



Injustice Anywhere

an organization working to correct wrongful convictions

Injustice Anywhere Newsletter

Spring 2020



- The Snow Files podcast
- Jeff Havard letter campaign
- Brendan Dassey seeks clemency
- Charles Erickson's appeal
- The Enrico Forte case
- The Lloyd Eldon Miller case
- David Thorne case update
- Brian Peixoto case update
- Melissa Caluzinski needs our help
- Is it time to abolish the death penalty?
- Publish your own articles

We are currently facing a serious pandemic due to the COVID-19 virus outbreak. We need to listen to our experts and follow the recommended social distancing guidelines. We have that freedom. Those who are incarcerated do not. Elderly inmates and those with pre-existing conditions are in grave danger. Please contact your local politicians and voice your concerns. We are all in this together.

According to the [National Registry of Exonerations](#), there have been 2,577 exonerations in the United States since 1989. This number is staggering. Over the past quarter-century, America has incarcerated more people than any civilized nation on earth. A disturbing number of those incarcerations have been wrongful convictions. Hundreds of exonerations can be credited to advanced DNA technology. But research on topics like, bite mark evidence, fire investigation technology, and shaken baby syndrome, have all played a significant role as well. The ability to distribute information via the internet has also proven to be an invaluable resource when fighting wrongful convictions.

Exoneration statistics show that we are on the right track, but we have a long way to go. We need to correct the mistakes we have made, all while working to reforming the system which allowed those mistakes to occur in the first place. Sadly, the wrongful conviction problem is far more pervasive than most people realize, and even with increased interest, most cases continue to lack the attention they warrant. Many innocent people remain in prison. They need others to be their voice. Please join us in the fight to free the innocent.



We are excited to announce the "[Snow Files](#)" podcast, presented by Injustice Anywhere. A deep dive into the wrongful conviction of Jamie Snow, and how McLean County got away with it. We will be presenting never before heard audio recordings and new evidence.

A True Crime story told by Jamie Snow, the defendant, from Stateville Prison in Joliet, Illinois. An eye opening presentation of the 1991 cold case murder of Bill Little, "solved" upon the arrest of two people nearly 10 years later - one was acquitted, the other is serving life without parole. Jamie Snow is being represented by the Exoneration Project out of the University of Chicago. The podcast will reveal vital new information obtained from years of FOIA requests, over 70 audio recordings and police documents that have never been heard or seen before. An in-depth look at an incredible conviction based solely on faulty eye witness ID and jailhouse informants - no physical evidence links Jamie to the crime.

Join the podcast discussion here: <https://www.facebook.com/groups/snowfiles>

Jamie Snow was wrongfully convicted in 2001 for the 1991 murder and armed robbery of William Little, a gas station attendant in Bloomington, Illinois. Jamie is currently serving a life sentence without the possibility of parole in Stateville prison in Illinois.

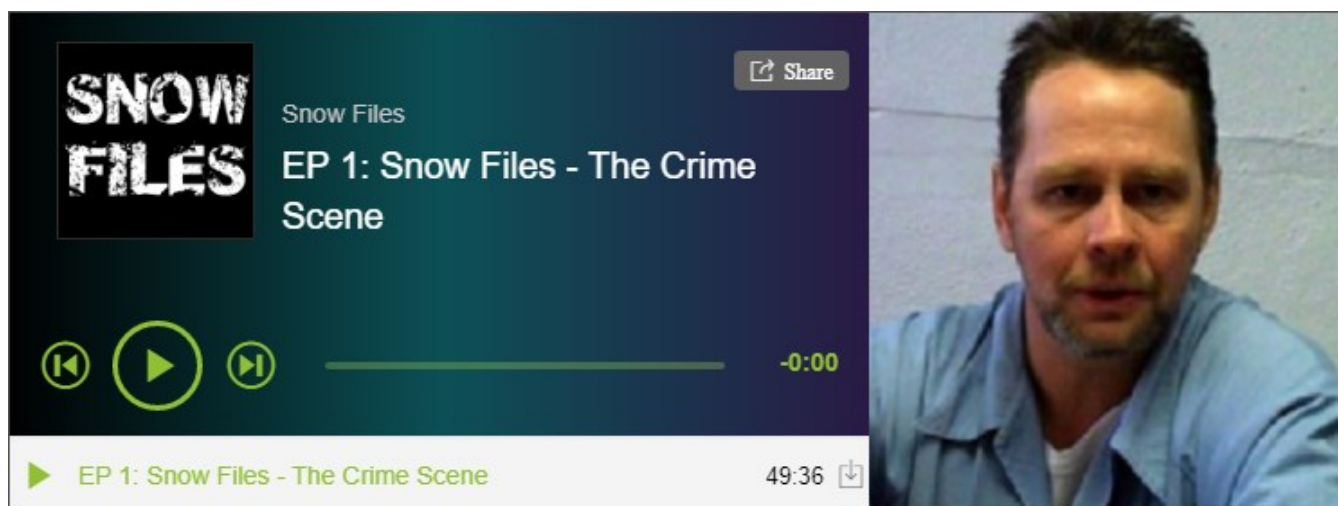
Jamie Snow has always maintained his innocence and he continues to do so today.

The violent and senseless murder of William Little took place on Easter Sunday while Jamie was across town having dinner with his family. In the months and years that followed, police were unable to solve the crime, and the case went cold

Over eight years would pass before two overzealous rookie detectives came along to attempt to crack the case. Solving a cold case like this one in a small town would be a career builder for sure. These new detectives had no qualms with building a case using unreliable jailhouse informants and faulty eyewitness identification. These two detectives were willing to convict Jamie Snow by any means necessary regardless of facts

In the years following Jamie's conviction, new information has come forward to confirm that police misconduct and bad lawyering sent the wrong person to prison for William Little's murder. Here are a few of the highlights:

- Jamie's co-defendant was found not guilty in a separate trial, based on the same evidence.
- More than 15 witnesses for the prosecution have now recanted their testimony.
- The first police officer on the scene has discredited the State's "star witness" testimony.
- Jamie's trial attorney went to jail for fraud.
- The original lead detective has stated that Jamie's indictment was a mistake.
- There is no physical evidence linking Jamie to the crime.



Jamie's wrongful conviction has not gone unnoticed. Jamie has an army of well-informed supporters.

Jamie's case was featured on Crime Watch Daily in 2016. And his case was most recently investigated on the Truth & Justice podcast with Bob Ruff.

Jamie is currently being represented by the University of Chicago's Exoneration Project. Jamie's attorneys believe strongly in his innocence and they are fighting valiantly for his freedom. Sadly, in cases like Jamie's, the wheels of justice turn very slowly.

Jamie has served nearly 21 years in prison for a crime he did not commit. The fight for Jamie's freedom will not end until he is back home with his family.

Over 64,000 People Have Signed Jamie's Change.org Petition Asking For DNA Testing

While an innocent man remains in prison, there is DNA evidence from the case that has gone untested. For nearly 10 years, the McLean County State's Attorney's Office has fought DNA testing in this case. The University of Chicago's Exoneration Project has agreed to pay for all the DNA testing at no cost to McLean County taxpayers, but the State Attorney still refuses.

Allow the Exoneration Project to pay for it, save the tax payer dollars, and let's put an end to the cloud of doubt surrounding this case. If this crime had occurred today, there is no doubt the state would test every single piece of physical evidence collected from the crime scene.

To date, there have been 337 post-conviction DNA exonerations in the United States – and Illinois has one of the highest DNA exoneration rates in the nation. Yet McLean County continues to show a pattern of opposing DNA testing. Many of these cases were prosecuted under the same State Attorneys Office as Jamie Snow's case and resulted in questionable convictions. It's time to test the DNA. [Add your signature today!](#)

Join the fight!

Free Jamie Snow Website: <http://www.FreeJamieSnow.com>

Free Jamie Snow Facebook Site: <http://www.facebook.com/freejamiesnow>

Free Jamie Snow Twitter: <http://www.twitter.com/freejamiesnow>

Free Jamie Snow YouTube: <https://www.youtube.com/user/freejamiesnow/playlists>

Jeff Havard letter writing campaign to Attorney General Lynn Fitch



In 2002, Jeff Havard was wrongfully convicted and sentenced to death in Mississippi for the sexual assault and murder of his girlfriend's six-month-old daughter, Chloe Britt. In May of 2016, the Mississippi Supreme Court ordered an evidentiary hearing for Jeff's case based on defense claims of new evidence due to changes in the science behind Shaken Baby Syndrome. In September of 2018, Jeff's death penalty sentence was vacated, and a resentencing hearing was ordered. On December 18, 2018, Jeff was resentenced to life without parole. Jeff is now off death row, but his fight is far from over.

The truth about this case is clear. Chloe slipped from Jeff's arms while lifting her from the tub after a bath, causing her head to hit a nearby toilet. New expert evidence supports Jeff's claims. Chloe's death was a tragic accident, not a murder. Jeff Havard is innocent.

Lori Howard and Injustice Anywhere promoted a letter writing campaign for Jeff back in 2013 that did not go unnoticed. In fact, it prompted Mississippi Attorney General Jim Hood to respond:

"The State has no knowledge of how this case has become such a public one, the State directs this Court to Exhibit B. Routinely, the State receives letters from across the country, from concerned citizens pleading for the life of Jeffrey Havard. See Exhibit B. Curiously, each of the letters (submitted herein as examples) contains detailed factual allegations about this case: that the victim, Chloe Britt, died as the result of an accidental fall; that the victim's autopsy made no reference to sexual assault; that the only binding factor in this case was anal dilation of the victim; that Mr. Havard requested a polygraph test; that Mr. Havard refused a plea agreement. Moreover, some of these letters are identical in their wording, leading the State to believe the writers are procuring their information from the same source."

Our 2013 letter campaign led to a pathetic failed attempt by Jim Hood to seal Jeff Havard's court records. You can read more about Hood's desperate attempt here: <http://wrongfulconvictionnews.com/mississippi-attorney-general-jim-hood-files-motion-attempting-to-seal-jeffrey-havard-case/>

The state of Mississippi should listen to concerned citizens who have come forward in support of Jeff Havard. The state should listen to the facts. Please review the advocate's letter to Mississippi Attorney General, Lynn Fitch which is posted below. The campaign is asking that you take a few minutes of your time to send Attorney General Fitch your own letter in support of Jeff Havard. You can use the letter provided or you can create your own. Please keep in mind that personal letters are a plus. When writing your own letter, please do not hesitate to include the factual information and links provided in the letter below.

