

Robert “Bob” Doyle was an insurance salesman in Montgomery, Alabama in 1991, when during a hotly contested custody fight his ex-wife accused him of sexually abusing their two young daughters. After his indictment he was convicted in November 1992 based on the testimony of the two girls. Sentenced to two ten-year prison terms, Doyle was allowed to remain free on bond pending the outcome of his direct appeal. Five years later, with his appeal denied, he began serving his sentence in December 1997.



Robert “Bob” Doyle

Doyle’s ex-wife was represented during their divorce by a lawyer who became the Montgomery County district attorney behind Doyle’s indictment. After resigning as the DA, he served as the special prosecutor who pursued the charges against Doyle.

While imprisoned Doyle found out that the prosecutor had not disclosed exculpatory evidence about his daughter’s claims. The evidence concealed by the prosecutor included that prior to Doyle’s indictment his

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Romeo Phillion is responsible for this murder.” There was also evidence that the four prosecution witnesses perjured themselves by testifying they saw him in Ottawa.

Aided by lawyer James Lockyer and Canada’s Association in Defence of the Wrongly Convicted, Phillion filed an application in May 2003 with the Federal Justice Minister requesting that his conviction be set aside, and that he be granted a new trial based on the concealed exculpatory evidence.

On July 21, 2003, he was released on \$50,000 bond after 31 years imprisonment. It was the first time a Canadian prisoner challenging a conviction on wrongful conviction grounds was granted bail pending review of their case. *Justice Denied* published an article about Phillion’s case in Issue 25 (Summer 2004).

A hearing was held by Ontario’s Court of Appeal in November 2008. On March 5, 2009 the appeals court overturned Phillion’s conviction and ordered a new trial. The Court’s 2-1 majority supported that the concealed report confirming Phillion’s alibi of being 180 miles from the crime scene could have influenced the jury to acquit him. The prosecution stated during the hearing that it would not retry Phillion. Afterwards Phillion told reporters, “If I go to my grave ... my name is cleared. I’ve dreamed about it.”

Sources: *R. v. Phillion*, 2009 ONCA 202. New trial ordered for Phillion, *Globe and Mail* (Toronto), March 5, 2009.

## Alabama Awards Widow \$129,000 For Husband’s Wrongful Sexual Assault Convictions

daughters told police investigators that another man – not Doyle – committed the abuse. The prosecution also failed to disclose that after his trial one of the girls claimed she had participated in satanic rituals at a local church with her father. Authorities dismissed that allegation as incredible.

Doyle filed a motion for a new trial based on the non-disclosed evidence. In 1999 his motion was granted, and the State appealed. In affirming the grant of a new trial, the Alabama Court of Appeal ruled in January 2000 that the exculpatory evidence was unlawfully withheld from Doyle, and “the new evidence casts fundamental doubt on the accuracy and the reliability of the proceedings to such an extent that it undermines the entire prosecution and it points unerringly to [Doyle’s] innocence.” *State v. R. D.*, 805 So.2d 783 (Ala. Crim. Appeal, 2000).

Doyle’s was released on July 7, 2000 after more than two years and seven months in custody. His indictment was dismissed in January 2001. Although the Montgomery County DA opposed Doyle’s release and the dismissal of his indictment, the DA did not attempt to prosecute him again.

In January 2002 Doyle filed a claim under Alabama’s “Compensation For Wrongful Incarceration Act.” Enacted in 2001, the law provides for \$50,000 per year of wrongful incarceration. The law also provides that the committee considering a claim “shall have the authority to recommend some discretionary amount in addition to the base amount if circumstances warrant such a supplemental award. Any such supplemental amount shall be in the form of a bill to be presented to the Legislature.”

Agreeing with the State’s opposition to Doyle’s claim, in December 2002 the state agency in charge of evaluating compensation applications rejected him as ineligible. He then filed a lawsuit to compel the state to compensate him in accordance with the state law. After a bench trial, the judge ruled in June 2005 that Doyle met the law’s qualifications for compensation. On July 8, 2005 the judge released his written Order in which he explained that Doyle met the two basic requirements established by Alabama’s legislature for a valid compensation claim. First, he had been convicted and incarcerated for a felony charge of which he “was innocent.”

Second, “The accusatory instrument [was] dismissed on a ground consistent with innocence.” Al-

though the State argued that innocence must be proved “by DNA, ballistics or some other scientific means that eliminates any uncertainty,” the judge rejected that contention by noting the legislation included no requirement of “scientific certainty.” The judge also observed it was only required that an applicant’s indictment was dismissed on “a ground consistent with innocence.” Doyle met that standard because, “In light of the new evidence, the victims had little credibility, if any, remaining,” and “the new evidence pointed “unerringly” to innocence.” *Doyle v Dept of Finance*, CV-04-1182, Montgomery County, AL Circuit Court (July 8, 2005).

Two years later Doyle died of complications from diabetes and heart disease. He was 61. Although a decision had not yet been made on his compensation claim, his widow Donna, and his attorney Corky Hawthorne, continued with the process. On December 2, 2008 the Committee on Compensation for the Wrongly Incarcerated posthumously awarded Doyle \$129,000 for his 2 years and 212 days of incarceration. Doyle was the first person awarded compensation under Alabama’s 2001 law.

The committee’s decision cleared the way for Alabama’s legislature to appropriate the money for payment to Donna Doyle. Hawthorne also submitted a claim for Doyle’s legal and medical expenses, and his lost wages. Doyle’s health declined during the almost ten years he fought the charges before and during his imprisonment, and he went into debt. Introduction and passage of a special legislative bill is required for payment of Doyle’s expenses.

Bob and Donna married in 1996, after having met five years earlier before he was charged. He was imprisoned a year after their marriage and she supported him while he was imprisoned, through his eventually successful effort to overturn his conviction, and then the years long effort to obtain compensation. He died two weeks before their 11<sup>th</sup> anniversary.

Bob and Donna Doyle started the Alabama Justice Ministries Network after his release from prison, as an organization to aid released prisoners successfully reenter society. Donna continues to operate the AJMN that is based in Birmingham. The AJMN’s website is, <http://www.ajmn.org>

#### Sources:

Email from Donna Doyle to Justice Denied, March 26, 2009. “State to pay for wrongful imprisonment,” *Montgomery Advertiser*, December 3, 2008.