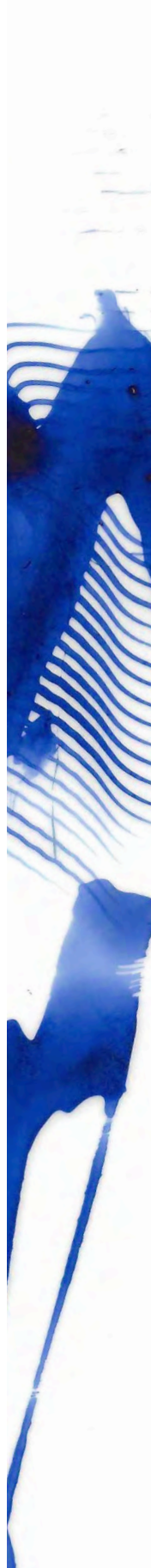




# Finding COMPASSION

MIDWEST INNOCENCE PROJECT - 2023 ANNUAL REPORT







“We are all implicated when we allow others people to be mistreated. An absence of compassion can corrupt the decency of a community, a state, a nation.”

— BRYAN STEVENSON



## *Choosing compassion amidst the chaos.*

In the face of injustice, it can be easy to feel powerless.

The scale of what we're fighting against is massive. Wrongful convictions are the product of entrenched systems, procedural flaws baked into the law, systemic racism, human error, and human misconduct.

There is no quick solution. The systems and people in power didn't rise to their positions overnight. And so they won't be dismantled or reshaped overnight.

But with every supporter gained and every victory won, our movement gets stronger. **We build more power for good. We build more power for justice.**

At MIP, we're using that power to amplify the injustices happening *specifically* in the Midwest: injustices that are often ignored in a region that is too often ignored. But as you'll read, the power of our collective voices is being heard across the country — and world.

We're continuing to build more power — not by taking it, but by sharing it. Expanding our impact requires sharing resources, ideas, and expertise outside of our organization. Thanks to your support, we're no longer just an office of a couple people. We're growing internally. But we're also a web of influence that's working to educate others within the criminal legal system, empower the next generation of advocates, and magnify the voices of those who have been impacted.

How can we give the wrongfully convicted more seats at the table? What educational resources does our community need? How can we make sure the national media pays attention to what goes on in the Midwest?

These are all questions that have guided our work this year — and will continue to do so.

**But the most powerful choice we can make is to simply keep going.** No matter how many times courts deny our clients justice. No matter how much it feels like we're banging our heads against the wall. No matter how ensnared we get in procedural red tape that is built to keep a convicted person in prison, even when they're innocent.

**We stay in that fight because we know it's the right side of history. But we also stay in it, because we know we have supporters like you.**

Every dollar you donate, story you share, and call to a legislator you make is another inch of power we wrestle back. It's one more inch away from despair — and towards hope.

We build power by listening to those who have been most impacted by wrongful conviction. By sharing resources and ideas. By inviting others' expertise and merging it with our own.

**By choosing compassion amidst the chaos.**

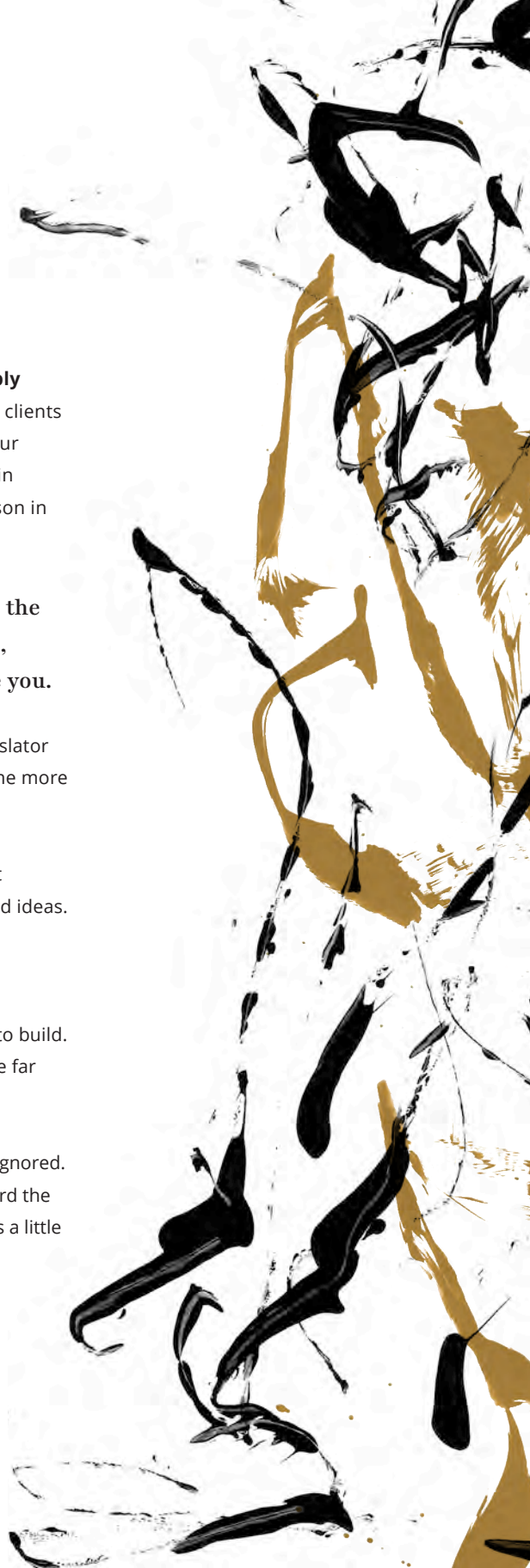
Power — especially in the face of precedent — is difficult to build. It's even harder to maintain. But with your support, we are far from powerless.

