



# 20 in 2020

We reached our 20<sup>th</sup> exoneration in 2020

## ANNUAL REPORT



**PENNSYLVANIA  
INNOCENCE  
PROJECT**





# Looking Back at 2020

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Above: **Nilam A. Sanghvi**, our Legal Director, & **Sarah Burns**, documentarian, from our February 2020 screening of Sarah's film "The Central Park Five" at the Bryn Mawr Film Institute.

On the cover: **Andrew Swainson**, who was exonerated in June 2020. Read about all of our 2020 exonerees on [pages 4-5](#).

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# From Our Board President & Executive Director

Dear Friends,

We reflect on 2020 with a wide range of emotions. The suffering and loss resulting from the pandemic touched everyone, and **we grieved deeply when we lost our client, Rudolph Sutton — an innocent man who became Pennsylvania's first incarcerated person to die from complications of COVID.**

The awakening and reckoning following George Floyd's death brought further pain, but also **sharpened the country's focus on the criminal justice system and the impact of institutional biases on how the majority of our clients are treated by that system.** The events of 2020 drew attention to the racial inequity of the system where statistics suggest that innocent Black Americans are roughly seven times more likely to be convicted of murder than are innocent white people, and innocent Black Americans will spend about 45% longer in prison than their innocent white counterparts.

**The demographics of our clients reflect these inequities.** Fourteen of our twenty exonerated clients are African American. Most were arrested while young and robbed of the opportunity to start careers, attend college or learn a trade, start a family, and enjoy the prime years of their lives. 2020 heightened awareness of the degree to which our work is integral to the quest for racial justice in the criminal law system.

While 2020 was a year filled with immense challenges, we are proud that the Pennsylvania Innocence Project was able to draw positive energy from the tumult, and to work together creatively to continue to press the matters that are so crucial to us and to you, our friends and supporters.

Notwithstanding the obstacles presented by court and office closures, in 2020 we achieved the exonerations of our clients **Daniel Carnevale, Andrew Swainson and Donald (Robert) Outlaw.** You can read more about Daniel, Andrew and Donald on [pages 4 and 5](#). Together they spent 60 years wrongly incarcerated. Donald is our 20th exoneree — **we reached our 20th exoneration in 2020 (only our 11th year in existence)!**

We are equally proud that **we did not let the pandemic interfere with our delivery of other crucial services:** confronted with suspended in-person visits to our clients in prison, we increased our calls to those clients; recognizing the potentially devastating isolation facing our exonerees, we redoubled our efforts to provide them support — financial and otherwise (including taking our exoneree support group to Zoom) — in 2020. We continued our educational mission online as well, training lawyers throughout the Commonwealth of Pennsylvania remotely once classrooms shut down.

The pandemic also impacted our ability to get together with you, of course. And we are sad about that — we miss seeing you. But we learned new ways to connect, and **we were delighted and are grateful that so many of you joined us for our first ever virtual event last August.** We will long remember having none other than Patti LaBelle open our show, and being joined by Tariq "Black Thought" Trotter of the Roots, who reflected on the criminal justice system and shared his support for us. Our exonerees Shaurn Thomas and Daniel Carnevale filled our hearts with their candid and sincere discussion of their journeys, and exoneree Archie Williams, a former finalist on *American's Got Talent*, brought tears to our eyes when he closed the evening with his emotional rendering of *Don't Let the Sun Go Down on Me*.

**With your support, the Pennsylvania Innocence Project achieved remarkable results and even grew stronger in 2020.** We cannot thank you enough.

Our warm regards,



Samuel W. Silver  
President, Board of Directors



Nan Feyler  
Executive Director

# We Reached 20 Exonerations in 2020



## Daniel Carnevale

Daniel Carnevale was released and **exonerated in mid-March, after serving nearly 14 years in prison** for deaths that were caused by a fire with which Daniel had no involvement. In fact, **the fire never should have been**

**considered arson** in the first place.

Five years after his conviction, the Pennsylvania Innocence Project agreed to take on Dan's case in 2012. The Project retained a fire investigation expert to look at the case in light of advances in fire science.

His investigation **determined that the cause of the fire was likely accidental, and that the original investigation was based on a method** which, even in 1993 when the fire took place, had already been **"expressly forbidden by the fire investigation community."**

After years of our battling for Dan's exoneration, on December 17, 2019, the court finally vacated Dan's convictions and ordered a new trial. On March 16, 2020, the prosecution filed a motion to dismiss the charges. The following day, the court granted the motion, and Dan was released.

We would like to thank Susan Metcalfe and Eliza Smith of Potomac Law Group who served as pro bono co-counsel working with Elizabeth DeLosa, the Managing Attorney of the Project's Pittsburgh office, and the rest of the staff.

## Andrew Swainson

We achieved Andrew Swainson's **exoneration in June after he served 31 years wrongfully convicted.** In 1989, he was sentenced to life without parole for murder despite a consistent alibi, and no physical or forensic evidence linking him to the crime. **The sole witness to implicate Andrew was initially a suspect with other criminal charges that the prosecutor agreed to drop** in exchange for his cooperation against Andrew; he later admitted that he falsified his testimony.

