

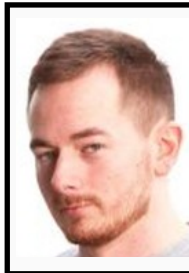
JUSTICE



The Magazine for the
Wrongly Convicted

INNOCENCE PROJECT'S \$25.6 MIL. ASSETS TOPS ALL INNOCENCE RELATED ORGANIZATIONS

SEE P. 4



Danny Steven Kay

Rape conviction tossed by appeals court in England based on discovery of accuser's Facebook messages the sex was consensual.

See page 3

Nicole Harris



Federal court jury ruled against her lawsuit that claimed Chicago police framed her for death of her 4-year-old son in 2005.

See page 11

Billy Irving

One of 35 seaman wrongly convicted in India of illegally possessing weapons on seized anti-piracy ship.

See page 7



Clifford Irving

Author who wrote *Final Argument* about innocent man on Florida's death row passed away.

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Summer 2018

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Message From The Publisher

It has been known for decades there are grave problems with the operation of the grand jury system in the U.S. A running joke is that a prosecutor can get a grand jury to indict a ham sandwich. That was proven to not be a joke when based on extraordinarily specious and inaccurate evidence Special Council Robert Mueller was able to induce a federal grand jury to indict 12 Russian citizens of allegedly using computers to interfere with the 2016 U.S. presidential election. See. p. 15.

Social media is increasingly providing evidence disproving allegations of sexual wrongdoing. Danny Kay Stevens’ 2014 rape conviction in England was overturned based on Facebook posts by his accuser proving she and Stevens had consensual sex. Stevens’ probation was terminated, he had been released from prison in 2016. See p. 3.

Considering the politicization of state and federal judges in the U.S., it isn’t surprising *The Global Competitiveness Report 2017–2018* ranked the U.S. 25th in the world for judicial independence. (That judges are poorly disguised politicians is explained in depth in, “The Complicity of Judges in the Generation of Wrongful Convictions” (*Northern Kentucky Law Review*, 2003), online at, <http://tinvurl.com/vcptfy7>.) See p. 12.

An appeals court in Kenya logically decided that when a minor boy and minor girl engage in an illegal indecent act, then either both must be prosecuted, or neither can be prosecuted. See p. 14.

Clifford Irving was an exceptional writer whose book *Final Argument* was reviewed in *Justice Denied* Issue 33 (2006). A Memoriam to Clifford Irving is on page 17.

Hans Sherrer, Editor and Publisher
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Danny Steven Kay Cleared Of Rape By Ac- cuser's Facebook Mes- sages Showing Sex Was Consensual

Danny Steven Kay's rape conviction in Derby, England [was quashed on](#) December 21, 2017 by an appeals court based on the discovery of Facebook messages sent by his accuser that showed their sexual encounter was consensual.

On July 28, 2012 a 16-year-old female reported to the Derby police — at the urging of her mother and grandmother — that 20-year-old Danny Kay had raped her in early February 2012. Sixteen is the age of sexual consent in England. The young woman was publicly identified as “A” because of the U.K.’s law barring the disclosure of an alleged sexual assault victim’s name.

Kay was arrested. During his police interrogation he said he had seen “A” on two occasions. He admitted that during their second meeting they had consensual sex.

Kay was charged with one count of rape.

During Kay’s jury trial “A” testified they became acquainted on Facebook. After exchanging phone numbers they met in person in February 2012. She said that during their first meeting they sat in Kay’s car and talked. The second time they met was at Kay’s home. While watching television on the sofa in the living room he had sexual intercourse with her after she told him to stop.

She had provided the police with three pages of Facebook messages that she printed out. The messages showed their arrangements to meet and so forth. There was nothing beneficial to Kay in those messages. Phone records showed “A” sent Kay 429 text messages between February 1 and March 13, 2012. However, “A” had deleted all the messages and they couldn’t be retrieved.

On cross-examination “A” acknowledged that she had deleted some of the Facebook messages with Kay, but said she did so to free up storage space. She denied sending naked pictures to Kay, although she admitted she had taken nude pictures of herself in the mirror. She admitted to having multiple sexual partners before she met Kay, and that she lied to the police she was a virgin. She also admitted that after the alleged rape by Kay she had obtained an emergency contra-



Danny Kay (r) & sister-in-law Sarah Maddison (l) after his conviction was overturned on Dec. 21, 2017. She discovered exculpatory Facebook messages. (Les Wilson - *The Sun* (London)).

ceptive in late March 2012 after having unprotected sex with another man. She further admitted she and her family were Jehovah Witnesses and sex before marriage was not permitted.

Evidence was introduced that “A” had visited a medical clinic on Feb. 9 and Feb. 24, 2012, but neither visit was sexual in nature. She did not tell anyone she had been raped by Kay until July 2012 -- and during those five months she had sex with a number of other men.

Kay’s defense was he had consensual sex with “A” once, and they didn’t see each other after that. Kay knew the three pages of messages “A” provided were incomplete, but he was unable to find the messages in his Facebook account, and he contacted Facebook for the missing messages, to no avail.

Faced with a “She said, He said” case, the jury sided by a 10 to 2 majority with Kay’s accuser and found him guilty on September 23, 2013.

Kay was sentenced on November 11, 2013 to 4-1/2 years in prison.

The breakthrough in Kay’s case occurred on May 9, 2014. Sarah Maddison, Kay’s sister-in-law, was able to recover all the Facebook messages “A” had sent him. Maddison found the messages in an archived folder in Kay’s Facebook account.

She took screenshots of the messages that showed Kay’s accuser had selectively deleted messages from her Facebook account, and provided the police with only the messages that didn’t show she and Kay had consensual sex. The complete set of Facebook messages showed that no crime had occurred. Maddison provided a statement to Kay’s lawyer about what she had discovered.

On March 23, 2016 Kay filed an application for leave to file an appeal -- almost 2-1/2 years after the filing deadline.

Then on September 16, 2016 -- two years and four months after Maddison provided a statement -- Kay’s lawyer finally checked and personally verified that “A” had only provided the police with the Facebook messages that didn’t show the sex was consensual. Kay’s lawyer printed out all of “A’s” messages to Kay, and incorporated them into his appeal. The exculpatory Facebook messages were the basis of the second ground of Kay’s appeal: “2) Fresh evidence in the form of Facebook messages are now available that go directly to A’s credibility. Edited and misleading copies of the Facebook messages were adduced at trial.”

On December 21, 2017 the England and Wales Court of Appeal (Criminal Division) granted Kay’s application to file his appeal out of time based in the interests of justice. The Court also unanimously quashed Kay’s conviction based on the new message evidence that undercut both the credibility of his accuser’s testimony, and the reliability of the edited Facebook messaging evidence presented to the jury. The Court stated in its [written ruling](#) in *Kay v. Regina*, [2017] EWCA Crim 2214:

“We have come to the conclusion that, in a case of one word against another, the full Facebook message exchange provides very cogent evidence both in relation to the truthfulness and reliability of A, who, in any event, gave a series of contradictory accounts about other relevant matters, and the reliability of the applicant’s account and his truthfulness. ... We are satisfied that this further evidence does raise a reasonable doubt as to whether the applicant would have been convicted had it been before the jury, thus rendering the conviction unsafe. We also consider that there is, in the unusual circumstances of this case, a reasonable explanation for the failure to adduce the evidence at the trial.”

No retrial was ordered.

Danny Kay cont. on p. 4

Innocence Project's \$25.6 Million In Assets Tops All Innocence Related Organizations

By Hans Sherrer

There are at least 68 U.S. organizations that advocate for innocent persons wrongly convicted. All those organizations either receive public funds and donations through association with a university or public agency, or are approved by the IRS to receive tax exempt donations.

This is the first article ever published that details publicly available financial information about those organizations. Several months of research found that there is no publicly reported financial information about the operation of half of those organizations. They effectively operate in secret financially. The picture painted by the organizations that do report financial information can be murky -- with at least one deliberately concealing the identity of its donors.

An organization advocating on behalf of persons claiming innocence or who have been proven innocent can be identified as belonging to one of four general categories:

- IRS approved 501(c)(3) non-profit required to file IRS Form 990 or 990-EZ. (Revenue of more than \$50,000 in tax year.)

Danny Kay cont. from p. 3

Kay had been released on parole in early 2016 after serving more than two years in prison. The Court's ruling terminated his parole.

"A" could be criminally charged with perverting the course of justice for deliberately destroying the Facebook messages proving Kay had committed no crime, and for her extensive perjury during Kay's trial.

[Click here to read the appeal court's ruling in *Danny Steven Kay v. Regina*, \[2017\] EWCA Crim 2214.](#)

Sources:

[Danny Steven Kay v R](#) [2017] EWCA Crim 2214 (21 December 2017) (Quashing conviction based on new evidence of Facebook posts by Kay's accuser.)

[Derby rape conviction quashed](#) after deleted Facebook messages found Appeal judges rule jury's guilty verdict unsafe, *Derby Telegraph* (Derby, Eng), Dec. 22, 2017



• IRS approved 501(c)(3) non-profit required to file IRS Form 990-N. (Revenue of \$50,000 or less in tax year.)

• Financially affiliated with a university, such as a law school. (No independent non-profit status and not required to report any financial information.)

• Financially affiliated with a public agency, such as a public defenders or appellate office. (No independent non profit status and not required to report any financial information.)

The following are the number of known U.S. organizations in each category:

- 21 file IRS Form 990 or 990-EZ.
- 13 file IRS Form 990-N.
- 30 are financially affiliated with a university.
- 4 are financially affiliated with a public agency.

Organizations that file Form 990 or 990-EZ are required to report financial information.

Organizations that file Form 990-N are required to only report name and address information.

Organizations operating under the umbrella of a university or a public agency have no legal requirement to report anything regarding their organization and its finances.

Twenty-one organizations have filed a Form 990 or 990-EZ for their 2016 and/or 2015 tax year. Seventeen of those organizations have filed a return for 2016. The other four have filed a 2015 return, but there is not a public record that as of 6/4/2018 they have filed a 2016 return. None of the 21 organizations are known to have filed a return for their tax year 2017.

Only one of the 34 organizations affiliated with a university or public agency provides financial details on its website regarding donations to that university or public agency designated to support the organization. That is the Northern California Innocence Project at Santa Clara University (NCIP).[1] The NCIP's website provides very limited financial information regarding 2016.

The most notable fact related to the reported information about the organizations is the financial dominance of the Innocence Project in New York (IPNY). It reported more revenue in 2016 than the other organizations combined, and its net assets of \$25.6 million are almost *four times more* than all

other organizations combined. The IPNY could fund every other organization that files a Form 990, 990-EZ, or 990-N.