Together, we are resilient. Together, our power cannot be ignored. Together, we will keep pushing the pendulum further toward the side of justice. And we're grateful to each person who lends a little of their muscle to that fight.



**Tricia Rojo Bushnell**

*Executive Director, Midwest Innocence Project*





*Finally, that “boulder uphill” shook loose, and rolled free.*

Lamar Johnson might be the happiest man to ever get a flat tire from a pothole.

It's one of those “normal” problems he wished for during 28 years in prison for a crime he didn't commit.

Thanks to MIP's supporters, an onslaught of national media coverage, and new Missouri legislation that allows a prosecutor to file to overturn a wrongful conviction, Lamar finally walked free in February.

“I want to experience those problems other people get worried about — getting stuck in traffic, babies crying,” Lamar said.

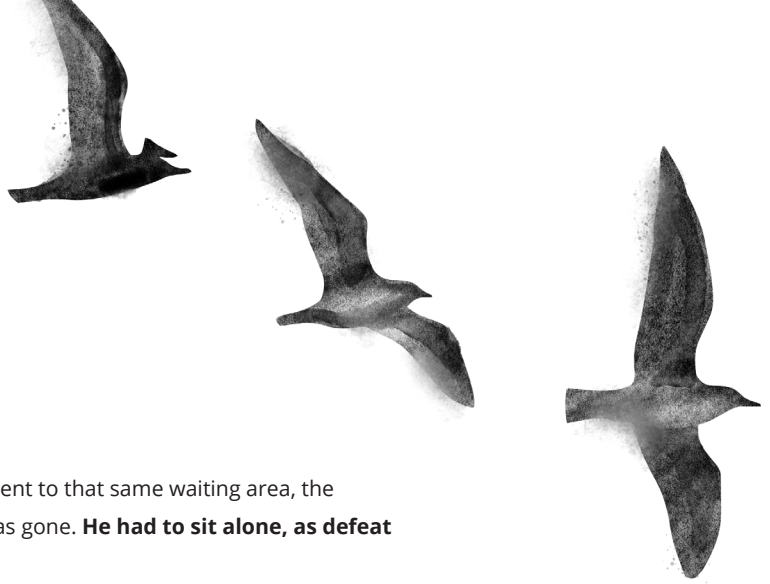
“I want to remember when I didn't have those things and I want to appreciate them.”

In nearly three decades, Lamar overlapped in the same prison with several other MIP clients: Ricky Kidd, Rodney Lincoln, Anthony Dixon, and Michael Politte. Often, when they met with MIP lawyers, several from that group would sit in a waiting room together, then come in for their visit one by one.

**It was a stark reminder they were all waiting on the same small team of lawyers, trying to work through multiple innocence cases.** But that waiting time together was also the start of a bond.

“We all would kind of joke, like when Ricky got out, ‘Okay, Ricky's out the way. Maybe someone else can go next,’” Lamar said. “It was like a line. We definitely gave each other moral support. When we heard one person get good news or there was movement on their case, it made us all feel good. It made us feel like we were closer to our turn.”

And those turns came: Rodney in 2018. Ricky, 2019. Anthony, 2021. Michael, 2022.



Finally, just Lamar remained. When he went to that same waiting area, the camaraderie that had been so helpful was gone. **He had to sit alone, as defeat after defeat piled up.**

"At every turn, this case was a boulder uphill, certainly for no good reason related to the facts," said Lindsay Runnels of Morgan Pilate, part of his legal team. "It keeps you up at night: why are we losing?"

Still, she reminded Lamar no one had forgotten about him on the outside. After Rodney's release, he skydived wearing a shirt that said, "This one's for you, Lamar." Ricky helped organize a rally for Lamar in St. Louis in 2020. Michael included Lamar in his Faces of Innocence speech.

