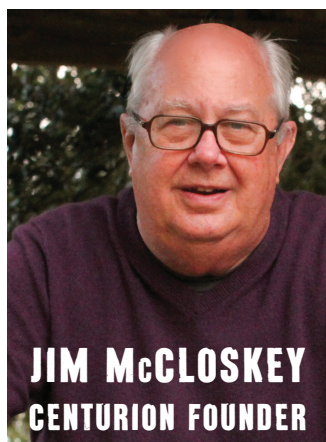


WHEN THE TRUTH IS ALL YOU HAVE

A MEMOIR of FAITH, JUSTICE, and FREEDOM
for THE WRONGLY CONVICTED

Available July 14, 2020!

purchase your copy from your favorite bookseller!



“Jim McCloskey is one of the foremost voices in the struggle to exonerate the wrongly convicted, and *When Truth is All You Have* is a poignant, piercing, and ultimately inspiring account of a life of sacrifice. Whether it’s to the people he serves or to a more just criminal justice system, Jim McCloskey’s devotion is a beacon of hope.”

~ *Sister Helen Prejean, CSJ, author of Dead Man Walking*

Shawn Henning and Ricky Birch Exonerated!

by Jim Cousins



left to right: Jim Cousins, Centurion attorney for Henning, Ricky Birch, Andy O'Shea, Birch's attorney, Shawn Henning, and Craig Raabe, co-counsel for Henning

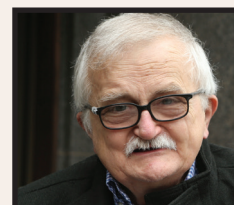
Centurion client Shawn Henning and his co-defendant Ralph (“Ricky”) Birch were exonerated of the murder of Everett Carr when a judge of the Connecticut Superior Court on July 10, 2020 dismissed all charges against the two. They had served 30 years in prison, but they had nothing to do with the senseless death of Everett Carr. Shawn was represented by Centurion lawyer Jim Cousins and Connecticut counsel Craig Raabe. Ricky was represented by Andy O'Shea.

Mr. Carr was the victim of a brutal and bloody attack and there is absolutely no forensic evidence tying either Shawn or Ricky to the crime because they were not there. Whoever did kill Mr. Carr left behind a bloody footprint and DNA that does not match Mr. Henning or Mr. Birch. That is why this case finally has been dismissed—Shawn and Ricky are innocent. *(continue reading on page 8)*



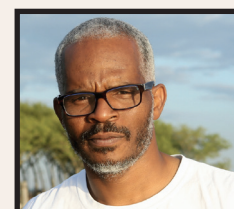
*Centurion supports
Black Lives Matter*
By Paul Casteleiro

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A Life Stolen
By Kate Germond

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*The Time I lost my
Shadow*
By Richard Miles

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CENTURION

seeking freedom for the innocent in prison

July 2020

issue sixteen

CENTURION SUPPORTS BLACK LIVES MATTER



by Paul Casteleiro, Legal Director

Since Centurion's beginning, we have been keenly aware of the enormous racial disparities existing in our justice system. We owe Black Lives Matter a debt of gratitude for shining a light on these atrocities against an entire people. Hopefully, the new awareness will reduce the hugely disproportionate number of Black people who get convicted of crimes they did not commit.

The videotaped murders of Ahmaud Arbery, George Floyd and Rayshard Brooks, along with the unrecorded murder of Breonna Taylor in her home, have unified the majority of the nation against the horrors of police brutality, so much so that tens of thousands have been willing to risk exposure to COVID-19 in order to protest with Black Lives Matter to demand an end to systemic racism. The protests are succeeding. Most Americans agree that systemic racism pervades our criminal justice system, and it must end now.

Police violence against the Black community has been able to exist because we have allowed it to exist. The courts, which are a reflection of the society as a whole, were designed to punish criminal behavior, but in reality the justice system is largely responsible for permitting the violence to continue because it excuses and justifies it based on inherent bias. One of the most common examples of bias is how the police, after assaulting a Black person, will then charge that very person with a host of offenses. Their goal in piling on bogus charges is to delegitimize the wrongfully accused person's claim of false charges. The police counter that he or she is alleging police misconduct not because it's real, but instead is using it to reverse the charges he or she faces. Never mind that the charges are baseless. Sounds like a set up? A frame job? It is. So how do all involved in the courts allow the police to get away with this blatantly dishonest and often racist behavior?

