

Anthony Graves Awarded \$1.45 Million Compensation For 18 Years Wrongful Imprisonment

Anthony Graves has received \$1.45 million compensation from the State of Texas for 18 years incarceration for six 1992 murders he didn't commit.

Graves was convicted in 1994 of murdering 45-year-old Bobbie Joyce Davis, her 16-

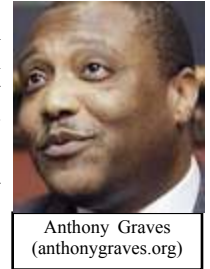
year-old daughter Nicole, and four grandchildren, ages 4-9 in 1992. He was jailed from 1992 until the time of his trial.

There was no physical or forensic evidence linking Graves to the murders. His conviction and death sentence were based on the testimony of Robert Earl Carter, who was also convicted of the murders. Carter recanted his testimony before his 1998 execution and swore that Graves had nothing to do with the murders.

In 2006 the 5th U.S. Circuit Court of Appeals overturned Graves' conviction and

death sentence based on the prosecutor's misconduct of withholding exculpatory evidence and eliciting false testimony.

After a reinvestigation of the case by Special Prosecutor Kelly Siegler, Graves was released on October 27, 2010 after Siegler and Burleson-Washington County District Attorney Bill Parham both agreed he is innocent of any involvement in the murders, and the charges were dismissed.



Anthony Graves (anthonygraves.org)

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were going to have a major custody dispute that she made criminal accusations against him. Filler's lawyer objected to that argument and moved for a mistrial because it was the prosecution that objected to the testimony by Filler's wife that would have supported the truthfulness of Filler's claim that the criminal charges were related to the couple's custody dispute. The judge overruled the objection by Filler's lawyer and denied the motion for a mistrial.

The jury convicted Filler of one count of gross sexual assault and two counts of misdemeanor assault.

Filler's lawyer filed a post-verdict motion for a new trial based in part on the argument that he was denied a fair trial by the prosecutor successfully objecting to testimony by Filler's wife about their bitter custody dispute, and then arguing to the jury that the absence of any testimony about the custody dispute disproved Filler's claim that they had a custody dispute. The judge agreed that the prosecutor's argument prejudiced Filler's right to a fair trial and vacated his conviction.

The prosecution appealed, and on September 9, 2010 Maine's Supreme Court affirmed the grant of a new trial in [State of Maine v. Vladek Filler](#), 2010 ME 90 (ME Sup Ct, 9-9-2010). The Court's ruling states:

The likelihood that the jury might have been persuaded to accept the central premise of Filler's defense—that his wife had a strong motive to fabricate her claims—was greatly diminished by the State's emphasis on

the absence of evidence that the marriage was ending and the parties were engaged in a child custody dispute. The court did not err in concluding that the interest of justice requires a new trial. (Op. Cit. 14)

The prosecution elected to retry Filler.

Prior to the retrial T.J. Ward, the former lead investigator in Aruba's high-profile Natalee Holloway murder case, [publicly described](#) the sexual assault charge against Filler as a fabrication by his wife and that he was the victim of malicious prosecution, because there was no medical or forensic evidence supporting her allegation, there was no rape kit because she refused to be medically examined, and she had a had a history of emotional instability.

After a three-day trial [the jury acquitted](#) Filler on May 27, 2011 of the gross sexual assault and one of the misdemeanor assault counts. He was convicted of one count of misdemeanor assault based on a photograph introduced during the trial that showed a small bruise on his wife's arm.

The misdemeanor assault conviction carries a maximum of one year in prison and a minimum of probation. Filler was released on bond pending sentencing. His lawyer said he will appeal that conviction.

Filler, 41, lives in Atlanta, Georgia with his two children, now 5 and 14. He was awarded [custody of his children](#) based on the recommendation of the Maine Department of Health and Human Services. It is reported he and his wife Ligia are finalizing their divorce.

Sources: [State of Maine v. Vladek Filler](#), 2010 ME 90 (ME Sup Ct, 9-9-2010)

[Man found](#) not guilty of raping wife, but guilty on one of two misdemeanor assault charges, *Bangor Daily News*, May 27, 2011

[Internationally Respected](#) Investigator Says Vladek Filler Rape Accusation is "Fabrication", *National Coalition For Men*, Press Release, April 8, 2011

Graves filed a claim with the comptroller's office under Texas wrongful conviction compensation statute. His attorney was notified on February 11, 2011 that the claim was denied because the judge's order does not state Graves' release was due to his "actual innocence." The comptroller's office explained that the law is very specific that a court's order releasing a claimant must state "on its face" that the release is based "on the claimant's actual innocence." When asked for comment about the controversy caused by the comptroller office's decision, spokesman [R.J. Silva said](#) "the law did not allow for special consideration of the facts in Graves' case."

Siegler commented regarding the denial of compensation to Graves, "Who would have envisioned this kind of situation happening? I'm willing to testify to the fact that we believe he's innocent. I've signed an affidavit. I'm not sure what we are supposed to do to make it happen."

Texas Governor [Rick Perry called](#) Graves' case a "great miscarriage of justice," and said he would assist him through legislation or "directly with the comptroller's office."

On June 22, 2011 Perry signed special legislation authorizing the payment of \$1.45 million to Graves. Eight days later Graves received a check for \$1.45 million from Texas Comptroller Susan Combs. Graves will also receive monthly annuity checks beginning next year.

The [Innocence Project of Texas](#) represented Graves. After IPT chief counsel Jeff Blackburn [said about Graves' case](#), "The worst thing we can do is believe that Anthony's case shows that the Texas criminal justice system works. This case shows that it doesn't work."

Source: [Comptroller Pays](#) Anthony Graves \$1.4 Million, *The Texas Tribune*, June 30, 2011

[State rejects](#) compensation for wrongly convicted man, *Houston Chronicle*, February 14, 2011.

[Perry pledges](#) to help Graves, *Brenham Banner-Press*, February 17, 2011



Woman protesting Vladek Filler's prosecution (NCFM.org)