**"You might be last," Lindsay said at the time. "But everybody's coming for you. We're not leaving you here."**

Finally, that "boulder uphill" shook loose, and rolled free.

Lamar now gets to be the one on the outside, advocating for those still waiting. He's done many national interviews and wants to use his voice to speak out about wrongful convictions — and how to prevent them in the first place. He's also pursuing his Bachelor's degree in paralegal studies.

But after all the chaos of those first few months out, Lamar is also trying to give himself a breather. "Life has slowed down," he said, "which is okay with me."

Lamar might be leaning into the "boring" everyday problems these days, like cutting grass or navigating traffic. But there is one flashy item still on his to-do list. He wants to skydive with a shirt that says "This one's for you, Rodney."

"I've got to follow up on our bet because it became a running joke," Lamar laughed. "I can't let Rodney show me up."



## *Combined power will ensure justice for all.*

Thanks to continued generous donations, MIP has been able to fund a full-time investigative position since 2018. But the investigative principles we've learned and developed — that get to the *truth* of a crime — are not just useful within our office. They're useful on the front end of the criminal legal system, too.

This summer, we spread our knowledge and resources even further. **Over the course of two days, we trained 40 investigators and mitigation specialists from Kansas and Missouri's public defender offices on the gold star methods to investigate cases.** We set up a mock case file, hired actors as mock witnesses, and gave real-time feedback as participants interviewed those witnesses. Sessions included education on how to use data in an investigation, developing chronologies and witness lists, conducting interviews, and drafting affidavits.

Thanks to supporters like you, we took on all the expenses of this event — and offered the training for free. With continued funding, our long-term goal is to do more trainings for public defenders in our region. **When public defenders have more investigative tools and strategies, they can offer better defense to their clients — and help prevent wrongful convictions.**

"What MIP provided was beyond our expectations," said Heather Cessna, Executive Director of the Kansas State Board of Indigents' Defense Services (BIDS). "This was a massive undertaking, and one we could not have done without the help of MIP. Defense investigators and mitigation specialists are an essential part of our defense teams and necessary for zealous defense. This training was an important step in providing our investigators and mitigation specialists the support they need to serve our clients."

According to the National Registry of Exonerations, inadequate counsel was a factor in about 1 in 5 wrongful convictions. Often, that inadequate counsel isn't because of malice or



misconduct. It's a natural consequence of public defenders being underfunded and overworked.

According to the Vera Institute, state and county governments annually spend \$2.3 billion on public defense — while spending nearly 10 times that amount (\$200 billion) on criminal justice. Like with many criminal legal issues, the problems are often worse in the Midwest.

At one point, there was a waitlist for a public defender in Missouri — a practice deemed unconstitutional in February. The Kansas BIDS office was so overworked and understaffed it struggled to meet the demands of its caseload. Iowa Supreme Court Justice Susan Christensen said the state's indigent defense system was in "crisis" because of a shortage of lawyers and low pay. In Arkansas, like many places, the status quo requires attorneys to work extra hours they aren't paid for. Nebraska is one of only five states without a statewide public defender's office. Funding relies on individual counties.

**Our public defender system is a crucial stopgap against wrongful convictions. In the face of the systemic issues they face, we want to give them every resource we can, including the investigative tools we've used to free the innocent.**

**"How can we support organizations that do similar work as us so we can all be stronger and create more change? We don't have to hoard power or resources. A rising tide lifts all boats, and it is our combined power that will ensure justice for all."**

— TRICA ROJO BUSHNELL, MIP EXECUTIVE DIRECTOR

Your support of MIP helps us work proactively, develop more wisdom, and then share those resources with our region. You can also contact your local or state representatives to request more funding for your public defender's office.



## *Your voice helps us do this.*

Compassion comes in many forms — including simply listening to and sharing stories of the wrongfully convicted. Because when *awareness* grows, so does *support*. When people can see the injustice happening in their communities, they care. They fight. They force change.

The injustice in the Midwest — and our work to fix some of those wrongs — has leaked beyond our borders, to both national and international coverage:

When Lamar Johnson was finally freed after 28 years of wrongful imprisonment, the **New York Times**, the **Guardian**, **PBS**, and more all covered his case. **CBS News** did a segment about Lamar getting to walk his daughter down the aisle at her wedding after his release.

**CBS News 48 Hours** also dug into Michael Politte's case. Michael has been released on parole after serving 20 years for a murder he did not commit (which happened when he was 14). *However, we're still fighting for his full exoneration, and he is not yet fully free.*

Outlets all the way from the **New York Times** to Spain-based newspaper **El País** included coverage of Kevin Strickland's exoneration after 43 years wrongfully imprisoned.