Jeff Havard Letter Writing Campaign to Attorney General Lynn Fitch (continued)

You can contact Lynn Fitch by mail:

Office of the Mississippi Attorney General, Lynn Fitch

Attn: Attorney General Fitch

550 High Street, Suite 1200

Jackson, MS 39201

You can email Attorney General Fitch's office directly: support@msegov.com.

You can call Attorney General Fitch's office: 601-359-3680

You can respond on Attorney General Fitch's Twitter account: <https://twitter.com/LynnFitch>.

Our letter to Attorney General Lynn Fitch from advocates for Jeffrey Havard:

Dear Attorney General Fitch,

We are writing to you about a horrific case of injustice that is ongoing in Adams County, Mississippi. This is a case involving a tragic accident, tunnel vision, junk science, false testimony, and prosecutorial misconduct.

The case we are referring to deals with the death of an infant. Please find it in your heart to take a few minutes to review this case of injustice.

In 2002, Jeffrey "Jeff" Havard was wrongfully convicted and sentenced to death in Mississippi for the sexual assault and murder of his girlfriend's six-month-old daughter, Chloe Britt. According to Jeff, Chloe slipped from his arms while lifting her from the tub after a bath, causing her head to hit a nearby toilet. New expert evidence supports Jeff's claims. Advances in science now show that Chloe's injuries were not the result of Shaken Baby Syndrome (SBS), as suggested by the prosecution. Scientific evidence now shows that Chloe's injuries were caused from a short fall. It is also important to note that the erroneous charge of sexual abuse has now been fully discredited by all experts in the case, including the prosecution's expert.

The jurors who convicted Jeff were told of a horrific crime. They were told that Jeff Havard sexually assaulted Chloe Britt and then violently shook her to death. Prosecutors repeatedly told the jury that Chloe died from violent shaking, which has now been proven false. The state can claim that the SBS charge was based on bad science at the time, but there is no excuse for the accusation of sexual assault. That accusation was an egregious act of prosecutorial misconduct. The prosecution was told before trial by their expert, Dr. Steven Hayne, the state medical examiner who conducted the autopsy, that there was no evidence of sexual assault. The autopsy made no mention of a sexual assault. The prosecution withheld this evidence from the defense, never presented the autopsy at trial, and outright lied to the jury. The trial was dominated by the sexual assault accusation. Jeff was presented to the jury as a monster. He never stood a chance against the false charges.

In May of 2016, the Mississippi Supreme Court ordered an evidentiary hearing for Jeff's case based on new scientific evidence related to SBS. Unfortunately, the court limited the scope of the hearing to SBS, which barred the defense from addressing the now fully debunked charge of sexual assault.

The evidentiary hearing took place in August of 2017, in the courtroom of Adams County Circuit Judge, Forrest Johnson. Johnson is the same judge who presided over Jeff's trial in 2002. The 2002 murder trial was speedy to say the least. Within a matter of two days, the court selected a jury, tried the case, received the jury's verdict, and sentenced Jeff to death.

To put things into perspective, Jeff's evidentiary hearing took three days. The judge listened to testimony from four experts who testified for the defense, and also heard testimony from a pediatrician who testified for the prosecution. The hearing, which was limited to a single topic, and provided no immediate decision, took longer than the entire trial that landed Jeff on death row.

Jeff Havard Letter Writing Campaign to Attorney General Lynn Fitch (continued)

Judge Johnson waited over sixteen months to rule on the evidentiary hearing. Johnson's report sided with the state. The report, which was less than five pages in length, made it clear that Johnson had put his own best interests ahead of his duties as a judge. Johnson lazily copied a majority of his skimpy ruling directly from previously written decisions. In doing so, he completely ignored compelling expert evidence presented to the court. Instead of taking new evidence into account, Johnson recycled provably false allegations that have been parroted by the state for years.

Judge Johnson falsely suggested that Jeff had given conflicting statements to police. Johnson also suggested that Jeff had confessed to injuring the infant, which is a ridiculous exaggeration of what Jeff actually told police in his statements. Johnson knows this of course, because he acknowledged in the original trial that Jeff had not confessed to any crime. Johnson embarrassed himself with his weak attempt to turn Jeff's own words against him. The original trial transcripts are on record. Johnson does not have the power to rewrite history.

In a weak attempt to show impartiality, Johnson ordered that Jeff be resentenced in front of a jury, rather than reinstating Jeff's previous sentence of death. Why would Johnson do that if he truly felt Jeff was guilty of raping and murdering an infant? Johnson's ruling suggests that he was moved by the powerful evidence proving Jeff's innocence, but he lacked the courage to do what was right. Johnson's decision was self-serving because it was favorable to the state. The jury at the resentencing hearing only had two options to choose from; the death penalty or life in prison without parole. The state wanted this case to go away in a hurry. Locking up Jeff for life and forgetting about him worked just fine for them.

Multiple expert witnesses have come forward in support of Jeff Havard. The underlying felony of sexual assault, even though it was barred from discussion at the evidentiary hearing, has been refuted by every expert in this case. The felony murder rule no longer applies. We now know that the rule should have never been applied in the first place, because the state's sole expert told the prosecution before trial that there was no evidence of sexual assault.

There are currently no experts, on either side, who support the claims that originally convicted Jeff Havard. That point alone should sound alarms.

Jeff Havard has now been in prison for nearly 17 years for a crime that never happened. Included with this letter, you will find affidavits from multiple experts who have testified under oath in support of Jeff's innocence. You will also find affidavits highlighting the retractions from the prosecution's only expert witness in the case.

Congratulations on becoming Mississippi's new Attorney General. We are hopeful that you will review this case. Thank you in advance for your time.

Sincerely,

Advocates for Jeff Havard

Information included with the letter:

Expert Witnesses

Dr. Michael Baden

Dr. Michael Baden is a physician and board-certified forensic pathologist. Baden is the former Chief Medical Examiner of New York City and is the former chief forensic pathologist for the New York State Police. Baden is well respected worldwide for his work in this field.

Baden testified that he believed Chloe's death had nothing to do with shaking. Per Baden, it is no longer accepted in the field of science that shaking alone is enough to cause fatal injury in children. Impact is now considered a requirement to produce fatal injuries, if other factors such as neck or rib injuries are not observed.

Baden stated that the injuries observed during autopsy were entirely consistent with a blunt force impact which would have resulted from a short fall as described by Jeff.

Jeff Havard Letter Writing Campaign to Attorney General Lynn Fitch (continued)

Baden stated that the infant had no signs of injury to the neck or ribs, which would have been present had the infant been violently shaken. He went on to say that autopsy findings which are found to be consistent with early statements given from a person who was present show that those statements carry more weight. He said it is difficult to tell a story that later matches up with an autopsy report if you are not telling the truth.

Baden told the court that pathologists are more qualified than other specialties to diagnose cause of death. Per Baden, ER doctors and pediatricians specialize in the treatment of living patients. Pathologists have the task of looking beneath the surface of non-living bodies to properly determine cause of death. Evidence exists after death that is not available to doctors who are treating living patients. Please see enclosed affidavit for Dr. Michael Baden:

http://www.freejeffreyhavard.org/Ex_B_-_Baden_Affidavit_with_CV.pdf

Dr. Janice Ophoven

Dr. Janice Ophoven is a pediatric forensic pathologist with over 30 years of clinical, administrative and quality improvement experience. Ophoven is trained in pediatrics and is board certified in pathology and forensic pathology. Ophoven's practice is focused on understanding child abuse and injury to children.

Ophoven stated that no evidence exists to show that Chloe's death was the result of child abuse. She testified that violent shaking alone was no longer an accepted cause of death in infants. Ophoven told the court that it was a common belief in the scientific world back in 2002 that short falls could not cause fatal injuries in children. She went on to say that the scientific community no longer believes that to be true. She made it clear that there have been significant changes in science regarding infant head injuries and Shaken Baby Syndrome since the time of Jeff's trial.

Ophoven concluded that the infant's death was the result of a short fall as described by Jeff. She also informed the court that pathologists are more qualified to determine cause of death than ER doctors and pediatricians. Please see enclosed affidavit for Dr. Janice Ophoven:

http://www.freejeffreyhavard.org/Ex_C_-_Ophoven_Aff_executed_with_CV.pdf

Dr. Chris Van Ee

Dr. Chris Van Ee holds a Ph.D. in Biomedical Engineering from Duke University and is a licensed Professional Engineer. Van Ee has specific expertise in the analysis and risk assessment of head injury in the infant and adult populations.

Van Ee testified that a short fall was the most logical scientific reason for the death of Chloe Britt. Van Ee told the court that short falls are now known to cause injuries which were once thought to be caused only by violent shaking. Per Van Ee, a one-foot fall onto a carpeted surface head first has a higher chance of producing a head injury to a child than violent shaking. Van Ee testified that he reviewed photographs of the bathroom in Jeff's trailer and determined that the fall described by Jeff could have caused fatal head trauma. Tests conducted by Van Ee using crash-test-dummies, concluded that a short fall from three-feet onto a hard surface such as a porcelain toilet could generate forces similar to a car accident which could lead to the death of a six-month-old infant. Please see enclosed affidavit for Dr. Chris Van Ee:

http://www.freejeffreyhavard.org/Ex_E_-_Van_Ee_Affidavit_with_CV.pdf

Dr. Steven Hayne

Dr. Steven Hayne was the only expert to testify during Jeff's trial in 2002. Hayne is a former pathologist from the state of Mississippi. Hayne has a questionable history which has caused him to be barred from performing autopsies in Mississippi. Hayne completed upwards of 90% of the autopsies in Mississippi from 1987 through 2008. He was often called by prosecutors as an expert witness, and history shows that he has been willing to provide testimony favorable to the prosecution regardless of the facts. (Please see article from Investigative Journalist, Radley Balko.)

The testimony provided by Hayne was crucial to the prosecution's case against Jeff Havard. Hayne conducted the autopsy on the infant.

Jeff Havard Letter Writing Campaign to Attorney General Lynn Fitch (continued)

Hayne did not find any evidence of sexual assault while conducting the autopsy, even though he was told to look for it. There is no mention of a sexual assault of any kind in the autopsy report.

Regardless of his findings, Hayne helped the prosecution when he testified that a contusion in the infant's anus could have resulted from penetration with an object. Hayne also testified that the death was the result of Shaken Baby Syndrome. Hayne has now retracted both of those statements.

Shockingly, the defense learned in January of 2014, twelve years after Jeff's conviction, that Hayne had looked at tissue sections under a microscope and found definitively that there was no evidence of sexual assault. In a case where suspicion of sexual assault only arose when ER doctors and nurses noticed what they believed to be physical evidence of sexual abuse.

