

## Woman Jailed For Two Years For Falsely Accusing Four Men Of Rape

Nineteen-year-old Emma Blunden accused a man of raping her on July 26, 2008 when they were both staying at a hostel in Newbury, about 40 miles east of London, England. Mabey was arrested and jailed for 17 hours before being released on bail. Several weeks later the charges were dismissed when the police investigation determined that Blunden falsely accused the man of rape to conceal from her boyfriend that they had consensual sex.

Blunden was charged with perverting the course of justice and released on bail.

On February 4 2009, while awaiting trial Blunden accused three men of gang raping



Emma Blunden

her at a house in Reading, which is near Newbury and about 25 miles east of London. After an investigation the police determined that Blunden had engaged in consensual sex with the men and fabricated the rape allegation in an effort to conceal her wild behavior. She was charged with perverting the course of justice for filing the false rape report.

Blunden trial was convicted by a jury in December 2010 of both counts of perverting the course of justice for falsely accusing the four men of rape.

During her sentencing hearing in late January 2011 her lawyer argued she shouldn't be jailed because she was suffering from depression and that she needed help because she had "personality defects." Judge John

Reddihough sentenced Blunden to two years in prison because of the severity of her crimes. During the hearing he said:

"False allegations of rape have two particularly serious consequences: firstly the person falsely accused faces the nightmare of being arrested, kept in custody for many hours facing an allegation which he fears may not be successfully refuted and which could lead to him being wrongly convicted and sentenced to a long term of imprisonment; secondly, they have a serious effect on the administration of justice in cases of rape. ... Juries have a difficult decision to make and publicity over cases such as this only serves to increase the plight of those woman who are genuine victims of rape and makes such an offence harder to prove."

Source:

Jail for woman who falsely cried 'rape', *Newbury Weekly News*, January 17 2011.



## Thomas Winslow Awarded \$180,000 For 20 Years Imprisonment As 'Beatrice Six' Defendant

Six people between 23 and 31 years-old were convicted in 1989 and 1990 of charges related to the February 1985 rape and murder of 68-year-old Helen Wilson in Beatrice, Nebraska. The media dubbed them the 'Beatrice Six.'

Five of the six confessed after intense interrogations, and they made plea deals in exchange for reduced charges and sentences. Kathy Gonzalez, James Dean, and Debra Shelden pled guilty to aiding and abetting second-degree murder in exchange for a 10 year sentence. Those three served 5-1/2 years before being released in 1994. Thomas Winslow confessed to raping Ms. Wilson and he was sentenced to 10 to 50 years in prison. Ada JoAnn Taylor confessed to smothering Ms. Wilson while Winslow and Joseph White raped her. She was sentenced to 10 to 40 years in prison.

Only Joseph White insisted on his innocence. During his trial in 1989 Dean, Taylor, and Shelden testified that the six were in Ms. Wilson's apartment during her rape and murder. Taylor testified that she smothered Ms. Wilson while White raped her. White was convicted of first-degree murder. He could have been sentenced to death, but the jury recommended a sentence of life in prison.

After losing his direct appeal, White pursued DNA testing of the crime scene bio-



Thomas Winslow  
(Lincoln Journal-Star)

logical evidence. For years the State of Nebraska opposed White's efforts to test the evidence, but in 2007 the Nebraska Supreme Court ordered the DNA testing. The testing was finally conducted on some of the evidence in the summer of 2008. All of the 'Beatrice Six' were excluded. Additional testing on the remaining evidence confirmed that none of the six people convicted of the crime — five of whom confessed and pled guilty — had anything to do with Ms. Wilson's rape and murder.

White filed a motion for a new trial based on the new exculpatory DNA evidence. His motion was granted on October 15, 2008, and he was released on a personal recognizance bond later that day. Winslow was immediately scheduled for resentencing and two days later, on October 17, 2008, he was sentenced to time served and released. Taylor was released a few weeks later on November 10. The three had been imprisoned for more than 19-1/2 years.

The Beatrice Six are the largest number of defendants in one case exonerated by DNA testing in the United States. The DNA evidence proves that five of the defendants confessed to crimes they didn't commit, and that to comply with their plea bargains three of them falsely testified during White's trial. After their release the defendants said they falsely confessed and testified to avoid the death penalty. The six defendants were wrongly im-

prisoned for a total of more than 76 years.

In November 2008 Nebraska Attorney General Jon Bruning held a press conference and disclosed that the DNA evidence conclusively linked Bruce Allen Smith to Ms. Wilson's rape and murder. However, Smith died in 1992 of AIDS.

Nebraska's State Board of Pardons unanimously voted on January 26, 2009, to pardon the five defendants who confessed based on their actual innocence of Helen Wilson's rape and murder. AG Bruning said, "They are 100 percent innocent."

Nebraska did not have a wrongful conviction compensation statute, but the publicity about the exoneration of the Beatrice Six resulted in the passage of a law in 2009 that provides for the payment of up to \$500,000 to a wrongly convicted person.

On February 3, 2011 a judge approved settlement of Winslow's claim for \$180,000.

Previously White became the first person to receive compensation under Nebraska's compensation law when he settled his claim for the \$500,000 maximum.

Kathy Gonzalez settled her claim for \$350,000 on November 4, 2010.

Claims under the state law are pending by other Beatrice Six defendants, as well as federal civil rights lawsuits that name Gage County and law enforcement officers involved in the investigation of the case and the

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## Six Men Acquitted Of Rape and Murder After 15 Years Of Wrongful Imprisonment

Six men were convicted in 2000 of rape and murdering a mother and her two daughters in Parañaque, Philippines in June 1991. Only the oldest daughter, 19-year-old Carmela was raped. The case was a media sensation in the Philippines and it was dubbed the Vizconde Massacre.

