

Justice: it's not just an ethereal concept that happens without effort. It is a result achievable only through what should be an objective criminal legal system, defined by checks and balances. Too often, however, "justice" is determined by those who have power, with no checks to limit their reach, supported by a system operating with a rigid commitment to finality over fairness.

Justice should be achievable on its own, without organizations like ours having to fill the gaps. But for now, there are gaps. Massive ones. Especially in our region.

We've seen the criminal legal system double down on flawed decisions—rather than pursue the right one—time and time again. There is no greater example than the case of Marcellus "Khaliifah" Williams, who was denied justice by a court that shifted responsibility for its decision to earlier findings made by other judges. Even though none of them had ever been presented with a full view of the facts. Even though the very office that prosecuted Khaliifah's case filed a motion to overturn his conviction, conceding that his trial was unfair and his death sentence unjust. Even though the victim's family did not want Khaliifah executed.

Despite all this, Khaliifah was executed on September 24—a grotesque miscarriage of justice.

Elsewhere in Missouri, in Chris Dunn's case, we watched the Attorney General try to hold an innocent man in prison even after his conviction was overturned. Someone's freedom and justice shouldn't be determined by whose name is on a desk. It should be determined by what's right. In a case already marred by the injustice of having been found innocent in 2020, but being told by a court it had no power to release him, Chris's loss of an extra week of his life—after being just steps from freedom—was an unimaginable cruelty.

But these injustices are far from imaginary. They are very, very real. And they occur all across our region. We see a lack of checks and balances in places like lowa, Nebraska, and Kansas, where laws hinder transparency and accountability by limiting access to records. When victims, defendants, journalists, and lawyers can't access case records, how can anyone even begin to pursue justice?

This level of difficulty doesn't happen in a vacuum. Courts and legal structures are human systems, made of human beings. Together, we—you—have the power to vote for the individuals who control those systems, enact laws that change those systems, and be the check on those systems themselves. At MIP, we'll keep being a check in this process. We'll fight with everything we have—boosted by your support—to force the system to find justice even when those in power don't. Because with you, there is always hope.

We've seen that hope bubble up in the national campaign to save Marcellus "Khaliifah" Williams. We've seen that hope when Chris Dunn finally got to walk into the arms of his loved ones. We see that hope when community members like you step up and become part of the solution.

For every action against injustice, there's a butterfly effect: your actions send shockwaves into the status quo. When you push back against injustice with all you have, you help turn the system we all have into a fairer one.

Even when we give it everything we have and don't get justice ... we know our efforts will help the next person. Even as we mourn our loss—of Khaliifah and the justice and hope his life represented—we'll keep fighting with all we have. Because with your support in the fight, there is always hope for justice tomorrow, even when we don't get it today.

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Tricia J. Rojo Bushnell Executive Director,

Midwest Innocence Project





## the work that remains...

In his journey to freedom, Christopher Dunn heard "no" for more than three decades. But the last one might have been the most agonizing.

This year, Chris walked free after 34 years of wrongful incarceration. He had been convicted of a 1990 murder based solely on testimony from 12- and 15-year-old boys. Both witnesses recanted. In 2020, a Texas County Court found there was significant evidence that Chris was innocent, but was unable to free Chris because in Missouri, innocence alone is not enough to overturn a person's conviction unless they were sentenced to death. Since Chris was sentenced to life in prison plus 90 years, he remained trapped behind bars.

But on July 30, outside the St. Louis courthouse, he walked free, holding a hand to his heart and smiling at the crowd. He wore a blazer and blue/green tie. It was the second time in a week he was in street clothes, expecting to be released. Seven days earlier, yet another cruel, unjust legal challenge had delayed his freedom. This was the roller coaster Dunn endured:

- July 22: St. Louis City Judge Jason Sengheiser vacated Dunn's conviction and ordered his release. Missouri Attorney General Andrew Bailey ordered the Department of Corrections to hold Dunn and defy the court's order.
- July 24: After an emergency hearing, the judge ordered that Dunn be released by 6 p.m. If not, the prison warden would be in contempt of court. Dunn went through processing and changed into civilian clothes. His loved ones waited outside.
- July 24, 5 p.m.: Dunn sat by the prison door, minutes ticking down to 6 p.m. But after a request by the Attorney General, the Missouri Supreme Court halted Chris's release just minutes before the deadline.