ER staff observed that the infant's anus was dilated and rushed to judgment. The ER staff was not qualified to give an opinion regarding sexual abuse. Every single staff member who provided a statement to police, made the same mistake when misdiagnosing the condition of the infant's anus. It is a known medical fact that anal dilation is a common artifact in accidental deaths involving severe brain injury.

Hayne's microscopic findings were clearly exculpatory, and would have positively shown that the doctors and nurses had misinterpreted what they saw. The state withheld this evidence from the defense as well and failed to tell the doctors and nurses about it before they testified.

Hayne's statements in his affidavits and in his testimony state that he does not support a claim of sexual assault and that he no longer believes that Chloe died by shaking alone. He now believes that impact had to be a factor. Meaning that the infant could have died from a short fall as described by Jeff. Hayne bases his current beliefs on changes in science related to Shaken Baby Syndrome. Please see enclosed affidavits for Dr. Steven Hayne: <http://www.freejeffreyhavard.org/Hayne7-14.pdf>, http://www.freejeffreyhavard.org/Ex_A_-_Hayne_Affidavit.pdf

Dr. James Lauridson

Dr. James Lauridson is a former Alabama state medical examiner. In 2007, Mississippi's post-conviction relief office obtained Lauridson to review the autopsy findings of Hayne. Lauridson concluded that the evidence failed to confirm that a sexual assault of any kind had taken place. There was no sign of any tears or lacerations in the infant's anus and it was not out of the ordinary for dilation to occur naturally. Lauridson concluded that any conclusions that Chloe Britt suffered sexual abuse were not supported by objective evidence and were wrong. Please see enclosed affidavit for Dr. James Lauridson:

http://www.freejeffreyhavard.org/10512018327__April_10__2009_.pdf

Dr. Scott Benton

Dr. Scott Benton testified for the state at Jeff's evidentiary hearing in 2017. Benton was the only expert called by the state. Benton is the medical director of the Children's Justice Center and chief of the division of forensic medicine at the University of Mississippi Medical Center.

Benton's qualifications as an expert on issues of infant death were challenged by the defense because Benton is a pediatrician, not a pathologist. Both Baden and Ophoven provided clear reasoning in their testimony as to why pathologists are uniquely qualified to analyze cause of death. Judge Johnson noted the defense objection and said that he would take it into consideration when ruling on the case.

During questioning, Benton argued that shaking alone could prove fatal for an infant. His testimony ignored current scientific literature which states that shaking alone without other signs of injury is not enough to cause fatal injuries in children.

On cross examination, it was discovered that Benton was not contacted by the state to evaluate the case. Benton's participation was the result of his own eagerness to get involved. Benton contacted Jerry Mitchell from the Clarion Ledger because he had read a single article of Mitchell's and had determined that the case was a homicide. After an email exchange with Mitchell, Benton's further inquiries led to his work on behalf of the prosecution.

Jeff Havard Letter Writing Campaign to Attorney General Lynn Fitch (continued)

It was also discovered on cross examination that the Children's Justice Center where Benton works was experiencing financial difficulties at the time due to a mismanagement of funds that were received from grants. The medical center benefited upwards of fifty thousand dollars for Benton's testimony in this case. Please see enclosed deposition for Dr. Scott Benton:

<http://freejeffreyhavard.org/Bentondeposition.docx>

Other Resources

Article from investigative journalist, Radley Balko: "Murder evidence evaporated, but Jeffrey Havard still sits in a Mississippi prison".

<https://www.sunherald.com/opinion/article218929855.html>

Brendan Dassey seeking clemency after thirteen years in prison

By Bruce Fischer

Brendan Dassey was wrongfully convicted of murder in 2007 on the basis of a coerced false confession to the rape and murder of Teresa Halbach in 2005. No other evidence supports his conviction, and physical evidence flatly contradicts the statements in which he incriminated himself. Dassey's uncle, Steven Avery, was also convicted of murdering Halbach, but the two were tried separately.

The Netflix documentary "Making A Murderer", which details the murder of Teresa Halbach and the controversy surrounding her death, brought renewed attention to the case. Brendan's legal options have been exhausted. On October 2, 2019, Brendan's attorney, Laura Nirider, announced that she had filed a petition for executive clemency with Governor Tony Evers of Wisconsin.



Brendan Dassey

Brendan's attorneys have set up a website for people to show their support at: www.BringBrendanHome.org.

Change.org Petition: Please Pass Brendan Dassey Juvenile Interrogation Protection Law In Wisconsin

Injustice Anywhere is asking the state of Wisconsin to enact new legislation in order to prevent other minors from suffering the same fate as Brendan. Brendan's case highlights the need for the enactment of legislation which would require that an attorney be present during a custodial interrogation of a minor.

There is no evidence whatsoever to support Brendan's conviction, and physical evidence flatly contradicts the statements he gave to his interrogators. At the time he confessed, Brendan was only 16 years old. Brendan spent his childhood struggling with a learning disability. At the time of his interrogation, he had an IQ of about 70. He had no criminal record, and he was not a trouble maker. Police initially turned their attention to him because he was a defense witness for his uncle, Steven Avery, who at the time had been accused of murdering Halbach.

Add your signature today!

Please visit [Free Brendan](http://FreeBrendan.org) and [Bring Brendan Back Home](http://BringBrendanBackHome.org) to learn more about Brendan's case.

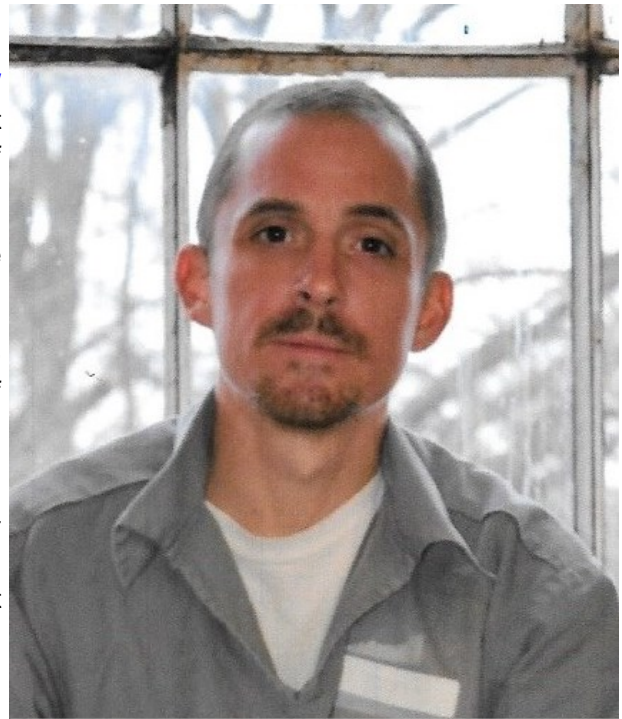
Update on Charles “Charlie” Erickson and his appeal

By Marianne Erickson

Charlie is now represented by Landon Magnusson of the Withers, Brant, Igoe & Mullennix, P.C. law firm in Liberty, MO. Mr. Magnusson's bio can be viewed at <https://www.withersbrant.com/landon-magnusson> Within the next two months, he plans to file a successful second appeal of Charlie's wrongful conviction.

There has been a series of positive changes in Charlie's life in over the past year:

- He completed his Associates Degree through distance studies at Ohio University, where his LSU, University of Missouri and Moberly Area Community College credits were transferred.
- Charlie was named to two college academic honor societies: The Golden Key International Honour Society and the Alpha Sigma Honor Society for non-traditional, adult college students. He is applying for a financial aid scholarship from Alpha Sigma Honor Society for the Fall, 2020 term tuition charges at Ohio University.
- He completed a two-year U.S. Department of Labor Canine Training apprenticeship in the Puppies for Parole Program in Missouri to become a certified dog trainer. During his training, several of his dogs learned important “good citizen” skills and were adopted to forever homes.
- Due to his approaching parole date of 2023 and his elite honor status at Northeast Correctional Center in Bowling Green, MO, he was transferred to a minimum security facility in Boonville, MO, which is nearer to many Free Charles Erickson advocates' homes, so he is receiving more supportive visits than in the past fifteen years of his wrongful incarceration.
- He began work in early 2019 as an upperclassman at Ohio University and has completed 24 additional credit hours toward his Bachelor of Specialized Studies, with areas of concentration in History, Sociology and English.
- Charlie decided in 2019 that he would like to continue his education in law school, following graduation. He dreams of working as an advocate for other wrongfully convicted people he has known in the four prisons where he has lived. He also would like to work on assuring decent medical, dental and mental health care and educational opportunities for all incarcerated people.
- By the end of 2019, Charlie finished page 670 of Providence Road, his memoir. He continues writing this book.
- Charlie is now enrolled in four more Ohio University distance learning college courses, two in psychology and two in English.



Charlie Erickson

Please visit [FreeCharlesErickson](#) to learn more about Charlie's case.

Keep up to date with current events by visiting Charlie's [Facebook](#) page.

The wrongful conviction of Enrico Forti

By Philip Mause

I have learned a great deal about the conviction of Enrico (Chico) Forti in the process of producing a documentary movie about the case. Our movie - Framed in Miami - should be released, initially in Europe, later this year. The case illustrates some of the serious problems with our criminal "justice" system.

Chico Forti is an Italian citizen who moved to the United States, married an American woman and had a happy, successful life in Miami as a filmmaker. He had two young children with a third on the way in 1997. At that time, two things happened which would change his life forever. He made a short movie about the Versace murder which suggested that the authorities did not properly investigate the case and that Andrew Cunanan did not commit suicide. He also entered negotiations to purchase a hotel on the Spanish island of Ibiza.

His movie did not endear him to the police in the Miami area and the hotel negotiations moved forward leading, in a bizarre chain of events, to his conviction for first degree murder.

He was negotiating with a gentleman named Tony Pike to purchase his hotel and had reached what appears to have been an agreement in principle to buy it for roughly \$1.6 million. Tony's son, Dale, planned to come to Miami with Tony to help negotiate the deal. It is unclear whether Dale had strong objections to the deal. At the last minute, Tony changed his own schedule and Dale was to arrive alone at the Miami airport on February 15, 1998.

Chico picked up Dale at the Miami airport and dropped him off at a restaurant called The Rusty Pelican at about 7:15 pm. The next day Dale's body was found on a beach a short distance from the restaurant on Virginia Key.

