

JUSTICE

DENIED

The Magazine for the
Wrongly Convicted

GERMAN PARLIAMENT APPROVES VINDICATING 50,000 HOMOSEXUALS CONVICTED 1949-94

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Message From The Publisher

The injustice of being wrongly convicted of committing a crime can perhaps only be exceeded by the police seizure of property – typically after a traffic stop – and the failure to return it even though the property's owner is not convicted of a crime. In Utah, 94% of forfeitures are from people not convicted of a crime. See p. 3.

Guilt by association is a shortcut that prosecutors use when they lack the evidence to charge a person directly. Roxanne Granberry became a victim of that strategy in Maryland because her husband was charged with being the ring leader of a drug conspiracy. See page 9.

Social media is becoming increasingly pervasive, and its reach and influence can be a valuable tool in uncovering or publicizing a wrongful conviction case. That power was shown by the overturning of Kaj Linna's murder conviction in Sweden after his case was publicized in an Internet Podcast. See p. 5.

When there is no independent evidence a rape occurred, a prosecution is based on the alleged victim's account. Jurors or a judge must then decide the "She said, He said" case by deciding who is more credible. Many accusers are found out to have fabricated their claim ... or in the case Jemma Beale, that she fabricated rape claims against 15 men in four separate incidents in England. Beale has been convicted of perjury and obstruction of justice. See p. 11.

A number of Western countries have recognized that past criminal prosecutions of homosexuals was wrong, based on a change in what behavior is considered to be socially acceptable. Germany has approved legislation that will enable the vindication of 50,000 men convicted of homosexual crimes from 1949 to 1994. See. p. 13.

Hans Sherrer, Editor and Publisher

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Justice:Denied promotes awareness of wrongful convictions and their causes. It provides information about convicted people claiming innocence, exonerated people, and compensation awards, and provides book and movie reviews, and reports about court decisions, and law review and journal articles related to wrongful convictions.

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Justice: Denied's logo represents the snake of evil and injustice climbing up on the scales of justice.



Thandi Maqubela Acquitted Of Murder Because Her Husband Died From Natural Causes

Thandi Sheryl Maqubela [was acquitted](#) of murder by South Africa's Supreme Court of Appeal on September 29, 2017. The Court ruled the trial evidence failed to establish her husband, Patrick Maqubela, didn't die from natural causes in Cape Town, South Africa.

Patrick and Thandi Maqubela were married in September 1991. In the spring of 2009 Thandi was 54 and a director of health consultancy with Sawihb (Pty) Ltd. in Cape Town. Patrick was 60 and a Western Cape High Court judge in Cape Town. The couple was estranged, and Patrick had told Thandi he wanted to divorce.

Patrick's decomposing body was found in bed in his apartment in Cape Town on June 7, 2009. When her husband's body was discovered Thandi was at the couple's Eastern Cape family farm. The medical examiner determined he had died two days earlier, on June 5, 2009.

Initially Patrick's death was believed to be



Thandi Maqubela lying on the courtroom floor after fainting during the reading of her verdict on Nov 6, 2013 (enca.com)



Thandi Maqubela outside the Western Cape High Court on Nov. 4, 2013, awaiting the judge's verdict. (Nardus Engelbrecht/SAPA)

to be split among Thandi and the three children she and Patrick had together. However, the will didn't leave anything to Patrick's son and daughter from a previous marriage.

Thandi was arrested on March 25, 2010 and charged with Patrick's murder. She was also charged with forgery of the will and fraud upon her husband's estate for relying on the forged will. A friend, Vela Mabena, who was married and had a theology degree, was also arrested, but only charged with murder.

A bail hearing was held six days after their arrests. Thandi was released on US\$13,635 (R100,000) bail and Mabena was released on \$US2,725 (R20,000 bail).** The prosecution told the judge that neither Thandi nor Mabena were a flight risk. In her bail application [Thandi stated](#): "I am confident that the state's case against me is non-existent. I deny any wrongdoing in relation to my late husband's death." Mabena's bail application stated: "I am innocent."

Thandi's case was widely reported on in South Africa, and the press dubbed her the 'Black Widow' killer.

Thandi and Mabena's bench (judge only) trial began in March 2013 in the Western Cape High Court. All the judges in that court recused themselves because Patrick had been one of their co-judges, so Judge John Murphy was brought in from Johannesburg to preside over the trial.

The prosecution's narrative for Thandi's guilt was she suffocated her husband, while the prosecution alleged Mabena assisted her in some unspecified way.

Thandi's defense to the murder charge was Patrick died from natural causes. Professor Saayman, a special pathologist testified as a defense witness that it couldn't be determined to a scientific certainty whether Patrick died from natural causes or suffocation.

from natural causes. However, an investigation discovered evidence that Thandi had forged a document she purported was her husband's will. Patrick's estate was estimated to be worth about US\$2.5 million (R20 million).* The suspect will provided for it

However, [he further testified](#) that Patrick had a serious heart condition, and the probable inference to be drawn from the medical evidence was that "there was a substantially greater likelihood" that the pathology in Patrick's heart "could have caused his death" and that "the probabilities are that his heart killed him." Prof. Saayman also testified: "I come to the conclusion that a doctor or a pathologist should first and foremost consider, from a probability perspective, natural causes as being the cause of death in this particular case."

Mabena's defense was he had no role in Patrick's death. He didn't provide any incriminating evidence against Thandi.

The prosecution also presented its evidence that Thandi forged her husband's will and fraudulently tried to pass it off as genuine.

On November 6, 2013 Judge Murphy began reading his decision. Mabena was acquitted of murder and ordered released. However, Thandi fainted twice, the second time after she was found guilty of fraud and forgery. Judge Murphy adjourned reading the rest of her verdict until the next day.

On November 7 Thandi was convicted of murdering her husband for "causing his death by means unknown to the state."

In finding Thandi guilty of murder Judge Murphy ruled the medical evidence about Patrick's cause of death was inconclusive to a scientific certainty, even though the judge acknowledged that comprehensive medical evidence about Patrick's post-mortem condition did not exclude the reasonable inference of sudden death by reason of cardio-pathology (ie, a natural death). However, the judge ruled the evidence proving Thandi had committed forgery and fraud demonstrated mendacity and a 'consciousness of guilt', so she had by an unknown and medically undetectable means caused her husband's death.

Thandi's bail was immediately revoked and she was taken into custody pending her sentencing.

On November 20, 2013 Thandi was sentenced to 15 years in prison for her murder conviction. She was also sentenced to three year concurrent prison sentences for her forgery and fraud convictions. Those sentences were to be served consecutive to her 15 year sentence for murder, so she would serve a total of 18 years in prison.

Maqubela cont. on p. 4

Maqubela cont. from p. 3

Thandi only appealed her murder conviction.

On September 29, 2017 the Supreme Court of Appeal of South Africa set-aside Thandi's conviction [and ordered that](#) she be found not guilty on the basis the prosecution failed to introduce sufficient evidence to prove her guilt beyond a reasonable doubt.

The appeals court ruled the trial judge erred by applying the scientific standard of scientific certainty in determining Patrick's cause of death was inclusive, instead of applying the judicial standard of the assessment of probability. The trial evidence established that by the probability standard Patrick died from natural causes, and therefore there was no murder.

The court also ruled the trial judge erred finding Thandi guilty of murder by relying on evidence of her 'consciousness of guilt'. In the absence of any other evidence, it could not prove an unlawful killing beyond a reasonable doubt.

With her acquittal, the 62-year-old Thandi can be released after serving 3 years and 11 months in custody. She has completed her three year sentence for forgery and fraud.

[Click here to read *Maqubela v The State* \(821/2015\) \[2017\] ZASCA 137 \(South Africa Supreme Court of Appeal, 9-29-2017\).](#)

Endnote:

* On June 7, 2009 the exchange rate was 8.065 South African Rand to 1 US\$. See, www.xe.com/currencytables/?from=ZAR&date=2009-06-07.

** On March 31, 2010 the exchange rate was 7/334 South African Rand to 1 US\$. See, www.xe.com/currencytables/?from=ZAR&date=2010-03-31.

Sources:

[Maqubela v The State](#) (821/2015) [2017] ZASCA 137 (South Africa Supreme Court of Appeal, 9-29-2017) (Reversing conviction based on new medical evidence her husband died of natural causes.)

[Thandi Maqubela spends first night in jail.](#) *SABC.co.za*, November 8, 2013.

[SCA overturns Thandi Maqubela's conviction.](#) *SABC.co.za*, September 29, 2017.

[Thandi Maqubela: The charges.](#) *www.politicsweb.co.za*, August 4, 2010.

[Maqubela widow out on R100 000 bail.](#) *Mail & Guardian*, April 1, 2010.



Alan Staines Exonerated Of 2004 Burglary By Discovery Lab Misidentified Him As Source Of Crime DNA

Alan Staines' 2004 burglary conviction in Perth, Australia [was overturned](#) on November 13, 2017 by the Supreme Court of Western Australia. The Court ruled Staines' conviction was a miscarriage of justice based on new evidence a laboratory misidentified him as the source of crime scene DNA. The ruling written by Justice Stephen Hall [stated that](#) without the "erroneous DNA evidence ... there would have been no 'prima facie' case against him."

The police collected blood stain evidence during their investigation of a home invasion in Perth's southern suburbs in late 2004. The burglar bled from a cut while breaking into the house.

PathWest, the government owned and operated forensic laboratory for Western Australia, conducted a DNA test of the blood stains. A DNA profile was obtained from the blood, and it was uploaded to the Australian DNA database. The profile matched a man named Alan Staines.

The Western Australian Police were provided with the information, and in December 2004 they arrested 21-year-old Alan Staines at his home in Perth. Staines had a police record of several misdemeanor convictions: shop-lifting, driving without a licence, and petty drug possession.

Staines insisted he was innocent of the burglary, and had a solid alibi for being elsewhere at the time of the burglary. He told the police he was with two friends, who corroborated his alibi, and they provided a picture of the three of them together that had a date and time stamp for that night.

However, Staines pled guilty to the advice of his lawyer that the DNA matching of the crime scene blood to him was damning evidence, and he faced up to three years in prison if convicted after a trial. Staines was given a one-year jail sentence suspended for 18 months of good behavior.

In April 2016 the PathWest lab informed the Western Australian police they had discovered that in 2004 Staines had incorrectly been identified as the source of the crime scene DNA. The lab explained the error



Alan Staines outside court after his burglary conviction was set aside (Heather McNeill)

occurred because his name was the same as the man whose DNA was matched to the crime scene evidence, but the lab failed to notice they were different people with different birth dates.

The Alan Staines who matched the crime scene evidence is 13 years older than his namesake, and he is a career criminal. His record of offenses is 10 pages long, and includes multiple convictions for home burglaries, and an escape in 2013 from the Karnet Prison Farm, south of Perth.

PathWest discovered the error when the Alan Staines who was the actual culprit was arrested for a crime that resulted in the testing of his DNA, and the lab discovered there were two Alan Staines -- and the wrong one had been linked to the 2004 burglary.

However, it wasn't until April 21, 2017, a year after they learned of PathWest's mistake, that the WA police informed both the Director of Public Prosecutions and the innocent Staines, that he had been erroneously identified as the burglar.

On April 27 WA Attorney-General John Quigley gave a press conference during which he admitted Staines' conviction was a miscarriage of justice. Quigley said the government would not oppose Staines' appeal to have his conviction quashed based on the new evidence of his innocence.

Western Australia's Bar Association President Matthew Howard announced he would represent Staines *pro bono* in his appeal.

There were two immediate responses by government agencies in Western Australia to the Staines case.

First, "potential serious misconduct" by the WA police in waiting for a year to inform Staines and the Director of Public Prosecutions about discovery of the lab error, was recommended for referral for an investigation by Western Australia's Corruption and Crime Commission.

Second, it was announced the Public Sector Commission would review random samples of work by PathWest's Forensic Biology

Staines cont. on p. 5

Kaj Linna Exonerated Of Murder In Sweden With Aid Of Internet Podcast

Kaj Linna [was acquitted](#) of murder on June 15, 2017 by Sweden's Court of Appeal. Kaj had been convicted in 2004 and sentenced to life in prison.

In April 2004 the robbery of two brothers on a farm 13 miles from Piteå, Sweden went awry. Piteå is 530 miles due north of Stockholm. One of the brothers was killed and the other brother, who was disabled from a stroke, survived being assaulted. The surviving brother told police he could identify the assailant by his voice: he was a man who had done business with them and he had acted threateningly toward them.

That man was investigated, but he had an alibi for the time of the attack. However, he suggested Linna might have been the assailant, and gave the police the name of a man who might be able to establish Linna committed the crime.

When questioned by the police, that man —

Staines cont. from p. 4

Department from 2002 to 2017 to ensure compliance with protocols and procedures.

During an interview with *The West Australian* Staines, now 34, said his burglary conviction had prevented him getting a number of jobs, and it strained family relations. An aunt who had her house broken into even falsely accused him of the burglary. Staines, the father of six, is working as a sheep shearing contractor in a remote part of Western Australia with his two youngest children and his partner. He said he would be seeking compensation from the government.

After the hearing resulting in his exoneration, Staines [told reporters](#) outside the courthouse: "I'm glad it's all over now. It's a bit of a shame it took so long, but once it's done, it's done."

Staines can now pursue compensation from the government of Western Australia.

Sources:

[Perth man's wrongful conviction quashed](#) after DNA bungle exposed, *Western Australia News*, November 13, 2017.

