

CENTURION

seeking freedom for the innocent in prison



winter 2020

issue seventeen

After Exoneration - The Next Chapter

by Jim Cousins



Ralph Birch & Shawn Henning celebrate their exoneration.

Centurion client Shawn Henning and his co-defendant Ralph ("Ricky") Birch were exonerated of the murder of Everett Carr when the Connecticut Superior Court, on July 10, 2020 dismissed all charges against the two men. They had been imprisoned since their teens and each had served 30 years for a murder they did not commit.

After their emotional and heart-rending exonerations, both Shawn and Ricky have conscientiously started the daunting process of rebuilding their lives. Despite the deprivations caused by years of imprisonment and the bewildering changes occurring in the world during that time, both men immediately found gainful employment, places to live and girlfriends! Shawn obtained a driver's license for the first time (continued on page 4)



Cover Story
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933 INQUIRES

HIGHLIGHTS 2020



149 CASES IN DEVELOPMENT*



5 ACTIVE CASES IN THE COURTS**

1 EXONERATION!

1 RELEASE!

64 FREED TO DATE!



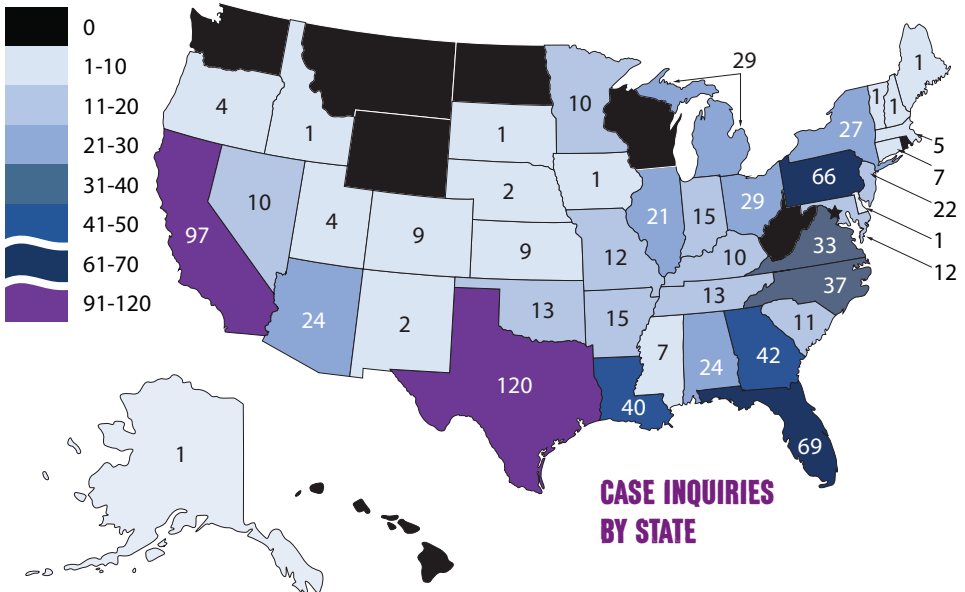
33 EXONEREES SUPPORTED



3 NEW BOARD MEMBERS

* 85 cases are pending final assignment.

** 3 additional cases are in pre-litigation status.



CASE INQUIRES
BY STATE

A letter from Executive Director Corey Waldron



Dear Friends,

Thank you for taking the time to crack open this newsletter and catch up with us! We are incredibly grateful for the encouragement you've given us this year. **Knowing that we have a community of supporters like you who are truly dedicated to justice drives us forward, energizes us, and provides hope to the innocent men and women we are fighting to free.** I hope you are proud of the work highlighted in this newsletter - your support helped make it happen.

As the realities of the pandemic started to sink in back in March, it was unclear if or how we would be able to do our work. Our communication with our clients and people seeking our help is done via mail, with hundreds of letters being sent and received each month. How would we manage to coordinate and track such a critical aspect of our work with our staff working remotely? How would we continue case development without our volunteers being able to come to our offices? How would we advance litigation and investigations if we were unable to travel around the country? And how could we help keep our Centurion family safe and healthy during incredibly scary, uncertain times?

My worries were quickly quelled as our team barely missed a beat and I was reminded of Centurion's core values. **Centurion does not quit.** Centurion finds a way. I'm proud to say that over the past 10 months, our team found ways to keep all aspects of our work moving forward and developed solutions to every obstacle that was put in front of them. You can learn more about how we've navigated the limitations of the pandemic throughout this newsletter.

