

Sixteen-year-old Charlie McMenemy was held incommunicado by the Royal Ulster Constabulary (RUC) after his arrest in March 1978 for the terrorist offense of allegedly shooting at a British officer in Derry City, Northern Ireland. He signed a confession after three days of beatings and other mistreatment inflicted on him during eight interrogation sessions. He was subsequently charged with a variety of offenses based on his confession. Those charges included conspiracy to murder and illegal possession of a firearms and ammunition.

In December 1979 McMenemy pled guilty to the charges at the urging of his lawyer who told him that if he was convicted after a not guilty plea he could be given a 20-year sentence. In spite of his plea, McMenemy maintained he was innocent and that he only signed the confession to stop his mistreatment. McMenemy was sentenced in January 1980 to three years imprisonment in a youth detention facility.

McMenemy didn't appeal his conviction or sentence based on his lawyer's advice that he got a "good deal."

At the urging of his mother, in September 2003 McMenemy filed an application with the United Kingdom's Criminal Case Review Commission for consideration of whether his convictions could be overturned as a miscarriage of justice.

After accepting his case, the CCRC's investigation discovered documents showing that prior to McMenemy's convictions the RUC had proof that on the two days he had been charged with shooting at British soldiers, he was 75 miles away at a juvenile training school he had to attend after running away from home. The records obtained by the CCRC also showed that the police knew that some of the offenses McMenemy confessed to and pled guilty to committing, had in fact never occurred – including the alleged hijacking of a car. The CCRC also obtained medical records of five examinations conducted of McMenemy during his three days of intense interrogation. The doctor noted during two of those exams that McMenemy had harmed himself when he tried to commit suicide by slashing his wrists with items available to him. The doctor also noted that the youngster made numerous allegations of physical mistreatment, including being thrown to the floor and kicked like a football. The doctor further noted that McMenemy had injuries consistent with his allegations. None of the police or medical records had been disclosed to either the prosecutor or McMenemy's counsel.

Although McMenemy had pled guilty and he didn't file an appeal, after a three year investi-

Attempted Murder Conviction Tossed 29 Years After False Confession By Juvenile Who Wasn't At Crime Scene



Charlie McMenemy in 1978.

By JD Staff

gation the CCRC relied on the "exceptional circumstances" in his case to refer it in August 2006 to Northern Ireland's Court of Appeal for review on several grounds. One ground was that McMenemy was a juvenile when he was interrogated, and the law required the presence of a lawyer, parent, or independent adult at all times when he was questioned. Thus the CCRC argued his confession was invalid, and since it provided the sole evidence for his convictions, they must be quashed. Another ground of the appeal was that the police (RUC) failed to disclose the exculpatory evidence that McMenemy was known to have not been at the scene of the soldier's attempted murder, or committed non-existent crimes, and therefore his convictions must be quashed.

At the conclusion of the Court's hearing on May 10, 2007, the three-judge panel announced that it agreed circumstances of McMenemy's case were exceptional, so it was immediately quashing his convictions.

After the Court's decision McMenemy, now 45, told reporters, "This is something

that I have campaigned on for a number of years and it is great to finally see it. I confessed under duress and was advised to plead guilty by my legal representatives at the time but I have always known I was

innocent. I was one of the lucky ones in that I only served three years while many others who were wrongfully convicted served much longer sentences, but I felt it was important to prove that the original convictions were totally wrong."

Charlie McMenemy was coerced to confess to non-existent crimes, and other crimes that occurred when he was miles from the crime scene.

McMenemy also said, "My mother always said to me through the years that she did not know how they got away with sending me to jail and I was pleased that she could be in court to hear that the convictions have been quashed. For years after my release from prison my family was harassed by the RUC and our home was raided and I was arrested many times. My mother had to put up with all of that and now my family has been vindicated."

The Court of Appeals issued its written opinion on June 19, 2007. (*The Queen v. Charles Columba McMenemy*, no. [2007] NICA 22, June 19, 2007) The Court explained its agreement with the CCRC that McMenemy's con-

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After voting to convict Joyce Buffaloe of obstruction of justice and making a false 911 call during a late night traffic stop, jury foreperson Patricia Klugherz stayed in the courtroom for her sentencing.

The 73-year-old Klugherz had been the last hold out juror, and after the verdict was announced she realized she had made a mistake: She didn't think Buffaloe was guilty. Buffaloe, a black woman, had been stopped by the police in Bradenton, Florida while her 8-year-old son was in her car. Buffaloe, who had just helped change the tire on a friend's car, felt like the two police officers were harassing her. She called 911 for help after one of the officers pointed a stun gun at her and threatened to use it on her. The police arrested her for obstructing justice by calling 911. Ironically, she wasn't cited for any traffic violation.

Klugherz then thought Buffaloe was genuinely afraid for her and her son's safety

Juror Regrets Wrongly Convicting Woman Of Obstruction

when she called 911, and that the police were out of line in how they treated her. After the judge sentenced Buffaloe to a fine and court costs that amounted to \$220, Klugherz gave Buffaloe, a single mom, that amount of money.

Klugherz later told the *Sarasota Herald-Tribune*, "It made me feel very guilty that I did it. I will always feel like I made a mistake." She said about paying Buffaloe's fine, "It's to help me as much as to help her."

When asked about Klugherz's regret at convicting Buffaloe, Prosecutor Shelli Freeland defended the charges as appropriate for her conduct. Freeland said that she gave the 35-year-old Buffaloe a break by only recommending a fine and no jail time, because she had no criminal history and her testimony seemed sincere.

Source: Juror regrets conviction and pays woman's fine, *Sarasota Herald-Tribune*, December 2, 2007.