

In the News

60 Minutes ran an article about Alton Logan, a man who was in prison for 26 years. Two lawyers knew he was innocent. He's still in prison.

Readers' Digest March 2008 issue ran the story *The Exonerated*: Joseph Salvati served 30 years for a murder he didn't commit. The most shocking revelation: who put him behind bars.

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What is *Proving Innocence* and what difference will it make?

There are nearly 50 *innocence projects* in the U.S. and Canada. Working in conjunction with a local law school, nearly all of the cases they deal with have two traits: the belief that DNA will prove the person's innocence, if the courts are willing to reopen the case and accept DNA as evidence; and that the wrongly convicted person does not have the financial resources to hire his/her own lawyer to make this happen.

With thousands of people claiming their innocence and appealing to these innocence projects, the projects must chose the cases they believe are within their resources and are winnable. The result is that cases that do not have DNA evidence are discarded a high percentage of the time in favor of DNA cases where the evidence is ironclad. **In cases where there is no DNA, the unique role of *Proving Innocence* is to provide to these projects the element of experienced, trained investigators able to find the evidence so crucial in convincing the authorities to grant a new trial.** Sometimes that evidence is finding the real perpetrator!

In addition to supporting other innocence projects, Bill Proctor, founder of *Proving Innocence*, has been, in effect, acting as our own local innocence project through his investigative journalism. And in bringing these injustices to light, he also lobbies for changes in the laws, so that fewer mistakes are made and so that convicted persons have some recourse to prove their innocence after they have been convicted.

Our First Newsletter!

There is so much going on right now with the inception of *Proving Innocence*. There is so much more that could be done. Being able to share this information with everyone who has expressed interest in the project and especially those who want to do something to help is timely. Having a regular means of letting everybody know what has been, is and will soon be happening is the focus of this newsletter.

I am sure that many of you have some thoughts to share and as involvement grows in various projects and task forces, we think there should be a way to keep everybody informed. So—tada—this newsletter. If you have anything you would like to submit, it would be greatly appreciated. If you have a question or a comment—send it along.

Bill and Kate Branham

Ways of Spreading the word

The “gathering”, as we call it (“party” just didn’t seem to fit), at our home was meant to be a comfortable setting where interested persons or family friends could come and be exposed to this issue without feeling like they were being corralled into something they knew very little about.

Things went well enough that it occurred to us that this is something that others can do just as easily.

Would you like to reach out to your circle of friends and family to expose them to this issue? Perhaps out of that gathering one person will come forward to volunteer and two people pledge to give on a regular basis. If so, the time and effort would have been well worth it!

If you would be willing to reach out to your friends and use your home, we will supply a speaker and help you to pull together materials.

Most likely, we will never get a chance to reach out to *your* friends . . . but you can, and we can help you, and you will have made a difference!

Bill and Kate Branham
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There may be times when we are powerless to prevent injustice, but there must never be a time when we fail to protest.

*Elie Wiesel
Nobel Laureate*

A Michigan Case Highlight

The case that originally exposed Bill Proctor to these issues is that of Fredrick Freeman, accused of murdering Scott Macklem in 1986. Macklem was gunned down at close range by a shotgun in his college parking lot in Port Huron. There were no real witnesses, though there was one who looked up after hearing the gun, seeing a car speed away. After initially coming up with no suspects, Macklem's pregnant girl friend, Crystal Merrill, proposed the strong suspicion of Freeman as a jealous ex-boyfriend. Trouble is Freeman never even met Macklem. It was Merrill who was jilted by Freeman and unable to stop stalking him. So, Freeman moved to Bath, near Escanaba, MI to get away. The other problem is that 19 people placed Freeman in Escanaba the day of the murder. Forensics found no trace of shotgun residue on Freeman and no evidence that he ever even owned a firearm. With absolutely no evidence, an entire case was built on speculation, and Freeman has been in prison for 22 years and counting.

Ten Reasons Fredrick Freeman should be released from Prison

1. Credible witnesses placed Fredrick Freeman in Escanaba, the night before, and the full day of the murder of Scott Macklem.

