

I have received *Justice Denied* for several years. I've read about many people wrongly convicted of murder or rape. I felt that my wrongful conviction somehow wasn't worthy or as bad as what happened to those people. But the realization finally hit me; I am serving 210 months – 17-1/2 years – for a crime about which I still know very little. While conspiracy to launder monetary instruments may not seem as “bad” as rape or murder, the time in prison is just as real, the horror of being wrongly convicted just as sickening, and just as repressive.

Years before my conviction, seemingly in another life, I was a financial planner and insurance broker. I had built up a client base and over about 14 years had secured contracts with 102 insurance companies. In early 1997 I was told about a financial opportunity by a business associate, who was later to be a codefendant. Global Financial Investments (GFI) was planning to issue short-term corporate promissory notes to individuals much like banks issue certificates of deposit. The notes matured (came due) in 9 to 12 months and paid a higher interest rate than banks and insurance companies.

Five Men Convicted Of Financial Crimes Committed By Con Artist – The David Cawthon Story

By David Cawthon

Virgil Womack was president of GFI, its chief executive officer and he controlled the company. I met Womack maybe twice. Yet even though I had little contact with Womack and no involvement in GFI's management, the federal prosecutor would later imply I was one of the schemes “kingpins.”

There were three primary “selling points” for the promissory notes. First they were insured by a company, Keyes International, which was in turn reinsured by Lloyds of London. Second, we had a “due diligence” letter from an attorney stating the insurer (Keyes) was stable. Third, GFI claimed assets of \$1.2 billion. Finally, we had Womack, the man behind GFI, checked by the FBI. The FBI reported that while they could not actively approve of doing business with someone, nothing detrimental could be found regarding Womack or GFI. As brokers we were furnished with numerous documents that verified GFI could perform exactly as Womack represented.

My codefendants and I soon sold almost \$6.5 million in notes to clients, acquaintances and family members. I sold about \$1 million in notes. Our clients included lawyers, retired teachers and certified public accountants (CPA). One client was a federal assistant United States attorney (AUSA) who invested \$100,000 in GFI notes. Conventional wisdom would dictate that if someone is running a scam the absolute last person on Earth he or she wants involved is an AUSA! Furthermore, that AUSA was the brother of one of my codefendants who invested his family's life savings in GFI notes. That codefendant's parents also purchased GFI notes. Simple logic dictates a person involved in a scam isn't going to jeopardize *his* family's money *and* that of his brother and parents!

But we thought all was on the “up and up.” We had no reason to think otherwise. A CPA would later testify that he thought Womack was a “billionaire philanthropist who could most certainly do what he said.” In the end, we were all hustled by Womack. At trial, the federal prosecutor asserted that involvement of the CPA and the AUSA was all part of our “master plan.” Our prosecutor

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What became known as the “Detroit sleeper cell” terrorism case began six days after September 11, 2001, when a Detroit apartment was searched by federal agents looking for a person on the FBI's Terrorist Watch List. That man, Nabil al-Marabh, was not found. However, the discovery of fake identity documents during the search led to the arrest of the three men from northern Africa who were in the apartment.

Ten days after the raid, on September 27, 2001, a federal indictment alleging fraud and misuse of visas, permits and other documents, was issued against two of those men, Karim Koubriti and Ahmed Hannan, and a third man, Youssef Hmimssa, whose fake I.D. was found during the apartment search. Koubriti and Hannan worked as dishwashers, and Hmimssa was an illegal Moroccan immigrant arrested on September 28.

The three men denied any involvement in terrorism, nothing seized during the search plainly linked them to terrorism, and when interviewed by the FBI, a former roommate of Koubriti and Hannan described them as lazy pot-smoking drunks who didn't practice any religion. He also said he never heard them talk about anything related to terrorism. Hmimssa also described the two men to interrogators as heavy drinkers who

Federal Prosecutor Indicted For Frame-up Of Four Men Innocent Of Terrorism

By Hans Sherrer

smoked hashish and didn't seem religious.

Assistant United States Attorney Richard Convertino was assigned as lead prosecutor in the case. About a month after the indictment Convertino induced Hmimssa to cooperate by using the threat of the 81 years in prison he was facing in three unrelated federal theft and fraud cases. However, during the next four months Hmimssa consistently denied that any of the men were involved in terrorism. Then beginning in March 2002 he suggested Koubriti and Hannan were terrorists, and he provided “details” during many meetings with investigators conducted without his attorney present.

