

Gordon Randall Steidl Settles Lawsuit For 17 Years Of Wrongful Imprisonment For \$2.5 Million

Gordon Randall Steidl has settled his federal civil rights lawsuit against the Illinois State Police for \$2.5 million. Steidl was wrongly imprisoned for 17 years before his release in 2004.

Steidl and his co-defendant Herbert Whitlock were convicted by separate juries in 1987 of murdering Karen and Dyke Rhoads in 1986, and then setting their Paris, Illinois home on fire. Their convictions were primarily based on the testimony of two prosecution witnesses -- both alcoholics -- who claimed to have been present during the crime. Steidl, 35, was sentenced to death while Whitlock, 41, was sentenced to life in prison.

One of the prosecution's witnesses, Deborah Reinbolt, was charged with concealing the deaths. She pled guilty and was sentenced to two years in prison.

Steidl and Whitlock's convictions were affirmed on direct appeal.

Whitlock and Steidl filed state habeas petitions. Whitlock's was denied while Steidl's sentence was vacated in 1999 after 12 years on death row. He was resentenced to life in prison. Whitlock and Steidl then filed federal habeas corpus petitions. Whitlock's was denied, while Steidl's was granted in June 2003, based on his trial lawyer's failure to investigate exculpatory evidence. The federal [judge ruled](#) that Steidl's "acquittal was reasonably probable if the jury had heard all of the evidence."

Steidl was released on May 28, 2004 when a county judge granted the prosecutor's motion to dismiss his indictment.

Whitlock filed a second state habeas petition, and in 2007 the Fourth District Illinois Appellate Court ordered a new trial based on the prosecution's failure to disclose exculpatory evidence that the prosecution's two key witnesses initially implicated other suspects, and that State Police officers provided them with alcoholic drinks before they identified Steidl and Whitlock. Whitlock was released from prison on January 8, 2008 after the prosecution dropped the charges against him.

Steidl and Whitlock filed separate federal civil rights lawsuits against the Illinois State



Gordon Randall Steidl after his release from prison (Jennifer Linzer)

Police, several State Patrol officers involved in investigating the murders, the city of Paris, and the former Edgar County prosecutor who prosecuted them.

It was discovered as a result of the lawsuits that a former State Police investigator was prevented from thoroughly investigating the murders. However, based on what he did investigate he concluded Steidl and Whitlock were innocent. That information wasn't provided to Steidl and Whitlock's trial attorneys.

The Illinois State Patrol agreed to [settle Steidl's lawsuit](#) against the agency and its officers for \$2.5 million on October 25, 2011. However, the settlement wasn't reported until December 2 after the Better Government Association, a Chicago-based watchdog group obtained the settlement documents through a Freedom of Information Act request. The BGA also obtained

documents that as of the settlement the State Police had spent more than \$3.7 million defending against the lawsuits by Steidl and Whitlock. Most of the \$3.7 million was spent on attorneys' fees.



Herb Whitlock after his release after 21 years of wrongful imprisonment. (Jim Avelis, *The Tribune-Star*)

Steidl's lawsuit against the city of Paris and the prosecutor remains unresolved, and Whitlock has not reached any settlement in his lawsuit.

Steidl, now 60, and Whitlock, now 66, have pending applications for a pardon by Illinois' governor based on their actual innocence that would clear their records and entitle them to compensation by the State of Illinois.

Sources:

[Illinois State Police Settle Wrongful Conviction Suit](#), *Claims Journal*, December 2, 2011

[Gordon \(Randy\) Steidl](#), Northwestern University Center on Wrongful Convictions.

Motorcyclist Spends \$60,000 To Overturn Speeding Conviction

John Busuttill was convicted in June 2011 of riding his Suzuki motorcycle at 93 mph (149 kmh) in a 37 mph (60 kmh) speed zone in the Royal National Park in May 2010. The park is 18 miles south of Sydney, Australia. Protesting his innocence, the 29-year-old Busuttill was fined \$1,744 and his driver's license was suspended for six-months.

Busuttill appealed and the Sydney District Court quashed his conviction and sentence on October 26, 2011. His conviction was based on highway patrol officer's use of a hand-held radar gun, and the court ruled the use of the radar gun was "radically wrong."

For his appeal Busuttill subpoenaed the police records and video of the incident. During his appeal hearing the video was played that showed the radar speed detector mounted inside the patrol car clocked him going 47 mph (76 kmh). Busuttill also presented the expert evidence of an internationally accredited radar expert, Roy Zegers, that a hand-held radar gun has to be locked onto an object moving in a straight line for a minimum of three seconds before it can register an accurate speed. Busuttill then presented expert evidence by a surveyor who testified that where Busuttill's motorcy-



John Busuttill outside the courthouse where his conviction was quashed. (Edwina Pickles)

cle was clocked the straight stretch of road was 100 meters shorter than an officer had testified during his trial. The actual length of straight road wasn't enough to allow the officer 3 seconds to take a reading.

In quashing Busuttill's conviction the appeals court ruled the errors in his case were "extraordinary and fundamental." The judge also ruled that although there was no evidence the police officer acted with malice, reimbursement of Busuttill legal costs in his defense was warranted.

Busuttill estimates that he spent more than \$60,000 in legal and expert witness fees, and other expenses. After his conviction was overturned he told reporters, "It's cost a lot but it's worth it in the end."

Busuttill's investigation also discovered that on the same day he was given a ticket 22 other drivers were charged with speeding on the same stretch of road based on hand-held radar speed readings, and 10 of them had their driver's license suspended. So his case could be used as the basis for the other drivers to challenge the legality of their convictions.

Busuttill cont. on p. 17