



Wrongful Conviction Leads Christopher Ochoa To Law Degree

By Samara Kalk Derby

Prison is the last place a grown man wants to be seen crying. So Christopher Ochoa often wept alone in his cell, asking

God how this could have happened to him.

Ochoa, 39, missed the 1990s while spending more than a decade in prison as punishment for a brutal rape and murder he didn't commit.

Ochoa likely will cry when he is handed his law degree from the University of Wisconsin Law School. The commencement address he gives won't intimidate him because he has grown accustomed to giving speeches.

His hope in telling his story is to somehow influence a justice system that isn't always just. Law school has been difficult for him, as it is for other law students, Ochoa said.

"It's been more of a struggle for me because sometimes I think I don't know if I have what it takes to be a lawyer. That's just my own self-doubt," Ochoa told an audience of about 100 people during a public forum this week at the Overture Center. "But I've gotten this far."

There was a bleak night in 1996 when Ochoa contemplated taking his life. He had no sense that he would ever get out or hold his loved ones again. "I had lost all hope. I felt like a failure," he said. "I somehow made it through that night. My morals, my faith and my mother got me through."

That same night he vowed to take advantage of the educational opportunities offered in prison. "It's something they could never take away from me. I had lost everything," Ochoa said.

Unbeknown to him, it was at the same time that the man responsible for the crime, Achim Marino, came forward. Just as miraculously, DNA evidence from the case had been preserved, and it confirmed that Marino was the killer.

While in prison, Ochoa learned of DNA evidence and eventually discovered the Wisconsin Innocence Project. He appealed to the Madison group to take his case. They did.

Now, Ochoa takes every opportunity to express his gratitude to UW Law Professors

Keith Findley and John Pray, who founded the project in 1998.

A program of the University of Wisconsin Law School, the Innocence Project seeks to overturn

wrongful convictions. It's part of a national movement that has involved law schools and other organizations in the past 15 years. When it started there were four similar groups; now there are about 35.

The Wisconsin group has been responsible for the release of five prisoners, each of whom served time for serious crimes. The Innocence Project has also been effective in shaping laws so that fewer innocent people are convicted in the first place.

The crime: Ochoa's ordeal started in 1988, when a young woman was brutally raped and murdered at the Pizza Hut restaurant she managed in Austin, Texas. There were no witnesses. Two weeks later, Ochoa and a friend were in the restaurant and drew suspicion when they asked employees about the case.

Police interrogated Ochoa for two days, 12 hours at a time, threatening him with the death penalty if he did not confess. Eventually he signed a confession and was sentenced to life in prison.

"The first night in prison was the loneliest night that I have ever spent anywhere," he said.

During his 12 years in prison, Ochoa said he had lost faith in his government, at all levels: in the police, in Congress, in the president.

The UW Law School restored his faith, and when it came time to choose a law school he picked it. When he visited the university to speak after his release, Ochoa said, he really felt like he was a part of something. Then his law school hosts took him to his first football game. "That kind of sealed the deal," he said.

Ochoa vows never to practice criminal law, and hopes his story will influence those in the legal system: "The future lawyers, future judges, future district attorneys, future associates, future partners in large firms. Maybe they can see that law is about people," he said.

"When it becomes about people again, maybe wrongful convictions will stop."

Samara Kalk Derby is a reporter with *The Capital Times* in Madison, Wisconsin. Reprinted with permission. Published in *The Capital Times*, April 14, 2006. Capital Newspapers Copyright ©2006.

Clyde Kennard's Conviction Tossed After Alabama's Governor Refuses Pardon

Beginning in May 2005, three Lincolnshire, Illinois high-school students spent more than six months documenting and uncovering new evidence that Clyde Kennard had been convicted in 1960 of trumped-up burglary charges to stop his efforts to become the first African-American to attend Mississippi Southern College (now the University of Southern Mississippi). The students, Callie McCune, Agnes Mazur, Mona Ghadiri, and their teacher Barry Bradford enlisted the aid of Professor Steve Drizin, of the Northwestern Center of Wrongful Convictions to compile and file an application with Mississippi Governor Haley Barbour for the posthumous pardon of Kennard, who died in 1963. Bradford contacted The Justice Institute in February 2006 and requested its support of the pardon application.¹

The Justice Institute submitted a 1,300 word letter to Gov. Barbour dated March 24, 2006, that was included in the official pardon application. The letter stated in part:

Mr. Kennard is historically prominent as one of the people who endeavored, at grave personal risk, to create an environment in Mississippi of respect for racial, religious or ethnic differences. Mr. Kennard's good name and legacy have been unjustly stained for 46 years with a wrongful felony conviction. Consequently, the granting of a posthumous pardon to Mr. Kennard on the basis of his actual innocence would be a positive and proper exercise of executive clemency.

On May 4, 2006, a spokesperson announced that while Governor Barbour recognized Kennard was innocent, he would not pardon him.

After it became known that Gov. Barbour would not pardon Kennard, a motion to vacate his conviction was filed in the Forrest County Circuit Court. That is the same court in which Kennard had been convicted in 1960. On May 17, 2006, Judge Bob Helfrich declared, "I am compelled to do the right thing, and that is to declare Mr. Kennard innocent, and to declare that the conviction of Mr. Kennard is hereby null and void."

Endnote and Sources:

¹ The Justice Institute is *Justice: Denied's* parent organization. Ms judge tosses 1960 conviction of black veteran, AP story, *Sun Herald* (Gulfport, MS), May 17, 2006. For additional information about Clyde Kennard, see the article on page 5 of this JD issue, *Clyde Kennard: Gone, But Not Forgotten*. The Justice Institute's letter to Gov. Barbour is at, <http://clydekennard.org>

