

A payday-loan store near Tacoma, Washington was robbed on April 12, 2004. James S. Anderson lived in Los Angeles, but he had spent time in the Pierce County Jail in Tacoma, so his mugshot was in the local police files. An eyewitness selected the 26-year-old Anderson as one of the robbers from a photo montage. Based on that identification he was charged with the robbery and arrested in Los Angeles.

While awaiting extradition to Washington, Anderson insisted he couldn't have committed the robbery because on April 12 he was more than 1,100 miles from Tacoma meeting with his probation officer in Los Angeles. Records from the LA County Probation Office confirmed Anderson's claim. The robbery charge was dropped and he was released.

Days later Anderson was re-arrested. Two suspects in the robbery of a Safeway store in Tacoma identified Anderson as one of the robbers photographed by a store surveillance camera. Anderson was charged in the robbery, which occurred at 4:20 a.m. on April 8,

Coleman cont. from page 12

After the furor of negative attention focused on the DOC's for its force feeding of Coleman, they went back to administering a drip saline solution. A hearing began on January 29, 2009 to determine if the January 2008 feeding injunction will be made permanent. Coleman was represented by the ACLU of Connecticut. Coleman testified during the two-week hearing, proclaiming: "I don't belong in prison. I'm innocent." He also read a Statement of Protest. (See accompanying box with excerpts from Coleman's statement.)

In 2005 Coleman filed a still pending state *habeas corpus* petition based on ineffective assistance by his trial lawyer. Coleman's trial attorney didn't file any pre-trial motions, submit a witness list, or conduct any investigation of the rape allegation. Coleman's trial attorney was suspended from practicing law in June 2007 for failing to observe ethics rules in more than ten cases.

If Coleman's challenge to his conviction is unsuccessful and he survives not eating, he is scheduled for release no later than December 2012. He will then be taken into custody by the federal government for deportation to England.

Sources:

Waterbury jury convicts man for rape of his wife, *Republican-American*, February 25, 2005.
Judge Ends Prisoner Hunger Strike, *News Junkie* (CT), January 23, 2008.
Starvation Diet: Convicted rapist Bill Coleman claims he's innocent, and he's starving himself to death to prove it, *New Haven Advocate*, October 30, 2008.
Connecticut ACLU Letter To UN Special Rapporteur on Torture, October 23, 2008.
Dr. Plaud specializes in evaluating sexual behavior. His website, <http://www.appliedbehavioralconsultants.com>

James S. Anderson Cleared Of Washington Robbery Committed When He Was 1,100 Miles Away In LA

2004. Anderson again claimed that he couldn't have committed the crime because less than 12 hours earlier he had been at the probation office in Los Angeles. Unlike the previous robbery charge, no records were forthcoming from the probation office to clear him. Anderson was extradited to Washington to stand trial for the robbery.

Somewhat unusually, Anderson insisted on representing himself, but the judge appointed a stand-by lawyer to assist him. To obtain evidence proving his claim that he had been in Los Angeles at the time of the burglary, Anderson filed a subpoena addressed to the judge and the prosecutor: "Need all check in logs from 4-7-2004 to 4-8-2004 from Probation Department Firestone Area Office; Los Angeles, Calif." He also contacted the prosecutor numerous times requesting that he obtain the probation office's records to confirm he was there only hours before the robbery. In addition,

Anderson's stand-by counsel was ordered by the judge to obtain the probation records. Anderson even wrote the judge a letter asking that he intervene in discovering the records that would prove his alibi of being present in the probation office on April 7.

At the time of Anderson's trial in late 2005 the prosecution had not produced the probation office records for April 7 and 8, 2004, his stand-by attorney had not obtained them, and the LA probation office refused to turn any records over to him directly.

Before the start of his trial Anderson again raised the issue with the judge that the probation office records had not been provided to him. The prosecutor told the judge that he had personally contacted the Los Angeles Probation Office, and "there are no records of any contacts [with the probation office] whatsoever between April 6th when he was released from jail and April 12th." To cover their bases the prosecution checked with the airlines to see if Anderson had flown from LA to the Seattle/Tacoma airport on April 7. He had not done so. It takes about 18 hours to drive from LA to Tacoma, so Anderson could not have

Anderson cont. on p. 14

William "Bill" Coleman's "Statement of Protest"

(Read during his testimony on February 10, 2009)

I, Bill Coleman, in September 2007, stopped eating solid food as a form of protest. I am protesting a broken judicial system that is incapable of providing justice as well as protesting the State of Connecticut assisting in the abuse of my children. The system has failed my children and me and I have communicated this in several forums, including in court. My case is not an isolated incident; countless others have been subjected to the injustice of the judicial system. Innocent people do not belong in prison and I now just want to be left alone to protest. Force-feeding me by inserting a tube through my nose into my stomach against my will violates all medical and international law. ...

I also want to make sure it is clear that my protest is not a reflection of the Connecticut Habeas Unit. They are good people doing a good job by fighting against an increasing amount of injustice in the system. The system is broken and corrupt and is also void of any moral or ethical values for the truth. This is further exacerbated because those incarcerated are not offered rehabilitation, which is no more than a token gesture, thus

making society a more dangerous place on a daily basis. This is compounded by politicians and legislators putting blame on everyone and everything other than themselves, where it belongs. More laws and longer sentences are not the answer. What Connecticut citizens should know, even if they don't care about my children and me, is that they are one 'falsely accused' arrest themselves away from my nightmare. Make no mistake, your arrest is your conviction in the State of Connecticut.

