

MONTANA INNOCENCE PROJECT

2024 ANNUAL REPORT

Freeing the innocent and unjustly incarcerated, and advocating for accurate, accountable, and fair systems of Justice



OUR MISSION

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.**

2024



THE IMPACT

The Montana Innocence Project (MTIP) is dedicated to ensuring justice for wrongfully convicted and unjustly incarcerated individuals and driving transformative societal change. Our multifaceted approach prioritizes family stabilization, community restoration, systemic legal reform, and social justice. By providing essential legal assistance for post-conviction relief, MTIP fosters hope for family reunification, guides individuals through complex legal processes, and helps rebuild connections disrupted by incarceration.

MTIP is committed to promoting community healing and economic revitalization by assisting individuals in clearing their criminal records, developing reentry plans, and advocating for legislative reforms that address systemic problems within the criminal legal system. Through strategic litigation, MTIP takes a stand against unconstitutional sentencing practices and systemic discrimination, while advancing reform initiatives that emphasize rehabilitation over punishment. Our efforts extend to improve public health outcomes by raising awareness of the health impacts of incarceration and challenging policies that perpetuate intergenerational cycles of marginalization.

Ultimately, MTIP not only provides vital legal support but actively works to reconstruct social infrastructure, challenging systemic injustices and paving the way for individual and collective healing, growth, and a more just future for all.

GETTING THE WORK DONE

5 Cases In
Active Litigation

37 Active Investigations

149 Applications for
Legal Assistance

8 Individual Reentry Case
Plans and Parole Support

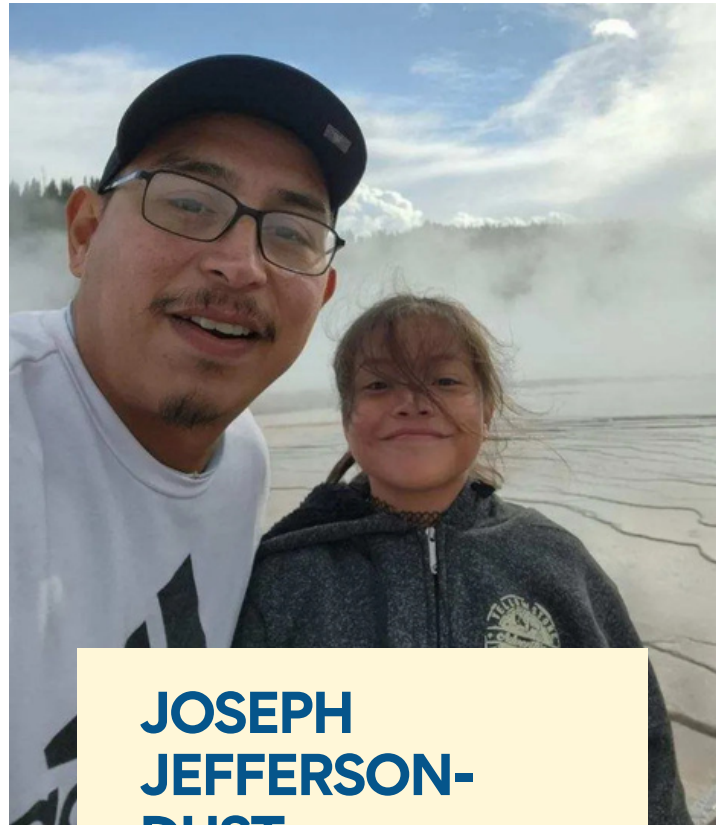
1,284 Volunteer
& Pro Bono
Hours

LEGAL VICTORY

Joseph Jefferson-Dust was wrongfully convicted of Criminal Endangerment in 2017 following a false accusation.

On February 14th, 2024 Judge Linneweber set aside the judgments against Joe and ordered a new trial.

MTIP is thrilled to share that on June 21st, 2024 Judge Linneweber dismissed Joseph Jefferson-Dust's criminal case, upon the prosecution's motion.



**JOSEPH
JEFFERSON-
DUST**

Since his exoneration, Joe has begun navigating his healing journey and rebuilding his life.

Joe has enjoyed engaging in new hobbies like boxing, riding his motorcycle, and playing on a softball team with his family. Joe also currently works at an auto detailing and design shop in Billings, where he is able to pursue his love for art and work towards learning new skills to hopefully open his own shop one day.