[Alan Staines cleared after PathWest DNA bungle](#) led to wrongful burglary conviction, *ABC.net.au*, November 12, 2017.

[Alan Staines Cleared](#) Of 2004 Burglary Conviction Caused By Bungled DNA Identification, By Hans Sherer, *Justice Denied*, May 13, 2017.



Kaj Linna in prison (Acast)

crime, and Nils didn't say he knew Linna had done so.

During Linna's trial in 2004 Nils testimony was the prosecution's key evidence. Linna's defense was he didn't commit the crime and he never told Nils he wanted to rob the brothers.

After his conviction Linna was sentenced to life in prison.

Linna filed three appeals that were unsuccessful. His unwavering insistence on his innocence attracted the interest of Stefan Lisinski, a reporter with Dagens Nyheter, Sweden's largest circulation newspaper. Lisinski wrote many stories over a period of years about Linna's case. Lisinski pointed out errors and gaps in Nils' testimony that appeared to undermine his credibility.

In 2015 Linna had a appeal pending that raised inconsistencies in Nils' story.

Spår is a Swedish true crime podcast on Acast.com, that is presented by two journalists, Anton Berg and Martin Johnson. In May 2015 *Spår* broadcast five episodes about Linna's case. One of the episodes included an interview with Nils — the prosecution's key witness. During the interview Nils gave a new version of his story that was different from his trial testimony, and was exculpatory for Linna.

Linna incorporated Nils' podcast interview in his appeal to support his claim he should be granted a new trial because of the unreliability of Nils trial testimony.

In December 2016 Sweden's Supreme Court granted Linna's appeal and ordered a retrial.

Linna's nine-day retrial by the Sweden's Court of Appeal for Övre Norrland concluded on May 30, 2017. He was [ordered released](#) pending the court's verdict.

In response to Linna's release, prosecutor

only identified publicly as Nils — said Linna told him he was planning to rob the brothers.

Linna was arrested and charged with robbery and murder, even though there was no physical, forensic, eyewitness or confession evidence he committed the

Jens Göransson [told the TT newswire](#), "I'm still hoping for a conviction. But I note they have not fully accepted my argument for life imprisonment, because then he would not have been released today."

[Linna told](#) Sweden's *Aftonbladet* tabloid "I am happy, I don't know what to say. It is finally over."

Swedish legal expert Sven-Erik Alhem [told reporters](#) about Linna's release, "This was completely predictable. You can't just conjure up evidence and in this case the evidence was almost embarrassing."

On June 15, 2017 the Court of Appeals President Margareta Bergström [announced Linna](#) had been acquitted: "Our conclusion is that the evidence presented at trial is insufficient and therefore can not lead to a conviction."

After the court announced his acquittal, Linna [told reporters](#), "My time in jail was completely wasted, worthless." He said he would seek compensation for his 13 years of wrongful imprisonment, and he wanted 20-25 million kronor (US\$2.28-2.86 million) in damages.



Kaj Linna greeted by his sister upon his release on May 30, 2017 (Krister Stenlund/Folkbladet Västerbotten)

Sources:

[Man who spent 13 years in jail](#) over brutal murder in northern Sweden released from custody after retrial, *thelocal.se*, May 30, 2017.

[Swede acquitted of murder after 13 years in jail](#) — thanks, in part, to a podcast, *thelocal.se*, June 15, 2017.

[Swedish man's murder conviction overturned](#) after true-crime podcast investigation, *NewsTalk.com*, June 18, 2017.

[Stefan Lisinski](#), Twitter.com



Dagens Nyheter reporter Stefan Lisinski (Twitter.com)

Christian Preacher's Conviction Tossed For Saying "Mohammed is a liar and a thief"

On June 29, 2017 Michael Overd and Michael Stockwell [were acquitted](#) by an appeals court of disturbing the public order in Bristol, England in July 2016.

Overd and Stockwell are Christian street preachers. Overd lives about 150 miles southwest of London in Creech St Michael, England. Stockwell is a former U.S. Marine who lives about 50 miles west of New York City in Selden, New York.

On July 6, 2016 Overd, Stockwell and two other men went to the Broadmead shopping centre in Bristol — which is about 120 miles west of London. They read aloud from the King James Bible, talked about sex before marriage, homosexuality, and commented about other religions. They also responded to questions and objections, and explained differences between Christianity and Islam using the Bible and the Koran as references.

July 6 was the first day of the Muslim festival of Eid. Overd was videotaped [telling a crowd](#) of about 100 people: "Mohammed is a liar and a thief," and, "Allah is the greatest deceiver — that's in the Koran." When the crowd began chanting "go home," the police moved in and arrested Overd, Stockwell, and one of the other preachers (the charges were later dropped against him).

Video showed the police roughly manhandling Overd, and he even fell down as he was being taken away.

The prosecution of Overd and Stockwell was based on the claim they were showing hostility to a religious group, which was disturbing the public order.

Overd and Stockwell's defense was they were exercising their right to freedom of expression by reading from the Bible and making religious based comments. Their solicitor Michael Phillips [argued to the court](#):

"This prosecution is nothing more than a modern-day heresy trial — dressed up under the Public Order Act. Every negative remark about



Michael Overd (left), 53, and Michael Stockwell (right), 51, outside courthouse after winning their appeal June 29, 2017.

other religions and ways of life are taken straight from those texts. The preachers do not use inflammatory language, but simply the language of the Bible. If it is the case that the crown seeks to ban biblical scripture, that would be a bold move. [F]ree speech is foundational to the functioning of society — just as much as freedom of the press and democracy — and it must be protected at all costs. We need to stand against the movement which says it's only ok to say things that don't offend others. That might be nice for people in the short term, but it is not beneficial in the long term."

After a four day bench (judge only) trial, Overd and Stockwell were convicted on February 28, 2017 of violating England and Wales' Crime and Disorder Act 1998. They were each sentenced to pay a £300 fine, a £30 victim surcharge, and shared prosecution costs of £3,372, that totaled £2,016 each.

They appealed their convictions and fines.

On June 29, 2017 the Bristol Crown Court quashed the convictions of both men on the basis the prosecution failed to introduce evidence that either man had committed a public order offense. The appeals court [ruled that](#) Stockwell "did no more than express his no doubt sincerely held religious beliefs," and that Overd's "working the crowd" to get a reaction to his religious statements wasn't a crime. His Honour Judge Picton [stated the](#) Court was "conscious of the right of freedom of speech and freedom of expression."

After their convictions were overturned, Stockwell [told reporters](#) outside the courthouse, "People

should be free to express their beliefs in public, without risk of harm, violence or other repercussions. That's why today's result is such a great victory."

Overd was more circumspect in his comments, [saying he was](#) "very sad" that "this is what this country has come to. This is not an isolated case. How many times must we go to court before there is respect for the law? My heart bleeds for this country, but I am a patriot and I will be back on the streets to preach. My life is not my own. I am a Christian soldier and I rejoice in this prosecution."

Stockwell and Overd were provided legal support by the Christian Legal Center based in London, whose chief executive Andrea Williams [said the ruling](#) was a "victory for freedom of speech."

Overd had previously been convicted of disturbing the public order for publicly explaining Bible passages concerning homosexuality in Taunton, England in 2014. Overd's arrest and prosecution was based on a listener — who self-identified as a homosexual — objecting to what Overd was saying. Overd's March 2015 conviction was overturned on December 11, 2015 by the Taunton Crown Court, on the basis of prosecution failed to introduce sufficient evidence he violated the public order law. Overd was also assisted in that case by the Christian Legal Center. After his exoneration Overd [issued a statement](#):

"I give thanks to God for today's vindication. I have known God's peace and presence throughout this difficult time.

Today the Court was faced with the farcical situation of a witness telling the judge that he couldn't even remember what I had said, but simply asserting that it was 'homophobic' — as though the mere assertion that something is 'homophobic' is enough to curtail free speech.

In this country, we are now in the ludicrous situation where the slightest accusation of a 'phobia', be it 'homophobia' or 'Islamaphobia', is enough to paralyse rational action by the police and authorities. The highly politicised dogma of 'phobias' now too often results in trumped up charges and legal action. There is a chilling effect.

Reasonable, law-abiding people now feel that they can't say certain things and that is dangerous. Totalitarian regimes develop when ordinary people feel that there are certain things that



Michael Overd (left) being arrested in July 2016 at Broadmead Shopping Centre in Bristol, England (Simon Holliday).

Overd cont. on p. 7

Overd cont. from p. 6

can't be said.

Rather than prizing freedom of expression and protecting it, the police and the prosecutors risk undermining it, because they've become paranoid about anyone who might possibly feel offended."

The CLC's chief executive Andrea Williams [said after](#) Overd's 2015 conviction was overturned:

"This is the right decision, but it should never have come to this.

Public debate is becoming more superficial and fragile. People feel that certain things can't be said. That is dangerous. It prevents us from challenging ideas, beliefs and behaviour that need to be challenged. It may make some people feel more comfortable, but it doesn't make the country safer.

Mike's case highlights problems that will only get worse if the government ploughs on with its flawed 'Counter-Extremism Strategy'. Islamic terrorism needs to be tackled, but giving the government far-reaching powers to clamp down on all sorts of beliefs that it doesn't like is dangerous.

The definitions and parameters are so vague that, on a whim, the government could turn on almost any viewpoint that it doesn't like.

Mike Overd is a canary in the coal mine, warning us of the dangers of the government's current approach to tackling 'extremism'."

Solicitor Michael Phillips, who works with the CLC, represented Overd *pro bono* in both his cases. The website of the Christian Legal Center in London is www.christianconcern.com/christian-legal-centre.

Sources:

[Christian preachers fined £300 each](#) for shouting 'Mohammed is a liar' and telling shoppers 'being gay is immoral' have their convictions OVERTURNED after judge rules 'they were just expressing religious beliefs', *Daily Mail* (London), June 30, 2017.

[Street preachers who quoted Bible](#), convicted in 'modern-day heresy trial', *Christian Concern*, February 28, 2017.



Mike Overd after his conviction was overturned on December 11, 2015.

[Christian preachers win appeals over shopping centre sermon](#), *BBC News*, June 29, 2017.

[Christian Preacher Wins Appeal](#) Against 'Wrong' Bible Verse Conviction, *Christian Concern*, December 11, 2015.

[Mike Overd webpage](#), *Christian Legal Center*, London, England



Ibrahim Uyar Awarded \$29,667 Compensation For Wrongful Imprisonment For Murder

Ibrahim Uyar [has been awarded](#) compensation of \$29,667 for 6 years and 7 months of wrongful imprisonment for murder.* Uyar was 16 when convicted in 2010 of the murder of a prostitute in 2008 in Ödemiş, Turkey. He was acquitted by an appeals court and released in 2015.

Gülseren G. was stabbed to death in her house on July 19, 2008 in Ödemiş, Turkey. The fifty-year-old Gülseren worked out of her house as a prostitute. (Ödemiş is 340 miles southwest of Ankara, Turkey's capital.)

Police determined the last person at Gülseren's house was 25-year-old Hamdi Gündüz.

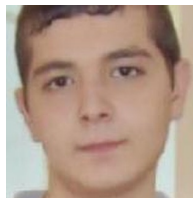
The day after the murder Gündüz was arrested at the home where Uyar lived with his parents. Gündüz was a friend of a friend of Uyar's father, and during the night he had arrived and asked to spend the night.

When interrogated, Gündüz said the night before he had gone to see Gülseren with Uyar, and they agreed on a price to have sex with her. Gündüz said that after he had sex with Gülseren he waited in a corridor while Uyar went into her room. He said he heard a commotion and when he went into the room he saw that Gülseren had been stabbed. He said that he and Uyar then fled from her house.

Uyar was 14-years-old and in the 8th grade.

During his police interrogation Uyar denied any knowledge or involvement in Gülseren's murder. He said he was home the entire night of her murder tending to his sick father while his mother was out of town. Uyar also said his friend Emre Çinar spent the night at the house with him, and that sometime during the night Gündüz arrived at the house.

Uyar's friend Çinar was interrogated by the police, and he corroborated Uyar's statement he spent the night of Gülseren's murder with Uyar at his house, and they never left. He also confirmed that during the



Ibrahim Uyar before his arrest in 2008 (Family photo)



Ibrahim Uyar in July 2017 (Hürriyet Daily News)

night Gündüz had arrived at the house. Çinar was jailed for a time, but later released.

Uyar was charged with murder based on Gündüz' statement. He was jailed with adults pending his trial. Gündüz was charged with deliberate manslaughter and jailed pending trial.

During Uyar's trial in 2010 the prosecution's case was solely based on Gündüz' statement. There was no other evidence linking him to Gülseren's murder.

Uyar was 16 when he was found guilty of murder. He was sentenced to 21 years and 6 months in adult prison. Gündüz was convicted of intentional manslaughter and sentenced to ten years in prison.

Uyar and Gündüz appealed.

The first department of Turkey's Supreme Court reversed Uyar's conviction on the basis the prosecution's evidence was not persuasive of his guilt. Gündüz conviction was affirmed because he had admitted involvement in the crime.

The prosecution appealed.

On June 26, 2015 the Ödemiş High Penalty Court acquitted Uyar on the basis the prosecution presented insufficient evidence to prove his guilt. The 21-year-old Uyar was released from prison.

Uyar then filed a lawsuit in the Salihli Heavy Penal Court seeking compensation from Turkey's Ministry of Finance for his false imprisonment.

On July 18, 2017 Uyar was awarded compensation of 104,561 liras (US\$29,667) for his six years and seven months in custody. The compensation of US\$4,500 per year of incarceration was based on Turkey's minimum wage.

