

“Nolo Contendere”: A Summer Inside New York’s Innocence Movement

Max Gould '18



Note to the reader: Violent crimes including sexual assault are discussed in this piece.

Stephanie looked over at me with endearing concern. “You good?” she asked.

I had never driven a van before; certainly not one this large, filled with people, on a busy highway. There were 18-wheelers surrounding us in nearly every lane and my technique of locking my elbows to reduce the natural sway of my hands on the wheel was beginning to wear on my arms.

“Yeah, I’m good. Thanks for asking.”

The van was quiet for large stretches of the ride home. Journeying from Harrisburg, Pennsylvania back to New York City would be an exhausting endeavor under any circumstances, but it felt even more arduous as I was continuously distracted by the thoughts swirling in my head, and repeatedly pulling myself back to reality to focus on the road. I was still attempting to process all that I had seen that day – the hearing, the verdict, the end of a 22-year-long battle. I couldn’t begin to guess what the others in the van were feeling, many of whom had been a part of the fight since the beginning.

The family seated in the back of the van were strangers to me, so Stephanie was a welcome presence in the passenger seat. In moments when the traffic died down I tried to listen in on the sparse conversation behind me. Laughter here and there, some more serious discussion in whispering voices. There wasn’t any of the meaningful conversation I had expected, just hushed relief.

At one point I quickly peeked into my rearview mirror and instantly met Robert’s gaze. His eyes were a deep brown, small and intense, dotted with tiny pupils. Now, however, they drooped with exhaustion.

Just eight hours earlier I had walked into the courtroom for Robert’s hearing. Jeff had caught my eye and patted the spot next to him on the gallery bench. I had just begun to feel like Jeff saw me as a capable worker, and maybe even a friend, after

interning at his foundation for a month. I took my first few steps toward him without thinking, then hesitated. He was in the first of five or six rows in a gallery inundated by journalists with notepads and advocates with concerned faces. Who was I to take a spot in the front of the room? There were people who had tirelessly dedicated their time and energy to freeing Robert, people who knew him personally and were affected by his incarceration, especially friends and family. And in the middle of them, sitting front and center, would be me, a volunteer intern, an outsider, who had had to do extra

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background reading the night before to get caught up on Robert's case.

Too timid to refuse Jeff's invitation, I took my seat.

Robert's lawyer from the Pennsylvania Innocence Project walked out in front of the gallery. He was a short man but stood tall, and spoke to the crowd of advocates and family members like he was a close friend. The Pennsylvania Innocence Project had been doing the litigation for Robert's case, while Jeff and his foundation had worked on the public side, building support for Robert's cause and filling the gallery benches with those who believed him innocent.

Ten minutes later Robert was brought into the courtroom, flanked on either side by a uniformed guard and met with barely restrained excitement from the crowd. The guards sat him down in a chair on the defense's side of the room, turning him around to face his supporters. Jeff leaned over to me and whispered in surprise, "That's a real act of human kindness. They aren't supposed to do that."

One of the guards then brought over a cup, placed it in front of Robert, and poured him water.

"They never do this," Jeff whispered, brow furrowed.

The evidentiary hearing we were attending was a promising step towards Robert's freedom. Jeff and I had talked about his case during the early morning ride to Harrisburg. Robert had been in prison for 22 years, his incarceration based entirely on eyewitness testimony. He had won his freedom a few years prior, but the Harrisburg DA's office had appealed his exoneration all the way up to the Supreme Court of the United States. The Supreme Court had deliberated without hearing oral arguments, eventually sending Robert back to prison after a year of freedom.

"Can you imagine that? Going back to prison after being freed? I don't think I could do it. I'd probably go on the lam," Jeff had said.

Today's hearing was going to call Robert's conviction into question yet again. Thorough investigation of the initial trial had revealed that one of the primary witnesses had a

pseudo-familial connection with the leading investigator. It was a striking conflict of interest that had never before been brought to light. This, and the fact that a new judge was going to hear all of the evidence for the first time, made Jeff hopeful. In fact, the odds were looking so good for Robert that the District Attorney's Office had called him the night before offering to release him at the hearing if he confessed to the murder. He could have his freedom, but he wouldn't be able to take his innocence with him. Jeff remained confident that Robert would not go for the deal.