"He told me, 'As I waited, when I heard the phone rang, my heart sunk, and I just knew,"



said MIP Legal Director Rachel Wester. Instead of heading out into the sunlight, Dunn turned around and was led back to his cell. "To hear the decision of the judge and get prepared to leave on Wednesday, only to be brought back into the prison, it was torture," Dunn later told reporters.

The arc of history—and wrongful convictions—is long. But with enough willpower and belief in fairness, we can bend it back toward justice. That finally happened on July 30 when the Missouri Supreme Court cleared the way for Chris's release.

This case shows how the system prioritizes finality over justice. Though Christopher is free, the system that wronged him remains. Missouri is the only state in the nation to *limit innocence claims by a person's sentence*.

This is a stark reminder of the work that remains. We faced down Missouri's unprecedented attempts to keep an innocent person incarcerated even after his conviction was overturned. We'll keep speaking truth to power.

"What the AG has done in Chris's case is an example of what we face in Missouri," Wester said. "We're going to have to be even more persistent and gritty in our work here."

Meanwhile, people like Chris suffer the consequences of systemic failure: "It's easy to give up in prison when you lose hope," he told the crowd after his release. "But when the system throws you away, you have to ask yourself if you want to just settle for it or fight for it."

Because of your support, we were able to walk alongside Chris—and fight for him until those prison doors finally opened for good.

she clung to every geti

## a recipe for injustice...

Imagine being incarcerated for something you didn't do—and the state says your attorneys fighting for your freedom can't access your case records. This is the reality in some of the states within our region. In Iowa, MIP client Bill Beeman still awaits justice. A lack of open records has slowed that fight.

Police investigative reports are not protected public records in Iowa. Individual police departments can decide whether to grant records requests. This means journalists, citizens, and even legal teams often cannot access key case documents.

People like Bill, who are wrongfully convicted in states with restrictive open records laws, rely on having someone on the outside willing to create and maintain a paper trail. For Bill, that was his mother, Donna. She keeps a four-drawer metal file cabinet at home with every document related to his case.

"She's just believed so strongly in Bill's innocence that she clung to every piece of paper in case it would help get him home," said Erica Nichols Cook, Director of Iowa's Wrongful Conviction Unit, who leads Bill's legal team.

It was only after MIP went through the documents at Donna's house that we could file for DNA testing. In that process, the court ordered discovery, which meant the police finally had to share records. From there, we pinpointed what went wrong with Bill's conviction in the 1980 rape and murder of Michiel Winkel. Investigators didn't pursue leads about other credible suspects. Prosecutors didn't disclose potential exculpatory evidence to Bill's attorneys—a constitutional violation.

It should not be such a battle to access these critical records. A system that evades transparency like this is a system without checks and balances.

"The most frustrating thing about Iowa is that the statute says records may be confidential, so it's really up to each law enforcement agency," Cook said. "It's the luck of the draw on whether the agency that investigated you and convicted you will decide to release the documents."

Relying on luck and individual discretion is not a system; it's a recipe for injustice. State records laws don't always enforce evidence preservation. For example, the sexual assault kit from Winkel has disappeared. With no paper trail, valuable evidence and a potential avenue for justice—for both the victim and the person wrongfully convicted—is lost.

A system where citizens, attorneys, and journalists can't access records creates a single point of failure. If only a police department holds records, what happens in a flood or fire? Bill's case highlights this "black box" policy, but it's a problem across our region. In Nebraska, records from former MIP client Antoine Young—who tragically died in prison in 2022—had been stored in a building where sprinklers went off.