The six defendants, Hubert Webb, Antonio Lejano Jr., Michael Gatchalian, Miguel Rodriguez, Hospicio Fernandez, and Peter Estrada were arrested in 1995 and held in pre-trial detention for five years awaiting trial. Webb was alleged to have raped Carmela, but the others were charged with the rape as co-conspirators.

Also convicted in 2000 was police officer Gerardo Biong who was found guilty of being an accessory to the murders by allegedly causing the destruction of evidence at the crime scene.

The six murder defendants denied having any part in the crime and presented alibi defenses of being elsewhere when the murders occurred. Webb had the alibi of being in the United States living in Anaheim Hills, California (35 miles from Los Angeles) more than 7,500 miles from the Philippines at the time of the murder. Webb's alibi was supported by travel documents, visas, airline tickets, purchase receipts, and eyewitnesses. The day

### Winslow cont. from p. 6

false confessions by five of the six defendants.

Credit must be given to Joseph White's attorney Doug Stratton, the Norfolk, Nebraska attorney who believed in White's innocence and continued representing him *pro bono* after his small retainer ran out in 2005. If he had not done so, the Beatrice Six would not have been exonerated.

Read Justice Denied's article in Issue 41 about the Beatrice Six at, [www.justicedenied.org/issue/issue\\_41/beatrice\\_six\\_jd\\_issue\\_41.pdf](http://www.justicedenied.org/issue/issue_41/beatrice_six_jd_issue_41.pdf)

#### Source:

"Third settlement filed in Beatrice murder exoneration case," *Lincoln Journal-Star* (Lincoln, NE), February 4, 2011.

"Nebraska to pay \$500,000 to wrongfully convicted man," *Lincoln Journal-Star* (Lincoln, NE), October 1, 2011



Hubert Webb after his acquittal and his release after 15 years imprisonment.

before the murders Webb bought a Toyota that he registered with the California DMV, and on the day of the murders he bought a bicycle and had the receipt to prove it.

The defendants also presented evidence showing that the prosecution's star witness Jessica M. Alfaro, who claimed to

have been present in the house at the time of the rape and murders, had a bad reputation for truthfulness and that her account of the crime was beyond belief.

The Philippines doesn't have jury trials, and the judge found that Alfaro's detailed narration of the crime and the events surrounding it were convincing, even though she didn't report that she had knowledge of the crime until four years after it occurred.

Alfaro also provided the key testimony against Biong, claiming she had seen him destroy evidence.

The six defendants convicted of murder and rape were sentenced to life in prison and Biong was sentenced to a maximum of 12 years in prison.

The defendant's convictions were affirmed on appeal based on the reasoning that Alfaro's positive identification of them trumped their alibi defense -- including Webb's substantial evidence of being in the U.S. at the time of the murder.

It was discovered post-conviction that Alfaro was a paid informant of the Philippines National Bureau of Investigation (NBI), and that she volunteered to act out the role of an eyewitness to the rape of Carmela and the three murders. Evidence was also discovered that the NBI coached and manipulated Alfaro's testimony against the seven defendants.

Webb sought and was granted court ordered post-conviction DNA testing of semen recovered from Carmela in an effort to prove his innocence. On April 27, 2010 the NBI informed the court that it had turned the semen over to the trial court as evidence at the men's trial. However, the prosecution did not offer the semen specimen into evidence and it was not listed as evidence that was in the court's custody.

Based on the new evidence the government had either failed to preserve or was concealing the semen so it couldn't be tested, and the

new evidence undermining the credibility of Alfaro's testimony, including her testimony against Biong, the seven defendants filed motions to acquit them of their convictions.

The Philippines Supreme Court *en banc* acquitted all seven defendants on December 14, 2010. Their ruling concluded:

In our criminal justice system, what is important is, not whether the court entertains doubts about the innocence of the accused since an open mind is willing to explore all possibilities, but whether it entertains a reasonable, lingering doubt as to his guilt. For, it would be a serious mistake to send an innocent man to jail where such kind of doubt hangs on to one's inner being, like a piece of meat lodged immovable between teeth.

Will the Court send the accused to spend the rest of their lives in prison on the testimony of an NBI asset who proposed to her handlers that she take the role of the witness to the Vizconde massacre that she could not produce?

WHEREFORE, the Court ... ACQUITS accused-appellants ... of the crimes of which they were charged for failure of the prosecution to prove their guilt beyond reasonable doubt. They are ordered immediately RELEASED from detention ... (*Lejano vs. Philippines and Philippines vs. Webb, et al.*, G.R. No. 176389 -- G.R. No. 176864. 12-14- 2010.)

The six defendants convicted of rape and murder were released later that day after 15 years of incarceration since their jailing in 1995. They were jailed pre-trial for five years before their trial in 2000. Ex-police officer Biong had been released two weeks earlier, on November 29, 2010, after completing his sentence. Since all the men were acquitted on the basis of insufficient evidence, they cannot be retried because it would be double jeopardy.

The United States' legal system has had an influence on the Philippines since the Spanish-American War in 1898. The 1987 Philippine Constitution's Bill of Rights recognizes the same rights as the Bill of Rights to the U.S. Constitution with one exception: a person charged with a crime does not have the right to a jury trial. However, it includes several provisions that significantly exceed the U.S. Constitution's Bill of Rights. Some of those provisions are in Article 3, Section 12:

(1) Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independen-

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