The police almost immediately concluded that Chico Forti was guilty of Dale Pike's murder. But the investigation took a bizarre and circuitous route. Chico was quickly indicted for fraud in connection with the hotel transaction, but not for murder. The prosecution commenced a 20-month investigation of the "fraud" case including depositions in Europe, exhaustive forensic analysis, complex efforts to determine the value of the hotel, and even medical analysis of Mr. Pike. It was extraordinary that the Miami police and prosecutors, overloaded with drug and violent crime cases, would devote enormous resources to a business transaction involving two foreigners and a hotel in a foreign country.

The effort was likely motivated by the police theory that Chico was guilty of the murder combined with the understandable insight that they had nowhere near enough evidence to convict. At any rate after about a year and a half, the defense - in one of many serious blunders - filed a motion for a speedy trial on the fraud case and the prosecution - at the very last minute - dismissed the case. Then, almost immediately, the prosecution turned around and indicated Chico Forti for the murder of Dale Pike.

The prosecution case rested upon five pillars:

1. the prosecution contended that Dale Pike died very shortly after leaving the Miami airport - the ME testified that the evidence was "consistent with" a death before 7:16 pm.
2. Chico Forti lied when he denied picking Dale up at the airport.
3. Sand was found in Chico's vehicle which was consistent with sand at the crime scene.
4. Chico made a cell call which connected with a tower proving that Chico must have been at a different location from where he said he was.
5. Chico's motive was a concern that Dale Pike might convince his father not to go through with the hotel deal.



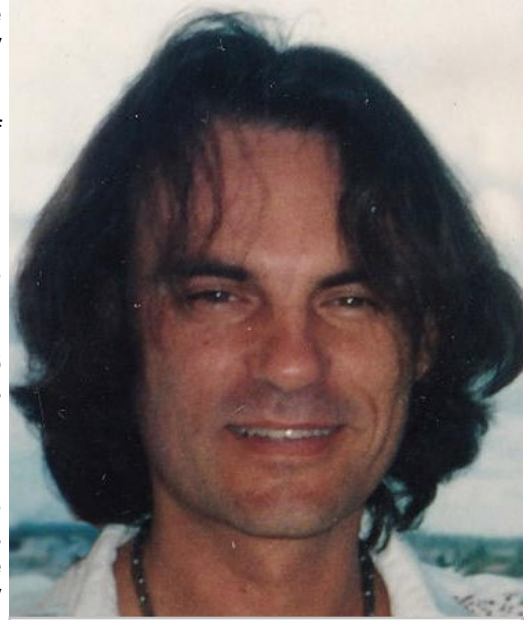
Enrico Forti

The Wrongful Conviction of Enrico Forti (continued)

This time the investigation lasted only a few months and the case went to trial in May 2000. After a four-week trial, the jury promptly returned a first-degree murder conviction and Chico was sentenced to life without parole. There is no written opinion explaining why the evidence supports a conviction - appeals and post-conviction relief petitions were denied without explanation. To top it off, Chico's lawyers inexcusably missed the filing deadline for federal habeas corpus.

We investigated the case ourselves and were horrified at what we found. As to the prosecution's five arguments:

1. there is no basis to assume that the time of death was before 7:16 on February 15, or even on February 15 at all. Forensic evidence is ambiguous and, if anything, suggests a time of death the next day.
2. Chico's lie to the police about picking Dale up at the airport was stupid and inexcusable but he corrected it the very next day. The police dispute what happened in the second interview but there was no recording. The only memo of the interview was prepared more than four months later, and Chico's version fits the documentary evidence much better than the police version.
3. The collection of the sand evidence occurred only after previous searches revealed nothing and was not properly documented and therefore suspect. In addition, there are numerous plausible explanations for the sand which are consistent with Chico's innocence.
4. The cell tower evidence was based on the erroneous assumption that cell calls always connect to the closest tower. Using correct analysis, it is entirely possible that Chico placed the call from the location he described.
5. The prosecution spent 20 months trying to find fraud in the hotel deal and failed. Also, Chico's plan in buying the hotel was to keep Tony Pike involved in promotion - any suspicion that he killed Dale would have undermined any plan to make money operating the hotel.



Dale Pike

This is clearly the case of a wrongful conviction. It is also a case which illustrates some serious and persistent problems with the US criminal justice system.

First, interrogations should be taped. The failure to tape Chico's second interrogation allowed the police to misrepresent what happened.

Second, better standards for forensic evidence are necessary. In this case, the time of death evidence misled the jury and was totally baseless. In addition, faulty assumptions were the basis for false and misleading cell tower evidence.

Third, our system should require that a coherent explanation of the reasoning behind a conviction must be issued in serious cases. In this case, we still don't know exactly why the jury found Chico guilty.

Since I started working on our documentary movie, CBS 48 Hours has come out with an episode on the case which aired in May. In addition, an Italian television station has aired a multi-part prime time series on the case. Chico has picked up widespread support in Italy and the Italian government is starting to press the US for remedial action. We hope that our movie will lead to a fundamental reexamination of the case.

I have to thank Bruce Fischer and the other active members of Injustice Anywhere for getting me involved and interested in wrongful convictions. It led me to learn about this case and commence this project. My business partner, Thomas Salme, has been absolutely essential to progress of the project, and we have been fortunate to have support from the Swedish television network, SVT, and Pampas Productions. Our documentary should come out later this year.

About the author: Philip Mause is a retired lawyer working as a consultant, a financial journalist, and a stand up comic. Philip has written 345 articles on [Seeking Alpha](#).

Dubious blood evidence and a false confession in the Lloyd Eldon Miller case

By Christopher Halkides

The murder of Janice May

Eight-year-old Janice Elizabeth May was attacked near 4 PM on Saturday, 26 November 1955 in Canton, IL, and she later died from her injuries. She bled considerably, and she had three skull fractures. Taxi driver Lloyd Eldon Miller, who was in his late twenties and had led a somewhat nomadic existence after leaving the Army, left town shortly thereafter. According to him, he was concerned about the possibility of legal action involving child support from his former wife. He was arrested in Danville, IL two days later and was interrogated and voluntarily took a lie detector test. Mr. Miller signed a confession at 12:15 AM on 1 December. He was convicted of her murder, sentenced to death, and came within about seven hours of being executed. He was eventually released, and all charges were dropped in 1971.



Lloyd Eldon Miller, 1967

The jockey shorts

Two days after the murder a pair of jockey shorts were found in the Van Buren flats, empty apartment buildings about a mile from the scene of the crime and a few blocks from Mr. Miller's rooms in the Baxter residence. The shorts were stained with a dark substance, potentially blood. Although her blood could not be typed after the crime, her mother testified that her daughter's blood type was A. It is known that Mr. Miller had type O blood and was a non-secretor. Supposedly leaving the jockey shorts in the Van Buren flats was a part of Mr. Miller's confession.

However, Mr. Miller said that he only wore boxer shorts, not jockey shorts, and his contention was bolstered by comments from his mother (who did his laundry), among others. Moreover, testimony in 1965 from a clothing salesman indicated that the jockey shorts were too small for Mr. Miller.

Trial testimony from the forensic chemist Forest R. Litterly

Q. Now Mr. Litterly, I ask you what, if anything, you did in connection with "People's Exhibit 3" so named for the purpose of identification.

A. I examined and tested that exhibit to determine the nature of the staining material which was upon it.

Q. And what was the first test that you ran?

A. The first test which I ran was to determine whether or not the material was blood.

Q. What was the result of that examination or test?

A. The result was that this material upon the shorts is blood.

Q. And then did you make a further test upon that?

A. I further examined it to determine whether or not the blood was of human origin.

Q. And what was the result of that examination and test?

A. That examination disclosed that the blood is of human origin.

Q. Now then, did you make a further test upon that?

A. I further examined it to determine the group of the blood.

Q. Now then, I ask you what the result of that examination and test was?

A. That examination disclosed that the blood is of group A.

(Lassers, p. 73)

Dubious blood evidence and a false confession in the Lloyd Eldon Miller case (continued).

Results from Sussman and Martin

Years after the trial Dr. Leon Sussman determined that the dark stains near the crotch of the jockey shorts did not give a reaction for blood. Judge Perry allowed Dr. Sussman's tests to go forward, whether or not his report of 6 December was not presented to the court is unclear.

Overcome with surprise at Dr. Sussman's results, Mr. Lessers (one of the lawyers working on Mr. Miller's appeal and the author of *Scapegoat Justice*) asked a microanalyst James S. Martin first to examine some threads from the shorts. "of the twelve threads, ten appeared to have paint stains..." (Lessers, p. 163). This result prompted a broader investigation of the shorts using luminol:

"Martin sprayed all areas of the shorts with the bottle of Luminol. There was a diffused general luminescence from the shorts except over those areas containing visible stains and in those areas there was no luminescence whatever. Next Martin sprayed the handkerchief. There was a similar diffused background luminescence on all areas of the handkerchief, except the area stained with blood, where we saw an intensely bright glow."



Janice Elizabeth May

Martin was called as a witness in the habeas corpus trial in December of 1965. Presumptive tests for blood such as luminol are typically set up to give only a small number of false negatives; therefore, a reasonable inference is that there was no blood or that there was highly diluted blood that was uniformly distributed over the area showing diffuse luminescence. Mr. Martin did not want to come down in favor of one of these conclusions or the other. He did present evidence that disfavored the hypothesis that age would cause a degeneration of the blood into something undetectable.

Other blood-related results and related matters

A memorandum about the evidence found at the Van Buren flats written by Sergeant Harding makes it clear that the prosecution knew that the shorts did have paint. This memorandum was uncovered by the defense subsequent to Dr. Sussman's tests. The memorandum mentioned paint cans and hypothesized how the paint might have been used to camouflage blood stains. Yet the prosecution never disclosed this information to the defense or to the jury. When the prosecutor Blaine Ramsey was cross-examined he was asked about the shorts.

Q. Let me ask you this, Mr. Ramsey. As a matter of fact, Mr. Ramsey didn't you know at the time of the trial of Lloyd Eldon Miller, Jr., that these spots on this exhibit were not blood?

A. Oh, I knew that all of them were not blood; yes sir.

Mr. Ramsey's reply is ambiguous, but he might have meant that *not all* of them were blood. When Robert Hayes (who had assisted Mr. Ramsey) made his final statement in the habeas proceedings, he "took the position that it had been obvious to all in 1956 that the stains on the garment were paint." (Lessers, p. 168)

In *Miller v. Pate* the Supreme Court wrote, "In argument at the close of the habeas corpus hearing, counsel for the State contended that '[e]verybody' at the trial had known that the shorts were stained with paint. 13 That contention is totally belied by the record...The prosecution's whole theory with respect to the exhibit depended upon that misrepresentation. For the theory was that the victim's assailant had discarded the shorts *because* they were stained with blood."

