

## **DEIRDRE MARIE ENRIGHT**

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### **EXPERIENCE**

- 5/2010 – present**    **The Innocence Project at UVA School of Law  
Charlottesville, Virginia  
*Director of Investigation and Associate Professor of Law***
- 6/2008 – 5/2010**    **Proposed plan and budget for clinic, and when  
approved created The Innocence Project at UVA  
School of Law at the request of then-Dean John C.  
Jeffries and Associate Dean James Ryan.  
*Director and Assistant Professor of Law***

Represent indigent Virginia inmates seeking post-conviction relief from wrongful convictions. Supervise twelve clinic students each year in legal clinic. Instruction includes reviewing cases and identifying candidates for acceptance into the clinic, investigation and factual development of those cases, drafting petitions, motions and other pleadings, working with experts, consulting with partnering law firms and private entities, and oral advocacy. Clinic includes teaching weekly two-hour class all year on topics related to the litigation of wrongful convictions after the conclusion of a direct appeal. Class includes approximately eight guest speakers each year.

### **NOTABLE CASES**

*Roderick McDowell v. Harold Clarke, Warden*

Mr. McDowell was convicted of murder and robbery at the Wood Grill in Charlottesville in 2007, largely on the basis of the questionable testimony of six jailhouse informants. Our clinic reviewed all the transcripts and clinics, interviewed dozens of witnesses and obtained many affidavits, all of which we used to support the Writ of Habeas Corpus that was filed, based on claims of ineffective assistance of counsel and the withholding of exculpatory information. Both directors of our clinic will argue against the Attorney General's "Motion to Dismiss" on February 7, 2014.

*In re: Bennett S. Barbour*

Represented Mr. Barbour in Petition for Writ of Actual Innocence before Supreme Court of Virginia. Mr. Barbour was convicted of raping an undergraduate student at William & Mary, and despite a well-documented alibi, he was convicted. In 2010, as part of Virginia's "Old Case Testing Project, DNA testing conclusively eliminated Mr. Barbour and resulted in a cold hit on a convicted sex offender. The Supreme Court of Virginia granted the writ and vacated Mr. Barbour's conviction. James Neale, a partner at McGuire Woods in Charlottesville, worked with the state legislature to arrange financial compensation for the time Mr. Barbour served in prison.

*Edgar Coker v. Department of Juvenile Justice*

Edgar Coker was The Innocence Project at UVA School of Law's first case and first victory, in that along with Legal Aid and Just Children, we obtained Edgar's release from Hanover Correctional Center in February 2009. Then filed a petition for a writ of habeas corpus, challenging his conviction for forcible rape and breaking and entering. After his petition was dismissed for lack of jurisdiction and mootness, this decision was reversed by the Supreme Court of Virginia. The judges in Stafford County recused themselves from the case, the Supreme Court of Virginia appointed Judge Marian Roush of Fairfax. A two day evidentiary hearing was held in July of 2013, and we are currently awaiting a decision.

*Commonwealth v. Justin Wolfe*

Our clinic was contacted by King & Spalding in the spring of 2009 and asked join the defense team. The federal district court ordered considerable discovery, and our entire clinic reviewed thousands of documents, listened to many audiotapes, interviewed many witnesses and identified many claims and avenues for relief which were then presented at a four day evidentiary hearing in Norfolk, Virginia. The district court then granted the writ, finding that Mr. Wolfe had proven his actual innocence, and that the Commonwealth's Attorney had engaged in egregious misconduct by withholding massive amounts of exculpatory evidence. The Fourth Circuit affirmed the grant of habeas relief and remanded the case for re-trial. Our clinic continue to assist the defense in preparation for the retrial which has not been scheduled.

