Success Stories
The Power of Pro Bono Counsel in Capital Cases
# Table of Contents

Foreword

Fighting for the Innocent
- Robert Springsteen and Michael Scott—Represented by Holland & Hart LLP and Morgan Lewis & Bockius LLP .......... 1
- Jimmy Dennis—Represented by Arnold & Porter LLP* .......... 3
- Edward Lee Elmore—Represented by Cowan, Liebowitz & Latman, PC; Diana Holt; Cornell Law School* .......................... 4

Challenging Racial Discrimination
- James Willie “Bo” Cochran—Represented by Drinker Biddle & Reath LLP and Kenneth Frazier, Merck & Co., Inc. ................. 8
- Victor Saldano—Represented by Schneider & McKinney PC and Vinson & Elkins LLP ......................................................... 9

Unmasking Unreliable Witnesses
- Michael Toney—Represented by O’Melveny & Myers LLP ....... 10
- Crosley Green—Represented by Crowell & Moring LLP* ......... 11
- Ivan Teleguz—Represented by Kirkland & Ellis LLP* .............. 13

Speaking for Individuals Without a Voice
- Kevin Wiggins—Represented by Jenner & Block LLP ............ 16
- Saharris Rollins—Represented by Duane Morris LLP ............ 17
- Joe Lee Guy—Represented by Dorsey & Whitney LLP ............ 18
- Charles Ross—Represented by Maslon Edelman Borman & Brand LLP .................................................................................... 20

Setting the Stage for Change
- Steve Roach—Represented by Patton Boggs LLP .................. 21
- Roper v. Simmons ............................................................................................................. 23

Debunking Junk Science
- Kenneth Richey—Represented by Goodwin Procter LLP .......... 24
Exposing Government Misconduct

- Justin Wolfe—Represented by King & Spalding LLP ....................... 26
- Larry Lee—Represented by Ford & Harrison LLP ......................... 27
- Ricardo Aldape Guerra—Represented by Vinson & Elkins LLP ........................................................................................................ 28
- Quintez Wren Hodges—Represented by Skadden, Arps, Slate, Meagher & Flom LLP ................................................................. 29

Protecting the Intellectually Disabled

- Kenneth Thomas—Represented by SNR Denton LLP ...................... 31
- Abelardo Arboleda Ortiz—Represented by Amy Gershenfeld Donnella, Supported by Concerned Experts in Intellectual Disability, assisted by Steven M. Schneebaum P.C.* ............................. 32
- Jose Rivera—Represented by Vinson & Elkins LLP ......................... 33
- Walter Bell—Represented by Graves Daugherty Hearon & Moody LLP ............................................................................................... 34

Keeping Hope Alive

- Teresa Lewis—Represented by Steptoe & Johnson LLP ............... 36

Making the Case for Life

- Tommy Lee Waldrip—Represented by Drinker Biddle & Reath LLP* ................................................................................................. 38
- Robin Lovitt—Represented by Reed Smith LLP and Kirkland & Ellis LLP ....................................................................................... 39

Volunteer Law Firms ......................................................................................... 42

* New or updated success story (2018)
Foreword

Since 1986, the ABA Death Penalty Representation Project has worked to address the crisis of counsel facing death row prisoners. Many prisoners lack a skilled advocate who can navigate the complex world of death penalty jurisprudence, and many more have no representation at all. Our volunteer attorneys have dedicated countless hours to these cases, not for any monetary reward, but for the simple reason that each believes in a justice system where every person facing the ultimate penalty receives zealous, effective representation.

The Project originally created this collection of stories about the work of our volunteer attorneys in 2011 to celebrate its 25th Anniversary, and this revised 2018 version includes six additional cases and updates. As of the date of the revision, the Project is aware of more than 85 death row prisoners whose lives have been saved, because they received a reduced sentence or were exonerated entirely, all because of the tireless efforts of our volunteer law firms. The pages that follow recount just a few of the many success stories the Project is proud to celebrate.

We have also included the stories of two individuals, Teresa Lewis and Steve Roach, who were executed despite heroic efforts by volunteer counsel. The fact that these attorneys fought for their clients until the very end is also a victory. The vast majority of our clients have never known what it is to have a true advocate in their lives. When our volunteer lawyers agree to help, the mere act of becoming their client’s champion and providing hope is something to celebrate.

Hundreds of prisoners are on death row today with inadequate counsel or no counsel at all to help them seek justice. We encourage you to read these inspiring stories and contact us to learn more about how you can help make a difference.
Robert Springsteen and Michael Scott—Represented by Holland & Hart LLP and Morgan Lewis & Bockius LLP

On June 24, 2009, Robert Springsteen and Michael Scott were released on bond, more than nine years after falsely confessing to participation in the widely publicized killings of four teenage girls in an Austin, Texas yogurt shop in 1991. Robert was tried, convicted, and sentenced to death in 2001. Michael was convicted in 2002 and sentenced to life in prison.

Robert and Michael were among several individuals initially questioned in connection with the killings, but it wasn’t until eight years later, when new detectives took over the case, that they were charged. Those new detectives elicited confessions from both Robert and Michael, which became the primary evidence used to convict them; no physical evidence ever connected either man to the murders.

Robert and Michael confessed following lengthy coercive interrogations with Austin police detectives in September 1999. Each defendant’s confession was used against the other in their separate trials. Robert later explained, “I was berated and berated and berated by the police officers. Until they obtained what it was they wanted to hear, they were not going to allow me to leave.”

Fighting For the Innocent

“Despite the courts’ efforts to fashion a death penalty scheme that is just, fair and reliable, the system is not working. Innocent people are being sentenced to death . . . . It is no answer to say that we are doing the best that we can. If this is the best our state can do, we have no business sending people to their deaths.”

– Illinois Supreme Court Justice Moses Harrison II

“Serious questions are being raised about whether the death penalty is being fairly administered in this country. If statistics are any indication, the system may well be allowing some innocent defendants to be executed.”

– U.S. Supreme Court Justice Sandra Day O’Connor
"I was berated and berated and berated by the police officers. Until they obtained what it was they wanted to hear, they were not going to allow me to leave. And basically, they broke me down." A photo (below) shows a police officer holding a gun to Michael’s head during his interrogation.

Volunteer attorneys from Holland & Hart and Morgan Lewis & Bockius agreed to represent Robert and Michael in their post-conviction proceedings. They succeeded in convincing appellate courts to overturn both convictions. The courts found that the trial court erred in allowing the State to use one man’s confession as evidence in the trial against the other, thereby denying their Sixth Amendment confrontation rights. Both had recanted their statements to police and maintained their innocence.

After the court ordered new trials for both defendants, the State attempted to renew its prosecution of Michael and Robert by testing DNA samples from the crime scene. When these tests revealed that none of the DNA belonged to Robert or Michael, prosecutors declared they were unprepared to go to trial. State investigators tested more than 100 people, but they have been unable to find a match to the DNA. In October 2009 the charges against both were dismissed, and Michael and Robert walked out of prison as free men.
Jimmy Dennis—Represented by Arnold & Porter LLP

Jimmy Dennis served more than two decades on death row for a crime that he maintains he did not commit. Arnold & Porter has advocated for Jimmy’s innocence since 2000, and thanks to their years-long investigation into his case and vigorous representation, Jimmy walked out of prison a free man on May 13, 2017.

In 1992, Jimmy was convicted of first-degree murder and robbery and sentenced to death in Pennsylvania. His conviction was based on three weak eyewitness identifications, testimony from a man who had felony charges dropped in exchange for his cooperation, and a description of Jimmy’s clothing that was lost by the police before the trial. There was no physical evidence connecting Jimmy to the crime, and defense counsel provided wholly inadequate representation, failing to take basic steps to investigate the case and prepare for trial. They did not interview a single eyewitness, spent under 15 minutes with Jimmy’s alibi witnesses, and did not even attempt to find documentary evidence to support his alibi that he was on a bus miles away from the scene at the time of the crime.

Arnold & Porter’s investigation into Jimmy’s case revealed three pieces of evidence that were withheld from defense counsel that would have helped Jimmy prove his innocence at trial. Prosecutors withheld a statement implicating two high school boys in the attack, rather than Jimmy; a statement from a prisoner giving a detailed description of a phone call
he had with people purporting to be the actual assailants, in which they admitted to committing the crime; and a receipt from an alibi witness that helped support Jimmy’s claim that he was on a bus elsewhere in the state at the time of the attack. Judge Anita Brody, sitting for the U.S. District Court for the Eastern District of Pennsylvania, granted habeas relief to Jimmy in 2013 and vacated his conviction after finding that these omissions amounted to violations of *Brady v. Maryland*. Judge Brody wrote that Jimmy “was wrongly convicted of murder and sentenced to die for a crime in all probability he did not commit.” She required the State to initiate a new trial within 180 days or set Jimmy free, but Philadelphia’s district attorney appealed the ruling. A panel for the U.S. Court of Appeals for the Third Circuit reversed the decision, but after a rehearing en banc, the Third Circuit ultimately upheld the grant of habeas relief.

Following the Third Circuit’s decision, the district attorney would not accept the new evidence of Jimmy’s innocence. He threatened to institute new proceedings against Jimmy, but ultimately offered him an “Alford plea” in exchange for his freedom. An Alford plea allows a criminal defendant to accept the ramifications of a guilty verdict while maintaining innocence. The deal allowed for Jimmy’s immediate release on the basis of time served, although it also prevents him from seeking compensation for the time he was wrongly incarcerated. While he would have liked to prove his innocence, Jimmy stated he accepted the deal because “I just want the nightmare to end.” After his release, he said, “I am so full of gratitude for the support I received from friends, family and the lawyers who stuck with me through this long and difficult process.” Jimmy’s attorneys accompanied his family to greet him when he finally set foot outside of the prison walls. Speaking on behalf of herself and the Arnold & Porter pro bono team, Rebecca Gordon said, “It was one of the most incredible, meaningful experiences of our professional and personal lives.”