CURRENT CLIENTS

Bernard Pease Jr. 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.

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



**BERNARD
PEASE JR.**



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.

After the evidentiary hearing, Bernie's legal team filed a post-hearing brief on October 27, 2023 requesting that Bernie's conviction be vacated. The State of Montana filed their response brief on July 19, 2024, in which they argued the conviction should not be vacated because the new evidence would not result in a different outcome at trial. Bernie's legal team quickly filed a reply brief on August 19, 2024, which rebutted the State's arguments and again requested a dismissal of the charges.

As of the date of this newsletter, the Court has still not issued a ruling on Bernie's petition. The Montana Innocence Project is preparing a renewed motion to the court to request a ruling on this matter.



Bernard was discharged from prerelease in January of 2024, and has spent the last year living in Billings with his sister, Linda, who has been a steadfast advocate for his innocence and an unwavering supporter in his journey to rebuild his life.

In December, Bernie took a significant step toward independence by moving into a home of his own. As he navigates the next steps in his fight for innocence, Bernie remains resilient and optimistic about his future, enjoying cooking for family, working on his hobby, and spending time with friends.



In March of 2023, the U.S. District Court for the District of Montana granted Katie's habeas petition, overturning her conviction of vehicular homicide. Central to the federal court's decision was the physical crash reconstruction of the incident, which used a vehicle modeled after the one that Katie owned and operated. Experts' review of the crash data determined that Katie's vehicle could not have struck the pedestrian, citing the fact that Katie's actual vehicle had sustained no damage and that the state's theory of the crash violated the laws of physics and impact mechanics.

The Court found that if an accident reconstruction expert would have testified, it would have established within a reasonable degree of certainty that Katie's vehicle could not have been the vehicle that struck the victim.

However, the State of Montana appealed this decision to the 9th Circuit Court of Appeals. In a 2-1 decision issued on June 28, 2024, the Circuit Court found that it was reasonable for the Montana Supreme Court to determine that Katie's trial counsel was not deficient, overruling the lower court's decision. One of the three circuit judges dissented, stating that it is clear from the trial and postconviction record that Katie is innocent.



**KATIE
GARDING**

Upon the reversal of the Circuit Court, the Missoula District Court recently ordered that Katie be reinstated into state supervision. Katie is still represented by pro bono attorney and former Montana Innocence Project board member Lars Phillips. Currently, her legal team is preparing a Petition of Certiorari to request the U.S. Supreme Court hear Katie's case. She is also fighting the Missoula District Court's ruling to reinstate her into state supervision pending her final appeal. The Montana Innocence Project is assisting with Katie's ongoing legal battle.

The Montana Innocence Project continues to explore all efforts to exonerate Aaron Oliphant for his wrongful conviction of Aggravated Assault, which was upheld by the Montana Supreme in 2023 when the denial of his Petition for Post-conviction relief was affirmed. Our team has obtained the complete medical records of the victim which he had long sought. We have enlisted a medical expert to review the records and provide an expert opinion.



**AARON
OLIPHANT**

Central to Aaron’s argument has been that faulty diagnosis of shaken baby syndrome (SBS), which was used to convict Aaron. Shaken baby syndrome continues to be a controversial diagnosis in the United States, with some states throwing it out as “junk science.”

The review of the medical records is ongoing. Our team hopes to share insight into the medical expert’s findings as soon as they are available.

STUDENT ENGAGEMENT



- MTIP serves as a clinical placement for law students and offers internships and practicum placements to students studying journalism and social work.
- Students from those schools, along with paralegal and criminology students, assist the MTIP legal team with application review and case review.
- Students have the ability to gain skills, academic credit and further their understanding of the criminal justice system.

IN 2024 MTIP HOSTED:

- 5 Clinical Law Students
- 3 Legal Interns
- 1 Social Work Practicum Student
- 2 Journalism Interns



NEW PROGRAMS



Social Services Advocate Ali Lacayo and former Social Work Intern Sequoia Gregorich visiting with client Bernard Pease Jr. in Billings.

MTIP BEGINS EXPANDING CLIENT SOCIAL SERVICES

Recognizing the urgent need to provide support for our clients in developing their reentry plans, MTIP launched a social services advocacy program in 2024, to ensure a smooth and successful transition back to community.

