

Alan Northrop Hit With \$111,000 In Back Child Support After 17 Years Wrongful Imprisonment

In January 1993 a 36-year-old woman in the small rural town of La Center, Washington was sexually assaulted by two men. The woman was blindfolded after getting only a brief glance of her assailants, and she initially told police investigators she couldn't identify them. When shown a photo lineup of possible suspects she didn't identify anyone. Photos of Alan G. Northrop and Larry W. Davis were included in that lineup. However, the woman later identified Northrop and Davis as the men who assaulted her, and they were prosecuted based on her identification.

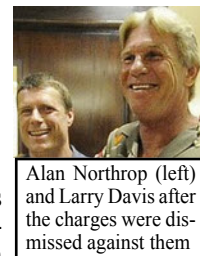
Northrop and Davis were tried separately. In May 1993, a jury convicted Davis of being an accomplice to first-degree rape,

and of first-degree kidnapping and first-degree burglary. He was sentenced to 20 years and six months in prison. In July 1993, a jury convicted Northrop of first-degree rape, kidnapping and burglary. He was sentenced to 23 years and six months in prison.

Northrop and Davis had been imprisoned for 10 years when the Innocence Project Northwest accepted their cases to pursue DNA testing of fingernail scrapings, pubic hair and other crime scene evidence that could provide new evidence of their innocence ... or their guilt. When the Clark County District Attorney's Office refused to cooperate, a lawsuit was filed in 2005 to gain access to the evidence so it could be tested. After years of litigation that lawsuit was successful and in early 2010 the evidence was DNA tested. Neither Northrop nor Davis' DNA profile was identified on any of the evidence.

The two men filed a motion for a new trial based on the new scientific evidence. The

motion was granted on April 21, 2010, and their convictions were vacated. Davis had been released in January 2010, after completing his sentence, and Northrop was released on bail following the hearing. From the time of his arrest Northrop was incarcerated for more than 17 years and Davis for almost 17 years.



Alan Northrop (left) and Larry Davis after the charges were dismissed against them

Several months later the Clark County Prosecuting Attorney's Office announced the men wouldn't be retried and the charges were dismissed on July 14, 2010. Clark County Senior Deputy Prosecutor John Fairgrieve didn't apologize to Davis and Northrop for their 17 year ordeal or even acknowledge the men were innocent, instead he told reporters the charges were only being dismissed because of a lack of evidence "in conjunction with the desire of the victim not to have to go through with another trial."

Three Men Exonerated Of Rape In Texas Will Receive Over \$1.3 Million

The Texas Supreme Court ruled on March 4, 2011 that a person exonerated of a crime is eligible for compensation for the time the person spent imprisoned on a parole violation that resulted from the crime they didn't commit. The Court's ruling is, *In re Billy James Smith*, No. 10-0048, Texas Supreme Court, March 4, 2011.

Texas' wrongful conviction compensation statute requires payment of \$80,000 for every year or part thereof that a person declared to be actually innocent was imprisoned. A claim is submitted to the Texas Comptroller of Public Accounts.

In 2006 Billy James Smith was exonerated of a rape conviction after almost 20 years imprisonment. Smith submitted a claim in 2009 for \$1,593,000 in compensation. After Smith's arrest on the rape charge his parole was violated for a previous robbery conviction. He was imprisoned for 10 months before discharge of his robbery sentence. Comptroller Susan Combs denied Smith compensation for those 10 months on the basis that he was only entitled to compensation for the time he was actually serving his sentence for the rape conviction. That resulted in a deduction of \$66,000 from Smith's claim. Under protest Smith accepted the \$1,527,000 offered by the Comptroller's



Billy James Smith after his release from prison

office. Smith then filed a writ of mandamus that challenged the reduction of his compensation because his parole violation resulted from his arrest for the rape he didn't commit.

The Texas Supreme Court's ruling of March 4 granting Smith's writ of mandamus agrees with his contention that under Texas' statute he is due compensation for the entire time he was wrongly imprisoned for the rape charge. As a result of the ruling Smith will be paid the \$66,000 deducted by the Comptroller's office. The lifetime annuity Smith is eligible for under the compensation statute will also be proportionately increased.

Two other Texas men exonerated of rape charges are expected to benefit from the ruling in Smith's case. Ronald Taylor is expected to be paid \$1.14 million, and Gregory Wallis is expected to be paid \$145,000. The lifetime annuity they are eligible for under the compensation statute will also be proportionately increased.

Sources:
In re Billy James Smith, No. 10-0048, Texas Supreme Court, March 4, 2011) at www.supreme.courts.state.tx.us/historical/2011/mar/100048.htm

"Court orders state to pay exonerated inmates \$2.7 million," *Austin American-Statesman*, March 4, 2011.

After their release both men had difficulty finding work, but Northrop was finally able to find a job at a metal fabrication shop in Vancouver, Washington that pays a couple dollars above the minimum wage. However, when Northrop was released he was informed he owed \$111,000 in child support for the time he was imprisoned. About half the money was owed to his children's mother and half to the state of Washington to reimburse it for financial assistance provided to help support the children during Northrop's incarceration.

In late 2010 the Department of Social and Health Services was contacted by the Associated Press about the money it claimed Northrop owed the state. The agency announced shortly afterwards that it had waived his obligation to repay the money. However, Northrop still owes his ex-wife over \$50,000 in back child support and his paycheck is being garnished \$100 a month towards payment of that money.

Washington does not have a compensation statute for wrongly convicted persons. Northrop, 46, and Davis, 53, may not have grounds to prevail in a federal civil rights lawsuit against the police involved in their prosecution, so both men are presently faced with getting back on their feet based on whatever they can make from their jobs.

Sources:
1993 rape charges officially dropped, *The Columbian* (Vancouver, WA), July 14, 1993.