Edward Lee Elmore—Represented by Cowan, Liebowitz & Latman, PC; Diana Holt; Cornell Law School

Edward Lee Elmore spent 31 years in prison, 29 of which were on death row, for a crime he has long maintained he did not commit. In 2010, Edward’s sentence was commuted to life in prison based on a finding that he is intellectually disabled. Then, on November 22, 2011, the U.S. Court of Appeals for the Fourth Circuit issued a lengthy opinion granting guilt-phase habeas relief to Edward. The Fourth Circuit held that the failure of his trial lawyers to investigate forensic evidence constituted
ineffective assistance of counsel, recognizing that there were now “grave questions about whether it really was Elmore” who committed the murder.

The Fourth Circuit’s decision represented a dramatic shift that would not have been possible without decades of tireless efforts from Edward’s appellate and post-conviction counsel. In the early and mid-1980s, Edward went through two different trials represented by the same attorneys and both times was convicted and sentenced to death. Before the Fourth Circuit’s eventual reversal, the conviction and death sentence were repeatedly affirmed by appellate and habeas courts, based on apparently overwhelming evidence of guilt.

Edward, an African-American man, was accused of raping and murdering an elderly white woman who had previously hired him several times to perform different jobs in her home. A neighbor who often checked in on the woman found her body and reported it to police. Police found what was described as a “fresh” thumbprint matching Edward on the door that the perpetrator had used to enter. They also collected 45 pubic hairs from the victim’s bed, which the State’s expert opined matched Edward. After arresting Edward, they searched his home and found bloody clothing that matched the victim’s blood type. The state medical examiner found that the victim was likely murdered on a Saturday evening, a time for which Edward had no corroborated alibi. And finally, a jailhouse informant testified that Edward confessed to the rape and murder.

Edward’s trial counsel conducted virtually no investigation and made no effort to challenge the State’s forensic evidence or investigate alternate suspects, believing that “the police were above reproach.” Volunteer attorneys from Cowan, Liebowitz & Latman ("CLL") took the case on appeal in 1992 and discovered that nothing was as it seemed. Unknown to trial counsel, police initially suspected the neighbor, Jimmy Holloway, of committing the crime. Mr. Holloway told police to investigate Edward at the same time he reported finding the body. He also engaged in bizarre and suspicious behavior, including leaving the scene of the crime after
discovering large pools of blood in the victim’s home and then returning with a friend and putting on gloves before opening the closet door where the victim’s body was located. He also provided an unusual level of detail about what he saw, which appeared to be a calculated attempt to establish that the victim was killed on Saturday night.

Post-conviction investigation showed the “overwhelming” forensic evidence against Edward to be suspect. Although police claimed to have found a large number of pubic hairs on the victim’s bed that matched Edward, they inexplicably did not photograph the hairs on the bed—although virtually everything else in the house was photographed—nor did they collect the bedsheets for further testing. The hairs were placed in a Ziploc bag which lacked an evidence sticker that was used on all the other evidence collected at the scene. Although the State’s expert testified that the hairs had been forcibly ripped from the body, Edward had no sign of injury or bruising to his groin at the time of his arrest shortly after.

The blood evidence also started to fall apart under scrutiny from post-conviction counsel. The small amount of blood on Edward’s clothing was wholly inconsistent with the large volume of blood found at the crime scene and the State’s theory that Edward carried the victim’s body to the closet where it was placed. Although there was also blood on the clothing matching Edward’s blood type, no blood of his type was found at the crime scene. Post-conviction counsel argued that the blood and hair evidence was planted by investigators, which was supported by the discovery that one of the investigators self-assigned himself to the case after learning of the victim’s death, because she was a friend of his mother’s.

Post-conviction investigation also revealed exculpatory forensic evidence that police had failed to disclose—and for many years insisted did not exist—including several Caucasian hairs found on the victim’s abdomen, at least one of which did not come from the victim herself, and a bloody thumbprint in the victim’s bathroom, which did not belong to Edward or the victim. The additional forensic investigation also revealed, contrary to trial testimony, that the thumbprint on the door frame was likely a

“[I]t can no longer be said that there is an ‘overwhelming’ case against Elmore. . . . To be sure, the case against Elmore is more appropriately characterized as ‘underwhelming.’”
permanent mark made by Edward during painting or other work on the house. Finally, after reviewing the autopsy reports, defense experts concluded that the most likely time of death was on Sunday afternoon, when Edward had a corroborated alibi, and that there was a less than 1% chance that the victim was killed on Saturday evening as the State’s expert claimed.

The final piece of evidence against Edward—the jailhouse informant who claimed that Edward confessed—was also shown by post-conviction counsel to be false. The informant eventually recanted his statements, even under the threat of a perjury charge, saying that he made up the entire story of the confession at the prompting of a jail administrator in the hopes of receiving favors in his own case.

After conducting an extensive review and analysis of this new evidence, the Fourth Circuit concluded that “it can no longer be said that there is an ‘overwhelming’ case against Elmore . . . . To be sure, the case against Elmore is more appropriately characterized as ‘underwhelming,’ . . . . Indeed, the PCR evidence dramatically ‘alter[s] the entire evidentiary picture.’” The court found that trial counsel violated Edward’s rights by failing to conduct even a basic forensics investigation or challenge any of the State’s evidence, and that if they had done so, there is a reasonable likelihood that the outcome of the trial would have been different. Rather than going through another trial, Edward accepted a plea deal from the state that allowed him to maintain his innocence while accepting the conviction, and on March 3, 2012, he walked out of prison a free man.
Challenging Racial Discrimination

“In this case it is claimed—and the claim is supported by elaborate studies which the Court properly assumes to be valid—that the jury’s sentencing process was likely distorted by racial prejudice. This sort of disparity is constitutionally intolerable. It flagrantly violates the Court’s prior insistence that capital punishment be imposed fairly, and with reasonable consistency, or not at all.”


James Willie “Bo” Cochran—Represented by Drinker Biddle & Reath LLP and Kenneth Frazier, Merck & Co., Inc.

In 1997, the Philadelphia office of Drinker Biddle & Reath along with Kenneth Frazier, Executive Vice President and President, Global Human Health at Merck & Co., Inc., secured the release of James Willie “Bo” Cochran from death row in Alabama. In 1982, Bo was found guilty of the shooting death of Stephen Ganey, an assistant manager at a grocery store. Bo was involved with a robbery at the store and after he left, police surrounded the grocery store. Nearly 20 minutes later, gunshots were heard. No eyewitnesses saw who killed Mr. Ganey.

In selecting the jury for the 1982 trial, the prosecution used seven of its fourteen peremptory challenges to exclude seven of the nine black members of the venire panel. Bo’s counsel did not object to the manner in which the State used its peremptory strikes. A jury of eleven whites and one black found Bo guilty of murder, and he was sentenced to death. The district court granted federal habeas relief after finding that Bo was denied effective assistance of counsel at the sentencing phase of trial and that the prosecution improperly used peremptory strikes to exclude black jurors in violation of Batson v. Kentucky, 476 U.S. 79 (1986).
Bo was granted a new trial in which he was acquitted of the murder charge. Today, after spending 19 years on death row for a crime he did not commit, Bo is a free man. His case is featured in the documentary film “Death in Dixie.”

Victor Saldano—Represented by Schneider & McKinney PC and Vinson & Elkins LLP

Victor Saldano was sentenced to death in 1996 for kidnapping and killing a man in Texas. In 2003, with the help of volunteer attorneys at Schneider & McKinney and Vinson & Elkins, the U.S. District Court for the Eastern District of Texas granted habeas relief.

During the punishment phase of trial, the State called a clinical psychologist who testified that Victor’s race should be considered when determining whether Victor would be a “future danger” because there were a disproportionate number of Hispanics in prison compared to the general population. The jury found that Victor would be a future danger to society and sentenced him to death. On appeal, the court ruled that Victor could not challenge the jury’s use of race to determine future dangerousness because his counsel failed to object at trial.

When Victor appealed the case to the United States Supreme Court, the Attorney General of Texas issued a remarkable statement:

Despite the fact that sufficient proper evidence was submitted to the jury to justify the finding of Saldano’s future dangerousness, the infusion of race as a factor for the jury to weigh in making its determination violated his constitutional right to be sentenced without regard to the color of his skin.

The Supreme Court vacated Victor’s death sentence and remanded the case. The Texas Court of Criminal Appeals for the second time upheld the death sentence, again in large part because Victor’s trial attorney had not objected to the psychologist’s testimony concerning race. The U.S. District Court for the Eastern District of Texas, however, found that the introduction of Victor’s race as a basis for future dangerousness was constitutional error that could be considered even if waived by trial counsel. The district court granted habeas relief, and its decision was upheld by the Fifth Circuit Court of Appeals. Soon after, the Texas legislature passed a law banning the use of such testimony in future cases. Six other men in Texas were sentenced to death based on similar “expert” testimony.
“If justice is perverted when a criminal defendant seeks to buy testimony from a witness, it is no less perverted when the government does so. . . . The judicial process is tainted and justice is cheapened when factual testimony is purchased, whether with leniency or money.”
– U.S. v. Singleton, 144 F.3d 1343 (10th Cir. 1998)

“From social science research to the review of actual police lineups, from laboratory experiments to DNA exonerations, the record proves that the possibility of mistaken identification is real. Indeed, it is now widely known that eyewitness misidentification is the leading cause of wrongful convictions across the country.”

