



Fox Rothschild Podcast

The Presumption of Innocence

Episode 52: A Higher Duty of Care: Representing Clients Living With Mental Illness

Featuring Matt Adams of Fox Rothschild and Tim Gumkoswki and Rodney Roberts of the Innocence Project

Adams: Hi, everyone, and welcome back to "The Presumption of Innocence," a podcast brought to you by the White-Collar Criminal Defense & Regulatory Compliance Practice at Fox Rothschild. We have a fascinating episode in store for you today.

Let me set the stage for just a moment. Many of our guests on this program have had firsthand experiences navigating criminal charges, the presumption of innocence, and honestly, the roller coaster that one experiences when they're thrust into the criminal justice system, whether rightfully or wrongfully. They have revealed for us firsthand the pressures that they have faced personally on their journeys through the criminal justice system, whether they be financial, familial or with their mental health.

One of the most daunting pressures that, time and again, we have heard about on this program interviewing folks who have come in contact with the criminal justice system, is the pressure among the criminally accused to plead guilty. To give up fighting and accept what that will mean for themselves. Don't get me wrong, people plead guilty all the time. What we're talking about today is the pressure placed on people that know they are innocent to plead guilty nonetheless. It's a byproduct of an adversarial system that sometimes seems stacked against defendants where the power of the government and all that it can bring to bear coalesces against an individual who's often overmatched and ill-prepared for the fight.

The public at large fundamentally misunderstands this pressure to plead guilty that criminal defendants face. And today, we are going to dive directly inside that paradigm into that anxiety, that fear, that pressure, that a criminal accused has to plead guilty.

Once a guilty plea is entered, in the public's eye, it's as if the notion of due process has ended. Individuals are relegated to second-class status of a convicted criminal. It's the dreaded "go straight to jail, do not pass go" Monopoly card. Society moves on, but the story of the individual behind that guilty plea remains.

Today we are going to take a fascinating journey inside the mind of a man who decided to plead guilty to a crime that he was ultimately exonerated of and released from prison after serving 18 years of his sentence. We're going to talk to him about those pressures that he overcame and what



brought him to keep fighting. And more, importantly, to choose to plead guilty to a crime he didn't commit. To succumb to those pressures.

Today, we're speaking with Rodney Roberts and Tim Gumkowski. Rodney is a native of Newark, New Jersey, who served 18 years in Rahway State Prison, a notoriously dreadful place, as a result of being coerced into pleading guilty to a crime he knew he did not commit. After he was exonerated and released, Rodney went to work at the Innocence Project as a reentry coach under the guidance of that fabled organization's social work department. Tim Gumkowski, who's joining Rodney today, joined the Innocence Project in 2023 after spending over five years representing inmates on death row in the Capital Habeas Unit of the Federal Defender's Office in Austin, Texas. This came after Tim spent another decade as a trial attorney in the Brooklyn Defender's Service and time as a staff attorney at the United States Court of Appeals for the 2nd Circuit.

Gentlemen, welcome to "The Presumption of Innocence." It is my distinct pleasure to have you both.

Rodney: Honor to be here, it's Rodney Roberts.

Tim: Yeah, thanks a lot, Matt, for having us join you today. Appreciate it.

Matt: Thanks so much for being here. Tim, if I may, let me start with you. You have had an extensive amount of experience as a defense attorney, in specific to individuals charged with some of the most heinous crimes imaginable, including death penalty cases.

How common, in your experience, is it for innocent people, people knowing they didn't commit the crime that they're accused of committing, to actually plead guilty and succumb to the very forces of that pressure that I said at the outset?

Tim: Well, you know, I think it's for one, it's just far too common, right?

And even if it's just one or a handful of individuals that I've happened to come across and represented, that's too many. But you know, going back and talking about some of my prior work as a public defender in Brooklyn, there were times when maybe what we would consider low-level crimes, where it seemed pretty apparent to me that individuals were pleading guilty quite frequently having not actually committed the crime.

And the reason being, that in those situations, it's essentially a guaranteed, quick, get-out-of-jail-free pass essentially. And, as you mentioned in a kind of a more serious stake, whether it's death penalty work, or in more serious crimes, you do see it. In fact, some of the numbers show that more than 10% of the initial 349 people who were proven innocent by DNA evidence had initially pled guilty to a crime they didn't commit.

So the numbers are significant.

