



## **OREGON INNOCENCE PROJECT ANNOUNCES ITS FIRST EXONERATION**

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Oregon Innocence Project is thrilled to announce its first exoneration! The indictment against our client Josh Horner was dismissed today on the motion of Deschutes County District Attorney John Hummel. Mr. Horner was convicted by a non-unanimous jury, of sexual abuse of his daughter, a crime he did not commit. Josh was sentenced to fifty years, a sentence that would have resulted in a life sentence for this forty-two year old plumber who had never before been accused or convicted of a crime.

Oregon Innocence Project commends district attorney Hummel for his cooperation in the investigation of this wrongful conviction and for the decisions he made that have led to this dismissal. OIP's Legal Director, Steve Wax, says, "this case is a prime example of a cooperative search for truth and justice when the validity of a conviction is called into question."

Mr. Horner contacted the Oregon Innocence Project six months after his conviction. As with all sex abuse cases, Josh's was emotionally laden. These are very difficult cases for all involved in the investigation and defense, including courts and juries. As with many such cases, there was no DNA, no other forensics, and no eyewitnesses. However, our initial screening of Josh's case raised several red flags that caused us to begin what turned into a nine-month investigation. One critical discrepancy was testimony that Josh shot their black Lab Lucy in front of his daughter and Josh insisted that Lucy was alive, a fact that we were able to prove by locating the dog with her new owner. A second discrepancy was that the complaining witness filed a false report of abuse by Josh's wife, which further damaged her credibility.

We brought these facts to DA Hummel and explained our concerns about the case and our belief that our client had been wrongfully convicted. Mr. Hummel agreed to look into the case and we sent him a detailed account of our investigation and our review of the trial record. After the DA's internal review, we met with him twice. He agreed to conduct a joint investigation with OIP into the conviction and came to agree that we know for a fact that the evidence doesn't support these accusations. As stated in the District Attorneys Motion to Dismiss: "Lucy the dog was not shot. Lucy the dog is alive and well. My investigator and the investigator from the Oregon Innocence Project tracked down Lucy the dog, verified her identity, spent much time with her, and took pictures of her."

OIP hopes that the cooperative process with the prosecuting agency that led to Josh's exoneration can serve as a model when questions are raised about the innocence of a person convicted of a crime. All

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parties in this case worked together in the pursuit for truth and justice. DA Hummel stated: “A prosecutor’s job is to seek justice, not convictions. The Oregon Innocence Project’s dogged work on this case helped me see that justice required the dismissal of this prosecution. I thank them for helping me get it right.”

Josh is grateful to be able to walk out of court a free man today and thanks the OIP staff and donors: “I want to thank my wife, family, and friends for standing by me. Tremendous thanks to the Oregon Innocence Project for believing in me and for tirelessly working on my behalf. Thank you to District Attorney John Hummel for cooperating with the Oregon Innocence Project in the investigation. Kelli and I are ready to pick up the pieces of our lives.”

Josh’s case also underscores the importance of the continued search for truth even in cases in which DNA and other forensic tools are not available. The primary causes of wrongful convictions—eyewitness identification, invalidated or improper forensic science, false confessions, jailhouse informants, ineffective assistance of counsel, prosecutorial or police misconduct, and, as in this case, false testimony—are equally likely to produce a wrongful conviction in a case in which exculpatory DNA exists as in a case where DNA does not exist or is not relevant.

"Getting an innocent man out of prison takes an incredible amount of effort and that is all worthwhile when you see him walking free" says Steve Wax.

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#### Notes to Editors

The Oregon Innocence Project was founded in 2014 and is a program of the Oregon Justice Resource Center, a 501(c)(3) nonprofit organization based in Portland, Oregon. OJRC (OIP) is a member of the Innocence Network.

We respectfully request that you do not use the phrase “Innocence Project” as shorthand for the Oregon Innocence Project because that is the name of another innocence organization based in New York.