

#### WE HAVE MORE POWER THAN WE REALIZE.

In a year where most of us have probably felt completely powerless in the face of so much tragedy and injustice, that can feel impossible to believe.

But we get to decide how the future is going to look. We get to reimagine the systems in which our society operates.

Because it's obvious our systems are not upholding true justice.

In Nebraska, Antoine Young remains in prison because the state's case law makes it so difficult to argue a person's innocence.

In Iowa, Jason Curtis is still in prison, after being convicted because people in power failed him every step of the way.

In Missouri, Lamar Johnson and Kevin Strickland both remain in prison even though the prosecutor's offices in both of their cases have determined they are innocent and the Missouri legislature passed a law to empower prosecutors to overturn such convictions.

And on and on.

Who decided these systems? And who is sustaining them?

The answer is: we did. We are all part of the society that created these systems. We as a society have determined what justice looks like.

And now, we are stepping up to say: it's not good enough. The criminal legal system continues to fail. And it continues to leave innocent people behind

#### BUT WE HAVE THE POWER TO DETERMINE JUSTICE. YOU GET TO DETERMINE JUSTICE.

We as a society choose who we put in power. And then we choose whether to hold them accountable.

And when, like now, those in power enforce a system of justice that convicts innocent people; that harms families, friends, victims, and the community by failing to hold true perpetrators to account; and that routinely shut down legal avenues for innocent people to find relief—we have a responsibility to change that reality.

And we are doing just that. Because of you — your donations, your volunteer hours, your voices — we're bending that status quo.

We are passing laws requiring courts to ensure evidence presented to juries is reliable and changing the ways that innocence claims are heard in our courts. We are fighting to free innocent people who are incarcerated and return them to their families and their futures. Finally, we are working with those who have returned home to ease their transition.

Systems can shapeshift as time evolves. It's our job as an innocence organization — and as individuals — to apply pressure until those systems start to bend with the arc of justice.

## We have to keep pushing until the systems that cause so much pain and injustice start to crack.

Continuing with the status quo would be a failure. But with your help, we will decide collectively what justice means and how it is practiced in our society.

The systems in which we operate are not static. They move as we do. And we get to determine what path they take.

Tricia Rojo-Bushnell Executive Director

# IN NEBRASKA

▶ At an Omaha, Nebraska Taco Bell drive-thru in 2007, Ray Webb was shot and killed while in his car.

In the ensuing months, Antoine Young was wrongfully convicted for Webb's murder, despite evidence pointing towards an alternate perpetrator, who had documented "bad blood" with Webb. Yet shortly after the crime, and an "inconclusive" polygraph test, officials inexplicably determined he was no longer a suspect.

Instead, based off the testimony of an incentivized witness – who admitted he only named Antoine as the shooter to receive leniency on his own burglary sentence – police arrested and charged Antoine. This, despite the fact that Antoine was at a family barbeque four miles away and had no motive to kill Webb.

Fourteen years later, Antoine remains in prison.

And we're fighting against a decision by Douglas County District Court that says Antoine's innocence and constitutional claims cannot be considered on the merits

The Court ruled that his claims are procedurally barred from being heard, and that his innocence cannot overcome this barrier.

"Where does someone like Antoine go?" said MIP attorney Rachel Wester. "In the current post-conviction scheme, there's no way for him to present both his innocence and constitutional violations. Antoine's innocence doesn't count in Nebraska. The current case law makes it really difficult to prevail, even with evidence of State misconduct and inadequate defense counsel at trial."

How can we call this a justice system, when someone's innocence doesn't matter in the eyes of the law?

Legislatively and judicially, we must push for innocence to matter.

## OUR LEGAL SYSTEM MUST LOOK BEYOND PROCEDURE AND ARBITRARY RULES, AND INSTEAD SEEK THE TRUE PICTURE OF JUSTICE.

If someone is innocent, why should red tape bar them from presenting evidence?

At MIP, we've filed an appeal and will continue to fight for Antoine's innocence to mean something in the eyes of the law. And together, with your help, we can create a definition (and practice) of justice beyond the blatantly unfair status quo.

Until then, folks like Antoine will remain in prison for the crimes of others.