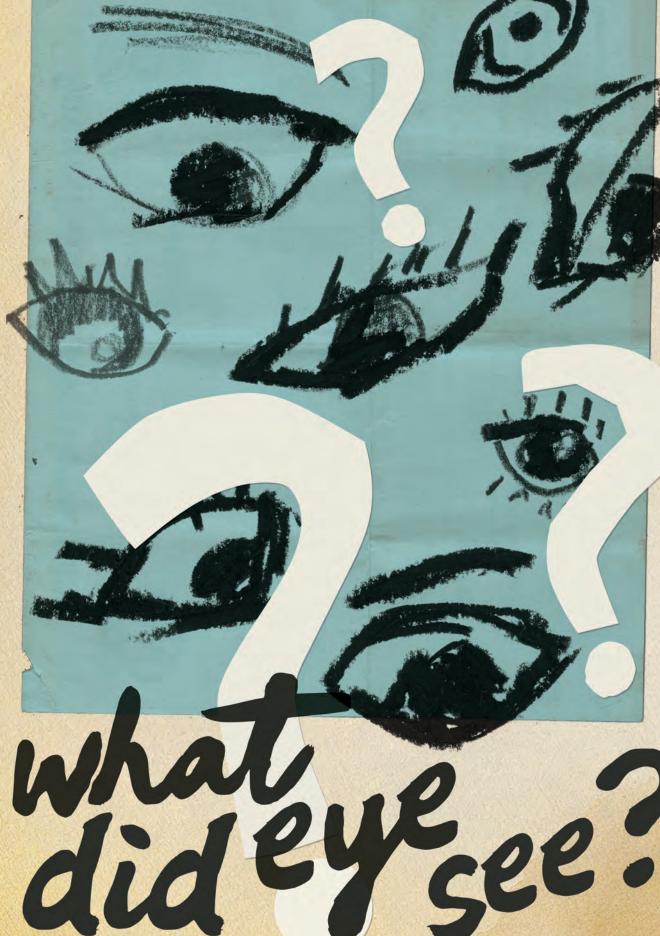
We sifted through three bags of files, laying pages out to dry one by one. If the state had provided copies, this could have been avoided.

Justice shouldn't rely on someone like Donna retaining every original file or sprinklers not going off. It shouldn't depend on police departments' willingness to share. Justice should be systemized, protected by checks, balances, and transparency. Until records laws become less restrictive, justice remains an uphill climb for people like Bill and Antoine.

## Do you know your state's policies?

Scan the QR code to check the database of freedom of information laws.







Justice requires pursuing—and abiding by—the truth.

But so often, wrongful conviction cases stem from the criminal legal system latching onto a *version* of the truth that will help secure a conviction—rather than ensuring the *accuracy* of that truth.

In Wyandotte County, Kansas, this is what happened to Cedric Warren in 2009.

Cedric was convicted of a murder based on the testimony of a single eyewitness. But that eyewitness had several mental health diagnoses that impaired his ability to perceive and tell the truth.

After being interviewed by law enforcement, the witness was driven directly to an inpatient mental health facility, because he said he was off his medication and was hearing voices. He was involuntarily committed. Previously, this witness had also been declared incompetent in a separate case where he was accused of passing bad checks.

Based solely on that lone witness's account, Cedric was convicted in 2010. His case was a domino effect of injustice: the reliance on a lone eyewitness. That eyewitness's mental health issues that affected his version of the truth. Then, the prosecutors failed to disclose the information about the eyewitness's unreliability to Cedric's defense.

"The only evidence against Cedric is a single identification by a witness whose story was,

from the beginning, illogical and ever-changing," said Lindsay Runnels of Morgan Pilate, who's on Cedric's legal team. "He told a number of different versions and never the same one twice."

In late July, MIP presented evidence at an evidentiary hearing on Cedric's behalf. The court is still deciding whether Cedric is entitled to a new trial based on the state's failures to disclose important information.

"In addition to the sloppy investigation by the police department, Cedric also had ineffective counsel at trial," Lindsay said. "These go hand in hand, and it's a recipe for wrongful conviction. Nobody is checking the facts, or acting as a check on the power."

This is what happens in an unjust system: cascading consequences that build up into an outcome the system will later *claim* is irreversible.

Now, Kansas would rather maintain the finality of a conviction—rather than ensuring the right conviction.

In the meantime, Cedric waits—and remains hopeful, despite the years the system has stolen from him.

"Cedric is a delight and is very easygoing,"
Lindsay said. "He really has a lot of faith and is
very grateful and hopeful. He also has a massive
family who are all lovely—and are just ready for
him to come home."



## here to stay...

As attorney Rachel Wester closes in on her 10-year anniversary with MIP, she's added a new title in 2024: MIP Legal Director.

Rachel started with MIP right out of law school as a staff attorney in January 2015—when MIP's office only included three other people. She was later promoted to Nebraska Managing Attorney, then MIP's overall Managing Attorney. As of August, Rachel stepped up to become Legal Director.

In this position, Rachel oversees all aspects of MIP's legal work. She supervises attorneys and legal support staff; coordinates with pro bono counsel and partner attorneys; drives policy work; leads the internship program; and manages MIP's docket of cases.

