

# The Trickery Project

- essay -

November 19th, 2019

By: Ennis R. Patterson

With so much talk of criminal justice reform in regards to sentencing, releasing nonviolent offenders, and other various items concerning courts and prisons, it's easy to overlook associated criminal justice agencies and the parts they play in this milieu of mass incarceration. What's even more is there are 'Projects' designed to display a certain kind of posture as it relates to showing compassion, and assisting persons whom have been wrongfully imprisoned. In actuality such projects are in some instances extensions of existing justice entities<sup>1</sup> and they have no genuine interest in providing help to those whom have been dogged by noisome doings of the criminal justice system, lest they shoot themselves in the foot.

Is this to say that all hope is lost from the stand-point of the accused or wrongfully imprisoned and that courtting agencies such as The Innocence Project (IP) is a waste of time; not necessarily.

Albeit the number of innocent people released yearly from prisons throughout the U.S. by the IP is extremely low when compared to the number of people incarcerated in the U.S., the release of any number of people from the clutches of the incarceration machine of the state when they are innocent is a definite good thing that ought be recognized.

But do organizations such as the IP truly care as to the number of innocent persons imprisoned in the U.S., or is it all about projecting a image of being compassionate or concerned of Peoples rights just so political figures may be able to boast of such compassion when it's convenient. Based on my personal experience, and what's been observed in other cases where the IP was involved, the latter is

likely true.

Before continuing with this piece, let me positively state that college students of law should not be looked upon as ethically or morally lacking if they happen to be involved with the IP. These students are just that — STUDENTS. They are subordinates of skilled attorneys whom we likely well aware of the tricky and unbalanced justice ament the criminal justice system and how bureaucratic agencies such as the IP are intricate pieces of the judicial system puzzle spiriting along deception. Students are simply pursuing dreams; most, I ween, with good intentions.

So here's the deal, a very detailed lay-out of the happenings of my case, including constitutional violations, was sent to the IP requesting assistance. Corresponding to my request, I was sent a lengthy questionnaire, twice. After filling out the questionnaire both times and sending them back to the IP, they responded in this way: In one response dated June 21<sup>st</sup>, 2017 they wrote "we do not have resources to take on cases where individuals have not yet proceeded to direct appeal...." Also, "Due to our limited resources and expertise, we cannot provide you with referrals." In a response dated January 4<sup>th</sup>, 2018 they wrote "If, in the future, you can provide us with new ~~at~~ evidence of your actual innocence, we may be willing to conduct further investigation."

In regards to the June response, why is it that the IP, which is mundane throughout the U.S., not have resources to take on cases irrespective of the phase of the case? Is not their most high priority to prove innocence? Or is it that they'd rather prove innocence when it's nice and easy to do so? Mind you, exculpatory evidence and all issues (documents) pertaining to the exculpatory evidence was sent to the IP. And as far as expertise goes, are they contending they are an agency designed to assist in illegal judicialities but lack rudiment fundamentals that would enable them?

It seems to me that if an organization such as the IP was out to bolster resources, which would lead to a bolstering of achievements, they'd court the opulent for assistance. In these times where talk of criminal justice reform is popular, and notable celebrities such as Robert Kraft and Jay Z<sup>2</sup>, among others, are showing their willingness to take initiatives, finding monies and underwriters should be a breeze.

Maybe there's something else at play here; maybe the IP is a bit apprehensive about upsetting particular entities that profit in some form or fashion as long as status quo operations remain in place. To promote and work hard at releasing thousands yearly — from prisons housing a couple million — is to threaten somebody's pay-day; the IP is not willing to chance it — I guess.

In regards to the January response, all assertions of the previous paragraph applies here. But as an addendum, it should be noted that the term 'actual innocence' should be used loosely. It should not be strictly in reference to having definitive proof such as DNA. Not all cases have an element of DNA. Furthermore, if all cases were cut-and-dry, there would be no need for investigators or agencies such as the IP since a conviction would be based on clear-cut evidence of guilt. And while there are convicts whom attempt to scheme and beat the system when they are guilty of the crime(s) for which they have been convicted, a thorough investigation is the only way to conclude whether or not a conviction is likely just. But again, how can a thorough investigation commence where resources/expertise is wanting. Ergo, proper persons to underwrite the IP's cause should be courted; i.e., if there's a bona fide effort to do what their edict claims.

After reviewing dozens of instances where the IP was able to obtain freedom for certain wrongfully convicted persons, a pattern emerged suggesting unless one have been incarcerated for at least about eight years, chances are the IP won't consider trying to free them. This seems to be the case for most, if not all,

people who receive assistance from the IP. Something is amiss about this revelation; is it not people being incarcerated for crimes they didn't commit regularly? It seems it would be easier to prove innocence when a few months or years have passed, opposed to a decade or more — however, it could be most inmates, though innocent, wait quite a few years before even contacting the IP, which seems unlikely when one understands the inner-workings of prisons/jails as it relates to valuable info held by a number of people ready and willing to assist one-another.

This caused me to believe civil cases sure to be filed after innocent persons are released from serving long sentences are more appealing to the IP. I.e., more money is to be awarded. And if the IP is a not for profit organization, I'm sure they have their ways of implying tacitly that those they've assisted should donate to their cause. Hence, universities and other affiliated institutions of justice would be the beneficiaries of IP operations. Heavens knows what kind of dealings are going on if the IP is in fact not a not for profit organization.

In my quest to discover whos cases the IP may or may not accept as it relates to the amount of time spent in prison, a decision was made to send them a letter. In addition to letting them know of my disdain albeit indirectly sided with the prosecution in certain aspects of my case<sup>3</sup>, it was made clear to them that one may infer they only assist those in prison for long periods of time. Their response dated April 18<sup>th</sup>, 2018, in its entirety was "we have received your letter dated March 12<sup>th</sup>, 2018. Your file with our office will remain closed."

So after gesturing the IP may be exploiting the wrongfully convicted, they responded with two sentences.

The IP is not alone. The American Civil Liberties Union, and the Ohio Justice and Policy center, both of whom was made aware of my unjust

incarceration in detail, claimed they either don't have sufficient resources or they only take a few cases a year. Both agencies, mind you, work closely with judicial entities of a given state and, apparently, are looking for easy cases where little work is needed, but big civil pay-outs are apt.

Please be advised references are not used in this piece as my resources are limited being incarcerated. Also be advised these writings are in regards to state-level criminal justice entities.

### Footnotes

- 1 Please search the Innocence Project in relation to Public Defenders Office.
- 2 Search Robert Craft and Jay Z in regards to criminal justice/prison reform.
- 3 Had the IP conducted a thorough investigation of my case, especially facts in court record, they would have discovered the prosecutors' assertions was unequivocally off-the-mark.

As of this date (November 19th, 2019), my federal habeas corpus is still pending — Patterson v. Warden Gray Case no. 1:18 cv 2096

Contact this author:

Ennis R. Patterson #692029  
Belmont C.I.  
P.O. Box 540  
St. Clairsville, OH 43950