## FIF THERE IS NO EVIDENCE LEFT TO CONVICT SOMEONE, HOW IS IT THAT THEY CAN REMAIN IN PRISON?

In the case of Robert Fields in Arkansas, that's the question the courts will have to answer

The evidence used to convict Robert was flimsy on its face—the only evidence was an eyewitness identification made by the victim 14 months after she was shot in the leg by a group of three assailants.

That identification held no merit: at the time of the crime, the victim claimed it was a group of teenagers who were the perpetrators, and that she recognized one of them—"Dee"—as someone who lived in her neighborhood. But then-Robert was 24 years old and had never lived in the neighborhood.

It wasn't until over a year later that the victim saw a photo of Robert on the sheriff department's website and claimed he was the one who'd shot her.

After that came a slew of constitutional violations in Robert's trial. His counsel was ineffective, both at trial and later in his appeals. The state never disclosed to his public defender during trial that they had identified "Dee." Dee also later admitted to being involved in the crime, identified the true shooter, and stated he'd never met Robert. Put simply, Robert had zero involvement in the shooting and robbery.

The victim has since recanted her identification of Robert, even apologizing to Robert's sister for the harm she'd caused.

### Today, there would not even be enough evidence to arrest Robert.

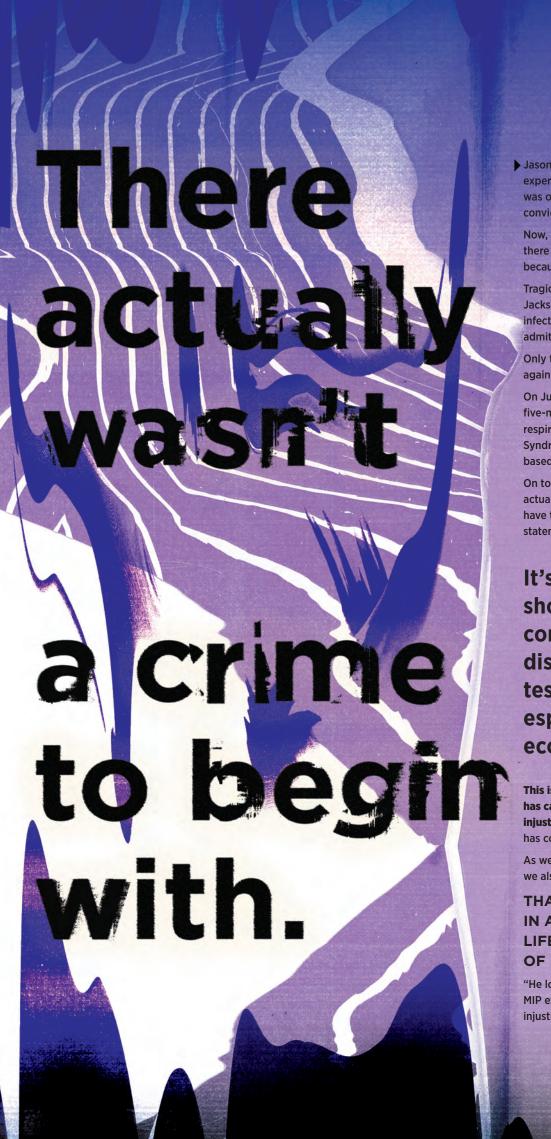
Still, that hasn't been enough in Arkansas to warrant his release.

In addition to the constitutional violations he suffered, Robert's actual innocence should be enough to overcome any procedural bar. Yet that's exactly what's preventing his freedom: irrelevant procedure, not actual evidence.

One of Robert's previous petitions was denied, for example, because the document's signature block stretched onto an eleventh page, despite a 10-page limit, and included an attachment.

### ROBERT'S INNOCENCE SHOULD MATTER. INSTEAD, THE STATE IS PRIORITIZING PROCEDURAL HURDLES.

"This case really speaks to the egregious inadequacy of Arkansas's post-conviction system," said Megan Crane of MacArthur Justice, one of MIP's partners on Robert's case. "With a confession in hand (from the true perpetrator) and no other evidence, there's no excuse for why five years later he's still in prison."



Jason Curtis suffered one of the greatest heartaches someone can experience: the death of his infant child, Jackson. The harrowing situation was only made worse by the fact that Jason was wrongfully arrested and convicted for his son's murder.

Now, not only is Jason still in an lowa prison for a crime he did not commit, there actually wasn't even a crime to begin with. Jackson Curtis died because he was a sick baby.