When interviewed by the press about the award, Uyar said the compensation was not enough considering he was wrongly imprisoned for almost seven years. [He said](#): "I had difficulties in prison, I stayed in my cell for one year. I made a [23 day] hunger strike. ... I did not have anything to do with it. ... And now there is a sticker sticking to me. I'm a

Uyar cont. on p. 8

Daniela Poggiali Acquitted Of Murdering Elderly Woman In Lugo, Italy

Daniela Poggiali was acquitted on July 7, 2017 by an appeals court in Bologna, Italy of murdering an elderly woman in 2014. Sentenced to life in prison after her conviction in March 2016, Poggiali [told reporters](#) after her release from prison, “They painted me for what I am not, and now I’m taking my life back.”

In the fall of 2014 Poggiali was 42 and working as a nurse at the Umberto I hospital in Lugo, Italy. (Lugo is about 230 miles north of Rome.) She was arrested on October 9, 2014 and charged with murder in the death of a 78-year-old patient, Rosa Calderoni, on April 8, 2014.

She was charged based on the prosecution’s belief she injected Calderoni with a lethal

Uyar cont. from p. 7

criminal.” [Uyar also said](#): “I could not go to school. I have been having financial problems. I could not adjust to the outside. Should the worth of seven years be this?”

Uyar’s lawyer, Bilal Bahadir, told reporters they objected to the small amount of compensation. [Bahadir said](#): “Ibrahim went to jail because of a defamation at the age of 14. He was acquitted when he was found not guilty at the age of 21. ... Compensation does not impoverish the state, on the contrary, it shows the value that the state gives to its fundamental rights and freedoms.”

Uyar is currently working in a sandwich shop and planning to marry his fiance.

It appears Gündüz committed the murder alone and immediately afterwards sought refuge in the home of Uyar’s parents. He falsely implicated Uyar in an effort to save himself from being charged with her murder.

Endnote:

* 104,561 liras was awarded by the Turkish government, which is the equivalent of US\$29,667 at the exchange rate on July 18, 2017 of 3.52446 Lira to US\$1. (<http://www.xrates.com/historical>)

Sources:

[Turkish man acquitted of murder](#) after more than six years in jail, *Hürriyet Daily News*, August 25, 2017

[Seven years after he was found guilty](#), *Aegean News*, August 26, 2017



Daniela Poggiali outside the prison after her release from custody on July 7, 2017 (Schicchi)

was on duty and had access to Calderoni around the time she died. The prosecution’s circumstantial case was significantly buttressed by the “bad character” evidence of unsubstantiated allegations Poggiali might have been responsible for the theft of medicine from the hospital department where she worked, and that she might have also been responsible for the deaths of other elderly hospital patients — including a 95-year-old man who died a month before Calderoni. The prosecution also relied on the “bad character” evidence of a photograph of Poggiali grimacing next to a different elderly patient who had recently died.

After her conviction by the jury, Poggiali was sentenced on March 11, 2016 to life in prison.

Calderoni’s two children were awarded victim compensation of 150,000 euros (US\$167,752).*

Poggiali appealed. Her lawyers argued the prosecution presented no evidence Poggiali was the cause of Calderoni’s death, and that she may not have even have died from potassium chloride. They also argued the prosecution’s suggestions Poggiali stole drugs and killed other elderly patients who happened to die in the hospital was pure inflammatory speculation, and that the photo of her with a deceased patient was unflattering, but it wasn’t evidence she murdered Calderoni who wasn’t even in the photo.

In 2016 the Court of Appeals in Bologna ordered a complete reevaluation of the pathology evidence related to Calderoni’s death. The resulting 70-page forensic pathology report negated the medical evidence the trial court relied on to convict Poggiali. The report determined the prosecution’s evidence didn’t establish Calderoni had “lethal levels of potassium” in her system, and furthermore, it did “not find similar applications in the literature” of the innovative potassium calculation method used by the prosecution’s expert to support

dose of potassium chloride.

During her trial in Ravenna the prosecution presented no direct evidence that Poggiali injected Calderoni with potassium chloride.

The prosecution argued she could have committed the crime because she

she died from potassium poisoning.

Without any forensic evidence to support Poggiali’s conviction, or even that Calderoni was murdered, the prosecution’s case rested on the pure speculation she was a thief and a killer of other elderly people, and that it was in bad taste for her to be in a photograph with a deceased man.

On July 7, 2017 the appeals court publicly [read its ruling](#). About 2-1/2 hours after the reading of the ruling began, the court’s decision was announced that Poggiali was acquitted because “the fact does not exist” that she murdered Calderoni (Or that Calderoni’s death was the result of a crime, and not due to natural causes.). The court ordered Poggiali’s immediate freedom from custody.

Poggiali’s fiance at the time of her arrest burst into tears in the courtroom near the end of the court’s ruling absolving her of wrongdoing.

Poggiali’s sisters Barbara and Claudia Poggiali [told reporters](#) outside the courthouse, “We are pleased with this result that has finally made justice to our sister. What they have taken away can not be returned to her. We’ve always been Proud of Daniela.

A video of Daniela Poggiali being released from prison can be viewed at www.tinyurl.com/ydvuosr4.

Endnote: *150,000 euros was US\$167,752 at the exchange rate of 1.118349 on March 11, 2016. (www.xrates.com/historical/?from=USD&amount=1&date=2016-03-11)



Daniela Poggiali outside the prison after her release from custody on July 7, 2017 (Schicchi)

Sources:

[Ex-nurse acquitted of murder on appeal](#), *www.ansa.it*, July 7, 2017.

[Ravenna, dead suspect in hospital](#): ex-nurse Daniela Poggiali, Bologna (Bologna, Italy), July 7, 2017.

[Ergastolo at the former nurse in Lugo](#): “Killed a patient with potassium”, *www.bologna.repubblica.it*, March 11, 2016 (Translated from Italian with Google Translate)

[From hell to heaven in a blink of eyelashes](#): The Court of Appeals of the Bologna court acquitted Daniela Poggiali, 45, a former nurse at the Umberto I hospital in Lugo,” *www.ilrestodelcarlino.it*, July 7, 2017 (Translated from Italian with Google Translate)

Roxanne Granberry Exonerated By Insufficient Trial Evidence To Support Drug Conspiracy Conviction

Roxanne L. Granberry has [had her federal](#) conviction of conspiracy to distribute oxycodone overturned because the prosecution introduced insufficient evidence during her trial to prove her guilt. Her husband William Delonta Granberry was the mastermind of the criminal oxycodone operation she was charged with participating in.

In August 2011 Roxanne Granberry was living in Hughesville, Maryland when she legally separated from her husband. In a letter [she wrote to](#) William on August 29, 2011, Roxanne described being “sick to death of her husband engaging in illegal activity, begs him to change, compliments him on Legal accomplishments and shows her disgust of his life style – “anyone can be hustler . . .”

At the time of the separation Roxanne was working full-time and she had two children. Roxanne and William Granberry didn’t divorce and later reconciled. However, they had separate bank accounts.

More than four years later, on December 8, 2015, a criminal complaint was filed in U.S. District Court in Alexandria, Virginia that alleged Roxanne was involved in helping her husband William operate an illegal oxycodone scheme from 2010 to 2015. The complaint alleged that oxycodone pills were obtained from pharmacies by a team of people using fraudulent prescriptions that William created. Buyers would purchase the pills from William or his associates for their personal use or resale.

The government alleged that upwards of 100,000 oxycodone pills were illegally obtained during the six years the scheme operated.

Roxanne, 34, was released on a Personal Recognizance bond a day after her arrest on December 8.



Innovative Home Elevators trucks on jobsite
(www.innhomeelevators.com)



Roxanne Granberry
(Facebook)

grand jury. Roxanne’s release of a PR bond was continued after her indictment.

Three of her co-defendants charged in December 2015 were also indicted.

William was not indicted because he negotiated a plea agreement, and on February 10, 2016 he pled guilty to conspiracy to distribute oxycodone. The 37-year-old William was subsequently sentenced to 10 years in federal prison to be followed by 3 years supervised release with special conditions, forfeiture of certain property, and payment of a money judgment of \$1.25 million. Another defendant also avoided indictment by agreeing to pled guilty to conspiracy to distribute oxycodone: Dmitri Walls-White was sentenced to 18 months in federal prison followed by 3 years supervised release with special conditions.

Roxanne’s defense during her trial in June 2016 was she had no role in his illegal drug scheme and took steps to physically separate herself from her husband and any illegal activities he might be involved in, that included legally separating from him in August 2011.

William didn’t testify during his wife’s trial, however, a number of people involved in the drug scheme did.

On June 13, 2016 the jury convicted Roxanne of Conspiracy to Distribute Oxycodone (Count 1), but acquitted her of Obtaining Oxycodone by Fraud and Forgery (Count 2). U.S. District Court Judge Anthony Trenga allowed Roxanne to remain free on a PR bond pending her sentencing.

Following Roxanne’s conviction her remaining three co-defendants agreed to plea deals.

Roxanne’s lawyer filed a post-verdict Motion for Acquittal on June 21, 2017 that argued, “there was insufficient evidence at trial to establish, beyond a reasonable doubt, that Ms. Granberry committed Count

Along with Roxanne, her husband William and four other people were arrested on the 8th, including William’s brother Andre.

Two months later Roxanne was indicted on February 4, 2016 by a federal

I alleged in the indictment.” Roxanne’s sentencing was stayed pending the determination of her motion. On August 26, 2016 Judge Trenga denied Granberry’s Motion for Acquittal.

The same day, August 26, the U.S. Attorney’s Office filed a Motion for Forfeiture of the house in Hughesville, Maryland that Roxanne lived in based on a substantial connection between the property and the drug conspiracy.

Roxanne retained new lawyers — Pleasant Sanford Brodnax III and John L. McMahon — who made their appearance on September 6 and September 7, 2016.

Roxanne’s new lawyers filed a Motion For A New Trial under FRCP Rule 33 on October 24, 2016. [The motion was](#) based on alleged “new evidence,” and the “other grounds” that the evidence in her case “weighs heavily against the reliability, integrity and justness of the verdict rendered against the Defendant.”

Roxanne’s sentencing was continued pending resolution of her new trial motion, that the government vigorously opposed.

On February 24, 2017 Judge Trenga denied Roxanne’s motion for a new trial based on new evidence, ruling she didn’t present any evidence that wasn’t available prior to her trial. However, Judge Trenga did [grant her motion](#) based on the “other grounds” that the jury’s guilty verdict was against the weight of the prosecution’s evidence presented during her trial by incredible witnesses. The legal standard for her succeed with that argument in her Rule 33 motion was much less stringent than the one she failed to meet in her unsuccessful Motion For Acquittal.

Judge Trenga’s [ruling stated](#):

“Other than thoroughly impeached testimony, there was little to no other evidence concerning Defendant’s knowing and voluntary participation in the conspiracy or any intent to further the goals and objectives of the conspiracy ... In fact, there was unrefuted testimony that the Defendant repeatedly took steps to both stop her husband’s illegal activities and also to distance herself from those activities, including physically separating from him. Based on all of the evidence, the Court finds and concludes that ... Defendant’s conviction weighs so heavily against the jury’s verdict that

Granberry cont. on page 10

Granberry cont. from page 9

there is a substantial possibility that the trial resulted in a miscarriage of justice and that a new trial is required in the interests of justice. it is hereby ORDERED that Defendant's Motion for a New Trial be, and the same hereby is, GRANTED; and it is further ORDERED that Defendant's conviction on June 13, 2016 be, and the same hereby is, VACATED....” (*USA v. Granberry et al*, No. 1-16-cr-00028-ajt-2 (USDC Eastern Dist. of Virginia, 2-24-2017))

The U.S. Attorney’s Office did not appeal the ruling, and filed a Motion To Dismiss Roxanne’s indictment, which was granted by Judge Trenga on May 18, 2017. Gene Rossi — the lead prosecutor during Roxanne’s trial who later resigned to run for Virginia’s Lieutenant Governor — told *The Washington Post* that [he disagreed](#) with the DOJ’s decision not to appeal Judge Trenga’s ruling: “There has never been a drug trial in America where a witness has been completely consistent. If that is the test, every guilty verdict from a jury in a drug case should be set aside.”

On May 22, 2017 Judge Trenga ordered Roxanne’s release from her supervision. She had only spent one day in custody after her arrest on December 8, 2015, before her release the next day on a personal recognizance bond.

Roxanne’s daughter Brianna publicly [commented in response](#) to a *The Washington Post* article about her mother’s vindication:

I bloody knew it. I called it out. This is what happens when you ignore the children, because I was right about her being innocent, because I know my mother!! In the future, you should ask the ones that really know instead of getting information from criminal who are just attempting to grasp at straws to save their own butts!!! I personally am offended that the people run this country, are not smarter than an 11 year old who just knows her stuff. Vive La Resistance!!!

Although Roxanne’s criminal case is resolved, her legal travails are not yet over.

