

Newton cont. from p. 18

2006, after almost 22 years of incarceration from the time of his arrest.

Newton filed a federal civil rights lawsuit against the City of New York, the New York City Police Department and several officers, alleging among other claims that their conduct constituted reckless disregard for Newton's constitutional right to due process because the city's system for safeguarding DNA evidence and a defendant's access to it was inadequate. After a 3-1/2 week trial, on October 19, 2010 the jury awarded Newton a total of \$18,592,000 for 12 years of wrongful imprisonment from 1994 when he first sought the DNA testing of the rape kit that the NYPD claimed it couldn't locate, to 2006 when he was released.

The city filed a motion challenging the verdict. On May 12, 2011 U.S. District Court Judge Shira A. Scheindlin reversed the [jury's verdict](#), ruling that Newton had proved the city acted negligently, but not that any city employee had intentionally violated his constitutional rights by withholding evidence for DNA testing. In her 31-page ruling Judge Scheindlin wrote that Newton had not proved any city employees "withheld evidence in deliberate contravention or disregard of his right to due process. Newton's due process claim cannot be sustained absent proof that a city employee acted with the requisite constitutional culpability in withholding evidence." Judge Scheindlin wrote, "It is not enough for Newton to have shown that the city's post-trial evidence management system is disorganized. As disturbing as such negligence may be, in the end that is what it is: mere negligence."

Newton [told reporters](#) after the ruling, "I'm totally shocked. The city's saying I'm not entitled to anything, and no one has to answer for what happened to me anymore. ... This is the last thing I expected."

Newton's lawyer, John Schutty told reporters [he would appeal](#) the judge's ruling that he thinks is contrary to the evidence the jury relied on in making their award, because "The Police Department had the evidence in their possession during the 12 years he repeatedly requested it and they didn't produce it."

See *Justice Denied's* article about [the jury's](#) \$18.592 million award in October 2010.

Sources:

[\\$18.5 Million](#) Lawsuit Taken From Wrongfully Convicted Man, *The St Louis American*, May 17, 2011

[Ruling Blocks](#) \$18.5 Million to Man Freed in Rape Case, *The New York Times*, May 12, 2011

[Judge nixes](#) \$18.5 million award for Alan Newton, man jailed for 22 years for rape he didn't commit, *New York Daily News*, May 12, 2011

Dominique Strauss-Kahn's Rape Charges Dismissed Because There Is No Evidence A Crime Occurred

After Dominique Strauss-Kahn's had resigned as managing director of the International Monetary Fund and his character assassinated by the media that also all but tried and convicted him of raping a hotel maid in New York City in May 2011 — the truth emerged that the maid has so little credibility that the charges were dismissed on August 23, 2011.

Strauss-Kahn's photo was plastered on the front page of newspapers and websites all over the world when he was arrested on May 14, 2011 for allegedly raping Nafissatou Diallo, a maid at the Sofitel New York, [a luxury hotel](#) in Manhattan where he was staying. At the time Strauss-Kahn was the managing director of the International Monetary Fund and a leading candidate for the French presidency. *The Telegraph* of London reported that because [of the allegations](#) Strauss-Kahn "has been destroyed overnight." Four days after his arrest he resigned from the I.M.F.

Diallo's original account of the alleged assault was so strange that it raised red flags about its believability for people who retained an open mind: Why would a multi-millionaire and one of the most powerful men in the world staying in a \$3,000 a night hotel suite allegedly pursue a not very attractive hotel maid to force her to have sex with him when he could have a callgirl in New York City as easily and quickly as ordering a Domino's Pizza?

Strauss-Kahn, 62, was indicted on May 19, 2011 for two counts of first-degree criminal sexual act, first-degree attempted rape, first-degree sexual abuse, second-degree unlawful imprisonment, third-degree sexual abuse, and forcible touching. Later that day a judge ordered that he could be released on house arrest after posting a \$6 million bail — \$1 million in cash with an additional \$5 million in collateral.

Inconsistencies began to be reported in Diallo's account of the alleged assault, and on July 2 the judge lifted Strauss-Kahn's house arrest restriction.



Dominique Strauss-Kahn

Although Diallo had denied to prosecutors that she had a financial motive for accusing Strauss-Kahn of rape, on August 8 she [filed a civil lawsuit](#) in New York's State Supreme Court in the Bronx. The lawsuit sought unspecified damages for what it alleged was Strauss-Kahn's "senseless attack on Ms. Diallo has caused her to suffer both physical and psychological harm, as well as permanent harm to her professional and personal reputations, and severe mental anguish and emotional distress, from which she may never recover."

Then on August 22, 2011 Manhattan's District Attorney filed a "Recommendation For Dismissal" [of the charges](#) against Strauss-Kahn. The prosecution's request for dismissal extensively details that Diallo is a pathological liar with no credibility whatsoever. Among her lies is a detailed story she fabricated for her application for asylum in the United States about being gang raped in Guinea. When confronted by prosecutors with evidence that she hadn't been truthful Diallo admitted she lied to the grand jury that indicted Strauss-Kahn. Since there was no evidence Diallo had been raped other than her claim — and she told investigators three different and conflicting stories of what allegedly happened — the prosecution simply had no basis to proceed with its case. The "Recommendation For Dismissal" stated in part:

"For a host of reasons, including those set forth below, the complainant's untruthfulness makes it impossible to credit her. Because we cannot credit the complainant's testimony beyond a reasonable doubt, we cannot ask a jury to do so. The remaining evidence is insufficient to satisfy the elements of the charged crimes. We are therefore required, as both a legal and ethical matter, to move for dismissal of the indictment." (11)

After the charges were dismissed the next day he [issued a Statement](#) that said in part:

"These past two and a half months have been a nightmare for me and my family. I want to thank all the friends in France and in the United States who have believed in my innocence, and to the thousands of people who sent us their support personally and in writing. I am most deeply grateful to my wife and family who have gone through this ordeal with me."

