

## Henry Myron Roberts – Eulogy For An Innocent Man

By Douglas Scott Arey

Sixty-three year old Henry (Hank) Myron Roberts proclamations of his innocence fell on deaf ears when he was tried and convicted of second-degree murder in 1993. He was sentenced by the Baltimore City Circuit Court to 50 years in prison. He died in December 1996 while imprisoned.

More than five years later, in April 2002, Robert Tomczewski pled guilty to committing the murder that Hank Roberts had been wrongly convicted of committing.

It was Hank's old cell buddy Art who put it together for me; connected the dots.

"Did you hear about Hank?" "No," I said.

"You know, the guy who's been on all the news. He was innocent! It was Henry Roberts!"

## Peter Rose Settles Lawsuit For \$1 Million

For three weeks after being raped in a Lodi, California alley in 1994, the 13-year-old victim told police she did not see her attacker's face. Her aunt knew 24-year-old Peter Rose and suggested to the police that he might be a suspect. The police assumed he was the perpetrator, and after being intensely pressured by police interrogators, the girl eventually named Rose as her attacker. Rose was convicted in 1995 based on the girl's testimony and sentenced to 27 years in prison.

In 2005 Rose was exonerated after ten years imprisonment, when the girl recanted her identification of him, and he was excluded by a DNA test of the rapist's semen on the girl's underwear.

Rose filed a claim under California's wrongful conviction compensation statute providing \$100 per day of imprisonment, and in 2006 he was paid \$328,000. (See, CA Awards Peter Rose \$328,000 For Ten Years Wrongful Imprisonment, *Justice:Denied*, Issue 30 Fall 2005, p. 8)

Rose also filed an \$8 million federal civil rights lawsuit in November 2005 that named multiple defendants. In January 2007 the claims against the suit's primary defendants were settled for \$1 million.

The city of Lodi, whose officers investigated

Henry Roberts? Hank? And then it all clicked in my mind. The Hankster?! Unbelievable!

I called him the Hankster because it rhymed with prankster, as he was always cutting up in spite of his dire circumstances. It also segued into hamster, and that's what I'd thought over the years as I watched him endlessly circling his wheel, always nipping at the heels of the criminal justice system in a desperate effort to get anyone to listen about the injustices of his case.

And then I smiled, though I couldn't believe he'd finally been vindicated more than five years too late.

When Governor Glendening changed correctional policies and removed lifers from work release, I was put in a dormitory, or "annex," at the Maryland Correctional Institution (MCI) in Hagerstown. It was in the annex that I lived with Hank and his friend Herbert (Herb) Webster, "Buckeroo" for short, the last few years of Hank's life as he sought a sympathetic ear about the travails that befell him.

the case, will pay \$625,000. San Joaquin County, which prosecuted Rose, will pay \$100,000. And the state of California, whose crime lab analyzed the evidence, will pay \$275,000.

Rose's lawyers will get 1/3 of the \$1 million. Rose will get 2/3 of the remaining \$666,666, and his three children will share 1/3. The money to Rose and his children will be paid out over a period of years.

Lodi's deputy city attorney, Janice Magdich, was very pleased with the settlement, commenting that Rose would have favorably impressed jurors, and he could have been awarded as much as \$18 million if he had taken his case to trial. So the city saved a possibly huge jury award, and attorney and witness fees that would have exceeded \$500,000.

After the settlement was announced, Rose's attorney Mark Merin said of Rose's conviction, "It was a conjunction of events. It's the little bit of evidence that gets spun to someone else and becomes more than what it is. ... you put all that together and it's a travesty." He also commented, "The thing that bothers me the most about this case is that he exhausted his appeals ... by happenstance there was a little bit of evidence left that could establish ... DNA that did not match him. But for that, he would not have been exonerated."

### Sources:

Lodi to pay \$625,000 to man wrongly convicted of rape, By Layla Bohm, *Lodi News-Sentinel*, January 9, 2007. Ex-Lodi man settles suit over 10-year rape term, *Stockton Record*, January 6, 2007.

Prior to his incarceration Hank lived in Armistead Gardens in Baltimore, next door to George and Rosa Webster, Herb's mom and step-dad. Herb lived with his parents for several years prior to Herb's arrest and incarceration.

So it was a great surprise to Herb when Hank got his own charge and was sent to prison. Probably the only comfort Hank had in his last years was the strange twist of fate that he ended up in MCI's annex with his friend Herb.

I loved it, as the Hankster was the life of the annex. He kept things going with his prickly personality; neither age nor size kept the bantamweight steelworker from biting his tongue for anyone, and if they tried anything it was guaranteed that he'd stir the pot in response. I love great American characters, and Hank filled the bill. He was lively and spry when he

Roberts cont. on page 5

## Timothy Howard Dies After \$2.5 Million Award

In April 2003 Timothy Howard and Gary James were released from 26 years of wrongful imprisonment for a murder committed during a 1976 Columbus, Ohio bank robbery. The men's death sentences were commuted to life in prison when Ohio's death penalty law was declared unconstitutional in 1978.



Timothy Howard

After his release Howard sued for compensation under Ohio's wrongful conviction compensation statute that requires a civil finding that a claimant is "actually innocent." In March 2006 a jury found Howard was "actually innocent." Four months later, in July, the State of Ohio agreed to pay him \$2.5 million — \$1.4 million immediately with one-third going to his lawyers, and the remaining \$1.1 million was to be paid to Howard in monthly installments over thirty years.

Howard died on March 19, 2007, several days after suffering a heart attack.

In May 2007 Ohio agreed to settle Gary James' compensation suit for \$1.5 million — with \$700,000 paid immediately and \$500,000 paid over 15 years. James' lawyers were to be paid the remaining \$300,000. James was awarded less than Howard because his legal fees were less and his lost wages were deemed to be less.

Sources: Man Wrongly Imprisoned for 26 years dies, AP story, *Coshocton Tribune* (Coshocton, OH), March 20, 2007. Former prisoner gets \$1.5 million, AP story, *The Plain Dealer* (Cleveland, OH), May 19, 2007.