Michael Toney—Represented by O’Melveny & Myers LLP

On September 2, 2009, the Texas Attorney General’s Office agreed to release Michael Toney, nine months after his conviction and death sentence were overturned by the Texas Court of Criminal Appeals based on evidence that the District Attorney’s Office withheld exculpatory evidence from Michael’s defense counsel.

Michael was convicted of a 1985 briefcase bombing that killed three people in a mobile home. His trial occurred in 1999, 14 years after the bombing. He was first implicated when another inmate, Charles Ferris, claimed that Michael had confessed while being held on unrelated charges. No physical evidence tied Michael to the crime, and the only evidence connecting him to the bombing came in the form of statements from two witnesses, which were later found to be inconsistent and highly suspect.

Michael’s own account reveals that his alleged “confession” to Ferris was nothing more than an ill-conceived attempt to help Ferris avoid prosecution. Ferris told Michael that the police wanted him to implicate someone in a bombing. Michael told Ferris to give the police his name, reasoning that he could not possibly be prosecuted for a crime that had occurred while he was incarcerated. Michael later learned that the crime
was one that had occurred 13 years earlier. Even though Ferris quickly recanted his statement, Michael was prosecuted and convicted.

In 2007, the Project recruited the law firm O’Melveny & Myers to represent Michael in his federal habeas proceedings. Prosecutors were unable to find any physical evidence connecting Michael to the bombing, but they relied on the testimony of his ex-wife and his former friend. The friend’s testimony was suspect even at trial—he could not answer any questions without first consulting a prepared statement. O’Melveny & Myers later discovered that the State had failed to disclose at least 14 documents showing that the prosecutors were aware of serious inconsistencies between the statements of the ex-wife and friend and that police may have written the witnesses’ accounts for them. The District Attorney’s Office, contrary to usual practice, acknowledged that it withheld exculpatory evidence from defense attorneys and recused itself from Michael’s case. The Texas Attorney General then filed a motion to dismiss the case.

Tragically, one month after he was released, Michael was killed in a car accident. One of his friends later wrote that Michael “packed a lot of living into the last month of his life beyond bars.” During his first weekend of freedom, he was able to reunite with his daughter and grandchildren. With the assistance of his longtime supporters from France, he was able to purchase a plot of land with a cabin. He adopted a dog from an animal shelter, purchased a pickup truck, and was working on painting his house.

Another friend wrote after his death: “Michael really enjoyed living out in the country, and he was a country boy at heart. His future looked very promising.”

Crosley Green—Represented by Crowell & Moring LLP

Crosley Green has spent more than two decades in prison for a crime he insists he did not commit. Volunteer attorneys from Crowell & Moring have represented Crosley through multiple stages of his case, first providing life-saving representation that removed him from death row and continuing to provide representation as he seeks to clear his name.
In 1990, Crosley was convicted by an all-white jury of kidnapping and killing Chip Flynn of Titusville, Florida, and was sentenced to death by a vote of eight to four. Before trial, the State offered Crosley a plea that would have spared his life, but he refused to take it, insisting that he would not admit to something he did not do.

A team of pro bono investigators, along with the attorneys from Crowell, reinvestigated the case. Several of the State’s major witnesses against Crosley have now recanted. In addition, eight witnesses have come forward to support Crosley’s alibi. The sole eye witness who testified against Crosley was the victim’s former girlfriend. She picked Crosley out of a photo lineup where his picture stood out as smaller and darker than all the others. Her ability to identify Crosley was suspect given that the crime happened at night in an area that was not well-lit. Responding police officers initially suspected her of committing the crime, but the State failed to disclose this information to defense counsel. The details in her testimony changed over time and did not match the physical evidence—for example, she claimed that “the black guy” climbed in and out of the victim’s car several times, but Crosley’s fingerprints were never found at the scene, and the police found no other physical evidence to connect him to the crime. One juror has now come forward to say that her testimony at trial sounded like “a made-up story.”

Three other witnesses who claimed that Crosley confessed to them have now recanted. One of those witnesses, Crosley’s sister, says that she testified against her brother with the hope of receiving leniency for drug charges she was facing at the time.

Crosley may soon have the opportunity to present all of this evidence at a new trial thanks to Crowell’s steadfast commitment to vindicating his claim of innocence. Crowell won a challenging procedural victory in the U.S. Court of Appeals for the Eleventh Circuit, which cleared the way for consideration of the merits of Crosley’s claims. On remand to the U.S. District Court for the Middle District of Florida in July 2018, a federal judge granted habeas relief to Crosley due to the State’s failure to disclose
potentially exculpatory evidence in violation of Brady v. Maryland. The court gave the State 90 days to retry Crosley or release him from custody.

Crosley’s struggle to overcome unreliable testimony and clear his name may finally be reaching its end; fortunately, with Crowell & Moring by his side, he did not have to face this fight alone.

Ivan Teleguz—Represented by Kirkland & Ellis LLP

In 2017, Kirkland & Ellis and the Virginia Capital Representation Resource Center won a rare grant of clemency for Ivan Teleguz, who was sentenced to death for the murder-for-hire of his ex-girlfriend, Stephanie Sipes. Because his attorneys were able to argue persuasively that false information had played a large role in the jury’s sentencing decision, Virginia Governor Terry McAuliffe commuted his death sentence to life without parole, noting that “the sentencing phase of Mr. Teleguz’s trial was terribly flawed and unfair.”

In his clemency application and throughout his legal appeals, Ivan was able to demonstrate that a considerable amount of the evidence used against him at trial was false. For example, Ivan’s codefendants testified that they murdered Sipes at Ivan’s request because they were afraid of Ivan’s ties to the Russian mafia. Though evidence showed that the prosecutor knew that Ivan did not have any ties to the Russian mafia—and no other evidence was presented to support that contention—the testimony was nevertheless submitted to the jury. On direct appeal, the Virginia Supreme Court determined that the trial court corrected any prejudice that may have resulted from these comments by instructing the jury to consider them as evidence of the witnesses’ states of mind, rather than for their truth value. At the punishment phase of trial, testimony was admitted suggesting that Ivan had been involved in a separate homicide that occurred outside of an Ephrata, Pennsylvania recreational center. However, later investigation by Ivan’s counsel revealed that this homicide—which was used to support the state’s contention that Ivan should be put to death—never actually happened. Ivan’s post-conviction counsel failed to challenge this evidence in their initial appeal, however, and so the federal courts deemed this claim procedurally defaulted.

Finally, during closing arguments at trial, the prosecutor suggested that, in light of the ties to organized crime, Ivan could simply pick up the phone in prison and order more people killed. In their legal appeals and
Clemency application, Ivan’s attorneys highlighted the prejudicial impact the whole of this false testimony must have had on the jury. For example, during deliberations, a juror asked the bailiff if Ivan would have access to her personal information. The judge sent back a note to the entire jury stating that Ivan’s attorney had the whole jury’s contact information and failed to reassure the jurors that Ivan himself would not gain personal access to it. Soon after this question was answered, the jury returned a death sentence.

On review, the Virginia Supreme Court found the implications in the closing arguments justified and ultimately not prejudicial. The court reasoned that because Ivan was on trial for murder-for-hire, the nature of that crime alone was enough to justify any argument that he would pose a future danger from prison, regardless of the supposed ties to organized crime or the unadjudicated Ephrata homicide. The court declined to consider the potential prejudicial impact of the judge’s response to the juror’s question during deliberations, because the claim was deemed procedurally defaulted.

Nevertheless, Ivan sought review of his defaulted claims in the federal courts under an exception that excuses procedural default where a prisoner can show that he is likely “actually innocent” of the crime at hand. Over the course of his appeals and the post-conviction investigation, Ivan’s attorneys had received recantations from the witnesses who testified against him at trial. During an evidentiary hearing in district court, however, the recanting witnesses failed to appear, thereby failing to establish the evidence of “actual innocence” needed to overcome the procedural default of the other significant claims in the case. Ultimately, in 2017, an execution date was set for Ivan, and his attorneys ramped
up their clemency advocacy focusing both on his potential innocence and the wealth of false information that had been used to sentence and convict him.

In a rare public appearance concerning a clemency request, Governor McAuliffe held a press conference to announce his decision to commute Ivan’s sentence. After reviewing the evidence presented in Ivan’s clemency application—which included a discussion of the procedurally defaulted claims that were never actually considered by the courts—McAuliffe stated that “American values demand that every person, no matter their crime, be given due process of law. In this case, we now know that the jury acted on false information and it was driven by passions and fears raised, not from actual evidence introduced at trial, but from inference. To allow a sentence to stand based on false information and speculation is a violation of the very principles of justice our system holds so dear.” Ivan was one of only two prisoners to receive a commutation of a death sentence under former governor McAuliffe.
“From the beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law. This noble ideal cannot be realized if the poor man charged with a crime has to face his accusers without a lawyer to assist him.”

– Gideon v. Wainwright, 372 U.S. 335 (1963)

“People who are well represented at trial do not get the death penalty. I have yet to see a death case among the dozens coming to the Supreme Court on the eve-of-execution stay applications in which the defendant was well represented at trial.”

– U.S. Supreme Court Justice Ruth Bader Ginsburg

Kevin Wiggins—Represented by Jenner & Block LLP

In 1989, Kevin Wiggins was convicted of murder and sentenced to death by a jury in Baltimore County, Maryland. Kevin’s counsel provided woefully inadequate representation, and the jury reached its sentencing decision without ever hearing the truth about the horrific abuse Kevin suffered throughout his life. For 12 years, a team of volunteer attorneys from Jenner & Block, led by partner Donald B. Verrilli, Jr., worked to correct this injustice and provide Kevin with a voice so that the courts might finally hear his story. In 2004, following a victory at the United States Supreme Court, Jenner & Block succeeded in negotiating a plea agreement that allowed Kevin to leave death row and go to a state mental health and rehabilitation facility where he could immediately apply for parole.

