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## FAIR TRIAL INITIATIVE

### Osborn Award 2008

The board, fellows and staff of the Fair Trial Initiative are pleased to announce that Terry Alford will be the recipient of this year's Osborn Award. FTI created the award in 2007 to honor a North Carolina attorney whose commitment to excellence in capital defense embodies the distinctive character of Kirk Osborn, the Chapel Hill attorney and former Orange County Public Defender who served on our board and was one of the first cooperating attorneys to mentor our fellows.

The ceremony will be held on September 24th at the Carolina Club on the campus of UNC in Chapel Hill.

Terry is a lifelong resident of Nash County and operates his law office in Spring Hope, where he has been practicing criminal litigation for 28 years. He graduated from NC State in 1977 and from Campbell

University School of Law in 1980. Of the 70 defendants facing murder charges that he has represented over the years, he has served as lead counsel in at least 45 of them, and is called upon regularly as a consultant for the Center for Death Penalty Litigation. Terry is also active in his community, serving on the board of the North Carolina Baptist Foundation, as moderator for the Tar River Association, and as a deacon at Ephesus Baptist Church. He and his wife Jenny have two children, Travis, age 25, and Sarah age 20, and a daughter-in-law, Lauren.

Terry's association with FTI began in 2003 when he enlisted the help of former law fellow Yvonne Nix on the case of Lionel Rogers. Yvonne had been out of law school for only one year before she found herself

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Terry Alford  
Osborn Award Honoree  
2008

### FTI's Efforts Lead to Eleven Extraordinary Life-Saving Results!

Since last summer FTI fellows have witnessed the resolutions of nine of their capital cases—each of them ending short of a death sentence.

Last fall life-saving pleas closed the cases of FTI clients Floyd Connelly, whose case was assigned to fellow Anna Arceneaux, and Andrew Canty, whose case was assigned to fellow Sarah Rackley. This year, FTI's success has continued at an accelerated pace. Each case has demonstrated how the pairing of quality representation and sufficient resources can have a tremendous effect on the outcome of a death penalty trial in North Carolina.

Near the beginning of their



Zachary Rowles, Tamara Crepet and Akin Adepoju discuss the successful outcomes of some of this year's cases with summer interns Katherine Lovett and Mariana Aldridge.

fellowships, Anna and Sarah assisted Durham attorney Jay Ferguson as he prepared to argue Guy LeGrande's competency to be executed. Although the final decision, issued in June of this year, was a long time coming, the team was ultimately successful in convincing the Superior Court that Mr. LeGrande's mental illness was sufficiently severe to prevent his execution.

Anna and Sarah also had other cases resolve short of a death sentence. Anna's client Christopher Phipps plead guilty to first-degree murder and received a life sentence. In the cases of Franklin Herrera and Jondre Lowemincey, Sarah's clients, likewise the result was a life sentence.

Last summer, the first client assigned to new law fellow Akin Adepoju was Donald Lowry. After a trial in Elizabeth City, the jury rejected the death penalty and Donald was sentenced to life without parole. This spring, first-year law fellow Tamara Crepet helped two of her clients avoid a death sentence when Lakane Murphy took a plea in exchange for life, and Andre Vines took a 2nd degree plea, receiving a

sentence of 33½ years.

FTI's successes were not limited to our trial cases. Executive Director Mark Kleinschmidt represented his client Levon Jones for over seven years. Levon was finally released from custody after 15 years, 13 of them on death row. All charges were dropped against Mr. Jones after the Duplin County District Attorney's Office concluded that there was no evidence available to bring his case before a jury. Mr. Jones' case counts as the 129th exoneration in the United States since the death penalty resumed in the late 1970s. His was the third North Carolina exoneration in nine months.

Finally, just hours before his execution, David Crowe's sentence was changed to life by the Governor of Georgia thanks to the efforts of Deputy Director Sarah Anthony, who worked as the Defense Initiated Victim Outreach specialist on the case.

Your support of FTI helps make our work possible. Thank you for helping us to ensure that every client facing the death penalty in North Carolina is afforded only the highest quality representation.

# Terry Alford Receives the Osborn Award

confronted with this complex, racially charged re-sentencing case involving home invasion and the murder of an elderly white woman by a young African-American man. The original trial was notable for a complete lack of mitigation work—the defense attorneys failed to contact even one of the client’s family members during their investigation—and Lionel Rogers was sentenced to death.

Yvonne didn’t know what to expect. “Terry and I worked on the case, and we managed to unearth more information than I could have imagined,” she said. They made trips across the northeast together to uncover lost family members from whom the client had been estranged for years. Many were witnesses during the trial, and their testimony played a large part in convincing the jury to reject the death penalty in favor of a life verdict.