Matt: Rodney, let me move to you for a moment. Thanks so much for joining. I'm so glad to see you sitting in your office as opposed to a prison cell, especially at that awful place where you were. I've explained in general terms, Rodney, that you were exonerated of crime you pled guilty to.



I want to hear in your own words, how exactly does that happen?

Rodney: Words really can't quantify the pressure and the feeling and the pain that comes with entering a plea of guilt to a crime you didn't commit. I can just share with you, I'm of those people who grew up saying, I would never plead guilty to a crime I didn't commit, let's pick a jury. Until I was placed in a situation where I was wrongfully arrested, detained in Essex County Jail, and put in a situation where I had to choose between a lesser sentence for a crime I didn't commit and a life sentence if I did not answer the guilty plea and go to trial.

I often refer to an analogy of having to pick between two evils, Lucifer or Satan, and what evil was going to treat me the best? Was I going to enter, plead guilty to a crime I didn't commit, and choose Lucifer? Or go to trial, get found guilty for a crime I didn't commit, and choose Satan? Which was the lesser of the two wrongs?

In my situation, once I was approached by the public defender who had a heavy caseload in which maybe 10 of his other clients that he had to resolve and adjudicate their cases was in the bullpen area with me. A bullpen area for those who know, it's a holding cell that you see the prisoners wait in before they go in front of the court.

And the public defender pretty much was on assembly mode status. He was just trying to coerce and resolve all the cases that he had as quickly as possible in order to facilitate the court schedule. So it was a public defender who really approached me and gave me the impression and put me in the fear that I had no real choice but to enter this plea agreement or lose my future, my freedom, my life, in prison.

Matt: Your own lawyer, your own counsel, appointed counsel.

Rodney: I never met the prosecutor. All the communication came between myself and then later the judge. It was my attorney who came and brought the idea of entering the plea agreement. He introduced it as if it was a negotiation, a conversation he had with the prosecuting attorney. And that the prosecutor attorney had this witness who was waiting to testify, and that they had all this evidence to prove my guilt waiting. And that if I choose to go to trial, that they will use this very evidence and this witness who claimed that I was identified, and then when she saw my picture, she started crying, and they would use this to push for a life sentence if I went to trial.

Matt: What were you accused of, Rodney? What were you accused of?

Rodney: I was accused of a sexual-related offense. A kidnap and a sexual assault was the crime that I was accused of. And in the plea agreement, the attorney explained to me that they were going to dismiss the plea agreement, and that they would modify the kidnap charge to a second degree, so the record will say that no one was hurt.

That part, that on a record saying, oh, no one was hurt is what I latched onto emotionally. In my mind, I say at least I wouldn't be in prison where they say I hurt someone. Or at least, and the plea offer was seven years and I'll be home in two years. And so in my mind, after being in the county, it



proved to me that they could hold me in custody because I was in custody. I had been in custody now for almost a year, waiting to go and see a judge and get this matter adjudicated. Hopefully be released from the evidence to show I was innocent, but that wasn't the case.

So in that moment, I was given maybe 25 minutes to make a life altering and changing decision. Isolated from my family, from those who I really counted on and sought advice from. My mother, my brothers, sisters, those people who cared. And I was put in this situation. I'm standing around others, those who are locked up prison around me, who silently was listening to the conversation between myself and the attorney. Because there's no confidentiality, you're talking in a public space and everyone's listening to what's going on. And those individuals saying, you need, you should take the deal. You should take the deal.

So many things going around me compound my fear. My feeling of helplessness, my feeling of powerlessness in this matter. The fact that I, my family having the money to get a private attorney, who I felt would've given a better, a much better outcome. I just was totally caught off guard and totally felt that in order to save my life, I need to enter the guilty plea to the lesser included sentence and come home and I will fight this.

I wanted to go home to my son. I just recently moved into a new apartment, just got a new job. I just want to go back to my life.

Matt: So let me just set the stage for our audience. You're facing now really serious offenses that could potentially carry life in prison and you are told, in a 25-minutes decision. You're told by your public defender while that person is inundated with all the other distractions, not in a very private setting. You're in custody. You're told you have the ability to go to trial for which you will face life in prison if you're convicted, or you can plead guilty and be out in a couple of years. Which do you want? And you have 25 minutes to make that decision?

Rodney: That was the circumstances.