Judges, prosecutors, attorneys and juries blindly accept baseless police claims over the word of an accused person, not because the police are credible, but because of inherent racial bias against the accused and bias in favor of the police. The result is that innocent, overwhelmingly Black persons get convicted and sent off to jail by a court system that is unwilling to hold the police accountable for their dishonesty and misconduct. And should the victim be fortunate enough to beat the false charges and sue the police, he or she is met with the police claim of qualified immunity under which an admitted lawless act is excused because the courts permit the police officers to argue that it wasn't clear to them that their unlawful conduct was unlawful. This concept that excuses unlawful behavior by a police officer is an outrage.

Let's hope that capturing the unlawful behavior on video recordings will serve to expose a truth that can no longer be ignored by the public and by extension, the courts. Real accountability must finally happen and end the systematic violence being perpetrated against Black people by the police.

**YOU'RE PARTNERSHIP MAKES
OUR WORK POSSIBLE.
JOIN US AS WE CONTINUE OUR FIGHT
TO FREE THE INNOCENT.**

DONATE



a letter from

Executive Director Corey Waldron

Dear Friends,

How are you and your family? I have to admit, lately I struggle to answer this question. I'm certainly not "fine," but I am hopeful that as a society, we're all adapting, and that we're learning how to do better and be better for each other. In the face of all of the loss and upheaval we've experienced these past months, we are not powerless. Whether it be self-isolating and wearing our masks to protect our neighbors from COVID-19, or fighting for an anti-racist, more equitable world, our ability to create a safer, more just future is dependant on our ability to work together. The same goes for our work at Centurion.

Your support bolsters us and keeps us charging forward - I am so grateful that you are taking the time to catch up on Centurion's work. As you read this newsletter, I hope you'll feel as proud as I do of what we've accomplished over these past few months. Like everyone, we've had to change the way we operate to overcome the obstacles created by COVID-19. We have not, however, allowed the virus to quash our efforts to help the innocent men and women who reach out to us every day. We continue to receive a flood of letters from individuals who were victimized by our broken criminal justice system. Our team responds to every one to let them know their voices are heard and the injustice they are suffering has not gone unrecognized.

The international demonstrations and protests in support of the Black Lives Matter movement have shown a light on the brutality and injustice of our criminal justice system in ways that we could never have anticipated (be sure you read the piece our Legal Director, Paul Casteleiro, wrote on this topic on page X). Society can no longer turn a blind eye to the blatant cruelty and complete lack of accountability that our current system perpetuates. We join the countless voices clamoring for change that is long overdue.

The movement has also driven us to look internally at ourselves and our organization to explore how we can make diversity and equity a more integral part of how we operate. We are committed to these goals, and we hope you'll walk that path with us as we find ways to achieve them.

As you saw on the cover, Jim McCloskey's book, **When Truth is All You Have**, will be released on July 14. It's an incredible account of, our founder, Jim's life, the start of the innocence movement, and a snapshot of how easy it is for the criminal justice system to get it wrong. We'll be sure to update you on upcoming events featuring Jim as his virtual book "tour" takes off!

With your support, we will continue to bring hope and help to those fighting for their rightful freedom. Undoing the wrongs inflicted by the justice system is long, expensive work - and we couldn't do it without you.

Stay well, *Corey Waldron*

Centurion.org

1000 Herrontown Road . Princeton . NJ . 08540 . 609-921-0334

A Life Stolen

by Kate Germond

I want to tell you about Richard Lapointe because on July 4, 2020, exactly 31 years ago he was arrested for a crime he did not commit. Richard Lapointe has a condition that led to a cognitive deficit—a deficit that did not stop him from living a full life: he was married, had a son, worked every single day, and volunteered for the local Knights of Columbus. He was engaged in his community. He and his family lived in a small condominium complex and if you met him, you remembered him. Back then, he was a small, industrious man with a gregarious personality, who told really silly jokes.

In 1987, his wife's grandmother was brutally murdered and her apartment set on fire to cover the crime which went unsolved for a couple of years. I am not going to go into details of the case; the purpose of this writing is to express my rage at what the Manchester, Connecticut Police Department, working in concert with the prosecutor's office, did to this man **because they could**.

Two years after the crime took place, a newly minted detective was handed the case. He looked over the witness list and settled on Richard as his primary suspect. Richard had actually discovered the fire, called the Fire Department and waited outside so he could direct them. This detective waited until July 4th to have Richard come to the police station to be questioned so that his family would be unavailable.