2. Prosecutors said the motive was to regain control of Scott's fiancé after Freeman and Crystal Merrill broke up. The jury never heard that Merrill had stalked Freeman at his home where he lived with his pregnant girlfriend, and that Freeman and family moved up north to get away from her.

3. St.Cloud Co. prosecutor Robert Cleland argued an indigent Freeman 'could have' caught a private plane, flown from Escanaba and flew back in time. No pilot, plane, flight plan or landing location were ever presented. One juror told Bill Proctor on camera, "it was speculation, but we never heard from Freeman his version of what really happened."

4. Prosecutor Cleland and his assistant Elwood Brown (now a county judge) brought volunteer jail house snitch Philip Joplin to testify that Freeman confessed to him while they were in a city jail cell. Joplin told Proctor on camera before he died, he wanted to back out of their deal because he was lying, but he says in an affidavit and on camera that Cleland, Brown, cops and his parole officer all coerced him to take the stand and lie anyway. He was quickly, quietly released from jail. The jury knew nothing about the deal.

5. Proctor gave Freeman the polygraph Cleland had denied him. Chester Romatowski, 30 yr-plus MSP retired examiner, in a video-tape recorded event inside the prison, said Freeman passed and does not believe Freeman did the murder.
6. Freeman's defense attorney, former St.Cloud County prosecutor, David Dean, was an active drug addict during the trial and was eventually disbarred for his uncontrolled addiction. He bungled the entire case and even stopped Freeman from testifying on his own behalf.

7. Michelle Woodworth, the 18 year old pregnant girlfriend of Freeman, has been polygraphed and passed the test. She indicated that she and Freeman were getting out of bed in Rock, Michigan just about the time the fatal shotgun blast was fired. She was intimidated by police investigators who told her if she testified on Freeman's behalf, they would have social services take away her



soon-to-be-born child, and so she hid during the trial rather than testify.

8. No murder weapon, get-a-way car or any physical evidence were ever connected to Freeman.

9. In the months and weeks before he was killed, Macklem was followed and threatened by two men, visibly upsetting him.

Whatever these men were after, common sense says it is much more likely they had something to do with the murder than a man 460 miles away living his own life. But no one cared. They had their man.

10. Today attorney Samuel Gun represents a man who says he was a co-conspirator in the contract killing of Scott Macklem. If allowed to testify, he will detail the scenario, name the killer and the man who paid him to get the job done, excluding Freeman as a suspect.

Feb 16th Gathering at Bill and Kate Branham's

About 20 people attended a casual, informative meeting at Bill and Kate Branham's home. During the get together everyone had an opportunity to discuss the issue of wrongful conviction and learn a little about the work being done to free some who are jailed and yet innocent



and to be introduced to *Proving Innocence*, Michigan's newest non-profit innocence project.

A few of the attendees came already wondering how they might make a contribution. Many others there had their first introduction to the field of actual innocence. And

everyone left having learned something new.

Marvin Zalman, criminal justice professor at Wayne State University teaches a class on wrongful conviction. He provided us with a solid overview of the field during his talk. Bill Proctor, founder of *Proving Innocence* and award-winning investigative reporter, spoke about his heart-felt concern and presented information on the work of PI currently as well as its future aspirations.



Some have been asking,



"when are we going to get together next?" Great Question! We are planning to have a date and venue established in the next couple weeks. Many of us see this first meeting as the initial step in developing a community of folks who *just wanna' do the right thing.*

Look for information on the next meeting soon!

Would you rather
watch
than read?

We have free DVD
copies of
Carl Marlinga's talk
at Marv Zalman's
class on

Wrongful Convictions

At Wayne State
University

Also, we are glad
To pass out copies
Of what we put
together

For the Feb 16th
gathering.

Just let us know!

Thoughts from Kate

Why? I've found myself asking this question many times over the course of the last year. What is it about this issue of wrongful conviction that compels me...urges me to care? After all, there are tons of "good causes". For me it's because I understand there are permanent changes that can be sought to reduce the instance of these injustices.