Following William’s sentencing on June 24, 2016, the government pursued civil forfeiture of the 5,000 square foot house on three acres in Hughesville, Maryland that he and Roxanne bought in 2007 for \$760,000. (Hughesville is about 34 miles southeast of Washington D.C.) The government’s theory is there is a substantial connection between

the property and the drug conspiracy William was convicted of masterminding. The government’s attempt to seize the house through forfeiture based on Roxanne’s conviction became moot when her indictment was dismissed.*

The primary defense against the forfeiture is by the woman who “bought” the house in May 2013 from William and Roxanne, who asserts she is the owner so it is not subject to forfeiture. The [government argues](#) the woman -- who is Roxanne’s mother -- does not have a “true ownership interest” because she is a “straw buyer” who paid less than the debt on the house in a “short sale.” The government also alleges that much of the money for the purchase was in cash so its source is untraceable. The government also argues that not only did William and Roxanne continue living in the house after it was “sold,” but they paid all bills and spent many thousands of dollars for improvements to the property that included an in-ground swimming pool. The government also argues the sale was bogus because the same month that Roxanne’s mother “bought” the house in Hughesville, Roxanne bought a house in Elkton, Maryland for her mother to live in.

Roxanne continues to live in the house the government is seeking to seize. It is also the headquarters for her home elevator company that she founded in 2011. [Roxanne is a](#) licensed elevator mechanic in the International Union of Elevator Constructors Local #10. She is a Certified Qualified Elevator Inspector, and is a licensed elevator mechanic in many states that include Maryland, The District of Columbia, New York, Virginia, and California.

In June 2011 she founded Innovative Home Elevators LLC. The Articles of Organization filed in Maryland state its purpose is, “to install, maintain, service, and inspect residential elevators.” The [company’s website](#) states Roxanne “decided to start this domestic elevator company after her grandmother and husband were both in need of residential mobility solutions. She realized that people should not be uncomfortable in their own home because of life’s changes and that the elderly should be safe when going from one level of their home to the other.”

A total of 13 people pled guilty to charges related to their involvement in William Granberry’s illegal oxycodone procurement and distribution operation. William’s scheduled release date from federal prison is Sept. 28, 2024.

[Click here to read Judge Tenga’s Order](#) granting a new trial in *USA v. Granberry et al*, No. 1:16-CR-00028-ajt-2 (USDC Eastern Dist. of Virginia, 2-24-2017).

Endnote:

* On August 26, 2016 the government filed a motion in Roxanne Granberry’s case for forfeiture of the same house. Judge Trenga didn’t dismiss the government’s Motion for forfeiture of the house filed in Roxanne’s case, but the granting of her motion for a new trial and dismissal of the charges made that motion moot.

Sources:

[Conviction overturned in case of woman](#) accused in husband’s opioid scheme, *The Washington Post*, June 19, 2017.

[USA v. Granberry et al](#), No. 1:16-CR-00028-ajt-2 (USDC Eastern Dist. of Virginia, 2-24-2017) (Order granting Motion For a new trial.)

[USA v. Granberry et al](#), No. 1:16-CR-00028-ajt-2 (USDC Eastern Dist. of Virginia, 8-26-2016) (Govts. Motion for Forfeiture of Property.)

[USA v. William Granberry et al](#), no. 1-16-cr-26-ajt-2 (USDC Eastern Dist. of Virginia, 4-12-17) (Opposition to petitions of Christine Guido (forfeiture of house.)

[USA v. Granberry et al](#), no. 1-16-cr-00028-ajt-2 (USDC Eastern Dist. of Virginia, 10-24-16) (Motion for new trial.)

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Jemma Beale Convicted Of Perjury And Obstruction Of Justice After Falsely Accusing 15 Men Of Rape Or Sexual Assault

Jemma Beale [was convicted](#) on July 6, 2017 of perjury and obstruction of justice after falsely alleging between 2010 and 2013 that 15 men in southeast England had raped or sexually assaulted her.

Beale, 25, lives in the London suburb of Addlestone. She was arrested in June 2014, and in March 2016 she was charged with four counts of perjury and four counts of obstruction of justice for allegedly making false accusations that a total of 15 men were involved in five different incidents of her being raped or sexually assaulted from November 2010 to November 2013.

An investigation of all of Beale's rape/sexual assault allegations began after police noticed inconsistencies in her allegation she was gang raped by a group of eight men in November 2013.

The five incidents Beale reported to police and the number of men involved in each were:

- Nov. 26, 2010. One man. Beale accused Mahad Cassim of raping her the previous night. Cassim's trial in December 2011 ended in a mistrial, and after a retrial he was convicted in January 2012 of rape and sentenced to 7 years imprisonment. In her victim impact statement [Beale said](#) the rape had a "devastating" effect on her, and "I feel that any sentence he receives will never reflect the life sentence that he gave me." Beale was awarded £11,000 victim compensation by the British government. Cassim was released in January 2014 after two years in prison when the investigation of Beale discovered new evidence no rape occurred.

- July 7, 2012. One man. Beale accused Noam Shazad of grabbing her crotch her in The Windsor Castle Pub in the London



Jemma Beale arrest booking photo (Metropolitan Police)

suburb of Hounslow. Shazad was released on bail and fled England for Pakistan prior to his trial. The charges against Shazad were dismissed after the investigation of Beale discovered new evidence he didn't rape her.

- September 2, 2013. Two men. Beale reported to police that two strangers sexually assaulted her outside her home in Addlestone. The men weren't identified and no one was charged.

- November 17, 2013. Eight men. Beale reported to police that four men in a group of eight, including two men she knew, gang raped her in the street in Feltham. She said the men were armed with a machete. Investigation of that allegation resulted in evidence she fabricated the incident and no one was charged.

During Beale's trial that began in June 2017 the prosecution presented a combination of medical records, eyewitness testimony, and surveillance video evidence that undermined Beale's claim about each of the alleged crimes.

Regarding the alleged July 7, 2012 gang rape after she left the Windsor Castle Pub, the prosecution introduced expert evidence that Beale self-inflicted the barbed wire wound she claimed was inflicted by her assailants. Evidence was also presented that the small wire basket Beale claimed the men used only contained her DNA -- which Beale tried to explain away by saying she urinated on it after the assault. Surveillance video from the Windsor Castle Pub showed she had been abusive to Shazad without any provocation, and surveillance video also showed she walked home alone after leaving the pub.



The Windsor Castle Pub, in the London suburb of Hounslow (Flickr.com)



Jemma Beale outside the Southwark Crown Court (Image News Group Newspapers Ltd.)

Beale testified in her defense that she was a lesbian who had never had sex with a man, [saying](#), "I ain't bisexual at all." However, evidence was presented that she had a long-term sexual relationship with a male. At one point during her cross-examination Beale stormed out of the courtroom.

The prosecution argued to the jury that [the evidence showed](#) "Jemma Beale was a determined liar who repeatedly went to great lengths to fabricate evidence in an attempt to see innocent men convicted, including telling deliberate lies under oath."

After her five-week trial, the jury accepted the prosecution's evidence that Beale was a fantasist and convicted her of all charges. The judge ordered that Beale be immediately taken into custody. Her sentencing is scheduled for August 24, 2017.

Detective Sergeant Kevin Lynott said after Beale's convictions that [she had been](#) exposed as a "serial liar." Lynott, who led the investigation into Beale's false allegations, also said: "Her manipulation of the criminal justice system has caused police to direct significant amounts of resource into investigating her bogus complaints as well as her own offending. She has also significantly impacted on the NHS as a result of her complaints and used up many other limited resources that are relied upon by genuine survivors. Not only that, but she then went on to give false testimony at court, which resulted in the wrongful conviction and imprisonment of a completely innocent man."

It isn't known if the government will seek return of the £11,000 victim compensation paid to Beale after Cassim was falsely convicted of raping her.

Sources:

[Woman convicted of perjury offences](#), Metropolitan Police, July 6, 2017.

['Attention-seeking' woman is found guilty](#) of falsely accusing 15 men of rape and sexual assault after claiming she was a lesbian 'and would never have sex with a man', Daily Mail (London), July 6, 2017.

[A woman on trial for making](#) 15 false sex attack allegations in three years has stormed out of court, Metro.co.uk, June 29, 2017.

[Rape Liar Guilty Woman](#), 25, who made up fake rape claims against 15 men including one who spent two years in jail found guilty, The Sun (London), July 6, 2017.

[The Windsor Castle Pub](#), London suburb of Hounslow.



Three Men Wrongly Convicted Of Murder & Sentenced To Death In China Seek \$3 Million Compensation Each

Three men wrongly convicted and sentenced to death in China for the murder of a man and his girlfriend [have filed](#) compensation claims for about US\$3 million each. Another innocent man who spent 11 years on the lam to avoid being tried for the murders, has filed a compensation claim for US\$711,000.

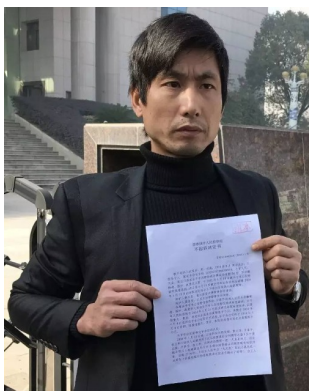
The body of supermarket owner Jiang Zecai was found in a field near Leping, Jiangxi Province, China on May 24, 2000. Part of his dismembered girlfriend, Hao Qiang, was found in a shallow grave in a nearby wooded area. They had disappeared the night before. Leping is about 850 miles due south of China's capital, Beijing.

The brutal murders remained "unsolved" until 2002 when a new head police official took over in Leping with orders to carry out a "crackdown" on crime.

Cheng Lihe was 25 when arrested in May 2002 on suspicion of being involved in the theft of mobile phones. During his intensive interrogation he was questioned about the murders of Zecai and Qiang. Lihe confessed on May 25, and over the next two weeks three of his acquaintances were also arrested. They also confessed to the murders after similar intensive interrogations.

Cheng Lihe, Huang Zhiqiang, Cheng Fagen, and Fang Chunping (aka Cheng Cheng Mao) were all charged with intentional homicide, rape, and robbery.

Their prosecution was based on their confessions, which they recanted as coerced by police torture. There was no physical, forensic or eyewitness evidence linking any of the four to the crime or even being in the area of the crime,



Wang Shenbing outside courthouse on December 22, 2016 holding prosecutors decision to dismiss his charges



and there was no evidence that Qiang had been raped other than the men's confessions.

The four defendants claimed during their trial in the Intermediate People's Court of Jingdezhen that their confessions were obtained after police beat them for long hours, hung them from the ceiling for several days and nights, forced them to stay on their knees until they dropped, and left them without food, water or sleep.

All four defendants presented an alibi defense of being elsewhere on the day of the crime.

On July 7, 2003 they were convicted of all charges, and sentenced to death.

They appealed.

In January 2004 the Jiangxi Higher People's Court ruled the prosecution introduced insufficient evidence of their guilt, and sent their case back for a retrial.

After a retrial also based on their confessions, they were again found guilty and sentenced to death on November 18, 2004.

They appealed.

On May 31, 2006 the Jiangxi High Court of Final Appeal upheld their convictions. However, their sentences were changed to death with a two-year reprieve, after which their sentences were commuted to life in prison.

In February 2010 Chunping, Zhiqiang and Fagen — claiming they were innocent — went on a hunger strike to attract media attention to their case during the the 4th World Congress Against the Death Penalty in Geneva, Switzerland.

In October 2013 serial killer Fang Linzai confessed that he was the "real murderer" of the couple in 2002. He also said that none of

the four men imprisoned for the crime were involved.

After Linzai confessed, DNA testing of three cigarette butts found at the crime scene matched Linzai's DNA with a 99.99% degree of certainty. The DNA of the four convicted defendants was excluded from matching any of the cigarette butts.

Based on the new evidence the case of the four convicted defendants was reopened in June 2016. More than twenty Chinese lawyers were involved in advocating for their innocence.

Although the defendants knew about Linzai's confession, they were not informed until October 2016 about the DNA tests that linked him to the crime scene.

Their third trial began on November 30, 2016 in the Jiangxi Higher People's Court.

Zhiqiang, Chunping, Fagen and Lihe [were acquitted on](#) December 21, 2016. The Court ruled their guilt wasn't proven because of contradictions in the prosecution's evidence, and the authenticity and legality of the their confessions was uncertain. Although unstated, one of the contradictions the court referred to was likely that the credibility of Linzai's confession was corroborated by the forensic testing of the cigarette butts that placed him at the crime scene.

The four were immediately released from custody after their acquittal.

The exoneration of the four also cleared a fifth defendant in the case who was never tried.

Wang Shenbing was 24 when he fled on June 1, 2002, days after Lihe was arrested. Knowing the fate of his four codefendants, Shenbing lived on the lam. He successfully avoided capture for more than 11 years (4,132 days) until his arrest in Nanchang on June 15, 2013.

In 2014 two of Shenbing's nephews were convicted and sentenced to jail for harboring him, and his wife was held in custody for 30 days.

Shenbing was released on bail on June 19, 2014, after Linzai's confession was corroborated by the forensic testing. (The presence of Shenbing's DNA was excluded by the testing.)

Chinese Men cont. on p. 13

Chinese Men cont. from p. 12

On December 22, the day after his four codefendants were acquitted, the people's Procuratorate of Jingdezhen announced the decision not to prosecute Shenbing. The murder, rape and robbery charges against him were dismissed.

At the time of the men's exoneration three lawyers, a doctor, and a human rights activist were in custody for their actions on behalf of Zhiqiang, Chunping, Fagen and Lihe that offended government authorities. Those five were lawyer Li Heping; Dr. Xu Zhiyong; lawyer Li Chunfu; human rights activist "The Butcher" Wu Gan; and lawyer Jiang Tianyong.

Lihe, Chunping, and Fagen [filed claims](#) in June 2017 for compensation totaling approximately US\$3 million each. They cited the unjustness of their physical confinement and mental anguish of being on death row for many years. Shenbing filed a compensation claim for about US\$711,000, and demanded a public apology.* Zhiqiang is expected to file a separate compensation claim.