Tragically, Jackson Curtis was never healthy. In his short five months, Jackson struggled with respiratory distress, hypoglycemia, a thrush infection resistant to antibiotics, multiple other infections, and was even admitted to the hospital for three days for failure to thrive.

Only three days before Jackson's death, Jason brought him to the doctor again because the baby was coughing and had a rattling in his chest.

On July 14, 2011, Jason found Jackson unresponsive in his Rock N Play. The five-month-old died of what we now know were complications of acute respiratory distress. But the state argued he had died of Shaken Baby Syndrome – a diagnosis that research now shows is discredited when it's based solely on the symptoms that Jackson exhibited.

On top of that, Jason's counsel failed to adequately investigate Jackson's actual cause of death, failed to talk to any potential witnesses that could have testified to Jason's character as a father, and failed to object to false statements made by the state during trial.

It's a combination that tragically shows up repeatedly in wrongful conviction cases: the use of flawed or discredited science, unreliable expert testimony, and ineffective counsel, especially when representing the economically disadvantaged.

This is the status quo under which our legal system operates—and it has caused a father's heartbreak to be exacerbated by a grave legal injustice. It has cost him the ability to see his other children grow up. It has cost him his freedom and his reputation.

As we continue to fight for Jason's innocence to be recognized in lowa, we also recognize a sobering truth:

THAT THE TRAUMA INFLICTED BY THE STATE IN AN ALREADY TRAGIC SITUATION WILL HAVE LIFELONG IMPACT ON JASON AND THE REST OF HIS FAMILY.

"He lost his son, goes to prison, and has now been waiting for years," said MIP executive director and attorney for Jason, Tricia Rojo Bushnell. "The injustice has been never-ending for him."



# OUR 2021 IMPACT BY THE NUMBERS

**CASE STATUS** 

290 QUESTIONNAIRES SENT

**584** SCREENING WAITLIST



102 SCREENINGS IN PROGRESS

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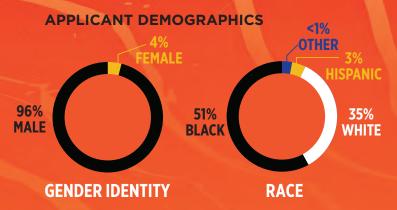
64 PENDING INVESTIGATIONS ATTEMPTED ATTEMPTED TO ATTEMPTED ATTEMPT

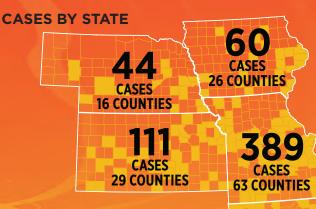
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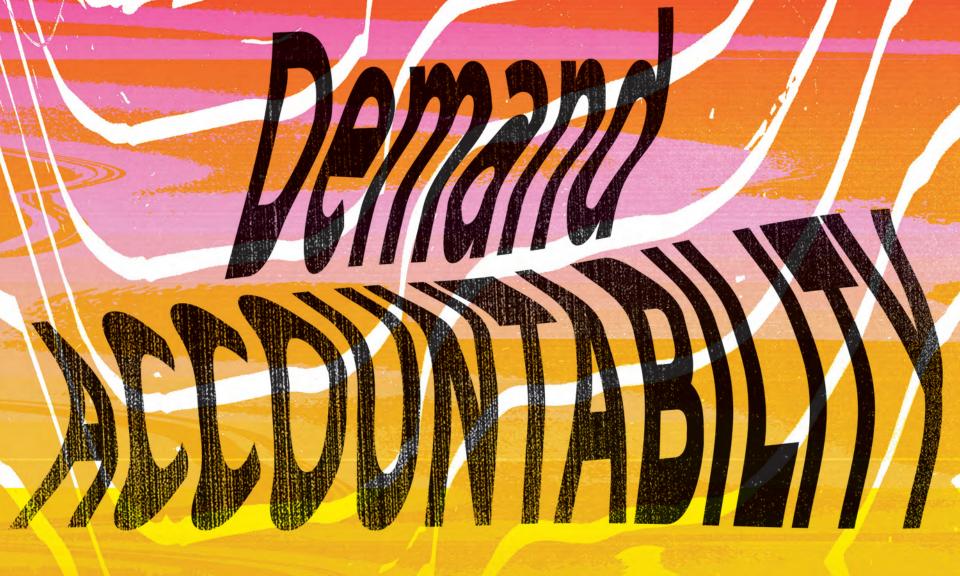
KEVIN STRICKLAND
11/23/2021





780 CASES
5 STATES - 176 COUNTIES

176
CASES
42 COUNTIES



Four years ago, Lamonte McIntyre came home, after the Kansas City, Kansas Police Department arrested him for a double homicide he didn't commit. He spent 23 years wrongfully incarcerated.

