

## Jeong Won-seop Acquitted 35 Years After Murder Conviction

Jeong Won-seop managed a comic book store in 1972 when a 9-year-old girl disappeared after leaving her home to walk to the store. An intensive search was undertaken because the girl's father was chief of the local police station in Chuncheon, South Korea. Her body was found in a nearby farm field, and it was determined she had been raped and strangled.

Jeong was a suspect because his store was the girl's destination. Jeong confessed during his intense interrogation, but after it ended he recanted. He protested he was innocent and only confessed to stop being tortured. Charged with the girl's rape and murder, Jeong's defense during his 1973 trial was his confession was coerced and the police had fabricated evidence. Convicted on the basis of his confession, Jeong was sentenced to life in prison. His appeal was denied by South Korea's Supreme Court, and he served almost 15 years in prison before being paroled in December 1987.

After his release Jeong became a Christian minister. In November 1999 he petitioned the Seoul High Court for a retrial based on the public disclosure that the police routinely tortured suspects in the early 1970s. That information supported his three-decade long contention that he was coerced to falsely confess. His petition was denied in October 2001.

South Korea's Truth and Reconciliation Com-



Jeong Won-seop raises his arms in victory after his acquittal on November 28, 2008

mittee (TRC) was established in December 2005 to investigate historical incidents in Korean history, including human rights abuses during previous political regimes. Jeong petitioned the TRC to consider his case. Only able to recommend that Jeong merited a retrial, in December 2007 the TRC forwarded Jeong's case to the Chuncheon District Court for review based on the police interrogator's violation of his human rights.

Jeong was granted a retrial, and the judge ruled his confession couldn't be introduced as evidence because of the threats and torture used by the police during his interrogation. Jeong was acquitted on November 28, 2008. Although Jeong's marriage dissolved during his imprisonment, his former wife and his son were present in the courtroom when his acquittal was announced.

Afterwards Jeong told reporters, "It is not only a victory for me, but also a victory for Korean democracy." Jeong also spoke about his torturers, "Those officers were promoted and rewarded despite their wrongdoing, but heaven will serve them justice. But now I want to forgive them." When asked, Jeong said, "I will file a lawsuit to get compensation from the state."

### Sources:

35-year-old murder conviction tossed, *Joong Ang Daily* (Seoul), November 29, 2008.  
Man Cleared of Murder Charge After 36 Years, *The Korea Times*, November 29, 2008.

## Teddy Thompson Awarded \$272,000 For Seven Years Wrongful Imprisonment

Sixteen year-old Teddy Pierries Thompson was arrested on May 8, 2000 as one of two robbers who committed a Hampton Roads, Virginia armed robbery. Thompson was identified by one of the two victims who stated he was "100 per cent sure" he participated in the March 26 robbery. During his trial in 2001 the jury disregarded the other victim's statement that Thompson wasn't the robber, and that Thompson produced a receipt for his rental of a Virginia Beach recording studio the night of the robbery. Protesting his innocence, Thompson was sentenced to 16 years in prison.

Thompson lost his appeals, and he was faced with completing his entire sentence when the unexpected happened. Antonio Mitchell, the witness who identified Thompson, contacted law enforcement officials on July 30, 2007 and told them he identified the wrong person. Mitchell told them that another man had admitted to him that he committed the robbery, and offered to return the stolen money. After an investigation the Hampton Commonwealth's Attorney determined that Mitchell's recantation was credible, and that without it there was no evidence supporting Thompson's conviction. He then submitted a motion to vacate Thompson's conviction, which was granted on September 10, 2007. Thompson was released later that day after seven years and four months of incarceration.

Thompson was thrilled to get out and spend time with his two 7-year-old daughters. He said, "I was in jail all their life. I'm just taking my time right now to get to know my kids." He also said that prison is "no place for nobody. You're talked to like an animal or a child. Every day, all day."

Virginia doesn't have a wrongful conviction compensation law, so a special legislative bill is required for a payment from the state. On January 13, 2009 state Representative Tom Gear from Hampton Roads submitted a bill providing for the payment to Thompson of more than \$50,000 in a lump sum, plus a \$207,000 annuity to be paid monthly for 25 years. The bill also provides a transition assistance grant of \$15,000 and tuition reimbursement up to \$10,000 for career and technical training. On February 24, 2009 the House and Senate both passed the compensation bill. The payments to Thompson will begin after Gov. Timothy Kaine signs the bill.

Sources: Rediscovering Freedom, *Daily Press* (Newport News, VA), September 12, 2007.  
HB2050, 2008 Virginia Legislature.

## Romeo Phillion's Murder Conviction Tossed After 31 Years Imprisonment

Romeo Phillion was convicted in 1972 for the 1967 murder of a Canadian fireman in Ottawa, Ontario. When questioned after the crime Phillion told police that on the day of the murder he was 180 miles away in Trenton having his broken down car repaired.

Four years later Phillion confessed to the murder while being questioned about a robbery. He immediately retracted the confession, and there was no physical, forensic or eyewitness evidence tying him to the murder. So in convicting him, the jury relied on his confession and four prosecution witnesses who testified they saw him in Ottawa on the day of the murder — but none saw him commit the crime. Phillion was sentenced to life in prison.



Romeo Phillion during Nov. 2008 hearing

In 1998 Phillion received a manila envelope from an anonymous sender. The envelope contained evidence the prosecution did not provide to his trial lawyer. The most important document was a police report written on April 12, 1968 that cleared Phillion of the murder. The report was written by Ottawa police investigator David McCombie, and it confirmed Phillion's alibi of being in Trenton at the time of the crime. Police investigators interviewed workers at the gas station where Phillion's car was repaired, who confirmed his alibi. Romeo also traded his car's radio for gas when he left the station. McCombie's report stated that because Romeo's presence in Trenton had been confirmed, "We do not believe that

Phillion cont. on p. 11

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

#### Phillion cont. from p. 10

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.