



Policeman Set-up By Fellow Officers Gets Theft Conviction Tossed

By JD Staff

Sultan Alam - 2007

Sultan Alam, a nine-year veteran of the police force in the English county of Cleveland (about 200 miles north of London), filed a racial discrimination claim against the police department in 1993. Prejudice against Alam's Asian ethnicity was so great that he even found a Ku Klux Klan poster on his desk.

A year after filing his claim he was charged with conspiracy to steal auto parts. Alam protested his innocence, claiming the case was a set-up by fellow officers in retaliation for his discrimination claim. Lacking proof for his allegation, Alam was convicted by a jury in 1996 and sentenced to 18 months imprisonment. He was released on bail pending the outcome of his appeal.

After Alam's conviction was affirmed on appeal in 1997, the Cleveland police fired him, his bail was revoked, and he served nine months in prison before his release on parole. He then pursued obtaining evidence that he had been set-up by his fellow officers.

He acquired enough evidence supporting his allegation that a formal investigation was instituted in 2001 using officers outside the Cleveland PD. The lengthy investigation uncovered evidence that the Cleveland police concealed 21 exculpatory witness statements from both the prosecutors and Alam's trial counsel. In 2004 three Cleveland police officers and a former detective were charged with conspiracy to pervert the course of justice. Although the criminal charges were dropped against the officers, Alam filed an appeal of his conviction based on the new evidence. The prosecution did not contest Alam's appeal, conceding they had been "misled by the police."

On November 19, 2007, ten years after he had completed his prison sentence, the UK's Court of Appeal quashed Alam's conviction. The three-judge panel unanimously agreed that it was a "very grave case," because the police "deliberately misled" the prosecutors, Alam's counsel and the trial judge, "in order to suppress evidence" favorable to Alam. The chief judge said that Alam had been "deliberately targeted and wrongly implicated" in order to sabotage his discrimination claim.

Graham Brown, Alam's lawyer, said of his

client's exoneration, "a grave injustice has been put right after too many years. Mr. Alam left the Court today an innocent man."

After the decision was announced, the current Chief Constable of the Cleveland police publicly apologized to Alam, "It is only right that I, as Chief Constable, apologise on behalf of the force to Mr. Alam for what happened." He also said that if Alam wants his job back he would be reinstated to the Cleveland police. Alam may be able to collect about £250,000 (about \$500,000) in back pay from 1997 to 2007.

In 2006 Alam was awarded £25,000 (about \$50,000) from the Police Federation for its racial discrimination against him for not supporting his 1993 claim against the Cleveland police.

Alam, who in addition to his police back-pay is eligible for compensation for his miscarriage of justice, was ecstatic his name has been cleared: "My life has been in limbo for thirteen long and painful years. I will now pick up the piece of what's left and try to build a better future, especially for my children."

Sources:

Cleared PC Alam plans to return to force, by Ron Livingstone, *Evening Gazette*, November 20, 2007
Appeal court quashes Asian police officer's conviction, *The Guardian*, November 20, 2007.

In March 2006, Crystal Gail Mangum accused several members of Duke University's lacrosse team of raping her during a party that she and another woman were hired to dance at while scantily clad.

Duke U. Hoax Rape Prosecutor Mike Nifong Convicted Of Contempt

By JD Staff



Mike Nifong's booking mugshot at the Durham County Detention Facility.

Durham County District Attorney Mike Nifong called members of the lacrosse team "a bunch of hooligans," and from a line-up, Mangum identified three of the young men as her attackers: Reade Seligmann, Collin Finnerty, and David Evans.

DNA samples were collected by court order from all 46 white players at the party. Although Nifong disclosed to lawyers for the players that the DNA of all 46 players was excluded as matching biological matter recovered from Mangum, he said it didn't mean they were not guilty.

By mid-May Seligmann, Finnerty and Evans had been indicted for rape, sexual offense and kidnapping. However, by December 2006 it had come to light that at the time of the indictments Nifong knew that Mangum had given multiple conflicting statements to the police about the alleged assault, that she had previously made false assault allegations, and that Nifong had not disclosed that

the DNA of men other than the lacrosse players had been recovered from Mangum's body.