Last year, Olin "Pete" Coones came home—another victim of the same department. He spent 12 years wrongfully convicted, after KCKPD arrested him for a murder he did not commit. After less than 4 months free, he died from cancer that had gone undiagnosed while in prison.

Those are just two heart wrenching cases of wrongful conviction in Wyandotte County, Kansas. They're also a drop in the bucket of the extensive, decades-long misconduct perpetrated by the department.

It's a record of misconduct towards a community so egregious, so farreaching, that it drew the attention of a social justice group led by worldfamous rapper, JAY-Z.

That group—Team Roc, the philanthropic arm of JAY-Z's entertainment company, Roc Nation—announced in October it had raised \$1 million for MIP to investigate and litigate wrongful conviction cases in Wyandotte County.

"Anyone who actually listens and hears about what's been going on there," said MIP executive director Tricia Rojo Bushnell, "feels like they have to do something about it."

The donation will be used over two years to work specifically on Wyandotte County cases. About 40 people from the county are on our waiting list now, but that number is expected to grow.

In addition, numerous allegations from the community have been made against the department: including rape, murder, sex trafficking, and other blatant misconduct. Team Roc has filed a lawsuit against the Kansas City, Kansas Police Department to get them to hand over documents on officer misconduct. The group also ran a full-page ad in the Washington Post, cosigned by Bushnell, calling U.S. Associate Attorney General Vanita Gupta for a full investigation into the department.

THIS IS THE DEGREE OF POWER THAT MUST BE ON THE SIDE OF JUSTICE. IF WE EVER HOPE TO TEAR DOWN A SYSTEM THAT HAS DONE SO MUCH DAMAGE, IT WILL TAKE ACTION FROM EVERYONE.

"What does it say about the power of such an oppressive system that an entire community has been calling for justice, a bunch of lawyers joined in, and the Kansas City Star has been reporting on these abuses extensively for years, but it took this huge conglomerate coming in to bring national awareness?" Bushnell said. "That is the level of power needed for change."

Official misconduct is the leading cause of wrongful conviction, according to the National Registry of Exonerations. And it's happening in so many of our communities within our 5-state region.

This donation will be ground-breaking for illuminating the entirety of misconduct in Wyandotte County. But we still need your help in doing the same in the rest of our region.

### Justice never just happens. We must demand it ourselves.

"It speaks to how any of us should feel when we see these things happen to any human, and the obligation we have to make it right," Rojo Bushnell said. "I think it's such a powerful message from Team Roc when they see something and they know they can do something about it, they do it. That's something we all should be thinking about—what are the things we see happening, where we can make a difference?"



Michael Politte has a north star, always guiding him:

#### TO BE THE MAN HIS MOTHER RAISED HIM TO BE.

For the past 23 years, Michael has had to follow that north star from a prison cell.

As a 14-year-old in 1998, smelling smoke in his family home, Michael woke up to discover his mom on the floor, dead and on fire. Soon after, he was arrested and wrongfully convicted, using flawed, and discredited forensic science.

More than two decades later, the state of Missouri has admitted the "evidence" used to convict Michael was false. What the prosecution claimed was gasoline on Michael's shoes was actually an aromatic solvent used in the manufacture of tennis shoes.

A legal system that forced a traumatized teenager to grow into adulthood from prison—is an abject failure. Is this what justice looks like to the state of Missouri?

Still, Michael keeps moving forward.

His fight for freedom is two-pronged: we've filed a petition in state court to assert Michael's innocence and the unfairness of his trial and ask for his release.

And thanks to a new Missouri law, prisoners like Michael, who were convicted of crimes they were alleged to have committed as juveniles, are now eligible for parole after 15 years. That makes Michael immediately eligible: his hearing is expected in early 2022.