Matt: And ultimately, as you said, you're choosing between Lucifer and Satan. I like the analogy because you have to choose the lesser of two evils and the rational choice is, all right, I can do it, quick stint. What happened? They tell you it's two years. You'll be out in two years, it'll be fine. And how do you end up serving 18 years?

Rodney: I entered the plea agreement reluctantly and in tears. And while in front of judge entering the guilty plea-- and, they have to give this conversation to the judge a factual basis or what-- this judge said, did you do this? Were you coerced? No. You have to ask these questions. And that in the process of that, when I entered guilty plea, and when I was sent to state prison, you go in front of what's called a Classification Committee. This committee is made of all department heads and they assign you housing, custody status, and things of that nature within the prison.

So when they called me in and started reading the record, they read the record as if I was charged with those original crimes and not what happened in the plea agreement. They read it as if I was still



convicted of the sexual assault, of a first-degree kidnap. Not that the sexual assault was dismissed and the kidnap was downgraded.

I objected, I said, oh, I'm not here for that, I didn't get charged with that. I said, in fact, I didn't do any of I'm innocent. And when I said that in the Classification Committee, that's when all hell broke loose. That's when they start saying, now you start accusing me of changing my story. They're saying I was delusional. I was lying. I showed no empathy. I showed no sympathy. All I was saying to them was I'm innocent.

They designated me to maximum security of the prison. They wouldn't allow me to participate in various rehabilitation programs. I was denied so much access. Pretty much the only thing I was really given access to freely was the law library, and which I eventually was hired as a paralegal over time. But when I said that, that's when things started.

So, when I went to the parole board-- I did go to the parole board within a two-year period-- and I told the parole board, hey, look, I'm innocent, I plead guilty because I was afraid, I didn't do any of this. And when I told the parole board that, and parole board looked at me like, Oh, you gotta be kidding me. You pled guilty. Now you're saying you're innocent. Because once you enter a guilt, say you're guilty. That's pretty much like you said earlier, you have written your own obituary. Therefore, a lack of better description. Parole board continued to deny me. I went to parole board three years. I wound up serving the complete seven years of that sentence.

And so, on the seventh year, I was maxing out, what they call it. There's no more time I could do. My sentence was over in 2004. Unknowing, I went to parole classes, participated in all the rehabilitation classes I could for release, so that I could go home and have a healthy reentry. The day I was scheduled to leave, my family was out waiting for me in the parking lot to bring me home.

I was told that I wasn't being released. I was like, how could you, what is going on? I've just served all my time, how, you cannot hold me, I--

Matt: Seven years of time. Seven years.

Rodney: The plea's seven years. Unknowing to me, the Attorney General-- because I continued to say that I was innocent-- the Attorney General filed a petition, because it was a sexually related crime, to have me civilly committed and said that I would continue to remain guilty and dangerous because I was believing a lie that I was innocent.

I pled guilty and yet now I'm standing in front of everyone claiming I didn't do it when the court said that I was guilty. And they sought to have me civilly committed because, you know, they said that I was delusional, as I said, they said I was suffering from psychosis, all these crazy things to justify holding me in this civil facility.

I spent 10 years civilly committed, where I didn't, after a battery of tests, I didn't fit the criteria, but they had me there. I was isolated from the remaining, from the population, because they didn't know



how to deal me. They couldn't give me treatment because I didn't fit the criteria, but they couldn't release me.

There was a public defender named John DeWart -- because every year you get a hearing for release-- came to me and I said to him, I'm innocent. I don't know what to tell you. I didn't do it. He believed me. You see, I'm going to take a look into it. Him and his investigator went and found the victim of the crime and show her my pictures and she looked at my picture and said, I don't even know who that is. I've never seen that man a day in my life. Here I am locked up, at this point it was 14 years I had already been locked up for this crime. And the victim said, I've never seen him a day in my life. In fact, she hadn't even known no one had been identified, have been arrested.

Matt: How did that make you feel when that was communicated back to you? Here you were in a courtroom feeling the pressures of a life and death decision with the weight of the world on your shoulders, the anxiety of the process on your shoulders. You choose the lesser of two evils. And now, this many years later, it's this lawyer who actually believes in you who goes and gets his investigator to take a statement that you're starting to finally say, yeah, there is evidence that I... how does that make you feel all those years in? And how do you not be just angry?

