

## THREE DAYS FROM FREEDOM: Mississippi Innocence Project Contributes to Exonerations

Contributed by Jennifer Farish  
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Levon Brooks was exonerated of a murder conviction in March in the Noxubee County Courthouse after 18 years wrongfully imprisoned. UM photo by Joe York.

OXFORD, Miss. - Of the 18 years Levon Brooks spent wrongfully imprisoned at Parchman Penitentiary, three days were easy.

In March, an attorney called with news that sent Brooks' mind reeling. DNA evidence had proven what he and others had known since his arrest: He was innocent. After more than 6,000 days locked up without tangible hope of justice, a mere three days stood between Brooks and freedom. He used those days to make a list - a freedom list, a mental list of what he missed most.

"I couldn't begin to tell you all of the things on that list," Brooks said, with the grin that has seldom left his face since he was freed. "Seeing my mom, eating fish, going fishing, seeing my friends - so many things."

Brooks and Kenny Brewer, both of Noxubee County, are the first prisoners exonerated in Mississippi based on post-conviction DNA testing. Brooks was convicted in 1992 for the capital rape and murder of a 3-year-old girl. Brewer was convicted in 1995 of a remarkably similar crime in the same community less than 18 months after the murder for which Brooks was convicted. Interestingly, Brooks and Brewer knew each other growing up, and both know the man charged with both murders.

The UM Center for Documentary Projects is currently producing a documentary about the exonerations.

Below are excerpts from the interviews to be included in the documentary.

Select a video from right column to view

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{gallery}07-2008/innocence{/gallery}

Their freedom is due to the work of the National Innocence Project in New York and the Mississippi Innocence Project, established last year at the University of Mississippi School of Law.

Work on Brewer's case began after a call from one of his attorneys, NIP co-founder Peter Neufeld said. At the same time, organizers started talking with author and UM law alumnus John Grisham, who had just joined the NIP board, about the need for an innocence project in Mississippi.

"The truth is, you can only do so much from 1,000 miles away," Neufeld explained. "It really takes people on the ground in each state to make a difference. It's really remarkable that in such a short time, the Mississippi Innocence Project got itself started, got students interested, got the backing of the university and other lawyers in the state, and, within a very, very brief time, pulled off a very important exoneration here in the state."

The Mississippi project was created with funding from Grisham and attorney Wilbur Colom of Columbus. In fall 2007, Grisham joined fellow author Scott Turow at a dinner to raise operating funds for the state organization.

"There has been very little innocence activity in Mississippi," Grisham said. "Our state has a high rate of wrongful convictions, literally hundreds of innocent prisoners behind bars. These people are serving time for crimes committed by others, and in many cases the real criminals are still breaking the law."

"There is a lot of work to be done, and the best place to start is in the law schools. The successful innocence projects are those based on campuses where there are student interns and dedicated faculty. It's a great opportunity for students, one I wish I had 30 years ago at Ole Miss."

Housed at the UM School of Law, the MIP includes a clinical program for students and is investigating more than 80 cases around the state. The Brooks and Brewer cases were the first for the new state project, which is not officially tied to the national organization.

"The two students assigned to Mr. Brooks' case were tremendous," said MIP Director Tucker Carrington. "They had been working on his case for a few weeks when they got word that the DNA tests and arrest of the perpetrator had absolved him. They set to work, and in two days' time drafted a pleading that we eventually filed in the Mississippi Supreme Court for Mr. Brooks' release."

The students help not only the organization but also themselves, he added.

"The students are a huge help during the year; they read applications, investigate cases, travel and visit clients in prison," he said. "What's more, they take with them a number of experiences, not the least of which is that the status quo treatment of indigent criminal defendants in this state is often a shameful and embarrassing fact that does so much damage to so many people. I don't think they're going to countenance it in their profession once they leave the law school."

Krystal Walker, a third-year law student from Louisville who worked on the Brooks case, was at the courthouse in Macon when he was released. She and other students talked to Brooks on the courthouse steps as he experienced his first few minutes of freedom.

"It is very fulfilling to know that what we did had a dramatic impact on Levon Brooks' life," she said. "When we went to court and met him, he thanked us. I wanted to thank him for letting me know that hard work pays off and it makes a difference. It is almost indescribable how I felt."

