

## Two Men Wrongly Imprisoned For A Total Of 49 Years Settle For \$1.89 Million Compensation

Joseph Eastridge, Joseph “Nick” Sousa, and Michael Diamen were convicted of first-degree murder in the death of Johnnie Battle outside a Washington D.C. bar in 1974. All three were sentenced to serve 20 years to life in federal prison.



Joseph “Nick” Sousa

Sousa and Diamen were paroled in 1995 after more than 19 years imprisonment. Eastridge remained imprisoned.

Centurion Ministries began investigating the men’s case in 1989. In 2000 the three men each filed *habeas corpus* petition seeking to vacate their convictions based on the trial court’s limitations on their right to introduce evidence; the prosecutor’s use of race-based preemptory challenges; the failure of the prosecution to release exculpatory evidence; and ineffective assistance of counsel.

While his *habeas* petition was pending Diamen was arrested in August 2002, on a charge of possession of a firearm by a felon. In December 2002 he had a fatal heart attack in prison.

In 2004 an evidentiary ruling was held during which a number of witnesses testified favorably for Eastridge, Sousa, and Diamen.

Eastridge was paroled in early 2005 after more than 29 years imprisonment.

Centurion Ministries continued investigating the case, and in April 2005 Eastridge and Sousa filed a supplemental *habeas* petition based on newly discovered exculpatory evidence the prosecution failed to disclose prior to trial.

In May 2005 U.S. District Judge Rosemary M. Collyer granted the *habeas* petition as to Eastridge and Sousa. She ruled that (1) “[b]ased on the full record, no reasonable juror would now find Petitioners guilty beyond a reasonable doubt”<sup>1</sup> and (2) in addition to “their ‘actual innocence’ of the crime charged,” the petitioners “c[ould] prove violations of their constitutional rights at trial.” (*Eastridge v. United States*, 372 F.Supp.2d 26, 29 (D.D.C.2005)) (Eastridge I).

Judge Collyer did not grant *habeas* relief to Diamen, ruling that “[p]resumably, the same analysis would apply” but he had died during the proceeding and, “[a]s a result, the habeas record and briefs do not focus on him.” (*Eastridge I*, 372 F.Supp.2d at 29 n. 3.)

Eastridge and Sousa’s convictions were vacated on July 15, 2005.

The 16 years Centurion Ministries worked on the case before Eastridge and Sousa were exonerated was longer than they have worked on any other case.

Federal law provides for payment of \$50,000 in damages for each year a person was incarcerated after an unjust conviction. The payment increases to \$100,000 per year if the person was sentenced to death.

In April 2008, Eastridge, Sousa, and Diamen’s estate filed a motion for a “certificate of innocence” that is necessary to file a compensation claim in the Court of Federal Claims for unjust conviction and imprisonment pursuant to 28 U.S.C. §1495. In March 2009 Judge Collyer concluded the petition should be granted as to Eastridge and Sousa because they had “demonstrated that they were actually innocent of the crimes for which they were convicted,” (*Eastridge v. United States*, 602 F.Supp.2d 66, 73 (D.D.C.2009) (Eastridge II).) However, Judge Collyer refused to issue a “certificate of innocence” for Diamen because his conviction had not been vacated.



Michael Diamen (Centurion Ministries)

Diamen’s estate appealed the denial of a “certificate of innocence.” On May 18, 2010 the federal appeals court affirmed the denial, agreeing with Judge Collyer that §1495 requires that a conviction be set aside before a person is eligible for filing a damages claim. The appeals court further ruled that the statute does not provide for the filing of a claim by a deceased person’s estate — even if his or her conviction had been set aside.

Eastridge and Sousa filed claims in January 2010, with Eastridge seeking almost \$1.5 million for more than 29 years of wrongful imprisonment and Sousa seeking almost \$1 million for nearly 20 years of wrongful imprisonment. Although Judge Collyer had declared the men were “actually innocent,” the U.S. Department of Justice vigorously



Joseph Eastridge (Centurion Ministries)

opposed the claims. On April 6, 2011 it was announced that Eastridge agreed to settle his claim for \$1.14 million and Sousa agreed to \$750,000. It had been 35 years since their convictions in 1976.

### Sources:

Ruling Clears Long-Jailed Men in 1970s D.C. Slaying, *The Washington Post*, May 28, 2005.

Two Men Wrongfully Convicted in D.C. Murder Settle Suit, *The Blog of Legal Times*, April 06, 2011.

*Eastridge v. United States*, 372 F.Supp.2d 26, 29 (D.D.C.2005))

*Eastridge v. United States*, 602 F.Supp.2d 66, 73 (D.D.C.2009)

*Diamen v. United States*, No. 09-5177, (DC Appeals, May 18, 2010)

## International Justice Conference In Perth, Western Australia

The inaugural International Justice Conference will be held in Perth, Western Australia from March 8 to 11, 2012 at the Burswood Entertainment Complex. The conference is sponsored by Justice WA, a Perth based organization dedicated to helping free victims of injustice.

The conference is bringing together a compelling line-up of activists, forensic experts, lawyers, and victims of gross injustices in a bid to highlight the shortcomings of the justice system in Australia, New Zealand, Canada, England, the U.S. and other countries, and in doing so, help contribute to the freeing of a greater number of persons victimized by a miscarriage of justice.

The conference website has details about the conference and the speakers, which include Rubin “Hurricane” Carter. You can also register or request additional information from the website at, [www.internationaljusticeconference.com](http://www.internationaljusticeconference.com)

The conference spokesperson is Estelle Blackburn. Ms. Blackburn’s award winning book *Broken Lives* was based on six years of research into the cases of John Button and Darryl Beamish, and it was instrumental in clearing them of heinous crimes that were actually committed by serial killer Eric Edgar Cooke.



Rubin “Hurricane” Carter with Denzel Washington who was nominated for the Best Actor Oscar for his portrayal of Carter in “The Hurricane” (1999)