In 2003, the Supreme Court issued a landmark opinion finding that Kevin received ineffective assistance of counsel at his original trial when his attorneys failed to find and present powerful mitigating evidence of childhood neglect and abuse. Court documents and social services records revealed Kevin’s mother as a chronic alcoholic who often left Kevin and his siblings at home for days, forcing them to beg for food and eat paint chips and garbage. When she was home, Kevin’s mother would
beat the children with belts, straps, and even furniture for breaking into the kitchen, which she often kept locked. She had sex with men while the children slept in the same bed and placed Kevin’s hand on a hot stove burner as punishment; Kevin had to be hospitalized as a result. Kevin was placed in foster care at the age of six, and the abuse continued. Two foster mothers abused him, and a foster father repeatedly molested and raped him. Because of the abuse, Kevin lost interest in eating and was again hospitalized, this time for malnourishment. At the age of 16 with nowhere else to go, Kevin ran away from his foster parents and began living on the streets. Kevin continued to face abuse after leaving the foster care system and entering the Job Corps program, where he was sexually abused by his supervisor.

In its opinion authored by Justice Sandra Day O’Connor, the Supreme Court said:

The only significant mitigating factor the jury heard was that Wiggins had no prior convictions. Had it been able to place his excruciating life history on the mitigating side of the scale, there is a reasonable probability that at least one juror would have struck a different balance.

Kevin’s story would have remained unheard if not for the years of dedicated pro bono work by the attorneys at Jenner & Block. Kevin’s case has now been cited in more than 5,000 other court opinions.

Saharris Rollins—Represented by Duane Morris LLP

The U.S. District Court for the Eastern District of Pennsylvania granted penalty phase relief on July 29, 2005, to Saharris Rollins, who was jointly represented by Duane Morris LLP and the Philadelphia Federal Defender’s Capital Habeas Unit. The court found that Saharris’s trial counsel failed to investigate and present mitigating evidence about Saharris’s background, which denied him his Sixth Amendment right to the effective assistance of counsel. Among the information that counsel failed to uncover was the abuse Saharris suffered as a child,
the trauma from experiencing the deaths of virtually all close family members, and the existence of brain damage and psychiatric disorders. Not only did trial counsel fail to uncover these key facts, he failed to prepare for sentencing in any meaningful way. During their investigation, Duane Morris attorneys discovered that trial counsel did not begin to prepare mitigation evidence until 4:30 p.m. on the day before the penalty proceedings commenced.

Saharris has four children and has been described as a very loving and supportive father. His own childhood and interactions with his father were, unfortunately, much different. Saharris grew up in a home with a very abusive father and remembers seeing his mother abused. She eventually left, promising to return for him, but she never did. Saharris grew up in poverty and left school in the 10th grade so he could earn money to help with bills. He suffered many tragic losses in his life: first, the accidental drowning of his brother; followed by his mother, who lost a battle to cancer a few years later; his second brother, who was shot and killed; and finally his father. After his second brother’s death, Saharris became very introverted, dressing all in black and not taking care of himself physically and mentally.

Saharris suffered at least three significant head injuries, starting when he was about 10 years old. A clinical psychologist found that at the time of the killing, Saharris “had suffered from severe psychological and physical trauma that had a profound effect on his mental state, character and ability to respond appropriately in stressful situations.” The court found that had counsel presented this evidence to the jury, Saharris might not have been sentenced to death.

Saharris was the 20th Pennsylvania death row inmate to win state or federal post-conviction relief with the pro bono assistance of a private law firm.

Joe Lee Guy—Represented by Dorsey & Whitney LLP

Joe Lee Guy was convicted of capital murder for his role as the unarmed lookout during a convenience store robbery in 1993. The two gunmen received life sentences while Joe, who had remained in the car, was sentenced to death. At trial, Joe was represented by a court-appointed attorney who had been disciplined by the state bar more than a dozen times. Volunteer attorneys at Dorsey & Whitney took on Joe’s case
in 2000 and discovered the shocking number of problems associated with trial counsel’s performance.

The attorney’s performance at Joe’s trial was severely impaired by substance abuse. His secretary later reported that he had used cocaine on the way to court. Counsel’s performance also reflected his abysmal preparation: he hired an unlicensed investigator who befriended the victim’s mother and coached her through her testimony against Joe. The investigator later became the beneficiary of her $750,000 estate.

Dorsey & Whitney discovered significant evidence that would have been uncovered if a reasonable investigation had occurred at trial. With an IQ of 77, Joe was described as a compliant and simple man. He did not have a violent history and was traumatized by the frequent abuse of his mother during his childhood. School children would often throw pennies at Joe for entertainment, his abusive and drug-addicted mother would often leave Joe and his sister to take care of themselves, and his father, an alcoholic, was murdered. While the defense investigator failed to find any witnesses who could provide this information, Dorsey & Whitney attorneys located more than 50 witnesses who helped tell Joe’s story.

Joe had more support from the officials who prosecuted him than from his own defense attorney. Under Texas law, a majority of the state trial officials together may petition for clemency. Dorsey drafted a clemency petition and persuaded the prosecutor, current trial judge, and current and former sheriffs to sign. The statement they submitted said: “The facts of this case are unprecedented and have made clear to us that Guy’s death sentence should not stand.” The Texas Board of Parole and Pardons voted 15-0 to recommend clemency for Joe, but Governor Perry refused to act on the recommendation.

In June 2004, the U.S. District Court for the Northern District of Texas vacated Joe’s death sentence, finding that he received ineffective assistance of counsel when the investigator “transitioned from defense investigator to mercenary” during the course of trial preparation. Later that year, Joe was resentenced to life without parole.
Charles Ross—Represented by Maslon Edelman Borman & Brand LLP

In 2007, the Supreme Court of Mississippi reversed the conviction and death sentence of Charles Ross based on the cumulative effect of multiple errors, including trial counsel’s failure to properly present information about Charles’s psychological problems.

Charles was convicted and sentenced to death for robbing and killing Hershell Yancey. Several people who lived in the trailer where Yancey’s belongings were found testified against Charles, although these witnesses’ statements were inconsistent. Charles denied involvement in Yancey’s death and suggested that the witnesses against him were the actual killers. The police determined that fingerprints found at the scene of the crime did not match Charles but failed to test the prints against any of the other witnesses. The detective said he thought that defense counsel “was going to take care of that” and “there was no reason to suspect any of them because to our knowledge and all, they were assisting us.”

During post-conviction proceedings, volunteer counsel from Maslon Edelman Borman & Brand also discovered a number of mitigating factors that were not properly presented to the jury, including accounts of physical and sexual abuse, possible alcoholism, accounts of visual and auditory hallucinations, the deaths of Charles’s ex-wife and four young children in a car accident, and the brutal murder of his sister. At the time he was arrested, Charles was taking anti-psychotic medication and medication for depression. Trial counsel did not investigate Charles’s mental health, instead relying on Charles’s assertion that he “wasn’t crazy.”

Defense counsel also failed to properly investigate Charles’s prison record. His counsel superficially asserted in opening statements that Charles had been a “good prisoner” since his arrest. In doing so, counsel opened the door for the State to introduce Charles’s previous bad acts into evidence, casting Charles as unrepentant, a habitual criminal, and a danger to society. The court found that this error, combined with trial counsel’s failure to properly present Charles’s psychological problems, deprived him of a fair trial. The court expressed particular concern about trial counsel’s poor representation because the evidence against Charles was “not overwhelming.” The court said, “[i]n death penalty cases, all genuine doubts about the harmlessness of error must be resolved in favor of the accused because of the severity of the punishment.” At his retrial, Charles was sentenced to life without parole.
“No social advance rolls in on the wheels of inevitability. It comes through the
tireless efforts and persistent work of dedicated individuals.”
– Martin Luther King, Jr.

Steve Roach—Represented by Patton Boggs LLP

On January 13, 2000, 23-year-old Steve Roach of Virginia was executed for killing his elderly female neighbor. Steve was just 17 at the time of the shooting—the first and only violent crime he ever committed. Attorney Steven Schneebaum and a team of lawyers at his firm, Patton Boggs, fought courageously for Steve’s life in his habeas corpus appeals to the U.S. District Court, the Fourth Circuit, the United States Supreme Court, and finally in a clemency plea to Governor James Gilmore.

Like many death row prisoners, Steve had a difficult and abusive home life as a child. Unlike many other people sentenced to death, however, he had no history of violent crime. His criminal record consisted of two counts of “joy riding” and burglarizing an unoccupied house. He was not tried as an adult for any of these offenses and had no felony convictions on his record. Remarkably, the sole aggravating factor in Steve’s capital case was “future dangerousness” based on his “four felony convictions,” which did not, in fact, exist. The factual inaccuracy and logical flaws of this reasoning did not prevent it from being relied upon by every decision maker from the Virginia Supreme Court to Governor Gilmore.

Steven Schneebaum and his colleagues at Patton Boggs went to great lengths to show that Steve was far from the “worst of the worst.” He was not a career felon, nor was he irredeemable and deserving of death.
Rather, Steve was an emotionally immature 17-year-old boy from a troubled background with a handful of non-violent offenses on his record. In a single, terrible moment, he killed a friend, something entirely out of character and an act for which he accepted responsibility and expressed genuine remorse.

The courts and governor appeared to recognize these facts but were unwilling to stop the execution. Federal District Court Chief Judge Samuel Wilson stated numerous times in his opinion denying habeas relief that had he been on the jury, he would not have sentenced Steve to death. He claimed, however, that there was no legal basis for overturning the sentence. The governor’s staff met at length with Steve’s volunteer attorneys and seemed to indicate understanding of their arguments. Yet the governor ultimately denied clemency, inexplicably citing once again Steve’s “four felony convictions” and, perhaps most shockingly, claiming that “all rehabilitative efforts had failed.”