In this work, it's easy to get overwhelmed by the pure number of people who need our help. Our waitlist is in the hundreds, and it's estimated that 4 out of every 100 people in prison within our 5-state region have been wrongfully incarcerated. For MIP to serve as many clients as possible, it's important for someone to strategize how to best leverage our resources and skills—and how to use everything we have to work through the backlog.

"What does our waitlist look like?" Rachel said.
"Are there patterns in the types of evidence used or where the cases arise? What do dockets look like for our legal staff and what are our resources at any given moment? How can we use those resources effectively?"

Rachel's most recent promotion is the latest step in an unconventional legal career path. She's a first-generation college graduate who originally went to school to study music education. Still, she took a couple political science classes—including one that would

change everything. Her professor for a class on American bureaucracy also ran the mock trial team. Someone called in sick, and he asked Rachel to sub in

"It turns out that completely changed the entire trajectory of my life," she said.

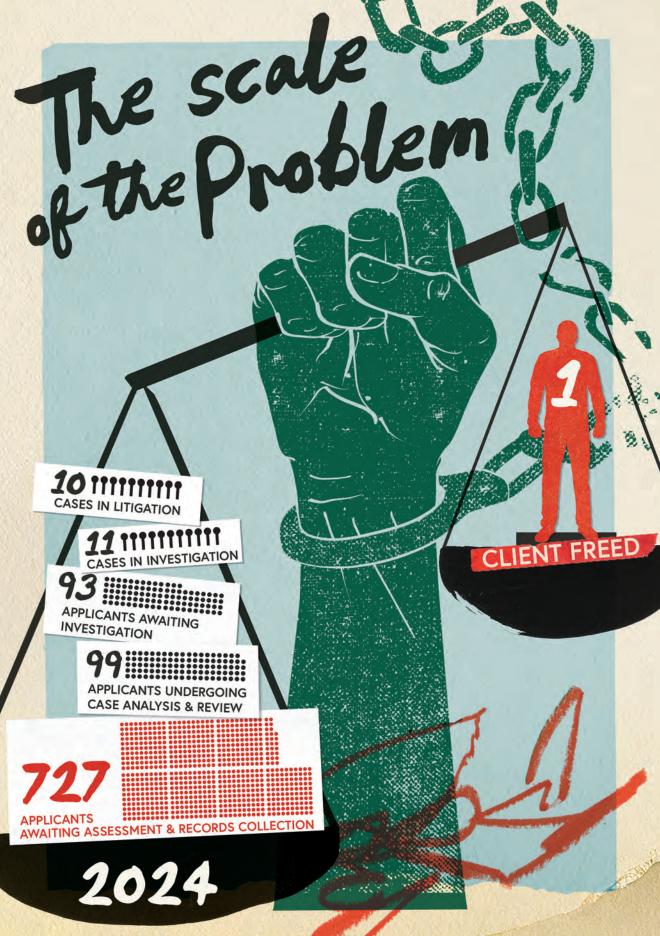
She fell in love with mock trial, and her professor encouraged her to apply to law school. After interning with a death penalty organization, Rachel felt called to post-conviction law. As soon as she graduated, she applied for MIP's staff attorney position—and she's been with us ever since.

Rachel is a St. Louis native, but went to law school in Virginia. She wasn't always sure she wanted to come back to the Midwest. But the more wrongful conviction work she's done in our area, the more she's realized how vital it is to be here. The path through post-conviction law to freedom in our 5-state region is often more difficult than in other states.

"It's important, in particular, in this region and this climate, to have people who are willing to be here and do this work," she said. "I'm here to stay."

At MIP, we fight with everything we have to free the innocent. And it's because of people like Rachel—who's given her whole career to this work and this region—that we're able to do so.

"Ten years ago, I would have never envisioned I'd be the Legal Director here," Wester said. "I wouldn't have thought that was possible. I'm excited to dig in and continue growing. It's hard for me to imagine being anywhere but at MIP."



2024 by the numbers...

# People still waiting for assistance by...

Nebraska:

55 in 15 counties lowa:

82 in 35 counties

Kansas:

146 in 29 counties Missouri:

418 in 62 countres

Race

56% Black

37% White

4%. Hispanic/

Latinx

2%. Other

1%. Undisclosed

Gender Identity

> 96% Male

Arkansas:

232

in 48 countres

3% Female

1%. Undisclosed



## step 1: putting out the fire...

Getting someone *released* from wrongful incarceration is the most immediate, important goal. Before anything else, that fire has to be extinguished. But true justice has to be a deeper picture than simply opening up a prison door.