Until then, Michael continues his decades-long wait for justice.

Despite the fact he never should have been there in the first place, he's made the most of his time incarcerated. He's trained more than 20 dogs to be service animals as part of Missouri's "Puppies for Parole" program. He takes vocational classes and has developed a talent in woodworking.

#### EVERY DAY, HE SAYS, HE WORKS TO MAKE HIS MOTHER PROUD.

"It's inspiring," said Megan Crane of MacArthur Justice, who has partnered with MIP on Michael's case. "Mike is resilient. After entering the adult prison system as a kid, he managed to not only survive, but he's thrived. Mike says his guiding principle has been trying to grow into the man he knows she raised him to be. That's what's kept him focused."

No matter how much the legal system resists, we will keep fighting for Michael's freedom. Because his innocence deserves to be legally recognized. His freedom deserves to be unequivocal.





• One important way to change the trajectory of our criminal legal system? Start with the next generation of lawyers.

That's why we are ecstatic to add two new student clinics to our 5-state region this year, exposing even more young lawyers to innocence work, including the causes of wrongful convictions and the effects of wrongful incarceration on individuals and the community.

2021 saw the beginning of two new MIP-partnered student innocence clinics in Iowa (Drake University Law School) and Missouri (Washington University in St. Louis School of Law). These clinics join our established clinics at the University of Missouri-Kansas City, University of Missouri, and University of Kansas law schools. All provide law students with the chance to contribute investigative and litigative support in real innocence cases.

"We have four students, all 3L's, so they've been able to hit the ground running," said Megan Crane of MacArthur Justice, an MIP partner, who heads the student clinic at Washington University in St. Louis. "They've already met clients, interviewed witnesses, drafted witness affidavits, and conducted high-level, complex research that's been incorporated into briefs filed in court. It speaks to the talent and skill level of the clinic students, and also speaks to this moment in time in which we have a uniquely active docket of cases."

These clinic hours aren't just opportunities for litigation, though.

THIS WORK ALSO OPENS STUDENTS' EYES
TO THE HOLES IN OUR CRIMINAL LEGAL
SYSTEM, AND WHAT HAPPENS WHEN PEOPLE
IN POWER FAIL TO UPHOLD TRUE JUSTICE.

"Our students really get attached to their clients," said Erica Nichols Cook, head of the Drake clinic, as well as Director of the Wrongful Conviction Division of lowa's public defenders office. "They're pretty aghast at the arguments made by the state. They're getting a really insightful look at what attorneys did and didn't do. Students are always kind of amazed. But this is how we achieve true reform. They might be the next politician, they could be a judge in the future; if nothing else, they might be a juror."

To be part of an innocence clinic is not to commit solely to postconviction work.

Many of the students in our clinics have an interest in prosecutorial work: to stop wrongful convictions directly at their source and change the system from within.

"We have an opportunity to train and shape the future prosecutors for our communities," Crane said. "And to remind them they're supposed to be ministers of justice, not just winners of convictions."

#### How do you eat an elephant?

For a legal organization with limited resources and a seemingly endless wait list like the MIP, It's a great metaphorical question.

But the "one bite at a time" adage still applies: and it can often start with our partner programs.

Without support from regional law firms, our resources would be stretched too thin. In maximizing the amount of hours we can spend on cases, the number of clients we can help, and the resources we can throw into investigation, we have our firm partnerships to thank.

- Bryan Cave Leighton Paisner, co-counsel for Kevin Strickland
- Husch Blackwell, co-counsel for Robert Fields
- Langdon Emison, co-counsel for Michael Politte
- Lathrop GPM, co-counsel for Lamar Johnson
- Morgan Pilate, co-counsel for Lamar Johnson
- Stinson, co-counsel for Jason Curtis

Bryan Cave Leighton Paisner (BCLP) also began a new fellowship with us: one fellow will work 50% of their time with BCLP and 50% of their time with MIP. A fellow will spend two years total in the program, and a new one will be added each year, so we can keep a regular cycle of two fellows working.

With a wait list spanning hundreds of people, and our caseload including hundreds of hours of investigation and litigation, the extra attorney hours can have an enormous impact on our efforts to fight for the innocent and build a more just legal system.