Indictment and trial of alleged Detroit “sleeper cell” terrorists

On August 28, 2002, a superceding four count indictment was issued against Koubriti, Hannan, and two other men, Farouk Ali-Haimoud (who worked at an ice cream shop) and Ab-

del-Ilah Elmardoudi. The case was known as *United States v. Koubriti, et al.*¹ All four men were accused of fraud and misuse of visas, permits and other documents; conspiracy to commit those offenses; fraud related to identification documents; and providing material support or resources to terrorists. The terrorism charge was the most serious. It was largely based on information provided by Hmimssa, and the alleged similarity between a sketch in a day planner found during the September 2001 apartment search and a military hospital in Amman, Jordan. Convertino and his team speculated the hospital was a possible terrorist target.

Six days before the trial's scheduled start the U.S. launched its invasion of Iraq. The judge denied a defense motion to delay the trial so the possible inflammation of prejudice by jurors against Muslims accused of terrorism could subside. The motion was denied and the trial began on March 26, 2003. It was the first post-9/11 terrorism trial in the U.S.

Under a plea agreement recommending he would serve no more than 46 months imprisonment if he testified as a friendly government witness, Hmimssa pled guilty on April 3, to 10 counts of identity theft and credit card fraud charges resulting from federal indictments in

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Michigan, Iowa and Illinois.² Hmimssa's testimony was the only evidence directly tying the four defendants to terrorism. During his five days of testimony Hmimssa described the men as devout Muslim extremists, and claimed Elmaroudi was the ringleader of their alleged plans that included smuggling terrorist "brothers" into the U.S. The defense was disadvantaged in challenging Hmimssa's testimony because his contradictory pre-March 2002 statements to investigators hadn't been disclosed by Convertino to the defendants.

Convertino also presented two witnesses who testified that a sketch in the seized day planner matched the physical layout of a military hospital in Jordan. One witness was an FBI agent involved in the investigation, Michael Thomas, and another was Harry Smith III, who aided Convertino's investigation as the Assistant Regional Security Officer for the Department of State at the U.S. Embassy in Amman. Interestingly, in spite of his intimate familiarity with Amman, Smith said the resemblance between the sketch and the hospital wasn't obvious, but the more he looked at the sketch the more he was able to see its likeness to the area around the hospital.

Prior to trial the defendant's lawyers made discovery requests for photographs of the hospital to compare it with the day planner sketch. Convertino responded by claiming the prosecution had no photos. He also said he hadn't taken any photos when he personally traveled to Amman in February 2002 to look at the hospital. Under cross-examination Smith supported Convertino's claim by testifying he didn't know of any photos, and that he had never taken any photos of the hospital because State Department protocol barred him from taking photos of a foreign military structure without authorization.

The two lynchpins of the government's case were Hmimssa's testimony and the testimony matching the day planner sketch with the hospital. However, the jury didn't consider the prosecution's evidence overwhelming, because after a six-week trial the government only achieved a partial victory. On June 3, 2003, Elmaroudi and Hannan were convicted of "providing material support to terrorists" (Count 1) and "conspiracy to engage in fraud and misuse of visas" (Count 2). They were acquitted of the fraud charges in Count 3 and 4. Koubriti was convicted of "conspiracy to engage in fraud and misuse of visas" (Count 2) and acquitted of the other charges. Ali-Haimoud was acquitted of all charges. Attorney General John Ashcroft hailed the terrorism convictions as an important victory in the war on terror.

Convertino's deceit comes to light after his removal from the Koubriti case

On September 4, 2003, Convertino and his co-counsel were removed from the case. The federal prosecutor who took over the case soon discovered that Convertino had failed to disclose significant *Brady* discovery evidence to the defendant's lawyers. The concealed evidence included: multiple aerial photos of the military hospital; multiple exculpatory witness statements; the assessment of multiple government analysts, including a CIA expert, that the day planner sketch did not match the hospital layout, and the suggestion of Air Force analysts that it was an outline of the Middle East. That Air Force assessment was consistent with Convertino's failure to also disclose, "that Nasser Ahmed, a Yemeni man, had told [FBI Special Agent Michael] Thomas that his mentally unstable brother Ali Ahmed might have been doodling in the day planner and drawn a map of the Middle East."³

Among the evidence concealed by Convertino was that in a December 2002 letter to a man he had been in jail with, Hmimssa wrote that he made up everything he told investigators about the defendant's involvement in terrorism. *The Washington Post* reported that, Hmimssa wrote, "how he lied to the FBI, how he fooled the Secret Service agent on his case."⁴

