Lathrop Gage and Midwest Innocence Project Partner to Free Little Rock Woman After 26 Years on Wrongful Conviction

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Little Rock, AR (July 17, 2018) - Lathrop Gage is honored to work with the Midwest Innocence Project (MIP) to help facilitate the today's release of Laquanda "Faye" Jacobs, who spent 26 years in prison after being wrongfully convicted of capital murder when she was just 16. The release is bittersweet; Jacobs is freed after being resentenced from life without parole to time-served, but not exonerated.

A team of Lathrop Gage attorneys from the Kansas City and St. Louis offices began working with MIP on Jacobs' case in late 2017, filing a petition for writ of *habeas corpus* on May 11, 2018, asking the United States District Court for the Eastern District of Arkansas to overturn Jacobs' conviction.

The Lathrop Gage team led by Partner Matthew Jacober, of the St. Louis office, and included Of Counsel Rebecca McMahon, Associates Sarah Lintecum, Clint Mann, Taryn Nash, Mark Parachini and Amanda Sisney; Paralegal Keenan Barker; and Legal Administrative Assistant Kirsten Hollstrom (all from Kansas City); and Associate Lauren Wacker and Legal Administrative Assistant Lisa Cleeve (from St. Louis).

For further information on the case, see the Midwest Innocence Project press release attached below.

FOR IMMEDIATE RELEASE

Laquanda "Faye" Jacobs to Be Freed from Prison After 26 Years, But Not Exonerated for Murder She Did Not Commit

Midwest Innocence Project client to finally come home after she was wrongfully convicted for a murder in Arkansas in 1992

Little Rock, Ark. (July 17, 2018) - The Midwest Innocence Project (MIP), a not-for-profit corporation dedicated to the investigation, litigation and exoneration of wrongfully convicted men and women in five states, announces today that client **Laquanda "Faye" Jacobs** was resentenced from "life without parole" to "time-served" and will soon walk out of the McPherson Unit of the Arkansas Department of Corrections in Newport, Ark. a free woman.

Jacobs was wrongfully convicted of capital murder in 1993 for the shooting death of 17-year-old Kevin Gaddy in Little Rock in 1992. At the time, witnesses described the shooter as a woman in her thirties with scars under her eyes wearing black pants and a black coat. However, then 16-year-old Jacobs was quickly arrested one hour after the crime still wearing a white dress she wore to church that morning.

"Faye's case has all the hallmarks of a wrongful conviction — incentivized testimony, procedures known to lead to eyewitness misidentifications and absolutely inadequate counsel," said Tricia Bushnell, Executive Director of the MIP. "Faye's attorneys never investigated the crime and didn't even ask the state for its files. As a result, they never spoke to five additional eyewitnesses who saw the crime and stated that Faye was not the shooter."

At Jacobs' trial in 1993, the state of Arkansas relied on two eyewitnesses — a traumatized teenage victim and an incentivized witness. The teenager originally did not identify Jacobs when shown her photo on two occasions, but later identifyed her after being told to do so by others. The incentivized witness only came forward after being arrested on charges of his own weeks after the crime and has since recanted his identification of Jacobs as the murderer.

"Social science now confirms the identification procedures used back in 1992 increased the risk of eyewitness misidentification," said Bushnell. "And eyewitness misidentification is a leading cause of wrongful convictions. It has played a role in more than 75 percent of convictions overturned through DNA testing."

Bushnell and the MIP took on Jacob's case in 2014 to secure both a new sentence and trial for her. Jacobs was entitled to a new sentence after the Supreme Court of the United States ruled in *Miller v. Alabama* that children cannot be sentenced to life without parole as a mandatory sentence and anyone who was may be entitled to a new hearing. Because Jacobs received such a sentence, she was scheduled for a new sentencing hearing in September 2018.

The law firm of Lathrop Gage, LLP joined Jacob's team in 2017. Together with the MIP, the firm filed a petition for writ of habeas corpus on May 11, 2018, outlining Jacobs' innocence and asking the United States District Court for the Eastern District of Arkansas to overturn her conviction.

"From the first time we talked to Tricia about Faye, we knew as a firm that we wanted to be involved in securing her freedom," said Matthew Jacober, a partner at Lathrop Gage in St. Louis who led the firm's work

on Jacobs' case. "The injustice Faye suffered for 26 years is unimaginable and a failure of our criminal justice system."

Before the state of Arkansas was required to respond to the petition filed by Jacober and Lathrop Gage, attorneys at the Pulaski County (Arkansas) District Attorney's Office came to an agreement on Jacobs' resentencing, changing it from life without parole to 40 years — a sentence the state of Arkansas deemed Jacobs completed given her good-time credit and exemplary conduct in prison for 26 years.

"Helping Faye on a pro-bono basis was an easy decision," said Jacober. "Not all lawyers have the chance to get involved in a case like Faye's and for our team, this will be a career highlight. It is both rewarding and humbling to be involved in her representation."

While Jacobs will be freed soon, her murder conviction will remain on her record. Because Jacobs will not be incarcerated, on probation or parole, the only avenue to overturn her conviction in the future is a pardon from the Governor of Arkansas. As such, Jacobs' legal team plans to file a petition for clemency with Gov. Asa Hutchinson.

"Faye's case exemplifies just how difficult it is to overturn a conviction in our justice system," said Bushnell. "It should not be this hard, but she's not done seeking justice and neither are we."

In addition to Bushnell and Jacober, Jacobs' legal team included many individuals who fought diligently for her freedom, including paralegal Leigh Ann Carroll, former law students Bryan Wilson, Micah Moore and Rachel Price, current law student and intern Lucia Callicotte and investigators Dan Grothaus and Joy Zuccarello. The team from Lathrop Gage included attorneys Amanda Sisney, Sarah Lintecum, Taryn Nash, Clint Mann, Lauren Wacker, Rebecca McMahon and Mark Parachini, paralegal Keenan Barker and assistants Kirsten Hollstrom and Lisa Cleeve.

Individuals wishing to support Jacobs' continued legal fight for an exoneration and her transition back to society can find a GoFundMe to support Jacob's reentry and a Change.org petition in support of clemency. For those interested in supporting the MIP, please donate at themip.org.

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About the Midwest Innocence Project

The Midwest Innocence Project is a not-for-profit corporation dedicated to the investigation, litigation and exoneration of wrongfully convicted men and women in Missouri, Kansas, Arkansas, Iowa and Nebraska. The Midwest Innocence Project was founded at the University of Missouri - Kansas City (UMKC) School of Law in 2000 as a 501(c)(3) nonprofit corporation and operates today as an independent organization in partnership with the University of Missouri (Kansas City) and (Columbia) Schools of Law, the University of

Kansas, and local legal communities. The MIP is a licensed organization of the Innocence Project founded at Benjamin N. Cardozo School of Law at Yeshiva University in 1992 and works with 68 similar organizations around the world in coordinating legal work and education efforts. For more information, please visit themip.org.

About Lathrop Gage

Lathrop Gage is a law firm whose clients form the backbone of our economy. Our attorneys provide strategic guidance in litigation, business and intellectual property law, with deep knowledge and experience in the industries we serve. We work as one integrated team from offices across the country to help our clients see beyond immediate challenges to achieve their most important objectives. For more information, visit www.lathropgage.com.

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