Most importantly, our family of clients and exonerees are safe and healthy, as are our dedicated volunteers and incredible staff, with one heartbreaking exception - we lost beloved exoneree Richard LaPointe to COVID-19 over the summer. We keep in contact with our 21 incarcerated clients and the men and women we've freed across the country, updating them as we make progress, and assuring them that they are not alone as we weather this crisis together.

None of this work is possible without you. **With your support we will continue to navigate whatever challenges are put in front of us so that innocent men and women in prison can hope to someday win their fight for justice and freedom.**

Thank you, and be well.

Corey Waldron

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Centurion Advocates for Change in the NJ Supreme Court

by Paul Casteleiro

Last month, Centurion participated in oral argument before the Supreme Court of New Jersey as an *amicus curiae*, a friend of the Court, in support of the defendant Michele Lodzinski's efforts to overturn her conviction for the murder of her five year-old son. The death of the child occurred in 1991, but Ms. Lodzinski was not charged until 2014 after several witnesses changed their statements regarding the identification of a blanket that was found with the body. At the trial, the State was unable to produce any evidence of a cause of death, i.e. that it was a homicide, or any evidence of conduct by Ms. Lodzinski that contributed to the death. Nonetheless, the jury

convicted her of murder. Motions by the defense, attacking the sufficiency of the evidence, were denied and on appeal the Appellate Division held that in determining the sufficiency of the evidence to convict that the Court would consider only the evidence the State introduced and not any of the "substantial" defense evidence that "in many ways directly rebutted the State's proofs." Centurion enlisted the pro bono unit at Fox Rothchild LLP to submit an amicus brief arguing that basic due process required the court to consider all evidence in determining the sufficiency of the proofs to convict. The decision in the case is pending.

After Exoneration - The Next Chapter (continued from page 1)



in his life and he works in construction as well as in a variety of capacities for a pizza restaurant.

Ricky has employment with a company that paints the markings on airport tarmacs and parking lots. With regard to the advances in technology, Shawn tells the amusing story of being utterly baffled by the self-checkout counter at a Target store where he first went to purchase products for his home. The remote car door opener was a curiosity to him as well. But both men easily



Left: Tyler Spikes (L), Ricky Birch, Shawn Henning, Lori Freedman. Above: Jim Cousins & Shawn Henning in court

mastered the use of cell phones, texting and social media.

Shawn's well-known empathy for others has driven him to devote many hours a week volunteering for local charities in the New London area, including a food bank and a rehabilitation facility.

Now living in coastal Connecticut, Shawn has finally been able to realize his lifelong dream of enjoying the pleasures of the beach and kayaking in the ocean.

Art & Social Justice: Making Connections Across Generations

Centurion's community of supporters is truly outstanding and creative. Take Fizz Ahmed for example: Fizz is a Google Senior Strategist who cares deeply about social and racial justice. Back in February, Fizz interviewed exoneree Richard Miles and Centurion's Senior Investigator and Advocate, Kate Germond, at our talk at Google (if you haven't seen the talk yet, please visit our website).

After the murder of George Floyd in May, Fizz felt compelled to act. He painted a compelling piece called "I Can't Breathe" and created a GoFundMe campaign to raise awareness and funds for social and racial justice organizations, Centurion being one of the beneficiaries. Donors to the campaign were entered into the raffle to win the painting and by chance, a generous Centurion donor won! That individual was kind enough to donate "I Can't Breathe" to Centurion.

But the painting wasn't "home" quite yet. After seeing the piece, Rob Connor, the Vice President of our Board of Directors, showed it to the students at the Christina Seix Academy, an incredible school in Trenton, NJ where he is the Head of School. The Academy provides outstanding holistic day and boarding school options for some of the most underserved, intelligent kids in the area, grades K-8. The painting was a powerful complement to the conversations they were having around the ongoing demonstrations and demands for justice reform. Everyone involved agreed - "I Can't Breathe" belonged with the young people at Christina Seix Academy!

Many thanks to Fizz for his generosity and creativity, and to the students who will be the next generation of leaders to work towards a more equitable, just world!



Rob Connor, the Vice President of Centurion's Board of Directors and Head of School at Christina Seix Academy, pictured with five of CSA's incredible students and Fizz's compelling piece.

Plea Deals: The Unimaginable Choice for the Innocent in Prison

by Kate Germond

Plea Deals are one of the many cynical tools a prosecutor can use to maintain a finger on the scale when presented with an innocence case. No innocent person wants to take a deal. However, wrongly convicted people are too often presented with a Gordian Knot that most of us never have to solve.