The MIP got a mention in an unexpected place: the **"Book of HOV" exhibit about Jay-Z at the Brooklyn Public Library**. The exhibit included a segment about his company, ROC Nation, raising money to investigate the Kansas City, Kansas Police Department. The corruption and misconduct in Wyandotte County — which led to MIP client Lamonte McIntyre's wrongful conviction — is so extensive and severe it drew the attention of one of hip hop's biggest moguls. *Our work to fight for justice in KCK continues today.*



## The next big story?

**ABC News** and the **New Republic** have covered Christopher Dunn's case. He was convicted for a crime he didn't commit, based on testimony from a 12- and 14-year old. Christopher has been incarcerated in Missouri for 32 years — and is still waiting. The ABC story mentioned that Christopher, Kevin Strickland, and Lamar Johnson were dubbed the “Missouri Three.”

While we're grateful Kevin and Lamar have made it home — and we fight for Christopher to be next — we know there are **far more than three** wrongfully convicted people in Missouri prisons. And even more in Kansas, Arkansas, Nebraska, and Iowa.

As national and international pressure turns up...

**As more people beyond the Midwest recognize the injustice happening in our backyard...**

We will keep fighting to change  
the story of what “justice” looks  
like in these five states.

**Your voice helps us do that.** Each click, share, and conversation from supporters like you continues to expand the impact of our work.



**2022****AUDITED FINANCIALS****REVENUE:**

Contributions	\$384,129
Grants	\$492,234
Special Event Revenue	\$216,241
In-kind Contributions	\$541,417
Investment Return	\$515
Other Income	\$252,206
<b>TOTAL SUPPORT &amp; REVENUE</b>	<b>\$1,886,742</b>

**EXPENSES:**

Program Services	\$1,863,819
General & Administrative	\$211,619
Fundraising	\$136,719
<b>TOTAL EXPENSES</b>	<b>\$2,212,157</b>


**2023****BUDGETED FINANCIALS****REVENUE:**

Contributions	\$605,000
Federal Grants	\$512,732
Special Event Revenue	\$276,000
In-kind Contributions	N/A*
Investment Return	N/A*
Other Income	N/A*
<b>TOTAL SUPPORT AND REVENUE</b>	<b>\$1,393,732</b>

**EXPENSES:**

Program Services	\$1,541,442
General & Administrative	\$244,961
Fundraising	\$176,324
<b>TOTAL EXPENSES</b>	<b>\$1,962,727</b>

*\*Midwest Innocence Project does not include these within budgeted revenue.*




*MIP's 2022–2023 programming was supported in part by donations facilitated by Roc Nation in 2021. Those donations are not included in the 2022 or 2023 revenue lines.*

*84% of MIP's 2022 funding went directly to case investigation and litigations, client support, and policy efforts. Your donations directly fund our mission.*









“Compassion is not a virtue  
— it’s a commitment. It’s  
not something we have or  
don’t have — it’s something  
we choose to practice.”

— BRENÉ BROWN

From the tangle of procedural red tape that  
prioritizes finality over fairness...

To decades of power and precedent that  
sometimes seems impossible to overcome...

The criminal legal system throws chaos at our  
work every step of the way.

We pull back the curtain on the ugly, messy  
reality of justice in the Midwest — and it can be  
difficult and frustrating to confront that reality.

But as we navigate chaos, there’s one piece we  
can’t lose sight of:

### **Compassion.**

Together, against the chaos, we can reach our  
hands out to the people who that criminal  
legal system has mistreated, traumatized, and  
forgotten about.

