



Celebrating: About half the Innocence Project Northwest lawyers, shown at a December party given by the Seattle defense bar. The project represented 13 imprisoned people.

## Many injustices call for many lawyers

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

THE STORIES BEGAN surfacing in 1994: A child-sex ring had been operating in Wenatchee, in eastern Washington state. A police detective began arresting parents, foster parents, parishioners and even the pastor 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. The paper called the Wenatchee events "a puzzle of doubtful ethics, questionable legal tactics and dubious facts."

That year, a group of 40 lawyers and more than 25 law students gathered under the umbrella organization of the Innocence Project Northwest to examine the cases. University of Washington law Professor Jacqueline McMurtre and local Seattle criminal practitioner Fred Leatherman had co-founded the project the year before, which is an affiliate of the Innocence Project at New York's Benjamin N. Cardozo School of Law.

At that point, 44 people had been arrested, 27 of whom were convicted; only those 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 [N.L.J. Aug. 23, 1999].

This year, all of the 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 felony convictions overturned, and seven pleaded to lesser charges while asserting their innocence, under a so-called Alford plea.

The Innocence Project lawyers, mostly Seattle criminal defense solo practitioners, volunteered their time in a dif-

cult cause that could have proved highly unpopular. Their Wenatchee clients had been convicted of child sex offenses and sentenced—six to more than 20 years apiece. Many appeal deadlines had passed or were about to.

Some defendants were illiterate, were developmentally disabled, had limited English skills or were poor. Many had confessed and pleaded guilty. The Innocence Project lawyers found evidence that they had been pressured to do so. The investigation and arrest had been led by a former Wenatchee police detective, Bob Peraz, whose two foster daughters formed the crux of the accusations. Both sisters later recanted, saying that he had pressured them to make the statements.

Project lawyers brought "personal 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 hadn't interviewed witnesses or reviewed medical evidence and appeared to coerce clients into pleas. One defense case took 41 minutes and was buttressed by no pre-trial investigation.

### The lawyers and students:

GLENN S. DHAPER, a solo practitioner, and Neal J. Phillip of Seattle's Carney Badley Smith & Spellman, with student 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 ROSENTHAL, a New York solo, with students Alyse Collins (later a lawyer on the case), Craig Blackmon and Miles Graf-Breunen, represented the unemployed Ralph Gausvik. Convicted of

raping and molesting his sons and daughter, he'd been sentenced to nearly 22 years. When a restraint petition reopened the case, the prosecutor dismissed the charges, and he was freed.

SOLOS SIZANNE L. ELLIOTT and James M. Roe, along with students Lorrie Elliott and Jeanne Giordano, won reversals for Doris Green, convicted on three counts of child rape and molestation and sentenced to 23 years. When her convictions were thrown out, she was not retried.

MICHAEL MARTIN, Anna Robinson and William Broberg, both of Seattle's Siderius Lomeragan & Marlin, with students Casey Southern of Allen, Hansen & Maybrow; Chris Carney of the Public defender association in Seattle; and paralegal Rene Eskenazi of Seattle's Siderius Lomeragan, represented Meredith Eugene Town, who'd pleaded to child rape and molestation and had been sentenced to 20 years. An Alford plea to an unrelated misdemeanor—admitting no guilt—won his release.

ANN SCHWARTZ and Amy Williams of Seattle's McNaull Ebel Nawrot Helgren & Vance; Rita Griffith of Seattle's Griffith & Cole; with student Donna Beatty, represented carpenter Lawrence Catchaway. He had pleaded guilty to three counts of first-degree child rape and had been sentenced to 16 years. He pleaded to a misdemeanor assault in exchange for release in June 2000.

JON ZULAUF of Seattle's Zulauf & Chambers; Greg Hollon of Seattle's McNaull Ebel Nawrot Helgren & Vance; along with student Gavin Skok, represented Randall Reed, who'd pleaded to molestation and had been sentenced to 6 years, 8 months. A plea to misdemeanor assault with no allegation of sexual motivation brought his release in October 1999.

SOLOS ROBERT GOLDSMITH and Lenell Nussbaum and student Magda Baker, rep-

resented baby-sitter Laura Holt, who had been arrested on 1,528 counts of child rape, had pleaded to eight and had been sentenced to 40 years. She pleaded to a felony in exchange for release in March.

WILLIAM MAURER of Seattle's Perkins Cole, Julie Spector and solo Karon Klein (David Hoffer and William McGrath of Perkins Cole also assisted early on), represented Ms. Holt's husband Solid Holt, who had pleaded guilty to raping his children. An Alford plea to one felony count of child molestation brought his release in March.

ERIC NIELSEN of Seattle's Nielson & Brogan, and solo Terrence Kellogg, along with student Catherine Drews, represented Jeannie Bendi, a nursing home worker. Arrested on 1,860 counts of rape and 840 counts of molestation of her 8-year-old son, she had pleaded guilty to six counts of child molestation and had been sentenced to 16 years. An Alford plea to one felony count brought her release in October 1999.

DAVID ALLEN of Seattle's Allen, Hansen & Maybrow; solos Kurt Bennett and David Marshall; and James E. Lobenz of Seattle's Carney Badley Smith & Spellman, with students Anne Beardsley and Andrew Langham, represented Cheryl Town, a mentally retarded woman who had been sentenced to 10 years and 10 months after pleading guilty to two counts of rape involving her sons. She entered a plea to a felony 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 ensnared.

Robert Van Sleten, of Van Sleten, Stocks & Firkins in Auburn, Wash., represented three Wenatchee defendants for fees and three pro bono before getting involved with the project. His cases resulted in reversals.

Lois Schattauer, a solo unaffiliated with the project, won vacated convictions for Michael Roseon, convicted of five counts of raping and molesting boys.

—ELIZABETH ANON

