



## **2013 ANNUAL REPORT**

**FOR THE PERIOD 7/1/12 – 6/30/13**

### **A MILESTONE IS REACHED WITH THE FILING OF OUR FIRST CASE**

The Oklahoma Innocence Project made history this year when we filed our first case on July 24, 2013: **Karl Fontenot v. State of Oklahoma**. Although, technically, the filing date fell after the close of the 2013 fiscal year, the year-long preparation of this case represented OIP's most significant activity during our second year of operation.

Karl Fontenot is one of two young men who were convicted in 1985 in Pontotoc County District Court for allegedly kidnapping, raping, and murdering a missing convenience store clerk, Denise Haraway. He was sentenced to life in prison without the possibility of parole. In the summer of 2012, he wrote to OIP to ask us to represent him in an effort to have his sentence vacated.

Every legal action that seeks to rectify a wrongful conviction is difficult, but Mr. Fontenot's case is unusually complex. The resources available to our small project were simply too limited to allow us to undertake the factual investigation that would be necessary to enable us to properly assess the merits of his case and, if warranted, to prepare it for trial. However, an anonymous donor stepped forward to make a crucial gift that allowed us to say "yes" to Mr. Fontenot's request for assistance.

This special gift allowed us to retain experienced private investigators to supplement the work of Legal Director Tiffany Murphy and Clinic students – who were simultaneously developing several other cases for potential litigation. This work culminated with the July 24th filing of a motion in Pontotoc County District Court to vacate Mr. Fontenot's conviction.

Filing this case brought statewide – even national – attention to the Oklahoma Innocence Project. Here are links to some of the coverage: [Oklahoman](#), [Tulsa World](#), [News 9](#), [KOCO](#). The story was also picked up by newspapers in Seattle and San Francisco, among others. The 91-page brief in support of the motion to vacate can be accessed at [Brief in Support of Application for Post-Conviction Relief](#).

### **OIP HELPS PUSH DNA-ACCESS BILL THROUGH LEGISLATURE**

When the 2013 session of the Oklahoma Legislature opened, Oklahoma was the **ONLY** state in the nation without law on the books recognizing a statutory right for prison inmates to obtain DNA testing of evidence that might prove their innocence. By the close of the session, Oklahoma had its own DNA-access law, and OIP was very much involved in the drafting and nurturing of the bill that was enacted.

We certainly do not deserve sole credit for the passage of this law. Its introduction by Representative Lee Denny of Cushing and Senator James Halligan of Stillwater was encouraged by the Oklahoma Justice Commission, which had released a package of proposals designed to prevent and rectify wrongful convictions in our state. Nevertheless, OIP Executive Director Larry Hellman (who, incidentally, was a member of the Oklahoma Justice Commission) was intimately involved in the drafting of the bill and its successful journey through the Legislature.

Unlike some innocence projects, OIP does not limit itself to cases where DNA evidence will prove or disprove an inmate's innocence. Still, we inevitably will have cases where DNA testing will be crucial. That is why it was important for us to support H.B. 1062. Governor Fallin promptly signed the bill shortly after it received final passage from both houses.

This is more than a better-late-than-never story. Veterans of the innocence movement around the nation have told us that the Oklahoma law is one of the best in the nation. We even received congratulations from The Innocence Project of Ireland!

### **CASE ACTIVITY INTENSIFIES, RAISING RESOURCE NEEDS**

Requests for assistance continue to flow into our clinic. The statistical report below reveals two key facts: First, the creation of the Oklahoma Innocence Project was hugely important. This can be seen from the intake numbers that demonstrate there was a giant backlog of innocence claims that did not have an outlet before our project opened in 2011. Second, there are more viable cases than our small project can handle responsibly. This can be seen from the viable claims numbers.

All innocence projects function on what is essentially a triage process. Strong cases sometimes must wait for years before a project can even begin looking into them. Once a decision is made to file for relief, the *average* time from filing to vindication is another six to seven years. In recognition of these realities, we must be careful not to start more litigation than we know our resources will allow us to see through to the successful conclusion they deserve.

We expect to file our second case before the end of 2013. More will follow in 2014, provided adequate funding is in place.

OIP supporters will remember that we did not open our project before we had sufficient financial commitments in place to sustain us for the first five years of operations. Now that we see the number and complexity of the cases that are in our pipeline, sustainability is once again very much on our minds. This will be a major focus in the year ahead.

	<u>2012-2013</u>	<u>Since Inception</u>
Total Intake	205	862
Closed Cases	31	379
Awaiting Initial Review	119	168
In Review	52	227
Initial Review Established Viable Claim of Innocence	15	88
Under Detailed Investigation by Clinic Students	12*	12*

## **ACADEMIC PROGRAM**

### Clinical Instruction.

A total of 14 students enrolled in the clinic and received academic credit during the 2011-2012 academic year. Several of these students remain involved on a volunteer basis and continue to work on the cases they were assigned during their Clinic semester.

### Classroom Instruction.

Student interest in innocence work continues to grow. During the past year, Professor Murphy and Adjunct Professor Andrea Miller taught a total of 43 students in the Wrongful Convictions course, which is a pre-requisite for enrolling in the Clinic, while ten students were selected for enrollment in Clinic itself.

## **UPDATE ON EXONERATIONS NATIONWIDE**

In 2012, there were 75 exonerations in the United States. Thus far in 2013, there have been 62 exonerations, pushing the number of exonerations in America since 1989 past 1,200.

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\* These cases are included in the number of cases that have been determined to have a viable claim of innocence.