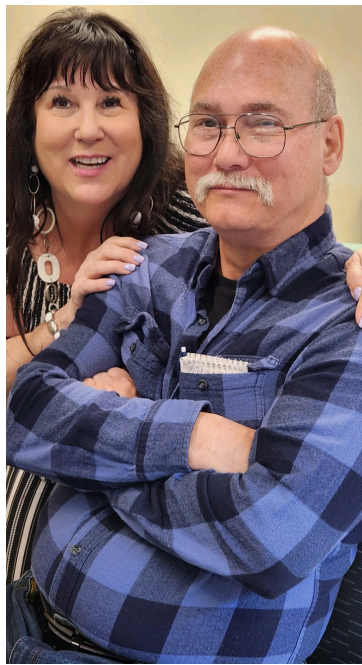


MONTANA INNOCENCE PROJECT

ANNUAL REPORT

2023



OUR MISSION



**FOUNDED
IN
2008**

The Montana Innocence Project (MTIP) is a statewide nonprofit organization dedicated to exonerating the innocent and preventing future wrongful convictions in Montana. Because liberty and justice are paramount to democratic society, it is the mission of the Montana Innocence Project to free the innocent and unjustly incarcerated, and advocate for systems of Justice that are accurate, accountable, and fair for all.

We work to achieve this mission through a combination of **advocacy, pro bono legal representation, and education.**

The project was founded in 2008 and is based in the Alexander Blewett III School of Law at the University of Montana. Since its inception, MTIP has secured freedom for ten wrongfully incarcerated Montanans and helped to connect them with resources and support as they rebuild their lives.

In total our clients have lost more than 175 years of their lives to wrongful conviction—time taken from their families, communities, and society.

2023 DONORS

A SPECIAL THANK YOU FOR YOUR GENEROSITY!

While we are grateful for all of donors' generous support we want to lift up these special gifts made in memoriam and in honor.

GIFTS MADE IN MEMORIAM:

JOAN DECESARE - IN MEMORY OF PARKER KELLY

MARY BETH LINDER - IN MEMORY OF CHRIS PETAJA

TERRY & LINDA NELSON - IN MEMORY OF PARKER & NELL KELLY

FRANCIS & PAULA SWEENEY - IN MEMORY OF PARKER KELLY

BRIAN & LYNN WICKLUND - IN MEMORY OF SPENCER VEYSEY

GIFTS MADE IN HONOR:

MARY EMERY - IN HONOR OF COLIN STEPHENS

KRAMER FAMILY FUND - IN HONOR OF DAN WEINBERG & BART AND CAROLE ERICKSON

SHEENA WILSON & JOHN ILGENFRITZ - IN HONOR OF COLIN STEPHENS

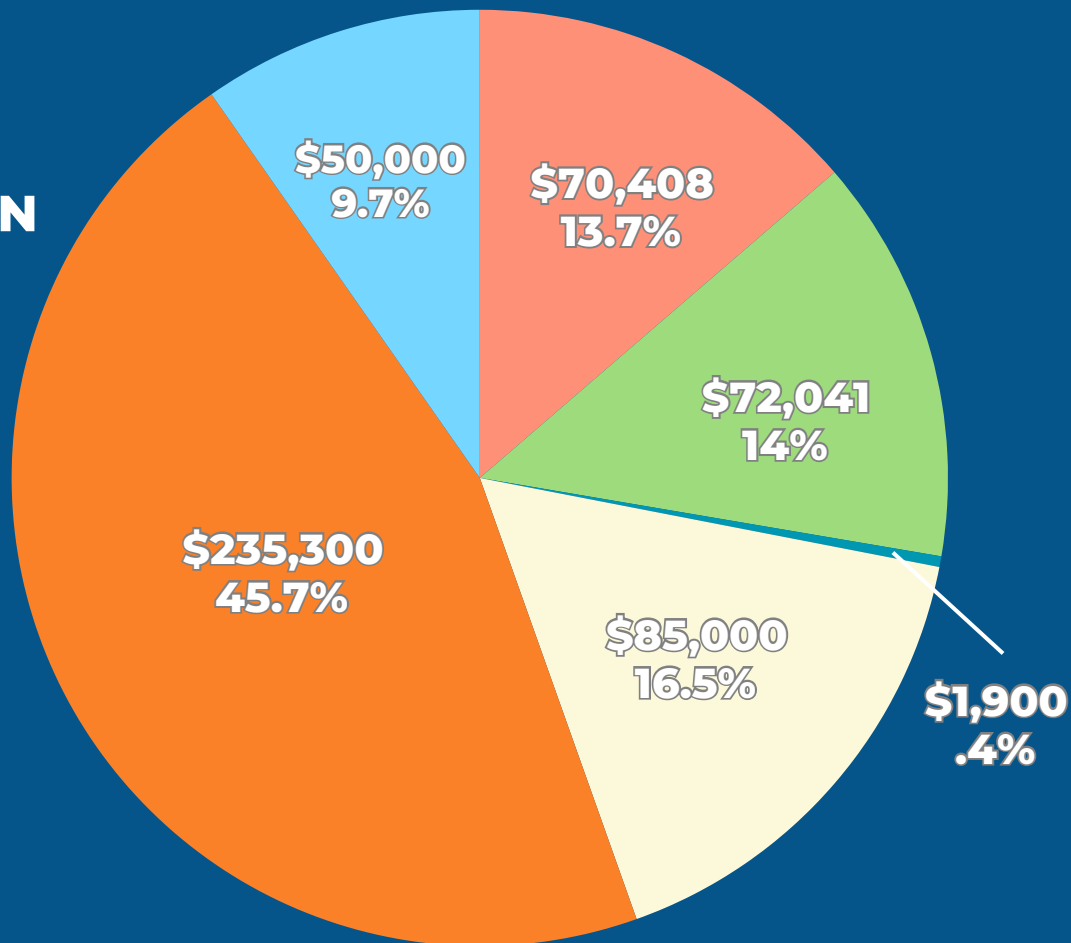
MTIP BY THE NUMBERS

While it's our strongest desire to assist in the release and exoneration of every wrongfully convicted Montanan, the process can be very extensive, expensive, and complicated, and most often takes years to achieve. Each case we take on comes with unique challenges that require dedication and patience. Our work has successfully secured freedom for ten wrongfully incarcerated Montanans who collectively served more than 175 years for crimes they did not commit.

Still, we receive nearly 100 requests for assistance each year, and that number is growing.

APPLICATIONS FOR LEGAL ASSISTANCE - 94
ACTIVE INVESTIGATIONS - 9
CASES IN ACTIVE LITIGATION - 5
VOLUNTEER HOURS - 1,976

- **INDIVIDUAL GIFTS**
- **CORPORATION GIFTS**
- **GIFTS FROM SPECIAL EVENTS**
- **IN-KIND GIFTS**
- **FOUNDATION GIFTS**
- **CY PRES**



KELLY WORTHAN

On August 8th, 2023 Montana Supreme Court denied the appeal of our client Kelly Worthan's Post Conviction Relief Petition. After considerable review, it is with a heavy heart, that we have ended our legal representation of Kelly. Though we believe in his innocence, the laws, as written, make it nearly impossible to argue his innocence in court.

See [John Oliver's Last Week Tonight Episode on Wrongful Convictions](#).



JOSEPH JEFFERSON- DUST

MTIP client Joseph Jefferson-Dust appeared before Judge Brett Linneweber on July 28th for a hearing regarding his Post-Conviction Relief Petition.

Judge Linneweber relieved Joe of all duties and conditions imposed from his sentence and indicated that he will vacate the conviction in response to the post-hearing briefings he ordered from both sides. Proposed Findings of Fact and Conclusions of Law were ordered for August 18th.