Rodney: I was going through that paradox. On one side I had the angry thing on this side and the happy on this side because I was in this dichotomy. I'm angry. I knew they had it but at the same time I was like, thank god. So I was experiencing a mix of emotions at the time: happy and sad and joyful and upset. I was just trying to process everything. But I just felt so thankful that from the look on their face when they was telling me, sharing information, it was a look on their face that was a look of wow, you were right. You were telling the truth.

Matt: And that was the start of the process of you being exonerated. But I want to go to Tim, just for a second. And then Rodney, we're going to come back and I want you to tell your story about how the exoneration process ultimately played out. Because I've heard it and it wasn't just finding that witness that was the ticket out of custody.

But Tim, if I may, I want to come over to you for just a second. Institutionally from a systemic perspective, if we're to examine the criminal justice system globally against facts like Rodney's, how does this even happen?

To me, this is a scathing indictment on the criminal justice system.

Tim: I think that's exactly right, Matthew. I mean, you start by looking at the big numbers, right? A safe estimate is that 95% of criminal cases result from a plea, essentially. In federal cases the number's even higher. I think it's 97% of federal criminal cases result in a plea. Our system has gotten to a place where that's how cases are resolved. They're, as Rodney mentioned, like this constant churning of cases and pleas. So very few cases are going to trial.

So that's one thing to understand is that these criminal cases are not being resolved in a courtroom. They're being resolved in the circumstances that Rodney was describing. Life decisions are being



made in the course of 25 minutes. And so, the whole plea-bargain system, I think, where it is today, is really the root of all of this.

You know, and a couple of things that Rodney touched on that I think, you know, are worth highlighting is, in terms of this negotiation, he is being hold that yeah, they are going to drop the sexual assault charge and they are going to downgrade the burglary. I think that's you know, reflective in some of the charging decisions that prosecutors make. Whether it's overcharging or whether it's stacking charges that they can then use in this kind of bidding process: Let's charge them with as many things as we can so we can then use that, you know, to get them in a position where they may feel like they're getting something.

Matt: And they lose all sense for the actual facts, what the facts of the circumstance dictate to the elements of the crime.

Tim: Exactly. And that's another big, a huge problem. And again, highlighted by Rodney's circumstances. It's an information gap, right? At that time, when he's being asked to make that decision, the prosecutor has some information. Probably more so than anyone at that point. The defense attorney has very minimal information, certainly far less than the prosecutor has. And then depending on how that information is conveyed to their client, that person who ultimately has to make the decision, has virtually none.

And so the problem is, the person doesn't know what evidence is actually there, or isn't there, or whether it's being blocked. So that's a big problem as well.

Matt: Institutionally, how do we change that? I know in the federal system you don't get certain witness statements until the eve of trial. And, talk about, delayed justice. The prosecutors get to hold that stuff in their pocket for virtually the whole pre-trial process until the very last minute.

State systems have somewhat addressed this with some early discovery. But even still the nuts and bolts of a case really don't come out in those early days.

And when we have pressures like escalating plea policies, which I've encountered in my practice, which are just to me, a miscarriage of justice, if you want my personal opinion. How do we systemically change it? Do we mandate the full discovery from jump, or is that even practical? What's the solution, Tim?

Tim: I think that's the \$1 million question, right? We can come up with these ideas you're talking about, in terms of discovery before a plea offer is made. But I think again, you can't ignore the reality of the number of criminal cases that there are. And just the backlog, the under resources, for whether it's defense attorneys, public defenders, courts, the numbers are just so large. And that whether that's a result of over-policing or whatever it is, the numbers are just so enormous that we've painted ourself into this corner where we have to have a system that it has some efficiency to it. And that's where we've wound up with this plea system we have.



I think it's going to require reexamining, revamping, perhaps tearing down and rebuilding the whole plea system that our current system is working on. Roddy and I were actually talking about that earlier today. We're saying what about *Brady*, which guarantees someone's constitutional right to receive exculpatory evidence? But as you were saying, that just requires that information to be turned over before trial. And sometimes that's literally on the eve of trial, certainly not at the point where someone like Rodney is in a position to make this type of decision, or the attorney is in a position to counsel their client on how to make a decision.

Matt: Yeah. Rodney, I want to return to you for a moment where we left off factually with your story. The evidence of your innocence, what we would call exculpatory evidence, began to come out more than 14 years after your incarceration and involuntary commitment. Being held, effectively, as a predator.