I feel great sadness when I think of the man or woman who has or is being robbed of their life. I feel great compassion when I think of their children, spouses, brothers, sisters....and for me their mothers. I consider the heartbreak of their mothers, mothers of daughters and mothers of sons.... They spend their days mortgaging their homes and selling their dreams for money to try to give their child his life back. And in the end most of them are just tilting at windmills. The enemy, perhaps not imaginary, but too insurmountable to effectively overcome, is found unmovable. Many funerals have been held without the jailed family member in attendance.

And then there are the victims of the crimes. Crimes which are real and often scream for justice. But, instead of pursuing a finding the real perpetrator our justice system prosecutes and convicts someone innocent. The true thief, rapist or murderer goes free. Free to steal, rape and kill again. Articles, books and memoirs have been written in Himalayan proportions which describe the nightmare of the victim? Are we really providing any respite for them when we incarcerate the wrong person in a lust for justice? Not likely, because the day sometimes breaks when they are faced with the truth that the wrong person suffered punishment for the crime. And I imagine the victim(s) hold themselves responsible for this injustice. Now the burden weighs heavier.

Since we also have allowed the real criminal to go free in these cases, we also have added to the numbers of America's crime victims. These victims and their families often carry the scars and the losses resultant from these wrongs for lifetimes.

If we consider the numbers in our prisons, (approximately 2.2 million at recent counts) and look to the most conservative of studies which say ½ of 1% of convictions are wrongful, then we find that there are most likely over 200 men and women lying in jail cots tonight in Michigan who should not be there. So saying, there are 200 criminals loose tonight. Will another rape be committed? Will another father's son lie dead?

The study of wrongful convictions reveals that there are better practices than those currently in place in our justice system. I think I just can't let it be someone else's problem any more.

Upcoming Events

Ever think about how one weekend can change a person's life? Why not do a wild and crazy thing and go to Santa Clara, CA the last weekend this month. You won't ever be the same.

2008 Innocence Network Conference

Date: March 28th-30th, 2008

Location: Santa Clara University School of Law
Santa Clara, California

Justice delayed, is justice denied.

William Gladstone,

British Prime Minister (1809 – 1898)

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We'll be on the Web Soon!

Supporting *Proving Innocence*

Proving Innocence is a 501 (c)(3) non-profit organization. All donations are tax-deductible. One characteristic of all innocence projects is that they are offered as a service to the wrongly imprisoned person free of charge. Those with other resources don't need innocence projects. Innocence projects help those who do not have the means to help themselves. Often their families have mortgaged their homes and depleted any savings they might have had in order to help their loved one.

We ask that you would seriously consider directing part of your charitable giving toward *Proving Innocence*. Donations on a quarterly or monthly schedule will greatly help *PI* to work with a realistic budget. Donations may be sent to the address to the left. And thank you, in advance, for all that you give.

PI cannot exist without the help of regular volunteers. We are beginning to formulate some specific needs that we have, particularly those who would like to help with fund raising. We plan on having periodic meetings of all our volunteers and those just interested in learning what this is all about. Please come. (Our next meeting will be scheduled soon.) Don't worry about how you might help. When you catch a vision for what needs to be done, you will find your niche'.

Our Mission

The criminal justice system continues to make mistakes that lead to wrongful convictions that ruin the lives of individuals and their families. We at *Proving Innocence* (*PI*) vow to challenge the system and work to reform elements of the prosecutorial process. We hope to convince lawmakers that the current criminal justice system must be open to outside review and arguments of actual innocence.

What separates *PI* from other innocence projects is our intent to provide *experienced criminal investigators* to examine and verify claims of actual innocence where DNA does not exist. Our cadre of volunteers and professional associates includes former federal agents, police officers, and detectives as well as active private investigators. Our team has chosen to use their years of experience to reverse the mistakes of the system that they once served.

Through print and electronic media, *PI* will investigate, write, and publish cases of wrongful conviction to further explain to the public how these convictions continue to occur in what is considered by many to be the world's best criminal-justice system.