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*The Naked Truth Bound in Scorn: an Oklahoma story*, by Judy Ortiz (2010), 610 pgs., is a true crime story of Raye Dawn Smith's case. The book is available from:

[www.boundinscorn.com/](http://www.boundinscorn.com/) and, Amazon.com at:

[www.amazon.com/The-Naked-Truth-Bound-Scorn/dp/1453846425/ref=as\\_sl\\_pd\\_tf\\_mfw?&linkCode=wev&tag=jodort-20](http://www.amazon.com/The-Naked-Truth-Bound-Scorn/dp/1453846425/ref=as_sl_pd_tf_mfw?&linkCode=wev&tag=jodort-20)

*Bashboard Bullies*, by Jody Ortiz, 2011 (682 pgs. paperback, 717 pgs. Kindle ed.). This book is Judy Ortiz' follow-up to *The Naked Truth Bound in Scorn*. Available in softcover from:

[www.boundinscorn.com/](http://www.boundinscorn.com/), and, as Kindle E-book from Amazon.com at: <http://www.amazon.com/Bashboard-Bullies-Jody-Ortiz-ebook/dp/B0080DCMNC>

Former Judge Craig Key's book about the case is, *A Deadly Game of Tug a War: The Kelsey Smith-Briggs Story*, (Morgan James Pub. Co. 2007) (145 pgs. h/c). It is available in softcover, hardcover, and Kindle E-book from Amazon.com at, [www.amazon.com/Deadly-Game-Tug-War-Craig/dp/1600373119/ref=tmm\\_pap\\_swatc\\_h\\_0?encoding=UTF8&sr=&qid=](http://www.amazon.com/Deadly-Game-Tug-War-Craig/dp/1600373119/ref=tmm_pap_swatc_h_0?encoding=UTF8&sr=&qid=)

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### Endnotes:

[1] This article is an edited version of the Statement Of The Facts (pgs. 14-28), and Proposition V (pgs. 84-94) in the "Brief In Support Of Petition For Writ Of Habeas Corpus By A Person In State Custody Pursuant To 28 U.S.C. § 2254 (filed Sept. 28, 2012), signed by Raye Dawn Smith's attorney Stephen Jones, in the case of *Raye Dawn Smith v. Millicent Newton-Embry*, No. 5-12-cv-00473-C (USDC WDOI). Mr. Jones; contact info is: Stephen Jones; Jones, Otjen & Davis; P.O. Box 472 Enid, Oklahoma 73702-0472.

[2] See, *State of Oklahoma v. Raymond Briggs*, CM-2001-143, District Court of Lincoln County, State of Oklahoma.

[3] See Craig Key, *A Deadly Game of Tug a War: The Kelsey Smith-Briggs Story*, note 4 at pp. xi, 40, 51-52 (Morgan James Pub. Co. 2007). Judge Craig Steven Key presided over the deprived child petition regarding Kelsey filed in Lincoln County, Case No. JD-2005-10. The trial court did not allow former Judge Key to testify as a fact witness on Ms. Smith's behalf during her criminal trial. The defendant offered a proffer at trial (O.R. 1105), and former Judge Key provided herein an affidavit of what his testimony would have been. See H.C. Ex.44, "Affidavit of Craig Key."

[4] See Key at pp. 43, 51-53, 64, 67, 70.

[5] See Key at p. 8.

[6] See Key at pp. 2, 41, 52.

[7] See Key at pp. 70-72.

[8] See Key at pp. 99-105.

[9] Porter was sentenced to 30 years in prison on August 3, 2007 — about two weeks after Raye Dawn was convicted. Porter acknowledged during his plea/sentencing hearing that he would have to serve at least 25-1/2 years in prison before he could be released. See, "Plea made in Kelsey's death," By Kim Morava, *Shawnee News-Star*, Aug. 03, 2007.

## England Seeks To Restrict Who Is Eligible For Wrongful Conviction Compensation

England's Home Secretary Theresa May is [backing a change](#) to the legal standard a person must meet before qualifying for compensation after their conviction has been overturned and the charges dismissed.

Currently a person whose conviction has been overturned can qualify for compensation from the British government if they can prove "beyond reasonable doubt that there has been a [miscarriage of justice](#)." In 2013 Home Secretary May proposed changing the standard to a person qualifies "if the new or newly discovered fact shows beyond reasonable doubt that the person was [innocent of the offence](#)."

Proponents of the change to the wording said it was necessary to clarify who qualified for compensation. Opponents to the change argued that the new standard eliminated the presumption of innocence and created an impossibly high standard for anyone to meet who didn't have new scientific evidence of their innocence or who was convicted of a crime that didn't happen.

The changed definition is part of the Anti-Social Behaviour, Crime and Policing Bill that was passed in 2013 in the House of Commons (roughly equivalent to the House of Representatives in the U.S.). In January 2014 the Bill was rejected in the House of Lords (roughly equivalent to the Senate in the U.S.), in part due to the changed wording of who will qualify for compensation.

The Bill was returned to the House of Commons and to placate the opposition the new standard was amended to a person would have to prove: "if the new or newly discovered fact shows beyond reasonable doubt that the person [did not commit the offence](#)."

During debate in the House of Commons on February 4, 2014 opponents argued the change was merely semantics because a person would still have to prove their innocence, i.e., they "did not commit the offence."

Opponents also argued that under the proposed new standard the people would not

have been compensated who were wrongly convicted in some of England's most outrageous wrongful conviction cases. John McDonnell (Hayes and Harlington, Labour) for a number of years chaired the campaign to free the [Guildford Four](#). McDonnell [stated during debate](#) on the bill:



John McDonnell (Longtime chair of the campaign to free the Guildford Four)

"Let us take the Birmingham Six as our example. As soon as the confessions were seen to be completely false, they were released on the basis that their prosecution was unsound. However, to gain compensation they will now have to go out and prove they "did not commit" or they were "innocent", whichever terminology is decided on."

Damian Green is the Minister for Policing and Criminal Justice, and a staunch advocate of the more restrictive wording. He didn't dispute the Birmingham Six (freed in 1991) and the Guildford Four (freed in 1989) wouldn't have been compensated under the proposed new compensation standard. However, [Green defended the change](#) by arguing: "In our view compensation should be paid only to applicants where it is shown beyond reasonable doubt that they did not commit the offence."

The fate of the Anti-Social Behaviour, Crime and Policing Bill and the change to the standard of who will qualify for compensation is yet to be decided. However, Home Secretary May's advocacy for the more restrictive standard mirrors the Home Office's staunch opposition to almost all compensation claims under the existing standard where an exonerated person must only prove he or she was the victim of a "miscarriage of justice."

### Sources:

[Clause 151](#) — Compensation for miscarriages of justice, Anti-Social Behaviour, Crime and Policing Bill, theyworkforyou.com (Programme) (No. 3), February 4, 2013

[UK law](#): Renewed bid to make it difficult for those wrongfully convicted to claim compensation, *The Irish Times*, February 3, 2014

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