What surrounds my conviction is filled with suspicious wrongdoing of many types. Having explored every avenue, to save my children and prove my innocence, I now believe the system is not an option for the truth to come out and I choose to fight to the maximum with my life. I do not want to die, but I am willing to die. Force feeding only prolongs death as my organs, after a period of time, will eventually give out. This means the DOC will have to force feed me until my death. Instead of letting me continue my protest the State is wasting valuable resources to temporarily prolong my life for only an undetermined short period of time. These resources should be spent on a better cause such as an investigation of the corrupt judicial system which would help not only me, but also others who have been wronged. ...



Clockwise from top left - Irfan Raja, Awaab Iqbal, Aitzaz Zafar, Akbar Butt and Usman Malik

Terrorism Convictions Tossed For Five Muslim Youths "Intoxicated" By Religious And Political Literature

By JD Staff

On Raia's computer hard drive police investigators discovered information that they considered to be of an extreme religious and political nature.

After leaving home Raia traveled to Bradford, England, where he stayed with Awaab Iqbal and Aitzaz Zafar. When Raia contacted his parents several days after he left, they convinced him to return home. Upon his arrival he was arrested on suspicion of violating the United Kingdom's Terrorism Act of 2000.

During the subsequent investigation, records

identified that Raia had communicated with four other Muslim youths on an MSN (Microsoft Network) chat-room about traveling to Pakistan to train so they could aid the Muslim freedom fighters opposing the Afghan government. Those four young men, all Bradford University students, were Iqbal, 18, Zafar, 19, Akbar Butt, 19, and Usman Ahmed Malik, 20.

Searching the computer hard drives of the four students resulted in the discovery of political and religious information similar to what was on Raia's computer. However, analysis of the hard drives, interrogations of the youths, and extensive questioning of friends, family members, and students and

Intoxicated cont. on page 15

Anderson cont. from p. 13

been in Tacoma at the time of the robbery if he left LA by car on the afternoon of the 7th.

After Anderson explained to the judge his stand-by counsel's investigator wouldn't take collect calls from the jail, the judge again ordered the stand-by attorney to try and find the documents. Anderson's efforts were to no avail. By the start of his trial he still did not have the probation office records.

There was no physical, forensic, or eyewitness evidence linking Anderson to the robbery. The prosecution's case began and ended with the identification by the two men that Anderson was in one of the surveillance photos. However, the witnesses, who received reduced charges in exchange for their testimony, gave conflicting identifications of other men in that photo and another photo.

Without the probation documents Anderson's alibi defense was only supported by his testimony and that of his girlfriend from Los Angeles, who testified during his trial that she was with him during the early morning hours of April 8.

The jury believed the two police informants over Anderson's girlfriend. He was convicted of first-degree robbery and sentenced to more than 16 years in prison. After his conviction was affirmed on direct appeal, Anderson wrote the Innocence Project Northwest (IPNW) in Seattle, asking for their help in obtaining the records proving that in the late afternoon of April 7, 2004 he was at the LA County Probation Office. Boris Reznikov was the IPW student intern who reviewed Anderson's letter. Reznikov was skeptical of

Anderson's claim of being more than 1,100 miles from the crime scene, but he took the time to read the trial transcript and was struck by Anderson's dogged unsuccessful effort to obtain the probation records. Reznikov's curiosity was piqued enough for him to call the probation office and inquire about obtaining the records for April 7 and 8. The man he talked to checked the computerized records database while Reznikov waited on the line. The man told Reznikov that James S. Anderson had been in the probation office at 4:46 p.m. on April 7, 2004. That was less than 12 hours before the robbery. Reznikov knew the Pierce County Prosecutors Office had already checked with the airlines, and there was no evidence Anderson had flown from LA to the Seattle/Tacoma airport on the 7th. Anderson had been telling the truth! He had been convicted of committing a robbery in Tacoma when he was in California, two states away from the crime scene!

The IPNW agreed to represent Anderson in the filing of a Personal Restraint Petition challenging his conviction on the basis of newly discovered evidence. The State vigorously opposed the petition, with one of their arguments being that Anderson didn't meet the due diligence requirement for discovering the existence of the probation records. The Washington Court of Appeals unanimously granted Anderson's petition on December 11, 2008. In their Order the Court dismissed the State's "due diligence" argument by writing, "Anderson put forth a monumental effort to discover this evidence before trial, but his efforts were to no avail." Although the new evidence supported Anderson's actual innocence, the Court did not order his acquittal. Instead his conviction and sentence were vacated, and a new trial

ordered. That entitled him to a bail hearing pending a decision by the Pierce County Prosecutor's Office on how it would proceed.

Unfortunately for Anderson, just days after the ruling the Seattle/Tacoma area experienced the most intense and prolonged ice and snow storm in decades. With government offices, including the courts closed, Anderson languished for days in prison when he otherwise would have had a hearing on being granted bail pending the prosecution's decision to retry him or dismiss the indictment.

Finally, on Christmas Day 2008, Anderson was granted bail and released. Later that day he arrived at his family's home in Los Angeles after spending almost four-and-a-half-years in custody for a crime it is impossible for him to have committed. His mother, Yuralene Spencer told the Associated Press, "All the family's talking about James coming home. James coming home! Everyone is so happy, full of joy, like God gave us the best present we ever had." While imprisoned Anderson's father died, but his sister Loretta delayed her wedding after discovery of the probation records made his release a realistic possibility, so that he could walk her down the aisle.

Although Anderson was told by the LA County Probation Office that they provided the records for April 7 and 8 to the Pierce County Prosecutor's Office, after his release deputy prosecutor Michelle Luna-Green insisted, "We would never willfully withhold records of that nature."

Sources:

Gene Johnson, "Proven innocent, but still behind bars," *Seattle Post-Intelligencer*, December 23, 2008.
In Re: Pers. Restraint of James S Anderson, No. 37073-5-H (WA Ct of Appeals, 12-11-08).