Whether the law students involved in more than 30 innocence projects across the country become divorce lawyers or tax attorneys, working on innocence cases helps shape them, Neufeld said.

"I've been doing this now for 17 years, and I can tell you I have never gotten tired of walking into a prison and taking someone by the hand and walking them into the light of day," he said. "There is one thing I know for sure, (the UM students) had a life-changing experience on the courthouse steps in Macon, Mississippi, and it will affect how they conduct themselves as lawyers and the way they live their lives as human beings until the day they die."

Still, there is a bittersweet aspect of the exonerations.

"There is nothing special about those cases. They weren't movie stars or athletes that someone set out to get. They are just regular people," Neufeld said. "What that tells you is that the same causes of their wrongful convictions are happening every day all across the country for other simple folk - common folk - who don't have the money to get good forensic testing or experts. So, it makes our job much more challenging, but of course much more essential. As soon as we possibly can, we have to wake up the nation to the causes of wrongful conviction and begin to remedy it."

That is why the MIP strives for meaningful criminal justice reform, said Carrington, who came to Ole Miss from Georgetown Law School in Washington, where he also served as a public defender.

"Our office endeavors to be a leader, whether it is representing clients with viable claims of innocence or legislative initiatives," Carrington said. "The facts of the Brooks and Brewer cases speak for themselves. They are emblematic of sloppy law enforcement, questionable forensic science and the perils of the state's lack of DNA preservation and testing legislation."

Because of problems surrounding the testimony of the two forensic witnesses in both the Brooks and Brewer cases, the state and national innocence organizations are working together to investigate the possibility of similar fraud in other cases in which those witnesses testified.

In July, state Attorney General Jim Hood formed a task force to study the financial needs of the state medical examiner's office and Mississippi Crime Lab. Mississippi has not had an official medical examiner since 1995, and the Crime Lab has been unable to hire enough DNA analysts because of inadequate funding.

Coupled with the subsequent arrest of a single suspect in the Brooks and Brewer cases, these investigations highlight the need for the MIP.

"It's not just about civil rights," Neufeld said. "In 82 of the exonerations the Innocence Project has worked on, the real perpetrator was identified. Those 82 people alone committed a few hundred rapes and murders from the time the wrong guy was convicted to the time that the real criminal was identified."

The families of the innocent become victims as well. The 15 years Brewer's mother spent without her son were extremely difficult. Confined to a wheelchair with medical problems related to diabetes, Brewer broke down as she recalled the shock and sadness she felt when Kenny was convicted.

"I prayed through it," she said. "I prayed for God to send him home. I prayed, 'Don't let him be electrocuted for something he didn't do.'"

Brewer works at a local food production company and is adjusting to living at home. On death row, he stayed in his cell 23 hours a day, with an hour for exercise.

"I stayed locked up for 15 years for nothing," he said. "They can't give that time back to me."

Brewer describes his goals since being exonerated as "what any man wants: to own a house and a vehicle, to have that type of life."

As for Brooks, he has spent the past few months crossing items off that list that he created during the three-day wait for freedom.

"First thing I ate was three plates of fried fish," he said. "I couldn't get enough. I got one, then another and another. All I wanted was fish."

Since that first fish fry, he has been fishing almost every day. He has spent a lot of time with his mother, whose health is failing. He's also dabbled in art, one of his goals before being incarcerated.

Using a variety of intricate techniques, Brooks creates one-of-a-kind greeting cards using detailed ink drawings shaded with colored pencils. The art kept him focused while he was locked up, and he hopes it will provide some income now that he is free.

Beneficiaries of a growing movement, Brewer and Brooks are among 220 people who have been exonerated through post-conviction DNA testing in the past 17 years, Neufeld said.

"What's happened is that we started with one project and two people," he said. "We now have more than 30 projects around the country with hundreds of law students and law professors involved. We have journalism students. We have projects in half-a-dozen other countries. What this has become is a burgeoning civil rights movement - the innocence movement."

For more information on the Mississippi Innocence Project, go to <http://www.mississippiinnocence.org> .