With the support of a planning grant from the Montana Healthcare Foundation, MTIP began expanding its scope of client services to include case planning with incarcerated individuals and support for freed clients including connecting them with community resources to healthcare, employment, housing, and mental health and emotional support.

To learn more about this program [click here](#).

MTIP ESTABLISHES NEW COMMUNITY-BASED LEGAL ASSISTANTS PROGRAM

In January of 2024 with the support of new funding, MTIP was able to hire a new Investigation Manager and Legal Fellow, and contract with Community-Based Legal Assistants to build our legal and investigative capacity. MTIP has begun establishing a place-based investigative model that allows our organization to conduct thorough, trauma-informed investigations and culturally-aware practices to provide meaningful representation for rural and tribal communities.

To learn more about this program [click here.](#)



MTIP FREE TO BE FUND



SOCIAL SERVICES - CLIENT SUPPORT FUND

For many freed and exonerated people, the joy of their freedom is quickly overshadowed by overwhelming barriers to securing stable housing, gainful employment, physical and mental healthcare, and generally making ends meet. This concern extends to their family and friends as well – many of whom carried the emotional and financial strain of their loved one’s conviction for years – who also may be unable to fully support them once they’re finally home.

In response to the unfortunate shared experience faced by our freed clients, MTIP recognized the critical need for low-barrier, direct financial support.

In 2024 MTIP created the “Free To Be Fund” as a dedicated fund that our clients can access to help in their transition back to society and in other moments of urgent need as they work to rebuild their lives.

To learn more about this fund [click here](#).

BUILDING COMMUNITY



WESTERN REGIONAL INNOCENCE NETWORK RETREAT

MTIP and other western Innocence Projects gathered together in September in Lincoln City, Oregon for the annual Western Regional Innocence Network Retreat. MTIP Social Services Advocate Ali Lacayo and Legal Fellow Karl Pitcher were able to attend and engage with fellow innocence advocates, sharing invaluable insights on a range of topics, including writing compelling appellate briefs, innovative fundraising strategies, navigating client relationship challenges, media training, and much more. The retreat not only fostered expansive learning opportunities but also strengthened bonds of camaraderie among those dedicated to the pursuit of justice.

2024 INNOCENCE NETWORK CONFERENCE IN NEW ORLEANS

In March, Montana Innocence Project staff members and freed client Joseph Jefferson-Dust attended the 2024 Innocence Network Conference in New Orleans.

Over 1,200 people were united in community at the event, including 400 freed and exonerated people, who had endured a total of 6,654 years of wrongful imprisonment.

Our staff and freed client Joseph Jefferson-Dust engaged in educational sessions, community-building, collective empowerment, and healing.



EDUCATION AND ADVOCACY

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. Community members joined MTIP at the Missoula Public Library for a public education program at lunch.

The first presentation was led by our Legal Director, Caiti Carpenter and focused on Post-Conviction Relief and three primary causes of wrongful conviction: Brady violations and prosecutorial misconduct; ineffective assistance of counsel; and junk/antiquated science.

In the evening, innocence advocates came together at Goodworks Place to hear the voices of those most impacted by wrongful convictions.



Clients Joseph Jefferson-Dust, Katie Garding, Bernard "Bernie" Pease Jr., Rena Oliphant (mother of client Aaron Oliphant), and former legal client Kelly Worthan shared their truths about the struggles of maintaining innocence after a wrongful conviction.

The second presentation was led by MTIP Social Services Advocate Ali Lacayo, who spoke on the common barriers people face upon re-entering society after incarceration, and the heightened challenges that wrongfully convicted individuals face.

TELLING OUR CLIENTS' STORIES



How art helped MTIP client Bernard Pease Jr. persevere through 40 years of wrongful incarceration

VIDEO STORYTELLING

This year MTIP's video storytelling pieces shed light to the profound effects that wrongful conviction has on our clients, their families, and the communities they return to. Check them out on our Youtube [@MontanaInnocenceProject](#), and look forward to more in 2025!

AUDIO STORYTELLING - UNPACKING INJUSTICE PODCAST

This year, we created a series of compelling podcast episodes that told real stories behind wrongful and unjust convictions and illuminated the complex issues responsible for making our criminal justice system unjust.