The IPNY also has an endowment of \$21,620,304. Only two other organizations have an endowment, that combined total \$263,886 -- less than 1-1/2% of the IPNY's. The identity of the IPNY's donors are concealed in its 990 tax returns: their identify is reported as "RESTRICTED."

The almost \$1.1 million the IPNY spent in 2016 on fundraising was more than double the \$463,063 the other organizations combined spent. The IPNY spent more on fundraising than the total expenses of all but two other organizations: Centurion Ministries and the Northern Calif. Innocence Project.

The IPNY also pays its employees significantly more than other organizations: The average salary for the IPNY's 85 employees was over \$92,000. That was 84% more than the \$50,159 average for all the other organizations. The IPNY also had the highest paid known employees in 2016, with at least two having total compensation in excess of \$200,000: \$273,717 for Executive Director Madeline Delone; and, \$202,336 for Deputy Director Meryl Schwartz. At least five other IPNY employees had total compensation in excess of \$158,000.

Only three employees of a non-IPNY organization are identified in IRS documents as being paid total compensation of more than \$100,000 in 2016:

• Kate Germond, Exec. Dir. of Centurion Ministries, had total compensation of \$126,459.

• Rebecca Freedman, Asst Dir. of the Exoneration Initiative based in New York City, had total compensation of \$107,305. (Attorney Glenn Garber is the Founder & Dir. of the EI. The EI's Form 990 lists he received \$0 compensation.)

• Mike Ware, Exec. Dir. of Innocence Project of Texas, had total compensation of \$106,245.

In contrast, Lisa Mecklenberg Jackson, Exec. Dir. of the Montana Innocence Project, had total compensation of \$51,675.

There are many categories of expense information listed on the tax forms that provide a glimpse into an organization's operation. An example is for 2016 the Arizona Justice Project listed nine employees and \$3,610 in "travel" expenses: an average of \$401 per

Innocence Org Assets cont. on 5

Innocence Org Assets cont. from p.4

employee. In contrast, the IPNY listed 85 employees and \$574,973 in travel expenses — an average of \$6,764 per employee. Did the IPNY actually spend an average of 17 times more on travel per employee than the AJP? Likely it did, considering the AJP lists \$0 spending on “conferences, convention, and meetings” for an average of \$0 per employee, while the IPNY lists \$319,876 in spending for an average of \$3,763 per employee. So between those two expense classifications the AJP identifies it spent \$401 per employee, while the IPNY spent \$10,527: 26 times more per employee.

At least three organizations provide some financial information on their website: Midwest Innocence Project; Innocence Project of Texas; and, the Northern California Innocence Project.

The following are seven tables that provide different details:

| Trade Name | 2016 Net Assets | 2015 Net Assets |
|---|-----------------|-----------------|
| Innocence Project | \$25,564,098 | \$20,890,041 |
| Centurion Ministries | \$1,974,312 | \$2,470,002 |
| Pennsylvania Innocence Project | \$854,824 | \$762,833 |
| Exoneration Initiative | \$718,304 | \$271,904 |
| Midwest Innocence Project | \$531,924 | \$95,585 |
| Innocence Project of Florida | \$513,782 | \$458,194 |
| Arizona Justice Project | \$394,402 | \$129,735 |
| Innocence Project of Texas | \$389,523 | \$58,743 |
| Innocence Project of Minnesota | \$297,104 | \$225,367 |
| New England Innocence Project | \$295,083 | \$252,462 |
| North Carolina Center on Actual Innocence | \$211,119 | \$372,829 |
| Georgia Innocence Project | \$193,646 | \$26,615 |
| Montana Innocence Project | \$128,490 | \$128,305 |
| Innocence Project New Orleans | \$83,449 | \$206,262 |
| Thurgood Marshall School of Law Innocence Project | \$51,742 | \$57,920 |
| Rocky Mountain Innocence Center | \$15,329 | \$15,329 |
| Oregon Innocence Project | N/A | \$232,048 |
| Mid-Atlantic Innocence Project | N/A | \$429,947 |
| Witness to Innocence | N/A | -\$35,755 |
| Alaska Innocence Project | N/A | \$69,365 |
| Chicago Innocence Center [2] | -\$2,391 | \$14,867 |

• Table 1. Net Assets of the 21 organizations filing 990 forms for 2016 and/or 2015.

• Table 2. Total Revenue of the 21 organizations filing 990 forms for 2016 and/or 2015, and the NCIP.

• Table 3. Total Expenses of the 21 organizations filing 990 forms for 2016 and/or 2015, and the NCIP.

• Table 4. Employees and Volunteers reported by organizations in their form 990 for 2016.

• Table 5. Organizations that filed a 990-N in 2015 and 2016.

• Table 6. Organizations financially affiliated with a university.

• Table 7. Organizations financially affiliated with a public agency.

| Trade Name | 2016 Revenue | 2015 Revenue | 2012-2016 Revenue |
|---|--------------|--------------|-------------------|
| Innocence Project | \$15,891,995 | \$15,027,779 | \$71,208,355 |
| Northern Calif. Innocence Project | \$4,929,890 | N/A | N/A |
| Centurion Ministries | \$1,041,719 | \$1,090,219 | \$6,694,240 |
| Midwest Innocence Project | \$1,026,867 | \$255,895 | \$1,814,644 |
| Innocence Project New Orleans | \$1,034,044 | \$1,235,764 | \$5,207,712 |
| Innocence Project of Texas | \$768,464 | \$282,215 | \$2,044,434 |
| Exoneration Initiative | \$747,862 | \$482,266 | \$1,776,946 |
| Arizona Justice Project | \$624,955 | \$253,136 | \$1,846,688 |
| Pennsylvania Innocence Project | \$608,397 | \$528,208 | \$2,436,242 |
| Innocence Project of Florida | \$579,775 | \$562,293 | \$2,867,695 |
| New England Innocence Project | \$438,942 | \$138,238 | \$1,063,419 |
| Innocence Project of Minnesota | \$345,631 | \$338,758 | \$1,671,100 |
| Georgia Innocence Project | \$378,351 | \$204,970 | \$1,181,980 |
| Thurgood Marshall School of Law Innocence Project | \$349,713 | \$191,376 | \$1,237,743 |
| North Carolina Center on Actual Innocence | \$344,734 | \$177,250 | \$1,578,871 |
| Montana Innocence Project | \$263,697 | \$278,246 | \$1,432,323 |
| Rocky Mountain Innocence Center | \$160,249 | \$160,249 | \$837,587 |
| Chicago Innocence Center | \$132,246 | \$168,592 | \$809,839 |
| Oregon Innocence Project | N/A | \$701,409 | \$1,367,694 |
| Mid-Atlantic Innocence Project | N/A | \$498,213 | \$1,839,839 |
| Witness to Innocence | N/A | \$372,943 | \$2,084,808 |
| Alaska Innocence Project | N/A | \$176,283 | \$538,177 |

| Trade Name | 2016 Expenses | 2015 Expenses | 2012-2016 Expenses |
|---|---------------|---------------|--------------------|
| Innocence Project NY | \$12,082,667 | \$10,880,440 | \$50,473,813 |
| Northern Calif. Innocence Project | \$4,825,987 | N/A | N/A |
| Centurion Ministries | \$1,547,720 | \$1,738,512 | \$7,571,002 |
| Innocence Project New Orleans | \$1,001,736 | \$1,112,951 | \$5,107,720 |
| Midwest Innocence Project | \$590,370 | \$505,354 | \$1,812,719 |
| Innocence Project of Florida | \$524,187 | \$541,830 | \$2,702,200 |
| Pennsylvania Innocence Project | \$520,585 | \$447,037 | \$1,935,502 |
| North Carolina Center on Actual Innocence | \$506,444 | \$270,443 | \$1,454,316 |
| Innocence Project of Texas | \$437,684 | \$248,671 | \$1,751,230 |
| New England Innocence Project | \$393,010 | \$318,053 | \$1,576,707 |
| Thurgood Marshall School of Law Innocence Project | \$355,891 | \$172,530 | \$1,261,596 |
| Arizona Justice Project | \$354,076 | \$268,263 | \$1,474,437 |
| Exoneration Initiative | \$301,462 | \$253,400 | \$1,121,929 |
| Innocence Project of Minnesota | \$273,894 | \$266,759 | \$1,382,042 |
| Montana Innocence Project | \$263,512 | \$243,328 | \$1,317,219 |
| Georgia Innocence Project | \$212,730 | \$182,792 | \$1,022,487 |
| Rocky Mountain Innocence Center | \$166,760 | \$166,760 | \$858,727 |
| Chicago Innocence Center | \$149,504 | \$233,673 | \$812,513 |
| Oregon Innocence Project | N/A | \$722,093 | \$1,135,651 |
| Mid-Atlantic Innocence Project | N/A | \$435,395 | \$1,543,266 |
| Witness to Innocence | N/A | \$538,576 | \$2,059,200 |
| Alaska Innocence Project | N/A | \$131,744 | \$481,903 |

| Trade Name | 2016 Employees | 2016 Volunteers |
|---|----------------|-----------------|
| Innocence Project | 85 | 30 |
| Innocence Project New Orleans | 12 | 4 |
| Centurion Ministries | 10 | 30 |
| Innocence Project of Texas | 10 | 0 |
| Arizona Justice Project | 9 | 10 |
| Pennsylvania Innocence Project | 8 | 300 |
| Innocence Project of Florida | 7 | 45 |
| North Carolina Center on Actual Innocence | 7 | 75 |
| New England Innocence Project | 6 | 25 |
| Georgia Innocence Project | 6 | N/A |
| Midwest Innocence Project | 5 | 125 |
| Montana Innocence Project | 4 | 16 |
| Exoneration Initiative | 3 | 10 |
| Innocence Project of Minnesota | 3 | 57 |
| Thurgood Marshall School of Law Innocence Project | 3 | 12 |

Innocence Org Assets cont. on p. 5

Linda Ingber Acquitted By NY Appeals Court Of Using Portable Electronic Device While Driving

that using a dedicated dictating device while driving is not a crime under § 1225-d.



Olympus model DS-5500 voice recorder

Justice Court Judge Mark D. Mermel ruled that using a dictation device is covered in the laws “catchall” provision of the definition of a “portable electronic device,” i.e., “any other electronic device when used to input, write, send, receive, or read text for present or future communication.”

Judge Mermel found Ingber guilty of the misdemeanor charge, and fined her \$200.

Ingber appealed.

