

## Myths About Wrongful Conviction: What Every Judge Needs to Know

Thursday, October 20, 2022  
2:00 – 3:15 PM



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Wrongful convictions take a tremendous toll on communities—devastating the lives of all those impacted. In this panel discussion, participants will hear not just from people involved with exonerating those who have been wrongfully convicted, but exonerees themselves will talk about their experiences. Participants will learn about common causes of wrongful convictions and what can be done to prevent wrongful convictions.

At the end of the session, participants should be able to:

1. Understand the causes of wrongful convictions like official misconduct, mistaken identifications, incentivized witnesses, false confessions, implicit and explicit biases, and ineffective assistance of counsel
2. Discover how judges can prevent wrongful convictions
3. Learn about reforms in various jurisdictions to prevent wrongful convictions

### Speakers:

**Mary Chartier, Partner, Chartier & Nyamfukudza, P.L.C.**



Mary Chartier is a criminal defense litigator and partner at the firm of Chartier & Nyamfukudza, P.L.C., in Michigan. She and her business partner Takura Nyamfukudza, along with the entire C&N team, recently succeeded in exonerating three wrongfully convicted people in one year. One man served 26 years in prison for a murder he did not commit, one man served 9 years in prison for a murder he did not commit, and one woman served 18 years in prison for a murder she did not commit. In total, the firm has exonerated 4 people in the last 5 years. The firm has also exonerated 4 innocent dogs off of “doggie death row” in the last 5 years.

Mary has extensive experience litigating criminal defense cases and has successfully defended clients in numerous federal and state trials, including those involving terrorism, racketeering, drug dealing, human rights violations, criminal sexual conduct, and homicide, as well as white-collar crimes. Mary has argued and won cases at the Michigan Supreme Court and the United States Court of Appeals for the Sixth Circuit.

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She is a fellow of the American Board of Criminal Lawyers, American Bar Foundation, Michigan State Bar Foundation, and the Ingham County Bar Foundation. She is also a member of the Criminal Defense Attorneys of Michigan and the National Association of Criminal Defense Lawyers. Mary has presented at many nationwide and state conferences on topics related to criminal defense and has been recognized with numerous awards for her criminal defense work.

**Marvin Cotton, Vice President and Co-Founder, Organization of Exonerees**



Marvin Cotton Jr. is a community leader and business owner, a justice advocate, lecturer, former candidate for Michigan State Representative, Vice President and co-founder of Organization of Exonerees, and a Detroit native son where he acts as a community engagement specialist and positive behavior mentor.

Cotton’s unique journey of being a wrongfully convicted man after spending 19 years, 7 months and 12 days in prison of a natural life sentence gives him a multifaceted perspective of our system and ways to improve its impact on Michiganders. Through the eyes of an innocent man, Cotton’s view of the government structure is in line with the spirit of America's founders of a “...more perfect union.” Although Cotton’s story has taken him throughout the United States talking with Government leaders, his heart and work has centered him in the Great State of Michigan. Cotton makes his living and travels the country as a Motivational Speaker in a company he started and named Better Not Broken, LLC—a name endowed with the spirit he strives to live by and infect the world with.

**Valerie Newman, Director, Conviction Integrity Unit and Deputy Chief, Wayne County Prosecuting Attorney’s Office**



Ms. Newman began her career as an attorney with the Michigan State Appellate Defender Office where she practiced for over two decades. She argued hundreds of cases before the Michigan courts and two cases before the US Supreme Court; one of which, *Lafler v Cooper*, was a landmark case on ineffective assistance of counsel. She also handled several high profile innocence cases, most notably those of Davontae Sanford and Thomas and Raymond Highers.

In November 2017 Ms. Newman was hired as the Director of the newly created Conviction Integrity Unit of the Wayne County Prosecutor’s Office. In this position Ms. Newman is working to strengthen the criminal justice system by investigating claims of wrongful conviction. In the five years the Unit has been in existence it has received over 2000 requests for investigation. With a small staff of highly experienced attorneys and investigators, the Unit has reviewed over 900 cases. The Unit’s work has resulted in relief for 34 men, most of whom were serving mandatory life sentences. The work of the Unit has been positively featured in the New York Times, CNN, the New Republic and other publications – print, radio and television.

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### **Kenneth Nixon, President, Organization of Exonerees**



My name is Kenneth Nixon and I am an Exoneree from Detroit, Michigan. I spent 15 years and 9 months in prison for a crime that I did not commit. I was convicted of two counts of Felony Murder, four counts of Attempted Murder and one count of Arson. I was sentenced to two Natural Life terms, plus 40-60 years in prison. I was exonerated on February 18, 2021. Since coming home, I have become a fierce advocate for Criminal Justice Reform. I have taken on issues such as re-entry services, vital documents, bank accounts, housing, mental health awareness, and compensation.

I am also the President of the Organization of Exonerees. We are a nonprofit organization made up entirely by justice-impacted men and women who are using our collective voices and our platform to directly address injustice. We support the creation of properly funded and properly staffed Conviction Integrity Units and we stand against INNOCENT people being incarcerated for crimes they did not commit.

I am also a freshman college student at Wayne State University.

### **Maria Shepherd, Co-Director, Innocence Canada**



In 1991, Maria Shepherd was 21 years of age when she was charged in connection with her stepdaughter's death. On the strength of the evidence of former and disgraced pathologist, Charles Smith, Maria, in desperation to save her family, entered a false guilty plea in 1992 and was wrongly convicted of manslaughter.

It would take 25 years for Maria to clear her name. On February 29, 2016, the late Honourable Justice Marc Rosenberg would overturn her conviction.

Later that year, Maria would successfully be licensed by the Law Society of Ontario as a Paralegal, something Maria had been waiting for since 2010. Since then Maria has successfully opened her own Paralegal Firm, Shepherd Advocacy & Litigation.

In 2018, Maria became a Co-Director on the Board of Innocence Canada, formerly the Association In Defence of the Wrongly Convicted - the same organization that provided support to Maria with James Lockyer as her lead Appellate Counsel.

Today, Maria continues to be a staunch advocate against wrongful convictions and sheds light on it's devastating domino effects on both the wrongly convicted and their families. Maria has spoken at events in both Canada and the United States.

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**Barbara McQuade, Professor, University of Michigan Law School (Moderator)**



Barbara L. McQuade is a professor at the University of Michigan Law School and a legal analyst for NBC News and MSNBC. Professor McQuade also co-hosts the podcast, #SistersinLaw.

From 2010 to 2017, McQuade served as the U.S attorney for the Eastern District of Michigan. Appointed by President Obama, she was the first woman to serve in her position. Immediately before becoming U.S. attorney, McQuade was an assistant U.S. attorney. She served as deputy chief of the National Security Unit--handling cases involving terrorism financing, export violations, threats, and foreign agents.

Her work has appeared in *The Washington Post*, *Foreign Policy*, *Lawfare*, *Just Security*, *Slate*, and National Public Radio. She has been quoted in *The New York Times*, *Time*, *Newsweek*, *Politico*, and other publications.

McQuade has been recognized by the *Detroit Free Press* with the Neal Shine Award for Exemplary Regional Leadership, *The Detroit News* with the Michiganian of the Year Award, *Crain's Detroit Business* as a Newsmaker of the Year and one of Detroit's Most Influential Women, the Detroit Branch of the NAACP and Arab American Civil Rights League with their Tribute to Justice Award, and the Council on Legal Education Opportunity with their Diversity Award.