

Tennessee Innocence Project Comes to Memphis

More applications come from Memphis than elsewhere in the state.



Photo credit: Tennessee Innocence Project



Kailynn Johnson



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The Tennessee Innocence Project celebrated the opening of their Memphis office in September, the second office location for the organization.

Jessica Van Dyke, executive director and lead counsel for the Tennessee Innocence Project, said that the purpose of the organization is to investigate and litigate cases across the state to help free innocent Tennesseans from the sentences they are serving.

“Usually those sentences are behind bars, but it can also be someone who is serving a sentence on parole or other collateral consequences of being convicted, like being on the sex offender registry,” said Van Dyke.

The non-profit had operated the Innocence Clinic at the University of Tennessee, Knoxville’s College of Law until it was closed in 2018. The first office was opened in 2019 in Nashville.

Van Dyke said that there had been many talks about the need for a full-time office in Memphis, as the Innocence Clinic handled few cases from West Tennessee and Memphis.

“Even though we are a statewide organization, working here and being part of the Memphis community has always been a priority for us,” she said.

The Flyer spoke with Van Dyke about the need for an office in Memphis, high caseloads, and more.

Memphis Flyer: What were some of the reasons behind the decision to open an office in Memphis?

Van Dyke: A little of this goes back to the history of innocence work in Tennessee. There was a legal clinic at the University of Tennessee, Knoxville in the law school. Over the years it had different iterations from the early 2000s maybe up until 2017. At that point there was a conversation about Innocence work being a more full-time, independent 501(c)(3) operation. When the legal clinic was at UT, there was no other organization doing innocence work in Tennessee. Tennessee was one of the last states without a full-time innocence organization. So that’s really important when talking about innocence work in Tennessee. We’re behind.

When the clinic was open in Knoxville, they did not handle Memphis cases. So when we opened up our first office in 2019, which is Nashville, that was just good, common sense. We need to be centrally located in the state, that’s where I personally lived at the time — how do we build out from here? So we opened, and we did take Memphis cases, but I was traveling back and forth to handle them. We had some great local counsel here [Memphis] who helped out as well, but Memphis was always on our radar. We knew based on what we had experienced as practitioners of law and the other people we knew as practitioners of law here in Memphis, that it was going to be an area we were really interested in. We accept our cases through an application process, and that intake process of all of those applications, we get more applications from Memphis than any other jurisdiction.

What are some of the things that contribute to the high volume of cases from Memphis?

Volume is the baseline. You have more criminal courts doing business in Memphis because there’s more cases here. Let’s assume that by some estimates, one percent, three percent — some estimates are higher — but let’s say three percent of cases are wrongful convictions. Well, if you got more volume out of a jurisdiction, then three percent may be greater in that jurisdiction than a location where maybe they have half of those cases. When there’s greater volume, we’re going at a baseline to see a greater number of applications.

Also, just looking at the factors of you know when there’s volume, you can have resource deficits. We talk a lot about how wrongful convictions are often the result of a perfect storm of factors. Maybe there was an ineffective defense attorney. Maybe the judge didn’t gatekeep. Maybe the prosecutor didn’t turn over evidence, or the police didn’t turn over evidence, or the evidence wasn’t properly documented, or now it’s been destroyed. All these factors that go into why a wrongful conviction happens, and a lot of them really do boil down to resources.

If you have a high volume of cases, and you don’t have the resources you need, people can get wrongfully convicted in a system that’s set up that way.

How do you all prioritize what cases you work on since you all have a large number of cases here?

We obviously try to look at every application in the light most favorable to the applicant, in great detail. We want to make sure that if people are writing [to] us, that we are really giving it a good look. Sometimes that means we may have to put people on a waitlist. For the most part, we just want to make sure we’re really looking for some of those factors that have been red flags.

What’s going on in this case? Generally speaking, I think people can be convicted on a very small amount of evidence. It’s proof beyond a reasonable doubt, but if the jury doesn’t have the full story then they’re not able to really look at everything that we’re often able to do later.

We’re really looking at those red flags of wrongful convictions, and seeing if they exist for us. If a case has some scientific testing or evidence that we can evaluate, that’s probably going to rise to the top.

Are there any challenges you all foresee in expanding your caseload?

As it relates to Memphis, we just have to dig in and get the work done. I don’t know that the challenges are any different than any other jurisdiction, it’s just that we’ve got a lot of cases and we have to dig in and work them up.

It's not uncommon that it takes a while to get files. There can be a bit of a lag time with that but that's pretty common everywhere to be honest.