After the Pennsylvania Innocence Project began to represent Andrew in 2017, we obtained a portion of the **police investigation file that was filled with information that the prosecution had never disclosed** during Andrew's original trial — information that would have aided in proving Andrew's innocence. The Philadelphia District Attorney's Conviction Integrity Unit (CIU) agreed to review Andrew's case, and found **further evidence of prosecutorial misconduct and constitutional violations.** The CIU agreed that Andrew's conviction should be vacated.

On June 12, 2020, the court vacated Andrew's conviction, and he was released. On June 18th, the court dismissed the charges, and Andrew was fully exonerated.

We would like to thank our pro bono co-counsel Nathan Andrisani and Jacqueline Gorbey of Morgan, Lewis and Bockius LLC and Craig Cooley, who worked alongside Project Legal Director Nilam Sanghvi and the rest of the staff.





## Donald (Robert) Outlaw

We obtained Donald (Robert) Outlaw's **exoneration in December, after he served 15 years in prison** for a crime he did not commit. He was sentenced to life without parole in 2004 for murder, even though the **victim himself identified someone else as the perpetrator in a dying declaration**.

During our investigation of the case, we uncovered exculpatory evidence not disclosed before Donald's first trial. In addition, an eyewitness came forward and testified that Donald was not present at the scene of the murder. Instead, she saw another man — the person identified by the victim — approach the victim with a gun and point it at him; then, she heard gunshots.

In January 2019, the court granted our post-conviction petition, vacated Donald's convictions, and granted him a new trial. During pre-trial discovery, we learned that the **key witness who had testified against Donald had cooperated with the Commonwealth on a number of other homicide cases**. The Philadelphia

County District Attorney's Conviction Integrity Unit became involved, along with the DA's Homicide Unit, and, after interviewing witnesses and conducting its own investigation, the Commonwealth filed a motion to dismiss all charges against Donald.

The motion was granted on December 29, 2020, and Donald was officially exonerated. **Donald's exoneration marked the 20th exoneration for the Pennsylvania Innocence Project** since its founding.

We are grateful to former Pennsylvania Innocence Project intern Edward J. Foster IV of Alva & Shuttleworth LLC for serving as co-counsel on Donald's case, working with Project Legal Director Nilam Sanghvi and the rest of the staff.



## In Memory...

In February 2020 we lost our beloved client, **Letitia "Teri" Smallwood**. Teri passed away after complications following surgery. You can read about her four-decade fight for exoneration on [our website](#).

*Pictured:* Project Legal Director Nilam A. Sanghvi, Teri Smallwood, and Josh Snyder, of Boni, Zack & Snyder LLC, who served as co-counsel.

## Our 2020 Financial Overview

**Total Revenue: \$1,348,000**

**Charitable Contributions:** \$1,275,000  
**Investment Income:** \$36,000  
**Workshop Fees:** \$37,000

**Total Expenses: \$949,000**

**Program Services:** \$753,000  
**Fundraising:** \$128,000  
**Administrative Expenses:** \$68,000

*For greater detail, you are welcome to review our IRS form 990 on [Guidestar.org](#).*

## Did you know?

We received **\$1,026,000 worth of contributed volunteer legal services** from attorneys throughout the Commonwealth in 2020. These pro bono hours allowed us to **provide critical services & support to the wrongly convicted** in Pennsylvania.



Our first ever virtual event in August 2020 included visits from **Patti LaBelle**, **Tariq "Black Thought" Trotter** of the Roots, & **Archie Williams** (from top).

## From Our Legal Director

It is difficult to find words to describe the difficulties, challenges, and losses of 2020. However, in our legal work at the Pennsylvania Innocence Project, **we ended the year with a milestone that gives us hope as we continue our work to free and exonerate people convicted of crimes they did not commit — we reached our 20th exoneration** with Donald Outlaw's exoneration on December 29, 2020. Twenty men and women freed from Pennsylvania prisons with their innocence recognized. Twenty men and women who will never get back the years they lost but who have been able to start the difficult but joyous journey of re-entering society and re-connecting with loved ones. **Three of these exonerations occurred in the midst of the global pandemic**, showing what we were able to accomplish even in a world where courts were essentially closed, we were not able to conduct in-person witness interviews, and we had no in-person access to our incarcerated clients.

Reaching this milestone is cause for celebration of our work and also for reflection. **Our exonerated clients reflect difficult truths our society must face.** We know that people of color, and particularly Black men, are significantly more likely than white people to be convicted of crimes they did not commit and that their exonerations also take longer to obtain. Nationwide, exonerees have served an average of just under nine years wrongly incarcerated. Our clients, however, have served an average of over 22 years wrongly incarcerated.