Fellows assigned to Terry’s cases are made to feel that they are equal members of the defense team. Sarah Rackley, a second-year fellow who along with FTI mitigation specialist Zach Rowles is assisting in the case of José Hernandez, says that working with Terry “has been a great experience because

from the beginning he has told me, ‘you’re not a law fellow on this case, you’re an attorney.’” He has shown that he values and appreciates her work, allowing her to pursue her ideas autonomously while incorporating her contributions. He has demonstrated the

“Terry Alford was and continues to be a tremendous influence on my legal career.”  
*Yvonne Nix ~ FTI Fellow 2003-2005*

importance of working as a team by listening to everyone’s input in order to develop the best strategy for a case.

First-year law fellow Tamara Crepet was in the courtroom in Edgecombe County with Terry on July 2<sup>nd</sup> when their client Andre Vines took an Alford plea to second degree murder and first degree arson, receiving a term of 33½ years.

Terry’s faith in Tamara allowed her to conduct important research and to work closely with Andre, helping him to realize that the plea offer was the best option for him. Tamara’s experience with Terry and his

wife Jenny, who serves as his legal assistant, has been highly educational: “I have never worked on such a challenging case, and working on it with Terry and Jenny has given me insights that will make me a better lawyer.”

Yvonne Nix went on to assist Terry on several more cases during her fellowship. Of the impact he has had on her present career at the New York Capital Defender Office, she says, “Much of what I learned about being a lawyer I learned from working with Terry. I learned that there is no such thing as ‘over-investigating’ a case. Terry taught me that hard work and the powers of persuasion pay off. I will carry these lessons with me throughout my career. Thank you, Terry, for being a wonderful mentor.”

Terry brings out the best in everyone that he has worked with. His camaraderie helps the fellows feel welcome, and his clients feel more included in their defense. FTI is proud to honor Terry Alford, an outstanding attorney who exhibits all of the exceptional qualities embodied by our friend Kirk Osborn.

## Mitigation Update

Mitigation Specialist Zachary Rowles continues to lead an outstandingly successful mitigation program. This year, four of his capital cases ended in life-saving pleas to a term of years. Clients Christy Crittenton, Theresa Jones, Christopher Lambert and Rex Penland all entered guilty pleas to 2<sup>nd</sup> degree murder. Christy faces 20 to 25 years; Theresa 12½ to 16 years; and Chris up to 33 years. Rex had already served time on death row and was facing a re-sentencing hearing. Due to the length of time that had elapsed since his first sentence, Mr. Penland was released based on his time served.

Zach also continued, in partnership with Stephanie Moore, his supervision of clinic students seeking their Masters in Social Work from UNC Chapel Hill. Dual degree student Heather Sivaraman, MSW/JD, completed her second year with FTI in

May. This year, rather than apprenticing under Zach as a mitigation specialist, Heather contributed her expertise in organizational development. With her assistance, FTI was able to strengthen the work of our Board of Directors and develop more effective fundraising tools. Heather will be entering private practice as an attorney in Carrboro this fall.

Last May, first-year MSW candidate Jennifer Williams completed her first year of training under Zach’s mentorship. She worked closely with Zach in his representation of Theresa Jones and played an important part in achieving the eventual life-saving outcome. Jenny will return to FTI in August and will shift her focus from mitigation to defense-based victim outreach. Jenny, along with FTI’s Deputy Director Sarah Anthony, is one of only a handful of trained outreach specialists in the state.

### FTI STAFF

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**Sarah Anthony** *Deputy Director*  
**Zach Rowles** *Mitigation Program Director*  
**Sara Bell** *Office Manager*

### FTI FELLOWS

**Akin Adepoju** *First-Year Fellow*  
**Tamara Crepet** *First-Year Fellow*  
**Sarah Rackley** *Second-Year Fellow*

### SUMMER INTERNS

**Sharif Deveaux** *Law Student Intern, NCCU*  
**Katherine Lovett** *Law Student Intern, Harvard University*  
**Mariana Aldridge** *Undergraduate Intern, Meredith College*

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### FAIR TRIAL INITIATIVE

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# New Osborn Fellows

In September FTI will welcome 2008-2010 fellows William Durham and Tamzin Kinnebrew.

Will Durham was born and raised in North Carolina, and graduated from East Carolina University, summa cum laude, in 2000. He received his J.D. from the Georgetown University Law Center in 2004, where he focused his studies on litigation and criminal justice.

During his second year of law school Will worked at the Public Defender Service of the District of Columbia, and during the summer he worked with the San Francisco Office of the Public Defender as a pro bono law clerk. Since graduation



Will Durham  
Georgetown  
Law Center  
2004

Will worked as a staff attorney at the Legal Aid Society of Hawaii and with the Lawyers for Equal Justice, a non-profit organization that works with indigent clients by conducting impact litigation and advocacy. While there he worked to uncover wholesale violations of the Federal McKinney-Vento Act by Hawaii

DOE, and built a coalition consisting of a local law firm and the ACLU to litigate the case. He further developed advocacy strategies on issues including Medicaid and Hawaii's food stamp program, litigated child welfare, family, consumer, and public benefits cases, led a mental health task force, and prepared a federal preemptive case advocating on the behalf of Medicaid patients to receive adequate medical equipment.