KATIE GARDING



On March 23, 2023 the Federal District Court overturned Katie's conviction on the issue of Ineffective Assistance of Counsel. She was wrongfully convicted of Vehicular Homicide. Accident reconstruction tests show it is scientifically impossible Katie's car was the striking vehicle.

Katie's state conviction has been vacated, and the State intends to retry her. At the same time, the State Attorney General's office is attempting to appeal the Federal District Court's order overturning Katie's conviction.

We filed a Motion to Dismiss the Appeal for Lack of Jurisdiction and await the 9th Circuit's Order.

In September, pro bono attorney and former board member Lars Phillips presented oral argument to the 9th Circuit. We await the Court's decision.



AARON OLIPHANT

On March 14, 2023 the Montana Supreme Court affirmed the denial of Aaron's Petition for Post Conviction Relief, where ultimately Aaron's only requested relief was to have access to the discovery he no longer had because his attorney had died and the State refused to provide it to him. In Justice Gustafson's dissent, joined by Justice Shea, she wrote,



¶51 The Opinion asserts that Oliphant has not offered information as to what expert testimony would contain or the impact of such testimony and concludes Dr. Galaznik's report was merely a different interpretation of the evidence made available to Oliphant prior to trial. Again, this misses the mark. Oliphant is asserting that his trial counsel failed to obtain all of the relevant medical records which existed and failed to consult with or obtain a medical expert to then review all of the existing records. This failure, in turn, resulted in Oliphant not being able to rebut the State's evidentiary presentation at trial and now not being able to offer information as to what Dr. Galaznik's medical opinion would contain and the effect it would have. This is akin to playing a football game but never permitting your defense to take the field—not surprisingly, under such a circumstance, the other team's offense would be victorious with an overwhelming win. When Oliphant was

See [Montana Supreme Court's Opinion](#)

MTIP filed a Petition for Writ of Certiorari to the Supreme Court of the United States in June 2023, which was denied October 2, 2023. We continue to review all possible options available to Aaron.

BERNARD PEASE JR.

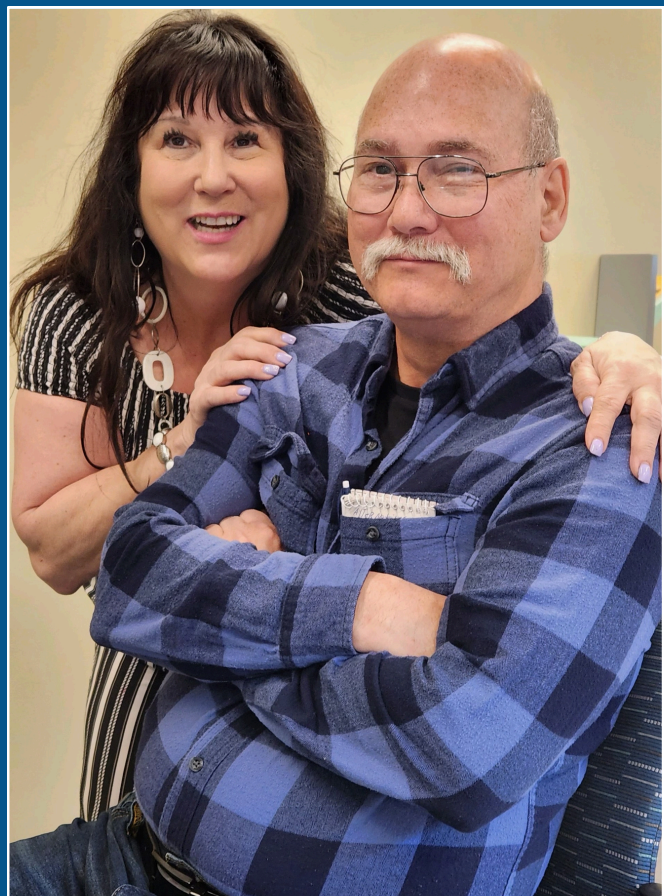
Bernard was wrongfully convicted of Deliberate Homicide in 1984 based largely on expert testimony from Arnold Melnikoff—the former Montana Crime Lab analyst who played a role in four other wrongful convictions. MTIP began working on his case in 2019 and has continued to advocate for his exoneration.