By the time of his execution, Steve had grown into a selfless young man whose last thoughts were of others. A statement released by his attorneys after the execution said in part:

Steve died without bitterness, but with a great deal of regret. He never understood what really happened in the instant in which he took the life of someone who loved him. And he was unable to grasp, even to his last breath, why we kill people to teach other people that killing people is wrong. The principal lesson he wanted his own death to communicate is that this makes no sense. Killing kids makes no sense, and it must be stopped.

Five years after Steve’s execution, the United States Supreme Court held in *Roper v. Simmons* that executing individuals who were under 18 at the time they committed their crimes violates the Constitution’s ban on cruel and unusual punishment. The Court’s decision followed significant national and international debate, scholarship, and legislative action, prompted by cases like Steve’s. While the Supreme Court’s decision came too late to save Steve’s life, his lawyers played a significant role in moving
public opinion to the point where executing juveniles was no longer acceptable to our society.

**Roper v. Simmons**

Many volunteer attorneys made outstanding contributions that resulted in the end of the juvenile death penalty in *Roper v. Simmons*. Pro bono counsel from WilmerHale, led by partner Seth Waxman, represented Chris Simmons in his arguments before the United States Supreme Court. Other volunteer attorneys wrote amicus briefs in support of Chris, including those from Skadden Arps, who authored an amicus brief on behalf of the American Bar Association. Last, but certainly not least, many volunteer attorneys represented death row prisoners who were under the age of 18 at the time of their offenses. The efforts of these attorneys to obtain stays of execution and preserve appeals were instrumental in allowing their clients to benefit from the Court’s decision. The Court’s ruling affected 72 juvenile offenders in 12 states. Below are the names of some of the individuals saved by the decision in *Roper v. Simmons* and the volunteer law firms who represented them:

- **Maura Barraza** (Texas) – Represented by Jenner & Block LLP
- **Roderick Eskridge** (Mississippi) – Represented by Oppenheimer Wolff & Donnelly LLP
- **Exzavious Gibson** (Georgia) – Represented by King & Spalding LLP
- **Derek Guillen** (Texas) – Represented by Clark Hill PLC
- **Cedric Howard** (Louisiana) – Represented by Covington & Burling LLP
- **Matthew Hyde** (Alabama) – Represented by Arent Fox LLP
- **Larry Jenkins** (Georgia) – Represented by Davis Polk & Wardwell LLP
- **Kenny Loggins** (Alabama) – Represented by Paul Weiss LLP
Debunking Junk Science

“Reliable forensic evidence increases the ability of law enforcement officials to identify those who commit crimes, and it protects innocent people from being convicted of crimes they didn’t commit. . . . Because it is clear that judicial review alone will not cure the infirmities of the forensic science community, there is a tremendous need for the forensic science community to improve.”
– Harry T. Edwards, Chief Judge Emeritus of the U.S. Court of Appeals for the District of Columbia Circuit

Kenneth Richey—Represented by Goodwin Procter LLP

In October 1993, Goodwin Procter agreed to represent Kenneth Richey, a dual citizen of Britain and the United States who was on death row in Ohio. Ken was convicted of aggravated murder for the death of a two-year-old girl by arson. As the only Briton on death row in the United States, Ken gained international attention. In late 2007, after nearly 15 years of post-conviction battles, volunteer attorneys from Goodwin Procter secured his release, and he was able to return home.

The scientific evidence at Ken’s trial was highly suspect. During trial, the State entered into evidence six samples of debris from the fire that were likely contaminated by improper collection procedures. Post-conviction investigation revealed that the fire marshal’s office had allowed the building’s owners to clean up the apartment. As a result, the samples had to be retrieved from a garbage dump. Compounding these problems, the samples were placed in the parking lot of the sheriff’s department—about 40 feet from gasoline pumps—for three weeks before they were taken to the state arson lab for testing. These facts called into question the integrity of evidence from Ken’s trial. The evidence was doubly suspect given that no traces of accelerants were present on the clothing and boots that Ken wore or the bandage that covered his broken hand.

Volunteer attorney Kenneth Parsigian and his client, Ken Richey
In 1993, after the Ohio Supreme Court upheld Ken’s conviction in a 4-3 decision, Goodwin Procter agreed to represent Ken. They reinvestigated the crime and hired new scientific experts. Ken’s volunteer attorneys submitted an affidavit from a witness recanting her trial testimony that she had heard Ken threaten to burn down the apartment building. The witness also recalled in her affidavit how the girl who died in the fire often played with matches and lighters, once placing a lit cigarette between sofa cushions and twice setting fire to her bed. A specialist in fire reconstruction hired by Ken’s volunteer attorneys testified that the burn pattern at the apartment could have resulted from a fire that occurred accidentally and that the state fire marshal’s theory was not supported by the physical evidence.

The U.S. Court of Appeals for the Sixth Circuit found that the court-appointed attorneys who represented Ken at trial were ineffective and that there was evidence they could have presented that the fire was accidental rather than intentionally set. The State’s scientific evidence went unchallenged at trial because Ken’s attorney hired an expert who had no accreditations in arson or fire investigations and who failed to perform any independent testing of the samples. The trial attorney also failed to interview or cross-examine the fire marshal when he testified for the prosecution. The court ordered the State to either retry Ken or release him.

Rather than retrying Ken, the State offered a plea of no-contest to charges of involuntary manslaughter, child endangering, and breaking and entering, and Ken was sentenced to time already served. He was released from prison and returned home to Scotland after 20 years on death row. He continues to maintain his innocence.
Justin Wolfe—Represented by King & Spalding LLP

The Project recruited King & Spalding in 2005 to represent Virginia death row prisoner Justin Wolfe during his post-conviction proceedings. On July 12, 2011, after six years of extraordinary efforts on Justin’s behalf, King & Spalding secured a reversal of Justin’s conviction and sentence from the U.S. District Court for the Eastern District of Virginia. The court ruled that Justin’s constitutional rights were violated in several ways, including denial of his right to due process under the Fourteenth Amendment and denial of his Sixth Amendment right to an impartial jury.

Justin Wolfe (left) with friends

Justin was convicted of participating in a “murder-for-hire” scheme. The State argued that Justin hired a man named Owen Barber to kill another man, Daniel Petrole, in connection with a drug deal. Mr. Barber was the prosecution’s main witness, providing the key evidence linking Justin to Mr. Petrole’s death. The State argued that Barber did not know Petrole and that his only possible motive for killing Petrole was his deal with Justin. During their representation, King & Spalding uncovered evidence that the State knew this theory to be false. The State withheld evidence that Barber did in fact have personal dealings with the victim, that Petrole put a “hit” on Barber, and that the two associated socially. The
court found that, by withholding this evidence, the State interfered with defense counsel’s impeachment of Barber’s essential testimony. The State also withheld evidence that: 1) a detective told Barber that implicating Justin could mean the difference between execution and life in prison; and 2) Barber told others that he “acted alone” when he killed Petrole.

At a post-conviction evidentiary hearing conducted by King & Spalding, Barber recanted his testimony implicating Justin and admitted that he lied to the jury about Justin’s involvement in order to avoid the death penalty for his own involvement in the crime. The court found that the prosecution’s use of Barber’s false testimony was grounds for habeas relief. In addition to overturning Justin’s conviction and sentence, the court strongly condemned the State’s behavior in Justin’s case, saying “[t]he Court finds these actions not only unconstitutional in regards to due process, but abhorrent to the judicial process.”

Larry Lee—Represented by Ford & Harrison LLP

In 1987, a Georgia jury convicted Larry Lee of killing a couple and their teenage son and sentenced him to death. More than 20 years later, volunteer attorneys from Ford & Harrison succeeded in overturning his sentence. The court’s order condemned both the State’s case and the performance of Larry’s trial attorney, saying “[n]ot only was the state’s evidence in this case ‘thin,’ but what is more devastating is that trial counsel’s preparation for and performance in the penalty phase is even ‘thinner,’ the investigation and preparation being nonexistent.” The attorney general chose not to appeal the decision.

The 200-page opinion reprimanded the State for the “full spectrum of prosecutorial misconduct” in the original trial, including withholding information and presenting arguments that prosecutors “knew or should have known were untrue.” Judge McCorvey called the trial case against Larry “flimsy” and “weak,” noting there was no forensic evidence that pointed to Larry as one of the perpetrators in the murders. Larry was convicted solely on the testimony of a jailhouse snitch and Sherry Lee, his brother’s wife and the getaway driver, who was granted immunity. Prosecutors failed to disclose that the jailhouse informant, a convicted burglar, had been previously rewarded several times for testifying against other defendants. In exchange for his testimony, the informant was transferred from prison to the more comfortable county jail and granted special privileges. Ms. Lee’s testimony was also suspect. She denied knowing about the killings multiple times, but these prior
statements were never made available to defense attorneys. Ms. Lee’s later inconsistent statements implicating Larry were made after she was granted immunity and told that she would be eligible for a $25,000 reward if she cooperated.

Larry’s volunteer counsel from Ford & Harrison were instrumental in exposing the state’s misconduct and the fundamental injustice of Larry’s trial. The court wrote: “Fairness cannot be stretched to the point of calling this a fair trial.”

Ricardo Aldape Guerra—Represented by Vinson & Elkins LLP

Ricardo Aldape Guerra spent 15 years on Texas death row before he received habeas relief in 1995 and returned to Mexico with the help of volunteer attorney Scott Atlas and Vinson & Elkins. Ricardo was 20 years old at the time of the crime and had only been in the country for two months before he was arrested for the murder of a Houston police officer. The U.S. District Court for the Southern District of Texas opinion granting relief is filled with troubling descriptions of police and prosecutorial misconduct, ranging from intimidating witnesses at gunpoint to using false evidence at trial.