Knowing that this deal had been put on the table, the magnanimous behavior of the guards was making me nervous. Robert's lawyer seemed to have immense enthusiasm for what was going to be an exhausting and serious day of oral advocacy. What I did not realize at the time was that his lawyer knew that he did not have a long day ahead of him.

"We have good news everyone. Robert is coming home today."

My breath caught.

The deal that Jeff had been certain Robert would not take had been made. Robert would gain his freedom today, though at an immeasurable cost. Of the injustices done to him - the 22 years incarcerated, the young-adult life he never got to live, the compensation he could never pursue - none would be answered. Without ever committing a crime, he would now spend the rest of his life an ex-convict, the chance to prove his innocence gone forever.

* * *

As Robert's lawyer delivered the news to the crowd, Jeff crumpled, his head hanging low. To him, this wasn't how freedom was won. It certainly wasn't how his own freedom had been won.



Sitting in the middle of a shoot for a potential docuseries about the Deskovic Foundation.

Nearly 30 years earlier in 1989, Angela Correa, a 15-year-old child, was the victim of a brutal crime in Peekskill, New York. Correa was raped, beaten, and strangled to death after going outside to take pictures for her high school photography class. The police investigators immediately questioned her classmates, hoping to obtain leads on a suspect. Several of the Peekskill High School students pointed to Jeffrey Deskovic, 16 years old, describing him as “weird” and a “loner.” Detectives took this lead seriously after deciding that Deskovic seemed unusually bereaved at Correa’s funeral, although the two had no known prior relationship.

For these reasons alone, Jeff would spend 16 years in prison for a crime he did not commit.

Several months after Correa’s murder, a police cruiser drove Jeff out of Westchester County 10, 20, 30, and finally 45 minutes. Jeff trusted the detective, who told him that his assistance was needed in the investigation. At 16, he had aspirations of being a police officer himself, and the rape and murder of his fellow high school classmate granted him, he thought, an unwelcome opportunity to begin that path.

He had been picked up from school earlier that morning by the officer, who claimed that Jeff’s assistance in the case was necessary and urgent. In a town miles away from his home, without the knowledge of his family, Jeff was led into an interrogation room. The officer continuously poured coffee for Jeff, each cup causing his heart to palpitate more. After multiple cups, the ruse quickly fell away. Jeff was accused of rape and murder and threatened with physical violence. His mind racing from the accusations and his heart racing from the coffee, he was in a state of complete vulnerability.

Throughout the interrogation, Jeff continued to maintain his innocence. Hours of denial had passed when a plainclothes officer entered the interrogation room with a polygraph. Jeff remained adamant that he did not kill his classmate, but it made no difference to the officers.

“What do you mean you didn’t do it? This machine just told me you did,” said the man operating the polygraph.

Finally, after a nearly eight-hour interrogation without food or water, Jeff confessed to a murder and rape he didn’t commit. The officers left him in the interrogation room alone, an innocent 16-year-old bawling in the fetal position under the table. Another lifetime would pass before Jeff would taste freedom again.

In prison Jeff continued to assert his innocence to all in the outside world who would listen. Years of writing to organizations like the Innocence Project yielded no positive results. The technology that would eventually prove Jeff’s innocence wouldn’t be widely accepted by the legal system until the early 2000s. During his 16 years in prison, Jeff would meet 12 other men whom he believed had been wrongfully convicted.

* * *

In 2017, I found myself standing in a residential area of the Bronx, waiting to meet Jeff, now in his 40s, for the first day of my internship with the Jeffrey Deskovic Foundation for Justice. After being exonerated, Jeff had founded a small innocence organization with the money from his civil suit against New York State.

I had spent the previous fall trying to organize my summer and find an organization in the innocence movement willing to take me on as an intern. I had

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sent my resume and cover letter to a plethora of innocence organizations. Few responded, and most of those that did said they were unable to take on any interns. The innocence movement is dominated by nonprofit organizations with limited funding and resources, but I was lucky enough to be in a position where I did not need to be paid for my work. Even so, many ultimately said “sorry, but no.” The Jeffrey Deskovic Foundation for Justice, one of the organizations at the top of my list because of their policy and reintegration initiatives, responded saying they wanted to set up a time to talk. I was even more surprised to see that the email came from Jeff Deskovic himself.

A week after Jeff emailed me back I gave him a call at the time he requested. No answer. Hesitantly, I called him again. Still no answer. A week of no answers passed before I finally got Jeff on the phone, and though the call was marred by weak signal and dropped calls, by the time it ended I had an internship.

