

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.

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Barry Beach Granted New Trial In 1984 Murder Conviction

Barry Beach has been granted a new trial for his conviction of murdering 17-year-old Kimberly Nees in Poplar, Montana in 1979.

During the investigation of Nees' murder there were several suspects, but Beach, 17 at the time, wasn't one of them.

In January 1983 Beach was living with his father in Louisiana when he was arrested on a misdemeanor charge of contributing to the delinquency of a minor. Detectives in the area were trying to solve the abduction and murder of three young women. The detectives learned that Beach was from Poplar, Montana where Nees' murder was unsolved. After being interrogated for several days without a lawyer Beach confessed to the three Louisiana murders and Nees murder. After his interrogation Beach recanted his confessions as forced by the detectives threatening him with the electric chair if he didn't confess. Beach's interrogation wasn't audio-taped and the detectives denied they threatened him.

Before Beach could be charged with the three Louisiana murders evidence was discovered conclusively proving his confessions were false, and other men were charged with those crimes. However, Beach was charged with Nees' murder and extradited to Montana.

During Beach's 1984 trial the prosecution didn't introduce any physical, forensic or eyewitness evidence linking him to Nees murder, and there was crime scene evidence that excluded him, including a bloody palm print found on the pick-up Nees was driving that didn't match either her or Beach. His conviction was based on his alleged confession, which had a number of inconsistencies with the crime scene and details of Nees'

Busuttil cont. from p. 16

Note: All dollar amounts are in Australian dollars, and on October 26, 2011 the exchange rate between the AU\$\$ and the US\$ was exactly even at AU\$\$1.00 equal to US\$1.00.

Sources:

[Was it 149km/h or 76km/h?](#) Biker's barrister father wins \$60,000 battle to beat speed charge, *Sydney Morning Herald*, October 26, 2011



Barry Beach during evidentiary hearing in Lewistown, Montana on August 1, 2011. (KTVQ-TV, Billings, MT)

murder. Beach was 21 when convicted in 1984 of deliberate homicide. He was sentenced to 100 years in prison.

Beach's convictions were affirmed on direct appeal, and his state and federal habeas petitions were denied.

In 1991 Beach saw a *60 Minutes*' story about Centurion Ministries successfully freeing an innocent man from Texas' death row. He wrote them a letter, and in 1998 they began reviewing his case. In 2000 they accepted his case and began an investigation to try and find new evidence. After 8 years of investigation, in 2008 lawyers working with Centurion filed a Petition for Postconviction Relief that requested a new trial based on new evidence of Beach's actual innocence. Key new evidence was by 11 witnesses who didn't testify at his trial. Several of those witnesses had evidence identifying that Nees' killers were four women. One of Beach's new witnesses told a police officer around the time of Nees' murder that he saw a number of girls in the truck Nees' was driving that night headed to the park where her body was found. Beach's trial lawyer was not told about that witnesses' statement.



Kimberly Nees

After more than 3 years of legal maneuvering by the State and Beach's lawyers, an evidentiary hearing ordered by Montana's Supreme Court began on August 1, 2011 in Lewistown, Montana. During that hearing all of Beach's witnesses with new evidence testified.

District Court Judge E. Wayne Phillips filed [his written ruling](#) on November 23, 2011. (Page numbers for quotes are in brackets below.) A key issue to be decided was whether Beach's post-conviction petition could even be considered, since it had been filed long after the 5-year statute of limitations had expired. For the issues in Beach's petition to be considered he had to first satisfy that his new evidence was discovered after trial and that he had exercised diligence in finding it. He then had to satisfy that his new evidence was credible and that it would prove his actual innocence by clear and convincing evidence to any reasonable juror. If so, then Beach would satisfy that it would be a miscarriage of justice if he wasn't granted a new trial.

Judge Phillips found that the evidence by Beach's witnesses was evidence the jury hadn't heard at trial, and that Centurion had exercised diligence in discovering it. He also found that all 11 of Beach's new witnesses were credible. He also found the new evidence by three of the witnesses was sufficient to establish by clear and convincing evidence that no reasonable juror would find Beach guilty beyond a reasonable doubt if they heard their testimony. One witness was told by one of the "gang of four" girls who allegedly murdered Nees, that the girl's was at the scene of Nees' murder. The other two women were co-workers of another member of the "gang of four" [who told them](#), "a bunch of girls were riding around and they went down by the river ... the girls drug her [Nees] out of the truck and they beat her." (25)

Judge Phillips said another witness sealed the sufficiency of Beach's new evidence. Steffanie Eagle Boy was 10 when on the night of Nees murder she was with her cousin on a bluff above where Nees' body was found. Judge Phillips writes about [Ms. Eagle Boy's testimony](#):

"Of all the testimony at the evidentiary hearing, Ms. Eagle Boy's is seared on the Court's conscience. (25)

She saw two vehicles enter the area and heard loud, girl voices yelling "get her"; "get the bitch"; "kick the bitch". She testified that she heard a different voice plead "don't, please". In Ms. Eagle Boy's own words: "it was something I'll never forget." "It was horrible." "I've had nightmares all my life about it." "It's something I won't forget". (25)

...

No reasonable juror, properly instructed, could have combined that testimony with the testimony of Ms. White Eagle-Johnson, Ms. Smith and Ms. Molar and not had reasonable doubt whether Mr. Beach committed the murder. (26)

In spite of Beach's disputed confession, Judge Phillips ruled that "the totality of the evidence is clear and convincing enough to rule that Mr. Beach has certainly opened the actual innocence gateway sufficiently enough to walk through the miscarriage of justice exception toward a new trial." (29) "It is hereby Ordered that Beach's Petition for Post Conviction Relief is not time barred, the Petition is Granted, and Mr. Beach is Granted a new trial on the charge of the murder of Kim Nees."

Beach cont. on p. 18