**Compassion changes minds.  
It changes lives. And it changes  
the status quo.**

**Your compassion is our power.**



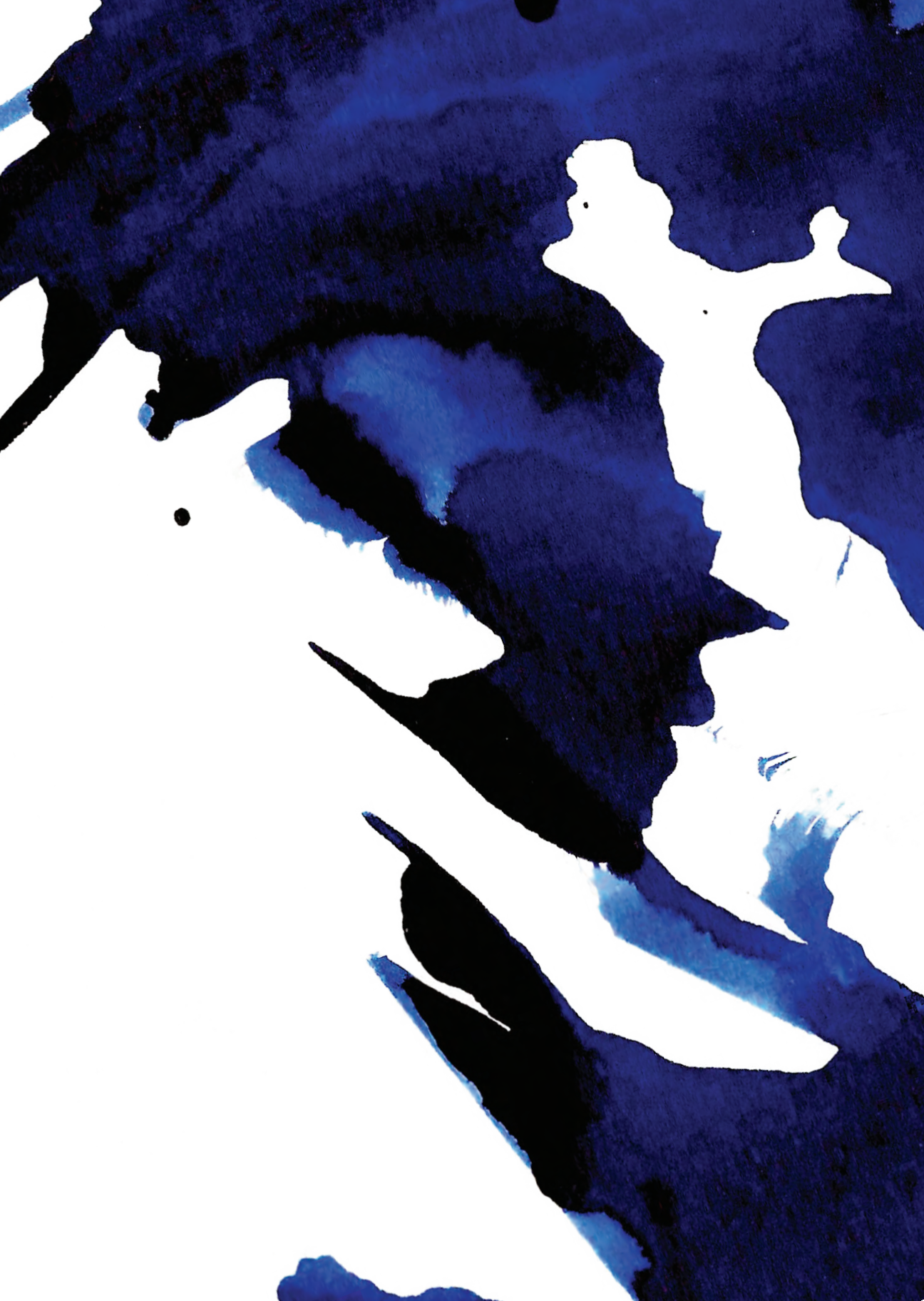


within  
CHAOS

MIDWEST INNOCENCE PROJECT - 2023 ANNUAL REPORT









“I have so much chaos in my life, it’s become normal. You become used to it. You have to just relax, calm down, take a deep breath, and try to see how you can make things work rather than complain about how they’re wrong.”

— TOM WELLING



## *Trapped in the trauma, too.*

Patti Parham is tired of having the wind knocked out of her.

But it's something she's grown accustomed to as a close family member of someone who's been wrongfully convicted. In the web of pain caused by wrongful conviction, this is the segment of people sometimes forgotten about.

**One person is physically in prison for something they didn't do. But their loved ones are trapped in the trauma, too.**

Patti's nephew is MIP client Jason Curtis. **Jason's conviction was overturned in March.** Jason's conviction was overturned in March because he had inadequate counsel — he did not let Jason testify and show the death of Jason's young son, Jackson, was not a murder. It was the result of multiple health issues 5-month-old Jackson struggled with his whole life.

Iowa is appealing the decision, and Jason continues to wait in prison. Meanwhile, Patti walks a thin line between maintaining hope — and having too much of it, only to be disappointed.

"Good news is almost hard to take in," she said, "because you're just waiting for something to go wrong."

Plenty has gone wrong for this family. Jason's story is one of compounded trauma: the grief of losing a child, and the nightmare of being unfairly convicted for your loved one's death.

**On the outside, Patti struggles with her own version of grief, depression, and trauma — in addition to the logistical hurdles of advocating for someone trapped in the prison system. It's a massive burden for a person to shoulder.**





“I feel like I’m never doing enough,” Patti said.

**“Sometimes I struggle with that. I don’t think people realize the everyday weight of something like that.”**

For the majority of his incarceration, Jason was at a prison a 6-hour drive away from Patti. Even though she often worked overnight shifts and overtime at her job, she made time for the trip as often as she could. Patti and her husband, Terry, funded Jason’s canteen account so he could buy what he needed in prison. She tried to contact the prison’s doctors when she was worried about Jason, who is diabetic, getting his insulin.