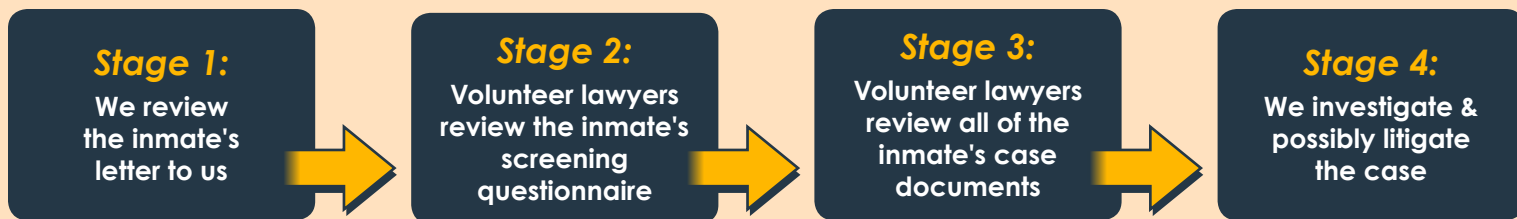
**The disparate impact of wrongful convictions on people of color in Pennsylvania is something we are dedicated to continuing to fight** — both by continuing our work to exonerate innocent Pennsylvanians and by working to prevent wrongful convictions from happening.

Here's to 20 in 2020! And to many more, and a more just criminal justice system, in the years to come.

Nilam A. Sanghvi  
Legal Director

## Our Four-Step Case Review Process

When an inmate asks for our assistance, we follow a **rigorous, four-stage review process.** This process takes several months or years, and it **wouldn't be possible without the help of our numerous pro bono attorneys and your generous support!**



Number of cases in each stage (as of June 2021):

**470**  
cases in stage 1

**444**  
cases in stage 2

**448**  
cases in stage 3

**60**  
cases in stage 4

## Educational Institution Support

A core part of our mission is to provide clinical training and experience to students in the fields of law, communications, criminal justice, and forensic science. In 2020, we worked with interns and provided law clinics to students all over the Commonwealth and beyond, as shown in the list of schools below.

We'd like to extend a special thanks to the Temple University Beasley School of Law for housing and supporting our offices since our founding. Thanks also to Duquesne University School of Law for their many years of support and housing our Western Pennsylvania Office.

- ◆ Boston University School of Law
- ◆ Drexel University Thomas R. Kline School of Law
- ◆ Duquesne University School of Law
- ◆ The Groton School
- ◆ Penn State Dickinson Law
- ◆ Rutgers Law School
- ◆ Temple University
- ◆ Temple University Beasley School of Law
- ◆ University of Pennsylvania
- ◆ University of Pennsylvania Carey Law School
- ◆ University of Pittsburgh
- ◆ University of Pittsburgh School of Law
- ◆ University of Pittsburgh School of Social Work
- ◆ University of Wisconsin
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## Pro Bono & Corporate Partners

We would never be able to do the work that we do, or have the impact that we have, without the steadfast support and partnership of lawyers all along the Commonwealth and beyond. For their tireless efforts, we are immensely grateful to the following:

- ◆ Ballard Spahr LLP
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From left to right: Shaurn Thomas, Daniel Carnevale, & Chester Hollman, III, who all participated in our first ever virtual event on August 5, 2020.



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**Daniel Carnevale**  
13 years in prison  
Exonerated 3/17/2020



**Lance Felder**  
15 years in prison  
Exonerated 6/18/2014



**Jim Fogle**  
34 years in prison  
Exonerated 9/14/2015



**Eugene Gilyard**  
15 years in prison  
Exonerated 6/18/2014



**Kenneth Granger**  
28 years in prison  
Exonerated 7/14/2010



**Marshall Hale**  
33 years in prison  
Exonerated 7/13/2017



**Chester Hollman, III**  
25 years in prison  
Exonerated 7/19/2019



**James Hugney, Sr.**  
36 years in prison  
Exonerated 1/23/2015



**Lorenzo Johnson**  
22 years in prison  
Exonerated 7/11/2017



**Han Tak Lee**  
24 years in prison  
Exonerated 12/17/2015



**John Miller**  
22 years in prison  
Exonerated 7/31/2019



**Donald (Robert) Outlaw**  
15 years in prison  
Exonerated 12/29/2020



**Dontia Patterson**  
11 years in prison  
Exonerated 5/16/2018



**Larry Trent Roberts**  
13 years in prison  
Exonerated 9/16/2019



**Donte Rollins**  
10 years in prison  
Exonerated 12/21/2016



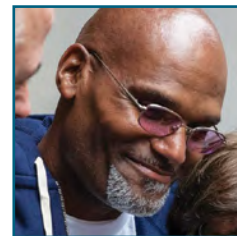
**Letitia "Teri" Smallwood**  
42 years in prison  
Exonerated 5/10/2018



**Andrew Swainson**  
31 years in prison  
Exonerated 6/18/2020



**Shaun Thomas**  
24 years in prison  
Exonerated 6/13/2017



**Willie Veasy**  
27 years in prison  
Exonerated 10/9/2019



**Crystal Weimer**  
11 years in prison  
Exonerated 6/27/2016

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