On November 30, 2017 the New York Supreme Court Appellate Term, Second Department, set aside Ingber’s conviction and acquitted her on the basis the prosecution failed to present evidence she was using a portable electronic device covered by the law. The [Court’s ruling](#) in *People v. Ingber*, 2017 NY Slip Op 27402 (2017) stated:

“As we read the catchall provision, the word “text” is the object of the verbs, “to input, write, send, receive, or read.” Here, however, there was no evidence presented by the People that the device that defendant had been seen holding and talking into while driving displayed, sent or received text. ... Thus, the evidence, when viewed in the light most favorable to the People ... was not legally sufficient to support the conviction.”

[Click here to read *People v. Linda Ingber*, 2017 NY Slip Op 27402, No. 2015-2592NCR \(NY Supreme Court: Appellate Term, Second Department, 9th & 10th Judicial Districts, 11-30-2017\).](#)

The ruling is specific to using a dedicated dictation device. Under New York’s law a person can be cited for holding a mobile phone that is being used to record dictation — because it has the capability to send or receive texts.

Sources:
[People v. Linda Ingber](#), 2017 NY Slip Op 27402, No. 2015-2592NCR (NY Supreme Court: Appellate Term, Second Department, 9th & 10th Judicial Districts, 11-30-2017)

Table 5.
Organizations that filed a 990-N in 2015 and 2016:

| |
|--|
| Actual Innocence Review |
| After Innocence |
| Colorado Innocence Center |
| Hampton Roads Innocence Clinic |
| Innocence Matters |
| Innocence Project of Iowa |
| Justice Institute |
| Kentucky Innocence Project |
| Nebraska Innocence Project |
| Oklahoma Innocence Project |
| Palmetto Innocence Project |
| South Carolina Actual Innocence Justice Center |
| Texas Center For Actual Innocence |

Table 6.
Organizations financially affiliated with a university, such as a law school. They do not file a tax return because they do not have independent non-profit status:

| |
|---|
| Actual Innocence Clinic at the University of Texas School of Law |
| Boston College Innocence Program |
| California Innocence Project |
| Center on Wrongful Convictions |
| Duke Center for Criminal Justice & Professional Responsibility |
| Duke Law Innocence Project |
| Duke Law Wrongful Convictions Clinic |
| Exoneration Project |
| Hawai’i Innocence Project |
| Idaho Innocence Project |
| Illinois Innocence Project |
| Innocence & Justice Project at the University of New Mexico School of Law |
| Innocence Project at UVA School of Law |
| Innocence Project Northwest |
| Justicia Reinvidicada - Puerto Rico Innocence Project |
| Korey Wise Innocence Project |
| Loyola Law School Project for the Innocent |
| Medill Justice Project |
| Michigan Innocence Clinic |
| Mississippi Innocence Project |
| New York Law School Post-Conviction Innocence Clinic |
| Northern California Innocence Project |
| Ohio Innocence Project |
| University of Baltimore Innocence Project Clinic |
| University of Miami Law Innocence Clinic |
| Wake Forest University Law School Innocence and Justice Clinic |
| West Virginia Innocence Project |
| Western Michigan University Cooley Law School Innocence Project |
| Wisconsin Innocence Project |
| Wrongful Conviction Clinic at Indiana University |

Table 7.
Organizations financially affiliated with a public agency, such as a public defenders or appellate office. They do not file a tax return because they do not have independent non-profit status:

| |
|---|
| Committee for Public Counsel Services Innocence Program |
| Connecticut Innocence Project -- Post-conviction Unit |
| Office of the Ohio Public Defender, Wrongful Conviction Project |
| Reinvestigation Project |

Linda Ingber has been acquitted by a New York appeals court of using a portable electronic device while operating a motor vehicle. Ingber’s [conviction was based](#) on her use of a dedicated dictation device while she was driving.

On February 11, 2015 Ingber was driving in Lake Success, New York. Lake Success is a village of 3,000 people about 19 miles west of New York City. A police officer stopped Ingber after he saw her holding an electronic device 12 inches from her mouth that she was speaking into. Ingber admitted to the officer that while driving she was dictating using an Olympus model DS-25A recorder.

New York Vehicle and Traffic Law § 1225-d prohibits the use of a “portable electronic device.” Subsection [2][a] defines that a PED includes “any other electronic device when used to input, write, send, receive, or read text for present or future communication.”

Ingber was cited for using a PED while driving.

During Ingber’s bench trial her defense was

Key sources of the information in this article was obtained from the following websites:

| Websites that have information about non-profit organizations: | | | |
|--|-----------------------|---|---|
| Name: | Description: | Address: | Info available: |
| Foundation Center | Non-Profit 990 search | http://foundationcenter.org/find-funding/990-finder | Most recent 3 years a return was filed |
| Charity Navigator | Non-Profit 990 search | https://www.charitynavigator.org | Up to last 5 years a return was filed |
| Guidestar | Non-Profit 990 search | https://www.guidestar.org/search | Most recent 3 years a return was filed |
| Pro Publica -- Nonprofit Explorer | Non-Profit 990 search | https://projects.propublica.org/nonprofits/search?utf8=%E2%9C%93&q=%state%SBid%5D=&nrc%5Bid%5D=&code%5Bid%5D= | Most complete info. Returns can go back more than 10 years. |
| Economic Research Institute | Non-Profit 990 search | https://www.eri.com/form-990-finder/# | Most recent 3 years a return was filed |

Endnotes:

[1] Santa Clara University is a Catholic and Jesuit institution that received 501(c)(3) non-profit status in 1937. SCU is assigned EIN 94-1156617. SCU’s most recently filed 990 was for tax year 2015: It listed total revenue of \$460,013,507, and net assets of \$1,426,401,291.

[2] The 2016 990-EZ tax return filed by The Chicago Innocence Center based in Evanston, Illinois states it ceased operation on August 31, 2016 due to a lack of funding: Schedule O, Supplemental Information states: “The organization ceased operations on August 31, 2016 due to a lack of funding at the time operations ceased, the organization’s assets consisted of cash, furniture and computers. The furniture and computers were either abandoned to the landlord, also a 501(c)(3) or donated to other 501(c)(3) organizations The cash is being used to pay off outstanding accounts payable but will be insufficient to pay them off completely.”



35 Men On Anti-Piracy Ship Acquitted By Indian Appeals Court Of Illegally Possessing Arms

Thirty-five men convicted in 2016 of illegally possessing arms after their anti-piracy ship was seized off India's coast in 2013, [have had their](#) convictions overturned and been released from prison.

The MV Seaman Guard Ohio ("Seaman Guard") is a 150-foot long patrol vessel. It is owned by AdvanFort, a U.S. maritime security company that provides protection for ships going through the Gulf of Aden and the Arabian Sea between the Indian Ocean and the Red Sea -- which is known as "pirates' alley." [1] That is where in 2009 Somali pirates captured the MV Maersk Alabama, which was the basis for the 2013 movie *Captain Phillips*, that starred Tom Hanks.

On October 11, 2013 the Seaman Guard was extremely low on diesel fuel and supplies as Cyclone Phailin lashed India's east coast. The U.S. Navy's [weather service reported](#) winds at sea were gusting at almost 200 mph. The closest port where it could obtain fuel was Tuticorin Port, which is on the far southeast coast of India. Tuticorin is also known as Thoothukudi.

The Seaman Guard requested permission to come into Tuticorin Port to refuel, which was denied.

India's territorial waters extend 12 miles from the coast.

The Seaman Guard anchored in what it thought was international waters, and a fishing boat from Tuticorin Port brought ten barrels of fuel to the ship while it awaited instructions from AdvanFort where to go to refuel and reprovision. Another fishing boat with more fuel had to turn back because of



Billy Irving arriving at airport in Glasgow, Scotland on December 6, 2017 (Skynews) He was the first of the six British ex-serviceman on the Seaman Guard Ohio to arrive in the UK.

rough water.[2] That same day, October 11, the Indian Coast Guard anonymously received information about the Seaman Guard's position, that it had armed guards on board, and that it had illegally been provided with fuel. When the Coast Guard contacted the Seaman Guard by wireless, the captain said it was an anti-piracy vessel with arms and ammunition, and that it was in distress because of a lack of fuel and supplies.

A Coast Guard cutter intercepted the Seaman Guard where it was anchored. A search of the ship by Coast Guard and Customs officers discovered 35 firearms — that included six semi-automatic weapons — 102 magazines, and 5,682 rounds of ammunition. No paperwork was found for the munitions.

The Seaman Guard was escorted into Tuticorin Port, where it arrived on October 12. The 10 crew members and 25 guards were confined to the ship. The guards included six British ex-servicemen: Paul Towers, Billy Irving, Nick Dunn, John Armstrong, Nicholas Simpson, Ray Tindall. The rest of the crew was comprised of 14 Estonians, 12 Indians, and three Ukrainians. The ship's captain was Dudnyk Valentyn of Ukraine. Towers was the Tactical Deployment Officer of the vessel.

An investigation by Indian authorities didn't discover the license necessary for the possession of firearms and ammunition on the Seaman Guard, and the ship hadn't kept documents that it would be expected to keep during its voyage.

Within two weeks of being detained in port, all 35 men were

charged with violating the Arms Act by illegally possessing arms and ammunition. They were jailed without bail in Chennai, the capital of India's state of Tamil Nadu.

The jailing of the six Brits was widely covered by the British media, which dubbed them the "Chennai Six." They had the support of their families and others in Britain.

Conditional bail was granted to 33 of Advanfort 35 jailed employees on March 26, 2014 by the Madurai Bench of the Madras High Court. Bail was denied to Captain Valentyn and Towers. The released men had to report to the local police twice a day. They couldn't leave India because their passports were held by India's Q Branch — the Intelligence Service.

On July 10, 2014 a judge granted a pretrial motion and dismissed the charges on the basis the ship had the right international permits and clearance for them to have arms and ammunition as they were an anti-piracy unit. Valentyn and Towers were released.

The Indian government appealed the ruling. The 35 men couldn't leave India during the appeal because Q Branch continued to hold their passports.

In July 2015 India's Supreme Court reinstated the charges and ordered that all 35 defendants stand trial for illegal weapons possession.

During their trial a central issue was whether the Seaman Guard was in Indian waters at the time it was boarded by the Coast Guard. They were only subject to Indian law if they were in Indian territory.

The prosecution asserted they were illegally in Indian waters without permission to sell the arms and ammunition.

The defenses of the 35 defendants was their vessel was not in Indian territory; the ship was in distress because it was effectively out of fuel; and the weapons were lawfully on the ship for anti-piracy purposes.

The prosecution countered by arguing its evidence established the ship was in Indian territory, it was many hundreds of miles from where pirates were active, and proper paperwork was not onboard for the weapons.

