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Message From The Publisher

The difficulty of a prisoner to obtain relief in federal court is emphasized by three cases in this issue. Lorenzo Johnson had been released after 16 years of imprisonment in Pennsylvania for a murder there was evidence he didn’t commit, when the U.S. Supreme Court reinstated his conviction and he was taken back into custody to resume serving his life sentence. See p. 3. Federal 11th Circuit Court of Appeals Judge James Hill declared that “habeas corpus is dead in this country” after the appeals court refused to reduce Ezell Gilbert’s sentence that had been almost doubled to 24-1/3 years by what the majority of the judges acknowledged was the improper application of the “career offender” enhancement that didn’t apply to him. Sound crazy? See p. 17. The substantial new evidence supporting Troy Davis’ actual innocence wasn’t enough for the U.S. Supreme Court to stop his execution. See p. 7.

The difficulty faced in federal court extends to seeking compensation for a wrongful conviction. After a jury awarded Alan Newton \$18.6 million for his wrongful imprisonment in New York for a rape he didn’t commit, the federal judge reversed the jury’s award on the rationale Newton hadn’t proved his imprisonment was due to the intentional violation of his constitutional rights. See. p. 17.

Advances in forensic science has helped release hundreds of innocent persons from prison – but the downside is that the contamination or mixing up biological samples can cause a wrongful conviction. That is what happened to Dwayne Jackson when his DNA sample was switched with the man who actually committed a home invasion. He was awarded \$1.5 million for the almost four years in was imprisoned. See p. 6.

Hans Sherrer, Editor and Publisher
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