

A person wearing a blue and white striped dress shirt has their hands cuffed together in front of them. They are sitting at a desk with a large, thick stack of papers. The papers are resting on a silver, textured briefcase. The background is dark, and the overall scene suggests a legal or law enforcement context.

WRONGFUL
CONVICTIONS
CLASS
EXAMINES
REAL-LIFE
CASES

Teaching at Washburn Law has evolved for **Rebecca Woodman, '87**, just as her thinking evolved while attending law school. “I was exposed to a lot of things that I didn’t know, including how the justice system can fail.”

Woodman, a capital appellate defender and adjunct professor at Washburn Law, was teaching the Death Penalty course when Professor Michael Kaye approached her about launching a new Wrongful Convictions class. Eager to bring that experience to Washburn Law students, Woodman drafted a proposal for the course that included a quasi-clinical component. The faculty approved it, and she began teaching the new curriculum the fall of 2008. “I give Washburn Law a lot of credit for setting up this course. I feel very much supported by staff and the administration.”

The class familiarizes students with causes of wrongful convictions, including faulty eyewitness identification, junk science, questionable testimony of jailhouse snitches and informants, racial bias, ineffective assistance of counsel, prosecutorial misconduct, and false confessions. “Students come in completely unaware of these kinds of flaws in the justice system. They experience several phases during the semester—awareness, surprise, and shock,” Woodman said. “I try to bring in one exonerated person each semester so students can put a human face on a wrongful conviction. The students hear from people who have been serving time but are innocent. It’s pretty harrowing. You can begin to empathize with that person.”

By the end of the semester, students propose solutions to some of the most vexing problems responsible for wrongful convictions. “They explore the causes of wrongful convictions in class and discuss ways to minimize them. There is an enthusiasm that develops over the semester to fix the problems.”

Woodman’s students have been working to answer the question of whether something went wrong in the case of Ronald “Ronnie” Rhodes, Lansing Correctional

Inmate #34538. Rhodes was convicted in 1981 of murder in Wichita but maintains his innocence. In April 2008, Rhodes filed a motion for DNA testing in his case, hopeful that technology widely used now but not available at his trial 30 years ago might prove his innocence. Not long after, Woodman and her students crossed paths with Rhodes’ case in their quest to understand flaws in the justice system that can lead to wrongful convictions.

Ron Sylvester, a reporter covering the courts and legal affairs for the *Wichita Eagle*, was a guest speaker at Woodman’s inaugural Wrongful Convictions class in fall 2008. He discussed with students Open Records laws and journalists’ efforts to investigate wrongful convictions. “I showed a series from the *Columbus Dispatch*, which had teamed with the Ohio Innocence Project. I mentioned that it would be interesting to see how laws were working in Kansas, but that we had no Innocence Project in Kansas. Rebecca said maybe her class could help with research,” Sylvester recalled.

Under Woodman’s supervision, the students drafted an open records request in fall 2009 for cases with specific DNA motions to the four largest Kansas counties: Shawnee, Wyandotte, Johnson, and Sedgwick. Sylvester then submitted the request. “We gleaned enough on our own to review a good cross-section of cases,” Woodman said. During their research the law students discovered inconsistencies in docket reports of the Rhodes case. “We found that many cases weren’t tracked very well and the motions just sat there. We identified Mr. Rhodes’ case as one potentially worth investigating.”

They probed further into Rhodes’ case with the help of Sylvester and support of the *Wichita Eagle*. “He knows the system down there,” Woodman said about Sylvester’s

experience in reporting and his understanding of the Wichita legal system. “The general interest in wrongful convictions combined with this case convinced them [*Wichita Eagle*] to pursue the case with us. We started working on it together, and the students did the leg work.”

Sylvester said, “Her students took it upon themselves to find every inmate serving time on a conviction for rape and murder. Out of that, the Rhodes case stood out for them and we began looking into it as an example of how the system treats these cases.”

Sylvester began chronicling his work with Woodman, the students and their investigation of the Rhodes case on his blog, “What the Judge Ate for Breakfast,” in July 2010. The series of posts about the Rhodes case is titled “Presumed Guilty.” (blogs.kansas.com/courts/category/presumed-guilty). Sylvester’s blog was essential in finally getting parole records turned over for further review.

Woodman divided the class into three groups to begin investigating Rhodes’ case. One group reviewed trial transcripts, noting who testified, their testimony, and the state’s evidence. From this initial examination they identified red flags that warranted further investigation. The second group scoured evidence custody receipts from the Wichita Police Department. They tracked the evidence received and tried to determine its whereabouts. The third group reviewed appellate briefs and the Kansas Supreme Court’s decision on Rhodes’ appeal.

The three groups then read trial transcripts and evaluated the job of the prosecution to determine whether any evidence might remain for DNA testing. From there, the students formulated their findings. “We did a thorough evaluation of the case,” Woodman said. “The state’s star witness against [Rhodes] had a motive to kill the person and had blood all over him yet he wasn’t investigated.”

To learn more, Woodman and Sylvester visited Rhodes in prison on Oct. 9, 2010, Rhodes’ 56th birthday. “We made it clear we were not there in a representational manner

but there as members of the public to discuss his story,” Woodman said.

Because they could not take notes, they regrouped afterward in the parking lot to discuss their findings. “We began regurgitating all of the information we could remember from the discussion,” Woodman explained. She said Sylvester followed up with Rhodes on the telephone and was able to confirm their discussions.

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Once the students gathered and completed documentation of their findings, Sylvester videotaped their class presentations in October 2010. “I was very proud of the work they did,” Woodman said. Sylvester included the student presentations as part of his Feb. 13, 2011, published report of their investigation (kansas.com/presumedguilty/), which also included video of Sylvester’s interviews with Rhodes and copies of case documents.

“I could not have done all the reporting and research that was necessary for this story without the hours of research by Rebecca and her students. They’re the ones who called attention to the problems in the Rhodes case and spurred the investigation,” said Sylvester.

Evidence that could potentially be tested for DNA in the Rhodes case to help answer the questions brought forth by Woodman, Sylvester, and the Washburn Law students has either been destroyed or misplaced, and Woodman said no one seems to know where remaining evidence might be stored. “We are continuing to investigate additional information from the Wichita Police Department and locate witnesses and evidence custody receipts,” Woodman said. Unless someone comes forward sooner with evidence or more information, students who enroll in the fall 2011 Wrongful Convictions class will pick up where the previous class left the Rhodes case.

Woodman would like to further develop the Wrongful Convictions class experience for students. “We hope to expand it to include other wrongful conviction projects in the future. We will continue to explore other cases that come up.”



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The course touches on other subjects, including state and federal habeas corpus. “It is a well-rounded and essential course for students who want to become criminal lawyers and for those who want to learn more about criminal law. But this class teaches students to be better lawyers no matter what type of law is in their future,” Woodman said.

“I have had students want to become public defenders at the end of the class. I feel good that they are much more aware where law can go right or wrong, and if wrong, how to fix it.”

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