A whopping 25% of proven innocent people falsely confess for a variety of reasons. In Richard's case, it was so he could use the bathroom after nine brutal hours of interrogation. His first confession was along the lines of, "well, if you say I did it, my mind went blank." Despite his alibi and absolutely no physical evidence tying Richard to the crime, he was arrested and tried.

Richard did not have 'people' or resources. When the State of Connecticut wanted to kill him, he had two seasoned Public Defenders to fight for him, but that was it. Despite their efforts, Richard was convicted. The jury gave him Life rather than Death. In reality it was a Death Sentence.

During the three years Richard was in the County Jail awaiting trial, he was repeatedly and brutally physically harmed. We fought for years, going up and down Connecticut's court systems, until finally the Connecticut Supreme Court ordered a new trial and the prosecutor eventually just let him go. After 26 years of wrongful incarceration, Richard was free.

When he was released, he believed he would go back home to his wife and son and resume the life he knew before he was wrongfully convicted. He never comprehended that his wife had moved on, his son was now in his 30's and living out of state, and the home they shared was long gone. With the help of dedicated supporters, he found a home in an assisted living facility which turned out to be a good fortune. The staff and his supporters helped him as he struggled with the loss of his beloved family, his hearing diminished, and he developed dementia. Now, as if this man has not suffered enough, he has Covid-19.

This never should have happened. A simple, happy man's life was destroyed because they could. It transpired because it's easy to frame a person with no ability to defend themselves. It will happen to many others until our society finally decides to hold members of the criminal justice system accountable for willful misconduct.

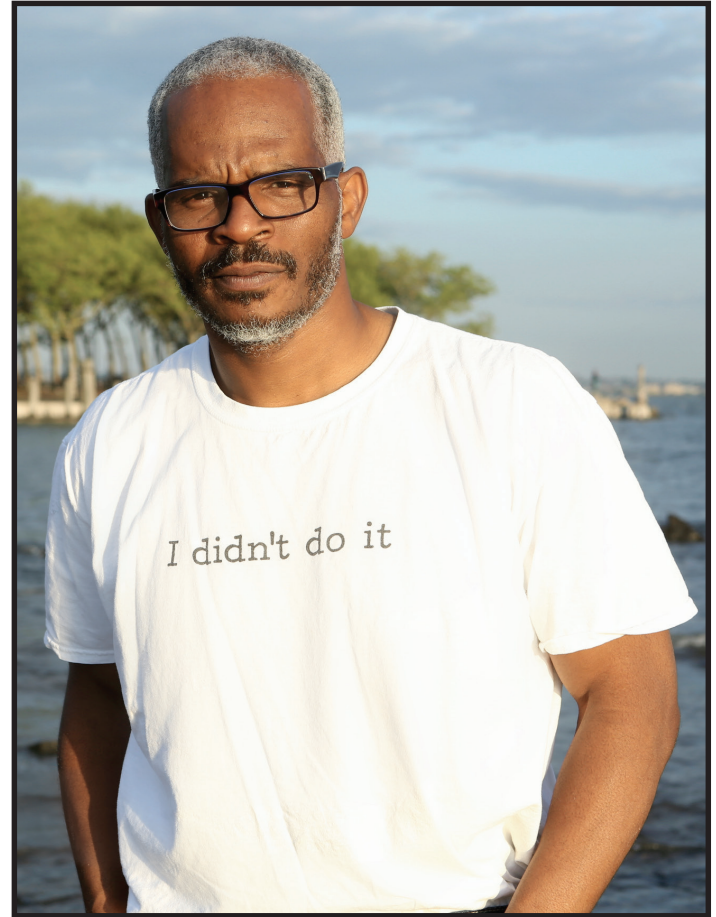
Change is long overdue.

