

Father And Son Cleared Of Robbery And Murder After Six Years Imprisonment

By JD Staff

A father and son were exonerated of robbery and murder on July 9, 2005, after six years of wrongful imprisonment.

Ferenc Burka Sr. and his son, Ferenc Burka Jr. were arrested on March 5, 1998, and jailed without bond on suspicion of robbing and murdering a man the previous day in the Hungarian village of Újszentmargita.

More than three years later the men – both Romani Gypsies – were tried and convicted. There was no physical evidence against the men, so the prosecution relied on the testimony of several witnesses. One was a bartender who testified that on the day of the crime the Burka's and the victim were in the bar at the same time – and that they saw he had a large amount of cash. Another witness testified he saw the Burka's walking in the direction of the house where the murder took place. A policeman testified that after learning about the murder, "I immediately thought of Ferenc Burka. It was intuition. I thought he was probably the perpetrator."

The prosecution stated the men were guilty because the son had burnt and buried his father's boots, which he argued was "a common perpetratoral behaviour of Gypsies when they commit a murder and robbery."

Yet no burned boots were found buried, and in fact the father's boots were found in his house. Neither was any of the victim's money found in the Burka's possession.

After the Burka's were convicted, they were sentenced on April 2, 2002: the father to 15 years in prison and the son to 13 years.

The men's appeal was based on a challenge to the insufficiency of the evidence, and new evidence of their innocence. After their trial the men discovered that the prosecution had not disclosed that a red hair that could be presumed to be from the perpetrator – had been found in the victim's hand. Both the Burka's have black hair. Their appeal pointed out that the physical evidence of the red hair excluding them was consistent with the absence of any trial testimony actually implicating them in the crime. Additionally, several witnesses came forward who identified another man as having stated he committed the crime because he thought the victim had stolen some tools from him.

In September 2003 the Szeged Judicial

In January 1991, nineteen-year-old Greg Parsons found the lifeless and bloody body of his mother Catherine in the family's home in Newfoundland, Canada.

\$1.3 Million Awarded For Wrongful Conviction Of Murdering Mother

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Investigators focused on Parsons as the prime suspect, and in 1994 he was convicted of second-degree murder.

Parsons was sentenced to life in prison. However after six weeks imprisonment his attorney successfully argued that the evidence of his guilt was so weak that his release pending appeal was justified.

During the appeal process the police continuously harassed Parsons. He was arrested several times, and a police dog's attack on him during one of those arrests required 38 stitches to close the wound.

A new trial was ordered by the Newfoundland Court of Appeals in 1996. Parsons was excluded as his mother's killer in 1998 by a DNA test, and the Newfoundland Supreme Court entered a verdict of acquittal. In November 2002, Parsons' childhood friend, Brian Doyle pled guilty to the second-degree murder of Parson's mother.

The Newfoundland government held an inquiry in 2004 into the conviction of Parsons and two other men wrongly convicted of murder in separate cases. During her testimony, Parsons prosecutor, Cathy Knox, tried to deflect blame from her for prosecuting an innocent man, by asserting that he and his lawyer were at fault for not having done more to prevent the conviction. She said,

"Had he chosen to testify at the trial and make the jury aware of the information he has been bringing forward in the last number of years in the public forum, I believe it would have made a difference."

Court quashed the Burka's convictions and ordered their retrial. In March 2005 the two men were ordered released on house arrest while awaiting trial. Upon their release they had spent exactly 2,100 days in custody.

Four months later the Burka's were acquitted after their retrial.

The Hungarian media suggested that prejudice against Gypsies was the reason the prosecutors overlooked proof of the men's innocence – and relied on speculation about their guilt to prosecute them and obtain their conviction.

Source: Hungarian Court Acquits Two Romani Men after 2100 Days in Prison, Romsky Informacni Servis, Budapest, August 1, 2005.

Knox also said that Parsons' attorney should have called expert witnesses who could have vigorously challenged the evidence collected by the police.

Parsons responded angrily to Knox's testimony, "Everything I said in my defence when I spoke to the police ... was used against me and turned around."

In March 2002 Parsons was awarded \$650,000 in financial compensation by Newfoundland's government. On September 1, 2005 – seven years after his exoneration – Newfoundland's provincial Justice Minister Tom Marshall announced that Parsons would be awarded an additional \$650,000, for total compensation of \$1.3 million (\$Canadian). Marshall said, "We feel this is within the scope of packages received by wrongfully convicted persons in Canada."

When told of the compensation decision, Parsons said, "Everything is finally done and over with. My biggest goal now is to live a private life with my family, and just go on and be as normal as we can be."

JD Note: The two other men whose wrongful conviction were the subject of Newfoundland's inquiry in 2004 were: Ronald Dalton, wrongly convicted in 1989 of his wife's murder and who spent 8-1/2 years wrongly imprisoned before it was medically proven she choked to death on food she was eating, and had not been strangled. (See page 10 of this Issue of *Justice: Denied*); and Randy Druken, wrongly convicted in 1995 of murdering his girlfriend and imprisoned for five years before the prosecution's star witness, a jailhouse informant, recanted his testimony as fabricated.

Source: Award doubled for wrongful conviction, *Edmonton Sun*, September 2, 2005.

Parsons could have helped his own case: Crown attorney, St. Johns, Newfoundland, *CBC News*, May 12, 2004.



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