

New Evidence In Mark Kirk Case

Mark Kirk's story of being convicted of Marson in 1997 was in *Justice:Denied's* Fall 2004 issue. Kirk was convicted of starting a fire in his Delaware home by allegedly pouring Captain Morgan rum on an electric stove's burner. Captain Morgan rum is 70 proof, which means it is only 35% alcohol. Kirk has long believed that Captain Morgan won't ignite because of its low alcohol content, so it couldn't have started the fire.

John Lentini, has been associated with the Fire Investigation division of Applied Technical Services since 1978. He has conducted more than 2,000 fire origin and cause investigations. Lentini is recognized by one of the leading fire investigation experts in the United States.

On September 16, 2006, Lentini conducted three controlled experiments of the flammability of Captain Morgan rum by pouring significant quantities of it on an electric stove's red-hot burner. At no time did Captain Morgan rum give any indication of any flammability. Lentini filmed the entire experiment and it can be viewed in its entirety from a link on JD's website at, http://justicedenied.org/mark_kirk_09-13-06.mpg



John Lentini holding bottle of 70-proof Captain Morgan rum.



John Lentini pouring 70-proof Captain Morgan rum on red hot electric burner.

Federal Judge Orders BOP To Deliver *Justice:Denied* Copies To ADMAX Prisoner

Mark Jordan is a prisoner at the United States' highest security prison — the federal ADMAX in Florence, Colorado. Jordan was mailed *Justice:Denied* back issues printed from JD's website. When the prison refused to deliver the issues, he filed a grievance. After being ruled against by the BOP all the way up the ladder to its Washington, DC headquarters, Jordan filed a lawsuit *pro se* in federal District Court in Denver. On October 26, 2006, U.S. District Judge

James Love's Rape Convictions Vacated — New Trial Ordered

James Love's story of being convicted in 1996 of four counts of rape in Cincinnati when at the time of the alleged crimes he was 2,000 miles away in Belize and Mexico, was in *Justice:Denied's* Fall 2005 issue. On November 22, 2006, the Ohio Court of Appeals vacated Love's convictions and ordered a new trial. In their unanimous decision the three-judge panel wrote in part:

{¶1} Defendant-appellant James Love appeals the trial court's denial of his motion for a new trial based on newly discovered evidence. Love argues that the state failed through the bill of particulars to identify the times for the crimes alleged. Thus, he argues that he was surprised at trial when the victim testified about dates when, he contends, he was not in the country.

{¶2} Since being imprisoned, Love has worked to prove his innocence by tracking down witnesses and documentation to confirm that he was not in the United States when the alleged offenses occurred. And he has done so. The evidence of a passport application, photographs, a personally signed book, medical records, and four independent witnesses, three of whom are foreign nationals, all show that Love was not in the United States when the alleged crimes occurred. The trial court erred by denying Love's motion for new trial. We now reverse that decision and remand for a new trial." *State v. Love*, 2006-Ohio-6158 (Ohio App. Dist.1 11/22/2006)

The full decision can be read, printed or downloaded from JD's website at, http://justicedenied.org/state_v_love_2006-ohio-6158.pdf

Charges Dismissed Against Christopher Parish

Christopher Parish's story of being sentenced to 30 years in prison after being convicted in 1998 of a phantom robbery and non-existent attempted murder based on a fake Elkhart, Indiana crime scene, was in *Justice:Denied's* Fall 2005 issue. Adding insult to the injury of Parish's wrongful conviction was that multiple witnesses corroborated his alibi of being 110 miles away in Chicago at the time the alleged crimes occurred.

On December 6, 2005, Indiana's Court of Appeals relied on new evidence to vacate Parish's convictions and order a new trial. (*Parish v. State*, No. 20A03-0502-PC-74

(Ind.App. 12/06/2005). After eight years of imprisonment, Parish was allowed to bond out of prison in July 2006 while awaiting his new trial.

On December 1, 2006, Elkhart Superior Court Judge Evan Roberts granted the prosecution's motion to dismiss all charges against Parish.

See: Phantom Robbery And Fake Crime Scene Leads To 30-Year Prison Sentence — The Christopher Parish Story, by Christopher Parish, *Justice:Denied*, Issue 30, Fall 2005, p. 7.

Not where he left off, by Ellen Lechlitter, *The Truth* (Elkhart, IN), December 18, 2006

Freeing The Innocent A Handbook for the Wrongfully Convicted

By Michael and Becky Pardue

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P. Wilson, Professor of Criminology, Bond University