On the night of the crime, police transported several witnesses who were minors to the police station and held them for questioning until 6:30 the next morning. Most of the witnesses spoke little English and lacked a formal education. There were several reports of mistreatment of witnesses. One woman testified that a police officer threatened to take away her infant daughter unless she cooperated with them. Another woman, who was in her home at the time of the shooting and did not witness the events, was handcuffed and taken barefoot to the police station where the police did not remove the handcuffs until two hours later. There were reports of police officers yelling and entering the homes of residents in the area, forcing the occupants to go outside, pointing guns at their heads, and forcing them to the ground while police searched their homes. Officers threatened to revoke the parole of another woman’s husband if she did not comply with their demands.

The court also found that police used improper identification procedures in an effort to manipulate the witnesses’ statements and testimony, including allowing witnesses to see Ricardo in handcuffs on several occasions while they were waiting to view the lineup and permitting the witnesses to talk about and discuss identification before, during, and after
the lineup. Before the police line-up, many of the witnesses described another man, Roberto Carrasco, as the shooter. Carrasco was at the scene of the murder with Ricardo and was killed during a shoot-out with police. After the lineup and learning that Carrasco was dead, several witnesses then gave different testimony alleging that Ricardo was the shooter. One witness spent most of her time in the hallway talking to child witnesses, encouraging them to identify Ricardo as the shooter. At one point, she told them that Mexicans only came to the United States to commit crimes and take jobs away from Americans.

Police officers and prosecutors failed to record statements by witnesses, fully investigate the case, and share information with the defense that would have shown that Ricardo was not the shooter. During trial, prosecutors knowingly used false testimony. The prosecutor told four jurors during voir dire that Ricardo was an “illegal alien” and that this was something the jurors could consider when deciding his sentence.

Writing the opinion granting Ricardo relief, Judge Hoyt stated in his conclusion:

The police officers’ and the prosecutors’ actions described in these findings were intentional, were done in bad faith, and are outrageous. These men and women, sworn to uphold the law, abandoned their charge and became merchants of chaos. It is these type [of] flag-festooned police and law-and-order prosecutors who bring cases of this nature, giving the public the unwarranted notion that the justice system has failed when a conviction is not obtained or a conviction is reversed. Their misconduct was designed and calculated to obtain a conviction and another “notch in their guns” despite the overwhelming evidence that Carrasco was the killer and the lack of evidence pointing to Guerra.

Quintez Wren Hodges—Represented by Skadden, Arps, Slate, Meagher & Flom LLP

In September 2010, U.S. District Judge Michael P. Mills set aside the sentence of Mississippi Death Row prisoner Quintez Wren Hodges based on evidence of prosecutorial misconduct and ineffective assistance of counsel.

During the sentencing phase of Quintez’s trial, the State relied heavily on a theory that Quintez lacked remorse and had previously been given
leniency in connection with a past charge involving the mother of the
victim in his capital case. Both Quintez and his mother were questioned by
the State about whether Quintez had received leniency in the prior case,
and both denied that such a thing had ever occurred. The State then called
former Assistant District Attorney James Kitchens, Jr. Kitchens testified
that the victim in the prior case, who was also the mother of the victim in
the capital case, had pleaded with prosecutors for leniency on Quintez’s
behalf, and as a result he asked the court to give Quintez a reduced
sentence. The prosecutors in the capital case used this testimony to paint
a picture of Quintez as “a remorseless liar who was shown kindness that
he refused to acknowledge and which he repaid by murdering the son of
the woman who extended it.”

In 2006, the Project recruited a team of volunteer attorneys from Skadden,
Arps, Slate, Meagher & Flom to represent Quintez in his post-conviction
proceedings. These attorneys conducted a thorough investigation of the
case and discovered that Kitchens’ damning testimony was blatantly
false. Transcripts from the prior case showed that the prosecution made
no recommendation about Quintez’s sentence, and further, there was no
record in the transcript that the victim had requested leniency for Quintez
or that Kitchens was even involved with the plea negotiations.

After Skadden attorneys presented this evidence at a hearing, the district
court found that Kitchens provided testimony that was “factually at odds
with what is contained in the record” and further that prosecutors knew
or at the very least should have known his testimony to be untrue, since
the earlier case was prosecuted by the same office. The court condemned
the State’s actions in Quintez’s capital trial and reversed his sentence,
saying:

In this instance, the State, seemingly unconcerned with the
accuracy of the testimony to be given in a trial where the result
could be death, provided the jury with false information. . . . In light
of these facts, this Court concludes that there exists a reasonable
probability that this testimony affected the jury’s judgment.
Confidence in the verdict has been undermined by the State’s
actions, there has been no demonstration that the error did not
contribute to Petitioner’s death sentence, and Petitioner is entitled
to relief . . . .

While Quintez’s appeals were pending, Kitchens was appointed to
the bench; today he is a circuit judge in the 16th judicial district in
Mississippi.
On April 21, 2009, the U.S. District Court for the Northern District of Alabama vacated Kenneth Glenn Thomas’s death sentence. In a 126-page court opinion, the court found that Kenneth was intellectually disabled and ordered that the circuit court resentence him to a term of life imprisonment without the possibility of parole.

Attorneys from Sonnenschein Nath & Rosenthal (now Dentons) volunteered to represent Kenneth in his post-conviction proceedings and were able to demonstrate the profound deficiencies in Kenneth’s intellect and adaptive functioning. With an IQ of 56 at 9 years old, Kenneth spent his school years in special education classes. He was described as being less mature than persons of his own age, gullible, and easily influenced by others. As a child, Kenneth lacked the ability to complete basic household chores such as using a vacuum cleaner or washing and drying dishes. As a young adult, he was unable to write checks, often relying on strangers to fill them out for him.

Kenneth was the third of nine children, and his family was so socially and economically deprived that “even the poor people called them dirt poor.” He changed homes frequently, living with his parents, foster parents, his mother, and acquaintances in Alabama and Texas. Kenneth was exposed to alcoholism, criminal activity, and domestic violence at a young age. His family was often

“As a child, Kenneth lacked the ability to complete basic household chores such as using a vacuum cleaner or washing and drying dishes.
unable to provide adequate food, clothing, and shelter. Kenneth’s father taught him how to steal and engage in other illegal activities. He would often take Kenneth with him to commit theft and arson.

One year after the district court issued its opinion, the decision was affirmed by the 11th Circuit Court of Appeals, the second such case in two years for an Alabama death row prisoner.

Abelardo Arboleda Ortiz—Represented by Amy Gershenfeld Donnella, Supported by Concerned Experts in Intellectual Disability, assisted by Steven M. Schneebaum P.C.

On January 17, 2017, President Barack Obama commuted Abelardo Arboleda Ortiz’s federal death sentence to life without parole. While President Obama did not announce a reason for granting clemency, Abelardo’s petition centered on a claim of intellectual disability. Amy Gershenfeld Donnella, a senior attorney with the Federal Capital Habeas Project, represented Abelardo and reached out to the Project for assistance during his appeals to help educate the courts about the inherent unreliability of unscientific methods for assessing intellectual disability.

Abelardo, a citizen of Colombia, was convicted in 2000 of capital murder under the Federal Death Penalty Act, along with three codefendants who were all involved in a drug trafficking ring. The four men were accused of shooting and killing a man named Julian Colon, who was a close acquaintance of the leader of the drug ring, Edwin Hinestroza. Mr. Hinestroza believed that Mr. Colon had robbed him of $240,000 in cash and enlisted Abelardo and two other men to help him retrieve it. Together they located Mr. Colon and his nephew, who was also suspected of involvement in the robbery, and took them to a house where Mr. Hinestroza ordered one of his associates to shoot Mr. Colon. The jury found that Abelardo was not in the room where the shooting took place, did not order the shooting, and did not participate in binding the victim. In addition, evidence of Abelardo’s involvement in the drug trade was minimal and the Government stipulated Abelardo had no prior criminal record. Nevertheless, Abelardo and the shooter, who has since died in prison, were both sentenced to death. Mr. Hinestroza and the other codefendant were sentenced to life in prison.
During post-conviction proceedings, evidence emerged that Abelardo was likely intellectually disabled and thus ineligible for execution. In support of this claim, he pointed to IQ scores ranging from 44 to 70 and the fact that he could not read or write in either Spanish or English. An expert for the Government contended, however, that these test scores were inaccurate because only a test normed exclusively on uneducated Colombians could provide his “true” IQ score. Under the guise of cultural sensitivity, she testified that she viewed Abelardo’s deficits as stemming from his lack of opportunity to learn, rather than deficits indicative of intellectual disability. She attributed his seeming adaptive failures as an adult to the “cultural” conduct of Colombians, testifying as an example that Colombians have a tendency to hide money in mattresses, rather than use banks. In light of this testimony, the district court found that Abelardo did not meet the criteria for intellectual disability and denied his claim.

The U.S. Court of Appeals for the Eighth Circuit refused to intervene and set aside the district court’s judgment, so Abelardo’s attorneys sought review from the U.S. Supreme Court. In support of Abelardo’s petition for a writ of certiorari, the Project recruited Steven M. Schneebaum P.C. as pro bono counsel to write an amicus brief on behalf of Concerned Experts in Intellectual Disability. That brief discussed the inherent problems with inflating IQ scores based on cultural stereotypes, and it affirmed the validity of the prior testing that showed Abelardo to be intellectually disabled. In response to the arguments made on Abelardo’s behalf, the U.S. Department of Justice hired an expert to evaluate the intellectual disability claim. After reviewing the record and additional evidence, the expert concluded that Abelardo did in fact meet the criteria for intellectual disability and was therefore legally exempt from the death penalty. In a brief to the U.S. Supreme Court, the DOJ then recommended that Abelardo’s sentence be commuted to life in prison without parole. Shortly after this recommendation was filed with the Court, President Obama granted clemency.