Convertino also failed to disclose the FBI statements by both Hmimssa and the roommate of Koubriti and Hannan detailing the life of debauchery the two men engaged in. Those statements completely discredit Convertino's argument to the jury that the men were devout Muslims engaged in a religious "jihad" against the West. If the charges against the four men hadn't been so serious, Convertino's description of the men as a terrorist "sleeping cell" would have been comical. The men's false identification as Islamic extremists is reminiscent of the wrongful convictions in England during the 1970s of more than a dozen people as Irish Republican Army (IRA) bombers who obviously lacked the lifestyle and discipline to be IRA members.⁵

Neither was it disclosed that after al-Marabh was arrested, he told investigators he didn't know any of the four defendants. Charged with an immigration law violation but not terrorism, al-Marabh pled guilty and was deported after serving an eight-month prison sentence. He was thus unavailable as a defense witness.

At the time of Convertino's removal the three convicted defendants had not been sentenced, and a motion for a new trial filed by their lawyers was pending. The US Attorney's Office notified US District Court Judge Gerald Rosen about the undisclosed *Brady* discovery

material, and in December 2004 he ordered the government to respond to the defense motion in light of the new information.

On August 31, 2004, the government filed its response to the defendant's motion for a new trial. The 60-page response conceded the prosecution committed multiple *Brady* violations that prejudiced the due process rights of the defendants to a fair trial. The response concluded, "the government respectfully concurs in defendants' new trial requests and hereby moves to dismiss Count I without prejudice."⁶ On September 2, 2004, Judge Rosen vacated Elmaroudi, Hannan and Koubriti's convictions, and the terrorism charges were subsequently dismissed.

Convertino's Privacy Act lawsuit

Convertino filed a federal lawsuit on February 13, 2004, alleging harm from violations of his rights under the Privacy Act. Named as defendants were the U.S. Dept. of Justice, Attorney General John Ashcroft and several other DOJ officials. Convertino alleged he was harmed by the DOJ's alleged leak to a reporter for the *Detroit Free Press*, of a letter to the DOJ's Office of Professional Responsibility's detailing alleged ethical wrongdoing by Convertino in the Koubriti case.⁷ The irony of Convertino's lawsuit is that more than two years after initiation of the OPR's investigation he was indicted.

Convertino's 38-page Complaint provides a rare public glimpse into the infighting, career positioning and paranoia that prevails within the inner sanctum of the U.S. Department of Justice. His lawsuit claims, among other things, that on or about August 29, 2003, Hmimssa was interviewed about identity fraud techniques by an investigator for the Senate Finance Committee. Four days later Convertino was notified that Committee Chairman Senator Charles E. Grassley wanted Hmimssa to testify before the committee about identity fraud, and Convertino to testify "about the factual background of United States v. Koubriti to place context to Mr. Hmimssa's testimony."⁸ Convertino, who in internal memos and conversations had repeatedly criticized the DOJ's handling of the war on terror, notified his superior about the committee's request. Convertino's complaint alleges DOJ officials in Washington D.C. did not want him to testify because they feared he "would go 'off the reservation' and share in a public forum [his] strong opinions on the difficulties encountered with the way the Koubriti terrorism case and other terrorism cases were hindered by [the] DOJ."⁹ Two days later, on September 4, Convertino asserts that he and his co-counsel were removed as prosecutors of the Koubriti case

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“as a direct result and consequence of [their] contacts with the investigators from the Senate Finance Committee staff.”¹⁰

Convertino also claims that hours after his removal from the case on September 4, Senator Grassley personally called Attorney General John Ashcroft at his home to express his displeasure with the DOJ’s action. Convertino asserts that because of Grassley’s phone call, the next day he “was told he was now in jeopardy of losing his job as an AUSA.”¹¹ Convertino voluntarily resigned more than one and a half years later in May 2005.

On July 12, 2006, Convertino subpoenaed officers of the Gannett Co., owner of the *Detroit Free Press* in an effort to identify the DOJ source for the newspaper’s January 17, 2004, story about the DOJ investigation into Convertino’s alleged misconduct in the Koubriti and other cases.¹²

Criminal investigation of Convertino results in indictment

In March 2004 the DOJ launched a criminal investigation of Convertino. That investigation resulted in a Detroit grand jury’s issuance of a four-count indictment on March 29, 2006. Named as defendants were Convertino and Harry Smith III.