MTIP worked extensively to create a presentation for the Board of Pardons and Parole which included a short video of recommendations for release from family and law enforcement officers who have worked with him during his time at various facilities across Montana and Tennessee.

MTIP also presented a thorough parole plan with re-entry supports addressing everything from mental health to financial and technological literacy.

Following the Board's deliberation, they announced its unanimous decision to grant Bernard parole following his completion of an extended stay in a pre-release program.

Bernard was transferred to Alpha House, pre-release center in Billings in January of 2023.



BERNARD PEASE JR.

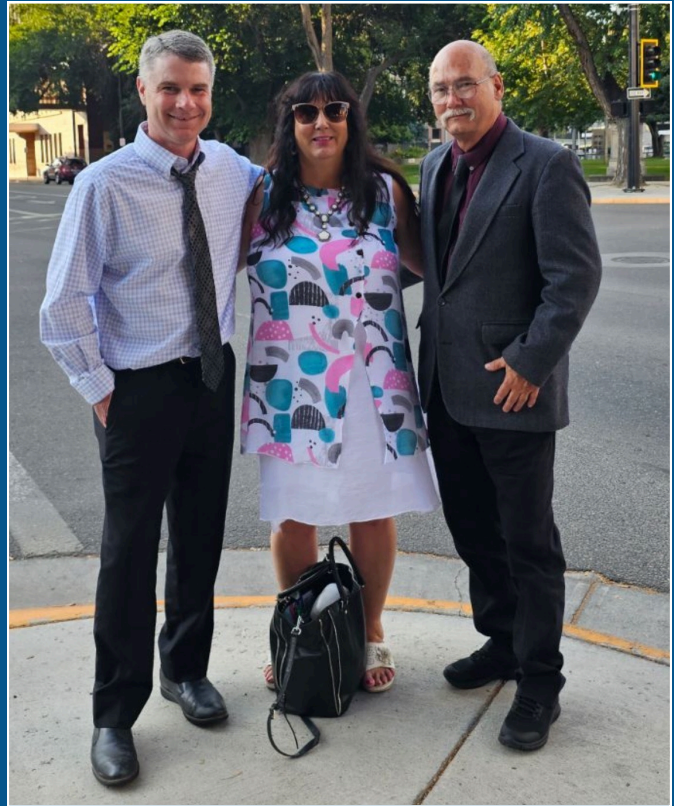
Following favorable DNA testing results, an evidentiary hearing was ordered. In July 2023, Bernard appeared before Yellowstone County District Judge Thomas Pardy.

MTIP's legal team called five expert witnesses who contextualized the results of DNA testing and demonstrated how the sciences used to convict him were less reliable than the new results.

Additionally, expert testimony exposed that State's expert testimony stating a hair found at Pease's home was "very similar" to the victim's pubic hair, was FALSE. DNA testing found this hair BELONGED TO A CAT nearly 40 years after Pease Jr. was convicted.

Both parties have submitted briefings following this hearing and await the Court's decision.

Bernard was discharged from pre-release on Tuesday January 2nd, 2024 and has been reunited with his family after spending nearly 40 years in prison. Bernie will now be living in Billings with his sister Linda who has loved and supported him throughout his wrongful incarceration.



OPEN TABLE



Our freed client Dave Wilkes completed one year working with Open Table in November! This organization helps to facilitate weekly meetings for a year between someone who has life goals and a group of 5-7 volunteers who tap into their social capital to help bring that individual's life goals to fruition.

MONTANA HEALTHCARE GRANT

In 2023 MTIP was honored to be the recipient of a planning grant from the Montana Healthcare Foundation. The project aims to improve behavioral and physical health outcomes and overall quality of life for reentering community members, thus increasing their chances for lasting post-carceral success.