Jose Rivera—Represented by Vinson & Elkins LLP

On March 31, 2006, the U.S. District Court for the Southern District of Texas granted habeas relief to Jose Rivera. Disagreeing with the decision of the Texas Court of Criminal Appeals, the district court ruled that Jose was intellectually disabled. This finding was based on multiple factors, including Jose’s IQ test scores and educational history.
Jose was convicted of sexually assaulting and killing a young boy. There was no physical evidence connecting Jose to the crime; instead, he was convicted based on statements that both he and his codefendant made to investigators. The codefendant received a life sentence and later recanted her statement about Jose’s involvement, giving a detailed account of how she killed the boy on her own. Jose has long maintained that his “confession” was the result of beatings and coercion by the police.

Volunteer attorneys from Vinson & Elkins uncovered significant evidence of Jose’s intellectual disability, casting further doubt on the voluntariness and accuracy of Jose’s confession. Jose dropped out of school at age 17, having only reached ninth grade. At age 14, he was diagnosed as having attained a first-grade level of proficiency in reading, writing, and math. As an adult, Jose was found to be functioning at the level of a 10-year-old. He also had limitations in adaptive functioning. There was evidence that Jose was always wore unclean clothes, slept outside underneath his house, could not play games or read, consistently had academic problems, and was unemployed. The district court found that Jose displayed adaptive deficits prior to the age of 18 in the areas of self-care, social skills, home living, and functional academics.

Because he was found to be intellectually disabled, the court ruled that he could not be executed and ordered that he be resentenced to life without parole. The U.S. Court of Appeals for the Fifth Circuit affirmed the district court’s finding of intellectual disability, but it reversed on procedural grounds related to the timeliness of his petition for relief and remanded the case for further proceedings, which are ongoing. Even though the courts have concluded that he should be ineligible for execution based on his intellectual disability, Jose remains on death row today, and the fight to save his life continues.

Walter Bell—Represented by Graves Daugherty Hearon & Moody LLP

Walter Bell spent 29 years on death row before the Texas Court of Criminal Appeals reduced his sentence to life on the basis that he was intellectually disabled. At the time, Walter was Texas’s longest-serving death row prisoner and one of the longest-serving in the country.
Volunteer attorneys from Graves Daugherty Hearon & Moody conducted a lengthy investigation, discovering school records that dated back to 1963. Those records showed Walter’s IQ in the mid-50s, falling well below the generally accepted threshold for intellectual disability. He was in special education classes starting in the second grade. As an adult, Walter failed boot camp multiple times and was given an administrative discharge from the Marines. A forensic psychologist testified that Walter’s behavior following the crime also supported a finding of intellectual disability. For example, he called a cab from the scene of the crime without knowing the address. He also clumsily made a fake identification card to use when he tried to cash checks stolen from the victims.

The jury in Walter’s initial trial was prevented from hearing evidence of his intellectual disability. Thanks to the work of volunteer counsel, the courts were finally able to consider this evidence and, after doing so, they concluded that Walter was ineligible for execution. After spending nearly three decades on death row, Walter’s sentence was commuted to life in prison without the possibility of parole.
Teresa Lewis—Represented by Steptoe & Johnson LLP

Teresa Lewis, a Virginia woman convicted of hiring two men to kill her husband and stepson, was executed on September 23, 2010, after the Supreme Court rejected her final appeals and Virginia Governor Bob McDonnell denied repeated requests for clemency. Both gunmen in the case were given life sentences, while Teresa received the death penalty. As the first woman executed in the state of Virginia in nearly a century, Teresa’s case generated interest around the world.

Since the trial in 2002, new evidence about Teresa and the gunmen raised questions about whether she was fairly sentenced. Teresa’s IQ was tested to be about 70, placing her near the border where many states define mental retardation. In Atkins v. Virginia, the Supreme Court held that it was unconstitutional to execute an intellectually disabled individual, although states were left to set their own criteria for mental retardation. Teresa’s attorneys petitioned the courts and the governor to reconsider her sentence in light of her low intelligence and evidence that she had been manipulated by the gunmen, one of whom had admitted to being the mastermind in the killing.

Teresa’s attorney, James Rocap, a partner in the Washington, DC office of Steptoe & Johnson LLP, was recruited by the Project in 2004. Mr. Rocap called this case “one of the better examples of what is wrong with the death penalty.” He noted prior to her execution: “[U]p until October

“Because of the death penalty in Virginia, we have a remarkable individual who did not have any violent record at all being judged on her participation in one event in one day of her life.”
of 2002, Teresa had no record of any violent conduct at all. Since she went to prison, she has been not only a model prisoner, but she has a huge amount of remorse and has developed a prison ministry under very harsh conditions. . . . Because of the death penalty in Virginia, we have a remarkable individual who did not have any violent record at all being judged on her participation in one event in one day of her life.”

Although they ultimately could not save Teresa’s life, Steptoe & Johnson’s representation of Teresa was meaningful and important. The firm brought to light many of the problems with the administration of the death penalty and helped win individual support for Teresa. Equally important, Teresa found strength and comfort in knowing that she had a team of talented and dedicated attorneys fighting on her behalf.

Teresa’s last minutes were spent with Mr. Rocap and her spiritual advisor. The three held hands and sang hymns, and Mr. Rocap accompanied her to the execution chamber. In her last interview, given shortly before her execution, a reporter asked Teresa how she stayed positive given everything she had been through and with her execution only days away. She responded that she put her trust in her faith and in her lawyers, who not only helped her in legal matters but also served as a source of personal strength. According to Teresa, her volunteer attorneys were nothing less than “God-sent angels.”
Tommy Lee Waldrip—Represented by Drinker Biddle & Reath LLP

On July 9, 2014, the Georgia Board of Pardons and Paroles spared Tommy Lee Waldrip’s life, commuting his sentence of death to life without parole the day before he was set to be executed. Tommy had been on death row for more than two decades.

Volunteer attorneys from Drinker Biddle & Reath began working on Tommy Lee Waldrip’s case in 1997, three years after he was convicted and sentenced to death for the murder of Keith Evans. Tommy, his son, and his brother-in-law were all arrested for the murder of the 23-year-old college student, who was scheduled to testify against Tommy’s son in a pending retrial for armed robbery. While all three men were charged in connection with Evans’ murder, they were tried separately, and only Tommy was sentenced to death. Volunteer attorneys from Drinker Biddle took Tommy’s case after the Georgia Supreme Court rejected his direct appeal and the U.S. Supreme Court denied his petition for certiorari. As the team began work on Tommy’s initial state habeas petition, they discovered evidence calling into question the veracity of his involvement in the shooting, as well as evidence suggesting that police had continued to interrogate him even after he requested an attorney, in violation of his Fifth Amendment rights.

After being taken into custody on an unrelated offense, Tommy offered three separate confessions to Evans’ murder, but each confession was inconsistent. More importantly, the confessions were inconsistent with the evidence found at the crime scene. Although he was found competent to stand trial, Tommy is mentally ill, which attorneys feared made him more susceptible to falsely confessing to Evans’ murder to protect his son. Additionally, in state and federal habeas petitions, Drinker attorneys argued that the state had suppressed material evidence in violation of Brady v. Maryland, including evidence that the police had

“People are more than the worst thing they have ever done in their lives.”
– Sister Helen Prejean
violated Tommy’s Miranda rights by continuing to speak with him after he requested an attorney. While the State initially maintained that Tommy had never requested an attorney during interrogation, volunteer attorneys were eventually able to uncover documentary evidence that Tommy had, in fact, requested an attorney, but that police denied his request. This evidence was uncovered amid 10,000 pages of discovery that the district attorney’s office disclosed after a court order compelling production of the documents. Although Tommy’s attorneys alleged that the evidence indicating that Tommy had requested an attorney while in custody constituted favorable evidence that the state had suppressed, the state and federal courts disagreed that the suppressed evidence was prejudicial. That is, neither the state nor the federal courts found that, had the evidence suggesting Tommy requested an attorney been turned over to his defense team, it would have made a difference to the outcome at trial.

After the U.S. Supreme Court declined to review the denial of federal habeas relief, the state set a July 10, 2014 execution date. In Georgia, the only entity with the power to grant clemency is the state’s Board of Pardons and Paroles, which—unlike in many other states—acts without input or approval from the governor. Drinker Biddle and attorneys from the Georgia office of the Federal Public Defender advocated for Tommy before the Board, pointing to the likelihood that he had exaggerated his role in the crime to protect his son. They also argued that Tommy’s sentence was disproportionate since his son and brother-in-law both received life sentences rather than death for their involvement in the same crime. Finally, friends and relatives spoke to the Board, pleading for mercy. Although the Board did not publicize its reasons for granting clemency, the day before the scheduled execution, it announced its decision to commute Tommy’s sentence to life in prison without the possibility of parole. The Board’s decision represented a remarkable outcome after 17 years of dedicated advocacy by Drinker Biddle volunteer lawyers.

Robin Lovitt—Represented by Reed Smith LLP and Kirkland & Ellis LLP

In Virginia in 2005, Reed Smith agreed at the 11th hour to assist death row prisoner Robin Lovitt, whose execution was imminent. Reed Smith attorneys were asked to participate in Robin’s representation in 2005 by his long-time volunteer counsel, former federal Special Prosecutor and U.S. Solicitor General Ken Starr, then with the firm Kirkland & Ellis.
Reed Smith lawyers arranged a face-to-face meeting with Governor Mark Warner on the day of the scheduled execution. The governor granted the clemency petition, sparing Robin’s life.