The Time I Lost my Shadow

by Richard Miles

A few days ago, I was playing with my oldest daughter, Raelyn, in the backyard. It was a warm midafternoon with the sun shining as bright as Raelyn's smile. As we played "Tag," Raelyn immediately looked down and ask, "Dad, can you lose you shadow – or run from it?" The obvious answer was "No" but internally I wrestled with my answer. That night as I laid in bed pondering more about my shadow – I came to the conclusion that "You can lose your shadow"

At the age of 30, 11 years after my wrongful incarceration, I realized that I had lost my shadow. For 15 years, I was hidden from the "Light" of my own creativity, individuality, family and so much more. It was in these dark moments of my confines that I often noticed my hope dimming, "my shadow" slowly sunseting as the reality of 60 years set in. The light of direct appeals, habeas reliefs and family support began to fade away and I found myself enveloped in the darkness of my cell and personal despair. My parents would oftentimes encourage me through visits and mail however things began to take a turn after my Dad, William L. Lloyd, was diagnosed with cancer. (My shadow dimmed more). In the midst of it all, I never forgot that just as God allows the sun to set, he also instructs the sun to rise. It was with this assurance that I pressed about my days and following the wisdom of my Mom, Thelma Lloyd, "Richard look at the sky – not the bars." Most of the time, this advice was hard to comprehend because in order for me to see the sun – I felt I had to look over reality. Oh, but I was wrong. "Seeing the sun" was not about overlooking my reality but rather "changing my perception or "position of thought." I began to understand that it was my responsibility to "position" myself around things that brought "light" into my life – even in dark places. Rightfully so, things began to change.



I would walk out of prison 2 ½ years later with the light of Centurion, the hand of my Mother and the spirit of my Dad. I realize today that Truth without Justice is the Shadowed Object with no Sun. It is imperative that we fight every day to be the Light of Justice for those who hold fast to their Truths.

Be the Sun – Fight for Justice!



**Meet
Millie!**

**Centurion's
new office
volunteer!**

Follow us



**Centurion -
Freedom for the Innocent**



centurion.freedom

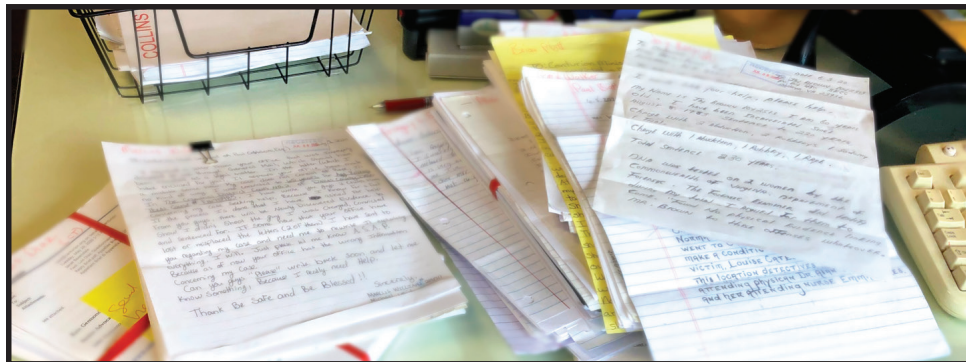


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Centurion Case Development

by Gene Truncellito and Kimberly Weston

Choosing cases of innocence to accept at Centurion involves a number of steps and dedicated staff and volunteers. Case development managers Kim Weston and Gene Truncellito work at the crossroads of the process to shepherd a request for help from initial review to consideration as a prospective case.

Each letter Centurion receives goes through an intake procedure to understand the core facts and issues. The objective at this stage is to determine if there's a plausible case of innocence within Centurion criteria that should be examined in more depth.

Once a case reaches this point, Kim oversees further development. "This includes keeping tabs on cases as they wait to be assigned and staying in touch with the inmates so that cases are queued up and ready to go into the next step of a detailed case developer review," Kim explained.

Once cases are assigned, Kim and Gene work with the case developers throughout the life of each review. During this time, case developers examine existing case materials and correspond with the inmate to obtain information and additional documents to fully understand the case. Every case is different, but this can involve researching the police records, forensic reports, documents from legal proceedings, witness statements, news accounts, online research, and court transcripts.

"Kim and I try to adapt to the needs of each case and each case developer," Gene notes. "This can range from acting as a sounding board to discuss case issues, to assisting with research, to suggestions for communicating with inmates, to drafting recommendations for case reports."

The development process leads to a comprehensive report that's reviewed and discussed by Kim and Gene with the case developer to determine whether to continue development or to move the case to further staff review.

When a case continues under staff review, Kim and Gene stay involved in monitoring the case. Also, in addition to working with the case developers, Kim and Gene handle development of selected cases directly. More recently, this has involved Kim assisting on some investigation activities.

Both Kim and Gene followed similar paths to Centurion. Each worked as lawyers and came to Centurion as volunteers (Kim in 2011 and Gene in 2012) and each joined the staff after about two years.



