

Montana Wrongful Convictions Cost: State Compensation Proposal v. Federal Civil Rights Lawsuits														
Total Montana Exoneree Federal Civil Rights Lawsuit Settlements to Date: \$12.68 million for 5 awards/settlements; 1 lawsuit pending.														
Total Potential State Wrongful Conviction Compensation Under House Bill 92 (2021) : \$3.48 million for 7 exonerees.														
Total Awarded State Wrongful Conviction Compensation Under House Bill 92 (2021) to Date: \$0.00 ; 2 filings pending.														
Cost Projection Changes from 2021-2022: The total cost projection decreased by \$900,000 from the prior estimates due to a civil settlement by 1 potentially eligible exoneree concluding making them now ineligible under HB 92 (2021) for state compensation. No new exonerations occurred since the enactment of the law creating no new potential liabilities for the state. No eligible exonerees have been yet barred by failure to file a claim in a timely manner but only 1 eligible person has filed a claim -- HB 92 (2021) requires all eligible exonerees exonerated prior to its enactment to file for compensation prior to July 1, 2024 -- however, HB 92 (2021) was amended through executive action to include a termination date of June 30, 2023 making this the de facto filing deadline if the statute is not reauthorized. To date, only 1 other non-eligible person is known to have filed for compensation (detailed below).														
Future Cost Estimates: Based on the rate of 15 exonerations over 31 years in Montana, future exonerations can be expected to occur approximately every two years. The average length of wrongful imprisonment is 12 years, which would cost the state \$360,000 per year. However wrongful conviction rates are expected to decrease with the recent adoptions of preventative measures.														
Who is Eligible? The National Registry lists 15 exonerations in Montana since 1989. The Innocence Project has determined that 7 of these exonerees are eligible under the compensation law. There are 8 other exonerated persons in Montana who are ineligible because they: 1) already received large civil awards/settlements that would entitle them to no state compensation with the bar on compensation if a civil settlement has been awarded or is ongoing 2) were not sentenced/did not serve prison time, 3) are currently in prison for other crimes. There is 1 other person who is not considered exonerated and who does not meet the criteria of the law who is known to have filed for compensation.														
Sources: The National Registry of Exonerations, a project of the University of California, University of Michigan Law School and Michigan State University Law School, tracks every exoneration in the United States since 1989 (see https://www.law.umich.edu/special/exoneration/Pages/about.aspx). The federal civil rights lawsuit information is compiled by Jeffrey S. Gutman, a Professor of Clinical Law at the George Washington University Law School who tracks state compensation and civil litigation awards/settlements for every U.S. exoneration since 1989 based on the National Registry, PACERS and public court records.														
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	Name (Link to Further Case Details)	Crime(s) Wrongfully Convicted	County of Wrongful Conviction	Year Wrongfully Convicted	Year Exonerated	Years Imprisoned for Wrongful Conviction	Amount Paid in Federal Civil Rights Lawsuits	Lawsuit Plaintiffs	Eligible State Compensation Under HB 92 (2021); \$60k per year	Transitional Assistance Awarded Under HB 92 (2021)	State Compensation Awarded Under HB 92 (2021)	Other Awards Under HB 92 (2021)	Deadline for Filing Under HB 92 (2021)	Case Details
Eligible Persons Under HB 92 (2021)														
1	Baker, Jeffrey	Child Sex Abuse	Lewis and Clark	2012	2017	5	No Apparent Filing	N/A	\$300,000	No Apparent Filing	No Apparent Filing	No Apparent Filing	June 30, 2023 (If statute is not reauthorized); July 1, 2024 (If statute is reauthorized)	Wrongfully convicted of sexually assaulting his girlfriend's 6-year-old daughter based on her claims. He was granted a new trial based on his trial attorney's failure to call medical experts who had concluded there was no evidence of sexual assault and emails suggesting that the mother had coerced the allegations. The prosecution dismissed the charges in 2017.

2	Bradford, Ty	Assault	Gallatin	1999	2003	4	No Apparent Filing	N/A	\$240,000	No Apparent Filing	No Apparent Filing	No Apparent Filing	June 30, 2023 (If statute is not reauthorized); July 1, 2024 (If statute is reauthorized)	Wrongfully convicted of assaulting his girlfriend with a knife. After his conviction, several witnesses came forward to say that his girlfriend had admitted to making up the incident because she thought Bradford would force her to move out. In 2003 he was granted a new trial and acquitted based on the new witness's testimony. He sued his trial attorney for failing to investigate the witnesses who
3	Crosby, Daniel	Child Sex Abuse	Missoula	2003	2008	5	No Apparent Filing	N/A	\$300,000	No Apparent Filing	No Apparent Filing	No Apparent Filing	June 30, 2023 (If statute is not reauthorized); July 1, 2024 (If statute is reauthorized)	Wrongfully convicted of raping his 10-year-old daughter based on her accusations, which she recanted at age 21, claiming that she was coerced by her mother into making the claim.
4	Eskew, Jasmine	Child Abuse	Cascade	2014	2017	3	No Apparent Filing	N/A	\$180,000	No Apparent Filing	No Apparent Filing	No Apparent Filing	June 30, 2023 (If statute is not reauthorized); July 1, 2024 (If statute is reauthorized)	Wrongfully convicted of felony child abuse despite evidence that her abusive boyfriend had been responsible for the baby's death. Police suspected that Eskew had caused her infant daughter to suffer from Shaken Baby Syndrome, which she confessed to after hours of coercive interrogation. An appellate court ruled that the confession should not have been admitted and granted a new trial. The prosecutor
5	Ghostbear, Edward	Child Sex Abuse	Hill	2012	2020	8	No Apparent Filing	N/A	\$480,000	No Apparent Filing	No Apparent Filing	No Apparent Filing	June 30, 2023 (If statute is not reauthorized); July 1, 2024 (If statute is reauthorized)	