As the fight to exonerate and release Jason has stretched past a decade, Patti feels like she’s in a “bad dream.”

“To the legal system, it’s just another day in the office,” she said. “Six months goes by, or another year. We’re 11 years down the road, and we’re incredibly blessed to have MIP behind us now. But also, the frustration of watching the process play out some days is almost more than you can bear.”

**This is the heartbreaking reality our criminal legal system forces innocent people and their families into.**

“Our life has been a bit rocky, so it’s not like I’m an eternal optimist, but sometimes I still get caught off guard,” Patti said. “I’m 66, and sometimes it still shocks me that this can be happening. It’s horrifying to me how many people are going through this.”

This amount of trauma does not have to continue to be the norm. Thanks to your support — and compassion — we’re building a future where fewer families will have to go through what Patti’s family has been put through.



## *Enough work here for ten people.*

Every wrongful conviction creates a ripple effect of harm through families and communities. Trauma is compounded, and never just touches one person.

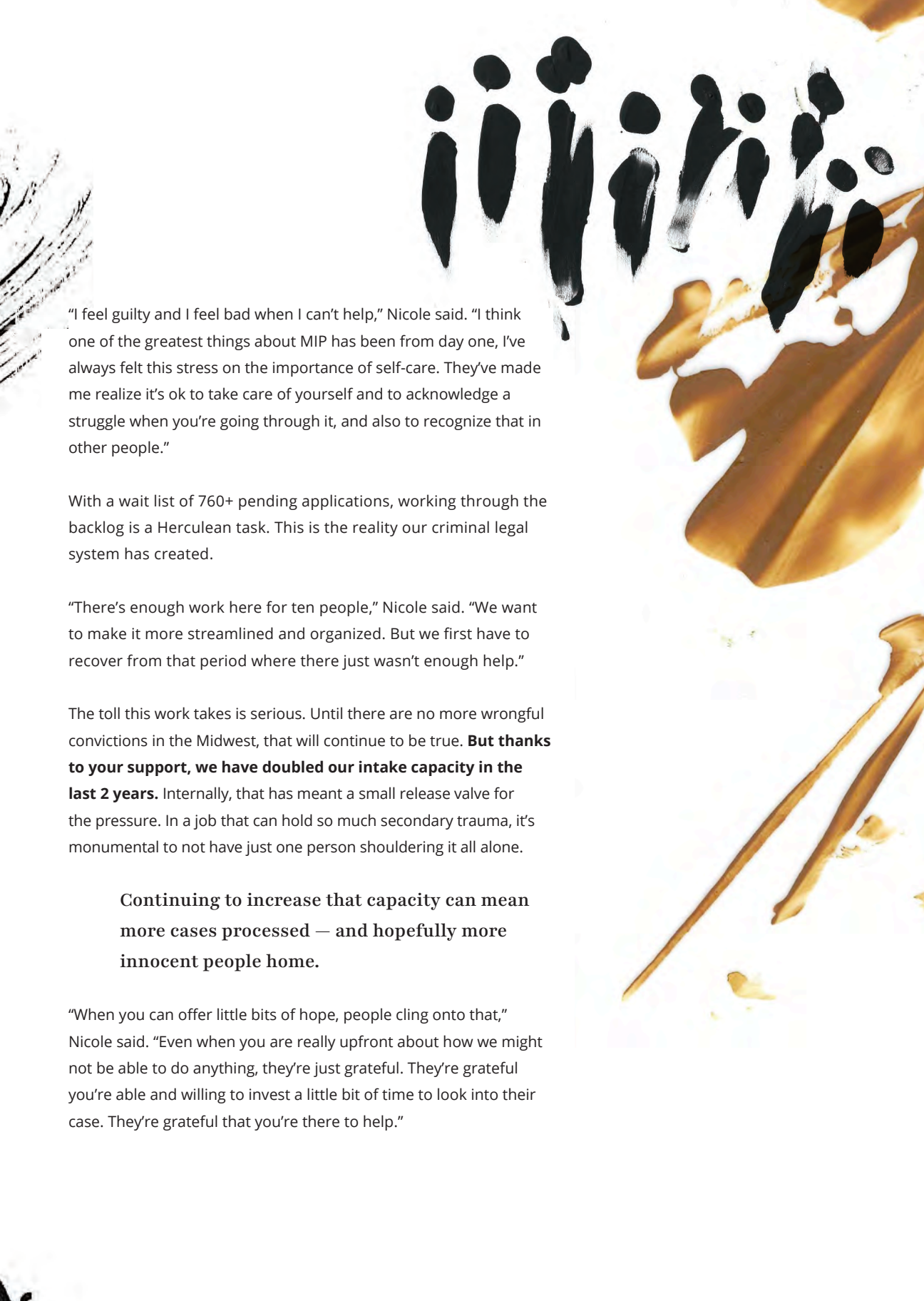
**Those waves of grief reach our office, too. And our intake department is on the front line.**

Our intake staff does much of the behind-the-scenes work to move cases forward. From processing stacks of mail several inches high and maintaining our case database, to meticulously scanning and organizing all records we receive, our intake team handles floods of information every day.