All 35 defendants were convicted on January 11, 2016 of the weapons charges. They were each sentenced to a total of five years

Seaman Guard cont. on p. 8



Map of Indian Ocean and Pirate Alley (area from the Red Sea to India)

Seaman Guard cont. from p. 7

in prison and fined 3,000 rupees (US\$46). They were all taken into custody and immediately began serving their sentences.

They appealed. Oral arguments were held on November 20, 2017.

On November 27, 2017 the Madurai bench of the High Court in Chennai issued its written ruling that set-aside the convictions of all 35 defendants and ordered their acquittals. The Court's ruling was based on the prosecution's failure to introduce sufficient evidence proving the Seaman Guard was not in international waters under the United Nations Convention on the Law of the Sea, 1982, Article 2(1), or evidence they were illegally in possession of weapons on the ship. The Court ordered their release from custody, the return of any money paid toward their fines, and the return of their passports. The Court's 100-page ruling [stated in part](#):

"10. ... The learned [trial] Judge went wrong in observing that the question whether the ship was within territorial waters was not disputed by the defence. When the defence side was consistently disputing the case of the prosecution that the ship was within territorial waters, the learned Judge ought not to have casually overlooked the evidence adduced in this regard. It is therefore submitted that the prosecution has miserably failed to establish and prove the fact that the ship was within territorial waters on the date of interception. Hence the finding of the court below in this -regard is illegal and unsustainable in law.

78. To sum up "M.V. Seaman Guard Ohio" was registered with Sierra Leone in West Africa, as a utility vessel and the operations of the vessel is to provide security guard to various merchant ships that pass through piracy high risk area in the high sea. ... It is proved in this case that the ship was anchored at the given place on account of distress for want of provisions and fuel. ... they did not hide the possession of arms on the vessel and the anchor was lifted only on the order of Indian Coast-guard and fur-



MV Seaman Guard Ohio (AdvanFort)



The Chennai Six: Top row from left to right: Ray Tindall, Nick Dunn, Nick Simpson. Bottom row: John Armstrong, Billy Irving, Paul Towers.

ther, it was Indian Coast-guard, which pirated the vessel from the out-port limit of Thoothukudi into the berth in the Port.

79. Even according to the prosecution, the ship was finally found anchored in the sea and it is not alleged to have committed any of the violations enumerated in Article 27(1) (a to d) of UNCLOS. Hence, the crew and guards of "M.V. Seaman Guard Ohio" cannot be prosecuted for the offence under the Arms Act, for possession of fire arms on board in the vessel. ... The fire arms and ammunition were kept in a room of the vessel under the custody of the captain of the vessel.

80. The prosecution failed to prove the fact that "M.V. Seaman Guard Ohio" anchored was intercepted by the coast-guard ... within the territorial water limits of India.

82. In the result, these Criminal Appeals are allowed. The judgment of the trial Court ... is set aside. The appellants are ordered to be released forthwith ... The deposits made by the accused in this case, if any, is ordered to be refunded to the concerned accused, on application. The seized Passports and Seaman Books of the concerned accused are ordered to be returned ..."

[Click here to read the appeals court's 100-page ruling in *Dudnik Valentyn, et al. v. The Inspector of Police \(Tharuvaiqualm\)*, No. CrI.A\(MD\)Nos.41, 43 and 44 of 2016 and CRL MP\(MD\)Nos.5452 to 5454 of 2016 \(Madurai Bench of Madras High Court, 11-27-2017\).](#)

With the return of their passports the 23 men from countries outside India are able to return home more than four years after seizure of the Seaman Guard. They were imprisoned for more than two of those four

years. Billy Irving was the first to arrive home, landing in Glasgow, Scotland on December 6, 2017.

AdvanFort is still operating, with its corporate office in Reston, Virginia. A December 6, 2017 search of its website advanfort.com found no mention of the Seaman Guard or the more than four year ordeal of its crew.

Endnotes:

[1] The MV Seaman Guard Ohio "was registered with Sierra Leone in West Africa, as a utility vessel and the operations of the vessel is to provide security guard to various merchant-ships that pass through piracy high risk area in the high sea." [*Valentyn, et al. v. The Inspector of Police (Tharuvaiqualm)*, No. CrI.A(MD)Nos.41, 43 and 44 of 2016 and CRL MP(MD)Nos.5452 to 5454 of 2016 (Madurai Bench of Madras High Court, 11-27-2017)]

[2] Five Indians were arrested and charged on October 20, 2013 with illegally supply diesel fuel to the Seaman Guard. It isn't known if they were convicted.

Sources:

[Dudnik Valentyn, et al. v. The Inspector of Police \(Tharuvaiqualm\)](#), No. CrI.A(MD)Nos.41, 43 and 44 of 2016 and CRL MP(MD)Nos.5452 to 5454 of 2016 (Madurai Bench of Madras High Court, 11-27-2017) (Setting aside convictions of all 35 defendants and ordering their acquittal.)

[Madras HC Acquits 35 Crew Members Of Anti-Piracy Ship MV Seaman Guard Ohio](#) [Read Judgment], www.LiveLaw.in, December 4, 2017

[India firearms charge ex-soldiers sent to jail](#), *BBC News*, January 11, 2016

'[Chennai Six](#)' former British soldiers released after four years in Indian jail, *Telegraph* (London), November 27, 2017

[Boote pirate hunter](#) has conviction overturned after four years in Indian jail, *Liverpool Echo* (Liverpool, UK), November 27, 2017

[Cyclone Phailin lashes](#) India's east coast, more than 400,000 people evacuated, abc.net.au, Oct. 12, 2017

[Five arrested](#) for supplying diesel to US ship, *ByPress Trust of India, NDTV.com*, October 21, 2013



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Menace To The Innocent: Insubstantial Expert Evidence Endangers Innocent People Accused Of A Crime

By Hans Sherrer

Menace To The Innocent: Insubstantial Expert Evidence Endangers Innocent People Accused Of A Crime [is now available on Amazon.com](http://www.amazon.com) at, www.tinyurl.com/vc5u3kqn .

Menace To The Innocent was written by Hans Sherrer, [Justice Denied's](http://www.justicedenied.com) editor and publisher. It is published by [The Justice Institute](http://www.thejusticeinstitute.com).

The following is an excerpt from the book's INTRODUCTION:

We live in an age of magic as a way of life. At least that is how a person who lived 200 years ago could be expected to think of the modern world. In actually, we live in an age of science that to the uninitiated certainly can seem magical. Almost every man-made process we have today that wasn't available 200 years ago is the result of applying scientific principles to varying degrees to achieve the end result.

The quest to solve crimes has not been immune to the application of science. However, this book demonstrates it is not unusual for science to be misapplied, disregarded, or relied on in name only to "solve" a crime and close a case by identifying a person as the culprit. The result is a crime solved by the magical masquerading as science. This situation exists because there to no reliable mechanism to ensure the system isn't gamed by the prosecution's reliance on expert "scientific" evidence that in reality is no more reliable than a confession to being a witch by a person who simply wants to stop being dunked into a pond.

There is generally no scrutiny of crimes "solved" through expert evidence because of the resources necessary to do so, and over 95% of convictions in the U.S. are by a guilty plea that precludes any critical examination of the prosecution's supposedly expert evidence. The overwhelming majority of defendants in this country have limited – if non-existent – financial resources, and public defenders who handle the overwhelming majority of criminal cases have limited budgets, and case load pressure to take the path of least resistance and plead

out every case possible.

Consequently, the legal system is structured so that the overwhelming majority of convictions that rely on the soggy foundation of suspect expert evidence – which may in fact be no more stable than quicksand – fall through the cracks into the black hole of a case closed by a plea bargain.

There is relatively little will-power by those within the system to correct this state of affairs. The four primary actors in the legal system's operation – judges, prosecutors, police, and defense lawyers – are integral parts of the assembly line that generates the steady flow of convictions the system depends on for its smooth functioning. The increasing reliance on expert evidence to secure convictions assists to grease the wheels of that system.

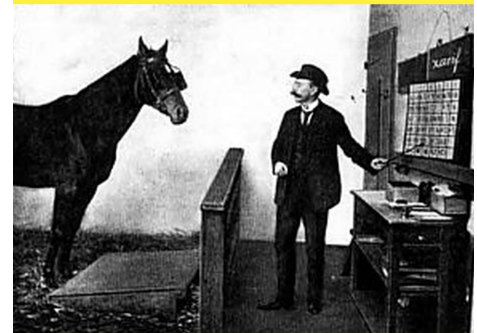
The depth of that reliance is demonstrated by how those primary actors exhibit a quasi form of Stockholm Syndrome by their psychological alliance with the use of expert evidence that often is insubstantial and undermines the credibility of the system they are a part of. That psychological state can be called "Expert Syndrome." The way experts are viewed and uncritically relied on masks that their contribution to a case is often no more reliable than the incantation of a witch doctor is to cure an illness or end a drought.

"*Menace To the Innocent*" goes far beyond identifying the magnitude of the problem: In its last chapters it proscribes no-nonsense solutions to rectify the problem of innocent people being ravaged by prosecutors who rely on bogus expert evidence to secure their conviction. One of those solutions is to close the FBI crime lab and all local, county, and state crime labs because they are inherently, and irredeemably biased toward the prosecution. Not incidentally, those crime labs operate in a manner that would be unacceptable for a university science lab ... much less a privately operated commercial laboratory.

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MENACE TO THE INNOCENT



**INSUBSTANTIAL EXPERT EVIDENCE
ENDANGERS INNOCENT PEOPLE
ACCUSED OF A CRIME**

HANS SHERRER

- 6. Fingerprint Analysis: Voodoo Palmed Off As Science
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Menace To The Innocent can be ordered from Amazon.com at, www.tinyurl.com/vc5u3kqn .



Thirteen men in Kenya awarded compensation for police torture more than 20 years ago

Thirteen men have been awarded total compensation of US\$5,384,895 as a result of being tortured by police in Kenya between 1982 and 1995. The compensation was awarded in three separate lawsuits.

High Court Justice John Mativo ordered compensation in two lawsuits involving twelve men tortured by the police in Kenya between 1982 and 1995.

Five of the men were plaintiffs in a lawsuit decided in September 2017: they were each awarded US\$48,450 — a total of US\$242,250 (KSh25 million).[1] Those men are: Eliud Wefwafwa; Patrick Musungu; Samuel Wangila; Patson Kipchiris; and, Joshua Mark Okello. They were arrested and tortured between 1982 and 1995.

The other seven men were the plaintiffs in a lawsuit decided in October 2017: they were each awarded US\$38,540 -- a total of US\$269,780 (KSh28 million).[2] Those men are: Boniface Wanjohi; Kuria Chege Wamere; Isaac Kinya; Stanley Ngigi; Cornelius Mulumia; Joab Otieno Ndonji; and, Pascal Wandera. They were arrested and tortured between 1986 and 1990. It isn't known why they were awarded about US\$10,000 less than the five men compensated in September.