"If every big firm with offices in the states that MIP operates were to look at doing something like this, whether with MIP or other service organizations,

it can be incredibly meaningful for the clients and their families and their communities," said Zack Carpenter, who started the BCLP fellowship in 2020 and continues this year.

"We really got involved because we were interested in finding good, interesting work our lawyers want to work on and feel like they're a part of something important," said Bob Hoffman, partner at BCLP and former chair of the MIP board. "We can give back and do something that's meaningful to a real, live person — maybe save their life in a way."

## THIS WORK—THE INVESTIGATION AND LITIGATION THAT FREES AN INNOCENT PERSON FROM PRISON—TRULY IS LIFE-SAVING WORK.

But our partners don't just litigate. They also help with our screening process, which ensures the applicants on our waitlist are innocent, and that we could potentially establish a legal route to relief in their cases. Thanks to our partners, we're able to move through screening more quickly, and ultimately provide more investigative and litigative assistance to more clients.

"I grew up believing the philosophy that it's better guilty people go free than one innocent person is incarcerated," said John Aisenbrey of Stinson. "We didn't have to think very hard when MIP reached out. We owe it to the community."

"These cases are often really difficult," said Matt Jacober of Lathrop GPM.
"But they renew your soul as a lawyer."

The status quo shifts with every forward step we can take. And thanks to partnerships like these, we get to walk even further.

#### **MIP STAFF**



Tricia Rojo Bushnell **Executive Director** 



**Managing Attorney** 



**Programs Manager** 



**Leigh Ann Carroll** Paralegal



**Diane Jimenez** Intake Analyst



**Martin Moscoso** Intake Paralegal



Investigator



**Courtney Ellis** Social Worker



**Brittney Loftin** Office Manager



**Tish Sjuts** Development **Associate** 



**Ricky Kidd** Community Engagement Manager



**David Tushaus** Supervising Attorney, UMKC **Innocence Clinic** 



**Emily Danker-**Feldman Supervising Attorney, MU **Innocence Clinic** 



**Zachary Carpenter** Bryan Cave Leighton Paisner LLP Fellow



**Melanie Arellano** Social Work Student

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Washington University in St. Louis

SCHOOL OF LAW

## OUR TEAM IS

FOR CHANGE

## 

THE STATUS QUO OF OUR CRIMINAL LEGAL SYSTEM IS FAILING.

#### FAILING PEOPLE. FAILING COMMUNITIES. FAILING TO UPHOLD TRUE JUSTICE.

Every single hour we spend, every dollar you donate, every person who joins this fight is an extra boost of pressure on these systems. The more pressure we exert, the more these unjust systems bend.

As we work to bend the status quo, however, the system fights back. But with enough pressure from us — from you, from anyone who believes in justice — we will remake these systems.

#### **HELP US DO THIS CRITICAL WORK:**

Vote for candidates who uphold our shared ideal of justice. Know your prosecutor. Keep tabs with statewide elected officials: speak up and hold them accountable when they actively fight against relief for innocent people. Support legislative bills that work to create an avenue for innocence to matter, provide compensation for exonerees, or pass reform on issues that *cause* wrongful conviction, like eyewitness misidentification or official misconduct.

**Donate whatever you can** to fund our investigation, litigation, and support for those who have been wrongfully convicted.

Every dollar today is a step towards someone's freedom tomorrow.

The arc of history bends toward justice. But we have to be the ones to draw that curve.

## Change starts with all of us.

1948; 1985; A & M Foundation; Acura of Omaha; American Century
Investments Foundation; Ameristar Casinos; Arvest Bank; b.Legal Marketing;
Baird Holm LLP; Baldwin & Vernon Law; Bank of America Charitable
Foundation; Bartle & Geier; BCCM Construction Group; BOK Financial;
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Burns, Becker & Hershewe; Dornan Law Team; DST; Edgar Law Firm; Ehinger
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Conditioning Company; Monarch; Nebraska Innocence Project; Nebraska
State Bar Association; Nicholson Capital Management; Ogletree Deakins;
Omaha Community Foundation; Paul & Julie Schleicher; PayPal Giving Fund;
Peninsula Capital; Polsinelli; Public Defender's Association of lowa; Reid
Family Trust; Richard and Annette Bloch Family Fou