Messiah Johnson

### *Commonwealth v. Maligie Conteh*

Clinic was contacted by McGuire Woods in 2012, who were representing Mr. Conteh *pro bono* as he was facing deportation to Sierra Leone. Mr. Conteh had been found guilty of armed robbery and had served his two year sentence, after which he was immediately re-arrested and held for deportation. Our Innocence Project quickly discovered that the alleged victim had himself been convicted of criminal offenses that implicated his honesty and credibility, and the defense team located Facebook records that strongly suggested that Mr. Conteh was on a computer at the time of the armed robbery. The circuit court vacated Mr. Conteh's conviction on the ground that Commonwealth had inadvertently withheld exculpatory information, and noted the defense attorney had also been ineffective for not procuring the Facebook records pretrial. The retrial resulted in a mistrial when the jury hung 11-1 in his favor. The Commonwealth *not* *prossed* the charges with prejudice, and Mr. Conteh's conviction was expunged. He is currently making plans to attend VMI.

### *In re: Eric Weakley; Request for Clemency*

Michael Hash was convicted of the 1997 murder of Thelma Scroggins in Culpeper, Virginia. His conviction was secured in part by the testimony of our client, Eric Weakley. Mr. Weakley revealed to us that he had testified falsely. Repeated interrogations by law enforcement cause him to come to believe for a period of time that he and Michael had in fact been involved in this murder. Michael Hash was able to use Mr. Weakley's affidavit admitting this to prove his innocence and prosecutorial misconduct, the basis of the federal district court's decision to vacate his conviction. With no legal avenue available to vacate Eric Weakley's conviction, we will seek clemency from the Governor of Virginia. In support of that request, our clinic has created a thirty minute documentary film.

### *Commonwealth v. Emerson Stevens*

Emerson Stevens was convicted of the abduction and murder of Mary Harding in Lancaster County in 1986. An FBI expert had testified at trial that a hair found on the defendant's shirt looked microscopically similar to that of the victim. In 2012, we successfully argued that the circuit of Lancaster order mitochondrial DNA testing on the hair, and unfortunately, no DNA was detected. We are now drafting a "Writ of Actual Innocence" on Mr. Emerson's behalf, using the many affidavits we have obtained after our thorough investigation.

## *Trudy Munoz Rueda v. Clarke*

Ms. Rueda ran a lovely home daycare center in northern Virginia for seven years without incident. Then one day, while trying to offer a bottle to a four month old infant, the baby went limp and began seizing. Ms. Rueda called 911 and continued efforts to resuscitate the baby until the medics arrived. The child survived, but the doctors noted a triad of symptoms – subdural hematoma, retinal hemorrhaging and swelling of the brain. When the triad of symptoms is present, doctors are allowed to presume abuse or trauma, essentially forcing the defendant to prove otherwise. Ms. Rueda’s attorneys signed affidavits admitting that they were inexperienced and unprepared to try her case, and many expert doctors have signed affidavits pointing to other possible causes of this infant’s condition. We filed a Petition for a Writ of Habeas Corpus last year, and it was denied. We appealed the Motion to Dismiss in the Virginia Court of Appeals on February 11, 2014. During the summer of 2014, we filed a federal habeas petition and oral argument is scheduled for Oct. 2014.

### **EXTERNSHIP SUPERVISION**

Supervised George Brandley’s externship at Legal Aid in NYC, NY during fall 2013. Conducted site check, interviewed Mr. Brandley, his supervisors, reviewed his diary entries, and all drafts and the final version of required paper, which we will continue to prepare for publication in 2014.

### **TOPICS: Innocence Project Continued Research Supervision**

Legal Aid (NYC, NY) requested supervision of George Brandley’s continued involvement in an actual innocence case during Spring 2014.

### **DIRECTED RESEARCH SUPERVISION**

- Raymond Swabowski, JD 2015
- Katherine Mason, JD 2015
- Hannah Thibedeau, JD 2015
- Diana Wielocha, JD 2008
- Julia Snyder, JD 2009

### **VIPS (Virginia Innocence Project Volunteer Clinic)**

Innocence Project student group that I began supervising in 2009. This group has steadily grown in numbers as well as in organization and caseload. Last year, this student group transitioned into a *pro bono clinic*. There were 45 – 50 active members, and this year, there are 65 – 70 active members. The *pro bono clinic* is managed by a “Board of Directors” with

whom and through which I coordinate and supervise the work of the clinic volunteers. We hire private investigators with donated funds to accompany students on investigations. We meet weekly with VIPS teams to supervise and strategize on each case. There are also research projects for students -- the FOIA Project, the Prosecutorial Misconduct Group. By way of example, the Prosecutorial Misconduct group collects instances of misconduct (both in the news and in case law) and distributes the information to various defense attorney groups who have requested this service.