Standing in the Bronx, I didn’t know much about Jeff other than his story and the mission of The Foundation. I looked forward to being part of it no matter how infinitesimal my role. The Deskovic Foundation was so far responsible for the

exoneration of two men, and had aided other exonerees in reintegrating into society. The Foundation was adamant in taking on both DNA and non-DNA cases, a large undertaking for such a new and modestly staffed organization.

Several days before my internship was officially supposed to begin, I received a call at home from Jeff. The abrupt call was a relief to me, since I hadn't heard from him in several weeks and was worried that he had forgotten he had ever hired a nervous undergraduate. On the other end of the line his voice was as encouraging and friendly as ever, immediately relieving my fears. He told me that he wanted to nail down a few dates during the summer for interesting events outside of the scope of the daily work I'd be completing for the foundation. The initial event, strangely enough, would be on the first day of my internship, and instead of going to the office I was instructed to meet Jeff at his home so we could be on the road to Albany by 6:00 AM.

That morning I had made my way into New York from New Jersey by 5:00 AM and a 30-minute Uber drive later, was waiting

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outside Jeff's home. I texted him that I was outside but received no reply. The time standing on the sidewalk gave me a chance to come down from the travel adrenaline and focus on controlling my first-day nerves. The block was populated by two-family houses and Jeff's home was no exception, though his did stand out in other ways. His home had an outside area littered with nearly 10 pieces of patio furniture, giving the walk up to his door an outdoor beach bungalow atmosphere. On the right side of his yard stood a plastic-encased statue of the Virgin Mary. The case in which it sat was outlined by LED lights that transitioned between pink and purple.

After 15 minutes of taking in my surroundings, I finally heard the front door open.

“Max! Come in,” Jeff shouted. I turned and walked up the front path to a tall man with the frame of an NFL linebacker. Jeff has an innate kindness that radiates from him. With a big handshake and a welcoming smile, he led me into his home and explained that we would be on the road shortly, after he sent a few emails.

I took a seat on one of Jeff's massive brown leather couches and attempted to grasp what was being said on the Spanish news channel. As he fussed around with his email, cursing now and then out of frustration, his neighbor Nancy entered the apartment.

She introduced herself, and I soon learned about her Colombian heritage and her unusually fast, but high-quality, cooking. Soon enough we were walking down Jeff's driveway for the three-hour road trip to Albany.

“Jeff's nice car is in the shop,” Nancy explained, as we got into a nondescript sedan. Next to it sat a large Hummer with an

American flag detailed on its right side. “And that one's too big,” she added.

On the way up I had more of a chance to talk to and get to know Jeff. He explained that we were going to the courthouse up in Albany to meet with senators and other New York legislators, in an attempt to convince them to support legislation that would create an independent review board to oversee prosecutorial conduct throughout the state. He also talked to me about some of the existing oversight bodies, like Conviction Integrity Units (CIUs), and why he believed some to be more effective than others. Jeff talked with unwavering confidence, and even told me to record his miniature lectures at times “for my notes.”

An hour or so into the drive we hit heavy traffic going into Albany. Every few seconds our car was allowed a few feet to creep forward. Jeff, who was driving, shifted around in his seat and said, “Well Max, you're getting to see a less glorious side of advocacy.” I, still nervous about my first interactions with Jeff and the other volunteer, nodded, smiled, and added in a light chuckle for good measure. Jeff would continue to deliver that same line many times throughout the summer.

When we finally reached Albany, Jeff introduced me to other members of It Could Happen To You, a coalition of Innocence Network and criminal justice figures committed to fighting wrongful accusation. Two of the men I met were criminal defense attorneys; one from the city and one from the public defenders of Columbia County.

All of the men were incredibly friendly, and managed to introduce themselves to me in between frantically preparing for the small press conference during which they were going to present a report that showed the high costs for taxpayers of wrongful convictions. Jeff explained that this was a new angle they were using to frame the issue

of wrongful convictions, in the hopes that talking about economic costs would draw more bipartisan support.

Before the press conference Jeff kept pulling me aside and whispering in my ear, telling me who the key players were in the room. At one point he told me to come closer to him so he could talk to me, but as I leaned in he stopped me and added “subtly,” so that our conversation was not obvious. Being new to this environment I wasn’t sure if this was common practice, or if Jeff had just watched one too many political dramas and thought this was how the game was played. Either way, I was loving every minute of it.

