



ARMY VETERAN RECEIVES RARE PARDON ON GROUNDS OF INNOCENCE FROM OREGON GOVERNOR

Earl Bain was wrongfully convicted of sex abuse in Malheur County in 2009.

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PORTLAND, Oregon – An army veteran who served in Afghanistan has received a pardon from Governor Kate Brown on the grounds of his innocence. The Oregon Innocence Project, which has been working on Fredrick Earl Bain’s case for the past five years, sought a pardon due to the strong and compelling evidence that he is innocent. This is the first pardon the governor has granted on innocence grounds, and it is an exceedingly rare event throughout the US for a pardon to be given on this basis.

Earl Bain was wrongfully convicted of sexual abuse by a nonunanimous jury in Malheur County in 2009. He spent six years in prison. There were no witnesses or physical evidence in his case. The complaining witness recanted her story in 2015, and since then has steadfastly maintained that the crime never took place. She has repeated her recantation to the Malheur County District Attorney, Dave Goldthorpe, who supports the granting of a pardon to Mr. Bain.

Attorneys with the Oregon Innocence Project sought to overturn Earl Bain’s wrongful conviction through the courts, assisting him with his federal habeas petition and an appeal to the Ninth Circuit after the petition was dismissed by the district court. Unfortunately, the Ninth Circuit affirmed the district court’s decision, with one judge dissenting. Rehearings were denied. That left a pardon from Governor Brown as the only hope of overturning the wrongful conviction.

Earl Bain served six years in the Army National Guard, most of which was spent on active duty. He once felt as though his time in prison had sullied the honor with which he served his country. The governor's pardon means his reputation is restored.

"This is something I've been fighting for over the past 11 years," said Earl Bain. "There have been times I wanted to give up on life, but now I feel like I can breathe again. This is a new beginning for me and my family. Now I can finally live without the fear and the worry. I am so thankful that Governor Brown has done this for me."

"We are grateful to Governor Brown and her staff for thoroughly reviewing Mr. Bain's case and remedying the mistakes that were made," said Steve Wax, Legal Director of the Oregon Innocence Project. "This case has many of the characteristics seen in wrongful conviction cases around the country. For example, 84% of wrongful convictions for child sex abuse documented by the National Registry of Exonerations involve false accusations and/or perjury, as Mr. Bain's case does."

Earl Bain now lives in Idaho. He and the owner of the company he works for plan on building up the business which produces decorative metalwork. Mr. Bain is looking forward to taking a leading role in that project. He will also get back into hunting and shooting, which he loved to do before his conviction. His daughter will go with him so they can enjoy the outdoors together.

"What Steve Wax and Brittney Plesser have done for me, along with everyone else at the Oregon Innocence Project, all the staff and volunteers who worked on my case, is amazing," said Earl Bain. "I can't thank them enough for sticking with me. When one thing failed, they'd try another. Their dedication and the governor's mercy gave me my life back."

Earl Bain is the third client of the six-year-old Oregon Innocence Project to be exonerated. Previous exonerees are Josh Horner (2018) and Nick McGuffin (2019).

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Note to Editors: We respectfully request that you do not use the shorthand "Innocence Project" to refer to the Oregon Innocence Project because that is the name of another organization based in New York.