**But beneath that layer of administrative work is also the daily flood of emotion they wade through.** They read hundreds of heartbreaking letters from incarcerated folks who are writing to MIP for help. They field phone calls from applicants' family members — and often have the difficult job of explaining that their case is still stuck on the waitlist.

"We're kind of their last resort," said intake paralegal Nicole Forsys. "When you don't have the answer they desperately need, frustration understandably sometimes comes through, and you kind of bear the brunt of that."

**Our intake staff absorbs others' grief, desperation, and trauma every day. Recognizing and managing that is an important part of the job.**



"I feel guilty and I feel bad when I can't help," Nicole said. "I think one of the greatest things about MIP has been from day one, I've always felt this stress on the importance of self-care. They've made me realize it's ok to take care of yourself and to acknowledge a struggle when you're going through it, and also to recognize that in other people."

With a wait list of 760+ pending applications, working through the backlog is a Herculean task. This is the reality our criminal legal system has created.

"There's enough work here for ten people," Nicole said. "We want to make it more streamlined and organized. But we first have to recover from that period where there just wasn't enough help."

The toll this work takes is serious. Until there are no more wrongful convictions in the Midwest, that will continue to be true. **But thanks to your support, we have doubled our intake capacity in the last 2 years.** Internally, that has meant a small release valve for the pressure. In a job that can hold so much secondary trauma, it's monumental to not have just one person shouldering it all alone.

**Continuing to increase that capacity can mean more cases processed — and hopefully more innocent people home.**

"When you can offer little bits of hope, people cling onto that," Nicole said. "Even when you are really upfront about how we might not be able to do anything, they're just grateful. They're grateful you're able and willing to invest a little bit of time to look into their case. They're grateful that you're there to help."



## *Without intervention.*

DNA and other physical evidence has proven Marcellus Williams did not commit the 1998 murder for which he was convicted. **Yet Missouri is still trying to execute him, and Marcellus is running out of time.**

Marcellus was convicted in 1998 based largely on an unreliable jailhouse informant and another incentivized informant — because, as the prosecutor told the jury at the time, *"I don't have to have forensic evidence."* None of the physical evidence matched Marcellus. Not the bloody shoe prints. Not the unknown hairs. And fingerprints from the crime scene could not be tested because the government lost them.

Yet motions from Marcellus' defense counsel to conduct DNA and other forensic testing were repeatedly denied. That evidence sat around, untested, for decades.

In 2015, before his original execution date, that finally changed. **Post-conviction DNA testing excluded Marcellus as the person who left DNA behind on the murder weapon.**

Three independent experts all agree on this conclusion: the DNA does not belong to Marcellus.

Yet Marcellus is still the one on death row.

**Without intervention, Missouri will execute an innocent man.**

"Unfortunately, we have a criminal legal system that values finality over fairness," said MIP executive director Tricia Rojo Bushnell. "To date, no judge has ruled on the full evidence of Mr. Williams' innocence, including the DNA evidence. And yet, the state is still arguing that the process is fair."





In 2017, Missouri governor Eric Greitens issued an executive order and convened a board of inquiry to examine Marcellus' case. However, after Greitens' resignation, incoming governor Mike Parson revoked the order — dissolving the board before it made a final recommendation about the case. It's the first time in Missouri history this has happened.

With Parson's decision, **Marcellus' stay of execution was lifted and Attorney General Andrew Bailey asked the Missouri Supreme Court to set an execution date.**

We have filed a civil lawsuit against Parson for illegally dissolving that board and lifting the stay.

"The board of inquiry statute was created to provide an opportunity for an independent group of judges to review all the evidence in a death penalty case, without any procedural or political obstructions, to make sure an innocent man or woman is not executed," Rojo Bushnell said. "It's a unique safety valve. In dissolving the board, the governor has made clear that, in his view, the truth doesn't matter in our system."

Missouri wants to race towards an execution date, without giving Marcellus the fair day in court he never had. This would only compound the tragedy of the original murder — by killing yet another innocent person.

**But you can help. Join our newsletter and stay informed to learn about ways you can support Marcellus and his team in their fight for justice.**



## *Where innocence is not enough.*

The Innocence Network includes 72 organizations, each dedicated to a specific region or city. When you donate *specifically* to the **Midwest Innocence Project**, you're helping us do this crucial work **in one of the most challenging areas of the country to correct and prevent wrongful conviction.**

### *Did you know that...*

#### **ARKANSAS:**

**Does not allow you to raise all your innocence claims in *one* straightforward petition.** One avenue, a writ of error coram nobis, is only available to address 4 types of errors. Another, Rule 37, doesn't allow you to bring other claims, like state misconduct. And a post-conviction motion is limited to 10 total pages, and exceeding that limit will lead to a denial.

