

CENTURION

seeking freedom for the innocent in prison

summer 2022

issue twenty

SCOTUS Shows Little Concern for the Innocent in Prison

by Paul Casteleiro

The Supreme Court of the United States, in its recent decision in *Shinn v Ramirez* and *Shinn v Jones*, 142 S. Ct. 1718 (2022), made it clear to all State court prisoners that they are not to look to the Federal court to correct the States' miscarriages of justice. In the Court's view, the State's interest in the finality of its convictions is more important than the injustice of the prisoners' wrongful convictions and sentences. While it is unknown how many cases the decision will directly impact, it is clear the Court is signaling to the States that there will be even less Federal oversight of their justice systems and that the Court has little concern for the innocent in their prisons.

The *Shinn* cases involved federal habeas corpus petitions by two individuals separately sentenced in unrelated cases to death by the State of Arizona. In *Jones*, the petitioner was able to present evidence, in an evidentiary hearing conducted by the Federal district court, establishing his factual innocence; evidence his trial attorney failed to investigate and present. In *Ramirez*, the petitioner presented evidence to the Federal district court showing his trial attorney failed to investigate and present mitigation evidence indicating the inappropriateness of his death sentence. In each case, the petitioner's State appointed post-conviction attorney failed to raise the issue of the trial attorney's incompetence.

(continued on page 4)



SCOTUS Shows Little Concern for the Innocent in Prison

Paul Casteleiro,
(Cover story).



Trauma, PTSD & Healing

Pam Feig,
(pg 10).

Family Gathering Invitation!

(pg 8).

Board of Directors

Rob Mooney - <i>Chairman</i>	Kenneth Javerbaum, Esq.
Rob Connor, PhD - <i>Vice Chairman</i>	Willlem Kooyker
Charles Crow, Esq.	James McCloskey
Mary Catherine Cuff, P.J.A.D.	Richard Miles
Jozelyn Davis, PhD - <i>Treasurer</i>	Edwin Pisani, CPA
Jim Floyd, PhD	Stephen Pollard, CFP
Kate Germond	Kathy Vik
John Grisham	Corey Waldron

Staff

Corey Waldron - *Executive Director*
Paul Casteleiro - *Legal Director*
Kate Germond - *Senior Advocate & Investigator*
Janet Baxendale - *Intake Analyst & Volunteer Development*
James Cousins - *Attorney, Case Investigator*
Pam Feig - *Post-Release Support Coordinator*
Christina François - *Assistant Legal Director*
Rosemary Kay - *Bookkeeper*
Alan Maimon - *Case Investigator*
Madison McCoy - *Administrative Support*
Gene Truncellito - *Case Development Manager*
Tyler Spikes - *Exoneree Support*
Kimberly Weston - *Case Development Manager*
Laila S. Wilson-McCoy - *Mgr. of Organizational Initiatives & Planning*

Follow Centurion



Centurion -
Freedom for the innocent



@CenturionFree



centurion.freedom



Centurion

A letter from Executive Director Corey Waldron



Dear Friend,

More than any other time in our history, there is a growing societal awareness that there are innocent men and women in prison. It is safe to say that most people agree that innocent people should not be imprisoned. There are a seemingly endless number of movies, television and streaming series, podcasts, and news reports that tell the stories of the wrongfully incarcerated men and women we serve, and others like them who fell victim to a justice system more focused on convictions than on guilt or innocence. We now know more about how wrongful convictions happen (coerced confessions, prosecutorial and police misconduct, ineffective lawyering, etc.) and have access to hard data that could drive impactful systems changes and reduce the growing number of wrongful convictions.

Instead of taking steps to address this crisis, new procedural bars that limit innocent people's ability to get their cases back in court continue to be implemented across the country. It is maddening. **Please take the time to read our Legal Director, Paul Casteleiro's cover piece on the Supreme Court's recent rulings in Shinn v. Martinez and Shinn v. Ramirez.** These decisions are devastating examples of the growing number of seemingly insurmountable challenges innocent people in prison face when trying to fight for their freedom.

Decisions like Shinn have a very real human impact. **In this newsletter, you'll see the faces of some of the incredible people Centurion fought to free throughout our history.** Their stories inform our understanding of the systemic flaws in our justice system, and reinforce the basic concept that innocent people deserve every possible opportunity to be heard and to secure their rightful freedom. It should be getting easier to get innocent people out of prison. Instead, it's getting more difficult every day.