6	Marble, Cody	Child Sex Abuse	Missoula	2002	2017	15	[Updated 4/22] Lawsuit was dropped in order to pursue state compensation. However, he has not received state compensation yet.	[Updated 4/22] No longer an active lawsuit. Former plaintiffs were: Missoula County Sheriffs & County Attorney's Office.	\$900,000	\$5000.00 Awarded (Static Amount Set by the Law)	Claim Filed in 2021; Pending Adjudication	Claim Filed in 2021; Pending Adjudication	Claim Filed in 2021; Pending Adjudication	Wrongfully convicted of rape. While in juvenile detention on a marijuana possession conviction, other inmates concocted a plan to reduce their own sentences by lying about Marble raping one of them. In subsequent years the alleged victim and other alleged witnesses admitted they had lied and prison staff testified that Marble had been railroaded. In 2017, Marble was granted a new trial and Missoula County Attorney Kirsten Pabst promptly dismissed the charges, having already concluded that his conviction “lacks integrity and in the interests of doing justice, it must be dismissed.”
7	Raugust, Richard	Murder	Sanders	1998	2016	18	PENDING \$97 million lawsuit vs State of Montana. In May 2019, Raugust sent letter to MT Division of Risk Management asking for \$97m for his wrongful imprisonment, which the division denied. Raugust has now filed a federal civil rights lawsuit against the State of Montana	Pending State of Montana, Saunders County, individual officers.	\$1,080,000	No Apparent Filing	No Apparent Filing	No Apparent Filing	June 30, 2023 (if statute is not reauthorized); July 1, 2024 (if statute is reauthorized)	Wrongfully convicted of setting his friend's trailer on fire in Trout Creek in 1997. However, attorneys proved key testimony from a sheriff's deputy, implicating a different man as the killer, was never given to the jury. A judge ruled that the withheld evidence supported Raugust's alibi and ordered a new trial. The county attorney then dismissed the charges.
Exonerated Persons Ineligible Under HB 92 (2021)														
1	Bauer, Chester	Sexual Assault	Silver Bow	1983	1997	14	\$30,000	Court filings unavailable.	Ineligible bc he is currently in prison serving a life sentence for other crimes.	N/A	N/A	N/A	N/A	Wrongfully convicted of rape based on false expert testimony about hair and blood evidence. DNA exonerated him of the crime, but he is serving a life sentence for other crimes and would not qualify for compensation
2	Burkhart, Richard	Murder	Cascade	2002	2017	15	[Updated 4/22] Settled lawsuit in June 2021 for \$600,000	[Updated 4/22] City of Great Falls, Cascade County, and the state of Montana.	[Updated 4/22] Originally projected as \$900,000. Now \$0.00 due to civil bar in HB 92 (2021)	N/A	N/A	N/A	N/A	Wrongfully convicted of murder based on coerced testimony from his co-defendant, who received probation in exchange for his testimony. He was exonerated based on new evidence that the actual culprit had admitted to the crime and the co-defendant recanting his

3	Bromgard, Jimmy Ray	Child Sex Abuse	Yellowstone	1987	2002	14	\$3,500,000	State of Montana settled his federal civil rights lawsuit for \$3.5m in 2008.	\$0 because of the civil bar in HB 92 (2021)	N/A	N/A	N/A	N/A	Wrongfully convicted of raping an 8-year-old girl based on eyewitness misidentification and misleading testimony about hair evidence from a state expert. DNA testing proved his innocence, and years later revealed the identity of the actual perpetrator.
4	Ehrlick, Casey	Sexual Assault	Yellowstone	2015	2016	0	No apparent filing	N/A	Ineligible because he was exonerated prior to sentencing.	N/A	N/A	N/A	N/A	Wrongfully convicted of sexual assault of a former girlfriend. Shortly after his conviction, she told her counselor that the sexual assault never happened. The charges were dismissed and he would be ineligible for compensation because he was never sentenced.
5	Jenkins, Paul	Murder	Lewis and Clark	1995	2018	23	\$6,000,000	Ravalli County agreed to \$6m settlement. Lawsuits are pending against State, Lewis & Clark & Jefferson counties. (State's share of payments TBA)	\$0 because of the civil bar in HB 92 (2021)	N/A	N/A	N/A	N/A	Wrongfully convicted of kidnapping and murdering Donna Meagher in in 1999 based on incentivized and coerced testimony. After the convictions, the nephew of a man named David Nelson reported that Nelson had confessed to the killing, and DNA evidence from a rope at the crime scene matched to Nelson. Based on this evidence, Jenkins and Lawrence were exonerated in 2018.
6	Kordonowy, Paul	Sexual Assault	Richland	1990	2003	13	No apparent filing		Ineligible because he was concurrently sentenced for another rape conviction for which he has not been exonerated.	N/A	N/A	N/A	N/A	Wrongfully convicted of rape based on incorrect testimony from a state hair and blood serology expert after pleading guilty to rape in another case. DNA testing proved he didn't commit the crime, but would be ineligible for compensation because he was concurrently serving the sentence for the other rape.

[illegible]