Under intense national scrutiny and criticism for his handling of the case, Nifong dismissed the rape charges against the three men on December 22, 2006. Six days later the North Carolina State Bar filed ethics charges against Nifong, accusing him of making public statements that were "prejudicial to the administration of justice" and of engaging in "conduct involving dishonesty, fraud, deceit, or misrepresentation."

On January 12, 2007 Nifong requested NC Attorney General Roy Cooper to take over the case. After a thorough review, Cooper announced on April 11, 2007 that all the charges were being dismissed.

The NC State Bar Disciplinary Committee unanimously voted on June 16, 2007 to dis-

bar Nifong after he was found "guilty" of 27 of the 32 ethics violations. Nifong agreed to surrender his law license, and he became the first sitting district attorney in the history of North Carolina to be disbarred. He can apply for reinstatement in 2012.

Superior Court Judge Osmond Smith, who presided over the "rape" case, held Nifong in criminal contempt of court on August 31 for lying in September 2006 when he told the judge that he had turned over all DNA test results to the defense. Nifong was sentenced to one day in jail and a \$500 fine. He reported to the Durham County Detention Facility on September 7, 2007 to serve his sentence.

After the city of Durham rejected the demand of Evans, Finnerty and Seligmann for a financial settlement of \$10 million each, the three men filed a federal civil rights lawsuit on October 5, 2007. The lawsuit alleges that Nifong orchestrated a wide-ranging conspiracy to frame the players. The defendants are Nifong, the city of Durham, the city's former police chief and deputy police chief, the two police detectives

Nifong cont. on p. 16

Karim Koubriti and three other Muslim immigrants living in the Detroit area were arrested weeks after the events of September 11, 2001, on suspicion of being members of a terrorist "sleeper cell." Almost a year later, on August 28, 2002, the four men were indicted for material support of terrorism and document fraud (possessing false identification papers).

In June 2003 Koubriti and Abdel-Ilah Elmaroudi, both Moroccan nationals, were convicted of the terrorism and document charges. Another defendant was only convicted of the document charge, and the fourth defendant was acquitted of all charges.

After the trial, but prior to sentencing, Koubriti and Elmaroudi's lawyers discovered that Richard Convertino, the Assistant United States Attorney in charge of the prosecution, had failed to disclose exculpatory documents that undermined the very basis for the terrorism charge, and that he may have also presented tainted trial testimony. The U.S. Department of Justice (DOJ) responded to the defendant's subsequent post-trial motion for a new trial by conducting an extensive investigation of Convertino's handling of the case.

That investigation's report concluded that Convertino had deliberately concealed exculpatory evidence and several federal agents had given falsely trial testimony. On August 31, 2004 the DOJ acted on those findings by filing a 60-page response to the defendant's motion for a new trial. The DOJ requested that the judge vacate all the convictions of the three defendants, and then order their retrial only on the document fraud charges.

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who handled the case, five other police department employees, and the lab that handled the DNA work. The lawsuit claims that Nifong's sole motive was to win support for his reelection bid, and alleges he told his campaign manager that the case would provide "millions of dollars" in free advertising.

While Nifong has had his career devastated, two Durham police officers involved in the case have been promoted.

In December 2007 the US Department of Justice announced it would not criminally investigate Nifong's handling of the case.

At least two books have been written about the case, and HBO has bought the movie rights.

Sources:

Civil suit in lacrosse case filed, *News & Observer*, October 6, 2007. How it came to this — a lacrosse case recap, *News & Observer* (Durham, NC), October 6, 2007. Darryl Hunt, The NAACP, And The Nature Of Evidence, *Justice: Denied*, Issue 35, Winter 2007.

Ex-federal Prosecutor Rick Convertino Sued Over Fake Terrorism Prosecution

By JD Staff

The DOJ conceded that Convertino had offered false testimony and withheld exculpatory evidence from the defense on the terrorism charges, and that charge would be dropped against the defendants.