Count I alleges “Conspiracy to Obstruct Justice and Make False Declarations” relating to concealment of the military hospital photographs. It states in part, “The object of the conspiracy was to present false evidence at trial and to conceal inconsistent and potentially damaging evidence from the defendants in the Koubriti trial in order to obtain criminal convictions. It was further an object of the conspiracy to conceal the objects of the conspiracy and the acts committed to further it.”¹³

Count II alleges “Obstruction of Justice,” stating in part that the defendants “... did corruptly influence, obstruct and impede, and corruptly endeavor to influence, obstruct and impede, the due administration of justice in the Koubriti case by presenting false and misleading evidence to and concealing contradictory evidence from the Court, defendants and jurors, and by concealing such acts during a court ordered post-trial review.”¹⁴

Count III alleges “Making a Materially False Declaration before a Court,” stating in part, “On or about April 2, 2003, in the Eastern District of Michigan, Defendant HARRY RAYMOND SMITH III, while under oath as a witness in the trial of the Koubriti case, in the United States District Court, did knowingly

make false material declarations, aided and abetted by Defendant RICHARD G. CONVERTINO.”¹⁵ Namely, Smith testified that he had not taken pictures of the military hospital in Amman, Jordan, when in fact he had taken numerous photographs, and Convertino knew that when he elicited Smith’s false testimony.

Count IV alleges “Obstruction of Justice,” and only names Convertino as the defendant. The count is related to a January 16, 2003 plea agreement between Convertino and a drug informant that recommended 8 months imprisonment for one count of distribution of a controlled substance. The pre-sentence investigation report recommended a sentence of 108-135 months, and during the sentencing hearing the US District Court judge stated: “I’ve never seen such a gross disparity between the sentencing guidelines and a Rule 11 plea agreement. So I must have some very good reasons for the difference.”¹⁶ The indictment states:

On or about July 1, 2003, Defendant CONVERTINO, in an attempt to explain the disparity described in the preceding paragraph and to convince the Court to grant a downward departure from the appropriate legal guidelines range of 108 to 135 months of imprisonment, to 8 months of imprisonment with 3 months of supervised release, made false and misleading representations about the beliefs of a fellow prosecutor about the quantity of controlled substances attributed to John Doe and the nature and extent of John Doe’s cooperation with the government.¹⁷

Convertino and Smith were arraigned on April 21, 2006. They stood mute when asked for their plea, so U.S. Magistrate Judge Donald Scheer entered not guilty pleas and released them pending trial on \$25,000 bonds.

Convertino has complained that his indictment is payback for his lawsuit against the DOJ, and his perceived disloyalty for complaining about the DOJ’s handling of terrorism cases. Convertino’s claim is revealing because it infers his deliberate elicitation of false testimony and illegal concealment of *Brady* evidence in the *Koubriti* case was the norm for him and other federal prosecutors, since he claims he was only singled out for investigation after he went “off the reservation” and was no longer considered a loyal company man.

FBI agent’s report claims day planner sketch matches military hospital

FBI Agent Paul George supervised the investigation that resulted in Convertino’s prosecution of the four alleged Detroit terrorists. George was so key to the government’s case that he was Convertino’s final witness. He testified for three days as a terrorism

“tradecraft” expert, even though he had never published anything establishing he had any such specialized knowledge, and thus the defense was unable to disprove his self-professed expertise. At the time of his testimony, Detroit’s *Metro Times* identified that George had a personal interest in ensuring the conviction of the four defendants, when it wrote, “Attorneys for the defendants implied that George’s career hinges on the conviction of the four, since he supervised the investigation. The defense also pointed out that George attended the trial daily, thereby allowing him to tailor his testimony to bolster the prosecution’s allegations.”¹⁸

When the trial judge asked George why Hmimssa hadn’t been charged with terrorism since he testified for days about his alleged extensive firsthand knowledge of the four defendant’s alleged involvement in terrorism, George replied, “I saw no indication that he ever was involved. I can’t prove a negative.”¹⁹ Since the government’s contrived terrorism case against the four defendants was dependent on Hmimssa’s testimony, George’s testimony was accurate. There was no evidence Hmimssa was involved in terrorism because apart from the government’s charade that he was a part of, there was no evidence the four defendants he testified against were involved in terrorism.