The report from the Illinois State Bar Association

The Illinois Bar investigated the matter to determine whether or not the prosecutor had behaved correctly. Uncharacteristically, the records and files that formed the basis of the journal article, "The Vindication of a Prosecutor" were made public. Much of the article quoted from the committee's report (numbering mine).

[1] "It became apparent to the Committee early in its investigation that the United States Supreme Court had misapprehended the facts of the case."

[2] "The Committee found no reason to doubt that there was blood on the shorts at the time of the trial and no reason to doubt that the prosecutors in the case believed there was blood on the shorts. Accordingly, the Committee found that there was no basis for the view of the United States Supreme Court that the prosecution had been guilty of a misrepresentation when it asserted as a fact that the shorts contained blood."

Dubious blood evidence and a false confession in the Lloyd Eldon Miller case (continued).

[3] "The Grievance Committee determined that the presence or absence of paint on the shorts was not a material question in the case.

[4] "This chemist, engaged by the defense, admitted that he had made no conclusive tests for the presence of blood and that, indeed, he was not 'permitted' to make such tests."

[5] "Presumably, Dr. Sus[s]man made a test for blood, but the results of that test have never been disclosed."

With respect to points 2 and 4, the committee ignored the luminol results. Luminol cannot prove that blood is present, but it can rule its presence out. One can say that presumptive tests are preclusive, not conclusive. With respect to point 5, Mr. Lassers relayed that Dr. Sussman did test for blood, which was negative, and that this information was in his report. The report treats Mr. Litterly's report as an anchoring fact instead of as something that might be incorrect.

It is extremely difficult to square the state bar's version with what the prosecutor said, as recounted in *Miller v. Pate*. For example: "The record of the petitioner's trial reflects the prosecution's consistent and repeated misrepresentation that People's Exhibit 3 was, indeed, 'a garment heavily stained with blood.'" As the Supreme Court indicated, the reason to discard shorts was that they were incriminating. A better argument in defense of the prosecutor is that he relied upon Mr. Litterly's testimony, which may have been false. However, a more careful investigation would have probed the question of which part of the garment Mr. Litterly tested, and would have ascertained how many spots were paint and how many might have been blood.

Whether or not the prosecution believed that the shorts were stained only with paint or stained with paint and blood is a difficult question to answer. However if one accepts the notion that the prosecution should disclose everything (whether they believe it to be exculpatory or not), then surely the Harding memorandum should have been turned over. But even if one believes that only exculpatory evidence should be turned over, the existence paint was exculpatory, despite the tortuous logic of the report on this point. A juror might have come to the conclusion that most of the stains were paint and that only a small portion was stained with blood.

Conclusions with respect to the shorts

Mr. Martin's results with luminol render it highly unlikely that there was blood on the shorts. One might argue that there was blood, but it was covered by paint. This hypothesis does not explain why Mr. Litterly's test for blood was positive but Dr. Sussman's and Mr. Martin's tests were not. There have two reports in the forensic literature that indicated that luminol can detect blood underneath paint in certain circumstances; however, these reports did not specifically address paint and blood on clothing.

If one were to defend the conduct of the prosecution, it would have to be on the grounds that they may have believed that blood was present on the basis of Mr. Litterly's tests, as noted above. That prompts the question of why his test results were positive. The tests might have been performed incorrectly, or he might have recorded the results incorrectly. The result suggesting the presence of a type A antigen on the shorts might possibly have been from the presence of other fluids from the actual wearer, but Mr. Miller was not a secretor; therefore, even if one were to make this argument, it would only suggest that a type-A secretor wore the shorts. However, Dr. Sussman was unable to analyze a portion of the garment that was stained with perspiration because of a "hemolyzing contaminant" that might have been from detergent. How Mr. Litterly detected the type-A antigen under these circumstances is unclear. No evidence ties these shorts to Mr. Miller or to the crime.

It is uncertain whether or not the prosecution had performed a chemical analysis to show that the stains were paint, although one [summary](#) suggests that an analysis did take place.

A faulty investigation and a false confession

Lloyd Miller's confession is notable in that its falsity was acknowledge in the pre-DNA era. In the retrospective section of his book, Mr. Lassers extensively discussed the question of voluntary versus involuntary confessions. At least one of his conclusions (that recording confessions is a step in the wrong direction) is surprising. Mr. Miller's own account (pp.33-46) indicated that the good cop/bad cop tactic was used on him. He was left exhausted by repeated hostile questions and signed a statement that he could not easily read, owing to blurry vision. According to one account, he was threatened with the death penalty, and it was implied to him that if he confessed, he would be sent to a mental institution. Mr. Miller's confession was inconsistent with Janice May's wounds, the railroad timetables, and with his known whereabouts on the day of the murder. During the trial the defense wished to introduce testimony from Dr. Donald Sweezey regarding Mr. Miller's emotional makeup as it pertained to the question of psychological coercion during the interrogation. The trial judge did not allow this, and the appeals court did not directly address the issue, according to Mr. Lassers.

Dubious blood evidence and a false confession in the Lloyd Eldon Miller case (continued).

A pubic hair from the victim did not match a sample taken from Mr. Miller after his arrest (Lassers, pp. 153-154). Mr. Miller was told otherwise during his interrogation, and his lawyers did not know of the existence of this hair until 2 December 1963 at least eight years after his imprisonment. Forest R. ("Jeff") Litterly could not form an opinion on whether or not hair found on the shorts was the same as Mr. Miller's. In an opinion from 31 December 1963 the United States district court wrote, "The State did have in its possession evidence that a particle taken from the vagina of the victim was probably a human hair but was not one belonging to petitioner. That evidence was of no consequence and did not prejudice petitioner's case." This is a remarkable statement.

Miller slept during the day and drove a taxi at night. His landlady's niece and nephew woke him up at roughly the time that the attack occurred, and his landlady gave him a prescription to fill for her shortly thereafter.

Her version of events contradicted the timeline based on Mr. Miller's confession. Yet the police gave her (at best) misleading information about her responsibilities with respect to meeting with the defense and to testifying at the trial. There is no indication that the original trial lawyers knew of the information that she could have provided at the time, information that was exculpatory.

Examination of the physical evidence as a right

The Supreme Court's decision was written by Justice Potter Stewart, who wrote, "Prior to his trial in an Illinois court, his counsel filed a motion for an order permitting a scientific inspection of the physical evidence the prosecution intended to introduce. ¹ The motion was resisted by the prosecution and denied by the court." Mr. Lassers later reflected that it was his "secret hope that the Supreme Court would use the Miller case as a vehicle that, as a constitutional matter, the defense has a right to examine the physical evidence in the hands of the prosecution." (p. 187). In retrospect both the dubious paint evidence and the exculpatory examination of the pubic hairs were of obvious interest to the defense. If the Supreme Court had upheld a right of examination (perhaps as part of discovery), the Miller case might be remembered in the same way as the Gideon and Miranda cases are.

For further reading

Scapegoat Justice Willard Lassers (1973) Indiana University Press (Bloomington and London).

Tenth Stay at Midnight Lloyd E. Miller, Jr. (2000) 0-7388-3464-5 Xlibris Corp.

The Vindication of a Prosecutor *The Journal of Criminal Law, Criminology, and Police Science*

Vol. 59, No. 3 (Sep., 1968), pp. 335-337. DOI: 10.2307/1141757.

Luminol and paint

Brenzini V, Pathak, R. Forensic Science International [Volume 289](#), August 2018, Pages 75-82.

<https://doi.org/10.1016/j.forsciint.2018.04.043>

Bily C, Maldonado H, "Application of luminol to bloodstains concealed by multiple layers of paint," J. Forensic Identification 896-907.

Case summaries (some of which contain errors)

<https://caselaw.findlaw.com/us-supreme-court/386/1.html>

<http://www.law.northwestern.edu/legalclinic/wrongfulconvictions/exonerations/il/lloyd-eldon-miller-jr.html>

<https://www.law.umich.edu/special/exoneration/Pages/casedetailpre1989.aspx?caseid=231>

Notes: " The prosecutor even admitted that the Canton police had prepared a memorandum attempting to explain " how this exhibit contains all the paint on it."

According to one case [summary](#) "Its report noted that the prosecution had not actually said that the stain on the shorts was blood; rather the stain had been referred to in Miller's so-called confession as blood. By remaining silent on the issue, the prosecution merely allowed the jury to assume that the stain was blood."

David Thorne case update

By Bruce Fischer

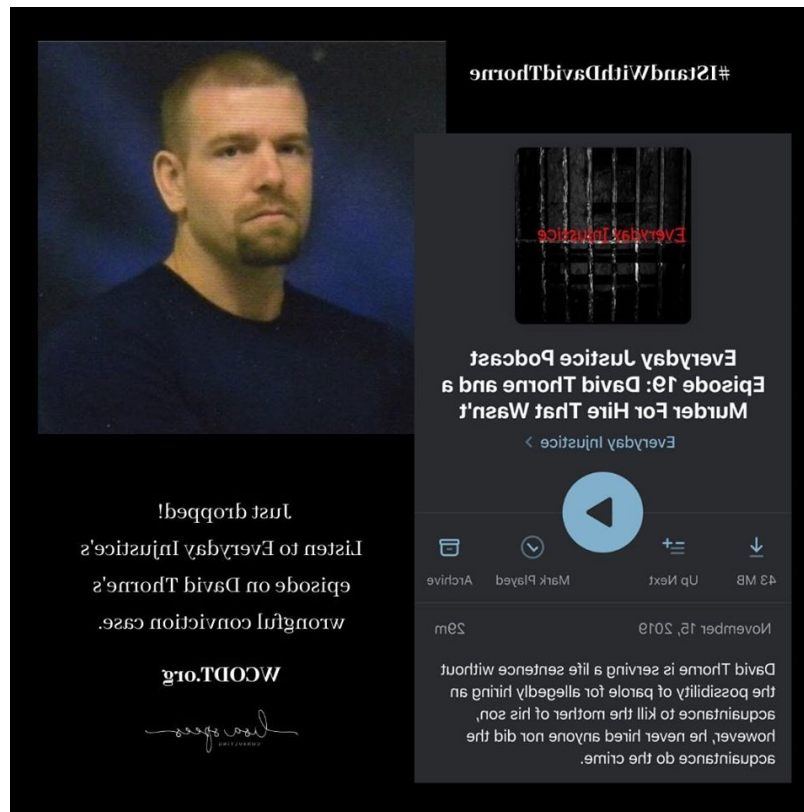
David Thorne was wrongfully convicted in January of 2000, and sentenced to life without the possibility of parole, for allegedly hiring an acquaintance to kill his son's mother, Yvonne Layne, in March of 1999.