In Memorium

Lee Gidding volunteered faithfully with us for 27 years! We lost her this Spring. She was the one we gave the impossibly large complicated cases to, which she would resolutely sift through no matter how long it took. She was fierce and elegant. She is missed.



CASES CURRENTLY IN COURT

Rodney Hubbard is serving a life sentence without the possibility of parole on a 2005 conviction for murder in Berrien County, Michigan. The State's case rested entirely on the testimony of a jailhouse snitch. Centurion's investigation has shown that the snitch repeatedly testified falsely at the trial, and in testimony in other cases. The investigation has also shown that the prosecution knew he was falsely testifying and that he falsely testified in other cases but suppressed the evidence. Centurion filed a motion to vacate Mr. Hubbard's conviction documenting the jailhouse snitch's lies and the prosecution's complicity in falsely propping him up. Despite overwhelming evidence, Mr. Hubbard's motion to vacate his conviction was denied by the trial judge and the case is now under appeal in the Michigan Court of Appeals.

Larry Walker has been in prison since 1983. He was convicted of murder in Philadelphia. At his trial the prosecution knowingly presented the false testimony of the case detective that portrayed key eyewitness as uncooperative. The eyewitness saw the murderer, gun in hand, wearing a blood soaked shirt, fleeing the crime scene and within minutes of seeing the man, told the police she could identify him because she knew him, not by name but by sight, from a bar she frequented. The police never again spoke to the woman and did not investigate to determine the identity of the man. Similarly defense counsel did no investigation, never speaking to the witness before calling her to testify and as a result, failed to elicit for the jury all of the information she possessed. Nonetheless, her testimony was that Mr. Walker was not the man she saw fleeing the scene so the prosecution needed to convince the jury she was unreliable to justify the failure of the police to investigate the information she provided. The case detective testified she was "unfindable," "uncooperative," and "unreliable." All these years later, Centurion found indisputable evidence that she was cooperating with the police in another murder investigation during the pendency of Mr. Walker's case and the detective who testified she was "unfindable," "uncooperative," and "unreliable" used the information she provided in that other case to secure an arrest warrant for one of the perpetrators. Centurion filed a post conviction relief motion and the case is scheduled for a status conference in Philadelphia on July 23, 2020.

John Dailey was convicted in 2011 in St. Louis, Missouri of a road rage murder based on the testimony of a lone eyewitness who described the gunman to the police as having facial tattoos, which Mr. Dailey clearly does not have, but that the information was never disclosed to the defense. A second witness, in a videotaped police statement the night of the shooting, described a completely different type of pickup truck than the one Mr. Dailey owned. Defense counsel, however, never obtained the witness videotaped statement and as a result, at trial when the witness completely changed his description of the shooter's pickup truck to match Mr. Dailey's truck, defense counsel was unable to show that the identification of Mr. Dailey's truck was false. The case is currently scheduled for a hearing in St. Louis on July 31, 2020.

Oscar Porter is serving a 40-year term of imprisonment in New Jersey based on the testimony of the victim of an execution-style shooting, during which another victim was killed, in a back alley at 5:00 A.M. in Newark, who identified his photo 10 ½ months after the shooting. At the time of the shooting, Mr. Porter was home in bed with his childhood sweetheart of 10 years. Before trial, his now-disbarred attorney conducted no investigation and failed to call Mr. Porter's girlfriend to testify that he was home in bed with her at the time of the shootings, and the deceased victim's best friend to testify that Mr. Porter and the deceased were friends since childhood. In 2017, Centurion filed a petition for a federal writ of habeas corpus. After sitting on the petition for 2 ½ years, the federal district court judge denied it on April 29, 2020. Centurion is now seeking to appeal that decision to the United States Court of Appeal for the Third Circuit.

Samuel Grasty was convicted of the murder of an infirm 70-year old woman in Chester, Pennsylvania in 2000 and is serving a life sentence without the possibility of parole. Two other individuals, Derrick Chappell and Morton Johnson, were also convicted of the murder. The convictions of all three men were based on the testimony of a troubled juvenile drug addict and dealer who maintained he was the lookout for the three as they burglarized the woman's apartment. Remarkably, the three were convicted despite the existence of semen found in the victim that didn't belong to any of three men. Centurion, along with the New York and Pennsylvania Innocence Projects and the Center for Wrongful Convictions at Northwestern University, are representing the Chester Three in a joint effort to the correct the horrendous injustice that has occurred in these cases which has, in reality, elevated the testimony of an impaired juvenile over indisputable scientific evidence proving that all three men are innocent.