Although the exonerations of Zhiqiang, Chunping, Fagen and Lihe were not based on DNA testing of the crime scene cigarette butts, they are the first person's in China known to have their convictions overturned after key new evidence — Linzai's confession — was supported by new DNA evidence.

Fang Linzai has not been charged with the murders of Zecai and Qiang, even though the truthfulness of his confession is supported by the positive matching of his DNA with DNA recovered from the three crime scene cigarette butts.

Endnote:

[It was reported](#) on June 8, 2017 that Lihe, Chunping, and Fagen filed compensation claims that respectively totaled 20,299,853.69 yuan, 20,320,340.23 yuan, and 20,256,360.27 yuan. Shenbing's compensation claim totaled 4,799,180.85 yuan.

Sources:

[Chinese Court Upends 13-Year-Old Rape](#), Murder, Robbery Convictions, *Radio Free Asia*, December 22, 2016.

[4132 days of escape](#), the parties asked the public apology, *thechinesenews.net*, June 8, 2017.

Cheng Lihe, Huang Zhiqiang, Fang Chunping and Cheng Fagen after their acquittal on December 21, 2016 (amnesty.org)



German Parliament Approves Vindicating Males Of Homosexual Convictions From 1949 To 1994

Germany's lower house of parliament, the Bundestag, has overwhelmingly [approved a bill](#) that will vindicate all men who were convicted from 1949 to 1994 of a homosexual crime involving consensual relations between males 16 years or older. The upper house of parliament has announced it will pass the bill.

Men who are living can apply for a "vindication certificate," and relatives of men who are deceased can apply for a posthumous pardon.

The law can rehabilitate the reputation of upwards of 50,000 males.* An estimated 5,000 of them are still living, and they will be eligible for compensation of €3,000 Euros (US\$3,372) for having been convicted, plus compensation of €1,500 Euros (US\$1,686) for each year they were imprisoned.** A Paragraph 175 conviction typically resulted in a two-year prison sentence.

The German government has set aside 30 million Euros (\$32.6 million) to pay compensation claims. The families of males granted a posthumous pardon will not receive compensation.

History of German Criminal Code Paragraph 175

Paragraph 175 of the German Criminal Code criminalized homosexual acts between males. The law was enacted in 1871, and it wasn't repealed until March 10, 1994. The law criminalized all "sexual acts contrary to nature... be it between people of the male gender or between people and animals." Although lesbianism was considered to be immoral and violate nature, it wasn't criminalized in Germany because it wasn't viewed as a threat to society.

The acts prohibited under Paragraph 175 were broadened in 1935 to include "lewd acts" by males, such as mutual masturbation and consensual touching. In 1950 the East German communist government repealed the 1935 amendments, while in West Germany they were confirmed by its Constitu-

tional Courts.

East Germany repealed Paragraph 175 in 1968, but it was not repealed in West Germany. East and West Germany were unified in 1990, and four years later Germany repealed Paragraph 175.

More than 100,000 men [were convicted](#)

[ed](#) of consensual homosexual acts under Paragraph 175 from 1871 to 1994. An estimated 64,000 men were convicted of violating Paragraph 175 after the Federal Republic of Germany was created in May 1949. (The FRG was known as West Germany until it unified with East Germany in 1990, when it became known as Germany.)

Homosexual acts were vigorously prosecuted in West Germany under Paragraph 175. A judge in Frankfurt who presided over the conviction of more than 100 homosexuals in 1950 and 1951 [said they](#) were guilty of "degeneration" that was capable of "destroying the foundation of the state."

In 1957 the German Supreme Court ruled that homosexuals imprisoned during the Nazi era were not eligible for compensation or a pension as Holocaust survivors because they had been lawfully imprisoned as criminals under Paragraph 175.

In 2002 the German Parliament approved a bill pardoning about 42,000 men convicted of a homosexual crime under Paragraph 175 during the Nazi era up to when the FRG was created in 1949.

Endnotes:

* An estimated 64,000 males were convicted of violating

Paragraph 175 from 1949 to 1994, but the legislation only applies to convictions that didn't involve coercion or a male less than 16 years old.

** On June 21, 2017 the exchange rate was 1 EUR = 1.1241 USD

Sources:

[Paragraph 175](#), *Wikipedia.org* (last viewed 3-27-17)

[Germany quashes gay men's convictions](#) and offers compensation, *BBC News*, June 23, 2017.



FRANKFURT MAIN 1850-51
Cartoon about Frankfurt trials in 1950 and 1951 (Die Freundschaft (Friendship), 1951, United States Holocaust Memorial Museum #170)



Burning of sodomites outside Zurich in 1482 (Spiezer Schilling)



94% Of Forfeitures In Utah In 2015 Were From People Not Convicted Of A Crime

The legal system's immense resources are not only used to prosecute and imprison a large number of people who are innocent of their convicted crimes. Those resources are also used to seize many millions of dollars a year through property "forfeiture" from people across the country who have not been convicted of committing a crime. Even worse, a significant percentage of the people who have their property taken away through forfeiture were *not even charged* with committing a crime.

The Utah Commission on Criminal and Juvenile Justice is required by a law passed in 2015 to issue an annual report on civil forfeitures by state agencies. On July 6, 2017 the "2015 Utah Annual Forfeiture Report" [was released to the public](#). Federal forfeiture actions in Utah are not included in the report.

The Report documents there were 393 state forfeiture cases in 2015. The vast majority — 94.4% — of forfeiture cases were not related to a criminal prosecution. Slightly



more than 1 out of 20 forfeiture cases (5.6%) involved a person convicted of a crime.

Almost two-thirds of all forfeited property was seized during a traffic stop — from people who were not charged with committing a crime.

Only 4 of the 393 forfeiture cases were not related to an allegation of drug possession, etc. However, only 22 of the 393 cases (5.6%) actually involved a criminal prosecution. The evidence wasn't substantial enough to warrant a criminal prosecution in 371 forfeiture cases — but the presumption of innocence the person(s) didn't commit a crime wasn't enough to stop the seizure of their property.

\$2,178,295 was forfeited in 2015. 86.4% of the money was \$1,882,047 in cash that was seized. The least amount of cash seized at one time was \$50, and the most was \$156,670.

When cash was seized, in only 13% of the cases was *any* of the cash returned — even though the overwhelming majority of the cash seizures didn't involve a criminal prosecution.

Not a single person received *all* the cash back that was seized from them, with 84% of the seized cash being the highest percent returned to any person.

Seized cars comprised 12.2% of the value of forfeitures in 2015. A seized vehicle was returned to its owner in only 1 out of 8 forfeiture cases.

The Report details that in 2015 more than \$2 million in forfeited funds was distributed to organizations that included the Utah Department of Human Services — Division of Substance Abuse and Mental Health in support of Utah Drug Courts; the Weber/Morgan, Davis Metro, Salt Lake Area Gang Project and Utah County multi-jurisdictional drug and crime task force projects; and, 19 state and local law enforcement agencies using a funding formula based on agency participation in the state forfeiture process.

[Click here to download the 2015 Utah Annual Forfeiture Report.](#)

Sources:

[Utah police seized \\$1.4M](#) under civil forfeiture law, report says, *Salt Lake City Tribune*, July 8, 2017.

[2015 Utah Annual Forfeiture Report](#) (UCA 24-4-118), *Utah Commission on Criminal and Juvenile Justice*.



Helena Baba Acquitted of Misusing Private School's Money

Helena Baba [has been](#) acquitted by Malaysia's Court of Appeal of her 2015 convictions of misusing money belonging to a private school in Kota Kinabalu, Sabah, Malaysia.

In 2005 Baba was a 30-year-old clerk at SRS Datuk Simon Fung, a private school in Kota Kinabalu. Ten years later, on July 15, 2015, Baba was convicted in the Sessions Court in Kota Kinabalu of five counts of criminal breach of trust by misusing monies in 2005 that belonged to her employer.

The charges were based on the allegation that she misused receipts of the school on five occasions in 2005. The prosecution presented evidence supporting their claim that she misused the money for school expenditures. The receipts involved totaled \$2,360: \$299 on May 18, 2005; \$90 on August 10; \$797 on September 29; \$297 on October 5; and, \$877 on October 28.* The prosecution didn't claim, and didn't present any evidence that any of the money was used for her personal use.

Baba's convictions were under Section 408



SRS Datuk Simon Fung, a private school in Kota Kinabalu, Sabah, Malaysia

of Malaysia's Penal Code, and she was sentenced to five concurrent four-year prison terms (The maximum for each count was a prison sentence of 14 years, whipping, and a fine.). However, the trial judge granted Baba a stay of her sentence pending the outcome of her appeal.

The State appealed the trial court's order that Baba's four-year prison terms were to be served concurrently, and not consecutively.

On June 24, 2016 the High Court in Kota Kinabalu [affirmed Baba's](#) convictions and sentence of concurrent prison terms. The High Court also dismissed the stay of execution of Baba's sentence granted by the trial court pending the outcome of her appeal. She was taken into custody to begin serving her sentence.

Baba appealed to Malaysia's Court of Appeal. The State filed a cross-appeal challenging the imposition of concurrent, and not consecutive four-year prison terms.

On May 15, 2017 the Court of Appeal unan-

imously set-aside Helena Baba's convictions and ordered her acquittal. The Court ruled the prosecution presented no evidence she violated Section 408, which required proof she had misappropriated the schools receipts for her personal gain -- not merely misused them in expenses for the school. Speaking for the three-judge panel, Justice Abdul Rahman [announced](#): "We find merit in the appeal. The conviction and sentence is set aside and the appellant is acquitted of all charges." Since Baba had committed no crime the court dismissed the State's cross-appeal of her sentence.

Baba was immediately released after almost 11 months of imprisonment.

* The amounts are converted into \$US dollars from the Malaysian Ringgit, which on Aug 10, 2005 had an exchange rate of Malaysian Ringgit (RM) 3.7465702298 per US\$1, and 0.2669107847 US\$1 per RM. The converted amounts were: May 18, 2005 RM1,120 = \$299; Aug 10, 2005 RM336 = \$90; Sept 29, 2005 RM2,984.20 = \$797; Oct 5, 2005 RM1,112 = \$297; and, Oct 28, 2005 RM3,287 = \$877.

Sources:

[Ex-clerk's CBT conviction and sentence set aside](#), *Daily Express* (Kota Kinabalu, Sabah, Malaysia), May 16, 2017. [Former clerk's appeal against CBT sentence dismissed](#), *Daily Express* (Kota Kinabalu, Sabah, Malaysia), June 25, 2016.

[St. Simon Educational Complex](#), Kota Kinabalu, Sabah, Malaysia.

Current and Historical Rate Tables, www.xe.com/currencytables.



Pennsylvania Judge Michael Muth Charged With Watching Porn While Working

Judge Michael R. Muth has [been charged](#) by the Judicial Conduct Board of Pennsylvania with viewing pornographic videos and images at work in full view of court clerks on multiple occasions, and using county employees for his personal use.

From January 2006 to the present time Michael Muth has been an elected Magisterial District Judge in Monroe County, Pennsylvania. Prior to being elected a judge, he was Monroe County's top public defender for 25 years. For about 20 years the 66-year-old Muth has also been employed as a part-time Assistant Professor of Criminal Justice at East Stroudsburg University in Monroe County. Muth's biography on the ESU website states he also coaches junior high girls basketball at the Roman Catholic Notre Dame Junior/Senior High School in East Stroudsburg. Monroe County is about 100 miles north of Philadelphia.

A complaint was made to the Judicial Conduct Board regarding alleged conduct by Judge Muth that was deemed substantial enough that the JCB began an investigation on August 15, 2016.

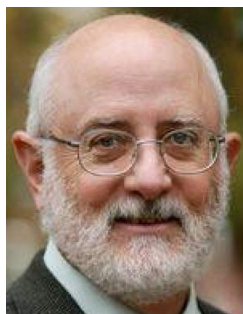
The investigation found evidence that:

1. Beginning in the summer of 2013 Monroe County Court clerks observed Muth watching videos of nude women having sex, and viewing pictures of naked women performing sexual acts on each other. His clerks allege that he not only did nothing to hide his computer screen from them seeing what he was watching and viewing, but [his computer was](#) "positioned in such a manner that any person walking into Judge Muth's judicial chambers could see the display." The clerks alleged that Muth persisted in watching videos and viewing nude photos.

2. During regular court hours Muth used court clerks from 2006 until December 2016 to determine the number of correct and incorrect answers on examinations he administered to his ESU students, and to grade those examinations. Muth also used court clerks to make photo copies of documents for him to provide to his ESU students.



Logo of Notre Dame Junior-Senior High School in East Stroudsburg where Michael Muth coaches girls junior high basketball. (www.ndhigh.org)



Judge Michael Muth (monroepacourts.us)

pense.

On July 5, 2017 the Judicial Conduct Board [formally charged Muth](#) with several violations of the Standards of Conduct of Magisterial District Judges. Those charges included:

- Muth failed to conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary by viewing and displaying photographs and videos of nude women; engaging in sexual harassment by exposing court staff to pornographic videos and pictures; and he failed to diligently discharge his administrative responsibilities by utilizing court clerks to grade examinations of his ESU students and make photo copies.
- Muth violated the "Priority of Judicial Business" and didn't give "Precedence to the Duties of Judicial Office" by using court staff to make copies and grade papers that assisted him in his outside occupation of being a part-time assistant professor.
- "Judge Muth engaged in conduct so extreme that it brought disrepute upon the judicial office itself."
- "Judge Muth engaged in conduct prohibited by the Unified Judicial System Policy on Non-Discrimination and Equal Employment Opportunity prescribed by the Supreme Court."