Our expert team will not back down. We will continue to fight for the innocent in prison regardless of the new obstacles that encumber our path. We need you to stand with us as we navigate an increasingly challenging system. **Please consider making a gift to support our work today.**

On behalf of the innocent men and women we serve, thank you for your unwavering dedication to and support of our mission. .

With gratitude,

Corey Waldron

Donate online at:
centurion.org/donatenow

WE NEED YOU

On average, it takes 8-10 years and \$350K to free an innocent person from prison.

Your gift enables us to free innocent men and women and provide them with the essential tools to rebuild their lives.

Visit us at centurion.org/ways-to-give to see all the ways you can make a contribution today or go to centurion.org/donatenow to make a donation by credit card or PayPal.

SCOTUS Shows Little Concern for the Innocent in Prison

(continued from page 1)

The 6-3 majority opinion written by Justice Clarence Thomas held that a person convicted in State court is not entitled to an evidentiary hearing in Federal court to develop evidence establishing their State court post-conviction attorney negligently failed to raise and present a constitutional claim that their trial attorney was incompetent resulting in their wrongful conviction or sentence. In the process, the Court, without specifically stating so, overturned two of its decisions, *Martinez v Ryan*, 566 U.S. 1 (2012) and *Trevino v Thaler*, 569 U.S. 413 (2013). Under *Martinez* and *Trevino* in states where a prisoner is required, or compelled by circumstances, to wait until the post-conviction stage of proceedings to present a claim that his trial attorney provided constitutionally deficient representation, the failure to present the claim in the State post-conviction proceedings is not a bar to presenting the claim for the first time in a federal habeas corpus petition if the failure was based on post-conviction counsel's deficient performance. The

Martinez and *Trevino* opinions created necessary exceptions to the general habeas corpus rules prohibiting a state court prisoner from presenting a claim in a federal habeas corpus petition that was not first presented to the State court. *Martinez* and *Trevino* recognized the failure to present a claim to the State court that trial counsel was deficient is the often the result of post-conviction counsel's incompetence and a faultless prisoner should not be barred from presenting a meritorious trial claim based on the post-conviction attorney's failures.

Each state has its own laws or rules regarding post-conviction proceedings that a prisoner must follow if he/she/they wants to contest their conviction once it becomes final upon being affirmed on direct appeal. Most states have a rule barring the filing of successive post-conviction applications, meaning that a prisoner, generally speaking, gets one opportunity to raise claims they should reasonably have known existed in their case at the time



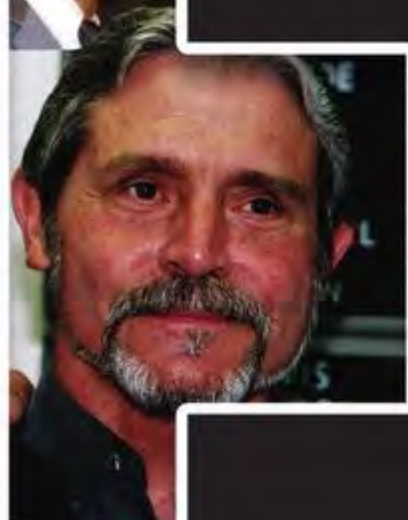
of the filing of their initial post-conviction application. In addition, in Arizona, similar to the rules in many other states, a prisoner can only raise a claim that his/her/their trial attorney was incompetent in a post-conviction petition, as opposed to as part of their direct appeal; in those states, the prisoner must necessarily rely on post-conviction counsel to competently present their claims. We all know the system often does not work as intended, and that post-conviction counsel will fail to competently present the prisoner's claim that his conviction is the result of trial counsel's constitutionally deficient representation. So when the prisoner goes through the State post-conviction process only to learn post-conviction counsel has failed to properly present his/her/their claim that trial counsel was constitutionally deficient, under Martinez and Trevino he/she/they still had an available avenue to pursue for possible relief. The prisoner

could file a Federal habeas corpus petition and a request for an evidentiary hearing to establish why they failed in the State court proceedings to present the evidence of their trial counsel's deficient performance resulting in their wrongful conviction. Shinn takes the habeas corpus avenue away and throws the prisoners back to the State where their claims, depending on the State, will be subjected to the State's successive petition procedural bar.

Although the number of cases the Shinn decision directly affects is unknown, its importance should not be misunderstood. The decision makes it clear that the Court is intent on doing everything it can to make an already difficult and restrictive federal habeas corpus process impossible for a State court prisoner to utilize in order to obtain relief from a wrongful State court conviction.