David has proclaimed his innocence from the beginning. There is overwhelming evidence that David was falsely arrested and wrongfully convicted. David, who had an iron-clad alibi, was implicated by Joseph Wilkes, a mentally and emotionally impaired man. Wilkes was arrested and interrogated by police officers. After being threatened with the death penalty, Wilkes told his interrogators that he was hired by David to commit the murder. The problem was that Wilkes was unable to provide accurate details of the crime scene. According to Forensic Scientist Brent Turvey, Wilkes got every detail of the crime wrong, except the type of weapon used. Shockingly, the jury bought the confession of Wilkes, despite his glaring inconsistencies, putting David Thorne in prison for the rest of his life.



David Thorne

David's case was recently featured on the Everyday Justice Podcast



David Thorne also has a new website. Please visit www.wcodt.org to learn more about this case.

You can also keep up to date with David's case by visiting the Free David Thorne [Facebook page](#).

Brian Peixoto case update: legal team expands in preparation for 2020 filing

By Lisa Munger

This month marks the anniversary of Brian's 24th year of his wrongful incarceration. In 1996, Brian was arrested and charged with murdering his then-girlfriend's three-year-old son, Christopher Affonso, Jr.

During a sham trial, the prosecutor manipulated and hid evidence; unqualified medical experts applied junk science, and the defense attorney was unprepared and in over his head. Despite his adamant protestations of innocence, on March 7, 1997, Brian was convicted of first degree murder and sentenced to life in prison.

In recent years, however, several well-respected legal and medical experts have come out in Brian's defense and are now fighting to prove his innocence. All believe that through new evidence, new medical science, and the first thorough review of his case, it can be proven that Brian is an innocent man.



Brian Peixoto

As detailed on our website, this case is riddled with junk science, ineffective assistance of counsel and prosecutorial misconduct. We firmly believe that had the jury had all of the information we are about to present, they would most likely have found Brian not guilty.

Brian is sponsored by the CPCS Innocence Program. He is represented by former Rhode Island public defender and Injustice Anywhere board member, Jennifer Fitzgerald, and top Boston criminal defense attorney Jack Cunha. Together with our private investigator, John Nardizzi this legal team is hard at work drafting a Motion for New Trial to be filed with the Court later this year.

In 2016, Boston Magazine conducted an independent investigation on Brian's case and published an in depth feature article. Following that publication, our investigative team uncovered shocking and indisputable evidence of Brian's innocence. We are planning to release this new information, through our website just prior to our filing. The new pages will detail the new evidence, the cumulative ineffective assistance of counsel of all previous defense attorneys, and the flagrant misconduct by the prosecutor.

According to the prosecutor, Brian had flown into a fit of rage after the child wet his pants. In 2016, our PI and attorney Fitzgerald met with Westport EMT now Fire Chief Brian Legendre, the first responder. Chief Legendre confirmed in an affidavit that the boy's diaper was dry upon presentation to the fire station. What is momentous is that the prosecutor and now sitting Superior Court Judge Renee Dupuis knew this yet she deliberately presented this knowingly false information as motive for murder. It was a running headline throughout the media coverage.

Dupuis is the Regional Administrative Judge sitting in the very court that Brian must file his motion to prove his innocence. As it stands, she would be the one to appoint the judge to review Brian's case. Talk about the mouse guarding the cheese! Oh well, the bigger they are, the harder they fall.

We have already hit the ground running full speed ahead in 2020. Attorney Greenberg is spending the semester break getting caught up on the file and preparing for her students. John Nardizzi finished some critical investigative tasks and Jen, who has done an incredible and incomparable job on researching the medical evidence, is working with Jack in pulling the new evidence aspect of the motion together. We file in 2020 with all of the public attention it deserves. We have held off on some media projects, but the flood gates are ready to open. Please visit [Brian's website](#) and [Facebook](#) page to keep up with current events.

Supporters asking for funds to support Melissa Calusinski's family as she continues to fight for her freedom

By Bruce Fischer

A gofundme account has now been in place since 2016 for Paul and Cheryl Calusinski, the parents of Melissa Calusinski. Paul and Cheryl have suffered financial hardship as they have fought to free their daughter from prison. Unfortunately the case continues to linger on. If you are able, please consider making a donation.

Melissa Calusinski was convicted of murder in 2011 and was sentenced to 31 years in prison in Illinois. Calusinski was accused of throwing a child to the floor, causing fatal injuries, while working as a teacher's aide at a day care center.

Calusinski has long maintained her innocence, and evidence now shows that she was wrongfully convicted based on false medical testimony and a coerced confession. In 2013, Eupil Choi, the pathologist who performed the autopsy on the child, stated in a sworn affidavit that he had missed an old injury. Choi's statement was a major breakthrough in the case, because it supported Calusinski's defense team's longstanding argument that the child's death was the result of a pre-existing injury. But the real bombshell came later in 2017, which blew the case wide open.

Lake County's coroner, Dr. Thomas Rudd, reclassified the child's death from a homicide to undetermined, after a new set of X-rays was discovered by his office. These X-rays show no sign of fresh injuries on the child at the time of death.

Calusinski is currently being represented by Kathleen Zellner, a high profile defense attorney who is credited with overturning eighteen wrongful convictions to date. Calusinski's supporters are hopeful that Zellner will soon be adding one more case to her long list of successful exonerations. Zellner's involvement has been a blessing for the Calusinski family. Unfortunately, even with the best representation, the wheels of justice turn very slowly. The vast majority of wrongful convictions which are overturned go through multiple appeals over the course of many years before being corrected.

Paul and Cheryl Calusinski will continue to fight for their daughter for as long as it takes. And they have a strong group of supporters who are determined to make sure that they never have to fight the battle alone.

If you would like to make a donation to help the Calusinski family, you can do so here:

<https://www.gofundme.com/paulandcherylcalusinski>

The Calusinski family is incredibly grateful for the support they receive.



Melissa Calusinski



Paul and Cheryl Calusinski

Is it time to abolish the death penalty?

By Bruce Fischer

The death penalty is a controversial subject that is often debated in the United States. Many Americans are against the death penalty, even if they are convinced in the guilt of the accused, while many other Americans feel that death is the proper punishment for the most deplorable crimes committed in our nation. One thing is certain, support for the death penalty is on rocky ground. In fact, the number of states that implement the death penalty has decreased at a decent clip in recent years, which is a clear sign that support for the death penalty is on a decline. When looking at the nationwide trends, an important question needs to be asked. Is it time to abolish the death penalty?



According to a November 19, 2019, [Gallop poll](#), 60% of Americans favor life imprisonment over the death penalty. According to Gallop, the tables have turned. In 2014, only 45% of Americans favored life imprisonment over the death penalty. This is a major shift within a short period of time. Over the past decade, seven states have abolished the death penalty. Those states are: Connecticut, Delaware, Illinois, Maryland, New Mexico, Washington, and New Hampshire. In addition, just this year, California, Colorado, and Pennsylvania, have put a moratorium on the death penalty. There are currently 29 states that have the death penalty, with three of those states currently in a period of [moratorium](#). The United States is now divided right down the middle when it comes to states that are imposing the death penalty compared to states that are either not actively executing people or states that have abolished the practice all together.

What are the most common arguments in favor of the death penalty? Deterring heinous crimes is most likely the number one argument. Death is the ultimate punishment. Proponents of the death penalty believe that the threat of death is a useful crime-fighting tool. Another argument in favor of the death penalty is that we should not use our hard-earned tax dollars to house and feed people convicted of evil acts. Another argument in favor of the death penalty is the right and the need for closure for families of victims. The goal of these proponents is to deliver retribution to the families of the victims. Those who believe in this philosophy, think that vengeance works to bring closure. There is also [Hammurabi's Code](#), derived from the late 1700's phrase, "an eye for an eye", meaning that a person should receive a punishment equivalent to the crime they committed. As an example, a person who takes a life owes his or her life in return.

Arguments in favor of the death penalty are compelling, but do they hold up to fact-based scrutiny? When looking at the bottom line, is it ethical to put a human being to death for crimes committed, and is the punishment of death a proven deterrent for other American citizens? Finding answers to these questions is difficult because the many studies that have been done have failed to provide definitive answers. Some studies conclude that the death penalty is a deterrent, others say that it is not a deterrent, and some studies even suggest that capital punishment leads to more crime. Proponents say that common sense suggests that the threat of death is an obvious deterrent. Those against the death penalty say that people who are capable of committing evil acts do not look ahead to the possible consequences.

Here is the hard reality. Laws work as a deterrent for reasonable people. Those who are capable of murder and other horrific crimes are not reasonable people. Can we honestly conclude that the threat of death will influence irrational people?

Is it time to abolish the death penalty? (continued)

If data and research does not provide definitive answers, then where do we need to look in order to find common ground? When it comes to capital punishment, there is a significant elephant in the room that must not be ignored—the exonerated.

There have been a total of 1512 executions in the United States from 1977 to the present. In that time frame, there have been 166 death row exonerations. The alarming number of exonerations clearly shows that the system is flawed. Should we be comfortable with killing 166 innocent people in order to execute roughly 1500 guilty people?

William Blackstone wrote: "Better that ten guilty persons escape, than that one innocent suffer." According to the [Cato Institute](#), most Americans believe that it is worse to punish the innocent than to let the guilty go free. Most Americans agree with Blackstone's philosophy.

Laws are put in place to protect the masses. Bad people are rounded up and put away so that they are no longer a threat to society. If the charges are serious enough, in certain jurisdictions, those bad people are put to death. Unfortunately, as with anything human beings partake in, errors occur, and innocent people sometimes fall victim to wrongful accusations. Should we view wrongfully accused victims as collateral damage, who must be sacrificed for the safety of the majority? Or should we rethink the finality of the death penalty due to the alarming number of people who are wrongly accused?

Before attempting to answer these questions, it is important to look at cases, which resulted in exoneration, or cases where proof of innocence came too late. Death row exoneree, [Kirk Bloodworth](#), served nine years in prison (two of those years on death row) for the rape and murder of a nine-year-old girl in Rosedale, Maryland. Post-conviction DNA testing conducted on semen samples collected from the victim's underwear excluded Bloodworth as a suspect. The newfound evidence then led police to the real perpetrator, who then confessed to the crime. Bloodworth was released from prison in 1993 and pardoned in 2004, making him the first person to be exonerated through DNA testing after receiving a death sentence. To this day, Bloodworth travels the country speaking about his experience while working to abolish the death penalty. Would it have been okay if Kirk Bloodworth had become collateral damage?

