of satisfaction."

Reunited with his 78-year-old mother, Register is currently living in his childhood home and feels "blessed to be out." He has worked at Costco and is in a committed relationship. He added, "The Project for the Innocent will always be my family. That is the way they have always made me feel."

"Working on the Kash Register case, and at LPI in general, was the thrill of my law school career. I gained so much perspective on what it truly means to be an advocate and what type of lawyer I wanted to be."

— Elena Sadowsky '14

EXONERATED CLIENTS

OBIE ANTHONY, 2011

Obie Anthony inspired Loyola Law School to start the Project for the Innocent.

Anthony was raised on the streets of Los Angeles. When he was 19 years old, he was wrongfully convicted of a murder that was committed outside of a house of prostitution in South Central Los Angeles. The prosecution's key witness was the pimp of the establishment, and there was no physical evidence linking Anthony to the crime. Nonetheless, because the prosecution withheld evidence that would have exonerated him, and relied on false testimony, Anthony was sent to prison.

Sentenced to life without parole, he languished in prison for 17 years until two Loyola students told Professor Levenson, "We want to do something that matters." That day, Loyola's Project for the Innocent was established. In September 2011, Professor Levenson and the students from the Project for the Innocent brought Anthony's case back to court.

"It was incredibly intense," remembers Program Director Adam Grant. "We had all worked so hard, not just because we believed Anthony was innocent, but because we had grown so fond of him, and now based on this hearing we were either going to walk him out of jail or try to face the prospect of leaving him to die in prison."

On October 1, 2011, after an 11-day hearing, the Hon. Judge Kelvin Filer vacated Anthony's conviction and set him free. After 17 years in prison, he walked out of the Men's Central Jail in Los Angeles into the arms of his girlfriend (now wife) Denise, and the lawyers and students from Loyola who had fought so hard to be able to share that moment with him. Obie told reporters, "I am so relieved to be free. I knew from the very beginning that justice would come, I just had to wait for her to be born."

Today, Anthony runs Exonerated Nation, a nonprofit that helps exonerees restart their lives. While he says he has "difficult days," he is "remaining strong," by focusing on Denise, his studies and "rebuilding my life."

"I'll never forget finding out that Obie was going to be released. All the hours drafting segments of the habeas petition were instantly validated in a life-changing event."

—Jeff Ingram '12

Obie Anthony stands with Project for the Innocent students and attorneys on the day of his release.





Students play a central role in every step of the investigations that the Project for the Innocent undertakes. They spend a minimum of eight hours a week working at LPI. Four of those hours are in the clinic screening cases, in supervisor meetings and conducting legal research. The other four occur in the field: interviewing witnesses, chasing down leads, visiting prisons and performing other investigative activities. In 2013, students spent six full days in court for the Kash Register evidentiary hearing and some time in federal court, as well. The course is designed to provide Loyola Law School students with the practical experience they will need to become zealous and ethical advocates.

“The people in LPI are phenomenal individuals with a variety of experiences that add to my understanding of human nature as it applies to the law. Gathering students and attorneys around to discuss cases has been incredibly informative in learning to apply factual situations to legal claims, teaching us to apply our common sense and judgment to the law. In that sense, it has been as grounding as it has empowering.”

— Stacey Nelson '14

HONORS AND COMMUNITY OUTREACH

Awards

- **Death Penalty Focus to Project for the Innocent** at the 26th Annual Awards Dinner (May 7, 2017).
- **Black Women Lawyer's Association of Los Angeles Foundation Award** to Kash Register and to LPI for its advocacy on behalf of men and women of color (May 31, 2014).
- **Death Penalty Focus Special Recognition** to Kash Delano Register at the 23rd Annual Awards Dinner (April 15, 2014).
- **Johnnie L. Cochran Jr., Public Service Award Special Recognition** to the attorneys and law students for their dedication and commitment to justice (Feb. 26, 2014).
- **ACLU Criminal Justice Award** to the Project for the Innocent at the 18th Annual Law Luncheon (June 8, 2012).
- Community Lawyers **Luz Herrera Access to Justice Award**
- Encino Chamber of Commerce: **Justice Armand Arabian Leaders in Public Service Award**

Renowned Campus Speakers

- United States Supreme Court Justice Anthony Kennedy
- Ninth Circuit Court of Appeals Judge Arthur L. Alarcón
- Federal District Court Judge Spencer Letts
- Los Angeles Police Department Lt. Steve Lurie
- Exonerees: Obie Anthony, Michael Banyard, Franky Carrillo, Tom Goldstein, Gloria Killian, Ruben Pinuelas, Kash Register, Michael Tirpak, Gary Tyler, Nick Yarris and Andrew Wilson
- Los Angeles Times reporters Jessica Garrison and Ken Benziger
- Federal Public Defender Capital Habeas Unit Investigator Deborah Crawford
- Deputy Federal Public Defender John Hanusz

Featured Events

- Gloria Killian campus-wide speaking event & book signing
- John Hanusz presentation on litigating the Troy Davis case
- Panel with the Student Bar Association featuring Kash Register
- Special event featuring crime victim turned advocate, Jennifer Thompson
- Mexican American Bar Association Legal Fair
- Community outreach event at the Pico-Union Community Center offering free legal advice

Learn more about the Project for the Innocent online at: www.lls.edu/projectfortheinnocent

CONTACT US

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GET INVOLVED

Give Today (www.lls.edu/giving)

The clinic relies on funding from the community so it can continue investigating claims of wrongful conviction. Please support Loyola's Project for the Innocent by making a tax-deductible gift online at www.lls.edu/giving. Underneath "Designation" please select Project for the Innocent from the drop down menu.

Volunteer

Loyola's Project for the Innocent has a robust volunteer program consisting of students, alumni and members of the community. To learn more about the application process and our volunteer program, please email adam.grant@lls.edu.

Submit a Case

Loyola's Project for the Innocent receives the bulk of its cases from inmates who write to our clinic directly from prison asking for our help. If an inmate's friends or family call on the inmate's behalf, we normally request that the inmate contact us directly before opening a file. In addition, some cases are referred to us by the Northern California Innocence Project in Santa Clara, the California Innocence Project in San Diego and by private counsel.