Paul Casteleiro has been working on behalf of and advocating for wrongfully incarcerated men and women for more than 40 years. His expertise as a post-conviction attorney and leadership within our team enables Centurion to provide the best possible representation for our clients as they fight for their rightful freedom. Learn more about Paul at centurion.org/staff





CENTURION *Family Gathering*

Thursday, September 29, 2022 at 6:00PM
Cocktails, Dinner, Celebration!

**YOU'RE
INVITED!**



A celebration of freedom and family.

The Westin Princeton at Forrestal Village
201 Village Blvd., Princeton, NJ 08540

Centurion's 2022 Family Gathering!

Join us in Princeton, NJ on Sept. 29, 2022 as we celebrate freedom and family.

The men and women Centurion has freed will be with us in Princeton to spend time together telling their stories, healing, and meeting our supporters.

Funds raised during this unforgettable event help us continue our fight to free the wrongfully incarcerated.



Scan the QR code to
PURCHASE YOUR TICKETS & learn more
or visit centurion.org/2022-family-gathering

Other Media Features!

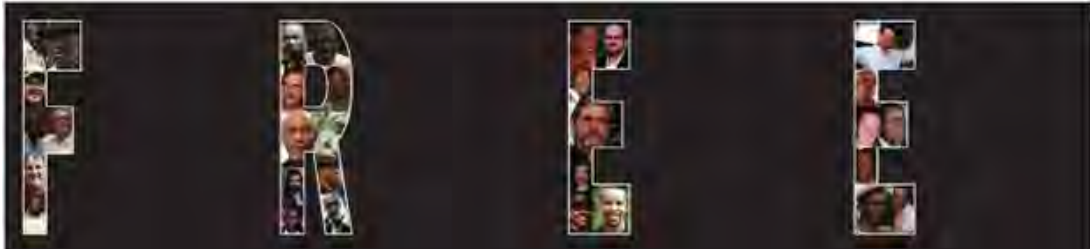
Scan these QR Codes to listen and read these two pieces about Jim McCloskey, Centurion founder and Ed Baker, exoneree.



Listen to the podcast interview of Jim McCloskey on **Our American Stories** with Lee Habeeb. Published on July 25, 2022. He talks about his life growing up in the church, questioning his faith, returning to the church, and how he began on the path of fighting for those who were wrongfully incarcerated.



Read this intriguing piece on Ed Baker published in June in **the CLICK**. Ed talks about his journey of being wrongfully convicted for 26 years, exonerated in 2002, rebuilding his life, and the lingering struggles that still impact him.



Willie Green - 2008	James Waller - 2007	Ellen Reasonover - 1999	Wayne Eastridge - 2005
David Alexander - 2006	Michael Austin - 2001	Dennis Halstead - 2003	Kerry Max Cook - 1997
James Driskell - 2003	Jimmy Landano - 1989	Elmer Pratt - 1997	John Kogut - 2003
Darryl Burton - 2008	Clarence Chance - 1995	Nick Sousa - 2005	Gary Jones - 2003
Ed Honaker - 1994	Steve Toney - 1996	Joyce Ann Brown - 1989	Matt Connor - 1990
John Restivo - 2003	Michael Damien - 2005	Eddie Ryder - 1993	Tim Howard - 2003
Prince Moore - 2001	Lou Thomas - 2004	Johnny Briscoe - 2006	Walter Lomax - 2006
	Clarence Brandley - 1990		
	Rene Santana - 1986		

The faces of 30 of the 67 men and women Centurion has fought free, listed L-R with the year they were released from prison.

