



TEXAS SOUTHERN UNIVERSITY  
Thurgood Marshall School of Law



## **INNOCENCE PROJECT**

Earl Carl Institute for Legal & Social Policy

*Because Truth Matters*

EARL CARL INSTITUTE FOR LEGAL & SOCIAL POLICY, INC.  
TEXAS SOUTHERN UNIVERSITY  
THURGOOD MARSHALL SCHOOL OF LAW

# **INNOCENCE PROJECT BIANNUAL REPORT**

**June 1, 2022 to December 31, 2022**

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&

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## About TMSLIP

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The Thurgood Marshall School of Law Innocence Project (TMSLIP) is housed and operated under the Center for Criminal Justice at the Earl Carl Institute for Legal and Social Policy, Inc. (ECI). ECI is a research and writing think tank, affiliated with Texas Southern University's Thurgood Marshall School of Law, that focuses primarily on legal and social issues that disproportionately impact communities of color. ECI promotes equity, diversity, and inclusion, as well as race, gender, and social justice through legal representation, researching, writing, advocacy, and community education activities. ECI's attorneys and staff, assisted by law students, carry out the work on behalf of individuals and communities in need of quality, client-centered legal representation. Law student participation develops a cadre of public interest advocates passionate about bridging the legal gap and providing quality legal representation to those in need of assistance regardless of ability to pay.

TMSLIP's innocence work furthers ECI's mission to empower underserved and disenfranchised communities by addressing systemic social issues through legal representation, research, education, and advocacy. In pursuit of ECI's broader goals to address systemic social issues, TMSLIP's targeted mission is to identify individuals making claims of actual innocence, thoroughly investigate those claims, and provide quality, client-centered legal representation through the investigation and exoneration process. By providing hands-on, real life experience to law students, TMSLIP seeks to develop an interest in the intersection of the criminal justice reform and the leading causes of wrongful conviction for future attorneys who will join the fight for justice.

# Biannual Report

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This report details the work of the Thurgood Marshall School of Law Innocence Project (TMSLIP) from June 1 – December 31, 2022, including a narrative of how TIDC grant funds were used, TMSLIP's accomplishments related to actual innocence case services, and discussion of intake, investigation, and litigation process.

## Project Configuration

TMSLIP transitioned for a hybrid-working model to working in office full-time. Both staff and students come in to assist in investigative efforts. Witness interviews resumed and we anticipate in-person prison visits will also resume in the coming months.

TMSLIP was without an Innocence Project attorney during this period, until mid-October. A new Innocence attorney was hired and has hit the ground running. Brian Ehrenberg, a former TMSLIP student attorney, brings a wealth of experience to this position.

Brian Ehrenberg worked in private practice prior to his new position. He has spent years developing his own law firm, where he took on criminal, immigration, and appellate cases. He is a member of the State of Texas Bar College. He has been awarded Superlayer's Rising star award for three years in a row. He is an active member of the Texas Defense Lawyer's Association's Crimmigration Committee and is the author of an upcoming article discussing the meaning of conviction in an immigration setting in their monthly magazine, The Voice for the Defense. Attorney Ehrenberg has always had a passion for service and innocence work. He was some of the first attorneys to assist migrants being unlawfully detained through Operation Lonestar. He also assisted TMSLIP and IPOT in the hopes of freeing the wrongfully accused. Most recently he assisted IPOT develop

and put forth a motion to retest DNA evidence in a 2001 murder. That motion was granted by the lower court and is currently pending in the 13<sup>th</sup> Court of appeals.

Attorney Ehrenberg has already identified three cases with evidence of actual innocence. He has taken steps to meet with District Attorneys and Conviction Integrity Units to secure their assistance in the exonerations. In one case, he has met with the Dallas County District Attorney Conviction Integrity Unit who, by all indications, will support this exoneration. He will be filing the writ of habeas corpus in this case in the Spring of 2023.

The Paralegal position has been vacant since mid-2022. Currently, the Innocence Attorney along with the assistance of law students and ECI staff are responsible for handling correspondence, data entry, and respond to requests for assistance by acknowledging receipt of the request and providing an explanation of TMSLIP's review process. The Innocence Attorney, with assistance of students, initially reviews TPIQs, with an eye toward rejecting cases that do not meet program criteria on their face (i.e., not claiming innocence, outside of Texas, not a final conviction, death penalty case, etc.).

The remaining cases are then researched for case related documents readily available to the Attorney and students (e.g., appellate records, media reports, criminal history search). The Innocence Attorney then screens the cases and determines whether further investigation is warranted based on the Applicant's claims and the evidence available. Case related information is uploaded into a case management system, which is accessible to staff and students authorized to work on the case throughout the investigative process.

### **Case Statistics**

Since the last report, TMSLIP backlog increased due to lack of staff, with the number of cases now open pending screening, investigation, and potential litigation at approximately 920. During the reporting period, TMSLIP staff screened 95 questionnaires, which resulted in 79 cases being accepted

for further investigation. TMSLIP has a current backlog of 1000 questionnaires pending attorney screening. Currently, TMSLIP has 82 cases open in various stages of active investigation, and 222 cases on the waitlist for investigation.

### **WORK PERFORMANCE DATA**

Total requests for assistance received	<b>164</b>
Request for assistance based on new claim of actual innocence <sup>a</sup>	<b>130</b>
Innocence claims screened <sup>b</sup>	<b>95</b>
Innocence claims closed after screening	<b>16</b>
Innocence claims closed after investigation	<b>23</b>
Innocence claims with legal remedy pursued	<b>0</b>
Innocence claims with relief granted	<b>0</b>
Innocence claims with relief denied	<b>0</b>
Innocence claims under active investigation at end of period;	<b>82</b>
Innocence claims awaiting investigation at end of period;	<b>222</b>
Law students participating	<b>4</b>
Hours performed by law students	<b>≈ 880</b>
Students from other fields of study	<b>0</b>
Hours performed by students from other fields of study	<b>0</b>

#### **Use of Grant Funds**

During the reported period, the fulltime position of Paralegal was filled from January 01, 2022 to June 29, 2022 and the fulltime position of Innocence Attorney was filled from October 15, 2022 to December 31, 2022. The TIDC grant funds were used to cover the salary and benefits for the two full time employees during their time of employment as well as a portion of the salary of the Executive Director in overseeing students during the Fall of 2022, while the attorney position was vacant. Salary and benefits for both fulltime positions total approximately \$35546.14. No TIDC funding was used

<sup>a</sup> Includes all TPIOs received and letters warranting request for TPIO

<sup>b</sup> Only includes questionnaires screened for further investigation

for legal clinic expenses, teaching and student supervision not directly related to eligible case-related activities.