Sabrina Butler Porter was a Mississippi teenager when she was convicted of murder and child abuse in the death of her nine-month-old son, Walter. Porter was sentenced to death in 1990. Porter was later exonerated of all wrongdoing and was released in 1995 after spending more than five years in prison and thirty-three months on death row. Porter was the first woman in the United States to be exonerated from death row.

I had the opportunity to [interview](#) Sabrina Butler Porter in 2015. Her story is heartbreaking. Porter's son died of a kidney malady that was undiagnosed at the time of death. Porter was convicted based on bruises that were visible on Walter's body. Those bruises were not the result of child abuse, but rather by the frantic attempts to resuscitate the infant. Porter lost her child and was immediately accused of murder. She did not even have time to mourn her loss before she found herself fighting for her own life. Would it have been okay if Sabrina Butler Porter had become collateral damage?

Debra Milke was wrongfully convicted in 1990 in Arizona for the murder of her four-year-old son Christopher. On December 2, 1989, Debra Milke's son was shot to death in the desert in Arizona. Despite an extreme lack of evidence, Milke was convicted of the murder and sentenced to death. Milke's conviction was the result of police misconduct. A corrupt police detective claimed that Milke had confessed to the crime. The officer was later discredited and fired for misconduct in multiple cases. After many years of appeals, Debra Milke was finally exonerated. Based on credible police work, the actual killers are now in prison. Unfortunately, the damage caused by Milke's wrongful conviction is irreparable. Milke spent twenty-two years on death row for a crime she did not commit.

Is it time to abolish the death penalty? (continued)

I had the opportunity to [interview](#) Milke in 2015. When I asked Milke how she found the strength to survive all those years in prison, her thoughts went immediately to her son. She said the state of Arizona failed to investigate Christopher's death properly. She told me that she was determined to find out what really happened to Christopher and found strength every day to continue her pursuit of justice. In an interview shortly after her release, Milke offered this warning to all Americans: "This could happen to anyone of you. If you don't believe it could happen, you are either misinformed or in a state of deep denial".

After suffering over two decades of incarceration, Debra Milke continues to face challenges when working to adjust to her new life of freedom. But in the end, she did not suffer the ultimate punishment of death. Debra Milke's story is heartbreaking beyond measure. Much like Sabrina Butler Porter, Milke lost a child, and before she could even begin to mourn her loss, she found herself fighting for her life. It is not possible to comprehend that level of anguish unless you personally live through a similar situation. Would it have been okay if Debra Milke had become collateral damage?



Debra Milke

Cameron Todd Willingham was convicted in 1992 of igniting a fire in his home that killed his three young daughters. As a result, Willingham was sentenced to death in the state of Texas. Willingham insisted that he was innocent up until his death. Four days before his execution in 2004, Willingham's attorneys presented expert evidence refuting the state fire marshal's claim of arson.

Willingham's defense attorneys asked the Texas Board of Pardons to commute his sentence and asked Governor Rick Perry for a reprieve. Both requests were denied. Willingham was executed on February 17, 2004.

The Willingham case has remained highly controversial since his execution. According to the Innocence Project, nine nationally renowned independent experts have reviewed the case and found that the prosecution's forensic analysis was wrong. Advancements in fire investigation technology have led to the conclusion that Willingham was [wrongfully executed](#).

Stories detailing victims of wrongful conviction should bring pause. Every death row exoneree on record would be dead today if the authorities in their given jurisdictions had their way. The few cases discussed here are only a very small sample of those who have been exonerated from death row. Each exoneree has their own personal story. Each would have lost their life if the truth had not come to light. Unfortunately, when it comes to death penalty cases, the discovery of the truth can come too late. Cameron Todd Willingham is a perfect example of that.

The death penalty should be abolished based solely on the problems that plague our justice system at both the state and federal level. It is a fact that any justice system that implements the death penalty will put innocent people to death. There is currently no system in the world capable of preventing it. As previously mentioned, the United States has recorded 166 death row exonerations. How many additional victims were wrongfully put to death because the truth either came too late or never came at all? Those questions may never be answered. Common sense suggests that there have been many more cases like Cameron Todd Willingham than we will ever know.

Is it time to abolish the death penalty? (continued)

Proponents of the death penalty put confidence in our appeals courts to assure that we are not putting innocent people to death. Data shows that our courts are not capable of correcting all errors. Some feel that we must put total faith in our courts and accept the outcome regardless of information that may come forward in the future.

United States Supreme Court, Justice Antonin Scalia stated: "This Court has never held that the Constitution forbids the execution of a convicted defendant who has had a full and fair trial but is later able to convince a habeas court that he is 'actually' innocent". [In Scalia's view](#), Americans are entitled to a fair trial, and the results of that trial must be respected even if the result is not accurate. Dangerous opinions like this have the potential to put innocent lives in danger. The goal of our justice system should be to seek the truth. Capital punishment eliminates the ability to correct judicial mistakes.

Those who argue that our tax dollars should not go to feed and house heinous criminals need to look at the facts when it comes to the cost of executions in the United States. People might assume that it is less expensive to put a person to death than to house that person for life. Those assumptions are incorrect. It costs taxpayers far more to execute a convicted criminal than it does to house that criminal in prison for life. Many of the expenses come from the appeals process. Death penalty cases require longer trials, more appeals, and experts hired to represent both sides. The [long-term costs](#) of processing a death penalty case outweigh the costs of housing an inmate for life.

Okay, so what if life without parole costs less? Families of murder victims need closure. How can families find closure if the perpetrator is allowed to live? The truth is that closure is hard to come by. And the life or death of the perpetrator is not the key to finding closure.

The Institute for Restorative Justice and Restorative Dialogue at the University of Texas at Austin has researched families of murder victims for decades. According to the institute, families will repeatedly state that ["there's no such thing as closure"](#). Also, a 2012 study conducted by researchers, Marilyn Peterson Armour and Mark S. Umbreit, looked at twenty families of murder victims in Texas and twenty families of murder victims in Minnesota. The families in Texas saw the perpetrators sentenced to death, while the families in Minnesota saw the perpetrators sentenced to life without parole. The results of the study showed that the families in Minnesota were able to cope better with their loss after seeing the convicted murderer sentenced to life without parole. The overall process was cited as the reason why the families in Minnesota were able to move on sooner. Death penalty cases have numerous appeals which repeatedly rehash the brutality of the crime. Families of victims are forced to relive the tragedy with each step of the appeals process.

The debate about whether it is ethical to put people to death for crimes committed is a matter of opinion based on personal beliefs. One major problem is that punishments are not carried out uniformly. As an example, not every convicted murderer is put to death for their crime. In fact, the death penalty is carried out in less than one percent of all murder cases. Ethical questions arise when looking at how and when the ultimate punishment is administered. Laws vary from state to state, and there are serious concerns that the poor are unfairly targeted. As a nation, how can we justify sparing the life of one person while taking the life of another, based on a person's economic status, or location of the crime? There are troubling inconsistencies when it comes to administering the death penalty.

When deciding how to punish our most violent criminals properly, we need to look at what punishment is most effective. Life without parole is the best option we currently have. Life without parole; deters crime by removing the criminal from society, provides justice for the victim and the families of the victim, requires fewer tax dollars to implement, and, most importantly, it allows for mistakes to be corrected. Sadly, our appeals system moves far too slowly and requires massive reform, but that is another topic entirely. We have multiple issues in need of attention in our justice system. With said, there is no longer any doubt that It is time for the United States of America to abolish the death penalty.

Recommended reading

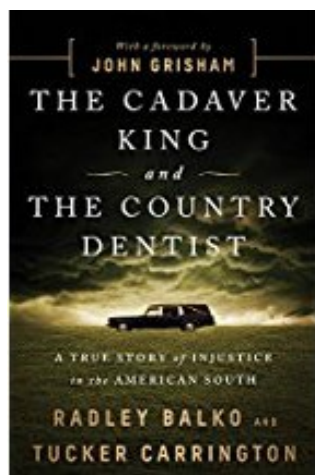


Blind Justice

By Mark Godsey

In this unprecedented view from the trenches, prosecutor turned champion for the innocent Mark Godsey takes us inside the frailties of the human mind as they unfold in real-world wrongful convictions. Drawing upon stories from his own career, Godsey shares how innate psychological flaws in judges, police, lawyers, and juries coupled with a “tough on crime” environment can cause investigations to go awry, leading to the convictions of innocent people.

Godsey explores distinct psychological human weaknesses inherent in the criminal justice system—confirmation bias, memory malleability, cognitive dissonance, bureaucratic denial, dehumanization, and others—and illustrates each with stories from his time as a hard-nosed prosecutor and then as an attorney for the Ohio Innocence Project.



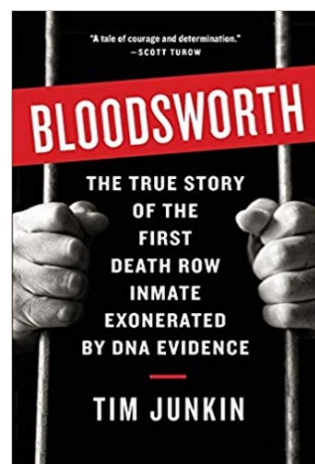
The Cadaver King and the Country Dentist: A True Story of Injustice in the American South

By Radley Balko and Tucker Carrington

After two three-year-old girls were raped and murdered in rural Mississippi, law enforcement pursued and convicted two innocent men: Kennedy Brewer and Levon Brooks. Together they spent a combined thirty years in prison before finally being exonerated in 2008. Meanwhile, the real killer remained free.

The Cadaver King and the Country Dentist recounts the story of how the criminal justice system allowed this to happen, and of how two men, Dr. Steven Hayne and Dr. Michael West, built successful careers on the back of that structure.

Radley Balko has written a series of articles on the Jeffrey Havard case. Steven Hayne was the medical examiner in the Havard case and he remains a key figure in Havard's current appeal.