After the press conference I was given a better opportunity to speak with Jeff and the other members of It Could Happen To You. All of the men spoke passionately about wrongful convictions and the challenges facing the innocence movement. There was a moment of raw conversation in which the passion of the movement really became clear.

“Man, you were murdered. You were judicially murdered,” one of the men said to Jeff. Jeff solemnly shook his head in silent agreement.

“I mean what else can you call it, they took your life away from you.”

* * *

Working at the Foundation’s office always felt productive. The entire office was hardly bigger than 300 square feet. It had a large wooden table along the wall to the right of the front door, posters on the wall about Jeff, his story, and his accomplishments since his exoneration, and files strewn everywhere. It was a small but homey environment, and I always felt like I could get work done there.

My first assignment was given to me by Roger Broffman, a part-time journalist and

professor and one of the few consistently involved members at the Foundation. According to Jeff, Roger was essentially the acting executive of the organization and responsible for screening and investigating claims of wrongful convictions.

Roger asked me to look into the Conviction Integrity Units that had been popping up in New York City since 2010, when Manhattan District Attorney Cyrus Vance established the first unit to take claims of possible wrongful conviction. Since then, two others had been founded in Brooklyn and the Bronx with another approved for funding on Staten Island. The Queens district attorney’s office had remained adamant that wrongful convictions did not happen in their office, and that bad cases were weeded out in the investigation process.

Roger was hoping to receive some updated data on these units, and instructed me to find out how much funding was allocated to each unit, how many exonerations they had produced, and how many requests they had received and denied, among other statistics that would indicate the effectiveness of the CIUs. I was assigned this project in part because Roger and Jeff were skeptical of these units, fearing that they were simply official covers so that the district attorneys of New York City could say they looked into possible wrongful convictions in their boroughs without actually doing anything.

It was during this time that I was reading *Just Mercy* by Bryan Stevenson, one of the America’s leading civil rights lawyers. *Just Mercy* in part chronicled Stevenson’s journey from law school to Alabama, where he became involved in death penalty appeals, to the eventual establishment of his now-famed organization, the Equal Justice Initiative. In Stevenson’s tenure as a civil rights lawyer, he has argued before the Supreme Court numerous times, rescued countless innocent clients from death row, and created national dialogues on seldom-discussed topics like

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the brutal history of lynching in America, the prosecution and incarceration of children, and mass incarceration.

One of the consistent themes throughout Stevenson’s experiences with America’s southern legal culture was the complete lack of empathy the system had for communities of color, and how the criminal justice system refused to acknowledge how an ongoing history of oppression against these communities affected prosecutions and convictions. While many of the clients Stevenson wrote about were wrongfully convicted, some were guilty of the crimes for which they were charged. *Just Mercy* put each case in context, addressing not only personal histories, but also showing that each client’s avenues of choice were limited by their race and socioeconomic status. Stevenson also showed that his clients were better than their worst moments.

For the majority of the time I was reading Stevenson’s story, I was filled with a certain drive towards my work. Both the interesting and the menial tasks took on a new importance. Sitting in an office doing research or making copies, one can become disconnected from the mission at hand. I

am motivated by the culmination in visible results, a mindset not likely to be satisfied in the business of exoneration, a process that on average takes over a decade. *Just Mercy* showed me what rested on the other side and depicted the success of dogged advocacy, though at times I felt guilty for needing this motivation.

Near the end of the book Stevenson reflected on what enabled him to work tirelessly for so many years. A person of color from a poor Pennsylvania town, Stevenson had faced many of the same hardships as his clients. Shortly after arriving in Alabama as a young lawyer, Stevenson was accosted by police and held at gunpoint in his own driveway simply because he was sitting in his car and listening to the remainder of a jazz album. The two officers spent the next few months trying to dodge Stevenson's formal complaints, but he refused to relent. Stevenson said that in order to advocate as vigorously as he did, it is necessary to actually understand the oppression that is being fought and to have been subject to it. He is not just fighting for his clients, but attempting to change a system designed to deny him his own rights.