Unless Muth and the Judicial Conduct Board reach a negotiated agreement, a public trial will be held before the Court of Judicial Discipline. If any of the charges are proven by clear and convincing evidence [then Muth](#) "may be suspended, removed from office or otherwise disciplined for . . . [his] conduct."

As of July 16, 2017 Muth has not been suspended pending the outcome of the legal proceedings against him from his job as girls

Muth admitted during his February 24, 2017 deposition before the Judicial Conduct Board that he possessed and viewed pornography on his judicial computer in his chambers, and that he used court clerks to make photocopies at county ex-

junior high basketball coach at Notre Dame Junior-Senior High School in East Stroudsburg; his job as an assistant professor at East Stroudsburg University; or his job as a Magisterial District Judge.

The filing of charges against Muth is an anomaly. In 2016, 804 [complaints were filed](#) with the Judicial Conduct Board alleging improper conduct by a Pennsylvania judge. Formal charges were filed in .006% (5) of those cases. That is consistent with the five years from 2012 to 2016 when charges were filed in .007% (28) of the 3,886 complaints filed. So in Pennsylvania charges are filed against a judge in about 1 out of every 140 complaints.

[Click here to read the Judicial Conduct Board's](#) Press Release and the JCB's complaint against Michael Muth.

[Click here to see Muth's](#) biography on the East Stroudsburg University website.

[Click here to see the](#) Monroe County, PA Magisterial District Judge webpage.

Sources:

[Pa. district judge accused of viewing porn](#) in office, *The Philadelphia Inquirer*, July 5, 2017.

[Court of Common Pleas](#), 43rd Judicial District, Monroe County, Penn. (Official website).

[Honorable Michael R. Muth](#), Assistant Professor of Criminal Justice, East Stroudsburg University.

[MDJ Michael R. Muth](#) (2 JD 2017), Press Release, Judicial Conduct Board of Pennsylvania, July 5, 2017.

[2016 Annual Report](#) – Judicial Conduct Board of Pennsylvania



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\$10,000 Reward Offered To Anyone Who Answers 100 Questions To Prove Steven Avery Is Guilty

Lawyer Kathleen Zellner announced on July 26, 2017 that [she is offering](#) a \$10,000 reward to anyone who can prove her client Steven Avery is guilty beyond a reasonable doubt. To win the \$10,000 an applicant must rely on credible evidence to answer 100 questions regarding Avery's case.

Avery was convicted in March 2007 of first-degree intentional homicide and illegal possession of a firearm in the death of Theresa Halbach in 2005 in Manitowoc County, Wisconsin. He was sentenced to life in prison. The case of Avery and his nephew Brendan Dassey — who was also convicted of charges related to Halbach's death — was the subject of the 10-part Netflix documentary *Making A Murderer*, that [was first broadcast](#) in December 2015.



Kathleen Zellner (and Bruno) on way to tell Steven Avery the 7th Circuit affirmed Brendan Dassey should get a new trial. (6-23-17) (twitter.com/zellnerlaw)

After *Making a Murderer* was broadcast Zellner — who is the most successful private lawyer in American history at overturning the convictions of wrongly convicted persons -- agreed to represent Avery *pro bono*.

On June 7, 2017 Zellner filed a 1,272 page post-conviction petition that included significant new forensic evidence supporting Avery's actual innocence.

Zellner calls the 100 question contest that she announced on July 26, "The Steven Avery Proof of Guilt Challenge."

There are skeptics of Avery's innocence, and in announcing the contest [Zellner told the Joliet Patch](#), "The Proof of Guilt Challenge is specifically designed to elicit from these commentators credible evidentiary support for their opinion that Mr. Avery is guilty beyond a reasonable doubt."

Zellner said the contest is open to anyone, and if they can prove Avery's guilt by relying on credible evidence they'll make an easy \$10,000.

"The Steven Avery Proof of Guilt Chal-

lenge" [questionnaire states](#):

"We are so convinced that you will fail at answering the following 100 questions that we will offer an award of \$10,000 to anyone who fully answers all 100 questions based upon credible evidence that establishes Mr. Avery's guilt beyond a reasonable doubt."

Rules: Anyone (including journalists, legal commentators, students, or the public) is eligible. All 100 questions must be fully answered referencing transcripts, evidence, and experiments which establish Mr. Avery's guilt beyond a reasonable doubt. All submissions must identify the participant's name, address, and driver's license number. No submissions containing ad hominem attacks, vulgar language, or conclusions with no supporting evidence will be considered. We reserve the right to make the final determinations as to whether anyone has successfully answered all 100 questions and is entitled to the \$10,000 reward.

Answers should be submitted to: attorneys@zellnerlawoffices.com.

[The first 4 questions](#) of "The Steven Avery Proof of Guilt Challenge" are:

1. Explain why, if Mr. Avery was "actively bleeding" from his finger, as Mr. Kratz told the jury, there are only 6 spots of his blood in the RAV-4.
2. Explain why Mr. Avery's blood is not on any of the objects in the car that he would have grasped with his hands which would have also resulted in him leaving his fingerprints.
3. Explain why Mr. Avery's blood was not present on the following items:
 - a. The key to the RAV-4;
 - b. The driver's door handle;
 - c. The rear passenger door handle;
 - d. The steering wheel;
 - e. The gear shift;
 - f. The hood prop;
 - g. The brake release; and
 - h. The driver's seat release bar.
4. Explain why there are no fingerprints of Mr. Avery in or on the RAV-4 but, according to the prosecution, there is blood from his actively bleeding finger present in 6 spots, 5 of which are in the front of the vehicle and 1 on the rear passenger door jamb. *Note that Ms. Halbach's fingerprints are on the driver's door handle and 8 latent prints are identified on the vehicle, none of which matched Mr. Avery, thereby ruling out that the car was wiped clean of fingerprints.

[Click here to read, print, or download](#)

"The Steven Avery Proof of Guilt Challenge."

[Click her to go to the website of the](#) Law Offices of Kathleen T. Zellner.

[Click her to go to Netflix's *Making A Murderer* webpage.](#)

Sources:

[The Steven Avery Proof of Guilt Challenge](#), static1.squarespace.com.

[Zellner Offers \\$10,000](#) If You Pass Her Steven Avery Proof Of Guilt Challenge, *Joliet Patch*, July 27, 2017.

[Making A Murderer](#), Netflix, December 2015.

Law Offices of Kathleen T. Zellner, www.kathleentzellner.com.



Appeals Court Denies Kevin Dassey's Habeas

On June 22, 2017 a three-judge panel of the U.S. Seventh Circuit Court of Appeals affirmed the overturning of Dassey's convictions and the ordering of a new trial [by U.S. Magistrate Judge](#) William E. Duffin on August 12, 2016. Avery's convictions were largely based on Dassey's alleged confession that Judge Duffin ruled was inadmissible because it was involuntary.

The State motion for *en banc* review was granted. On December 8, 2017 a 4-3 majority reversed the panel's ruling on the basis the State court's finding Dassey's confession was voluntary was was not an unreasonable application of U.S. Supreme Court precedent. The Court remanded with instructions for the District Court of dismiss Dassey's petition.

[Federal Judge Grants Brendan Dassey New Trial](#) And Castigates His First Lawyer, Justice Denied, August 24, 2016.

Dassey v. Dittman, No. 16-3397 (U.S. 7th Cir., 12-8-17) (*En banc* 4-3 denial of Dassey's federal habeas.)



Steven Avery's New Trial Motion Denied

Steven Avery's motion for a new trial based on new evidence, and allegations of a deficient police investigation, ineffective assistance of counsel, and prosecutor misconduct, was denied on October 3, 2017 by Circuit Court Judge Angela Sutkiewicz, whose ruling stated: "... the defendant has failed to establish any grounds that would trigger the right to a new trial in the interests of justice." Judge Sutkiewicz' ruling was in State of *Wisconsin v. Steven Avery*, No. 2005 CF 381 (Sheboygan County Circuit Ct.) (Memorandum Decision And Order, 10-3-2017.)



Kirstin Lobato's Habeas Corpus Evidentiary Hearing Summary (10-9 to 10-13-17)

By Hans Sherrer

Kirstin Lobato's five-day evidentiary hearing before District Court Judge Stefany Miley was held from Monday, Oct. 9 to Friday, October 13, 2017.

Ms. Lobato was convicted in 2006 of voluntary manslaughter and other charges related to Duran Bailey's homicide in Las Vegas on July 8, 2001. She is incarcerated serving her sentence of 13 to 35 years in prison.*

The hearing was ordered by the Nevada Supreme Court in November 2016. It was to determine if Ms. Lobato's trial lawyers provided ineffective assistance of counsel for failing to investigate and present forensic entomology and forensic pathology evidence discovered after her trial that establishes Bailey died on July 8 about 8 p.m., or even later. The person who found his body called 911 at 10:36 that night.

During the closing arguments in Ms. Lobato's trial, Clark County Asst. DA Sandra DiGiacomo conceded that credible alibi witnesses establish she was at her home in Panaca — 165 miles north of Las Vegas — the entire afternoon and evening of July 8.

Ms. Lobato's habeas petition asserts the jury would not have found her guilty if it had known the new forensic evidence Bailey died at a time the prosecution has acknowledged she was 165 miles from Las Vegas.

Ms. Lobato presented five witnesses during the hearing: her lead trial lawyer David Schieck (In 2006 he headed the Special Public Defender's Office.); a forensic pathologist; and three forensic entomologists.

The State presented two rebuttal witnesses: a forensic pathologist and a forensic entomologist.

Ms. Lobato is currently represented *pro bono* by the Innocence Project in New York, and by the Las Vegas law firm of David Chesnoff & Richard Schonfeld.

The State's case was presented by ADA DiGiacomo.

The following is a brief summary of the testimony presented by Ms. Lobato's witnesses.



Kirstin Lobato in Dec. 2005 after her release on bail awaiting retrial (Michelle Ravell).

David Schieck.

1. At the time of Ms. Lobato's trial he was aware entomology evidence could be important to establish a victim's time of death.

2. Neither he, nor Ms. Lobato's two *pro bono* lawyers from San Francisco consulted with a forensic entomologist, and their failure to do so was not a strategic decision.

3. If the jury had known the new forensic evidence Bailey died when Ms. Lobato was in Panaca, it could have affected the jury's verdict finding her guilty.

4. He stated: "On reflection, I absolutely should have consulted with a forensic entomologist."

Dr. Andrew Baker, forensic pathologist and chief medical examiner in Minneapolis.

1. Bailey most likely died about 8 p.m., plus or minus two hours, based on the medical evidence about when he was in full rigor mortis and when it had completely dissipated.

Dr. Jeffrey Tomberline, a forensic entomologist associated with Texas A & M University

1. Blow flies are only active during the day when they lay their eggs on carrion.

2. Blow flies are attracted by the odor of a dead body, and can begin laying clumps of eggs on a body within minutes of death.

3. The daylight conditions on July 8, 2001 in Las Vegas were optimal for blow fly infestation of a dead body: the temperature ranged from low 80s to 95°; and there was no wind and no rain.

4. There was not a single fly egg visible in any of the crime scene and autopsy photographs of Bailey's body.

5. To a reasonable degree of scientific certainty Bailey died soon before his body was found, and he died after sunset at 8:01 p.m. on July 8, 2001.

Dr. Robert Kimsey, a forensic entomologist associated with UC Davis

1. Blow flies are diurnal and begin their

activity in the early morning after sunrise, and cease their activity as sunset nears.

2. Blow flies are fast and genetically designed to quickly find carrion to lay clumps of 150-300 eggs at a time.

3. Bailey's pulverized face, and the open wounds on his neck, chest, and genital area, and the blood soaking his body, made him a prime target for blow flies to lay their eggs.

4. The environmental conditions on July 8 in Las Vegas were optimal for blow flies to lay eggs on a dead body.

5. On Bailey's body there were, "No blow fly eggs. No insect activity whatsoever."

6. "It just isn't possible" Bailey died during the day without blow fly eggs being present.

7. "To a reasonable medical and scientific certainty Bailey died shortly before or after nautical sunset." (Nautical sunset was at 9:07 p.m.)

Dr. Gail Anderson, forensic entomologist associated with Simon Fraser University in Burnaby, British Columbia, Canada.

1. Blow flies are diurnal and stop flying and laying eggs by sunset.

2. Blow flies are cold blooded, and the optimum temperature for them to fly is 80° to mid-90s.

3. Blow flies are attracted immediately after death by the smell of a dead body (or other animal).

4. The time of year, optimal temperature during the day from the low 80s to a high in the mid-90s, easy access to Bailey's body, and his odor of death, open wounds, and significant blood loss would attract blow flies to lay eggs if he had died during daylight.

5. "The only explanation for the absence of blow fly eggs on Bailey's body is he died after sunset.

6. "It isn't possible Bailey died in the early morning."

7. "To a reasonable scientific certainty Bailey died after sunset." (Which was at 8:01 p.m.)

The following is a brief summary of the testimony presented by ADA DiGiacomo's witnesses.

Lobato cont. on p. 18

Lobato cont. from p. 17

Dr. Rexene Worrell, forensic pathologist who is semi-retired.

1. The DA's Office was paying her \$500 an hour for the preliminary work she did on the case and for her testimony.

2. Bailey was in the very early stage of decomposition at the time of his autopsy.

3. Based primarily on the potassium vitreous fluid level of Bailey's eyes at the time of his autopsy, Worrell opined, "Bailey died sometime between the mid-morning and early morning hours of July 8, 2001."

