

# Roseanne Beckett Awarded \$2.88 Million For 10 Years Wrongful Imprisonment

Roseanne Beckett was awarded AUS\$2.31 million on August 24, 2015 by Justice Ian Harrison in New South Wales, Australia, for spending ten years in prison after she was wrongly convicted of soliciting the murder of her husband. On November 10, 2015 Justice Harrison ruled that Beckett would also be paid AUS\$1,781,367 in interest, for a total award of AUS\$4,091,717. Beckett's award converts to US\$2,882,614.<sup>1</sup> Justice Harrison also ruled that New South Wales must pay Beckett's legal expenses. Beckett's 9-½ year effort to be compensated ended on November 23, 2015 when NSW Attorney General Gabrielle Upton announced that Justice Harrison's rulings would not be appealed.

Beckett was released in 2001 after completion of her sentence, and exonerated in 2005 with the dismissal of all charges based on new evidence she was framed by a police officer who was a friend of her husband.

In 1989 Roseanne Catt was living in Taree, New South Wales with her husband, Barry Catt. Taree is a coastal town of 18,000 people about 190 miles north of Sydney. The NSW Department of Family and Community Services (FACS) informed Roseanne they had evidence Barry and other townspeople had been molesting his four children — Roseanne's stepchildren — for years prior to their marriage in 1987.



Det. Peter Thomas (Scott Hornby)

Roseanne agreed to support the children and help FACS prosecute her husband. She also separated from Barry.

In 1983 Roseanne had a fire at her delicatessen business in Taree on Christmas Day. It was investigated as a possible arson by Detective Peter Thomas. Roseanne lodged complaints about Thomas' behavior of making improper sexual advances and innuendoes towards her during his investigation.

Detective Thomas was a good friend and drinking buddy of Barry — Roseanne's husband.

Shortly after agreeing to



Roseanne Beckett celebrates after being awarded \$2.3 million on August 24, 2015. (Daily Telegraph)

help FACS, Roseanne was arrested by Thomas. She was charged with three counts of soliciting others to murder Barry, two counts of wounding him, one count of endangering his life with Lithium, assault occasioning actual bodily harm, perjury, and possession of an unlicensed pistol. One of solicitation charges alleged that she offered a stranger at a local club \$10,000 to break her husband's arms and legs, and then kill him. That man, James Morris, signed his statement accusing Roseanne shortly after the police began investigating him for running a prostitution ring involving young girls in Taree. After Morris signed his statement against Roseanne, the police ceased investigating his prostitution ring. Morris was a prosecution witness during her trial.

Roseanne's jury trial resulted with her conviction of eight counts on September 11, 1991. She was sentenced in October 1991 to 12 years 3 months imprisonment.

Her direct appeal was denied in 1993.

She was released in 2001 after serving 10 years of her sentence. After her release, she remarried and became known as Roseanne Beckett.

In 2001, Roseanne petitioned for a review of her convictions based on new evidence, and the Attorney General referred her application to the New South Wales Court of Criminal Appeal. On July 12, 2002 the Court of Appeal found there was sufficient new evidence to conduct an Inquiry into her trial and appeal.

The 18-month Inquiry by Judge Thomas Davidson discovered significant new evidence, including testimony by witness Peter Caesar that Thomas told him: "It's common knowledge that I planted a gun on the bitch."

Among Judge Davidson findings was that Thomas "descended into malice and abuse of power," because there was significant evidence Thomas gave and procured false

evidence, that he planted a gun on Roseanne, and that he conspired with Barry Catt and others to have Roseanne falsely charged — and then convicted — after she agreed to help FACS expose the pedophile ring that included her then husband Barry.

In 2004 Judge Davidson's findings of fact were forwarded for review by the Court of Criminal Appeal. In August 2005, the appeals court acquitted her of one count, and granted her a retrial on the remaining counts that it quashed. On September 22, 2005 the New South Wales Director of Public Prosecutions announced Catt would not be retried, and the charges were subsequently dismissed. (The DPP in Australia is the equivalent of a state attorney general in the U.S.)

