

Fall 2023



Dear Alumni and Friends,

This is the season when we ask you to contribute to the Death Penalty Clinic's Fellowship Fund, which is supported entirely by your donations. The fund makes it possible for us to amplify our teaching and advocacy with three attorneys in the clinic.

We ask for your financial help when much of the world is experiencing crisis and catastrophe. We believe that we can do so because you understand — profoundly — the multiplier effects of poverty, bigotry, and inequality that lead to death sentences in the United States. We hope that the clinic's work this year will inspire you, as it does us, to recommit to achieving justice for our clients and pushing forward to transformative change in the criminal legal system.

You can [click here to make an online donation at any time](#). If you would prefer to send a check, please make your check payable to "UC Berkeley Foundation/Berkeley Law Death Penalty Clinic Fellowship," and mail it to: Berkeley Law c/o UC Berkeley, Donor Gift Services, 1995 University Avenue, Suite 400, Berkeley, CA 94704-1070.

We thank you for your steadfast support. We extend our best wishes to you and your family for health and safety in the coming year.

Sincerely,

Elisabeth Semel, co-director

Ty Alper, co-director

Mridula Raman, interim deputy director

Our Work

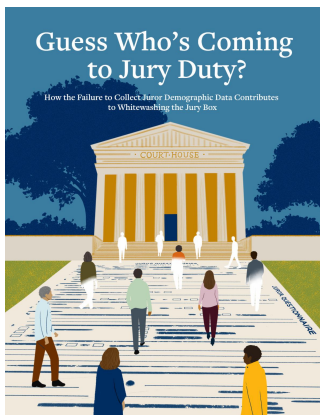


Clinic students Chantel Johnson '23, Paloma Sat-Vollhardt '23, and Dan Hilborn '23 (left to right) work on a video requesting clemency for a longtime client facing execution — a new strategy for the clinic. Photo credit: Darius Riley

Clinic students turn to video as new storytelling strategy

Last year, in addition to working on the legal briefs they had envisioned, a team of clinic students worked with a professional film editor to [create a video to request clemency](#) for a longtime clinic client on death row. This is the clinic's first foray into the growing video defense strategy, which gives attorneys a way to be creative outside the rules and restrictions of formal legal pleadings. The clinic is preparing the request for clemency in case litigation options fail. "Once you get to this stage of proceedings in a state like Alabama, the traditional approaches have not worked, so we need to be creative," says Interim Deputy Director Mridula Raman, who gave a presentation last summer on "Storytelling in Capital Clemency Campaigns" at a conference in London.

New report on jury diversity



Students continued the clinic's racial justice research and advocacy by drafting the forthcoming report, "Guess Who's Coming to Jury Duty?: How the Failure to Collect Juror Demographic Data Contributes to Whitewashing the Jury Box." The study catalogs the states that gather prospective jurors' self-identified race and ethnicity and those that do not. It examines what courts do with the information, including whether it is provided to the court and counsel for use during jury selection, and the structural consequences of these choices in furthering or obstructing jury diversity.

Toforest Johnson subject of new podcast



The clinic's client, Toforest Johnson, was featured this fall in a serial-length podcast called "[Earwitness](#)". Produced by Lava for Good and hosted by Birmingham-based investigative journalist Beth Shelburne, "Earwitness" tells the story of how Mr. Johnson — long represented by the clinic, the Southern Center for Human Rights, and clinic alum Kathryn Miller '07 — was convicted and sentenced to death despite overwhelming evidence of his innocence. The podcast, available on all major podcast platforms, explores the vexing question of

why the state of Alabama continues to seek Mr. Johnson's execution over the objection of the very prosecutor who is responsible for putting him on death row. (The clinic has no formal affiliation with the podcast.)

Clinic argues for new hearing for Mark Jenkins

Just weeks into the new school year, clinic students and faculty traveled to St. Clair County, Alabama, for an oral argument in longtime client Mark Jenkins's case. The clinic argued before the circuit court that Mr. Jenkins is entitled to a hearing on his claim of intellectual disability. The clinic further contended that Mr. Jenkins's death sentence is unconstitutional because two of his jurors voted for a life sentence. The litigation is part of a multipronged effort to challenge Mr. Jenkins's death sentence.

More Clinic News

Student wins 2023 Sax Prize



Meredith Huang '23 won the [2023 Brian M. Sax Prize for Excellence in Clinical Advocacy](#) for her outstanding work in the Death Penalty Clinic (DPC) and Policy Advocacy Clinic (PAC). At DPC, she worked at the intersection of state and federal habeas law, including preparing for an evidentiary hearing and supporting investigation for clemency proceedings. At PAC, she drafted and advocated for a bill eliminating juvenile fees and fines in Utah that passed unanimously out of the state senate,

plus drafted fees and fines policies on track to be adopted by youth defenders and district attorney's offices.

Clinical Program releases 2022-2023 annual report

More than 300 students enrolled in clinics last year, demonstrating their commitment to social justice and developing the skills to be effective advocates. Please take a look at the [Clinical Program's annual report](#) to



learn more about how clinics stand with threatened individuals and communities in pursuit of transformative justice.

DONATE TO THE DEATH PENALTY CLINIC FELLOWSHIP FUND



20
ANNIVERSARY

Berkeley Law | Death Penalty
Clinic