The collapse of the government’s case against the four Detroit “terrorist” defendants as an elaborate fabrication somewhat tarnished George’s reputation – since from his inside position he had to be fully knowledgeable of Convertino’s concealment of the exculpatory evidence from the defendant’s lawyers. Convertino’s conviction could be expected to further sully George’s reputation, if not his career. With speculation that Convertino’s indictment was imminent, George took it upon himself to write a 13-page missive about his comparison of the day planner’s sketch with images from Google’s satellite photo service of the military hospital in Jordan.²⁰ George claims there appears to be some matching characteristics. His assessment, however, lacks credibility to be taken at face value because of his intimate association with Convertino and the wrongful conviction of the Detroit “terrorist” defendants, and his self-interest in trying to salvage his reputation by providing information that will aid Convertino’s defense.

Convertino’s resignation and new career

After 15 years as an Assistant U.S. Attorney, Convertino resigned his \$160,000 a year job in May 2005.²¹ He started a criminal defense practice. There could be an expectation that his years of working the system to ensure the conviction of a defendant would be good training

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to help keep a defendant from being convicted. That proved true in his first case, when in January 2006 he won an acquittal for a Michigan State Trooper charged with second degree murder and manslaughter for shooting an unarmed drunken man shuffling toward him with his pants down around his knees. The trooper's defense was that he acted in self-defense because he was in fear of his life. He was acquitted even though the shooting was videotaped by a Detroit police car's dashboard camera.²²

Koubriti claims double jeopardy bars retrial

On May 1, 2006, Judge Rosen held a hearing concerning a motion by Koubriti's lawyers to dismiss the conspiracy to commit fraud charge that is pending against him. Koubriti's lawyers argued that Convertino's egregious misconduct during Koubriti's 2003 trial bars a retrial because it would violate his Fifth Amendment right against double jeopardy. The U.S. Attorney's Office argued against dismissal of the charge, and as of early July 2006 Rosen has not made a ruling on the motion. The 27-year-old Koubriti has been released on bail pending the outcome of his criminal case. He is working two jobs, and according to his lawyer, is "trying to get on with his life."²³

Endnotes:

- 1 *United States v Koubriti, Hannan, El Mardoudi*, CR NO. 01-80778 (USDC ED MI, S DIV), Previous *Justice:Denied* articles about the Koubriti case are: Terrorism Conviction Of 2 Men Tossed - Prosecutor Criminally Investigated For Frame-up, *Justice:Denied*, Issue 27, Winter 2005; and, Federal Prosecutor Resigns Under Heat of Criminal Investigation For Possible Frame-up Of 35 People, *Justice:Denied*, Issue 28, Spring 2005.
- 2 Hmimssa is scheduled for release from Bureau of Prison custody on July 24, 2008.
- 3 *United States v Koubriti, supra.*, Government's consolidated response concurring in the defendants' motions for a new trial, August 31, 2004, at 32, 56.
- 4 U.S. to Seek Dismissal of Terrorism Convictions, Allan Lengel and Susan Schmidt, *The Washington Post*, September 1, 2004, p. A02.
- 5 These included the Birmingham Six, Guildford Four and the McGuire Seven.
- 6 *United States v Koubriti, supra.*, Government's consolidated response concurring in the defendants' motions for a new trial, August 31, 2004, at 60.
- 7 "Terror case prosecutor probed on conduct," by David Ashenfelter, *Detroit Free Press*, January 17, 2004
- 8 *Convertino v United States Dept of Justice, et al*, USDC Dist of Col.), Complaint, February 13, 2004, ¶42.
- 9 *Id.* at ¶58.
- 10 *Id.* at ¶49.
- 11 *Id.* at ¶52.
- 12 News publisher subpoenaed by former federal prosecutor, *Reporters Committee for Freedom of the Press*, July 14, 2006.
- 13 *United States v Convertino et al*, Case: 2:06-cr-20173 (USDC ED MI, S DIV), Indictment, March 29, 2006.
- 14 *Id.*
- 15 *Id.*
- 16 *Id.*
- 17 *Id.*
- 18 Witness for the prosecution, by Ann Mullen, *Detroit Metro Times*, May 7, 2003.
- 19 *Id.*
- 20 Report: FBI raises questions in bungled Detroit terror case, by John Solomon, *Detroit Free Press*, April 21, 2006.
- 21 U.S. Prosecutor Resigns, David Ashenfelter, *Detroit Free Press*, May 17, 2005.
- 22 Trooper acquitted in fatal shooting of man, by Ben Schmitt, *Detroit Free Press*, January 6, 2006
- 23 Lawyer-drop terror case charge, by Paul Egan, *Detroit News*, May 1, 2006.