### **FUNDRAISING for DONATIONS to VIPS**

Initially contacted by the Charles Lawrence Keith and Clara Miller Foundation in NYC in 2009, who wanted to make a gift to a young project that would benefit from the relatively small contribution of \$15,000, which we were able to match with an anonymous gift from a Charlottesville donor. Since then, we have received gifts from the following:

- The Farkas Foundation, Charlottesville, VA
- Renee and John Grisham
- Anonymous
- McGuire, Woods/Charlottesville, Virginia
- Sonjie Smith, Esq.

Successful fundraiser for VIPS in March 2014: Brian Banks and Edgar Coker, introduction by John Grisham.

### **VIRGINIA: OLD CASE TESTING PROJECT**

Gov. Warner ordered DNA testing for all untested but retained DNA samples at the Department of Forensic Science laboratory. We have joined several other organizations to assist in notifying the relevant individuals that testing could be done in their case, and determining their interest in having the testing conducted. Collaborate with the New York Innocence Project, the Mid-Atlantic Innocence Project, and the Center for Wrongful Convictions at the University of Richmond on bi-monthly conference calls.

## **SPEAKING ENGAGEMENTS 2013 - 2014**

- 4/13/2014. Panelist for Tom Tom Festival in Charlottesville, VA. TOPIC: Death Row Exonerations: Eyewitnesses, False Confessions, Prosecutorial Misconduct
- 4/10/2014. Solicited by Renee Grisham to appear as Key Note Speaker for "The Contemporary Club" at Farmington Country Club.
- 4/8/2014. Guest Speaker for "Prosecution Clinic" at UVA School of Law.
- 04/01/2014. Guest Lecture for UVA Associate Professor Allison Pugh, along with exoneree Michael Hash. TOPIC: "Empathy, Compassion and the Law"
- 12/9/2013. CLE/Charlottesville, VA. Presenter, along with Assistant United States Attorney Ronald Huber, Assistant Federal Public Defender Andrea Harris, and Assistant Commonwealth's Attorney Joseph Platania. TOPIC: Prosecutorial Misconduct: the law and ethical guidelines. "
- 11/22/2013. Presenter at Virginia Bar Association Capital Litigation Conference in Richmond, Virginia. TOPIC: "Prosecutorial Misconduct: Overview of Virginia Cases."
- Guest Speaker for clinics at Washington & Lee law school. TOPIC: Justin Wolfe: the path to exoneration through state and federal habeas.
- 11/20/2013. Guest Speaker for "Mitigation and Litigation" class at Marymount College." TOPIC: "Overview for Litigating Actual Innocence Cases in Virginia"
- 11/6/2013. Panelist for VIPS event, following screening of "West Memphis III and Beyond."
- 04/13/13. CLE for Virginia Criminal Defense Lawyers (VACDL) at Boar's Head Inn, Charlottesville, Virginia. TOPIC: "Finding a Needle in a Haystack: Managing Complex Litigation and Discovery."

## **PRESS FOR THE INNOCENCE PROJECT AT UVA SCHOOL OF LAW**

The clinic has been mentioned in 111 news articles (including newspaper stories, AP articles that ran in multiple outlets, TV news stories and online news/blog posts) since 2008. Additionally, the clinic has been the subject of 14 UVA Law news releases, most of which were also published in the university-wide UVA Today daily news email.

