



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After Alam's conviction was affirmed on appeal in 1997, the Cleveland police fired him, his bail was revoked, and he served nine months in prison before his release on parole.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