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cluding this evidence, Mr. Valeska greatly enhanced his chances for a conviction.

It appears to have been and to be the attitude of Assistant Attorney General Don Valeska that it is his job to procure a conviction at all costs, without consideration for the Constitutional rights of the Defendant or for the orderly administration of justice. When Assistant Attorney General Don Valeska and Investigator Mike Pettey willfully defied this Court's orders they chose to defy justice. When Assistant Attorney General Don Valeska and Investigator Mike Pettey intentionally suppressed relevant, exculpatory evidence they chose to suppress justice. Such disregard for our process of administering fair justice goes beyond mere negligence and rises to the level of intentional misconduct.

V. Conclusion

When viewing the totality of the circumstances, this Court finds that the intentional misconduct on the part of the prosecution resulted in "prosecutorial overreaching" due to the serious nature of the governmental misconduct. Further, said misconduct insured a much more favorable opportunity for the State to convict the Defendant, and these circumstances caused serious prejudice to the Defendant. Proceeding in this matter would result in tainted jurisprudence and would undermine the sanctity of the criminal justice process. The Double Jeopardy Clause protects a criminal defendant's interest in a single, fair adjudication of his guilt or innocence.⁴ When the lack of fairness is intentionally caused by the government's overreaching and misconduct, the Defendant is entitled to the protections of the Constitutions of the United States and the State of Alabama.

This Court can only conclude that Daniel Wade Moore's Constitutional right not to be twice put in jeopardy will be violated if the State is allowed to proceed with a second trial in this matter. The prosecution had its opportunity to place Daniel Wade Moore on trial, and they squandered that right.

Therefore, for the above stated reasons, it is hereby ORDERED, ADJUDGED, and DECREED that the Defendant's Motion to Dismiss with Prejudice is due to be and is hereby GRANTED. ... The Defendant is hereby DISCHARGED.

... the 4th day of February 2005.

Glenn E. Thompson, Circuit Judge

Endnotes:


- 1 Excerpt from Justice Brandeis' famous dissent in *Olmstead v. United States*, 48 S.Ct. 564 (1928).
- 2 See the Court's Finding of Fact above.
- 3 See Finding of Fact # 4 above.
- 4 See *United States v. Jenkins*, 420 U.S. 358 (1975); *United States v. Wilson*, 420 U.S. 332 (1975); *Downum v. United States*, 372 U.S.

Daniel Wade Moore's Case Chronology

March 12, 1999	Karen Tipton murdered in her Decatur, Alabama home.
November 2002	Moore convicted of the first-degree murder of Tipton.
January 23, 2003	Jury recommends life without parole, but Judge Glenn Thompson sentences Moore to death.
March 2003	Thompson set aside Moore's convictions and vacated his sentence after granting his Motion for a New Trial based on the prosecution's failure to disclose exculpatory evidence.
January 20-1, 2004	Thompson holds hearing concerning Moore's Motion to Dismiss the Indictments based on additional exculpatory evidence concealed by the prosecution.
February 4, 2005	Judge Thompson dismisses Moore's indictment with prejudice and orders his immediate release due to prosecutorial misconduct in concealing exculpatory evidence. Moore released that night.
February 5, 2005	After learning of Thompson's ruling, one juror declared, "I'm happy with it. I felt like Daniel didn't do it."
February 8, 2005	AL Court of Appeals (COA) grants State's Motion to Stay Thompson's Order and Orders Moore Back into custody. COA indicates it will give Moore's case preference over other cases.
February 10, 2005	AL COA denies bail to Moore and orders Thompson to not make any rulings in Moore's case pending the State's appeal.
March 2005	AL COA denies Moore's motion to dismiss the State's appeal because it had failed to comply with a time limit on paying for a trial transcript. The COA suspends enforcement of the rule.
June 2006	After 16 months of inaction by the COA, Moore files AL Supreme Court petition requesting dismissal of the State's appeal.

As this issue of *Justice:Denied* was going to press, Alabama's Court of Appeals ruled on July 21, 2006, that the egregious prosecutorial misconduct in Daniel Wade Moore's case entitles him to a new trial, but not a dismissal of the charges. *Justice:Denied* will report on future developments in Moore's case.

The untold story of the friendship between African-American Maurice Carter and white journalist Doug Tjapkes. Wrongly convicted of attempted murder, Carter was released in 2004 after 28 years imprisonment.



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