Only one of those 12 men was prosecuted. Kinya was released after he was arrested and jailed for a month during which he was tortured to extract information about his alleged interference with the railway line in Nakuru. (Nakuru is about 100 miles northwest of Kenya's capital Nairobi.) He was charged later with the interference, and after his conviction he was sentenced to 14 years in prison. After serving a year of his sentence Kinya's conviction was quashed on appeal and he was released from prison.



Lawyer Gitau Mwara

Lawyer Gitau Mwara represented all 12 men. Their lawsuits accused State agents of torturing and subjecting them to inhuman and degrading physical and psychological treatment after their arrests and confine-



High Court Justice John Mativo (The Nation)

Nyayo House when he was jailed from 1990 to 1992. He was awarded compensation of \$66,191 (KSh6.5 million) in 2011, but Kenya's government resisted paying the judgment for more than four years, which it finally did in May 2015.[3]

The State's defense against the lawsuits was they were time barred by alleging harm from acts committed 20 years and more ago.

Mwara argued the men weren't able to file their lawsuits until Kenya's revised Constitution went into effect in 2010. The new Constitution included an advanced Bill of Rights, [and a provision that](#), "Any member of the Public has a right to bring up a case against the government on the basis of infringement of Human Rights and the Bill of Rights – Art. 23(1)(2)."

Justice Mativo [ruled that the](#) political conditions in Kenya and the adoption of the new Constitution justified an exception to the late filing of the lawsuits: "It is important to repeat that owing to the political climate of the day, it was impossible for victims of human rights abuses to seek court redress and this door was opened by the promulgation of the 2010 Constitution" Mativo [also stated](#): "I am persuaded that the petitioners proved to the required standards that they were physically tortured and subjected to unwarranted cruel, inhuman and degrading treatment. Their rights were violated by the police. They suffered both psychological and physical harm."

The thirteenth man recently awarded compensation was Kenneth Matiba. On August 16, 2017 the High Court in Nairobi awarded Matiba a total of US\$4,874,955 (KSh504.811 million) as a result of being tortured and mistreated while jailed. [4]

Matiba's incarceration was a result of his political activism. He was elected to the Kenyan Parliament in 1983. He left to serve as Kenya's Minister of Transport and Communications under President Daniel arap Moi. However, he resigned in December

1988. Matiba was an advocate of multi-party democracy for Kenya, which Moi opposed.

1988. Matiba was an advocate of multi-party democracy for Kenya, which Moi opposed.

In 1990 Matiba was arrested at President Moi's behest and held without trial at the Kamiti Maximum Security Prison in Nairobi. Also arrested was Charles Rubia, a member of the Kenyan Cabinet who also advocated for multi-party democracy.

While imprisoned Matiba was refused medication and suffered a severe stroke. Half his body was affected and he was incapacitated for some time.

Matiba was released after a multiparty system was instituted in Kenya.

At the time of his arrest Matiba had been well-to-do with a number of profitable business interests. While in custody, and after his release while suffering from the consequences of his stroke, his businesses suffered significant losses.

After adoption of the 2010 Constitution Matiba sued the Kenyan government [alleging that his](#) "arrest and detention was unlawful and that he was subjected to inhuman and degrading treatment leading to a complete breakdown in his health and untold losses to his very large business portfolio."

On August 16, 2017 the High Court in Nairobi ruled the State was to blame for Matiba's ill health and the loss of his business enterprises. The Court [ruled that](#) Matiba's "right to be free from torture, cruel and inhuman treatment ... were violated by agents of the State." The Court ordered total compensation of US\$4,874,955 that was comprised of three separate awards:



Kenneth Matiba in 2015 (The Star - Nairobi)

- US\$144,855 (KSh15 million) for pain suffered at the hands of law enforcement officers
- US\$175,242 (KSh18,146,631.52) for hospital bills caused by his mistreatment by law enforcement officers
- US\$4,554,858 (KSh471,664,258.50) as compensation for financial losses he incurred through collapse of his businesses and financial ventures as a result of his mistreatment at the hands of the State.

[Click here to read the High Court's ruling in Kenneth Stanley Njindo Matiba v Attorney General](#) [2017] eKLR.

Kenyan men cont. on p. 11

Nicole Harris Denied Compensation By Federal Jury That Rejected Her Claim Chicago PD Framed Her For Son's Death

On November 17, 2017 a federal court jury in Chicago **ruled against** Nicole Harris' federal civil rights lawsuit that claimed Chicago Police Department officers framed her for her 4-year-old son Jaquari's death in May 2005. Harris was incarcerated for almost eight years before her murder conviction was overturned and she was released in 2013.

Jaquari was found dead in his bedroom with an elastic band from a fitted sheet around his neck.

Jaquari shared a bedroom with his 6-year-old brother Diante. They slept in a bunk bed, with Diante in the upper bed.

Diante told the police when he was first interviewed the day after his brother's death



Nicole Harris after her release in 2013 (NW Univ. Center on Wrongful Convictions)

The 23-year-old Harris gave an audio taped confession to the Chicago PD officers who questioned her, that she strangled Jaquari after becoming angry because he and Diante had misbehaved by leaving their apartment when she was across the street at the laundromat.

After confessing, Nicole Harris was arrested and charged with murdering her son.

Harris recanted her confession as coerced because she had been questioned intermittently over 27 hours.

During her trial the prosecution's key evidence was her confession.

Her defense was Jaquari accidentally asphyxiated himself by wrapping the elastic around his neck while Harris was at the laundromat. However, the judge ruled that Diante wasn't a competent witness and didn't allow him to testify about what he saw.

Harris was convicted by the jury on October 2005, and sentenced to 30 years in prison.

Her conviction was affirmed by the Illinois Court of Appeals.

Harris filed a federal habeas corpus that raised a number of issues. A key issue was her claim the trial judge violated her due process right to present a complete defense by barring Diante from testifying.

The U.S. District Court judge denied Harris' petition.

Harris was allowed to appeal on the issue the judge violated her due process right to a fair trial.

On October 18, 2012 the Seventh Circuit Court of Appeals **granted Harris'** habeas petition and ordered her retrial. The Court ruled the trial judge violated her due process right to present Diante's exculpatory testimony that Jaquari accidentally strangled

himself.

The State of Illinois opposed Harris' release on bail until the U.S. Supreme Court decided whether it would review the Seventh Circuit's ruling.

The Seventh Circuit ruled it didn't think the State had sufficient legal grounds to prevail in an appeal. The Court ordered Harris' release on February 25, 2013 on her own recognizance. She had been in custody for seven years and nine months from the time of her arrest.

The U.S. Supreme Court declined to review the Seventh Circuit's ruling. On June 17, 2013 Cook County State's Attorney Anita Alvarez issued a written statement that Harris would not be retried.

In January 2014 Cook County Circuit Court Chief Judge Paul P. Biebel Jr. awarded Harris a certificate of innocence. That enabled her to apply for wrongful imprisonment compensation from the State of Illinois, and she was awarded \$185,000.

Harris filed a federal civil rights lawsuit on June 12, 2014 against the Chicago PD and several detectives involved in her case. Her lawsuit alleged her constitutional rights were violated by her prosecution that was largely based on her false confession she gave during her 27 hours of intermittent interrogation by the detectives.

On November 17, 2017 a federal court jury **decided against** Harris, in ruling the Chicago PD detectives did not violate her rights and she wasn't framed for murdering her son.

Unless Harris prevails in a possible appeal, her compensation will be the \$185,000 awarded by the State of Illinois.

Sources:

[Jurors rule Chicago police](#) didn't frame woman in son's death, AP, Herald-Whig, Nov. 17, 2017

[Jurors rule Chicago cops](#) did not frame woman in son's death, Chicago Sun-Times, Nov. 17, 2017

[Harris v. Thompson](#), 698 F.3d 609, No. 12-1088 (7th Cir. 2012) (Granting federal habeas and ordering new trial.)

[Harris v. Thompson](#), No. 12-1088 (7th Cir. 2013) (Ordering release on personal recognizance bond.)

[Harris v. City Of Chicago et al](#), No. 1s:2014cv04391 (N.D. Ill.) (Docket for 42 USC 1983 federal civil rights lawsuit filed June 12, 2014)

[Harris v. City Of Chicago et al](#), No. 1:2014cv04391 (N.D. Ill. 2017)

[Mother convicted of strangling](#) 4-year-old son has conviction overturned, (Federal Courts Reporter), Chicago Sun Times, October 19, 2012

Kenyan men cont. from p. 10

Endnote:

[1] KSh25 million equaled US\$242,250 at the exchange rate of KSh 103.1999 per US\$1 on September 25, 2017. Divided five ways of KSh5 million each it equaled US\$48,450 each. See, <http://www.xe.com/currencytables/?from=USD&date=2017-09-25>

[2] KSh28 million equaled US\$269,780 at the exchange rate of KSh 103.789 per US\$1 on October 31, 2017. Divided seven ways of KSh5 million each it equaled US\$38,540 each. See, <http://www.xe.com/currencytables/?from=USD&date=2017-10-31>

[3] KSh504,810,890.02 equaled US\$4,874,955 at the exchange rate of KSh 103.5519 per US\$1 on August 16, 2017. <http://www.xe.com/currencytables/?from=USD&date=2017-08-16>

[4] Exchange rate on 5-26-2015 = Kenyan Shilling (KSh) 98.19999 to US\$1 or 1KSh to \$US 0.01018. See, <http://www.xe.com/currencytables/?from=USD&date=2015-05-26>

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[Court awards seven Nvavo era torture victims Sh28 million](#), Daily Nation (Nairobi, Kenya), October 31, 2017

[State to compensate five police torture victims](#), Daily Nation (Nairobi, Kenya), September 25, 2017

[Government to pay](#) Sh504 million as compensation for torture, www.standardmedia.co.ke, August 17, 2017

[Lawyer paid Sh6.5m for Nvavo torture](#), The Star (Nairobi), May 26, 2015

[Police Torture Victims Awarded](#) \$493,000, By Hans Sherer, Justice Denied, Issue 44 (Fall 2010), p. 11. (On July 21, 2010, twenty-one people tortured by the police were awarded a total of \$493,000 (Kshs. 39.2 million) by Kenya's High Court.)

[Constitution of Kenya](#), Wikipedia.org (last viewed 11-3 2017)

[Kenneth Stanley Njindo Matiba v Attorney General](#) [2017] eKLR, Petition No.94 OF 2014 (High Court of Kenya at Nairobi, Constitutional and Human Rights Division, August 16, 2017)



United States Ranks 25th In World For Judicial Independence

Judicial independence in the U.S. is ranked 25th among the world's countries in *The Global Competitiveness Report 2017-2018*. The U.S. also ranked in 34th place for the rating of a country's bribe prone judiciary. Finland ranked first in both categories. The report was published on September 26, 2017.