In April 2006 Roseanne filed an application for *ex gratia* compensation for her wrongful convictions and imprisonment. Her petition was denied.

In August 2008, she filed a lawsuit against the government of New South Wales claiming damages for malicious prosecution on the basis the government was vicariously liable for the conduct of the police officers who instigated her prosecution.



Roseanne Catt before her conviction in 1991. (Andrew Darby)

In 2011 the trial judge granted the government's motion that Roseanne would have to prove her innocence to prevail on her malicious prosecution claim. Roseanne appealed, and in May 2012 the Court of Appeal affirmed the lower court's ruling.

Roseanne application for leave to appeal to Australia's High Court was granted. On May 5, 2013 the High Court reversed the appeals court. The High Court's precedent setting ruling established that a plaintiff is not required to prove his or her innocence in an action for damages for malicious prosecution in a case in which the prosecution terminated it favorably for the plaintiff.

Roseanne's suit was remanded back to the trial court. On August 24, 2015 Justice Ian Harrison awarded Beckett AUSS \$2,310,350 plus interest, plus her legal costs. In Justice Harrison's judgment of more than 900 paragraphs, he harshly criticized the conduct of Detective Thomas, who he said came to see

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Roseanne “as his nemesis.” Justice Harrison [described that](#) Roseanne’s sexual misconduct complaints against Thomas in 1983 were the basis of his vendetta against her: “...she incurred his not inconsiderable resentment by complaining about him. This was the cauldron out of which the later monumental events would develop.”

Justice Harrison’s ruling was 26 years to the day from when the police raided Roseanne’s home and she was arrested on August 24, 1989.

After notified of the award, Roseanne [told reporters](#) that the New South Wales Department of Public Prosecution was staffed by “monsters” who “dragged me through hell, court after court, costing the taxpayer.” She also said “the DPP is fatally flawed, it is broke, ineffectual” Asked about Thomas, [she said that](#) “He took that 10 years away from me. No amount of money can bring that 10 years back.” She also said, “Peter Thomas ran this case right up until he died last year. The public have a right to know how their money is being wasted. Thomas paid not a cent because he had the Crown at his fingertips and that is so wrong.”

[Click here to read Justice Harrison’s ruling](#) in *Beckett v State of New South Wales* [2015] NSWSC 1017.

Endnote 1: Using .7045 conversion rate of AU\$\$ to US\$ on Nov. 10, 2015.

### Source:

No retrial for Roseanne Catt, by Jenny Dennis, The Illawarra Mercury, October 6, 2005

[Police made me lie against Catt](#), Crown witness tells, Sydney Morning Herald, February 12, 2007

[Beckett v The State of New South Wales](#) [2013] HCA 17 (May 8, 2013) (Reversing appeals court ruling that Beckett had to prove she was innocent to sue for malicious prosecution.)

[Beckett v State of New South Wales](#) [2015] NSWSC 1017 (Awarding AU\$\$2.3 mil. compensation)

[A gross miscarriage of justice](#), by Bernie Matthews, onlineopinion.com.au, May 7, 2007

[Roseanne Beckett awarded \\$2.3 million](#) for wrongful conviction over soliciting murder of husband, By Amy Dale and AAP, The Daily Telegraph, August 24, 2015

[A NSW woman framed](#) for attempting to murder her husband just won \$2.3 million in compensation, By Simon Thomsen, Business Insider (Australia), Aug 24, 2015

[Beckett v The State of New South Wales](#) [2012] NSW-CA 114 (Ruling Beckett had to prove she was innocent to sue for malicious prosecution)

[Roseanne Beckett wins \\$4m in damages](#) for 10 years of wrongful imprisonment, *The Guardian* (London, UK), November 10, 2015

[NSW drops \\$4m malicious prosecution](#) battle against Roseanne Beckett, *The Guardian* (London, UK), November 22, 2015



## Derral Wayne Hodgkins Released From Death Row After Murder Acquittal By Florida Supreme Court

Derral Wayne Hodgkins [was released](#) from Florida’s Death Row on October 12, 2015, after his acquittal by the Florida Supreme Court of the 2006 murder of his longtime friend Teresa Lodge.