This idea surprised me when I first read it. I began questioning the work I was doing for The Foundation, thinking that I was missing a key component as an advocate and that I didn't have the right passion for the work. I looked at Roger, another white man working for The Foundation who had been one career

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move away from becoming a New York City police officer at a previous point in his life. Yet Roger's journalistic coverage of a 1990 murder helped exonerate a wrongfully convicted man. How did this balance with what Stevenson was saying? Roger has advocated passionately and persistently. I began questioning myself. What did this mean for me as an advocate? Is this the wrong field for me if I am incapable of truly fighting to the fullest extent? Was being an outsider disadvantaging me as much as Stevenson said? Was it a ridiculous idea to consider the value of being an insider in a community where insiders were systematically victimized by the legal system? I began to forget that there were actual victims to worry about. While I questioned my ability to be an effective advocate, there was no systematic bias threatening to put a white, middle-class, educated man like myself in prison. It took me some time to see how wrong and misdirected my questions were.

* * *

Back in the Harrisburg courtroom, Jeff was still sitting on the bench shaking his head when Robert's lawyer approached him.

"What's wrong, Jeff? You don't look too happy."

He posed the question in a manner that almost seemed instigative.

"Daniel, you know what this is about, and I know what this is about, so if we're not going to say it, let's just not talk about it."

"Jeff, I don't know what you mean," Daniel said, clearly taken aback.

"This is about proving people's innocence, not taking cop-outs," Jeff shot back. Daniel's demeanor shifted and his face contorted in palpable rage.

"You're so full of shit Jeff," he said simply. And then he walked away. Jeff remained seated, unfazed by the exchange.

Robert was not immediately released just because he accepted the district attorney's deal. He still needed to go through a formal process in which he would plead no contest to the original murder charges. An older man with thinning silver hair finally took the bench and initialized the proceedings.

Daniel, his two young co-counsels, and Robert all stood and walked towards the bench. After some deliberation it became clear that the prosecutor was going to read a detailed account of the crime and the charges therein, after which Robert would plead no contest. An interesting stipulation of the agreement required Robert to admit that if the case went to retrial, the prosecution would be victorious in proving his guilt.

As the prosecutor began to read the details of the grisly murder, Robert stood tall with his lawyers by his side. But as the description of the crime went on, detailing everything from the preparation of the crime to the actual perpetration, he looked as if he was beginning to sway in place. I'll never forget how he shook his head for the 20 minutes that the crime was described, all the while the shorter lawyer and Daniel rubbing his back in comfort. Each time the prosecutor mentioned a more gruesome part of the murder, Robert's head shook further to the side.

The judge, right in front of him, hardly made eye contact with Robert, keeping his head buried in his papers. For a man who was about to be freed after 22 years, the process seemed to be psychologically taxing. Two women were sobbing next to me; at first I thought they were crying from happiness, but as the sobs grew more violent and one woman had to leave,

I realized they were crying for Robert's innocence, something he would never get back.

Again I found myself questioning my position in this fight. What was I doing next to this sobbing woman, who I later discovered was Robert's wife? It felt wrong for me to be there in the forefront with others who knew and loved Robert deeply, those who were capable of feeling and experiencing the oppression that was supposed to be, or at least should have been, on trial alongside Robert's innocence. White lawyers and white judges had put Robert away over 20 years ago and had maintained that grave injustice ever since; and here I was, an aspiring lawyer.

I thought back to *Just Mercy* and Bryan Stevenson. Would it be irresponsible to go into this career and speak up for others without being able to truly understand what I'm speaking up for? It was impossible for me to be victimized by this system in the same way that Robert was. Given this, should I even be "speaking up for others?" I began to feel like the desire to have a leading role was wrong.

Modern mass incarceration had been catalyzed by the War on Drugs, an initiative that many believe was specifically designed to disenfranchise communities of color and create ideological differences within the slowly uniting working class, simultaneously excommunicating these communities from and using them as a tool of influence in political-decision making. I spent much of my summer reading about mass incarceration, and though I could understand it factually, there was no way for me to completely understand its effects. Racially coded rhetoric was disguised as "get-tough" policies. Robert stood there as the descendant laws from these policies kept him bound in chains, as was their intention. The judge asked Robert how he was pleading



Jeff Deskovic giving a lecture at Adelphi University about his exoneration and reforms he believes are necessary to prevent future wrongful convictions.

to the second-degree murder charge.

"Nolo contendere," he said, almost whispering. Robert would leave prison an ex-convict, not an exoneree.

After the formalities were over, the judge announced Robert's freedom.

