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## This project's focus is innocence

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by CDLB

SPRINGFIELD — From the outside, it appears to be just another office tucked away in the Public Affairs Center on the campus of the University of Illinois at Springfield.

But what lies past the seemingly average wooden door is something that inmates claiming actual innocence consider to be an avenue that has the potential to deliver freedom.

By Bethany Krajelis  
Law Bulletin staff writer

This small office crowded with bookshelves and filing cabinets filled with thousands of court documents and police reports serves as the headquarters for the Downstate Illinois Innocence Project.

Situated within the university's Institute for Legal, Legislative and Policy Studies, this project uses students to assist an experienced investigator and a pair of dedicated teachers to dig deeper into the cases of inmates who claim innocence.

Since its formation less than a decade ago, the Downstate Illinois Innocence Project has helped exonerate three wrongfully convicted Illinoisans and continues to reinvestigate other cases.

This semester's assignment includes continuing the project's work for a family of three convicted in the 1996 Decatur murder of the son's ex-wife, and diving back into the 1989 murder of a young woman found stabbed to death in a Springfield cornfield.

### The Project's Beginning

Bill Clutter, a private investigator based out of state's capital, remembers the day leaders in the national innocence project movement called on others to organize their own projects.

It was at a national conference he had attended to speak about his work in the 1988 retrial of a man charged with 10-year-old Jeanine Nicarico's murder. Clutter's investigation into the death penalty case led to the release of Rolando Cruz and Alejandro Hernandez, a case that served as a factor in the state's decision to put a moratorium on the death penalty.

"It was very moving," Clutter said, referring to the "if the state had its way, I'd be dead today" chant spoken by the exonerees in attendance. "I came back and I spoke with Larry and Nancy and, well, the rest is history."

At that time, Nancy Ford was a professor of legal studies and public affairs at UIS and Clutter knew Larry Golden from their involvement in a voting rights lawsuit, which led to changes in Springfield's city government.

The trio, along with Robert Schehr, who since leaving UIS started an innocence project in Arizona, were integral in the formation of the Downstate Illinois Innocence Project and complementing class that has a record of being filled to capacity.

Since its creation, the project, which receives a handful of requests each week, has never been state-funded. About \$250,000 was appropriated to the project last year, but former governor Rod R. Blagojevich vetoed the project out of the budget.

Relying on private donations and grants, both Clutter and Golden say the project has been in financial struggles for some time. Clutter is paid for his work through the Capital Litigation Trust Fund, and Golden volunteers his time as co-director and the students participate with the hope of a passing grade.

"You can't buy what we're doing for less than hundreds of thousands of dollars," Golden said. "The state is going to have to find a way to either work with groups like us or find other ways to help people who are at this point in the process, whether it's extending the assistance of OSAD [Office of the State Appellate Defender] through the post-conviction stage but that void is a critical void and that is exactly where we are stepping in."

### **The Project's Success Stories**

Matt Smith was a student in the inaugural Innocence Project class. He said he signed up for the class, not knowing what to expect.

"Looking back, I can see that it changed my life forever," Smith recalled during a recent visit to UIS, where he accompanied Keith Harris, the project's first exoneree, to speak before this semester's class.

Smith had been assigned to the case of Harris, who was convicted of armed robbery and attempted murder in Belleville. Harris spent 22 years in prison after the victim misidentified him in the seventh lineup in which he appeared.

While incarcerated, Harris maintained his innocence, which was later supported by evidence discovered in the Innocence Project investigation. In 2003, Harris received a full pardon from the governor and his case served as an example of the flaws found in the police lineup process.

Before a class of about 20 students on a recent Monday evening, Harris told the nightmare of his wrongful conviction. He also recalled the faith and friendships he formed in the process. He and Smith remain friends to do this day.

"It was unbelievable," Harris said of his release. "I give thanks to the university because you all are very important to me and I'm here to encourage you all to continue in your innocence work."

Besides Harris, the project's success stories include Julie Rae-Harper and Herbert Whitlock.