Strauss-Kahn cont. on p. 20

Conspiracy Convictions Of 20 Environmental Activists Overturned Because Prosecution Concealed Exculpatory Recordings And Reports

The convictions of 20 people in December 2010 for conspiracy to commit aggravated trespass have been quashed by England's Court of Appeals after it was discovered after their trial that the prosecution failed to disclose recordings and notes made by an undercover policeman that

Strauss-Kahn cont. from p. 19

Strauss-Kahn's passport was returned on August 25, and he left the U.S. for France on September 1.

Since Diallo has admitted that she committed perjury about her non-existent gang rape on her application for asylum in the U.S., it is possible she will be deported back to Guinea.

An [excellent summary](#) of Strauss-Kahn's case is on the False Rape Society website.

If it wasn't for Strauss-Kahn's financial resources and social position it is questionable if the prosecutors would have delved into Diallo's past and vetted her story as thoroughly as they did — after initially rushing to the judgment that he was guilty and having him arrested and indicted on what turned out to be perjurious testimony by Diallo. If Strauss-Kahn had been a regular Joe who had to depend for his defense on an overworked public defender, he very well could have wound up convicted and sentenced to spend decades in prison — where he very possibly could have died given his age.

In May 2012 Strauss-Kahn filed a \$1 million lawsuit against Diallo claiming her baseless accusations cost him his job as managing director of the International Monetary Fund and "other professional opportunities."

Sources:

[Strauss-Kahn](#) Indicted, Granted Bail, *Fox 5 News*, New York, New York

[Hotel Housekeeper](#) Sues Strauss-Kahn, *The New York Times*, August 8, 2011

[Manhattan](#) DA's Motion To Dismiss, Filed on August 26, 2011

[Women's advocates](#) do disservice to rape victims by telling them that justice was not served in the DSK case, [FalseRapeSociety.blogspot.com](#), August 26, 2011

[Strauss-Kahn](#) Sues Housekeeper, Saying She Hurt His Career, *The New York Times*, May 15, 2012

proved their defense.

The UK's third-largest coal-fired power plant is in Nottinghamshire about 130 miles north of London.

In April 2009 hundreds of climate change activists were planning to peacefully occupy the power station so they could shut it down for a week to stop 150,000 tons of CO2 from entering the atmosphere. Days before the planned occupation the protester's headquarters were raided by the police and 114 protestors were arrested.

Twenty of the activists charged with conspiracy to commit aggravated trespass went on trial in December 2010. The facts underlying the case were not in dispute: the 20 defendants admitted planning to occupy the power plant to try and shut it down. What was in dispute was their intent. The prosecution contended the planned occupation was illegal because it was intended as a publicity stunt to draw attention to climate change, while the activist's defense was that under the "law of necessity" their planned action was legal because they believed it was necessary to protect the public's health from the power plant's dangerous emissions.

The jury convicted all 20 defendants, and three weeks later the judge issued sentences of up to 18 months in prison that were suspended pending good behavior.

One of the most vocal activists was Mark Stone whose nickname was "Flash" because he always had money. He drove the car on the initial reconnaissance of the power plant and he rented a 7½-ton truck to be used on the day of the occupation. He was arrested with the other protesters but when the charges against him were dropped some of his colleagues became suspicious. In October 2010 they discovered a passport bearing his real name Mark Kennedy. They eventually unearthed documentary proof he had been a policeman since around 1994, which Kennedy admitted when he was confronted with the evidence.

Days after the trial in December 2010 London's *Sunday Times* [reported that Kennedy](#) began working in 2004 as an undercover police officer infiltrating social activist groups. He was paid about \$80,000



Ratcliffe-on-Soar Power Station in Nottinghamshire, England (Lady Wulfrun)

(£50,000) a year and he traveled with a false passport to 22 countries in his role as an activist to gather intelligence information on environmental groups. The revelations about Kennedy triggered a public firestorm in England about the police monitoring of environmen-

talists.

Six other activists were scheduled to go on trial January 10, 2011, and Kennedy announced he would testify as a defense witness. Three days before the trial was to begin the prosecution provided the defendant's lawyers with transcripts of recordings that Kennedy had made of meetings during which planning of the power plant occupation was discussed. They were also provided Kennedy's written reports that confirmed the information in the recordings. The prosecution also informed the lawyers that they weren't going to offer any evidence against the six defendants. The trial was delayed and the charges were subsequently dismissed.

The key evidence in the recordings and Kennedy's reports was that the protesters were motivated to act because they believed the power plant's emissions posed a serious and immediate threat to the public's health. The protests leaders also stressed the importance of not causing harm to any person or damaging property. That new evidence not only supported the "necessity" defense of the 20 defendants convicted in December, but it was contrary to the prosecution's claim during their trial that they were only seeking publicity.

In their appeal the 20 defendants relied on the new exculpatory evidence the prosecution had failed to disclose prior to their trial, even though it was obligated to do so.

On July 20, 2011 England's Court of Appeals quashed all 20 convictions. [The Court described](#) Kennedy's role "as an enthusiastic supporter" in the planned power plant protest as "arguably, an agent provocateur," because he had "a significant role in assisting, advising and supporting...the very activity for which these appellants were prosecuted." (§13) The ruling in [Barkshire and Others vs The Queen](#) (Court of Appeal (Criminal Division), July 20, 2011) states in part:

One of the contentions advanced by the Crown at trial was that the protesters main objective was "publicity" for their



Mark Kennedy, aka Mike Stone, undercover cop who infiltrated environmental groups for 7 years

Environmental cont. on p. 21