Kevin DeSalle, a New Orleans man, was convicted 24 years ago of a shooting in New Orleans and sentenced to Life Without Parole by a non-unanimous jury. When we took on the case, we discovered, through a Freedom of Information Act request, a police report with the name of an eye-witness who definitively identified to police the man he saw shoot the victim. The name given was known to police but they never investigated him and he is currently serving time for another shooting in New Orleans.

After years of litigation over the withheld police report, the Supreme Court of Louisiana ordered an evidentiary hearing. Then Covid-19 hit and Kevin was given a conundrum: there was finally hope for an exoneration but he knew it would take years because, despite our clear petition of actual innocence, the District Attorney was digging in, which meant a long battle. In July, while Angola Prison, where Kevin was housed, admitted to 11 COVID-19 deaths. God only knows the toll now. Needless to say, Kevin was worried about his health and the health of his aging parents. To stay put and risk death or get out and help his parents, choices that few of us anticipate.



Kevin is pictured outside his parents' home where he is living and enjoying his family.

In seeking to get Kevin home, despite considerable evidence of a wrongful conviction, the DA would adamantly only consider a plea to a reduced sentence combined with strict parole conditions. Kevin took the deal. It meant he could go home. But it also means that he cannot receive compensation for what he endured, and he will remain under the thumb of the Corrections System for years to come.

We are hoping that New Orleans elects a new District Attorney who is not unwilling to address the realities of wrongful convictions. If that happens, we will be first in line with Kevin's case. He is an innocent man. We will fight for his exoneration.

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Centurion

Advancing Case Development in a Global Pandemic

Centurion's team of stalwart volunteer Case Developers weren't going to let the coronavirus pandemic slow their efforts to continue working on the more than 70 claims of innocence they were developing when COVID-19 disrupted operations in March. Working with Centurion's Case Managers, Kim Weston and Gene Truncellito, they found ways to contribute their invaluable talents remotely.

Since the extent and length of "sheltering at home" was unknown at the outset of the pandemic, volunteers initially did their best to stay connected to their cases, relying on case information that was in digital form and available via Centurion's online accounts.

However, as months passed without the benefit of full access to the physical files and regular office interaction, volunteer case work began to reach its limits.

The demand for Centurion's help was unceasing however, so Centurion revisited its long standing practice to maintain case files strictly in the office. And when we asked our volunteers if they would be willing to work on case files from home, the response was a resounding "YES."

It was a simple solution, but it broke through the dam. Soon files were prepared for transport and volunteers began showing up "curbside" to bring home not only cases already assigned, but additional new cases for development

(as well as making the return trip at the completion of case reviews). Kim and Gene continue to monitor the cases and be the go-betweens for scanning and posting newly arrived case information for home access as well as getting ongoing correspondence out into the mail.

Molly Chrein, a former public defender and a four-year Centurion volunteer Case Developer, feels that the flexibility to work from home can actually help with productivity. However, she misses the camaraderie of coming to the office and working with people "dedicated to the same cause."

Volunteer Case Developer Jock McFarlane similarly feels that ongoing in-person connection serves to accentuate a sense of Centurion's mission, and that seeing the "wall of exoneree portraits, a community of dedicated staff and volunteers, and a board with the names of those we've committed to work for" at the office are constant positive reminders of why he has been a Centurion volunteer since 2003, after previously working on the technical staff at RCA Laboratories and as a systems analyst at Ciba-Geigy/Novartis.

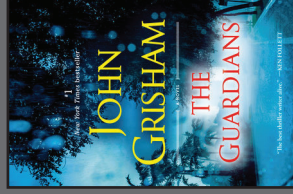
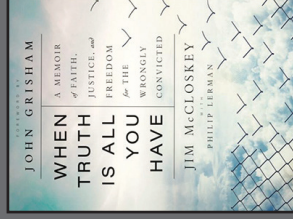
We are optimistic that an upside of the aftermath of the pandemic will be an even more effective, efficient team of volunteer Case Developers who will be able to split their time between home and the Centurion office to better serve our clients and the mission of freeing the innocent.

The Newest Centurion

Centurion is thrilled to welcome the newest member of our family, Miss Veera B. Mukherjee! Veera was welcomed into the world by our Communications Associate, Priyanka Banerjee, and her husband Sujoy in the early morning hours on July 22. We are so excited for Priyanka and Sujoy, and can't wait to meet little Veera!



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Thank you to everyone who attended and supported our virtual event on December 1!

We missed being in-person with you at our Annual Family Gathering this year! Expect an invitation to our 2021 Family Gathering scheduled to take place next September!

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