Arkansas post-conviction procedures are extremely restrictive, and clients often have a better chance in federal court. But bypassing state court creates another procedural hang-up, because federal law requires we exhaust all state mechanisms — even when we know there's little chance. **This exhausting catch-22 ends up adding years to someone's already unfair sentence.**

#### **IOWA:**

**Has such restrictive public records laws that we often cannot access police reports, despite cases being closed.** This makes it extremely difficult to investigate a case or evaluate the evidence when a defendant doesn't have access to information about the original investigation. It also allows the state to continue to hide evidence in their files long after a conviction has passed.

Iowa has **never had a DNA exoneration.** According to Injustice Watch, that makes it one of only 13 states where no prisoner has ever been freed after DNA testing.

Iowa is also one of only 4 states in the nation that does not have **adequate laws requiring evidence preservation for the length of someone's imprisonment.** Police can destroy evidence just three years after a criminal case's statute of limitations expires.





#### **KANSAS:**

**Still lacks jailhouse informant reform.** False or misleading information from jailhouse informants is a hallmark of wrongful conviction. Better guardrails around how these witnesses are used at trial is crucial.

For the last three years, a bill has been introduced that would require prosecutors to disclose to the defense critical details about informants, like what benefits/sentence reductions they've received or their previous history as an informant. **However, while the bill passed out of the Kansas House of Representatives unanimously, it has stalled in the Senate.**

#### **MISSOURI:**

Only views innocence as a legitimate claim to get back into court after a conviction... **if you've been sentenced to the death penalty.** For anyone else — including those who have been sentenced to life without parole — **innocence is not enough** in the eyes of Missouri's post-conviction procedures.

In Missouri's own words: *"A freestanding claim of actual innocence is only cognizable for a petitioner who has been sentenced to death, and is unavailable for cases in which the death penalty has not been imposed."*

#### **NEBRASKA:**

Has a splintered postconviction structure, **which prevents innocent people from presenting the full scope of their claims in a single proceeding.**

They must present their new evidence of innocence in one proceeding, and any claims of ineffective assistance of counsel or state misconduct in another.

Nebraska also does not recognize innocence as a gateway claim, which allows a defendant to file a second appeal or overcome missed filing deadlines if they can prove their innocence.

This structure makes it difficult for innocent clients to get into court and have all the evidence of their innocence heard in Nebraska state courts.

If you live in one of these 5 states, **contact your local or state representatives to push for legislative change.**

You can find your representatives' names and contact info by going to **[usa.gov](https://www.usa.gov)**.

BY THE NUMBERS







**2023:**

APPLICATIONS RECEIVED: **670**

CASES IN ACTIVE LITIGATION: **10**

CASES IN ACTIVE INVESTIGATION: **10**

DEATH PENALTY CASES: **1**


**CLIENTS FREED: 2**

**CLIENTS EXONERATED: 1**

***375+ years***

**have been stolen from our  
freed/exonerated clients.**

***Your support helps give  
more years back to our  
clients.***

The background of the page is a white canvas adorned with abstract artistic elements. On the left side, there are large, expressive brown brushstrokes that appear to be made with a dry brush, creating a textured, layered effect. On the right side, there are several dark blue and black ink splatters of various sizes, some of which are clustered together. The overall composition is minimalist and artistic, with the text centered in the middle of the page.

“We all find joy and radiance and a reason to  
move on even in the most dire of circumstances.  
Even in chaos and madness, there’s still a beauty  
that comes from just the vibrancy of another  
human spirit.”

— ISHMAEL BEAH



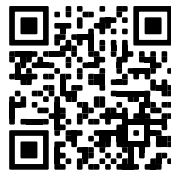


## Midwest Innocence Project

MIP's mission is to educate about, advocate for, and obtain and support the exoneration and release of wrongfully convicted people in Arkansas, Iowa, Kansas, Missouri, and Nebraska. We are an **independently funded innocence organization** that is a part of the national Innocence Network. Our partnerships with law firms, law schools, and student volunteers allow us to provide the very best representation at no cost to innocent people within our region.

All donations made to the **Midwest Innocence Project** stay within our 5-state region to directly impact cases locally.

*The Midwest Innocence Project is a not-for-profit corporation. Contributions are tax deductible.*



**SCAN TO MAKE  
A DONATION  
ONLINE.**

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816-221-2166 • [office@themip.org](mailto:office@themip.org)  
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