Bloodsworth: The True Story of the First Death Row Inmate Exonerated by DNA Evidence

By Tim Junkin

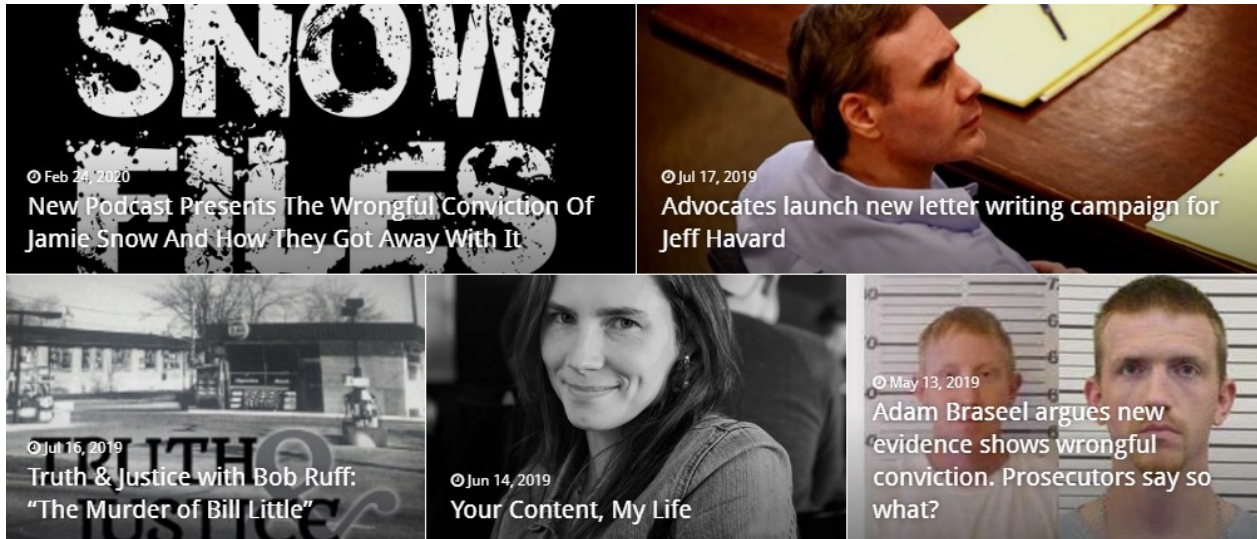
“Chilling, heartbreaking, and ultimately inspiring. I urge you to read it.”—Sister Helen Prejean, author of *Dead Man Walking*.

Charged with the rape and murder of a nine-year-old girl in 1984, Kirk Bloodsworth was tried, convicted, and sentenced to die in Maryland's gas chamber. Maintaining his innocence, he read everything on criminal law available in the prison library and persuaded a new lawyer to petition for the then-innovative DNA testing.

After nine years in one of the harshest prisons in America, Kirk Bloodsworth became the first death row inmate exonerated by DNA evidence. He was pardoned by the governor of Maryland and has gone on to become a tireless spokesman against capital punishment.

Publish your own articles

Injustice Anywhere offers a user-friendly resource to help advocates publish articles online at [Wrongful Conviction News](#).



This Is A Great Opportunity For Advocates

Are you currently advocating for someone that has been wrongfully convicted? Are you currently lobbying to improve the system in order to reduce wrongful convictions? Are you an expert that would like to help educate the public? Are you a past victim of wrongful conviction that would like to tell your story? If you answered yes to any of these questions then Wrongful Conviction News is the right website for you.

You do not need to be a professional writer to contribute. If you are credible, passionate, and knowledgeable about your cause, then you have what it takes to publish your message.

Wrongful Conviction News is a crowd-sourced media platform. The site's mission is to provide a wide range of wrongful conviction news while providing free advertising to help advocates promote the cases they support.

Wrongful Conviction News is driven by the writers that contribute content. This platform is designed to give you an opportunity to bring more attention to the cases that you advocate for.

Free Advertising On Wrongful Conviction News

The advertisements you see on Wrongful Conviction News are posted free of charge. Our mission is to bring more attention to wrongful convictions. Wrongful Conviction News wants to help you promote your blog or website. Keep in mind that we will review your website or blog before posting advertisements.

If you would like to submit a banner for placement on Wrongful Conviction News, please send your banner image with desired destination link to injusticeanywhere@yahoo.com. Please put "Ad for Wrongful Conviction News" in the subject line of your email.

Injustice Anywhere podcasts

<http://www.speaker.com/show/injustice-anywhere>

The Injustice Anywhere Radio Program, hosted by Bruce Fischer, welcomes guests who come on to discuss a wide range of wrongful conviction topics. If you would like to be on the show, or if you have an idea for a show topic, please send us an email at injusticeanywhere@yahoo.com.

Injustice Anywhere is currently featuring a weekly update highlighting current wrongful conviction news occurring throughout the world. The update also details our ongoing advocacy efforts.

Please watch for updates about upcoming shows on the Injustice Anywhere [homepage](#).

Injustice Anywhere is also excited to be working with Free Jamie Snow to produce the [Snow Files podcast](#), working to expose the wrongful conviction of Jamie Snow, and how they got away with it.



Injustice Anywhere podcasts and our weekly update are available at the Injustice Anywhere page on [Spreaker](#).

Popular Podcasts



Rodney Lincoln Discusses His New Appreciation For Life

Guests: Rodney Lincoln, Kay Lincoln



The Mark Lundy Case In New Zealand

Guests: Geoff Levick, Chris Halkides, and Mark White



Debra Milke Discusses Her Exoneration

Guest: Debra Milke



Jeff Havard Has Been Removed From Death Row But His Fight Is Far From Over

Guests: Lori Howard

Who are we?

Founding Members

Bruce Fischer: Executive Director

Sarah Snyder: Director of Operations

Our Advisory Board

Tammy Alexander: Advocate, co-founder of Justice for Illinois Wrongfully Convicted

Luca Cheli: Author, Advocate, Translator

Doug Matthews: Author, Advocate

Jen Fitzgerald: Attorney, Advocate

Christopher Halkides: Professor of Biochemistry

Ron Hendry: Retired Forensic Engineer

Jim Lovering: Advocate, Freelance Writer

Stu Lyster: Advocate

Philip Mause: Attorney, Advocate

Steve Moore: Retired FBI Agent

Robert Owen: Advocate, Financial Professional

Michael Scadron: Retired Senior Trial Counsel with the United States Department of Justice, Advocate

Nigel Scott: Author, Advocate

Tom Zupancic: Molecular Biologist, Advocate

Please visit [Injustice Anywhere](#) to learn more about our volunteers. Several of our board members have provided photos and bios.

We greatly appreciate the efforts of all involved. Several breakthroughs have been discovered by supporters on our pages on various online platforms that have proven to be beneficial to the cases we actively support. We have an outstanding group of people who are active on our [Facebook group](#), [Facebook page](#), and [Twitter](#).

The Injustice Anywhere Forum is currently being updated and will relaunch shortly. In the meantime, we encourage everyone who participates on our forum to join us on our pages on other online platforms as we work to relaunch the forum.

Please keep in mind that members of our advisory board do not necessarily agree with every one of our featured cases. Injustice Anywhere understands that many cases are controversial. We welcome the input of our members regardless of personal opinion on guilt or innocence. We believe open dialogue is crucial when working to find the truth.



Rally for Injustice Anywhere

Donate here: <https://rally.org/injustice-anywhere>

Injustice Anywhere is an all-volunteer organization which was created to bring more knowledge and attention to wrongful convictions and to work to bring much needed reform. We currently have seven featured cases and we endorse three others. Please visit [Injustice Anywhere](#) to learn more about these cases.

Our efforts rely on contributions from our supporters. Contributions make it possible for Injustice Anywhere to cover the operational costs of our websites, which include: [Injustice Anywhere](#), [Wrongful Conviction News](#), [Free Jeffrey Havard](#), [Free Charles Erickson](#), [Free Brendan Dassey](#), [Amanda Knox Case](#), and [Injustice in Perugia](#). We also have a podcast archive on [Spreaker](#).

Contributions also make it possible for Injustice Anywhere to cover the costs of managing our LLC, obtaining legal documents, legal counsel, insurance, updated media contact data, and Google and Facebook advertising to help bring attention to our featured cases. Please visit [Injustice Anywhere](#) today to learn more about supporting our cause.

Purchasing Injustice Anywhere apparel is another great way to support our efforts!

Now is your chance to support a good cause and look great while doing it! Choose from a range of styles and colors. Choose from Haynes tagless tees, Gildan long sleeve tees, Gildan heavy blended hoodies, or American Apparel women's fitted tees.

Teespring makes it easy. Shipping is just \$3.99 for the first apparel item and \$2.00 for each additional apparel item.

Place your order for Injustice Anywhere apparel today!

Please only consider making a monetary contribution if you are able to do so. Much of our progress to date has absolutely nothing to do with money. Dedicated individuals that invest their valuable time to advocate for Injustice Anywhere are truly the backbone of our organization. The time and effort put forth by our members is invaluable. Injustice Anywhere greatly appreciates those efforts.





Our Mission

Our first mission began in early 2010 when we created Injustice in Perugia (IIP), a grassroots organization that worked to secure freedom for Amanda Knox and Raffaele Sollecito, two innocent people wrongfully convicted for murder in Perugia, Italy. Both have now been fully exonerated by the Italian Supreme Court.

Our work with IIP opened our eyes to a growing worldwide problem that continues to go mostly unnoticed by anyone not directly affected. Wrongful convictions occur all around the world. We must do more to prevent the unjust imprisonment of innocent people, and in doing so, we must focus on the larger picture, not just the cases we see highlighted on television. If we choose to turn our backs on this problem, we risk creating more victims like Clarence Elkins, Christopher Turner, and Danny Brown. Who are these people? Even though their cases were not sensational enough to get the attention of cable news programs, they were all cases of wrongful conviction, only to be corrected after each had lost many years of their lives. There are hundreds of similar cases that go mostly unnoticed, but are of no less importance than any case that happens to attract the attention of the media. Our current mission is to work to bring more attention to wrongful convictions. The first step is to awaken the public to the fact that the problem actually exists. We have seen great progress in recent years. People are finally beginning to taking notice. Public support is vital when it comes to freeing the innocent.

Injustice Anywhere Main Website

[Injustice Anywhere](#) currently has seven featured cases and three endorsed cases. Please visit our website to learn more about our organization and the cases we support.

Injustice Anywhere Network Of Websites

Injustice Anywhere operates a network of websites working to bring more attention to wrongful convictions. These websites include: [Injustice Anywhere](#), [Wrongful Conviction News](#), [Free Jeffrey Havard](#), [Free Charles Erickson](#), [Free Brendan Dassey](#), [Amanda Knox Case](#), and [Injustice in Perugia](#).

Social Media

Please like us on Facebook and follow us on Twitter.

Facebook – [Injustice Anywhere](#) (Page), [Injustice Anywhere Wrongful Convictions](#) (Group)

Twitter – [NJusticAnywhere](#)