"On this day, July 8, 2017, I proclaim you, Robert Johnson, a free man," he said, speaking as if it was his divine and kind judicial power that was allowing Robert to go home. He didn't seem to consider that his proceeding was condemning Robert in the process of freeing him. The judge complimented the Innocence Project lawyers, saying that it was because of their outstanding lawyering that Robert was freed today.

Daniel then took a moment to tell the court that this day was the proudest of his professional career. Watching Robert shake his head through the proceeding, seeing his supporters brought to hysterical tears, it was difficult for me to understand why congratulations were being passed around the room so liberally, as though this was a

triumph of the justice system instead of an utter failure of it.

In the end, the district attorney was successful in maintaining Robert's guilt, and I was sure that whatever praise the Pennsylvania Innocence Project was currently receiving, the district attorney would be exalted by his office twice as much for subduing what otherwise would have been an embarrassing and expensive outcome for the state.

Robert's whole life in the legal system had been a breathtaking example of justice delayed and justice denied. Perhaps this has become so normal that these white judges and lawyers only understood how to celebrate freedom, but couldn't fully comprehend its costs.

Ultimately a man was able to go home to his family after 22 years, and it was his decision to do this at the cost of his innocence, even if the offer itself was cruelly enticing. But the reactions of the judge and lawyers seemed almost sinister juxtaposed with the family and supporters watching from across the room.



At a lobbying event in Albany with other advocates who are seeking support for an oversight board on prosecutorial conduct in New York.

As is the nature of an adversarial trial, one side won and the other lost. It was curious to see both sides playing the victor while those actually affected sat in knowing silence, wise to the real crime 22 years in the making.

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As the summer days got warmer and we fell into mid-July, I was gifted with more opportunities to work directly with Jeff. One day we met at the office to go over an award nomination letter that I was submitting on behalf of The Foundation. A two-page letter took nearly three hours to review. Almost like clockwork, each time we made progress, another call would make Jeff's phone dance frantically on the table. He took nearly every call, some lasting minutes and others half an hour or more; on some Jeff would put the caller

on speaker if he thought it would be an educational experience for me.

"A less glorious side of advocacy," he conceded with a shrug, somewhere after the fourth or fifth call.

Another day I needed to acquire trial transcripts from a client's family member, and find a way to copy all 500 pages so they could be stored at The Foundation. This would have been achievable with the office's scanner had it not been incapable of taking more than 10 sheets of paper at a time.

"A less glorious side of advocacy," I heard ring through my head without anyone having to say it.

After picking up the documents, I scrambled to find a copy center that could reproduce quality copies. Some charged as much as \$1.50 per page and none were cheaper than 75 cents, which still would have cost The Foundation hundreds of dollars. I lugged the pile of documents home with me to New Jersey and spent my night and the following morning scanning the documents on an app from my phone that Stephanie had suggested. It took hours, and all the while I heard Jeff talking about the less glorious side.

As the summer progressed, these moments stopped feeling so inglorious, especially when they were interspersed with more substantive projects. Eventually Jeff had me working on creating a new social media plan for The Foundation in order to grow a larger audience, and he even gave me my own case to screen and evaluate. These

more significant projects not only made me feel like I was contributing in meaningful ways, but helped me understand how important the "less glorious side" was to effective advocacy. The more I had the opportunity to work with Jeff and other advocates, the more learned that the constantly referenced "less glorious side" went hand-in-hand with nonprofit advocacy – it was a necessary condition for success. I started to realize how naïve I had been to think that the goals of exoneration, reintegration, and reform were anywhere near the immediate goals of The Foundation. Before an organization can have meaningful impact, it must function at a basic level. Business needs, whether something as minor as office organization or as large as securing steady funds so that The Foundation can keep the lights on, all come before the heart of the issue so the latter can be addressed. It simply cannot work any other way.

The less glorious side is vital. Without it, few would be able to tackle the real issues. By the end of the summer I didn't consider this part of advocacy any less glorious. Watching Jeff face the less glorious side was fascinating and inspiring. Anyone who tried to hold his ear for more than 15 minutes would have no luck before another pressing matter demanded his attention. His capacity for multitasking and systematically addressing issues is what keeps The Foundation alive, a required skill for the success of such a young organization. He has mastered this necessary side engrained in advocacy, and makes it look almost glorious while doing it.

Jeff was being humorous when he referred to organizational tasks as the less glorious side of advocacy. The day of Robert's hearing, as Jeff slumped in his seat, he was also teaching me about a tragically inevitable downside to advocacy, which I saw time and time again in the innocence community throughout the summer.