Will is excited about the prospect of expanding his legal practice into the arena of capital defense. "No person is more deserving of the highest quality representation as one threatened with death by his or her government."

Tamzin Kinnebrew graduated from Brown University, magna cum laude, in 2003. She earned her J.D. from New York University School of Law in May, where she was the co-chair of both the Prisoners' Rights and Education Project and Law Students Against the Death Penalty.

Tamzin interned with The Federal Defenders of New York, where she wrote a *Memorandum in Support of a Motion to Dismiss Charges* in a sex offender registration case. Tamzin also conducted client interviews in both English and Spanish,

and wrote internal memoranda for various cases involving charges of fraud, drug dealing, illegal reentry, and failure to register as a sex offender. Tamzin has also worked with some inspiring individuals as a clinical student with the Offender Reentry Clinic, where she participated in field work at the Center for Employment Opportunities, a non-profit organization providing employment services to ex-offenders. Finally, she worked for the Family Defense Clinic at the New York University School of Law, where she gained valuable skills in the representation of indigent parents and family members of children in foster care or who were at risk of being placed in foster care.

Tamzin has strong family ties to North Carolina, and is happy to be moving south. "I chose to attend law school because of my unwavering devotion to social justice," she says. "I believe that the best way I can use my legal advocacy skills is on behalf of indigent and disenfranchised people on death row."



Tamzin  
Kinnebrew  
New York  
University  
2008

# Farewell to Sarah and Anna

Welcoming new fellows each year means having to say goodbye to our departing class. This year we bid farewell to Anna Arceneaux and Sarah Rackley.

One of the biggest contributions each made to FTI was formalizing the Misdemeanor Program. Building on the work begun by former fellows Mani Carpenter, Kelley DeAngelus, Elsie Miller, and Deonte Thomas, Anna and Sarah helped streamline the process of defending indigent clients in Durham County District and Juvenile Court, handling over 120 cases during their first year while still maintaining a full capital caseload.

"Thankfully, none of my capital cases went to trial during my fellowship," Anna reflects, "but because I was rarely in a courtroom for my capital work, I especially appreciated working in District



Working alongside the best capital defense attorneys in the country ... provided me with an unparalleled foundation to begin my career in capital defense.

Anna Arceneaux

Court, gaining invaluable trial experience." Additionally, Sarah's facility with Spanish has allowed her to broaden her scope as an attorney, and to fill a great need by representing clients from Durham's growing Latino community.

During her tenure at FTI Anna worked on eight capital cases: six pretrial cases and two in post-conviction. In March she accepted a job as a staff attorney at the ACLU Capital Punishment Project, where she litigates capital cases on a national level. Despite her departure she has been able to continue to represent Antonio Chance—her first case assignment as a fellow—as his case goes to trial this fall.

Anna credits her experiences at FTI with preparing her for her current job, particularly the mentoring she received from attorneys at the Center for Death Penalty Litigation and the Office of the Capital Defender. "Working alongside



Attorneys from across the state, investigators, the folks at FTI—they have all taught me something about the kind of attorney that I want to be.

Sarah Rackley

the best capital defense attorneys in the country at national trainings and learning from the most talented attorneys, mitigation specialists, and experts in North Carolina on my cases provided me with an unparalleled foundation to begin my career in capital defense."

Sarah worked on ten capital cases since coming to FTI in 2006: nine pretrial cases and one in post-conviction. She also assisted with a non-capital first degree murder trial. After completing her fellowship in September 2008, she plans to continue to practice law in Durham in the field of indigent criminal defense.

"One of the best things about my fellowship is all of the teachers that I have had," Sarah says. "Attorneys from across the state, investigators, the folks at FTI—they have all taught me something about the kind of attorney that I want to be. I am also grateful for what my clients and their families and friends have taught me. They have trusted me both with their darkest moments and their most tender and cherished memories. My clients show me again and again the goodness in them and their struggles—their humanity."

September 24, 2008

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# *The 2nd Annual Osborn Award*

2008 Honoree—Terry Alford

On the 24th of September, FTI will host a reception at the Carolina Club located on the UNC campus in Chapel Hill, NC to celebrate the 2nd Annual Osborn Award. The award recognizes both excellence in capital defense litigation and extraordinary mentorship of young capital defense lawyers as exemplified by the career of J. Kirk Osborn. In addition, the public will have its first opportunity to meet our new class of law fellows.

We hope to see you there!

2007 Honoree — Ernest “Buddy” Conner

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