Lodge was murdered in her apartment in Land O’Lakes, Florida, sometime from the afternoon of September 27, 2006 to the early morning of September 28. The 46-year-old Lodge was found when she didn’t show up for work and the police were called to enter her apartment. There were no leads in her murder for more than a year.

On November 1, 2007 the Florida Department of Law Enforcement Crime Lab reported that DNA consistent with Hodgkins’ profile was detected under fingernails on her left hand (Lodge was left handed).

When questioned by police, Hodgkins told the officers that he had known Lodge for more than 20 years, and that they dated before his conviction for raping a 12-year-old girl in Hillsborough County in 1987. Hodgkins pled guilty to that crime. While imprisoned he and Lodge corresponded, and when he was released from prison in 2004, she told him she was dealing cocaine and as a convicted felon on probation she didn’t want him to get in trouble if she was arrested for it. Hodgkins said they remained close friends, occasionally having sexual intercourse, and that whenever Lodge hugged him she scratched his back with her fingernails. He said she hugged him when they saw each other several days before her murder.

With no evidence to link Hodgkins to Lodge’s murder except for the DNA, he was arrested and charged on November 18, 2007 with premeditated first-degree murder.

After awaiting trial for more than three years in the Pasco County Jail, Hodgkins’ trial that began in January 2011 ended in a mistrial. His retrial began in August 2011. The prosecution didn’t present evidence that blood was found in the DNA sample, that Hodgkins’ blood was on Lodge or in her apartment, and none of the 18 fingerprints lifted from the crime scene belonged to Hodgkins. Furthermore, a beer bottle found in her apartment with her blood on it was the



Derral Wayne Hodgkins (Florida DOC)

likely murder weapon, but it didn’t have Hodgkins’ fingerprints or DNA on it. After the prosecution closed its case that was based on the circumstantial DNA evidence, the trial judge denied the motion by Hodgkins’ lawyers

for a judgment of acquittal because the prosecution failed to present sufficient evidence to prove his guilt beyond a reasonable doubt: and specifically, no evidence was presented disproving that the DNA underneath Lodge’s fingernails was from her hugging Hodgkins several days before her death.

On August 29, 2011 the jury found Hodgkins’ guilty of first-degree murder. During the sentencing hearing the jury was told about his rape conviction, and recommended he be sentenced to death. The trial judge sentenced him to death on May 1, 2013. Hodgkins was on probation from his prior rape conviction at the time of his arrest, so he was also sentenced to nine years in prison for violating his probation.

A key issue in Hodgkins appeal was the insufficiency of the prosecution’s evidence to prove is guilt.

On June 18, 2015 the Florida Supreme Court vacated Hodgkins’ conviction in a majority six to one ruling [that stated](#):

“In this circumstantial case, the State simply has not pointed to legally sufficient evidence establishing a nexus between Hodgkins’ DNA and any criminal conduct on his part. Furthermore, we find that the State’s evidence is wholly consistent with Hodgkins’ hypothesis of innocence that someone else killed Lodge. Preliminarily, we conclude that the timeframe within which Lodge could have been killed was far too lengthy to reasonably infer that only Hodgkins made contact with Lodge. ... Lodge was murdered between approximately 2:30 p.m. that Wednesday and 5:30 a.m. the following day—a fifteen-hour window. ... We, therefore, conclude that the evidence before us is insufficient to sustain Derral Hodgkins’ first-degree murder conviction. Accordingly, we reverse and vacate the conviction and sentence of death, and remand with directions that a judgment of acquittal be entered.”

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