MIP's social work program, led by Courtney Ellis, works to provide this non-litigative support to clients, both before and after their release. In the face of such full-scale injustice, we have to fight with everything we have to help clients regain stability and rewrite their stories.

That begins even before release. The fight for freedom takes a massive mental toll. While incarcerated, clients are separated from their support system. The physical and mental stress of a prison environment is intense. Incarcerated individuals often lack sufficient healthcare, nutrition, hygiene, personal space, education opportunities, and positive interpersonal relationships.

Having someone to trust and talk to can be a lifeline. Beyond litigation, MIP also offers therapeutic support services for our clients still waiting for freedom.

Some prisons offer mental health services, but they're often inadequate. It can be difficult to trust someone who works for the prison. An in-prison mental health professional isn't familiar with the client's case. And anything a client discusses about their case with prison staff is no longer confidential.

"It's hard to talk through specific stressors with anyone who isn't on their legal team," Courtney said. "Having this support from MIP offers a muchneeded outlet and safe space to express their concerns and alleviate their emotional burden."

Post-release, the emergency of a wrongful conviction doesn't end. Clients often walk out

of prison with no money, no clothing besides what's on their backs, no housing, and no employment.

Typically if someone is granted parole, they'll meet with a reentry coordinator. But exonerees don't fit into the parole bucket—and can fall through the cracks. Our social work program works to bridge those gaps. Courtney coordinates with clients' loved ones as well as state and local agencies to secure housing. She also helps them sign up for Medicaid, get documents in order (like a driver's license), and search for employment.

With our limited resources, we also offer as much emergency financial support as possible; this is especially necessary when clients don't receive compensation from the state that wronged them. But the funds we can offer clients are usually far below the full extent of their needs. Even just paying an apartment deposit, let alone buying clothing, food, and basic furniture or utensils, can cost thousands. Many of our clients walk out of prison with zero credit or employment history.

Clients who haven't been exonerated—who received clemency or had their sentences commuted, for example—have to deal with additional stigma. Under federal law, when applying for work or housing, they have to check a box saying they've been convicted of a felony.

## In the face of those hurdles, how is someone supposed to rebuild a life?

Only with the support of donors like you—whose resources help our social work program provide more services, hire more staff or interns, and offer more financial help to clients as they begin a new life.

When you develop Strong Roots... I realized I'm not alone ... you find your way

## step 2: rising from the ashes...

The ripple effects of a wrongful conviction extend far beyond a legal case. Once the immediate emergency is taken care of—and a client secures their physical freedom and basic needs—what comes next? Community. Healing. Empowerment.

Beyond housing, finances, and logistics, the MIP social work program provides clients the platform and resources to step into their new life, starting with mental health support. MIP social worker Courtney Ellis helps clients find a therapist if they desire. We also launched a post-release support group where, twice a month on Zoom, the wrongfully convicted can connect with others who understand their experience.

This group is not limited to MIP clients. Exonerees from other states can join, as well as those who were freed in our region before MIP was an organization. Teresa Engberg is one example: she was wrongfully convicted in lowa in 1997. Without any organizational support, she spent years relying on her own resourcefulness to claw for stability and basic needs. She'd also never met another wrongfully convicted person until getting involved with MIP and the support group last year.

"I realized I'm not alone," Teresa said. "There are so many other people just like me, that got accused of something they didn't do."

After a deeply isolating situation like wrongful conviction, finding a community can be an important step in healing.

"We're able to express ourselves and be in a setting where there are other people like yourself who have experienced the things you experienced and are still experiencing," said former MIP client Laquanda "Faye" Jacobs, who was released in 2018. "We can cry, we can laugh, whatever expression you need to do. MIP makes that time so comfortable and wonderful and it was just so needed."

Once clients secure their basic needs, find stability, and create community, they can begin to heal. With healing and the right support, they can step into their power. After years of isolation, Teresa has found more purpose and confidence. She's since joined other groups of freed clients that MIP has flown to Innocence Network Annual Conferences around the country. She's also more vocal in sharing her story. This summer, she spoke to 100+ police recruits in Illinois—something she never would have dreamed possible."There are exonerees that will go out there and talk to everybody about what happened to them," Teresa said. "I'm still not quite to that point.