Two days later, on September 2, U.S. District Judge Gerald Rosen vacated the convictions. Koubriti and Elmaroudi were then released on bail after being held for three years in the Wayne County Jail.

"They lied, lied, lied and lied."

Defense lawyer William Swor's description of the government's case after the terrorism convictions of Koubriti and Elmaroudi were vacated.

The retrial on the document charges was delayed when Koubriti challenged his retrial on the basis that it would constitute double jeopardy. On December 12, 2007 the Sixth Circuit Court of Appeals ruled that Koubriti's retrial would not place him in double jeopardy. (*U.S. v. Koubriti*, 07a0475p-06 (6th Cir. 12-12-2007)) Koubriti's lawyers are appealing that ruling to the U.S. Supreme Court.

On August 31, 2007, Koubriti filed a lawsuit (42 U.S.C. §1983) in Detroit's federal court alleging that his civil rights were violated by the primary people named in the DOJ's report: Convertino, FBI agent Michael Thomas, and State Department official Harry "Ray"

Smith. Convertino's defense may be prosecutorial immunity.



Karim Koubriti after his release

Koubriti had earlier filed a federal civil rights lawsuit against Wayne County. He alleged that his constitutional rights were violated by his mistreatment in the Wayne County Jail during the three years between his arrest and his release on bail. In early 2007 a federal judge denied summary judgment for Wayne County and ruled the case can go to trial. As of early 2008 both of Koubriti's lawsuits are pending.

After a two-year DOJ criminal investigation, Convertino and Smith were indicted in March 2006 on charges of conspiracy, obstruction of justice, and false statements. On October 31, 2007, a federal jury in Detroit acquitted both defendants of all charges. The jury foreman told reporters the jury acquitted the men because Convertino could have mistakenly failed to disclose the crucial exculpatory evidence, and Smith could have misspoke when he repeatedly testified falsely during the trial.

Previous *Justice: Denied* articles about the Detroit Four case: "Terrorism Conviction Of Two Men Tossed - Prosecutor Criminally Investigated For Frame-up," *Justice: Denied* Issue 27, Winter 2005, p. 7. "Federal Prosecutor Resigns Under Heat of Criminal Investigation For Possible Frame-up Of 35 People," *Justice: Denied* Issue 28, Spring 2005, p. 11. "Federal Prosecutor Indicted For Frame-up Of Four Men Innocent Of Terrorism," Issue 32, Spring 2006, p. 10. Additional sources: "Former Detroit terror suspect files civil rights lawsuit," *Jurist*, August 31, 2007. "Federal jury acquits terror prosecutor," *The Detroit News*, November 1, 2007. "Ex-terror suspect can face fraud charge," *The Detroit News*, December 13, 2007.

James Love was convicted by a jury in 1996 of having oral sex many years earlier with the daughter of a woman he had dated. The prosecution didn't inform Love of when the alleged crimes occurred, and it wasn't until the next to last day of his trial that the then 18-year-old testified they happened in Cincinnati in December 1988, and January and February 1989. Love collected extensive alibi evidence after his trial that he was continuously outside the United States from November 1988 to mid-May 1989. Love filed a post-conviction motion for a new trial based on that new evidence. In November 2006 the Ohio Court of Appeal overturned Love's convictions and ordered his retrial. (See, *State v. Love*, 2006 -Ohio-6158 (Ohio App. Dist.1 11/22/2006))

After Hamilton County's prosecutor failed to act on the court ordered retrial, Love filed

Prosecutor Changes Dates of Alleged Rapes After James Love Wins Retrial

By JD Staff

Belize from November 17, 1988 until July 20, 1989, with the exception of May 17 to 21 when he returned to the U.S. to renew his Ohio driver's license. The Stipulation was an acknowledgment that Love was in another country almost 2,000 miles from Cincinnati at the time of the alleged rapes the jury convicted him of committing.

The prosecutor then filed an amended Bill of Particulars to Love's February 1996 indictment, alleging the oral sex didn't happen on the dates the alleged victim testified to during Love's 1996 trial, but between the "latter half of 1989 to April 2, 1990." Thus more than

Love ont. on p. 17