Organizations like The Foundation are up against an all-powerful institution, demanding that it admit its own fallibility. Robert's case was not an outlier or an exception; compromise and defeat is often the rule. This was the real less glorious side.

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The small office felt even more claustrophobic with the plethora of camera equipment strewn about. To the untrained eye it looked like utter chaos, but to the film crew it was a systematic setup. I had been told that they were filming the "sizzle reel," a compilation of clips that would be edited and sent to Hollywood executives. "We're taking the format of 'America's Most Wanted' and flipping it on its head. 'America's Least Wanted,' we're going to call it," Jeff said as he smiled, admitting that the witty title was all Roger's idea.

The show was conceived as a way to spread awareness about wrongful convictions and broadcast the individual stories of those still imprisoned for crimes they had not committed. It would be a docuseries consisting of interviews from those at The Foundation investigating the cases. Throughout the day Jeff and Roger were both interviewed, along with another volunteer and one of The Foundation's frequently used private investigators.

The most memorable of those interviewed was Alexa Clark. Alexa is the widow of the late Bill Clark, a Foundation exoneree, who suffered a fatal asthma attack less than two years after he won his freedom. Bill was also a close friend to Jeff, and his death was an emotional subject. Alexa, average height, beautiful with light brown hair, and middle-aged, was wearing a short-sleeved top under which her tattoo was visible on her right arm. After the interviewer asked her what it was, she proudly rolled up her sleeve, revealing a large red heart under lettering

that read "Rest in Peace Billy." Jeff and Alexa were clearly very close, and Jeff insisted on standing across the table, awkwardly close behind the interviewer, after Alexa said she would be more comfortable with Jeff facing her.

Alexa began talking about how she and Bill had met, which to my surprise was after his conviction and incarceration in the late 80's for a brutal shotgun murder in Brooklyn. Bill and Alexa first met when she traveled with her friend to visit the friend's husband at the same prison in which Bill was incarcerated. Alexa told us that Bill had asked the friend about her, saying "Is this a present for me?" She was absolutely terrified of him at first, but after a few more visits and walking with him in the prison courtyard, they soon fell in love. More than that, Alexa began to truly believe in Bill's innocence, not because he had inadequate legal defense or because there had been official misconduct by the police, but simply because "such a nice man could not have been in there for such a terrible crime."

Several months later Bill and Alexa were married in the prison chapel. But, as she stressed, there was no honeymoon for couples like them, and the two were immediately separated. She spent the remainder of her wedding night crying at home. To the interest of everyone in the room, Alexa explained how the conjugal visits worked, and how they "weren't just about sex." The prison actually had small apartments fitted with a kitchen, a living room, two bedrooms, and a small outdoor area for barbecuing, in which couples could spend two to three days together. Those were Alexa's favorite times. The nights before she would go up to see Bill she could barely sleep even though she was exhausted from days of cooking and preparing food. And when those few days were up, the come-down was especially difficult as she returned to her home on the outside

without her husband. "You go to bed. You're alone. You wake up. You're alone." Without context, Alexa could have been explaining Bill's experience instead of her own.

Eventually Jeff and his foundation entered their lives, and soon after that Bill was exonerated. The day he was released from prison it was Jeff, not Bill's attorneys, who took him out for his first meal as a free man. Afterwards they made a beeline for the nearest store, where Jeff bought Bill new clothes, leaving his prison garments in the trash.

But life on the outside for exonerees is often complex and challenging. Bill needed to adjust to living a free life with his wife. Now and then he would wake up swinging in the middle of the night. At one point he got caught shoplifting, which Alexa believed was motivated by both his fear of and a partial desire to go back to prison. All the while she stood by him, a devoted partner. Through many trials and tribulations, the couple soon began to establish normalcy in their domestic life together. It was soon after that Bill passed away with Alexa by his side, giving him CPR and trying to resuscitate him. After the EMTs arrived and began taking over, one of the first calls she made was to Jeff, who rushed to the hospital.

The interviewer made a comment in a moment of teary silence following Alexa's testimonial. She repeated it, and then Jeff said it a third time, quieter and under his breath with his sadness still choking him.

"He died free."

* * *

In later interviews Robert would say that he took the deal for his family. "I had to end their suffering."