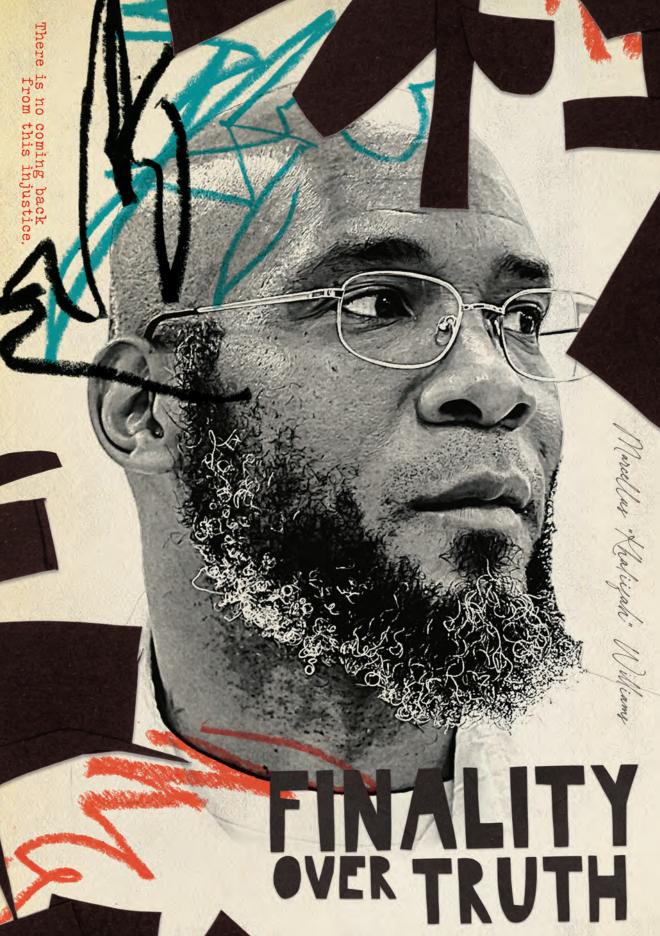
But I've come such a long way."

Post-release, MIP still supports emergency needs as they come up and as we have the resources to handle them. When Faye's car broke down and she didn't have the money to fix it, MIP pulled from an emergency fund to offer support. Because Faye's car isn't just her car: It's her business. In the years since her release, she's become her own boss and started her own transportation service in Kansas City.

Success stories like these are only possible with tireless support from those who believe in a true, layered definition of justice. Because of supporters like you, we're able to litigate for clients' freedom and offer the physical, logistical, and emotional support that can springboard them into their next chapter.

With your support, we can continue empowering clients to rebuild what the criminal legal system tried to take away.

"Even though MIP is small, they make the most of what they have," Faye said. "I'm just so thankful. I don't know where my life would be had I not gotten help from them."



# too late...

In one of his many poignant poems, Marcellus "Khaliifah" Williams wrote, "Yes, yes the subject is touchy and delicate, / sensitive but necessary for the awake, / is it possible for the lost to be found before it's too late?"

For years, the state of Missouri insisted it was too late for Khaliifah to receive justice. His case had been marred by incentivized witnesses, mishandled evidence, and systemic racism. But, the state said, his claims should have been brought in earlier courts. Courts already reviewed his case. It is too late.

None of these reasons were about justice. They were about finality over fairness. But we can change that—if there is political and moral will to prioritize humanity and fairness.

Khaliifah was a father, a poet, and his prison's imam. He gave book recommendations to his lawyers. He followed the news and latest social innovations. He never missed a prayer time. Even in the face of darkness and decades of injustice, he leaned into his Muslim faith and served his community. He was thoughtful, intelligent, and kind. For as long as Khaliifah still breathed, we believed it did not have to be too late.

But on Tuesday, Sept. 24, Missouri closed the only door that can't be reopened. Khaliifah, an innocent man, was executed by the state, even after outcry arose from every corner of the country. Even after the original prosecutor's office moved to vacate the conviction, and agreed he was innocent. Even after DNA evidence at the scene did not match Khaliifah. Even after the victim's family agreed to a life sentence in lieu of death row.

For years, Missouri claimed it was too late for Khaliifah—but they're the only entity who truly made it so.