Without any physical evidence presented, Harper was convicted of the 1997 murder of her 10-year-old son in Lawrenceville. After Clutter was able to link case details to murders of confessed child serial killer Tommy Lynn Sells, the project was able to obtain a confession from Sells, eventually leading to Harper's acquittal in a retrial.

In 1987, Whitlock and Randy Steidl were convicted of the murders of newlyweds Dyke and Karen Rhoads in the small town of Paris. Whitlock was sentenced to life in prison and Steidl was sentenced to death.

In 2003, U.S. District Court Judge Michael P. McCuskey ordered a new trial for Steidl, a decision that Illinois Attorney General Lisa Madigan did not appeal. Steidl was released in 2004.

Three years later, the 4th District Appellate Court cited the work of the Innocence Project in a decision that led to Whitlock's January 2008 release. Police continue to investigate the murders; no one has since been charged.

### **The Project's Current Cases**

Ryan Williams, a UIS senior and aspiring attorney, took the Innocence Project class last semester with John J. Hanlon, an attorney with the Office of the State Appellate Defender. Each semester, Hanlon and Golden switch teaching the class. After being "inspired," Williams joined the project as an intern this semester.

"There's classes you take and you learn things from and there's classes you take and you don't learn anything," Williams said. "But occasionally you take a class and you really take something away from it and this is that class. It really has been life-changing for me."

Williams spent time last semester looking into the 1996 murder of Karyn Slover, whose dismembered body was found in Lake Shelbyville, near Decatur. Slover's ex-husband, Michael Slover, Jr., and his parents Michael and Jeannette, were indicted in 2000 and later convicted.

The Innocence Project continues to work on their case, contending that the trio was convicted without any evidence. The project also argues that Slover's real killer could be walking free, noting that a key piece of evidence — a bloody fingerprint on the bridge that garbage bags containing Slover's body were dumped from — did not match any of the defendants.

Under the direction of Clutter, Williams and other students are reinvestigating the 1989 murder of Melissa Koontz and the subsequent conviction of Tom McMillen. He has continued to maintain his innocence since he and three others were convicted of the murder.

Golden said that, like many of the cases the project deals with, McMillen was convicted without a motive or physical evidence using testimony from jail house snitches. The project has since obtained affidavits from two of the convicted men, recanting their confessions.

With new technology that wasn't available at the time of the murder, the project is asking that a fingerprint found on Koontz's car is entered into the Automated Fingerprint Identification System (AFIS) and that pubic hairs found on Koontz's body as well as her clothing be tested for the presence of DNA.

Golden said the project is working with police on its reinvestigation and, in the meantime, will continue the project's other mission of reforming the system to prevent wrongful convictions from happening in the first place.

### The Project's Future

Earlier this spring, Clutter testified before the Illinois Joint Committee on Government Reform on issues stemming from his Freedom of Information requests to the Illinois State Police. The project wanted to know whether the bloody fingerprint in the Slover case had ever been entered into AFIS.

The requests were denied on the basis of a contention by the state police that such information was exempt from FOI because the case was still pending. Clutter argued that police investigations were not pending, explaining that the Slovers had a pending motion for fingerprint testing under section 5/116-3 of the Criminal Code of Procedure.

In 2006, Golden testified before the Death Penalty Reform Commission, assisting in the formation of recommendations. The project is also working with several lawmakers on Senate Joint Resolution 6, which would create the Illinois Justice Study Commission to study non-capital wrongful conviction cases.

"We're not just trying to solve the cases anymore," Golden said. "We are trying to solve the problems behind the cases ... being here in the state capital, I see us moving more and more into the area of policy and reform."

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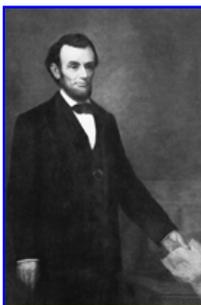


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This year marks the 200th anniversary of the birth of Abraham Lincoln, the nation's 16th president.



6th Judicial Circuit Chief Judge John P. Shonkwiler has been on the bench for nearly 45 years. Photo by John C. Dixon



Stephanie Berube works at the Daley Center Legal Advice desk in April for those needing legal aid. The desk is located on the sixth floor in room

602 at the Daley  
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Chris Bernacchi



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