Rodney: Right.

Matt: How does the story of your exoneration ultimately unfold? For our audience, exoneration is a big deal. That's not just any small technicality. How does your exoneration unfold?

Rodney: Well, like I was sharing earlier, once the attorney and investigator discovered that I was telling the truth about being innocent and interviewed the victim of the crime and she let them know that she never identified me, I'm not the person. I thought that would be enough. Because here we are. Although I didn't commit the crime, something happened to the young lady, woman, and here she's saying that I want the real perpetrator caught. Why do you have this innocent man sitting here? He's not the one. I didn't know--

Matt: She had your back.

Rodney: The victim-- I wish for a better word, I would like to describe her differently-- became my champion. That's how I view her. Because she lent her voice and her pain to try and communicate with the court that I was not the person.

Ultimately, the court-- I had a very difficult judge in Essex County. Like, this judge, he, although he made a mistake, but he refused to admit he made a mistake, which always led me to say that, you found me the judge that would ever admit they made a mistake openly, you found some kind of mythical creature, like some unicorn, something that's not supposed to exist. Because judges just don't make, say they made mistakes in court.

So what happened: My attorney, we filed for post-conviction to get the case reopened. In the course of that, the evidence we needed-- like the swabs and the DNA tests from the kits, rape kits that were taken-- suddenly disappeared. And they saying that we can't locate this evidence. We don't know what happened to it. They sent investigator to look for it, or it was just not there anymore. So now we were up against-- although we had the victim saying I was innocent-- now we're up against the evidence, the material evidence we needed to prove this case, was suddenly gone, no longer in the precinct.



Matt: Because the witness, the only witness to this crime, her telling the authorities that you were not the perpetrator was not enough.

Rodney: It wasn't enough. It regulated us to being untruthful, to certain, over the years you've grown softer. You found religion, your heart has softened. They did every, they used every description of her to minimize her truthfulness. And now at this point, she was unreliable because here it is: We were faced with a police report that said that she came and identified against her saying she never did that and my guilty plea. And the fact now that we can't find the material evidence we need to prove beyond a shadow of a doubt. So the fight went on for the number of years just to try to locate this evidence. And in the course of things, a lot of work I had to do it pro se. And I thank God that I was able to comprehend law to the level where I was able to help litigate and fight my own defense.

And so keeping the case alive long enough so that, with the help of the attorneys now, once again, John DeWart and other attorneys in the appellate court, my case was reversed three times by the appellate court. And on the third time, the appellate court was so frustrated with the lower court not resolving and saying, no, this evidence doesn't prove it. The third time they actually-- as opposed to retaining jurisdiction in New Jersey Supreme Court-- they sent it back with instructions of, I was given a new judge and given a new attorney. This attorney was a pool attorney, private counsel, just cool down and Michael Pastacaldi. And so a young attorney just came on, a Seton Hall graduate, so he was eager to fight this case.

Once, what happened, once he got on board, he asked this new judge, could they go and look for the evidence again? Lo and behold, on this third attempt this big old giant box of swab and material I've been looking for suddenly appears outta nowhere saying, oh, we mislabeled it, we, we had it there all the time, we just didn't know.

I was like, how did you walk past this giant box? All these years you said it was gone. And the next person, once the judge is gone and a new attorney, now this big box of evidence suddenly appears. So by this time I had 17 years in, going in.

The evidence was sent to the state lab. I was able to get an update swab myself and the victim in order to compare to the materials that they had. And from that, the New Jersey state lab scientists wrote their report that completely exonerated me, vindicated me of any involvement in this case, any involvement with the attack. And basically, like I said, exonerating, so my, my, made my innocence clear. And which I've been saying from the very start. DNA is what I was exonerated based on. Because the victim at that point, they didn't give her any credibility. So I had to have the DNA evidence to actually make it unchallenging, unrefutable, that this is an issue of innocence, we proved that I was innocent. And that I should be completely vindicated.

Now, there's another backdrop to go to that's only regarding my family. But once I was exonerated through the DNA, that's when everything changed in the court, my whole system. That's when everything changed, even in the civil custody. Because now they were saying, hey, we got this guy, we got to let him out of here. Now they were saying, we made a big mistake.