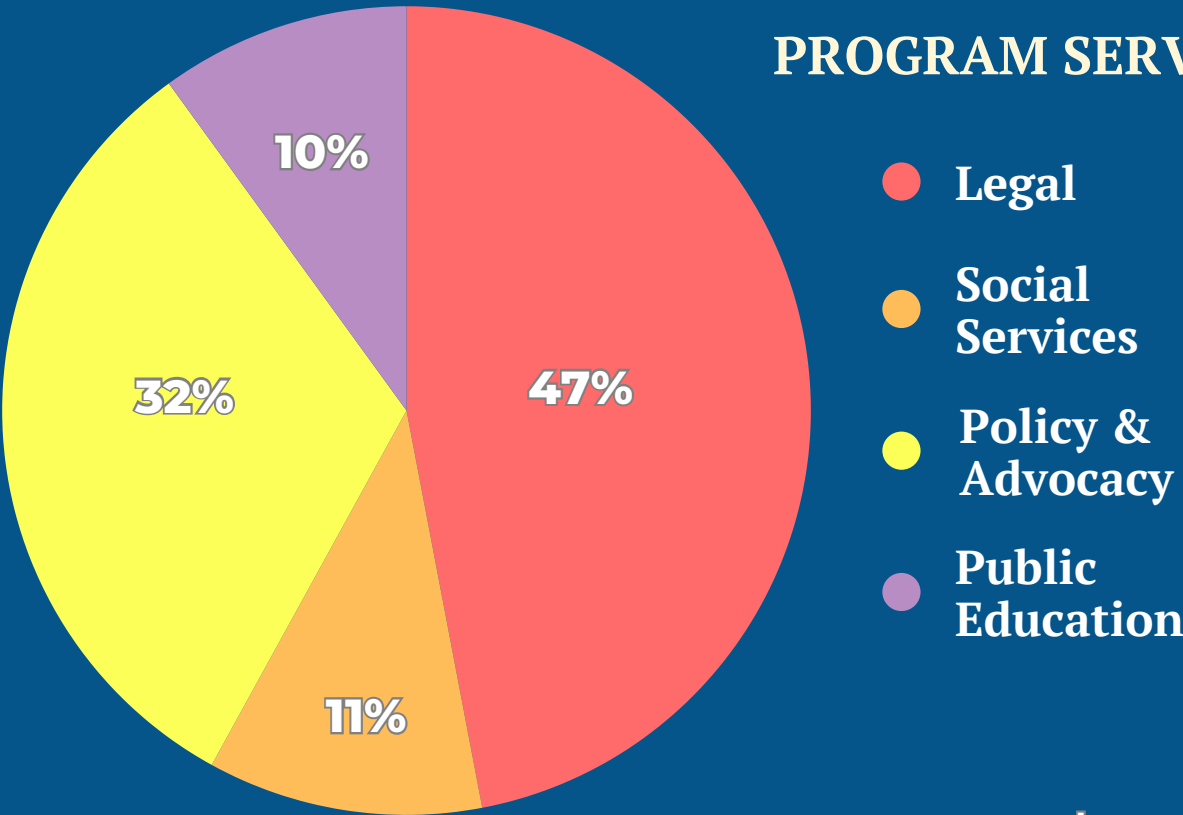
SOME OF THE HIGHLIGHTS:

- We spoke with MTIP client Bernard Pease Jr. and his sister Linda Thomas to discuss his re-entry journey after spending nearly 40 years wrongfully incarcerated for a crime he did not commit.
- We spoke with Dr. John Morgan, an author, researcher, and professor, internationally recognized for his work in forensic science. Dr. Morgan discussed his extensive research on forensic science errors in wrongful convictions, as well as how we can work towards mitigating future errors, and making system based reforms by forensic practitioners.
- We spoke with Dr. Craig Haney, a social psychologist and a professor at the UC Santa Cruz, to discuss the psychological trauma and health effects that incarceration, and more specifically wrongful incarceration has on individuals. Haney holds psychology and law degrees, and began his career as one of the principal researchers on the Stanford Prison Experiment conducted in 1971, which would go on to inform his life's research in real prisons across the country.



