

CA Awards Peter Rose \$328,000 For Ten Years Wrongful Imprisonment

By JD Staff



Peter Rose was convicted in 1995 of kidnapping and raping a 13-year-old girl in Lodi, California. He was sentenced to 27 years in prison. The prosecution's key evidence was the girl's identification of Rose. She testified Rose was the man who punched her in the face as she walked to school, and then dragged her into an alley where he raped her.

In 2003 Rose contacted the Northern California Innocence Project at Golden Gate University in San Francisco, and requested their help in testing the attacker's semen found in the victim's underwear. They accepted his case, and in June 2004 secured a court order for a DNA test of the semen. The test excluded Rose as the source. The girl — who didn't identify Rose until three weeks after the attack and after multiple intense sessions with Lodi detectives — also recanted her identification of Rose. In recanting, the victim, now in her early 20s, said she didn't actually see her attacker but was pressured by the detectives to identify Rose. In October

2004, a San Joaquin County Superior Court judge declared Rose was "factually innocent" and ordered his release. Rose had been falsely imprisoned for almost ten years.

Rose filed a claim for restitution under California's compensation law that provides for \$100 per day from the date of a wrongful conviction. San Francisco attorney Ray Hasu represented Rose. He filed a 4-inch-thick claim to meet what he described as the law's "very high threshold" of requiring Rose to independently prove his innocence, to show he didn't do anything that contributed to his conviction, and that he suffered financially.

On October 20, 2005, the Victim Compensation and Government Claims Board voted unanimously to award Rose \$328,000 for the 3,280 days he had been wrongly imprisoned after his conviction. Rose had been unable to post his \$100,000 pretrial bail, and he also claimed compensation for the 318 days he spent jailed prior to his conviction. However, that claim was denied because the state law specifies compensation begins from the day of conviction — not arrest. Before it can be paid the award must be approved by the California legislature and then Governor Schwarzenegger, but in the past they have gone along with the Board's decision.

Rose, now 37, is the father of three children who were taken care of by his mother while he was imprisoned. After his release he worked in construction and on a fishing boat to support his children and mother — who has been diagnosed with bone cancer.

Peter Rose Seeks Millions in Federal Lawsuits

By JD Staff

Less than two weeks after being awarded \$328,000 under California's compensation statute for 10 years imprisonment after a wrongful rape conviction, Peter Rose filed a total of four federal civil rights lawsuits seeking millions in compensatory and punitive damages.

Filed in U.S. District Court in Sacramento in November 2005, the suits name a number of defendants, including the City of Lodi, San Joaquin County, the State of California, Rose's court-appointed defense attorney, two Lodi Police Department officers, and a technician employed by the California Department of Justice Crime Lab in San Joaquin County.

Rose cont. on page 27

After notified the compensation was approved, Rose's attorney Hasu said, "There's no way you can compensate someone for having been deprived of their life."

California has awarded compensation to twelve wrongly convicted people out of 55 claims filed since 1981.

Source: Man Wrongly Convicted in Rape to Get \$328,000, AP, *The Mercury News*, October 21, 2005. State Board Give \$328,000 to man for imprisonment, M.S. Enkoji (*Sacramento Bee*), *Contra Costa Times*, October 22, 2005.

Dimitre Dimitrov Acquitted After Murder Retrial

By Katherine E. Oleson

Dimitre Dimitrov was acquitted on October 29, 2005, after his retrial for the February 1996 murder of his friend and landlord, Hristo Veltchev. The trial in Ottawa, Canada lasted 11 days, and the jury deliberated for 12 hours. He is reportedly the first defendant acquitted in Ottawa in seven years.

The decision to charge Dimitrov, a Bulgarian refugee, was logically unsound — there were no eyewitnesses to Veltchev's murder the time of his death was difficult to determine, and Dimitrov did not have a motive. Veltchev's murder seemed to have involved some planning and maliciousness: He was bludgeoned to death in the garage of his home and stuffed into the trunk of his car, which was then driven to a public parking lot where it



Dimitre Dimitrov and his two lawyers, Richard Auger (L) and Vincent Clifford (R), after his acquittal.

was left. The bloodstains on the garage floor had been cleaned up and covered with sand.

Two other Bulgarian immigrants, fellow boarder Dimitre Tzenev and the victim's wife, Faith Veltchev, were initially considered as suspects. Ms. Veltchev phone was wiretapped and she was arrested twice and extensively questioned, once after attempting to claim an insurance policy in the amount of \$50,000 two months following her husband's death, but charges were never brought against her. Tzenev — who had a criminal record, a history of domestic violence, and may have suspected Veltchev was having an affair with his wife — was charged with the

murder as Dimitrov's co-defendant. However, the charge against Tzenev was dismissed for lack of evidence after a preliminary hearing. Dimitrov was convicted by a jury after his 1999 trial and sentenced to life in prison with a minimum of 12 years imprisonment before being eligible for parole.

Dimitrov appealed, and in December 2003 the Ontario Court of Appeals reversed his conviction and ordered a new trial. The three-judge panel ruled "forensic" evidence used in his trial was unreliable and inadmissible. The evidence in question related to testimony about a blood stained pair of boots found in the front hall closet of the victim's boardinghouse. A DNA test concluded the victim's blood was on the boots, as was the blood of another person. Investigators determined that whoever wore the boots could have been standing within three feet of the victim. However the blood on the boot was excluded by the DNA test from matching Dimitrov or the other two suspects.

Dimitrov cont. on page 9