Like many death row inmates, Robin had a troubled childhood. He grew up the eldest of twelve children in an abusive household where his alcoholic father would often beat him, his siblings, and his mother. One sister testified that her father randomly chose whom to molest when he came home drunk after work; another testified that she feared her first child had been fathered by him. Robin’s mother and stepfather used drugs, and Robin followed in their footsteps, drinking his first beer at five, smoking marijuana at seven, turning to speed and heroin as a teenager, and then PCP and crack cocaine.

“My soul wish is to have a fair trial in a unbias courtroom, and I believe that being a black man it should be at lest some black people on the jury. I don’t have a working knowledge of the law, so I’d really like to know what to do as well as how to go about doing it. . . . I pray everyday that someone somewhere will hear me and help me to make right this wrong . . . ”

Excerpt of letter from Robin Lovitt to the Death Penalty Representation Project

In 1998, Robin was convicted and sentenced to death for the killing of a pool hall manager in Arlington, Virginia. Robin admitted to being at the scene that night and participating in a robbery, but consistently maintained that he did not kill the victim. On appeal, volunteer lawyers exposed many glaring irregularities in Robin’s trial, including ineffective trial counsel, prosecutorial misconduct, questionable circumstantial evidence, inconclusive DNA tests, deliberate destruction of evidence, and suspect testimony from the sole eyewitness. The eyewitness told police that he only saw the killer for a few seconds and that he was not sure he could identify him. He also stated he was not 100% certain in his identification of Robin, and in an affidavit sent to the governor before
Robin’s clemency was granted, he told the governor that he did not want Robin to be executed because of his doubts.

Then, a court employee intentionally destroyed all the physical evidence while the case was on appeal, depriving Robin of any chance for exoneration through DNA testing. The courts, however, were unwilling to grant relief. The Fourth Circuit declared that, although the court employee made a “serious error in judgment,” Robin was not entitled to relief because he could not prove that the evidence was destroyed in “bad faith.” The Supreme Court subsequently refused to hear the case.

On November 29, 2005, Governor Warner granted clemency to Robin, citing concerns about the destruction of evidence. He said, “The actions of an agent of the Commonwealth, in a manner contrary to the express direction of the law, comes at the expense of a defendant facing society’s most severe and final sanction. . . . The commonwealth must ensure that every time this ultimate sanction is carried out, it is done fairly.” Robin is currently serving a sentence of life without parole.
Thank you to all of our volunteer firms!

Agins, Siegel & Reiner LLP
Akin Gump Strauss Hauer & Feld LLP
Alston & Bird LLP
Arent Fox LLP
Arnall Golden Gregory LLP
Arnold & Porter LLP
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
Baker & Hostetler LLP
Baker & McKenzie
Ballard Spahr LLP
Barran Liebman LLP
Bass Berry & Sims PLC
Bell Boyd & Lloyd LLC
Bingham McCutchen LLP
Blank Rome LLP
Boies, Schiller & Flexner LLP
Bradley LLP
Bryan Cave LLP
Buchanan Ingersoll & Rooney PC
Burnette & Kelley
Cadwalader, Wickersham & Taft LLP
Cantafio and Hardy-Moore
Capitelli & Wicker
Carlton Fields
Carrington, Coleman, Sloman & Blumenthal, LLP
Chadbourne & Parke LLP
Clark Hill PLC
Clifford Chance LLP
Cohen Kennedy Dowd & Quigley PC
Collins, Mesereau, Reddock & Yu LLP
Collora LLP
Cooley LLP
Covington & Burling LLP
Cowan Liebowitz & Latman, PC
Cozen O’Connor
Craighead Glick LLP
Crowell & Moring LLP
Curtis, Mallet-Prevost, Colt & Mosle LLP
Davis & Kuelthau
Davis Polk & Wardwell LLP
Davis Wright Tremaine LLP
Dechert LLP
deGravelles, Palmintier, Holthaus & Frugé
Dentons
Deutsch, Kerrigan & Stiles, LLP
Dickinson Wright PLLC
Dickstein Shapiro LLP
Dilip Vithlani Law Offices
Dinsmore & Shohl LLP
DLA Piper
Donahue Mesereau & Leids LLP
Dorsey & Whitney LLP
Downs Rachlin Martin PLLC
Drinker Biddle & Reath LLP
Dykema Gossett PLLC
Evans & Dixon, LLC
Feinberg & Kamholtz
Feldman Orlansky & Sanders
Fish & Richardson PC
Foley & Lardner LLP
Fox Rothschild LLP
Fredrikson & Byron PA
Fried, Frank, Harris, Shriver & Jacobson LLP
Fulbright & Jaworski LLP
Funk & Bolton, PA
Galloway, Johnson, Tompkins & Burr PLC
Gibbons PC
Gibson, Dunn & Crutcher LLP
Goodwin Procter LLP
Gordon Arata McCollam Duplantis & Eagan LLC
Graves Dougherty Heardon & Moody
Gray Plant Mooty
Greenberg & Soderberg, LLP
Greenberg Traurig, LLP
Hangley Aronchick Segal & Pudlin
Hanify & King, PC
Haynes & Boone, LLP
Heller Ehrman LLP
Herbst & Greenwald LLP
Herman Herman Katz & Cotlar
Hogan Lovells
Holland & Hart LLP
Holland & Knight LLP
Hollingsworth LLP
Hopkins & Sutter
Howrey LLP
Hunter MacLean Exley & Dunn
Hunton & Williams LLP
Jackson Walker LLP
Jenner & Block LLP
Jones Day
Jones, Walker, Waechter, Poitevent, Carrère & Denège LLP
K & L Gates LLP
Kaye Scholer LLP
Kenyon & Kenyon LLP
Kilpatrick Townsend & Stockton LLP
King & Spalding LLP
King, LeBlanc & Bland PLLC
Kirkland & Ellis LLP
Lane Powell PC
Latham & Watkins LLP
Law Offices of Carl D. Bernstein
Law Offices of Samuel S. Dalton
Law Offices of Frank G. DeSalvo
Law Offices of Richard Spears
Law Offices of Mark Stevens
Law Offices of Richard W. Westling LLC
LeClairRyan
Lewis Roca Rothgerber Christie LLP
Lindquist & Vennum PLLP
Locke Lord Bissell & Liddell LLP
Manatt, Phelps & Phillips, LLP
Martzell & Bickford, APC
Maslon LLP
Mayer Brown LLP
McCarter & English, LLP
McDermott Will & Emery LLP
McGuire Woods LLP
McKenna Long & Aldridge LLP
McKool Smith
Milbank, Tweed, Hadley & McCloy LLP
Moore & Van Allen PLLC
Morgan, Lewis & Bockius LLP
Morrison & Foerster LLP
Morrison Mahoney LLP
Morris, Nichols, Arsht & Tunnell LLP
Moser & Marsalek, PC
Munger, Tolles & Olson LLP
Nelson Kinder & Mosseau, PC
Nelson Mullins Riley & Scarborough, LLP
Nixon Peabody LLP
Ober, Kaler, Grimes & Shriver, PC
O’Melveny & Myers LLP
Oppenheimer Wolff & Donnelly LLP
Orrick Herrington & Sutcliffe LLP
Osborn Maledon, PA
Pannill, Moser and Bonds
Patterson Belknap Webb & Tyler LLP
Patton Boggs LLP
Paul, Weiss, Rifkind, Wharton & Garrison LLP
Pepe & Hazard LLP
Pepper Hamilton LLP
Perkins Coie LLP
Pillsbury Winthrop Shaw Pittman LLP
Piper & Marbury LLP
Plews Shadley Racher & Braun LLP
Porter Wright Morris & Arthur LLP
Proskauer Rose LLP
Quarles & Brady LLP
Reed Smith LLP
Rice, Fowler, Rodriguez, Kingsmill & Flint LLP
Rieszman Berger, PC
Robins, Kaplan, Miller & Ciresi LLP
Ropes & Gray LLP
Rothgerber Johnson & Lyons LLP
Schiff Hardin LLP
Schnader Harrison Segal & Lewis LLP
Schwabe, Williamson & Wyatt, PC
Segal McCambridge Singer & Mahoney, Ltd
Sherin & Lodgen LLP
Shuchman & Krause-Elmslie, PLLC
Sidley Austin LLP
Simpson Thacher & Bartlett LLP
Sirkin Pineales Mezibov & Schwartz LLP
Skadden, Arps, Slate, Meagher & Flom LLP
Snell & Wilmer LLP
Spriggs & Hollingsworth
Steptoe & Johnson LLP
Steven M. Schneebaum P.C.
Stoel Rives LLP
Stone Pigman Walther Wittmann LLC
Sullivan & Cromwell LLP
Swift, Currie, McGhee & Hiers, LLP
Terris, Pravlik & Millian, LLP
Thompson Coburn LLP
Troutman Sanders LLP
Unglesby, Koch & Reynolds
Venable LLP
Vinson & Elkins LLP
Waring Cox, PLC
Waters & Kraus, LLP
Weil, Gotshal & Manges LLP
Whiteford Taylor Preston LLP
Williams & Connolly LLP
Willkie Farr & Gallagher LLP
WilmerHale LLP
Windels Marx
Winstead PC
Winston & Strawn LLP
Womble Carlyle Sandridge & Rice, PLLC
Worrel & Schwegman
Zuckerman Spaeder LLP

*Firms recruited from 1998-2018*
ABA Death Penalty Representation Project

1050 Connecticut Ave NW
Suite 400
Washington, DC 20036
Tel: 202-662-1738
Fax: 202-662-8649
www.americanbar.org/deathpenalty
www.probono.net/deathpenalty
deathpenaltyproject@americanbar.org