The Global Competitiveness Report (GCR) is published annually by the World Economic Forum based in Geneva, Switzerland. The WEF is a non-profit organization founded in 1971. The report is based on consultation with policymakers, business leaders, civil society leaders, academics, and the public at large.

The annual report tracks the performance of close to 140 countries in 12 categories related to competitiveness and economic development and prosperity. One of those categories is Institutions, which includes the sub-category of Checks and Balances on government power. Checks and Balances includes four categories. One of those is Judicial Independence: which is defined as independence of the judicial system from influences of the government, individuals, or companies. [1]

The Judicial Independence rankings are based on a rating scale of 1 to 7. A score of 1 means a country's judicial system heavily favors the government or well-connected firms and individuals. A score of 7 means a country's judicial system is neutral.

The GCR ranks the following as the top ten countries for judicial independence in 2017 — with the U. S. included for comparison:

| Rank | Country | Rating |
|------|----------------|--------|
| 1 | Finland | 6.8 |
| 2 | New Zealand | 6.7 |
| 3 | Norway | 6.6 |
| 4 | Switzerland | 6.5 |
| 5 | Netherlands | 6.4 |
| 6 | United Kingdom | 6.3 |
| 7 | Ireland | 6.3 |
| 8 | Australia | 6.3 |
| 9 | Canada | 6.2 |
| 10 | Luxembourg | 6.2 |
| 25 | United States | 5.5 |

New Zealand has been ranked for each of the last 10 years as the number 1 or 2 highest rated country for judicial independence. Its annual rating has ranged from 6.6 to 6.8.

The Global Competitiveness Report 2017-2018

Klaus Schwab, World Economic Forum



Finland's ranking has ranged from number 1 to 6, with its annual rating ranging from 6.3 to 6.8.

The five lowest rated countries for judicial independence in 2017 are:

| Rank | Country | Rating |
|------|-----------|--------|
| 133 | Paraguay | 2.1 |
| 134 | Chad | 2.1 |
| 135 | Ecuador | 1.7 |
| 136 | Nicaragua | 1.6 |
| 137 | Venezuela | 1.1 |

Venezuela has been the lowest ranked country for judicial independence for each of the last 10 years. Its annual rating has ranged from 1.1 to 1.7. Its rating has been 1.1 since 2013.

The United State's ranking and rating from 2008 to 2017 is:

Another category concerning integrity of

| Year | Ranking | Rating |
|---------|---------|--------|
| 2017-18 | 25 | 5.5 |
| 2016-17 | 29 | 5.3 |
| 2015-16 | 28 | 5.2 |
| 2014-15 | 30 | 5.1 |
| 2013-14 | 32 | 5.0 |
| 2012-13 | 38 | 4.9 |
| 2011-12 | 36 | 4.9 |
| 2010-11 | 35 | 5.0 |
| 2009-10 | 26 | 5.3 |
| 2008-09 | 23 | 5.5 |

the judiciary is the GCR's Checks and Balances category "Irregular payments and bribes." That category includes how common it is "make undocumented extra payments or bribes connected with ... (e) obtaining favorable judicial decisions?" The rankings are based on a rating scale of

1 to 7. A score of 1 means undocumented extra payments or bribes is "very common," while a score of 7 means they "never occur." [2]

The ten most bribe free countries in 2017 are:

| Rank | Country | Rating |
|------|----------------------|--------|
| 1 | Finland | 6.8 |
| 2 | New Zealand | 6.7 |
| 3 | Singapore | 6.7 |
| 4 | Iceland | 6.6 |
| 5 | Luxembourg | 6.4 |
| 6 | United Arab Emirates | 6.4 |
| 7 | Denmark | 6.4 |
| 8 | Switzerland | 6.4 |
| 9 | Hong Kong SAR | 6.3 |
| 10 | Norway | 6.3 |
| 34 | United States | 5.2 |

The U.S.'s 2017 rank of being only the 34th most bribe free country wasn't an anomaly. The GCR added the "Irregular payments and bribes" category in 2010, and the U.S. ranking was number 40 with a rating of 5.0. In 2010 New Zealand was ranked as the most bribe free country with a rating of 6.7.

| Year | Ranking | Rating |
|---------|---------|--------|
| 2017-18 | 34 | 5.2 |
| 2016-17 | 32 | 5.3 |
| 2015-16 | 32 | 5.1 |
| 2014-15 | 36 | 5.0 |
| 2013-14 | 38 | 4.9 |
| 2012-13 | 42 | 4.8 |
| 2011-12 | 42 | 4.9 |
| 2010-11 | 40 | 5.0 |

The Global Competitiveness Report 2017-2018 is online at, <https://www.weforum.org/reports/the-global-competitiveness-report-2017-2018>

While a favorable court ruling is certainly not for sale to the middle and lower economic classes that can't afford the going rate (whatever that is), the GCR suggests judicial rulings in the U.S. are susceptible to be being influenced by well-heeled individuals and organizations.

Endnote:

[1] "To what extent is the judiciary in your country independent from influences of members of government, citizens, or firms? [1 = heavily influenced; 7 = entirely independent]" See, "1.06 Judicial independence," 2.2: Data Tables -- Section 1: Institutions, "The Global Competitiveness Report 2010-2011," *World Economic Forum*, 371

[2] "In your country, how common is it for firms to make undocumented extra payments or bribes connected with (a) imports and exports; (b) public utilities; (c) annual tax payments; (d) awarding of public contracts and licenses; (e) obtaining favorable judicial decisions? The answer to each question ranges from 1 (very common) to 7 (never occurs)" See, "1.05 Irregular payments and bribes," 2.2: Data Tables -- Section 1: Institutions, "The Global Competitiveness Report 2010-2011," *World Economic Forum*, 370

Judicial Indep. cont. on p. 13

New York Appeals Court Rules Judge Who Convicted A Defendant Cannot Also Decide Their Appeal

The New York Court of Appeals [unanimously ruled](#) on October 24, 2017 that the judge who convicted a defendant cannot also solely decide their appeal.

Brian Novak was ticketed in August 2012 in Schenectady, New York for misdemeanor driving while intoxicated and related traffic infractions. He pled not guilty when arraigned in Schenectady City Court.

In 2013 the Schenectady County District Attorney's Office filed a superseding information that charged Novak with misdemeanor driving while ability-impaired.

Novak's lawyer filed a motion to dismiss the charge. Schenectady City Court Judge

Judicial Indep. cont. from p. 12

Sources:

The Global Competitiveness Report 2017–2018, World Economic Forum, September 26, 2017 <https://www.weforum.org/reports/the-global-competitiveness-report-2017-2018>

The Global Competitiveness Report 2016–2017, World Economic Forum, <https://www.weforum.org/reports/the-global-competitiveness-report-2016-2017-1>

The Global Competitiveness Report 2015, World Economic Forum, September 22, 2015 <https://www.weforum.org/reports/global-competitiveness-report-2015>

The Global Competitiveness Report 2014–2015, World Economic Forum, August 21, 2014 <https://www.weforum.org/reports/global-competitiveness-report-2014-2015>

The Global Competitiveness Report 2013–2014, World Economic Forum, August 29, 2013 <https://www.weforum.org/reports/global-competitiveness-report-2013-2014>

The Global Competitiveness Report 2012–2013, World Economic Forum, August 30, 2012 <https://www.weforum.org/reports/global-competitiveness-report-2012-2013>

The Global Competitiveness Report 2011–2012, World Economic Forum, October 29, 2011 <https://www.weforum.org/reports/global-competitiveness-report-2011-2012>

The Global Competitiveness Report 2010–2011, World Economic Forum, October 21, 2010 <https://www.weforum.org/reports/global-competitiveness-report-2010-2011>

The Global Competitiveness Report 2009–2010, World Economic Forum, March 4, 2009 <https://www.weforum.org/reports/global-competitiveness-report-2009-2010>

The Global Competitiveness Report 2008–2009, World Economic Forum, March 4, 2008 <https://www.weforum.org/reports/global-competitiveness-report-2008-2009>



Schenectady County Court Judge Matthew J. Sypniewski

Matthew J. Sypniewski denied the motion.

Judge Sypniewski found Novak guilty after a bench trial.

Novak appealed his conviction to the Schenectady County Court. An appeal to the county court is decided by a single judge.

Judge Sypniewski had been elected to the County Court in November 2014. He was assigned to hear Novak's appeal of his conviction by Sypniewski when he was a City Court Judge.

Novak's lawyer filed a motion for Sypniewski to recuse himself, which he denied. Judge Sypniewski then affirmed Novak's conviction.

Novak's petition was granted for leave to appeal to New York's Court of Appeal.

Novak appealed on two issues: First, his federal and state constitutional right to due process was violated by having his direct appeal decided by the same judge who convicted him. Second, [his conviction was based on a "defective accusatory instrument"](#) because a simplified traffic ticket is "not the type of accusatory instrument that can be superseded by a prosecutor's information."

The State argued that under New York law [there is](#) "no legal ground requiring recusal from the judge deciding defendant's appeal. In the absence of any legal grounds for recusal, it was in the discretion of the judge whether or not to recuse himself based on the appearance of partiality."

On October 24, 2017 the Court of Appeal unanimously (7-0) decided that Novak's due process right to have his appeal decided by a disinterested judge was violated by Sypniewski's refusal to recuse himself. In *The People v. Brian Novak*, No. 94 of 2017 (NY Ct. of Appeal) [the court ruled:](#)

"... unlike this Court, intermediate appellate courts in this State are empowered to review both questions of law and fact, "this unique factual review power is the linchpin of our constitutional and statutory design intended to afford each [defendant] at least one appellate review of the facts." Further, when a state embraces a court system composed of hierarchical appellate tribunals, maintaining the integrity of that review process is of fundamental, constitutional importance.

... Thus, because our laws grant a right to challenge a judgment on direct appeal, a defendant is entitled to the minimum safeguards of due process under the federal and state constitutions."

"The right to an impartial jurist is a "basic requirement of due process." Not only must judges actually be neutral, they must appear so as well. We therefore conclude that, under principles of due process, a judge may not act as appellate decision-maker in a case over which the judge previously presided at trial."

In this case, the same Judge ruled upon defendant's pretrial motions, served as the trier of fact, convicted defendant, sentenced defendant, and then proceeded to serve as the sole reviewing Judge on appeal. On these facts, there was a clear abrogation of our State's court structure that guarantees one level of independent factual review as of right.

