

Calvin Williams' Comp Award Annulled By Court

In March 2007 Calvin Williams became the first person awarded compensation for a wrongful conviction under a Louisiana statute enacted in 2005. (La. R.S.15:572.8).

Williams was convicted in Orleans Parish in 1977 of first-degree murder and sentenced to life in prison. He was granted a new trial in 1992 when it was discovered the prosecution failed to disclose to his trial lawyers a police report that was materially inconsistent with the testimony of a key witness. The prosecution also failed to disclose that the same witness did not identify Williams in a police photo lineup. The prosecution decided not to retry Williams and he was released in 1992 after 15 years and 8 months of wrongful imprisonment. The murder charge was dismissed four years later in August 1996.

After the compensation law was enacted, Williams filed a claim. The State of Louisiana opposed the claim, and during the hearing in state district court to determine his eligibility, the judge refused to allow the assistant attorney general representing the State to question Williams. The judge ruled that it would amount to a retrial of Williams, which is barred by the constitutional prohibition against double jeopardy. The judge then awarded Williams the maximum of \$150,000 allowed by the law.

The State appealed. On February 20, 2008 Louisiana's 1st Circuit Court of Appeal annulled Williams' award. (*In Re: Calvin Williams*, 2007CA1380 (02/20/2008)) The court explained that the statute places the burden on a claimant to "prove by clear and convincing scientific or non scientific evidence that he is factually innocent of the crime for which he was convicted." The court noted in regards to the argument that the state was attempting to use the compensation hearing to retry Williams, "The evidence submitted is only relevant to the critical determination of factual innocence, which if shown, entitles the applicant to compensation for wrongful imprisonment."

Therefore the court ruled the judge erred by not allowing the Attorney General's Office to question Williams, and they sent the case back to the district court for a new hearing. The ruling means Williams will either have to testify or forfeit his compensation claim. As of early April 2008 a rehearing has not been scheduled.

Additional source: Court annuls money award, *The Advocate* (Baton Rouge, LA), February 27, 2008.

Woman Sentenced To Prison After Video Proves She Falsely Accused Four Men Of Rape

By JD Staff

Eighteen year-old Cinzia Sannino went to a party at a club in Cardiff Bay, Wales on News Years Eve 2006. She left the party with four men, and they all went to the house of one of the men to continue partying.

The next morning, January 1, 2006, Cinzia left the house at 7 a.m. and called 999 (England's equivalent of 911) to request a ride home. When the emergency services operator said they weren't a taxi service, Cinzia started crying and claimed she had been raped.

After the police picked her up, she said that she had left a party the night before with four men and went to a house with them. While there she said she started dancing wearing all of her clothes, but stopped after becoming dizzy, feeling like she had been drugged, and she then laid down and fell asleep. She said she awoke that morning to find one of the men having sex with her.

Based on her statement the police moved fast. Three doctors and a forensics team were assigned to the case and a recently closed police station was reopened as the base of operations. Later that day the police drove her around town and she saw the four men on the street.

The men, aged 20 to 28, were arrested on suspicion of raping Cinzia. When questioned they all told police the same basic story: they met Cinzia at the News Years Party, she agreed to leave the party with them, after arriving at the home of one of the men she began giving lap dances to the men while she was removing her clothes, she rubbed the hands of the men all over her body while she danced, and that after she was nude she asked the men to have sex with her.

One of the men told the police it could be proven Cinzia consented to have sex. He had taken a video with his mobile phone camera of her dancing and propositioning the men. After police officers viewed the video of Cinzia dancing nude, rubbing the men's hands on her body and asking them to have sex with her, she was re-interviewed. When asked if she made-up the rape accusation so that she could get a ride home, she insisted she had been raped and refused to retract her original statement. The officers then went over her statement paragraph by paragraph with her reaffirming its truthfulness. She then signed her statement.



18-year-old Cinzia Sannino on couch before she removed her clothes and asked four men to have sex with her.

Police then showed Cinzia the video of her conduct at the house. She responded by withdrawing her statement accusing the men of rape. The four men were promptly released after 36-hours in custody.

Cinzia was charged with perverting the course of justice. She wasn't just faced with the video as evidence against her, but she also had a personal website on which she described herself as "a wild girl who likes to have fun." She pled guilty, and at her sentencing on September 18, 2006, she threw herself on the mercy of the court. Judge Roderick Evans responded to her plea for leniency by telling her, "I have no doubt you had voluntary, consensual sexual intercourse with each of the men. ... Four men were arrested, interviewed and locked up for 36 hours based on your allegations. Some people would say that your conduct was more than foolish and ill-advised – it was evil." He sentenced Cinzia to six months imprisonment.

A spokeswoman with the False Allegations Support Organisation said that women should welcome Cinzia's imprisonment, because false rape accusations hurt the credibility of woman actually assaulted. She said, "Up to now girls who falsely accuse have had nothing done to them. I welcome this course of action ... The police often waste their time looking into cases like this, when there are girls out there who have actually been raped. I'm happy that the deterrent that has been there all the time is beginning to be used because very few girls, up until now, have been taken to court."

If the man had not recorded the video the case could have had a very different outcome. The men were seen leaving the party with Cinzia, she positively identified them as her attackers, they admitted having sex with her, and they could easily have been portrayed by an enterprising prosecutor as preying on a young woman defenseless against their unwanted sexual advances. Without the video, those men could have all too easily been convicted and wound up spending many years wrongly imprisoned.

Sources:
The Explicit Video That Trapped A Blonde Who Cried Rape, London *Daily Express*, September 20, 2006.
Judge Tells Rape Girl Conduct Was 'Evil', *Western Mail* (Cardiff, Wales), September 19, 2006.