I had been nervously driving the van for nearly three hours when we stopped at Newark Penn Station in New Jersey. A few of the volunteers, including Stephanie, emptied out of the van to go home for the night, while others remained to be driven into the city. I had been anxious enough driving along an open highway, and there was no way I was going to drive on the crowded streets of New York. Jeff agreed to take over, so I replaced Stephanie as the navigator.

It was late, and the van was completely quiet. It had been a surprising day at every turn for me; I could hardly imagine how Jeff and Robert felt. I spent a lot of time wondering how Robert was feeling during that ride. I expected elation and wonderment at being free again, but he seemed completely contained. Eventually I told myself to curb my expectations; how could there be any expected way to react to such a situation? Robert had spent the first 20 years of his life being free and innocent, but for the rest of his life he would only be free.

After 40 more minutes we reached the Johnson family's residence in the Bronx. I looked at Jeff with exhaustion and trying to offer some words of consolation since he still seemed disheartened, told him I really appreciated him taking me along that day. As Robert and his family left the van, Jeff and I said goodbye, and I exited the vehicle as well.

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Advocates and exonerees gather at rally to show support for Jon-Adrian Velazquez, a New York man who was wrongfully convicted for murder and who is currently appealing his conviction.

I think we were all wondering, “What comes next for Robert?” I considered Alexa and the interviewer’s comforting words. Bill died free, but when considering Robert’s story, it seemed like a concession rather than a comfort. We wanted him to live free, not simply exist freely in the world. But these hopes were optimistic given the obstacles that exonerees face.

After two decades of wrongful incarceration, the District Attorney’s Office weaponized his own freedom against him just so they could maintain an illusion of infallibility. It was this, not long drives or broken copy machines, that was truly the less glorious side of advocacy. Jeff seeing a friend come home at the expense of his innocence, and another friend dying after such a short life of liberation – that is the most inglorious it can get. Yet many in the movement could still find solace in the fact that freedoms were won.

This encapsulated much of what I had learned that summer working in a small corner of the innocence movement in New York City. Declare victories where you see them, and cling to them. In the end, a man got to go home to his family. His victory might have come at the cost of his innocence and his release from prison did not set any meaningful precedents for future appellate cases, but for that man, if not for the movement, getting to go home to his family was everything.

The so-called glorious side of advocacy is an abstract idea of justice, one that presumes that hard work and truth will prevail over errors and travesties of justice. It is a goal to strive for, but one that is difficult to attain. Grunt work, concessions, and even losses are necessary in the effort towards greater progress. With each fight, the innocence movement learns more and grows stronger as a result.

Bill Clark was not the first and certainly not the last exoneree to live such a short life of freedom. Prison puts immense stress on individuals, especially those searching each and every avenue for legal representation.

“You know, you’re considered a senior citizen at 50 in prison,” Alexa told us the day she was in for the interview.

The fight does not end with freedom for most. Exonerees aren’t afforded most forms of assistance that ex-convicts are given by the state. The million-dollar lawsuits that often make the papers, in which exonerees sue their states, are multi-year processes. In between the time of release and the resolution of these civil suits, exonerees are often left destitute, without any work experience or means of earning an income.

This is what being an insider in this world meant. Bryan Stevenson personally knew the systematic oppression of the criminal justice system and he understood the role of poverty. Jeff spent 16 years in prison, and Robert 22. Lawyers hold the practical skills to exonerate, but each day it is exonerees or those close to them who make headlines for leading the innocence movement, for effecting policy changes, and in some instances creating their own foundations.

Again, I returned to the selfish question of what this meant for me. Much like the appellate lawyers involved in the innocence movement, who were outsiders to this cause, I understood that my role had to be one of support. I can bring my education, passion, and willingness to work hard and listen, and like Roger, I can make meaningful contributions to this cause. Though it is tempting to become involved in a movement and want to control as much as one feels capable of controlling, the work of shaping a movement is best and most rightly done by those who know the

struggle first-hand. These are the insiders, whose stories are molded by injustice but whose legacies are shaped by their resiliency and courage.

Wrongful convictions destroy lives, not just with unwarranted prison time but with total destabilization of life, liberty, and faith. Addressing and remedying this issue is incomprehensibly complex, because each facet of wrongful conviction ultimately leads to other complicated, systematic issues: corruption, procedural deficiencies, poor public services for the indigent, and more.

But small victories that keep the movement going are achieved constantly, and they are important to recognize. Bill was able to die a free man. Robert is able to live as one.

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