MONTANA INNOCENCE PROJECT
DECEMBER NEWSLETTER
Executive Director, Amy Sings In The Timber, and Board Chair, Ron Waterman, reflect on 2020:

It goes without saying that 2020 threw a lot our collective way. There were certainly moments when it seemed that the obstacles were too great and the path might be too steep. And of course, we know that the challenges we’ve faced in 2020 won’t disappear the moment Father Time winds the clock.

However, we at Montana Innocence Project have an edge – our clients who provide endless inspiration, and supporters like you who stand by their side until justice is a reality for all.

So despite the struggles, there is much to celebrate. Dave Wilkes’ freedom, Katie Garding’s imminent release, a bipartisan Committee-sponsored bill to provide compensation for exonerees, and the swell of support from our dedicated volunteers and community partners to name a few.

Moreover, we pushed forward with a rigorous strategic planning process which included garnering insight, perspectives, and feedback from dozens of diverse stakeholders. And we are thrilled to report that the resulting plan will push us to develop a more proactive public education and policy agenda, and expand our work to address issues of Indigenous justice.

So as we wind down these final days of 2020, we recommit ourselves to freeing the innocent, taking a leadership role in the work needed to prevent unjust convictions, and to you. We know that there are many critical issues and worthy causes to support. With that in mind, we take the stewardship of your investment in justice to heart. Thank you for standing with us in this fight. Onward to 2021.

With Gratitude,

Ron Waterman
Board Chair

Amy Sings In The Timber
Executive Director
In October 2008, Robert “Dave” Wilkes took his infant son, Gabriel, to the hospital because he was not breathing. Gabriel’s brain was bleeding and swollen, and he died a few weeks later. Despite Gabriel showing no external injuries and having previous medical diagnoses that could have produced similar symptoms, Dave was charged with the murder of his own son based on the theory of Shaken Baby Syndrome/Abusive Head Trauma. At trial, Dave’s lawyer never refuted the state’s medical evidence despite SBS/AHT being highly controversial and arguably impossible to prove.

In 2014, MTIP filed a Petition for Post Conviction Relief arguing, among other things, that Dave’s trial counsel was ineffective; based on this, Dave was granted a new trial in 2018. Before the new trial, Wilkes pleaded no contest to criminal endangerment, and on January 29, 2020, the judge approved the state’s recommendation that Wilkes remain free.

“My thanks to all of those who were involved in not only getting my son, Gabriel, a little justice, but also all of those who were involved in trying to right this wrong and help me win back my freedom,” Dave said. “(To) the people who took time out of their lives to show that my son Gabriel’s life meant something as well as mine, my family and I thank you all from the bottom of our hearts.”

Dave is MTIP’s seventh freed client. He now resides in Missouri where he plans to open a tattoo shop.
The Montana Association of Criminal Defense Lawyers named former MTIP Legal Director, Larry Mansch, and former MTIP staff attorney, Toby Cook, as the co-recipients of the 2019 Lawyer of the Year award.

Cook now works in private practice, and Mansch transitioned out of his job with MTIP in 2015 and continues his work with the University of Montana in the Sociology Department; however, they both continue to work on behalf of the wrongfully convicted.

Mansch and Cook are among the four MTIP attorneys who have received this award. Brett Schandelson and Colin Stephens previously won the award for playing major roles in the exonerations of Richard Raugust in 2016 and Cody Marble in 2017.
Montana Innocence Project Legal Director, Caiti Carpenter, gave birth to her first baby. Cecilia "Ceci" Huxley Frampton was born on February 5, 2020, weighing 9 lbs 9 oz and measuring 22 inches tall.

"On February 5, 2020, everything changed as if I passed through a portal and became a mom,” Caiti said. “I have talked to so many parents over the years whose children are either accused or convicted of a crime. I hope I will never find myself in their shoes, feeling scared, uncertain, and oftentimes hopeless that their child will receive mercy or even justice. These parents have and will remain their child’s principal advocate; taking copious notes with dates, times, contact information — anything that can help their child’s case. I could not have understood their commitment or the trust put in me as their child’s attorney until I became a parent myself. I am so grateful for their trust and support as I return from my leave to fight like a mother for their children in our flawed and corrupt criminal justice system.”
After months of thorough bi-partisan vetting, the Law & Justice Interim Committee voted to move HJ-36-1 forward into the 2021 Session as a Committee sponsored bill. The motion passed on an 8-3 roll call vote, with Rep. Cathy Kelker sponsoring until the general election.

Among other things, HJ-36-1 would set a defined amount of financial compensation per year for people who were wrongfully convicted by the State of Montana.
On October 13, 2020, the Board of Pardons and Parole recommended MTIP client Katie Garding be transferred from Montana Women’s Prison to a pre-release center. After a minimum of one year in pre-release, she may be released on parole.

“My parents always thought that they were going to die before she got out,” Katie’s sister Chyrel Garding said. “It was pretty concrete, I think, in their minds that this is what life was going to be, and we had already started having the conversation like, ‘when we’re gone, just make sure that you always take care of Katie’... For that not to be a conversation right now is pretty amazing.”