

Landmark Litigation

Schnader Attorneys Help Overturn 23-Year-Old Philadelphia Murder Conviction via DNA Testing

In September, 2014, Schnader attorneys helped to secure an overturned conviction and new trial on behalf of Anthony Wright, who, despite proclaiming his innocence, was convicted in 1993 of the rape and murder of a North Philadelphia woman. Police claimed that Mr. Wright voluntarily gave a signed confession to the crime after only fourteen minutes in custody. In 2003, he obtained the help of the Innocence Project, a national litigation and public policy organization dedicated to exonerating wrongfully convicted people. Following the Innocence Project's long legal battle to test DNA collected at the time of the crime including a Pennsylvania Supreme Court ruling in Mr. Wright's favor, the DNA results excluded Mr. Wright as a contributor to seminal fluid and identified another man as the source.

* * *

Schnader Successfully Obtains Complete Acquittal on Murder Charges Against William J. Barnes

In May, 2010, Schnader attorneys successfully obtained a full acquittal on murder charges brought against the Firm's pro bono client William J. Barnes. Barnes was charged with causing the death of Philadelphia Police Officer Walter T. Barclay in 2007, 41 years after Barnes had shot and partially paralyzed Barclay. Schnader attorneys never disputed that Barnes had shot and seriously injured Barclay. However, in the time since the shooting, Barclay had been involved in three auto accidents and two wheelchair accidents. He also experienced significant neglect and abuse at the hands of his live-in caregivers, all of which led to a decline in his health. Schnader lawyers argued that there was no "unbreakable chain" of causation linking

the gunshot to the fatal infection that took Barclay's life.

After the verdict acquitting him, however, Barnes remained incarcerated on a technical parole violation. When the State Board of Probation and Parole refused four times to grant him parole on pretextual grounds, the Schnader team filed a habeas petition, challenging the denial of parole as a violation of Barnes' constitutional rights. A federal judge agreed, and nearly two years after his acquittal, Barnes was finally paroled.

* * *

Schnader Secures New Trial for Man on Death Row Almost 20 Years

A team of Schnader attorneys led by Samuel W. Silver and Bruce P. Merenstein secured a significant victory when the Third Circuit vacated the conviction of a man who had once been sentenced to death, and ordered the Commonwealth of Pennsylvania to release him or give him a new trial. In an opinion filed on April 18, 2006, the court found that Florencio Rolan - who was convicted of murder almost 22 years ago years before - received ineffective assistance of counsel at his original trial, and therefore his appeal for a new trial should be granted.

Mr. Rolan was convicted of first-degree murder in 1984, and sentenced to death. In 1997, Schnader succeeded in getting Mr. Rolan's death sentence vacated and in 2003 the team won a life sentence at his new sentencing trial.

* * *

Death Sentence of Pro Bono Client Vacated in Collaboration with Dechert LLP

On April 30, 2004, the Philadelphia County Court of Common Pleas vacated the death sentence of Simon Pirela, a mentally retarded prisoner who was born in Puerto Rico and who has been on Pennsylvania's death row since 1983. Mr. Pirela has been a pro bono client of both Schnader and Dechert LLP. This decision was one of the first to apply the U.S. Supreme Court's 2002 decision in *Atkins v. Virginia*, 536 U.S. 304 (2002), which categorically barred the execution of mentally retarded individuals. The decision in *Commonwealth v. Pirela* came after a 10-day evidentiary hearing at which the team presented extensive evidence regarding Mr. Pirela's brain damage and associated mental limitations.

* * *

Victory in Death Penalty Resentencing Case

On May 2, 2003, a team of Schnader lawyers, led by partner Sam Silver, won a life sentence at a resentencing trial for client Florencio Rolan, who had been on death row since 1984. The case was tried before a Philadelphia jury over two weeks. In 1997, Schnader succeeded in getting Mr. Rolan's death sentence vacated.

* * *

Third Circuit Draws on Schnader's Amicus Brief in COPA Decision

On March 6, 2003, the U.S. Court of Appeals issued its decision holding the Child Online Protection Act (COPA) unconstitutional, *ACLU v. Ashcroft*, 332 F3d 240. By its terms, COPA prohibited knowingly publishing material that is "harmful to minors" on the Web for a commercial purpose. The Third Circuit Court of Appeals held that COPA was not narrowly tailored, and did not use the least restrictive means to achieve its ends. The Court of Appeals concurred with the analysis presented by the friend-of-the-court brief filed by Schnader, and cited extensively to the arguments made in that brief. As part of Schnader's longstanding tradition of pro bono representation and constitutional litigation, the Firm filed its brief to emphasize how COPA is overbroad in criminalizing material that has First Amendment value for adults.

* * *

Third Circuit Ruling Clarifies Exhaustion Requirement of Prison Litigation Reform Act

In late November 2002, Bruce Merenstein and Nancy Winkelman won a landmark ruling from the U.S. Court of Appeals for the Third Circuit that clarifies the meaning of the "exhaustion" requirement of the Prison Litigation Reform Act (PLRA). Bruce and Nancy handled the appeal on behalf of a prisoner, Samuel E. Brown, who alleged that he had been severely beaten by other prisoners, that prison officials had shown deliberate indifference to serious medical needs and that they had unlawfully retaliated against him for filing a grievance asserting inadequate medical care. All of Mr. Brown's claims had been dismissed in the District Court. Bruce handled the oral argument before the Court of Appeals.

* * *

Schnader Team Co-Counsels for Extraordinary Acquittal for Former Death Row Inmate

A team of Schnader lawyers led by Paul Titus, working with Thomas Leslie of the New Castle bar, won an extraordinary victory in May 2002 - obtaining an acquittal for their client, Thomas H. Kimball, in a new trial in Lawrence County, Pennsylvania on first-degree murder charges. Kimball had been convicted of first degree murder and sentenced to death in 1996 for the stabbing deaths of Bonnie Dryfuse, her two daughters and her niece, who were just 7, 6 and 4-years old, respectively, at the time of their deaths.

While preparing for the retrial, Paul uncovered a key piece of medical evidence that had previously been overlooked. Kimball is a hemophiliac, and had checked into a drug rehabilitation center the day after the murders, and a routine full physical showed he had no bruises or marks on his body. DNA evidence also proved critical. There was no evidence of Kimball's DNA anywhere at the crime scene; however, the DNA of the victim's estranged husband was found on several washcloths in the bathroom. Moreover, the estranged husband was at the crime scene on the day of the murder and, according to testimony, was the person who found the bodies. In addition, an evidence photo taken the day of the murder by police showed that the estranged husband's hands were covered with cuts and bruises. Paul Titus presented this and other key medical evidence to the jury.

After twelve hours of deliberation, the jury returned a unanimous verdict of not guilty.