

Man Acquitted By Rhode Island Supreme Court Of Drug Convictions Based On Speculation

In November 2003 Robinson Berroa picked up two women at the airport in Warwick, Rhode Island. His car was subsequently stopped by police, and Berroa fully cooperated in providing his identification, vehicle registration, and he consented to a search of his car.

During the search cocaine was found in the purse of both women. Berroa was eventually charged with possession of a controlled substance (cocaine) and conspiracy to violate Rhode Island's Uniform Controlled Substances Act.

Berroa waived his right to a jury trial. The prosecution had no evidence that Berroa had any knowledge there was cocaine in the women's purses, so their case was based on the fact that since he picked them up from the airport he must have known they had cocaine. In May 2008 a judge found him guilty of the charges. After the verdict Berroa's attorney made a motion for a judgment of acquittal

based on insufficient evidence, which the judge denied. Berroa was sentenced to 10 years in prison and 10 years probation.

The Rhode Island Supreme Court acquitted Berroa of all charges on November 1, 2010. In their opinion the Court ruled there was insufficient evidence of Berroa's guilt because it was pure speculation that he had any knowledge the women had cocaine in their purse, and the prosecution substituted their speculative "pyramiding of inferences" as a substitute for actual evidence Berroa had committed any crime. The Court stated in part:

"In our opinion, this case is firmly controlled by a myriad of holdings that prohibit the pyramiding of inferences. We have said, "it is well established that '[t]hrough a process of logical deduction, the state may prove guilt from an established circumstantial fact through a series of inferences.'" [citation omitted] However, "[i]f [the] pyramiding of inferences becomes speculative, [then] proof of guilt beyond a reasonable doubt will not be found." [citation omitted] "We have recognized that pyramiding of inferences becomes speculative when the initial inference rests upon an ambiguous fact that may support other

inferences which are clearly inconsistent with guilt."

Furthermore, when the evidence before the trial court was insufficient to support a conclusion beyond a reasonable doubt that the defendant had knowledge of and intended to exercise control over the cocaine found in the women's purses, it defies logic to extract from the same set of facts a supportable inference that he agreed with these same women to traffic in drugs. ... Here, there is simply no evidence that can serve as a reasonable foundation for an agreement between Mr. Berroa and the two women he picked up at the airport.

For the reasons set forth in this opinion, we vacate the judgment of conviction. The record is remanded to the Superior Court for entry of judgment of acquittal."

Robinson Berroa was subsequently released from prison.

Sources:

State v. Robinson Berroa, No. 08-53-C.A. (RI Sup. Ct., November 1, 2010.)

New Bedford man's RI drug conviction vacated, *Boston Herald*, November 2, 2010.

The Philippines Considers Compensating The Wrongly Convicted

A bill has been filed in the Philippines Senate to compensate an innocent person for their wrongful imprisonment. Senate Bill 1409 authorizes compensating a person for as much as twice the amount of his or her income during the year prior to his or her incarceration, or the amount of \$2,200 (P100,000) for each year of incarceration, whichever is higher.

The proposed bill would require that a "claimant" establish by clear and convincing evidence that:

- He/she was unjustly convicted of a crime and subsequently sentenced to a term of imprisonment, and has served all or any part of his sentence.
- He/she did not commit the crime for which was convicted.
- He/she did not, by their own conduct, cause or bring about their conviction.

"No justice system is perfect," said Senator Loren Legarda who filed the bill, "but because the State is the guardian of the

The Innocents Database Now Includes Over 3,000 Wrongly Convicted People

The Innocents Database linked to from Justice Denied's website is the world largest database of wrongly convicted people. As of November 2010 the database lists 3,105 cases. All the cases are supported by sources for research. Those sources include books, newspaper and magazine articles, and court decisions.

The Innocents Database includes:

- 542 innocent people were sentenced to death.
- 626 innocent people were sentenced to life in prison.
- 1,315 innocent people convicted of murder were imprisoned an average of 9-1/4 years before their exoneration.

people's rights it is mandated to protect the rights of persons wrongfully convicted of a crime."

Source:

Compensation for person wrongfully convicted urged, *Manila Bulletin*, August 19, 2010.

- 456 innocent people convicted of rape were imprisoned an average of 10 years before their exoneration.
- 450 innocent people were exonerated after a false confession by him or herself or a co-defendant (216 of these people were convicted in the U.S. and 219 in other countries.)
- 138 innocent people were convicted of a crime that never occurred.
- 49 innocent people were convicted of a crime when they were in another city, state or country from where the crime occurred.
- 789 innocent people had 1 or more co-defendants. The most innocent co-defendants in any one case was 28, and two other cases had 12 co-defendants each.
- 11% of wrongly convicted persons are women.
- The average for all exonerated persons is 7-1/2 years imprisonment before their exoneration.
- 31 is the average age when a person is wrongly convicted.
- Innocent people convicted in 93 countries are in the database.

The Innocents Database is on the Internet at, www.forejustice.org/search_idb.htm