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# THE JUSTICE LEAGUE

HOW A BAND OF DO-GOODERS IS FIGHTING FOR TRUTH, JUSTICE AND THE AMERICAN WAY

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THEY DON'T  
LOOK LIKE  
SUPERHEROES.

Their diminutive and bespectacled leader speaks not with a booming voice but with a considered and contemplative tone, choosing his words carefully and thoughtfully. Their senior watchdog is a wet-behind-the-ears, idealistic savant. And their newest member is a former federal prosecutor from a far-off land known as Chicago.

But the team members at the Mississippi Innocence Project work tirelessly and sometimes thanklessly to right the wrongs they find. Their headquarters is a small, cramped office in the Lamar Law Center (though they have the promise of moving to more luxurious digs when the new School of Law building is completed). Their charge is to redress one of the most grievous crimes in society—the incarceration of innocent citizens.

With the recent advancement of DNA testing technology, it is becoming more common to be able to remedy many wrongful convictions. Testing decades-old biological material—by methods that weren't available at the time of the original trial—can often prove innocence. The first DNA exoneration in the United States took place in 1989. Since that time, 250 more exonerations have taken place nationwide in 34 states.

Many times, the DNA testing leads to the apprehension of the actual perpetrator. Out of those 251 cases nationwide, the testing has led to the identification of the actual perpetrator 107 times.

Even without DNA testing, there are many cases of wrongly convicted prisoners who can be exonerated when it is shown that they were convicted due to misconduct, negligence or incompetence. Leading causes of wrongful convictions include eyewitness misidentification, improper forensic science and false confessions. Sometimes, a wrongful conviction is just the result of a simple, honest mistake.

Mississippi has in recent years been the locus of a shocking and widely publicized scandal over forensic testimony and autopsy procedures, and several cases have drawn national attention. Since 2007, the Mississippi Innocence Project has worked diligently to successfully exonerate the prisoners in three of those cases. More than a dozen other cases are pending, and hundreds of prisoners file applications each year in hopes their case will be considered.

The Innocence Project has come to the rescue.

## THE DEFENDER

Tucker Carrington, a former Washington, D.C., public defender and law professor at Georgetown University, has helmed the Mississippi Innocence Project since its inception. When Carrington came on board, there was no staff and no infrastructure, only a mandate. Three years later, he has two staff attorneys in Will McIntosh (JD 08) and Valeena Beety, along with the much-needed help of office manager Carol Mockbee. Nina Rifkind serves as a third attorney in an "of counsel" role.

An initial fundraiser in Jackson in 2007 launched the project. Heavyweight legal authors John Grisham (JD 81) and Scott Turow were the featured speakers. Grisham had explored the plight of the wrongly convicted in his 2006 nonfiction bestseller *The Innocent Man*. He continues to serve on the board of directors and has been involved with subsequent fundraisers.

The event provided some short-term funding for the project, and funding also comes in part from grants and the Mississippi Bar Foundation. In 2009, Carrington became an employee of the UM School of Law, meaning he didn't have to fundraise for his own salary. It was welcome relief, and, after all, Carrington is a professor too.

A major component of the Innocence Project is the Innocence Project Clinic, in which law students attend lectures by Carrington and also participate in the investigation and legal proceedings of the project. Clinics such as this one are a common characteristic of modern law schools. Typically reserved for third-year students, clinics of all kinds provide hands-on experience for budding lawyers-to-be.

The students take one class per week. They familiarize themselves with the cases and then do whatever needs to be done at that particular time on that case. They travel, talk to witnesses, go to courthouses, write pleadings and visit clients in prison.

"I teach causes of and solutions to the wrongly convicted," Carrington says. "I feel it's immoral to work on innocence cases and derive any benefit from it, whether it's a job or a fancy fundraiser, without addressing the root



TUCKER CARRINGTON

staff is duty bound to review them.

Of all the cases on their desk, they have successfully exonerated three people. The cases of Levon Brooks and Kennedy Brewer were among them. Each of them was tried in Noxubee County. Their cases drew national attention from the media and from the national Innocence Project in New York. The New York Innocence Project had been working on the case for years when Carrington's team coalesced and helped bring it to its conclusion.

## THE EXONEREES

For 15 years, Levon Brooks sat in a jail cell. He'd been given a sentence of life without parole after being found guilty of one of the most heinous crimes imaginable.

The testimony at his trial had been heart wrenching. It graphically detailed the abduction and rape of a 3-year-old girl.

Brooks sat through the trial knowing he was innocent as faulty forensic testimony put him behind bars. Brooks sat in his cell day after day, sequestered in the infamous walls of Parchman Farm, serving time for a crime he didn't commit.

Meanwhile, Kennedy Brewer sat on death row for an almost identical crime that occurred in the same county just 18 months later.

