

Joseph White Dies In Accident 2-1/2 Years After Murder Exoneration

Joseph White, 48, was crushed to death on March 27, 2011 in an industrial accident at the factory where he worked in Tarrant, Alabama. White's funeral was on March 30 in Holly Pond, Alabama.

White was one of six people 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.'

White was the only one of the six who did not confess after intense interrogations. While the other five made plea deals in exchange for reduced charges and sentences, White went to trial with the prosecution intending to seek the death penalty if he was convicted. Three of White's co-defendants testified against him and he was convicted of rape and first-degree murder. The jury recommended a sentence of life in prison instead of a death sentence.

After losing his direct and post-conviction appeals, White pursued DNA testing of the crime scene biological evidence. For years the State of Nebraska opposed his 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 and



Joseph White in October 2010

additional testing followed. The testing proved that neither White nor any of his five co-defendants -- who confessed and pled guilty -- had anything to do with Ms. Wilson's rape and murder.

White's motion for a new trial based on the new exculpatory DNA evidence was granted on October 15, 2008, and he was released on a personal recognizance bond later that day. He had been incarcerated for more than 19-1/2 years since his arrest. The charges against him were subsequently dismissed. The two members of the Beatrice Six still incarcerated were paroled several weeks after White's release. The six defendants were wrongly imprisoned 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.

White filed a claim, and on October 1, 2010 he became the first person to be awarded compensation under Nebraska's compensation law when he settled his claim for the \$500,000 maximum. He was paid \$25,000, with payment of the \$475,000 balance scheduled to be voted on by the Nebraska legislature on March 29, 2011 as part of the annual state claims bill. White's lawyer issued a statement on March 29 that when the legislature authorizes payment of the \$475,000 it will go to White's estate.

White also filed a federal civil rights lawsuit against Gage County and several officials. That lawsuit is pending.

After White's release he returned to Alabama and lived with his family in Cullman. He was engaged to a former school sweetheart and their wedding was scheduled for May 7.

White was the first person exonerated by DNA evidence in Nebraska, and the Beatrice Six are the largest number of defendants exonerated by DNA evidence in one case in the United States.

Read Justice Denied's article in Issue 41 about the Beatrice Six
www.justicedenied.org/issue/issue_41/beatrice_six_jd_issue_41.pdf

Patricia Wright Seeks Compassionate Medical Parole

Patricia Wright's story of being convicted in 1998 of her ex-husband's 1981 murder in Los Angeles was in *Justice Denied* Issue 38. There is no physical or

forensic evidence or eyewitness tying her to the crime, she adamantly denies any involvement, and crime scene fingerprints exclude her.

Patricia has been diagnosed with terminal fourth stage breast cancer and would like to spend her limited days at home with her family. The Board of Parole Hearings, the

Dept. of Corrections, and the Los Angeles District Attorney have stated they are not opposed to Patricia's release on medical Parole.

The only obstacle is Patricia's life without parole sentence (LWOP).

The sentencing Judge, Curtis Rappe, has stated that he will consider reducing Patricia Wright's LWOP sentence if he receives a recommendation from one or all of the following: The Board of Parole Hearings, Governor Jerry Brown, or Matthew Cate-Secretary of Department of Corrections and Rehabilitation. Governor Brown is now considering whether to recommend Patricia's compassionate release, or he could also issue a conditional pardon based on her medical condition.

Patricia's story can be read online at, www.justicedenied.org/issue/issue_38/patricia_wright_jd_issue_38.pdf.

Dougherty cont. from p. 20

Instead, "the prosecutor's errors were part of a protracted series of improper arguments." Indeed, we conclude that the prosecutor's statements were a pervasive pattern of misconduct that permeated and affected the entire proceedings. (¶98)

...
In this case, we are unable to conclude that it is "clear beyond a reasonable doubt" the jury would have convicted appellant of the offenses as charged, as the evidence was not so overwhelming so as to proscribe this finding. More-

over, the cumulative effect of the prosecutor's improper remarks clearly deprived appellant of his constitutional right to a fair trial. (¶100)

We do not reach this decision lightly ... However, given the facts, circumstances, and evidence in this case in light of the prosecution's misconduct, we have decided that a fair trial was impossible. (¶101)
State v. Dougherty, 2011-Ohio-788 (OH Ct of Appeals 12th Dist, 2-22-2011)

Sources:
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