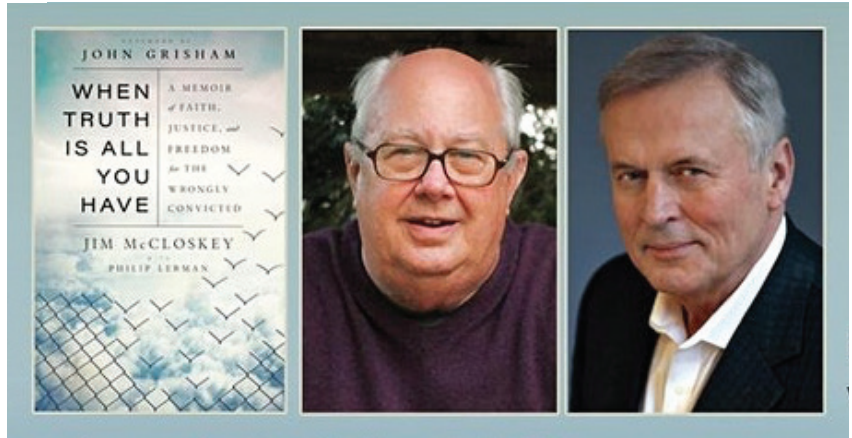
Kevin DeSalle was convicted in 1993 of a murder in New Orleans, Louisiana in a one-day trial based on the word of two drug addicts who were testifying in the hope of receiving reward money. At his trial, the prosecution suppressed evidence that a witness to the murder called the police and provided them with the name of the actual shooter, but the police never investigated the lead. Centurion located the witness who called the police and obtained his sworn testimony that the shooter was an individual he knew who is serving time for another murder he committed. Mr. DeSalle's case is currently awaiting a hearing in New Orleans.

Jim McCloskey, Centurion Founder,
with John Grisham
discussing

WHEN TRUTH IS ALL YOU HAVE

Thursday, July 16
7:30 P.M. EST
on Zoom

Register via Eventbrite



Signed copies available from Labyrinth Books

Henning - Birch *(continued from front page)*

This was a long and arduous struggle with the state fighting vigorously at every stage. Shawn and Ricky's journey to freedom took them through habeas trials, appeals to the Appellate Court, an appeal to the Connecticut Supreme Court and eventually back to the Superior Court for Friday's dismissal. The Connecticut Supreme Court had vacated the convictions of Shawn and Ricky concluding that the state obtained those convictions based on the false testimony of noted forensic criminalist, Dr. Henry Lee.

After the Connecticut Supreme Court vacated the convictions last year, the state had to decide whether to retry the two men. The state relentlessly tried to conjure some evidence, even unsuccessfully trying to coax former cellmates to say Ricky and Shawn had confessed to them. The state then had its forensic lab conduct additional DNA testing on more than one hundred different items, this time using even more advanced technology than previously available. Those recent results further confirm that neither Mr. Henning nor Mr. Birch had anything to do with Mr. Carr's death. They also confirm that the DNA of the true assailant is detected on four items intimately associated with the homicidal attack. This expansive DNA testing exonerates Mr. Henning and Mr. Birch.

Finally, the state grudgingly recognized the futility in continuing to pursue these two innocent men. As a result, Shawn and Ricky's lawyers moved for a final dismissal of all charges, which the Superior Court granted on July 10th. Friday's long-overdue dismissals end the wrongful convictions, but they cannot change the tragic fact that Shawn and Ricky spent 30 years in prison for a crime they did not commit.



*Ricky Birch and Shawn Henning
walking out of court*



*Shawn Henning hugging Centurion
Attorney, Jim Cousins*



*Tyler Spikes, Exoneree Support, Ricky
Birch, Shawn Henning, Lori Freedman,
Volunteer Exoneree Support*

SAVE THE DATE
TUESDAY . DECEMBER 1 . 2020

The Westin at Forestal Village
Princeton . NJ

Please mark your calendars for **December 1**
when we hope to enjoy a wonderful evening of
storytelling, dinner, and cocktails with Jim McCloskey,
John Grisham, and Centurion exonerees.

FOR MORE INFORMATION OR TO REGISTER