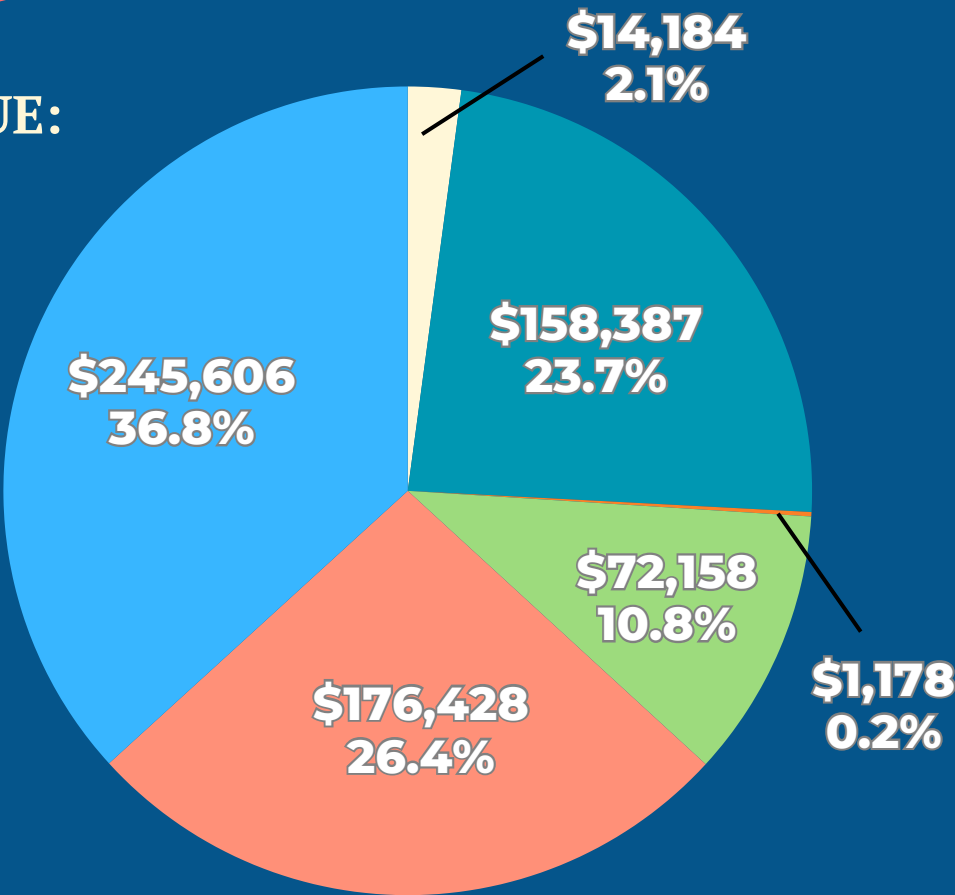
FINANCIAL SUMMARY

PROGRAM SERVICES:



SUPPORT & REVENUE:

- Individual Gifts
- Corporation Gifts
- Gifts from Special Events
- In-Kind Gifts
- Foundation Gifts
- Federal Funds



2024 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:

Chyrel Garding - In memory of Rob Garding

JoAnn Teman - In memory of Lisa Mecklenburg Jackson

Patricia Seiler - In memory of Christopher Petaja

Mallory Davies - In memory of Spencer Veysey

GIFTS MADE IN HONOR:

Mary Emery - In honor of Colin Stephens

Lori Garding - In honor of Katie and Chyrel Garding

David Gee - In honor of Amy Sings In The Timber

Katrina Martin - In honor of Colin Stephens

Sheena Wilson & John Ilgenfritz - In honor of Colin Stephens

Anonymous - In honor of Amy Sings In The Timber

Kramer Family Fund - In honor of Dan Weinberg and family,
and Bart Erickson and family

HOW YOU CAN SUPPORT MTIP

We greatly appreciate your interest in supporting the Montana Innocence Project. Your contributions are crucial in our efforts to free the innocent and advocate for systems of Justice that are accurate, accountable, and fair for all.

[Click here](#) or visit <https://mtinnocenceproject.org/ways-to-give/> to learn more about how you make a meaningful impact today.

Stay connected and follow our work on social media
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To learn more about the Montana Innocence Project, visit our website:
mtinnocenceproject.org



Search *Unpacking Injustice* on Amazon Music or Spotify to listen to our podcast!