

Man Acquitted Of Rape After Completing Prison Sentence Wants Euthanasia If Not Compensated

On June 10, 2015 the High Court of Bombay acquitted Gopal Shete [of raping a girl](#) in 2008 -- three months after he had completed his prison sentence.

A mentally challenged girl was raped in December 2008 at the railway station in Ghatkopar, India, outside of Mumbai. The victim told the police that her assailant said his name was "Gopi."

Shete was 32, the married father of two young daughters, and worked in a management position in a hotel in Ghatkopar. Shete's first name Gopal, was similar to Gopi, so the police assumed he was the assailant. Although the victim did not identify Shete as her attacker, he was arrested and charged with her rape.

Shete was jailed without being granted bail, while awaiting his trial.

During Shete's trial the prosecution didn't present any physical, forensic, or eyewitness evidence linking him to the crime, or even being in the vicinity of the railway station at the time of the rape. The prosecution's case



Gopal Shete in Feb. 2016 (Nagpur Today)

was based on the similarity of his first name to that of the victim's assailant.

Shete's alibi defense was he was with his family at the time the rape occurred.

After his conviction following a bench trial, Shete was sentenced to seven years in prison with credit for the time he was jailed awaiting trial.

Nine months was taken off Shete's sentence for his good behavior, and he was released in March 2015 after six years and three months in custody.

Three months after Shete's release his appeal was decided. On June 10, 2015, the Bombay High Court set-aside Gopal Shete's conviction and acquitted him based on the insufficiency of the prosecution's unreliable name similarity evidence the trial court relied on to convict him. The [court's ruling](#) by Justice Abhay Thipsay stated: "In my opinion, this was a case where the identity of the appellant as the culprit had not been satisfactorily established. In my opinion, there was indeed a real and substantial doubt about the identity of the appellant as the culprit."

At the time of his arrest Shete was making the comfortable salary of Rs50,000 (US\$750) a month. While imprisoned Shete's wife divorced him and remarried, his two daughters were forced to live in an orphanage, and his father passed away.

Shortly after his exoneration Shete filed a petition in the High Court to be granted compensation, and he requested interim compensation because he was destitute. In February 2016 the High Court accepted Shete's claim for consideration, but reserved a ruling pending the government's response.

Frustrated at inaction on his petition, in late July 2016 Shete wrote letters to the Bombay High Court, the Chief Justice of India's Supreme Court, the Governor of the State of Maharashtra, India's President, the ministry of Home affairs and India's Chief Minister. Shete's [court's ruling](#) letter stated: "I was falsely implicated and I want compensation, otherwise I am going to end this life. So, if the court cannot give me justice, they better give me permission to end my life."

As of early August there was no report of an official response to Shete's letter.

Sources:

[After 7 yrs in jail for rape he didn't commit, man wants to end his life](#), *Mumbai Mirror*, July 27, 2016

[Youth spends 6 year in Jail now seeks 100 cr as compensation](#), *Nagpur Today* (Nagpur, India), February 23, 2016



Supreme Court cont. from p. 9

consequences that his or her own earlier, critical decision may have set in motion." [8]

The Court ruled regarding that Castille was only one of the six state Supreme Court justices who voted to reinstate Williams' death sentence:

"... the Court holds that an unconstitutional failure to recuse constitutes structural error even if the judge in question did not cast a deciding vote. ... The fact that the interested judge's vote was not dispositive may mean only that the judge was successful in persuading most members of the court to accept his or her position. That outcome does not lessen the unfairness to the affected party." [12, 13]

The judgment of the Supreme Court of Pennsylvania is vacated..." [14]

Three of the justices thought it was acceptable for Castille to participate in deciding Williams' appeal of his death sentence after

Castille had authorized the seeking of that death sentence when he was Philadelphia's District Attorney.

Two of the dissenters, Justices Roberts and Alito, [argued that](#) Castille acting as a prosecutor and a judge at different stages of Williams' case did not violate his federal right to due process. However, they conceded that it may have violated state ethics rules. "Because the Due Process Clause does not mandate recusal in cases such as this, it is up to state authorities—not this Court—to determine whether recusal should be required." [Roberts dissent, 8]

Justice Thomas dissented [for two reasons](#). First, he argued "The specter of bias alone in a judicial proceeding is not a deprivation of due process." [Thomas dissent, 1] Second, Thomas argued Castille's recusal wasn't required because Williams' post conviction petition challenging his death sentence that was denied by Justice Castille was a civil case distinguishable from his criminal case that resulted in the imposition of his death sentence that had been ap-

proved by then District Attorney Castille. Thomas wrote, "this postconviction proceeding is not an extension of Williams' criminal case but is instead a new civil proceeding." [Thomas dissent, 12]

The Supreme Court's ruling in *Williams v. Pennsylvania*, 579 U.S. ___ (2016) is online at, www.supremecourt.gov/opinions/15pdf/15-5040_6537.pdf

When the Pennsylvania Supreme Court reconsiders Williams' case Castille won't be around to possibly contaminate the proceeding: he stepped down from the court in 2014 after reaching the mandatory retirement age of 70.

Sources:

[Williams v. Pennsylvania](#), 579 U.S. ___ (2016)

[Com. v. Williams](#), 105 A. 3d 1234 (Pa. Supreme Ct 2014)

[U.S. Supreme Court: Castille should have recused himself from Pa. death-row case](#), *The Inquirer* (Philadelphia), June 10, 2016