The pilot project places University of Montana School of Social Work students, hosted and supervised by the Montana Innocence Project, in practicum service to clients of MTIP and Welcome Back - developing case plans, connecting them with community resources, including mental and physical health sources, and facilitating groups of community-based volunteers committed to developing long-term, reciprocal relationships with reentering community members. This pilot spans 2023 and 2024 fiscal years for MTIP and we look forward to sharing updates on our progress in 2024.

WRONGFUL CONVICTION DAY EVENTS



- This year, we held our 10th annual Wrongful Conviction Day, with events that educated our community about root causes of wrongful convictions and uplifted stories of those directly impacted by these injustices. Innocence advocates and impacted people came together to hear the voices of those living through the horrors of wrongful conviction.
- Our clients Katie Garding, Joseph Jefferson-Dust, and Bernard “Bernie” Pease Jr. shared about the toll wrongful convictions have taken on them and their families and their ability to engage with important life moments as well as who they are as people on the other end of wrongful incarceration.
- At the evening event for Wrongful Conviction Day we screened two short films—“A Mother’s Perspective” and “A Sister’s Story”—where we got to hear from client Aaron Oliphant’s mom Rena and Bernie’s sister Linda about the impact of the trials on their lives and how they persist through the injustice on a daily basis.
- We additionally engaged in a community discussion about how removing people from a community through unjust and wrongful incarceration has damaging ripple effects.

WESTERN STATES INNOCENCE NETWORK RETREAT



For the first time, MTIP hosted the annual Innocence Network gathering of western states innocence projects. Freed people and practitioners representing nine western states gathered at Flathead Biological Station to find moments of calm in community with other innocence advocates and to learn from each other about everything from recent developments in forensic testing and working with prosecutor's offices to postrelease client support and secondary trauma supports. It was a weekend full of expansive learning opportunities and camaraderie.

MONTANA JUDGES ASSOCIATION CONFERENCE

MTIP co-presented with leadership from the Arizona Justice Project (Lindsay Herf) and the Idaho Innocence Project (Dr. Greg Hampikian). Nearly 90 judges from across Montana attended the conference.

The session covered the background of innocence work and the innocence movement, a case study analyzing multiple drivers of wrongful convictions, and a critical thinking exercise regarding the admissibility and veracity of forensic sciences.