Opinion/editorial piece regarding the Chandra Levy case published in *The Washington Post* at:

[http://voices.washingtonpost.com/local-opinions/2010/11/miracle\\_conviction\\_or\\_one\\_more.html](http://voices.washingtonpost.com/local-opinions/2010/11/miracle_conviction_or_one_more.html)

Newspaper articles which specifically mention Deirdre M. Enright can be found on faculty bio page at:

[http://www.law.virginia.edu/lawweb/faculty.nsf/FHPbl/DAF1B92B5B53D129852574A6005EC24B?OpenDocument&ExpandSection=4#\\_Section4](http://www.law.virginia.edu/lawweb/faculty.nsf/FHPbl/DAF1B92B5B53D129852574A6005EC24B?OpenDocument&ExpandSection=4#_Section4)

**10/3/2005 – 5/31/2008**    **Virginia Capital Representation Resource Center  
Charlottesville, Virginia  
Staff Attorney**

Represented Virginia death row inmates in state and federal habeas corpus, appellate and clemency proceedings. Conducted investigations and evidentiary hearings, researched legal claims and drafted pleadings. Admitted *pro hac vice* in several cases. Planned and conducted attorney training and CLE programs. Hired and supervised legal interns and clinic students in the "Capital Post-Conviction Clinic."

### **NOTABLE CASES**

#### *Teleguz v. Warden of Sussex I State Prison*

Several years after the murder of Mr. Teleguz's ex-girlfriend in Harrisonburg, Virginia, the actual killer was identified with DNA testing of blood at the crime scene. After the name was suggested to him by law enforcement, the actual killer identified Ivan Teleguz as being the individual who hired him to kill his ex-girlfriend. The prosecution argued that Mr. Teleguz' motive for having his girlfriend killed was to absolve himself of the legal duty to make child support payments which, ironically, it does not. Conducted extensive investigation, both into guilt/innocence issues and

also significant mitigation issues as Mr. Teleguz was raised as an evangelical Christian in the Ukraine with his eleven siblings before being allowed to leave due to religious persecution. There was recently a hearing in federal district court, and the court has appointed *Martinez* counsel, to investigate whether Mr. Teleguz received effective assistance of counsel in state habeas proceedings.

*Juniper v. Warden of Sussex I State Prison*

Anthony Juniper was sentenced to die for the murder of his girlfriend, two of her children and her brother. Conducted extensive investigation into both guilt/innocence and mitigation issues in that case, and drafted Writ of Habeas Corpus for state court. Federal district court dismissed the writ of habeas corpus, which was appealed to the Fourth Circuit. The Fourth Circuit, recognizing the new right to effective assistance of counsel (*Martinez*) has remanded this case to the federal district court for appointment of *Martinez* counsel.

*William Morrisette v. Clarke*

Represented this Virginia death row inmate at re-trial after his death sentence was reversed for ineffective assistance of counsel. Worked with Commonwealth's Attorney to convince victim's family member that life without parole would be sufficient punishment, and the case was ultimately settled.

*Winston v. Warden of Sussex I State Prison*

Conducted extensive investigation into both guilt/innocence and mitigation issues in this case, and drafted Writ of Habeas Corpus for state court. After a federal evidentiary hearing, the court vacated Mr. Winston's sentence of death, finding that trial counsel was ineffective for failing to recognize considerable evidence that Mr. Winston is mentally retarded. His sentence of death was later commuted to life without parole.

**4/2004 – 4/2007**

***Pro Bono Trial Counsel to Darrell D. Rice on state charges ultimately resolved with Alford Plea and no time served.***

**4/2002 – 2/2004**

***Court-appointed mitigation expert and guilt/innocence investigator for Darrell D. Rice on federal capital murder charges in the Western District of Virginia.***



**10/18/1993 – 2/15/1997** **Staff Attorney at the Virginia Capital Representation Resource Center, originally located in Richmond, Virginia and later moved to Charlottesville, Virginia.**

**05/1992 – 7/1994** **Staff Attorney at the Mississippi Capital Defender's Office in Jackson, Mississippi.**

### **EDUCATION**

University of Virginia School of Law, JD 1992  
Northwestern University, BA 1982

### **OTHER QUALIFICATIONS**

Admitted to Mississippi Bar, 1992  
Admitted to DC Bar, 1995  
Admitted to United States Supreme Court Bar, 2007