And of course, you made a mistake. But I felt in my heart that I made a mistake because I was put into a position, that wasn't voluntary, to be coerced, and to plead guilty to a crime I didn't commit. I look back at the time and I look at the fear I was in. I look at how I felt and how pressured I felt and how convincing the attorney was. And how the court was so oppressive and how they had treated me. And going in there with shackles on, I had to wear these... it was just a whole monstrosity, like a horror story.

It's like a tragic comedy and it's just a horror story. I look back, and I cry, but I laugh at some things as well and how they approached me. How I was so tailor made. How I was like, everyone's going by a script. The judge, when I came in front of him, he said to me, had you went to trial, I would have had to sentence you. It's reinforcing the fear.

And I said, and once I was exonerated, I looked back at all the wrong that was done: in these plea processes, in the post stage of things, and how it was formed like a trifecta. The judge, my attorney, public defender and the prosecutor had it all worked out. As if they were following the script. And I had not just fell in as the actor they needed at that moment to close the case and close the script so they could use it on the next person.

Because it's not like if they did anything out of the ordinary to me. They use these same tactics on hundreds and thousands of defendants, compounding charges. So I felt so vindicated. I felt empowered in a way where I had, until today, I just can't keep my mouth shut about it.

And so --

Matt: You deserve to talk about it.

Rodney: I just can't get enough of sharing the importance for people to know the guilty plea process and how coercive it is in this country. How hard it is to, once you do that, to undo it. And you have to live with just this feeling that you sabotage yourself as well, knowing you're innocent, but you had to take this plea because you wanted to save your life.

Good lord. I mean I had to lie and say I did this to save my future to have this much life. Thank god that due diligence prevailed and the attorney believed me, and in short, the victim, and she stood up and she helped champion my cause and got the doors open. But had not been for those things, I would quite possibly still been civilly confined, because that's a life sentence. It ultimately reverted to a life sentence, because it can hold you, there's an indefinite term.

And so, I sit here, innocent man, but I stand in the forefront of making, giving much greater public awareness to how easy this happens and how, how a person not make this decision out of stupidity or a lack of intelligence, but out of fear for their future, fear for the coercion and pressure, and the feeling of being isolated and oppressed and powerless.

And this really is, it's really a, an emotionally and psychologically damaging experience that they do have to go through.



Matt: Tim, sadly, Rodney's story won't be the last. I think you and I, if we're going to be honest with each other, we have to recognize that, that this won't be the last one of these cases where an innocent person, even an innocent person that had pleaded guilty, will be ultimately exonerated.

But what can we do to make sure there's never a case like Rodney's again? That somebody has to sit in custody for nearly two decades before their true story, the truth about the incident, can happen. It's been said, justice delayed is justice denied. In my book, Rodney was denied justice. Although it ultimately prevailed in his case, it was too late. It was a day late and a buck short.

How do we make sure it doesn't happen again?

Tim: You know, one thing that, you know, Rodney was talking about, is that the challenges of undoing it. And that's something that certainly in, in my work as a post-conviction attorney, right, that's where we are, is how to undo these things.

And, Rodney was talking about the difficulty he had with getting access to the evidence that would prove his innocence. In his case, it was the mysterious disappearing and reappearing evidence box that contained the information.

But what we do see today is that even statutory access to DNA testing, right, something that, at this point, I believe all 50 states have, right? So there's a law that would allow someone, after they've been convicted, to seek post-conviction DNA testing if they meet certain criteria.

One of the problems has been is that those laws, some of those laws, precluded individuals who had pled guilty. So if your conviction was a result of a guilty plea, you weren't even able to access those DNA testing statutes that would allow you to get access to the evidence that could prove your innocence.

Now, through a lot of work by a lot of folks, those provisions are changing and have been changed in several jurisdictions. Similarly, there's just general post-conviction avenues where people who had pled guilty --as opposed to going to trial and convicted-- are precluded from even using. So I know that doesn't directly answer your question about how do we prevent it, you know, because I think that could be a much longer discussion. But I think it's really examining all these pieces of our criminal legal system and taking a closer look at them and seeing how they need to be fixed, modified, redone so that you know, Rodney isn't, you know, like I said, that he's not going to be the last person, that this happens to.

Matt: And Rodney, I have to ask this question before I get into the happy stuff about what you're doing with your experience now, and how you're taking it forward to use your horrible experience to benefit others. But do you harbor any resentment about your experience? Do you harbor any resentment towards the people, the system, the unfairness of it all? Do you harbor any resentment?