VIDEO STORYTELLING

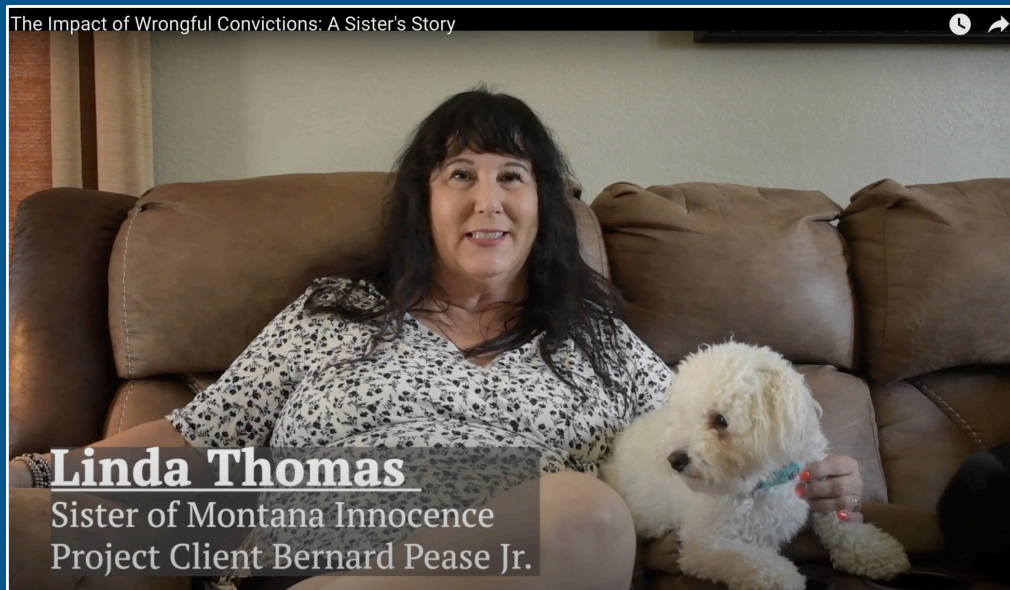


This year MTIP expanded into video storytelling to show the realities of our clients' life after incarceration, and the impact that wrongful convictions can have on families, and communities.



We produced a total of five short films in 2023!

Check them out on our Youtube @[MontanaInnocenceProject](#), and look forward to more in 2024!



UNPACKING INJUSTICE PODCAST

- We produced 17 podcast episodes this year, telling real stories behind wrongful and unjust convictions and illuminating the complex issues responsible for making our criminal justice system unjust.



A FEW HIGHLIGHTS:

- We collaborated with Alberton HS students to produce a four-part podcast series that unpacked MTIP client Katie Garding's wrongful conviction story. The series explores the innocence issues of incentivized witness testimony and ineffective assistance of counsel and looks at the real-world impact of wrongful convictions on families.
- We sat down with the Council of State Governments Justice Center researchers Alison Martin and Matt Herman to discuss a study they conducted on the disparities experienced by Indigenous peoples in Montana's criminal legal system.
- We spoke with Missoula Municipal Court Judge Jake Coolidge and Criminal Defense Attorney and MTIP Board Member Carrie Gibadlo who shared their reflections on the injustices baked into the cash bail system, why innocence advocates should care, and provided recent reforms taking place in Missoula County.

STUDENT WORK HIGHLIGHT:

STUDENT ENGAGEMENT



This year, our legal student interns Brandy Keese and Annabelle Smith played a vital role in our client Bernard Pease Jr.'s release for parole. They interviewed Bernard's family members, acquired documents, conducted extensive legal research, contacted jail staff, wrote letters on Bernard's behalf, and helped file appeals.

Pease left prison on January 4th, 2023 and was granted parole subject to completion of an extended stay at the Alpha House pre-release center in Billings, MT.

Both Keese and Smith were featured in the [Missoulian](#) in February of this year which highlighted the work they did for MTIP.

IN 2023 MTIP HOSTED:

- Four clinical law students
- Four legal students
- Two social work students
- One journalism student

MTIP RECEIVES BJA AWARD TO IMPROVE EQUITY AND ACCESS

We are thrilled to announce that MTIP received a Department of Justice Bureau of Justice Assistance Preventing Wrongful Convictions and Upholding the Rule of Law award that will be utilized to more than double our capacity, increasing access to our services and equity in outcomes.

BJA funding will not only support our core program, but it has also given us the opportunity to bring on new staff members including lawyers, social service advocates, and seven investigators based in the tribal communities. The increased capacity will not only address issues specific to Indigenous Justice but will create more well-rounded supports for all current and freed clients.

MTIP TO BEGIN EXAMINING ‘SECOND CHANCES’ FOR UNJUSTLY INCARCERATED MONTANANS

The Montana Innocence Project is beginning the exciting work of digging into how we can meaningfully address not only wrongful convictions but also unjust convictions, through a Second Chances lens.

“Second Look” laws help to create mechanisms of release to help give incarcerated people meaningful second chances - reuniting families, restoring communities, and mitigating the effects of mass incarceration. These laws allow courts to review and reconsider a person’s sentence after 10 or 15 years served to determine whether a shorter sentence is appropriate.

MTIP is actively engaging with cross-sector partners and hosting community listening sessions to examine these issues and develop viable solutions in Montana. We will continue to update you more about this process along the way!



MONTANA INNOCENCE PROJECT

See what we've been up to in
2023 so far, and follow our
work on social media
@BigSkyInnocence