Dr. Jeffrey Wells, forensic entomologist associated with Florida International University in Miami.

1. Blow flies are attracted by the odor given off by a deceased person, and are typically the first insect to colonize a dead body.

2. Blow flies ordinarily lay eggs in a deceased person's wounds, nose, mouth, eyes, and genitals.

3. Blow flies are only active during daylight.

4. The crime scene and autopsy photographs of Bailey's body do not show anything that can definitely be identified as an insect egg.

5. Dr. Wells believes in application of the scientific principle of data collection and replication to forensic entomology.

6. Dr. Wells is not aware of any suitable data concerning the study of blow flies in Las Vegas to show their behavior patterns and the development of their eggs.

7. Dr. Wells testified: "We don't have enough data to determine how long the victim laid in the trash enclosure, and if he was present during daylight."

8. Dr. Wells did not state an opinion about Mr. Bailey's time of death.

Testimony summary

Ms. Lobato's entomology experts independently determined Bailey died after sunset at 8 p.m. on July 8, and her forensic pathology expert determined he died at 8 p.m. plus or minus two hours.

The DA's forensic pathology expert opined Bailey died between the mid-morning and early-morning of July 8. The DA's forensic entomology expert opined there isn't enough information about the behavior of blow flies in Las Vegas to render an opinion about his time of death.

Judge Miley must decide two things to arrive at her decision of whether to grant :

1) Did Ms. Lobato's lawyers perform deficiently by failing to investigate or present the new forensic entomology and forensic pathology evidence of Bailey's time of death?

2) Does the failure to present that evidence undermine confidence in the outcome of her trial?

The answer to the first was likely provided by Schieck's admission -- "I absolutely should have consulted with a forensic entomologist."

Judge Miley said at the conclusion of the hearing that she would issue her ruling by mid-November 2017.

Federal Judge Gloria Navarro Has Declared Kirstin Lobato Is Innocent

The Las Vegas Tribune's published on the front page of its March 22, 2017 issue, "Federal Judge Gloria Navarro has declared Kirstin Lobato is innocent." The article was written by Hans Sherrer, *Justice Denied's* editor and publisher. The article can be read on the *LV Tribune's* website at, LasVegasTribune.net.

The article explains that U.S. District Court Judge Gloria Navarro publicly stated in 2002 that Kirstin Lobato is innocent of Duran Bailey's homicide in Las Vegas on July 8, 2001. At the time Navarro was Lobato's lawyer, and her comments were published in the *Las Vegas Review-Journal* on May 29, 2002.

Navarro has never recanted her public statements declaring Lobato is innocent. In fact, she specifically referenced the May 2002 *Review-Journal* article in her 'judiciary questionnaire' that the United States Senate relied on in unanimously confirming her by a 98-0 vote in May 2010 for a federal judgeship.

In 2010 Lobato filed a state habeas corpus petition that seeks to overturn her convictions. A defense by the State to Lobato's petition is "there is no reasonable question of Defendant's guilt." Lobato's response filed in the Clark County District Court was the State's defense "has made Judge Navarro a material witness in the Petitioner's writ of *habeas corpus* case, and she will be subpoenaed as a witness during the Petitioner's evidentiary hearing." Navarro declaration of Lobato's innocence exposes the State's defense is false.

In November 2016 the Nevada Supreme Court remanded Lobato's habeas case back to the District Court to resolve two issues: ineffective assistance by her trial lawyers and new evidence she is actually innocent. The Supreme Court ordered an evidentiary hearing that was denied by the District Court.

Consequently, if an evidentiary hearing is held the State could be faced with needing to denigrate federal Judge Navarro's opinion that Ms. Lobato is innocent, and she has known it for 15 years.

Information about Ms. Lobato's case and the new evidence of her actual innocence detailed in her habeas corpus petition is on Justice Denied's website at, www.justicedenied.org/kbl.htm.



Melisa Sopher, Jane Pucher, Adnan Sultan and Vanessa Potkin (L to R) The Innocents Project of New York's legal team during Kirstin Lobato's evidentiary hearing in Las Vegas from Oct. 9 to Oct. 13, 2017. The picture was taken in the courtroom after the evidentiary hearing concluded. (Ms. Sopher is a paralegal, while the other three are lawyers with Ms. Potkin the lead lawyer.) (Photo by Hans Sherrer)

Pamela Anderson To Start Campaigning For Men Falsely Accused Of Rape

Pamela Anderson said in a television interview on February 22, 2017 that she is going to start campaigning for men falsely accused of rape. Anderson is best known for her starring role in the *Baywatch* television series, which at the peak of its popularity was one of the most watched TV programs in the world.

Anderson's interest in false rape accusations is the result of her friendship with Julian Assange, the founder of Wikileaks.org. In August 2012 Ecuador granted Assange political asylum in their London Embassy to protect him from arrest and extradition to Sweden for what he claims are false allegations of sexually assaulting several women. Assange claims the false allegations are "political persecution" and a ruse for Sweden to gain custody of him for extradition to the U.S.

Assange has been under investigation for a number of years by the U.S. government for espionage and other charges related to Wikileaks' publication of information provided to them by then-U.S. Army Private Bradley Manning. Manning was convicted by court-martial in 2013 for leaking the information, and sentenced to 35 years in prison. Outgoing President Barack Obama commuted Manning's sentence to 7 years from the time of his arrest, and he is scheduled to be released on May 17, 2017.

Anderson is a staunch defender of Assange's innocence, and she has visited him at Ecuador's Embassy.

During her interview on RT's 'Going Underground' program, Anderson talked about Assange's case and that it was politically motivated. She [also said](#), "I'm going to actually start campaigning for men who have been victims of being accused of rape when they haven't actually done anything. ... We all of course gravitate towards vulnerable people and we consider that to be women and children first and foremost, which is important of course, but there's also a lot of men who are in a vulnerable situation."

Sources:

[Pamela Anderson to RT](#): I'll campaign for men falsely accused of rape, *RT.com*, February 22, 2017.

[Ecuador Grants Asylum to Assange](#), Defying Britain, *The New York Times*, August 16, 2012.



Pamela Anderson interviewed for 'Going Underground' (RT.com)

Justice Denied's Mobile Device Homepage Is Online!

Justice Denied's [mobile device homepage](http://www.m.justicedenied.org) is now online. The mobile friendly homepage has the narrow width recommended for smartphones and other mobile devices.

Justice Denied's homepage detects when it is accessed by a mobile device, and the user is automatically redirected to the mobile homepage. There is also a link to the mobile homepage in the upper right-hand corner of [Justice Denied's homepage](http://www.justicedenied.org).

The mobile friendly homepage was created because half of all visitors to Justice Denied's website now use a hand-held device. The following shows the growth of hand-held devices used to access justicedenied.org.

Year	Desktop	Mobile	Tablet
2008	100%		
2009	99.7%	0.3%	
2010	97%	3%	
2011	92%	8%	
2012	82%	13%	5%
2013	72%	19%	9%
2014	61%	28%	11%
2015	51%	37%	12%
2016	50%	39%	11%

Justice Denied's mobile device homepage is www.m.justicedenied.org.

Visit the Innocents Database

Includes details about more than 8,700 wrongly convicted people from the U.S. and other countries.

www.forejustice.org/exonerations.htm

Visit the Wrongly Convicted Bibliography

Database of hundreds of books, law review articles, movies and documentaries related to wrongful convictions.

www.forejustice.org/biblio/bibliography.htm

"The federal court safety-value was abruptly dismantled in 1996 when Congress passed ... the Antiterrorism and Effective Death Penalty Act. ... We now regularly have to stand by in impotent silence, even though it may appear to us that an innocent person has been convicted.

Federal 9th Circuit Judge Alex Kozinski "Criminal Law 2.0," 44 *Geo. L.J. Ann. Rev. Crim. Proc.* (2015) (Preface, iii)

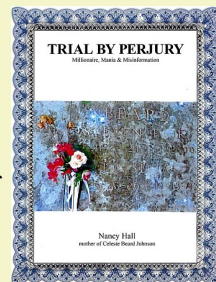
Trial by Perjury:

Millionaire, Mania & Misinformation

by Nancy Hall

This \$3.99 [Amazon Kindle e-book](#) book is

about how Celeste Beard Johnson was convicted in 2003 of capital murder in the death of her then husband Steven F. Beard, who died of natural causes in 2000. She was sentenced to life in prison.



While in bed at home in Oct. 1999, Steven was shot in his stomach with a shotgun. Tracey Tarlton, a woman who became infatuated with Celeste after they met in February 1999, admitted the shooting and she was charged with Injury to an Elderly Person. Steven recovered and was discharged from the hospital on January 18, 2000. The next day he was readmitted with a yeast infection and he complained of chest pains. Exams showed he had severe heart disease and other medical problems. He died four days later. Tarlton and Celeste were charged with murdering Steven. Tarlton pled guilty and agreed to testify against Celeste in exchange for a 10-20 year prison sentence. Celeste was convicted even though medical evidence showed Steven died of natural causes – not murder. Order for the Amazon Kindle for only \$3.99 from Amazon.com. (252 pgs)

Database of Japanese Cases

The Japan Innocence & Death Penalty Information Center has a database of wrongful Japanese convictions online at,

<http://www.jiadep.org>

Visit Justice Denied's Wordpress Page

Justice Denied's Wordpress page has the latest articles and information. See,

www.justicedenied.org/wordpress

Justice Denied's Website Has Had Visitors From 225 Countries

Justice Denied's website has had visitors from 228 countries through fall 2017. Those visitors were from more than 21,850 cities and towns. Six of the 20 cities where the most visitors were from are outside the U.S.

www.justicedenied.org

8,723 Cases Now In Innocents Database

The Innocents Database now includes 8,723 cases: 5,632 from the U.S., and 3,091 from 117 other countries. The database includes 4,693 U.S. cases from 2017 to 1989, when the first DNA exoneration occurred.

The [Innocents Database](#) is the world's largest database of exonerated persons, and it includes all identifiable exonerations in the United States, as well as internationally. The Innocents Database includes:

- 600 innocent people sentenced to death.
- 1,067 innocent people sentenced to life in prison.
- 2,270 innocent people convicted of a homicide related crime.
- 1,117 innocent people convicted of a sexual assault related crime.
- 827 innocent people were convicted after a false confession by him or herself or a co-defendant.
- 3,428 innocent people were convicted of a crime that never occurred.
- 229 innocent people were posthumously exonerated by a court or a pardon.
- 88 people were convicted of a crime when they were in another city, state or country from where the crime occurred.
- 1,988 innocent people had 1 or more

co-defendants. The most innocent co-defendants in any one case was 29, and 22 cases had 10 or more co-defendants.

- 12% of wrongly convicted persons are women.
- The average for all exonerated persons is 7-1/8 years imprisonment before their release.
- 31 is the average age when a person is wrongly imprisoned.
- Cases of innocent people convicted in 117 countries are in the database.
- 5,632 cases involve a person convicted in the United States.
- 3,091 cases involve a person convicted in a country other than the U.S.

[Click here to go to the Innocents Database at www.forejustice.org/exonerations.htm.](http://www.forejustice.org/exonerations.htm)

All the cases are supported by public sources for research. Those sources include court rulings, newspaper and magazine articles, and books. The database is linked to from [Justice Denied's](#) website.

User defined searches, and user defined sorts of any combination of more than 100 columns of data can be made for:

[U. S. cases from 1989 to 2017](#);
[U. S. cases prior to 1989](#);
and, [International cases up to 2017](#)

The database can now be sorted on a Com-

pensation column to find such information as: the compensation awarded to persons for any year or state, or the compensation awarded in a particular type of case, such as those involving DNA or a false confession, etc.

The Innocents Database is an ongoing project that began more than 20 years ago, and now contains millions of bytes of data related to exonerations. The accessibility and usefulness of that data to the public and researchers is improved by the ability to search and sort for specific information.

Email a question, correction, or suggested addition to the Innocents Database to: innocents@forejustice.org.



Visit the Innocents Database

Includes details about more than 8,700 wrongly convicted people from the U.S. and other countries.

www.forejustice.org/search_idb.htm

Visit Justice Denied's Facebook Page

Justice Denied's Facebook page has information related to wrongful convictions. Justice Denied's homepage has a link to the Facebook page,

www.justicedenied.org

3rd Revised and Updated Edition of "Kirstin Blaise Lobato's Unreasonable Conviction" Online!

The third revised and updated edition of [Kirstin Blaise Lobato's Unreasonable Conviction](#) — *Possibility of Guilt Replaces Proof Beyond A Reasonable Doubt* is available in PDF format to be read or downloaded at no charge for personal use from [Justice Denied's](#) website.*

The book details how Kirstin Lobato has twice been convicted of a July 8, 2001 Las Vegas homicide when the prosecution doesn't deny it has no physical, forensic, eyewitness, confession, informant, surveillance video or documentary evidence she was in Las Vegas at any time on the day of the crime. The prosecution also concedes she was at her home 165 miles from Las Vegas at the time new forensic entomology and forensic pathology evidence conclusively proves the man died between 8 p.m. and 10 p.m. The book also details that in 2001 the 18-year-old Ms. Lobato was prosecuted

even though the Las Vegas Metropolitan Police Department and the Clark County District Attorney's Office obtained evidence three days after her arrest she is innocent.