Trauma, PTSD & Healing

by Pam Feig

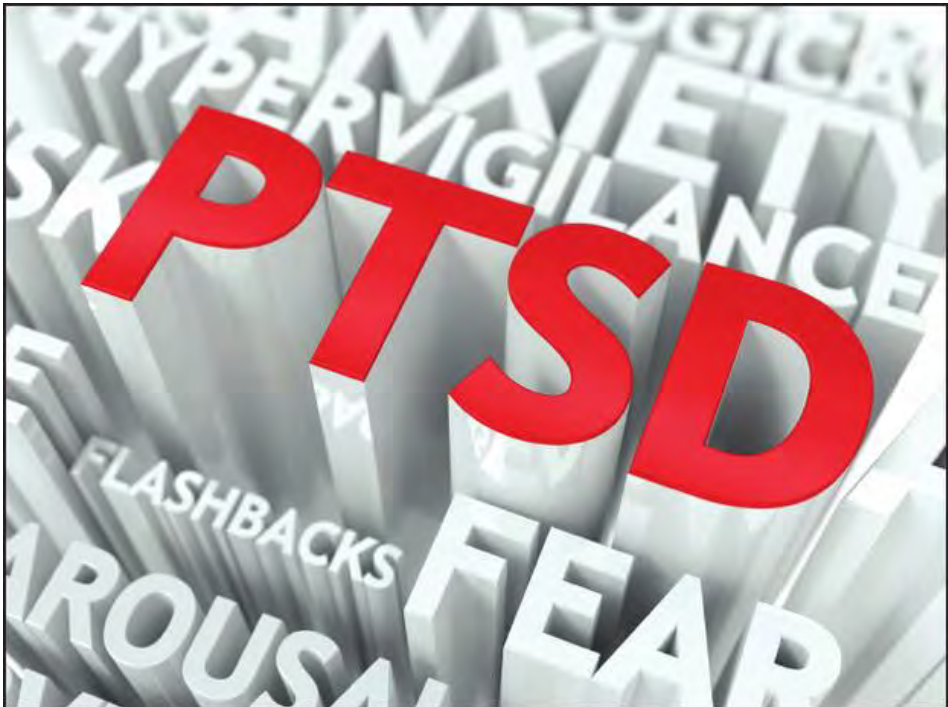
Unique experiences define individuals who are wrongfully accused and incarcerated. Participants of recent studies report negative impacts on self-identity, psychological and physical health, relationships, finances and ability to adjust to a world that moved on without them while imprisoned.

Trauma can be defined as: 1) Event, crisis, or major stressor generally outside the range of usual human experience that evokes significant symptoms of distress in most people. 2) Highly stressful and challenging life-altering event causing fundamental and transformative changes. It can include either experiencing or witnessing events that cause a response of fear, horror or helplessness.

Many people subjected to trauma develop what is known as PTSD: post-traumatic stress disorder, which was only formally recognized as a psychiatric condition in

1980. Trauma can physically change how parts of the brain work by altering areas involved in identifying threats/ storing memories of fearful events. PTSD symptoms include the following: anxiety, insomnia, hypervigilance, exaggerated startle response, and intrusive memories/ flashbacks with the same panic and terror as originally experienced. This can lead to persistent and distressing moods and thoughts, anger, guilt, shame, detachment and aggression.

PTSD can last a few months or years, though for others it's a lifelong illness. The stress response that allows the body to react to perceived danger gets locked into perpetual overdrive. A threat is registered, the brain signals adrenaline to surge, raising blood pressure and heart rate. Other parts of the brain trigger the release of cortisol, the body's main stress chemical operating as a built-in alarm system. Normally the process is



deactivated when danger has passed and memory is stored, as regions of the brain involved decrease the high-alert activity. With PTSD, the links between these areas are disrupted and the individual can't discriminate between safe and threatening environments. The brain over-generalizes the threats and stays activated, maintaining the state of high alert. Memories resist being changed and are stored in original form with all the emotions of the original event.

Fortunately, treatments continue to emerge with ongoing research. We continue to learn about post-traumatic growth, defined as positive psychological changes experienced as a result of the struggle with extremely difficult or challenging life circumstances. This growth can happen naturally without the help of mental-health professionals, and can happen within weeks, months or years

after the traumatic circumstances occur. Social support networks, disclosure about one's experiences, and learned coping skills such as mindfulness meditation and yoga contribute to growth and healing.

Centurion recently held a weekend-long retreat for exonerees to start addressing the long-lasting struggle with trauma. Staff and outside professionals together were on-site to open the door to an ongoing journey of support, growth and healing within our extended Centurion family.



New Board Member Announcement!

We are delighted to announce that James A. Floyd PhD has joined our Board of Directors! Jim is a life-long resident of Princeton, NJ, the same city where we were established and currently located. Jim has been a supporter of Centurion for many years and brings considerable experience that will support our mission and organizational efforts.



Dr. Floyd graduated from Princeton University in 1969 with a concentration in psychology. He later attended the University of Rochester and completed his Ph.D. in Clinical Psychology in 1975. Between 1975 and 1979 Dr. Floyd was director of the Community Readjustment Program, a free outpatient psychological service for ex-offenders in Mercer County, NJ.

Jim has retired from a career with the NJ State Division of Mental Health, including serving as the "psychology consultant" for the Division, and an administrator at Trenton Psychiatric Hospital, Trenton, NJ.

Our team is looking forward to working with Jim; we are very appreciative of his support and leadership!

CENTURION
1000 Herrontown Road
Princeton, NJ 08540-7716

centurion.org

Follow us