Therefore, under these circumstances, recusal, as a matter of due process, was required.

Because this is a constitutional matter, the People's argument that County Court committed no statutory violation misses the mark.

... where there is no opportunity for independent scrutiny by a new decision-maker, the appellate process is compromised, and due process has been violated.

Inasmuch as this matter must be remitted to County Court for defendant's appeal to be heard by a different judge, we render no opinion on the other issues raised by defendant in his appeal."

The Court's ruling is precedential for New York state.

[Click here to read](#) *People v. Brian Novak*, No. 94 of 2017 (New York Court of Appeal, 10-24-2017)

Sources:

[The People v. Brian Novak](#), No. 94 of 2017 (New York Court of Criminal Appeal, Oct. 24, 2017)

[Judge Should Not Have Determined Appeal](#) of His Own Decision: Top NY Court, By Josefa Velasquez, The New York Law Journal, October 24, 2017 [A Schenectady County Court judge should have recused himself from an appeal taken from his own previous decision, the state's Court of Appeals ruled Tuesday.]

[Should a Judge Determine Appeal](#) Taken From His Own Decision?, By ALM Media, www.finance.yahoo.com, September 1, 2017

[People v. Bleakley](#), 69 N.Y.2d 490 (1987) ("We hold that it is reversible error when the Appellate Division manifestly avoids its exclusive statutory authority to review the weight of the evidence in criminal cases.")

Appeals Court Rules Minor Male Prosecuted For Indecent Act With Minor Was Discriminated Against Because The Girl Wasn't Also Prosecuted

Kenya's High Court [has quashed the](#) prosecution of a 16-year-old boy for having sex with a 17-year-old girl. He was charged with defilement and committing an indecent act with a minor. One of the reasons the appeals court quashed his prosecution is he wasn't afforded equal protection of the law because the girl wasn't also charged.

P. O. O. was arrested in Mbita, Kenya on February 14, 2016, and the next day he was charged with defilement and committing an indecent act with a child. Conviction of the charges carried a minimum sentence of 15 years in prison.

Mbita is in Homa Bay County, on the shores of Lake Victoria, about 250 miles east of Kenya's capital of Nairobi.

The age of sexual consent in Kenya is 18. As a former British colony Kenya's legal system is largely based on English common law.

P. O. O. was an orphan who lived with his unemployed grandmother.

His accuser was a 17-year-old girl, S. O. O. They knew each other from attending the same church, and they regularly had long talks. After church one day in the fall of 2015, they went to P. O. O.'s home, where they removed their clothes and had sex. It was disclosed during subsequent legal proceedings that the girl — who was a year older — had initiated having sex.

The girl became pregnant from the encounter. Her parents were enraged when they found out, and reported P. O. O. to the police. After his arrest he was held in an adult jail.

He informed the trial judge during a hearing on March 15, 2016 — a month after his arrest — that he was 16. The judge ordered that his age be assessed and that he be removed from the adult jail. Neither order was carried out.

P. O. O. was not provided with a lawyer.



High Court of Homa Bay in Mbita, Kenya (The Standard)

He requested from the judge the evidence against him. The judge ordered the prosecution to provide him with the witness statements. When the taking of evidence in P. O. O.'s case began in May 2016 he had not been given the witness statements. It wasn't until after S. O. O. had given her testimony that he was given her witness statement. She testified they had consensual sex.

He complained to the judge he was not provided with any other witness statements, even for witnesses who testified, included the girl's parents. However, the trial judge did not intervene to ensure P. O. O. was provided with the statements.

While his trial was in a prolonged recess, in mid-November, 2016 P. O. O. was listed on a child services list and a lawyer was appointed to represent him.

The lawyer applied for bail, which was eventually set at US\$193 (Kshs. 20,000). However, with no money of his own and an unemployed grandmother, P. O. O. remained in custody in the adult jail.

The trial was stayed when on January 27, 2017 his lawyer filed a petition in the High Court to dismiss the charges.

The petition asserted:

1. P. O. O. was discriminated against in equal application of the law since the female complainant was not also charged.
2. His right to a fair trial was violated by not being provided with a lawyer at the onset of his trial.
3. His right to a fair trial was violated by the prosecution's failure to provide him with witnesses statements and other information necessary for him to prepare for his trial.
4. In violation of the law that requires the best interest of a minor be taken into account, he has illegally been held in an adult jail, and his education has suffered because he has missed school.

Kenya's High Court quashed P. O. O.'s prosecution in its ruling issued on August 17, 2017. [The Court ruled:](#)

1. P. O. O. is a minor.

2. He was discriminated against on the basis of sex by being charged while the girl wasn't, because "In Kenya the law does not distinguish between the girl and the boy ... In effect, the law as enacted does not discriminate."

3. His right to a fair trial was grossly violated because he was not appointed a lawyer when he was charged, and he was not provided with the witness statements necessary to prepare his defense.

4. His right as a minor not to be detained under Kenya's Constitution and the UN Convention on the rights of the child were violated by his prolonged incarceration without cause in an adult jail.

5. "The only way to deal with this injustice is to quash the proceedings pending at Mbita Law Courts."

The Court ordered the payment of US\$1,930 (Kshs 200,000) as compensation for the violations of P. O. O.'s rights.

[Click here to read](#) *P O O (A minor) vs. Dir. of Pub. Pros. & Senior Res. Mag. Mbita Law Cts*, Constitutional Petition 1 of 2017 (High Court of Homa Bay, 8-17-2017). (The ruling was issued in August 17, 2017, but it wasn't reported in the Kenya Law Journal's Weekly email update service until October 17, 2017.)

Two significant aspects of P. O. O.'s case are: 1) it makes clear a minor can be criminally prosecuted for having sex with another minor in Kenya; and, 2) both minors must be prosecuted without regard for their sex.

Sources:

[P O O \(A minor\) vs. Dir. of Pub. Pros. & Senior Res. Mag. Mbita Law Cts](#), Constitutional Petition 1 of 2017 (High Court of Homa Bay, 8-17-2017)

[P O O \(A Minor\) v Director of Public Prosecutions & another](#) [2017] eKLR



Database of Japanese Cases

The Japan Innocence & Death Penalty Information Center has a database of wrongful Japanese convictions online at, <http://www.jiadep.org>

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Indictment Of 12 Russians By Special Counsel Robert Mueller Is More Bogus Than A \$3 Bill

By Hans Sherrer

The framing of innocent people by nefarious state and federal prosecutors and law enforcement officers fabricating key aspects of the case against them is a common occurrence in the United States. The pages of *Justice Denied* have been filled for the last 20 years with case after case after case where that has happened.

It often takes years to identify a person has been the victim of a frame-up. However, sometimes it stares you straight in the face from the get-go. A dramatic example of the latter was on July 13, 2018 when 12 Russian men were federally indicted for their alleged involvement in the 2016 U.S. Presidential election. It was a news event reported around the world.

What isn't being reported is the indictment is internally inconsistent, some of its assertions are plainly ridiculous, and it makes claims that are factually false. That the indictment is insubstantial doesn't interfere with it having potential geo-political consequences — which may have been the reason it was (apparently hastily) written, presented to a grand jury, and released to the media while President Donald Trump was in England on a state visit, and scheduled to meet with Russian President Vladimir Putin in Helsinki on Monday, July 16. The indictment was signed by U.S. DOJ Special Counsel Robert S. Mueller, who has come under harsh public criticism by President Trump.

The indictment's second paragraph summarizes it is based on the allegation the 12 defendants: "... were GRU [Russian military intelligence agency] officers who knowingly and intentionally conspired with each other, and with persons known and unknown to the Grand Jury (collectively the "Conspirators"), to gain unauthorized access (to "hack") into the computers of U.S. persons and entities involved in the 2016 U.S. presidential election, steal documents from those computers, and stage releases of the stolen documents to interfere with the 2016 U.S. presidential election."^[1]

In announcing the indictment at a press conference on July 13, Deputy Attorney General Rod Rosenstein said that nothing

the Russians were alleged to have done affected the vote count, or the election's outcome.

The 12 defendants are charged related to two counts of Conspiracy to Commit an Offense Against the U.S. (Counts 1 and 11) (Ten are charged solely in Count 1; one is charged in Counts 1 and 11; and one is charged solely in Count 11.); 11 defendants are charged with Aggravated Identity Theft; and 11 are charged with Money Laundering.

The following is a sampling of reasons the indictment is shaky:

1. The 12 defendants are alleged to have used VPNs to mask the origin of their transmissions; used fictitious names for dummy email accounts; set-up fake websites with false identifies; created false Internet personas, etc.[2] So how were the 12 tied to their alleged crimes? The indictment doesn't say, nor does it allege that the 12 left digital 'bread crumbs' to be followed back to them. The indictment literally just asserts they did what they are accused of.
2. There is no evidence the 12 indicted men worked with the GRU: it is only alleged they do. That is consistent with a statement by the Russian Foreign Ministry on July 13 there is no evidence the 12 are linked to Russian military intelligence.[3]
3. Second-hand information is the basis for the most significant part of the indictment: the allegation the 12 defendants were involved in hacking the Democratic National Committee's computer servers. The DNC's servers were not inspected by the FBI or any U.S. intelligence agency ... and they made no effort to do so. The indictment's allegations are based on second-hand information provided to the FBI by a private Internet security company that worked for the DNC.
4. The utter sloppiness of the indictment is evidenced by its allegation "the Conspirators registered the domain actblues.com, which mimicked the domain of a political fundraising platform that included a Democratic Congressional Campaign Committee (DCCC) donations page. Shortly thereafter, the Conspirators used stolen DCCC credentials to modify the DCCC website and redirect visitors to the actblues.com domain."⁽¹²⁾ That is not just factually false, but impossible, because actblues.com is registered by MarkMonitor Inc., which is a company based in Meridian, Idaho. Their business motto is "Protecting brands in the digital world," and according to the Idaho Secretary of State's Office they have been

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | |
|--|---|
| UNITED STATES OF AMERICA | CRIMINAL NO. |
| v. | (18 U.S.C. §§ 2, 371, 1030, 1028A, 1956, and 3551 et seq.) |
| VIKTOR BORISOVICH NETYKSHO, BORIS ALEKSEYEVICH ANTONOV, DMITRY SERGEYEVICH BADIN, IVAN SERGEYEVICH YERMAKOV, ALEKSEY VIKTOROVICH LUKASHEV, SERGEY ALEKSANDROVICH MORGACHEV, NIKOLAY YURYEVICH KOZACHEK, PAVEL VYACHESLAVOVICH YERSHOV, ARTEM ANDREYEVICH MALYSHEV, ALEKSANDR VLADIMIROVICH OSADCHIK, ALEKSEY ALEKSANDROVICH POTEMKIN, and ANATOLY SERGEYEVICH KOVALEV, | ***** INDICTMENT ***** |
| Defendants. | |

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Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

The Grand Jury for the District of Columbia charges:

First page of July 13, 2018 indictment of 12 Russians for allegedly trying to influence 2016 U.S. Presidential election.

incorporated in Idaho since July 8, 1999. Their domain name -- markmonitor.com -- was registered on April 23, 1999. The most recent post on their website is dated July 11, 2018: an article titled: "Improved platform protects consumers on websites." Furthermore, there is no evidence on the Internet Archive, the Wayback Machine (web.archive.org), that actblues.com mimicked the DCCC's fundraising platform. MarkMonitor, Inc. has an active Twitter page (<https://twitter.com/markmonitor>), and ironically a post dated July 13, 2018 is titled: "Don't be the victim of a phishing attack that cons you into giving away money or your bank details."