Rodney: Yes, absolutely. Untruthful if I said no, that I'm home and the release has tempered my spirit towards the system. No, yes, I am very angry, but I've learned to compartmentalize that anger and



put it where it belongs, at those who wronged me and victimized me. Of course, I'm angry at the system. I'm angry at the judicial process.

I'm angry at even some of the steps that goes to in proving your innocence. I'm angry at the process that they put you through once you're released for compensation. I'm angry at the lack of reentry resources. So those places where I was able to spread my anger around and that's what led me and drove me to be part of the solution and help in those ways.

It was the anger which fueled my passions. And I always have to say this because I have to always highlight this point for my family, because I come from a large family. I got years of support. My mother, my six sisters, my brothers, my four brothers, cousins, who always stood by me and came to visit and help me.

My vindication, my exoneration was just not mine. It was my family's as well. Because even, every court hearing, in the courtroom, it was a courtroom full of people there to support me. And when the judge announced, Mr. Roberts, I'm vacating your conviction, and when the judge said publicly that I was innocent, my family, courtroom erupted.

I mean, they was back there having church. Praise the Lord. Because it was their moment. I thought I was going to turn around and see somebody rolling on the floor, because it was their moment because they went through this whole experience with me. They suffered with me. They felt for my absence. So I always wanted to add that piece to this experience. Because that's the part that helped heal me. That love and knowing the truth and that standing by me, knowing what I've been through, gave me a platform of a very strong support system.

So all the trauma that I experienced, I had so much help around to confront it, and those around me not feel as if they didn't understand or wasn't part of solution to help me. So the anger was replaced with lots of love, lots of care, a lot of therapy. And then me pursuing more information to learn about what my trauma was and how could I help with other trauma. Taking crisis management, trauma rehabilitation classes, participating in reentry, working in the reentry field with other organizations that dealt with what trauma looks like. So that gave me a sense of how to deal with my own issues and compartmentalize them so I didn't spill all over other people.

And it helped me also help others who have been in my situation. I'm able to understand what they're feeling, what they've been through, how to help. And make other people's experience just as important or even more important than mine, so I can help in that way. So I took the necessary steps to heal myself to a degree where I'll be able to help others.

I've always had the support of the Innocence Project, even before my release. Once the DNA was discovered, the Innocence Project-- I wrote 60, 70 letters. I used to write letters because they would always write me back. And so I would write to the Innocent Project just to get a feel good. And so they would always write me back, the intake department.

And so I was always an open client. And so once the DNA was discovered, they contact me, let me know whatever resources you need, we got available. You need extras, I have available. At that point



my case we had materialized to a degree where I was in the cusp of being exonerated. So when I was released, it was the Innocence Project who brought me in, gave me a case worker, a social worker. And that social worker brought me in to participate in a lot of the group therapies and a lot of programs, a lot of opportunities that were given to me as a wrongfully convicted person that don't exist anywhere else. The Innocence Project is the only organization that has reentry for the wrongfully convicted community. And I had the care I needed to help carve out the mission I wanted. And that mission led to me being hired as a reentry coach, where I can share my heart, share my feeling, my experience, to help my other brothers and sisters in the community who are wrongfully imprisoned. To help understand the stages they're going through. To provide peer support.

I work under the guidance of the Social Work Department. I have amazing co-workers, amazing teammates, who I always feel comfortable I can take these things to. Who help me understand. And I can give better service to the community, the wrongful conviction community. So, I'm just thankful that I've been given a job that doesn't feel like work. It just feels like I'm fulfilling my dream and my destiny.

Matt: Yeah, and that trauma. You nailed it. It really sparked the fire that is the passion for your current work at the Innocence Project.

Tim, we conceded at the outset that sadly, this won't be the last one of these stories and, God knows that the Innocence Project sure is on the forefront of science-based exonerations and has been doing yeoman's work for decades at this point.

You think we'll ever get to a place in our system-- assuming we can reform all the things we've isolated, all the variables that led to a situation like Rodney's-- you think we'll ever get to that elusive place where organizations like the Innocence Project won't need to exist? I talked with your colleague Chris Fabricant about pseudoscience and its damning impact on wrongful incarceration as a crisis, generally speaking. And he said he hopes one day that the Innocence Project won't need to exist. I don't hold out a lot of hope.

