

## Aaron Farmer Awarded \$277,000 For 2 Years Wrongful Imprisonment

In September 2003 a 21-year-old woman reported to the police in Christchurch, New Zealand that as she was walking along a road a man on a motorcycle stopped, dragged her into the bushes and raped her. She described her assailant as having a large scar on his face and that during the attack she burned his cheek with a cigarette.

Aaron Lance Farmer was an avid motorcyclist, and the police included his picture in a photo-array they showed the victim. Farmer didn't have either a scar on his face or a cigarette burn, but the woman nevertheless selected him as her assailant.

During Farmer's trial in April 2005 the victim identified him in court as the man who raped her. Farmer testified that he was in another part of town at the time she said the rape occurred. A cervical swab and fingernail scrapings were DNA tested in 2003 but the results were inconclusive.



Aaron Farmer

Faced with a he-said, she-said situation, the jury convicted Farmer.

The 35-year-old Farmer was sentenced to eight years in prison.

In June 2007 the New Zealand Court of Appeal overturned Farmer conviction based on his lawyer's failure to subpoena an alibi witness to testify. After 2 years and 2 months of imprisonment, Farmer was released on bail pending his retrial.

During the prosecution's preparation for Farmer's retrial new DNA tests of the evidence recovered from the victim were performed using more sensitive techniques than were available in 2003. The test results conclusively excluded Farmer as the perpetrator. Based on that new evidence the prosecution dismissed the rape charge in April 2008.

Farmer filed a claim for compensation with New Zealand's Ministry of Justice. Under government guidelines compensation for a wrongful conviction starts at about \$80,000

(NZL\$100,000) per year, but it can be increased based on individual aggravating circumstances. On April 14, 2011 the Ministry announced it was awarding Farmer compensation of \$276,869 (NZL\$351,575) for his 26 months of wrongful imprisonment.

After the compensation award was announced, Farmer's mother, Beverley Farmer, vented her dissatisfaction with how her son, who is autistic, had been treated from the time he was first questioned by the police. She told reporters:

"Money doesn't solve the problem when it should never have happened, which means the police, the court and the lawyer didn't do their jobs." She said she would never trust the police or justice system again, and that the police "don't tell the truth unless it suits them, and they will make it fit. I will never get past being angry."

Sources:

"True rape culprit may never be found -- lawyer," New Zealand Press Association, April 15, 2011



## Derek Tice Exonerated Of Norfolk Four Rape And Murder Convictions

Derek Tice was one of four young Navy men convicted of charges related to the July 1997 rape and murder of Michelle Moore-Bosko in Norfolk, Virginia. Their convictions were based on their confessions that they all recanted as false, claiming that Norfolk Detective Robert Glenn Ford coerced them during intense interrogations.

There was no physical, forensic or eyewitness evidence tying any of the four men to the crime, but they were convicted on the basis of Detective Ford's testimony they confessed.

The four men — Derek Tice, Danial Williams, Eric C. Wilson, and Joseph J. Dick Jr. — became known as the Norfolk Four. When their case gained notoriety and was independently investigated, their claims of being coerced into giving false confessions was substantiated.

False confession expert Professor Richard Leo co-wrote *The Wrong Men* about the Norfolk Four case.

All of the Norfolk Four have been released. Eric Wilson was released in 2005 after 8-1/2 years in prison when he completed his sen-

tence. The other three were sentenced to life in prison, and they were released on August 6, 2009 when Virginia Governor Tim Kaine conditionally pardoned them. Tice, Williams, and Dick were wrongly imprisoned for more than 11 years.

In September 2009, a month after Tice was released, U.S. District Court Judge Richard L. Williams granted his writ of *habeas corpus* and overturned Tice's rape and murder convictions. Judge Williams ruled that Tice's trial lawyers were ineffective for failing to file a motion to suppress Tice's confession, because the prosecution's case was so weak that without his confession it is probable the jury would have acquitted him. The State of Virginia appealed the ruling.

On April 20, 2011 the federal 4th Circuit Court of Appeals unanimously affirmed Judge Williams' ruling. On August 4, 2011, a Norfolk Circuit Court judge dismissed the indictment against Tice.

Detective Ford is now serving a 12-1/2 year sentence in federal prison for his October 2010 convictions for extortion and lying to the FBI in cases unrelated to the Norfolk Four's case. An Affidavit filed in support of



Derek Tice on August 6, 2009, the day of his release.

Danial Williams' pending *habeas corpus* petition states that Detective Ford commented to a witness that he thinks the Norfolk Four are innocent. The Affidavit states:

"Detective Ford has stated that he believes that the Norfolk Four are innocent of the rape and murder for which they have been convicted."

The Norfolk Four's case has come full circle: Ford is imprisoned while the four innocent men are free who were convicted and imprisoned based on his false testimony they confessed.

*Justice Denied's* November 2000 article about the Norfolk was the first national exposure in the Norfolk Four case. That article is credited with resulting in production by Medstar of the documentary "Eight Men Out" that was broadcast for the first time on June 7, 2001, on The Learning Channel's series *Medical Detectives*. An article in *Playboy* magazine followed and eventually the four men were able to get first-class pro bono counsel and coverage of their case in *The New York Times* and other national media.

Sources:

*Derek Tice v Johnson*, No. 08-cv-69 (USDC EDVA, 09-14-2009) - Memorandum Opinion.pdf.

*Tice v. Johnson*, No. 09-8245 (4th Cir. 04/20/2011)

Norfolk Four website,

<http://www.norfolkfour.com>