Khaliifah's death is the most extreme, most tragic example of choosing finality over accuracy, and procedure over truth.

Millions of people clamored for justice. Advocates as diverse as Sir Richard Branson, soccer star Megan Rapinoe, Academy-Award winning producer and musician Questlove, and more all fought for Khaliifah.

Meanwhile, Felicia Gayle's true killer has never been identified. That's an injustice for her, her loved ones, and the community.

Missouri had an opportunity to right a wrong. It chose not to. There is no coming back from that injustice.

But we will never stop fighting — for Khaliifah and for all of us. To change the system that allowed this atrocity to happen. And to free the other innocent people who could one day suffer the same fate. There is no turning back from that mission.

In Khaliifah's memory, we will keep pursuing truth, checking unjust systems, and building a future where states can no longer imprison and execute, with impunity, innocent people. We will never turn our back on what's happened — what is still happening — in Missouri.

We hope you'll join us, with everything that you have.

## interconnected Systems

In the face of such a multifaceted issue, there is no simple solution. But every step forward will come from the same, simple philosophy:

When we fight with everything we have, we can build a more just future. And with your support, we will keep up this fight.



## with all we have...

Wrongful conviction is not a simple problem. It's the result of layers upon layers of human error, human misconduct, historically entrenched systems, intricate legal procedures, unjust laws, systemic racism, flawed forensic science, a lack of transparency, and more. And the impact of wrongful conviction? It's far from simple too. The long-term effect of wrongful incarceration sends ripples of mental, emotional, and physical harm into our communities.

At MIP, we recognize the scale of this problem. In the darkest moments, that scale can feel impossible to overcome. But with your donations, we know that what we have—resilience, truth, resourcefulness, fairness—will be enough to keep peeling back the layers of injustice.

From the years of work to win someone's freedom, to helping our freed clients get back on their feet post-release, to proactive policy work to stop wrongful convictions in the first place ... we attack wrongful conviction from every angle.

## Your donations help us provide critical services such as:

## Intake

- · Review and assess applications
- · Process and audit case files
- Collect records, such as transcripts and police reports
- Scan documents
- · Correspond with applicants

## Investigation

- Request records
- · Review and analyze cases
- · Prepare critical work product
- · Conduct witness interviews
- Uncover possible causes of wrongful conviction

### **Legal Services**

- Visit clients
- Consult experts
- · Perform DNA testing
- Write legal briefs
- · Represent clients in court

## **Education & Outreach**

- Raise awareness about our work
- · Train legal professionals
- · Present to community groups
- Participate in policy work to prevent wrongful convictions

## Social Work

- Develop plans for post-release housing, employment, education, and community reintegration
- · Collaborate with legal team to support clients
- Assist with obtaining essential documents and necessities for clients
- · Connect clients to key support services

## Will you help us fight injustice from every angle?

Scan the QR code to donate online TODAY.







The 2024 Annual Report is dedicated to the memory of Marcellus "Khaliifah" Williams. May his loss inspire the world to fight injustice with all we have.

MIP's mission is to educate about, advocate for, and obtain and support the exoneration and release of wrongfully convicted people in Arkansas, lowa, 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 501-c-3 not-for-profit corporation. Contributions are tax deductible.

Midwest Innocence Project

816-221-2166 office@themip.org THEMIP.ORG Excerpt from:
Remembering and Silence (1/17/2024)



when i remember there's no fear no grief when i remember my blood skin bones and teeth when i remember finger pointing arms extended lukewarm embrace - and goals to never reach when i remember innocence waking at night disoriented moving into the darkness being abused suppressed trauma... so i never could weep when i remember the past is the past being healed is final but the treatment is not complete when i remember to be a stranger in this world - or a traveller through the streets i remember the life i've been given and that death will come to each when i remember the grave i hope my faith/obedience and right actions will increase

but when i remember the created i remember it is said: the earth shall be inherited by the meek so i pinch myself flex my muscles examine the image in the mirror splash water on my cheeks and behold the weak! just honesty - never intending to be bleak still no fear still no grief - only acceptance when i remember the key to rectifying me standing erect and stable upon my feet while whisperings are there bidding denials disobedience and defeat then i remember ... remain silent unless one has good to speak

Marcellus "Khaliifah Ibn Rayford Daniels" Williams (Dec 30, 1968-Sept 24, 2024)

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