Tim: Yeah, I'd be happy to work myself out of a job as well. And it really is the hope that, it drives our work, whether it's the attorneys like myself and Chris representing individual clients, or whether it's our policy department, who's working to change some of the laws that I was talking about before.

Or whether it's our communications department, who's out there, spreading the word and educating people and letting folks know about all these problems and ways that they can be fixed. I certainly hope that at some point folks can talk about the Innocence Project as something that was great and did amazing work and it's no longer needed. When that happens, I don't know. But until then, I know we'll certainly continue to keep fighting the good fight. That's for sure.

Matt: And Rodney, I mean, those in the exoneree community have you as a resource with your life experience. Your character arc, your human story, it's probably enough to fuel them into optimism, as opposed to despair. But what are the types of things you're doing in your capacity as a reentry counselor now with the Social Work Department at the Innocence Project and how do you draw on your experiences from it?



Rodney: One of the things that I've done since I've been here, which has been successful in the reentry community, is a sense of connection. When I came there was a weekly group, a Zoom group, that pretty much was born from the pandemic time when no one could come together. But we just, the Social Work Department still needed a way and a resource to keep the community connected.

The Zoom group was formed. And so when I was brought on the team and staff, I, you know, two of us asked, we would like for you to continue with this group. And once I started working with the group, keeping everyone on board, keeping everyone connected, the group allowed me to share not only my experience, but to share a platform in a non-judgmental way where everyone could come in. We're all convicted. There's also another community that we expanded of what's called free people, those who are innocent, some signs of innocence, but are released on parole or probation until the exoneration is completed. That's also a part of the community.

And what the group has done is give everyone a place to come to where we can meet each other, talk to each other, share our experiences as a community organization. Share our pains, our growth, our ups, our downs, things that we are going through, things that we would like to do, in one community.

So over course of three years I've been here, that group has, you know, grown in trust. And grow in stability. And the family has a connectability. And it's also in-person group that's hosted by one of my co-workers. That's also successful in the same way. So the group, having the opportunity to formulate this group-- I didn't create the group, but I was able to give my personality, and have somewhere to put my skillset to allow others to feel comfortable sharing their vulnerabilities.

Now you gotta remember, this is an audience of us that has spent some, over 10 years, 15, 20 years, in an environment where certain emotions aren't used, like compassion and kindness and just being emotional. Because in prison environment, those things can work totally against you. You be too compassionate, you be too kind, too nice, you might become victimized or targeted. So you gotta put all these good feelings in the back burner and only rely on your survival tactics.

But when you're released, now you're in a free world and all these emotions that you haven't experienced in 10, 15, 20 years come flooding out now because you're in society. You're around all the things that trigger compassion. You're around your mother, your father, your sister, your brother, the children, the little ones. And these feelings come out, but now you have to relearn these things. You have to re-understand it's alright to cry. It's alright to laugh. It's alright to let your family and those you love get close to you, stand close to you, and be close. It's alright to open your heart.

And this is a process that everyone, not only just the wrongful in prison, but anyone who serves time in prison has this situation to deal with. Fortunately, as in the wrongful conviction community, we have the experience where we never committed the crime. So we grow from a different seed. And so that seed allows us to just work on reconnecting with our loved ones-- ourselves first-- the loved ones and our community in a way where we don't feel, we feel victimized, but we don't feel that we have to worry about recidivism. We don't have to worry. We got to worry about reconnecting.



And so those are some of the things we do, the group does and I've done: keeping in touch, reaching out, peer support, being wherever I'm needed, I'm there. Whatever I can do, not only just in the Zoom and group, whatever it is that I'm needed, a voice to link some sense of credibility to the community, to the wrongful convicted. Our community here, I'm a part of, if it's talking about changing legislation, fighting a bill, if it's talking about speaking in a rally, or going to some capitol to speak on changes and policies, I'm part of it. Because I represent the community in that way. So I'm proud to be in this position.

Matt: Rodney I can't thank you enough for sharing your candid story with us. I think it's eye-opening. I think it is alarming. But I think at the end, it's heartwarming that you've taken your trauma and transferred it into positive action with your work at the Innocence Project.

Tim, thanks for joining as well. Gentlemen, it's been just an honor to have you on the program. That is all the time that we have for this episode of "The Presumption of Innocence," but we'll see you next time. Take care.