The 3rd revised edition has 57 pages of new information, that includes:

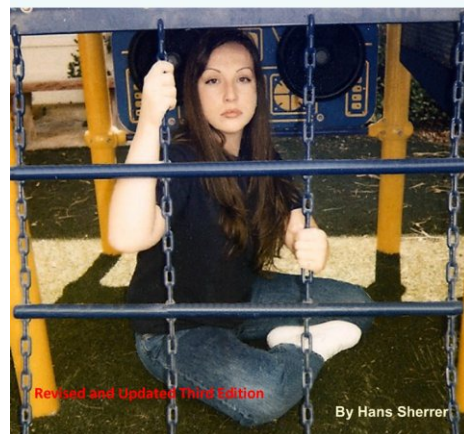
* An updated Timeline of Ms. Lobato's case from 2001 to the present, that begins on p. 10.

* Six new sub-chapters in the Appendix that begin on page 150. Those include a Power Point presentation of Ms. Lobato's case and the new evidence in her habeas corpus petition currently under review by the Nevada Supreme Court. Ms. Lobato's petition includes new evidence her jury didn't hear by more than two dozen expert, alibi, and third-party culprit witnesses that supports her actual innocence.

The 232-page book written by *Justice Denied's* editor and publisher Hans Sherrer is supported by 427 source endnotes. In documents filed in the Nevada Supreme Court, the Clark County District Attorney's Office and the State of Nevada don't assert there is a single factual error in the book.

KIRSTIN BLAISE LOBATO'S UNREASONABLE CONVICTION

Possibility Of Guilt Replaces Proof Beyond A Reasonable Doubt



[Click here to download at no charge](http://www.justicedenied.org/kbl.htm) *Kirstin Blaise Lobato's Unreasonable Conviction* in PDF format from www.justicedenied.org/kbl.htm.

Justice Denied's webpage with information about the Kirstin Lobato case is www.justicedenied.org/kbl.htm.

* The book can be printed at no charge for non-commercial use only.

High Fence Foodie Cookbook Now Available!

High Fence Foodie is [a new cookbook](#) by Texas prisoner Celeste Johnson that was recently published by The Justice Institute.

High Fence Foodie has more than two hundred easy to prepare recipes for meals, soups, snacks, desserts, and beverages. These recipes can be made from basic items a prisoner can purchase from their unit's commissary, or people on the outside can purchase from a convenience or grocery store. They are written by Celeste Johnson, a woman imprisoned in Texas who loves to cook and try out new combinations of the simple food ingredients available to her.

High Fence Foodie's all new recipes are a follow-up to the more than 200 recipes in *From The Big House To Your House* that was written by Celeste Johnson and five fellow prisoners at the Mountain View Unit, a woman's prison in Gatesville, Texas.

From The Big House To Your House received

rave reviews on Amazon.com, with 75% of reviewers giving it 4 or 5 stars! Some of the comments are:

"A lot of the recipes are very imaginative, and fun to make. Well worth the money." J.C.

"I loved the food and was inspired by the can-do attitude of the ladies involved with this project." Dan

"My daughter got this for her husband for father's day. He loves using it!!" J.H.

"I am a college student making a limited income and these recipes are great and fulfilling for people like me who don't have a ton of \$ to spend on groceries." Alicia

"I sent this to my daughter. She absolutely loves this little cookbook!" D. G.

High Fence Foodie continues the high standard of *From The Big House To Your House*! Celeste hopes her recipes will ignite a read-



er's taste buds as well as spark their imagination to explore unlimited creations of their own! She encourages substitutions to a reader's individual tastes or availability of ingredients. She is confident users of her recipes will enjoy creating a home-felt comfort whether behind the High Fence, or at Your House!

Celeste Johnson does not financially profit from sales of *High Fence Foodie*. All profits from the book's sale are

donated to [The Justice Institute](#) Justice Denied to contribute to its work on behalf of wrongly convicted persons.

[Click here for more information](#) about the book's contents and to [order it from Justice Denied](#) with no shipping charge.

[Click here to buy High Fence Foodie from Amazon.com.](#)

[Order with a check or money order by using the form on page 23.](#)

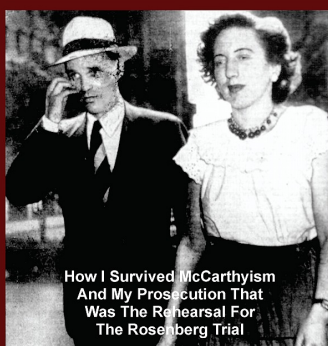
Phantom Spies, Phantom Justice

Phantom Spies, Phantom Justice by Miriam Moskowitz was published in July 2012 by Justice Denied/The Justice Institute. The book is Ms. Moskowitz' autobiography that explains how it came to be that in 1950 she was falsely accused, indicted and convicted of obstruction of justice in a grand jury that was investigating Soviet espionage. The book's subtitle is *How I Survived McCarthyism And My Prosecution That Was the Rehearsal For The Rosenberg Trial*. The Afterword written by Justice Denied's editor and publisher Hans Sherrer states in part:

Miriam Moskowitz is an innocent person who was caught up in the whirlwind of anti-communist hysteria that prevailed in this country at the time of her trial in 1950. We know that because of FBI documents she obtained through the Freedom of Information Act decades after her conviction for conspiring to obstruct justice during a grand jury investigation.

The prosecution's case depended on the trial testimony of FBI informant Harry Gold. He testified that in 1947 *she observed* a conversation during which he and her business

Phantom Spies, Phantom Justice



MIRIAM MOSKOWITZ

Updated with new chapters and copies of FBI documents

partner, Abraham Brothman, allegedly discussed providing false testimony to a grand jury investigating possible Soviet espionage. She did not testify before that grand jury.

The FBI documents Ms. Moskowitz obtained are proof that prior to her trial Mr. Gold told the FBI *she was not present* during that alleged conversation. Furthermore, Mr. Gold told the FBI he didn't speak candidly in front of Ms. Moskowitz because of

her possible negative reaction if he said something incriminating in her presence, and he didn't like her.

Although Ms. Moskowitz's case had nothing directly to do with the Rosenberg trial that took place four months after her trial, they were tied together because Mr. Gold was a key witness against the Rosenbergs and the same prosecutors and judge were involved in both trials.

Phantom Spies, Phantom Justice is a compelling story of how an innocent 34-year-old woman found herself being publicly branded as an enemy of the United States. Ms. Moskowitz is now 96 and still seeking the justice of having her conviction overturned, although she can't get back the time she spent incarcerated because of her two-year prison sentence.

\$19.95

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(Canadian orders add \$5 per book)
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Published By Justice Denied !!

FROM THE BIG HOUSE TO YOUR HOUSE

Cooking in prison

With

Ceyma Bina, Tina Cornelius,
Barbara Holder, Celeste Johnson,
Trenda Kemmerer, and Louanne Larson

From The Big House To Your House has two hundred easy to prepare recipes for meals, snacks and desserts. Written by six women imprisoned in Texas, the recipes can be made from basic items a prisoner can purchase from their commissary, or people on the outside can purchase from a convenience or grocery store.

From The Big House To Your House is the result of the cooking experiences of six women while confined at the Mountain View Unit, a woman's prison in Gatesville, Texas. They met and bonded in the G-3

dorm housing only prisoners with a sentence in excess of 50 years. While there isn't much freedom to be found when incarcerated, using the commissary to cook what YOU want offers a wonderful avenue for creativity and enjoyment! They hope these recipes will ignite your taste buds as well as spark your imagination to explore unlimited creations of your own! They encourage you to make substitutions to your individual tastes and/or availability of ingredients. They are confident you will enjoy the liberty found in creating a home-felt comfort whether you are in the Big House, or Your House!

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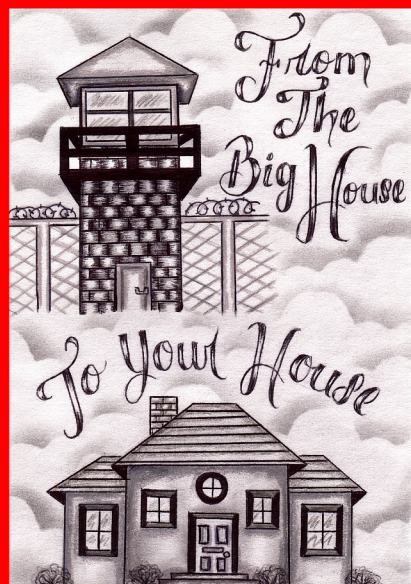
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Ceyma Bina, Tina Cornelius, Barbara Holder,
Celeste Johnson, Trenda Kemmerer, and Louanne Larson

Published by Justice Denied

Edwin M. Borchard – Convicting The Innocent

Edwin M. Borchard – *Convicting The Innocent and State Indemnity For Errors Of Criminal Justice* has [been published](#) by The Justice Institute/Justice Denied.

Yale University Law School Professor Edwin Borchard was an early pioneer in exposing the causes of wrongful convictions and the inadequacy of compensation for exonerated persons in the United States. So it is important that it be remembered his works laid the foundation for today's advocates for wrongly convicted persons, and the encouragement of public policies that may prevent wrongful convictions and ensure adequate indemnification when they occur.

This 358-page book includes Borchard's key works *European Systems Of State Indemnity For Errors of Criminal Justice*, and *Convicting The Innocent: Sixty-Five Actual Errors of Criminal Justice*. The Table of Contents is:

Introduction

Chapter 1. Edwin M. Borchard: Pioneer In Analyzing Wrongful Convictions And Advocate For Compensation

Chapter 2. Edwin Borchard, Law Expert, Dead

Chapter 3. European Systems Of State Indemnity For Errors Of Criminal Justice

Chapter 4. Convicting The Innocent: Sixty-Five Actual Errors Of Criminal Justice

Convicting the Innocent (Chapter 4) has not lost its luster as one of the most insightful books published on the topic of wrongful convictions. Seventy-one years after its publication the multitude of causes underlying the cases of injustice it details not only continue to plague the legal system in the United States, but they are arguably more prevalent today than when the book was published, with the exception of confessions extracted by physical violence.

Compensating exonerated persons is as topical a subject as it was one hundred years after Borchard's article about indemnifying wrongly convicted persons. Borchard article (Chapter 3) makes it clear that many European countries were more advanced in providing indemnification 100 years and more ago, than is the norm in the United States in 2015.

\$16.95 (postage paid to U.S. mailing address) (Canadian orders add \$5 per book) 358 pages, softcover. Use the order form on page 23 to order with a check or money order. Or order with a credit card from Justice Denied's website:

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EDWIN M. BORCHARD

**Convicting The Innocent
and State Indemnity For
Errors Of Criminal Justice**

COMPILED AND INTRODUCTION
BY HANS SHERRER

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Coalition For Prisoner Rights is a monthly newsletter providing info, analysis and alternatives for the imprisoned & interested outsiders. Free to prisoners and family. Individuals \$12/yr, Org. \$25/yr. Write: CPR, Box 1911, Santa Fe, NM 87504

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Almost 100 books available related to different aspects of wrongful convictions. There are also reference and legal self-help books available.

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Justice:Denied Disclaimer

Justice:Denied provides a forum for people who can make a credible claim of innocence, but who are not yet exonerated, to publicize their plight. *Justice:Denied* strives to provide sufficient information so that the reader can make a general assessment about a person's claim of innocence. However unless specifically stated, *Justice: Denied* does not take a position concerning a person's claim of innocence.

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Citizens United for Alternatives to the Death Penalty

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Prison Legal News is a monthly magazine reporting on prisoner rights and prison conditions of confinement issues. Send \$3 for sample issue or request an info packet. Write: PLN, PO Box 1151,1013 Lucerne Ave., Lake Worth, FL 33460.

Dehumanization Is Not An Option

An Inquiry Into Law Enforcement and Prison Behavior

By Hans Sherrer

This compilation of essays and reviews explains that the dehumanization characteristic of institutionalized law enforcement processes is as predictable as it is inevitable. The beginning point of thinking about alternatives to the dehumanizing aspects of law enforcement systems is understanding their causes. The essays include:

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KIRSTIN BLAISE LOBATO'S UNREASONABLE CONVICTION

Possibility of Guilt Replaces Proof Beyond A Reasonable Doubt



2006 and she is currently serving a sentence of 13-35 years in Nevada. *Kirstin Blaise Lobato's Unreasonable Conviction* documents:

- She had never met the homeless man and had never been to where he was killed.
- No physical forensic, eyewitness or confession evidence ties her to his death.
- At the time of his death she was 170 miles north of Las Vegas in the small rural town of Panaca, Nevada where she lived with her parents.

Paperback, 176 pages, \$13

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for details!



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"A district attorney in Worcester County, Massachusetts, a few years ago is reported to have said: "Innocent men are never convicted. Don't worry about it, it never happens in the world. It is a physical impossibility." The present collection of sixty-five cases, which have been selected from a much larger number, is a refutation of this supposition."

Convicting The Innocent: Sixty-Five Actual Errors Of Criminal Justice
by Edwin Borchard (Yale Univ. Press, 1932), i

JUSTICE DENIED

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The Magazine for the Wrongly Convicted

The scales of justice are tipped against innocent people all across the country - from Maine to Hawaii and from Alaska to Florida.

Justice Denied provides a public voice for innocent people victimized by that tragic reality.

Roxanne Granberry's Guilt By Association Drug Conviction Tossed

Roxanne Granberry was the owner of a home elevator company in Maryland when she was convicted of participating in a conspiracy with her husband to illegally distribute oxycodone. The jury accepted the prosecution's "guilt by association" case, when the evidence showed she distanced herself from her husband and any illegal activities he was involved in.

See p. 9