Like many of Mississippi's prisoners, Brooks and Brewer had inadequate access to quality legal representation. But their false imprisonment was also the result of a systemic problem in Mississippi and throughout the United States.

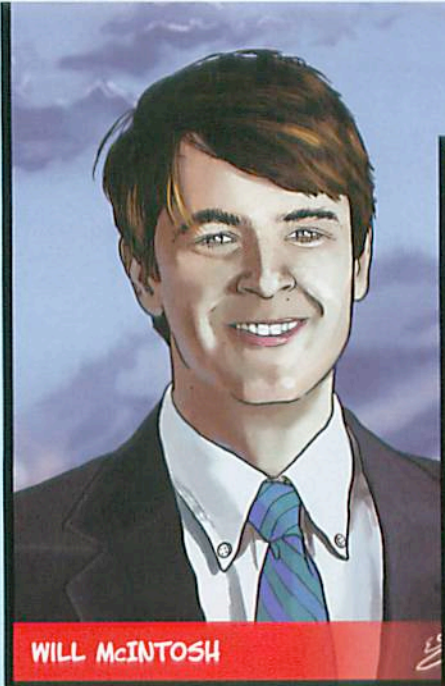
In each case, the same forensic analyst and the same pathologist provided testimony that led to each man's incarceration

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and Brewer's death sentence. The same prosecutor tried each case. Critics say the malfeasance indicates a fundamental flaw in the way forensic testimony is used in Mississippi, that the forensic experts are hired by the prosecutors and have a vested interest in providing the type of testimony the prosecution wants.

In 2001, with the aid of DNA evidence, Brooks and Brewer were ruled out as perpetrators, allowing the two men to gain their freedom. A former suspect confessed to both crimes. The forensic experts were discredited and relieved of duty.



WILL MCINTOSH



VALEENA BEETY

## THE WATCHDOG

Will McIntosh enrolled in the very first Innocence Project Clinic and was the first attorney hired by Carrington. He has been on board since the beginning.

"I really enjoyed the class," McIntosh says. "For obvious reasons, it's an unorthodox law school experience. You're out of the classroom. You are interacting with real people with real problems. Tucker has amassed an incredible store of stories that are illustrative of all kinds of legal principles. He has practical examples of just about every area of criminal defense that you can think of."

McIntosh is deeply involved in every aspect of the cases—from weeding through the applications to doing investigations and filing court pleadings.

"He's very bright, very dedicated and adept at navigating all kinds of personalities," Carrington says.

Not every student who takes the clinic follows the same path as McIntosh. Many of them don't even enter the field of criminal defense. But Carrington believes the clinic provides a valuable experience and helps the mission of addressing root causes.

"Most of them, by virtue of being lawyers, are going to be leaders in their communities," says Carrington. "They are going to make money, deal with issues. A lot of them will be in the legislature. I don't expect all of them to go out and be public defenders by any stretch. But whether they are at the dinner table or in a committee meeting at the legislature, they will be able to pipe up and say this issue is more nuanced and we need to address it."

## THE FIXER

The newest member of the team is Valeena Beety, who came on board in October 2009. A former federal prosecutor and graduate of the University of Chicago, Beety comes to the Innocence Project from a somewhat different perspective.

"I see this as being able to step outside of the criminal justice system," she says. "When there's a mistake, I come in and try to fix it. Even working here just a few months, it's still shocking

how many egregious mistakes are made in the system. We have to fix that."

One of the goals of the Innocence Project, and of special concern to Beety, is public policy. Two of the key policy goals of the project have been to help introduce and pass statewide legislation that provides access to DNA testing and compensation for the wrongly convicted. Recent legislation has addressed each of those concerns, but there is always room for improvement.

"Mississippi is definitely catching up," Beety says. "The recent bills were huge."

The DNA law allows prisoners to have access to DNA testing and allows them to circumvent the local prosecutor if necessary. Previously, some local prosecutors were hesitant to grant new access or open old cases.

"I think it was partially a fear of a slippery slope," says McIntosh. "That if you allow one person to do it, then all the inmates in Mississippi will be clamoring for relief, and it will inundate the system and the system will crash. I think that's kind of alarmist."

The compensation statute provides for \$50,000 paid to the exoneree for every year of imprisonment, with a cap of \$500,000. Nationwide, 27 states and the District of Columbia now have such statutes on the books.

Still pending but getting close to passage is a bill that Beety's been working on, regarding forensic standards.

"It seems fairly basic, but it's important," she says. "It's about having standards on forensic pathologists when they perform autopsies. It provides a standard that they have to be qualified, trustworthy and noted."

It takes long hours and hard work to change the tide of long-standing abuse. But the team at the Innocence Project is as dedicated and determined as any group of superheroes could be.

"I'm very passionate about the work and so is everybody in the office," says Beety. "As much as it is tragic work, it's hopeful work. It's a rare opportunity to do something that has a palpable impact." *AR*