Joe Accurso, Holly Acharya, Anne Adams, Julie Alley, Linda Andersen, Kathleen Anderson, Stephanie Anderson, Harold & Chris Arens, Michelle Arthington, Pat Aruffo, Baby Atchison, Tamika Auwai, Martha Baker, Jerome Bales, Aileen Ball, Ann Barbara, Sally Barhydt, Barbara Barrett, John Barton, Mary Barton, Tammy Batey, Tricia Bath, Norman Beal, Byron Beck, Robin Beck, Ann & Joshua Becker-Schutte, Branden Bell, Malinda Bell, Joan E Bellows, Alice Bennett, Emily Berger, Eleanor Berkley, Amy Berlau, Anne Beville, Mary Bickel, Brianna Birk, Robin Black, Lannie & Tony Blagrove, Ken Blucker, Matthew Blumenstein, Jennifer Bochenek, Nancy Bone, Catherine Boody, Robert Borden, Julia Borel, Jordan Boyd, Cheryl Bradley, Sarah Bradshaw, David & Cathi Brain, Claire Brakel Packer, Mary Jane Branch, Steve Brecher, Karen Bridges, Chris Brown, Lisa Brune, Michael Brunkow, Jessica Bryon, Allison Buchner, Celeste Buckner, Peter Budetti, Laura Burris, Mariana Caceres, Mary Calvert, Mariah Campbell, Cindy Carey, Brian & Lauren Carlin, Andrea Carney, Jim & Raquel Carr, Ryan Carrigan, Roger Carswell, Bailey Carter, Elizabeth Carver, Christine Cesare, Emma Chapman, Marilyn Christensen, Stephen Chu, Charmaine & Tony Chvala-Smith, Emily Cleary, Britt & Daniel Cloudsdale, Tarushajai Coffman, Allison Cohn, Katelyn Collobert, Donna Collom, Ashley Cook, Julie Cook, William Cook, Gwendolyn Cooke, Glenn Courtney, Amy Crouse, Graham Crow, Davis, Margaret Davis, Missy Degleffetti, Baylee Delaurier, Thomas Dethlefs, Tim Dixon, Amy & Mark Dobbins, John Doe, Lynne Douglas, Mary-Claire Douglas, Saanied Davis, Marsbare Dastoor, Angela Davis, Margaret Davis, Missy Degleffetti, Baylee Delaurier, Thomas Dethlefs, Tim Dixon, Amy & Mark Dobbins, John Fein, Hannah Fenley, Andrew Fereday, Cameron Finke, Dan Flanigan, Adrienne Fleck, Tracy Flynn, Sandi & Ed Fried, Bruce Frohardt, Marsha Galloway, Luis Garcia, Jacqueline Gauthier, Leah Georges, Nicole Gerken, Webber Gilmer, Barbara Glesner Fines, Steven Gorman, Robert Gottlieb, Tyler Gramke, Sarah Gray, Kelsi Gr

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## CHANGE IS POSSIBLE OF THE PROPERTY OF THE PRO

IN REAL TIME, WE ARE SEEING THE POWER OF A COMMUNITY COMING TOGETHER TO SAY: INNOCENCE IS ENOUGH. WE DEMAND JUSTICE.

## After 43 years of wrongful imprisonment, Kevin Strickland is coming home — and it's all thanks to supporters like you.

Mr. Strickland's story has rippled across the entire country. Supporters have — through their donations, resources, and voices — called for Missouri to release Kevin, months after the prosecutor agreed he was innocent, and decades after he was stripped away from his family and life.

Finally, as of November 23rd, after 15,487 days incarcerated for a crime he didn't commit, Kevin Strickland is free.

After spending the vast majority of his life wrongfully imprisioned, Mr. Strickland will leave prison with no compensation from the state of Missouri—a state without a compensation law—for the injustice it caused. These, too, are the laws we work to change. It's the system we have to change.

The Midwest Innocence Project works every day to change the system that takes 43 years to correct its wrongs. A system that steals an entire lifetime away from a man, before enough people rise up to say, *Enough*.

YOUR SUPPORT IS CRITICAL AS WE WORK TO DISMANTLE THAT SYSTEM.
HELP US MAKE A GREATER VISION OF JUSTICE A REALITY—AND
CONTINUE TO BRING PEOPLE LIKE MR. STRICKLAND BACK HOME.

Midwest Innocence Project

> 3619 Broadway Blvd., #2 Kansas City, MO 64111

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