Many injustices call for many lawyers

40-lawyer Innocence Project Northwest freed victims of "sex-ring" probe.

THE STORIES BEGAN surging in 1994. A child-sex ring had been operating in Wenatchee, in eastern Washington state. A police detective began arresting suspects, forcing parents, parishioners and others on the pastoral of a local church for individual and group rapes and the molestation of 60 children. Before it was over, 27 people had been convicted.

But in 1998 the tide began to turn. The Seattle Post-Intelligencer published a series of stories pointing to misconduct by the police, judges, defense attorneys and state child services workers. Some pending cases were dismissed, and the Innocence Project Northwest began to see cases slip away.

That year, a group of 40 lawyers and more than 200 law students gathered under the umbrella organization of the innocenpe Project Northwest to examine the cases. University of Washington law Professor Jacqueline McMurtrie and local Seattle criminal practitioner Fred Leiberman had co-founded the project the year before, which is an affiliate of the Innocence Project. New York's Benjaman N. Cardozo School of Law.

At that point, 44 people had been arrested, 27 of whom were convicted; only three represented by private attorneys had been freed. Fifteen people were imprisoned without representation. The project took on all but two of them, and had its first victory in the case of Henry Cunningham, whose conviction was overturned after he was sentenced to 47 years in prison (W.J.Aug. 12, 1999).

This year, all of its lawyers and law students involved concluded their cases. Of their 13 clients, 10 were freed and the others were released before their appeals were concluded. Of the 13, three saw their felonies reduced to misdemeanors, and seven pleaded to lesser charges while asserting their innocence, under a so-called Affidavit plea.

The Innocence Project lawyers, mostly Seattle criminal defense solo practitioners, volunteered their time in a difficult cause that could have proved highly unpopular. Thirteen Wenatchee clients had been convicted of child sex offenses and sentenced—six to more than 20 years each. Some appeal deadlines had passed or were about to.

Some defendants were behind bars, others faced federal drug charges. Several were, or were from, poor families who had confessed and pleaded guilty. The Innocence Project lawyers found evidence that they had been pressured to do so. The investigation and arrests had been led by a former Wenatchee police detective, Bob Perks, whose two daughters forced the crux of the accusations. Both states later retracted, saying that they had pressured them to make the statements.

Project lawyers brought "pretrial restraint petitions," the state's equivalent of habeas post-conviction petitions, and argued that there was police misconduct. Some also successfully showed that the original defense attorneys provided ineffective assistance. They had interviewed witnesses or reviewed medical evidence and appeared to coerce clients into plea. One defense team took 41 minutes and was h_LANGING TO THE REASON:

The lawyers and students:

GLEN L. KAPLAN, a solo practitioner, and Neil J. Philip, of Seattle's Carey Barkey Smith & Spellman, with defendant Kimberly Watson, represented Henry Cunningham, a state rehabilitation counselor first accused of 900 counts of raping and molesting his four daughters. He pleaded guilty to 23 and was sentenced to 47 years. His conviction was overturned in March 1999 by the state Court of Appeals. The prosecutor decided against retrial.

ROBERT BERNSTEIN, a New York solo, with students Alina Collins (father of the lawyer on the case), Craig Blackman and Alissa Grof-Brenner, represented the unemployed Ralph Gauvreau. Convicted of raping and molesting his son and daughter, he'd been sentenced to nearly 22 years. When a retrial petition was opened, the prosecutor dismiss the charges, and he was freed.

GLORIA Z. J. BECKETT and James M. Ros, along with students Lauree Elliott and Jeanette Giordano, won reversals for Doris Green, convicted on three counts of child rape and necrophilia and sentenced to 23 years. When her convictions were thrown out, she was not retried.

MICHAEI MARTIN, of Seattle's Nielsen & Brown, and Sarah Tsarenko, of Seattle's Siderius Lowenberg & Martin, with students Casey Southern of Allen, Hansen & Maybrown, won reversals for Chris Carney of the Public Defender association in Seattle, and paralegal Rene Eskenazi of Seattle's Siderius Lowenberg & Martin, represented Meredith Eugene Town, who pleaded to child rape and necrophilia and had been sentenced to 20 years. An Affidavit plea to one felony count brought her release in October 1999.

DAVID ALLEN of Seattle's Allen, Hansen & Maybrown, and students Kurt Brenner and Andrew Lamb, represented Charles A. Town, a mentally retarded woman who had been sentenced to 30 years on 12 counts of rape and incest involving a 17 year-old boy. She received a plea to 12 years in exchange for release in December 1999.

OTHER LAWYERS, as well as some of those above, worked outside the Innocence Project to help free people who had been sentenced.

Robert Van Stoten, of Van Stoten, Stotts & Perkins in Auburn, Wash, represented three Wenatchee defendants for free and three pro bono before getting involved with the project. His cases resulted in reversals.

Lea Schattauer, a solo unaffiliated with the project, was victorious convincing for Michael Roseman, convicted of five counts of raping and molesting boys.

ELIZABETH MONY