5. The sloppiness of the indictment is also demonstrated by its assertion one of the dedicated Bitcoin "accounts was used by the Conspirators in or around 2015 to renew the registration of a domain (linuxkrnl.net) encoded in certain X-Agent malware installed on the DNC network."⁽²³⁾ That claim is not only false, but it is extremely fishy because the domain linuxkrnl.net was registered on July 13, 2018 ... the exact day the indictment was issued. Linuxkrnl.net was registered on July 13 by an unknown person or entity, because the actual registrant is concealed from the public.^[4] However, Mueller and his staff are the only people who would have known that linuxkrnl.net had to be registered on July 13 to match the indictments claim it was a registered website.

6. The indictment is a not so veiled attack on the use of Bitcoin and crypto-currency in general. It repeatedly asserts the 12 defendants furthered their conspiracy by using Bitcoin for anonymity in their Internet transactions.

12 Russians cont. on p. 16

12 Russians cont. from p. 15

7. The indictment is all but an open declaration of war by the U.S. against Wikileaks, which it identifies as "Organization 1." Wikileaks was the recipient of leaked emails and other documents the indictment alleges the 12 defendants allegedly "stole" from the DNC, the DNCC, and volunteers and employees of the Hillary Clinton campaign, and which were published on <http://wikileaks.org>. The indictment states Organization 1 "had previously posted documents stolen from U.S. persons, entities, and the U.S. government."⁽³⁾ It is widely believed pressure from the federal government is behind Ecuador isolating Julian Assange in March 2018 by cutting off his Internet, visitors, and phone access, while he has refuge in the Ecuadorian Embassy. Since June 2012 he has been diplomatically protected in the embassy from arrest by England and extradition to the U.S. Assange has publicly stated repeatedly the Clinton and campaign related emails and documents published by Wikileaks were not leaked to them by a state actor.

8. The indictment alleges that Guccifer 2.0 was a fictitious online persona of the activities of the 12 defendants. That is absurd because Guccifer 2.0 is a real person who has spoken at a conference, identified himself as Romanian, and admittedly hacked DNC computers from which he obtained emails and documents concerning the Clinton campaign that he provided to Wikileaks. Guccifer 2.0 suggested he was associated with dcleaks.com when in June 2016 he advised reporters to visit the dcleaks.com website for emails he had obtained related to the Clinton campaign. His link to the website is also suggested because a Romanian company registered the domain dcleaks.com. U.S. government claims Guccifer 2.0 was associated with Russia is "old" news recycled in the indictment. In January 2017 he wrote on his blog: "The U.S. intelligence agencies have published several reports of late claiming I have ties with Russia. I'd like to make it clear enough that these accusations are unfounded. I have totally no relation to the Russian government. ... I already explained at The Future of Cyber Security Europe conference that took place in London in last September [2016], I had used a different way to breach into the DNC network. I found a vulnerability in the NGP VAN software installed in the DNC system. *It's obvious that the intelligence agencies are deliberately falsifying evidence.* In my opinion, they're playing into the hands of the Democrats who are trying to blame foreign actors for their fail-

ure [to win the presidential election]."^[5] (underlying added)

9. The indictment alleges the website dcleaks.com was a front for the activities of the 12 Russian defendants trying to influence the 2016 U.S. Presidential election. However, the indictment presents no substantive evidence linking any of those men to dcleaks.com -- only conjecture. The indictment's claim is undercut because dcleaks.com published leaked information from Europe, Eurasia, Asia, Latin America, Africa, the World Bank, and the USA. It is also undercut because the domain dcleaks.com was registered in Romania by a Romanian company, and Guccifer 2.0 publicly identified himself as Romanian.

10. All of the computer activity attributed to the 12 Russians could have in fact been performed by U.S. operatives. It is known from documents released by Wikileaks that federal intelligence agencies have hacking tools that can make any intrusion into a computer network, or any email, look like it originated from an IP address in China, Sudan, or from the residence of the person reading this.

11. The indictment substitutes presenting a mass of assertions and dates under the supposition they mean something, for actual evidence the 12 defendants committed their alleged crimes.

12. Guccifer 2.0 has publicly "confessed" he hacked the DNC's servers and is the source of Clinton campaign emails published on Wikileaks. Yet he wasn't indicted, or even named as an unindicted co-conspirator. Guccifer 2.0 was in the lap of Mueller and his staff, but he was ignored while they went to great lengths to create an indictment that mightily tries to construct from whole cloth a scenario the 12 men committed their indicted crimes.

13. Special Counsel Mueller and his staff had no reason to try and portray a truthful narrative in the indictment because assuming the 12 defendants are real people, the Russian government will never extradite them. If for no other reason than they would not have the expectation of a fair trial in the U.S. Consequently, Mueller has zero expectation the indictment's allegations will ever have to be defended in court. Likewise, it is known from experience the mainstream media in the U.S. will not do the work of critically examining the indictment's details, but instead take the easy path of hysterically reporting its claims.

Conclusion

The above points are not exhaustive, but representative of readily identifiable problems with the July 13 indictment. It is significant that publicly verifiable assertions in the indictment are contrived. How many publicly unverifiable assertions are likewise fabricated?

With no direct evidence implicating the 12 defendants in their alleged crimes, the indictment seeks to implicate them with purported circumstantial evidence that a cursory examination exposes is low-rent speculation and innuendo.

The 12 defendants are legally presumed innocent until proven guilty beyond a reasonable doubt. If Mueller and his staff had incontrovertible evidence of their guilt it would have been paraded in bold letters in the indictment. Its absence speaks volumes. Given that the indictment is essentially a media op comprised of unsubstantiated assertions about the 12 -- a reasonable conclusion is they are the actually innocent victims of a frame-up.

A full-scale investigation of Mueller and his staff by the U.S. Attorney's Office for the District of Columbia is warranted, for their filing of an indictment that can be characterized as more bogus than a \$3 bill.

Endnotes:

[1] The 12 defendants are: Viktor Borisovich Netyksho, Boris Alekseyevich Antonov, Dmitriy Sergeevich Badin, Ivan Sergeevich Yermakov, Aleksey Viktorovich Lukashev, Sergey Aleksandrovich Morgachev, Nikolay Yuryevich Kozachek, Pavel Vyacheslavovich Yershov, Ariem Andreyevich Malyshev, Aleksandr Vladimirovich Osadchuk, and Aleksey Aleksandrovich Potemkin.

[2] VPN is the initials for Virtual Private Network. VPNs are used by hundreds of millions of people all over the world as an inexpensive way to enhance their online privacy. For example, someone in Hong Kong can use a VPN that routes their Internet traffic through a server in Australia which assigns them an Australian IP, so it appears to Facebook, Twitter, etc., that their transmission is originating from Australia. Chained VPNs can make the origin of a transmission undetectable to the world's fastest super computers. It has been estimated that 25% of all Internet users use a VPN.

[3] "Russian FM: No Evidence Indicted Russians Linked to Military Intelligence," July 13, 2018, <https://sputniknews.com/russia/201807131066335137-russian-foreign-ministry-indictments/>

[4] The Registrant Name of LINUXKRNL.NET is Super Privacy Service LTD c/o Dynadot, that masks the identity of the actual registrant of the domain name to the public, and it was registered on July 13, 2018. The Internet Archive, Wayback Machine records that Linuxkrnl.net was first online on July 13, 2018.

[5] Guccifer 2.0, WordPress blog, <https://guccifer2.wordpress.com/2017/01/12/fakeevidence/>



Clifford Irving (1930-2017) Author of TOM MIX & PANCHO VILLA In Memoriam

By Hans Sherrer

Clifford Michael Irving died on December 19, 2017 in Sarasota, Florida. He was 87.

Clifford Irving had a connection to *Justice Denied*. A review of his book *Final Argument*, was published in *Justice Denied's* Issue 33 (October 2006). I wrote that review. The review can be read online at, www.justicedenied.org/finalargument_id33.pdf. In short, *Final Argument* is about a man on Florida's death row whose prosecutor begins to doubt his guilt...12 years after his trial and a month before his scheduled execution.

Not many people under 50 know about Mr. Irving. But for a period of time in the early 1970s he was one of the most well-known people in the English speaking world.

That is why every major news publication in the United States, England, Australia, and other countries published an obituary of Mr. Irving.

I read many of those obituaries. They all focus on a singular event in Mr. Irving's life. In 1971 he was able to convince the McGraw-Hill book publishing company that he was Howard Hughes' authorized agent, and he sold them the rights to publish the *Autobiography of Howard Hughes*.

At that time Howard Hughes was a near mythical figure. He was also the most well-known wealthy recluse in the world. Hughes ownership included a number of Las Vegas hotels, Hughes Airwest airline, and Hughes Tool Company. His passion for privacy was legendary: He had not spoken publicly since 1958, or been seen in public since the mid-1960s.

As a published author, Mr. Irving had a relationship with McGraw-Hill. That provided him the "in" to peddle Hughes' autobiography. Except it wasn't. Hughes knew nothing about the book. Mr. Irving had actually written it with research assistance by his friend and fellow author Richard Suskind. They thought that Hughes' mania for privacy would enable them to get away



Clifford Irving
(cliffordirving.com)

with their scheme. Mr. Irving told McGraw-Hill that he had compiled the autobiography from more than 100 secret meetings with Hughes. McGraw-Hill hired world-renowned handwriting experts who authenticated documents Mr. Irving provided that were purportedly written by Hughes. They were actually written by Mr. Irving. He even fooled a lie detector test that didn't indicate he lied about any questions. He fooled all the experts.

The book was expected to be a runaway bestseller. As an advance on hard-cover book sales, McGraw-Hill provided Mr. Irving with checks made out to H. R. Hughes that totaled \$765,000. Unbeknownst to McGraw-Hill the checks were deposited by Clifford's wife, Edith Irving, in a Swiss bank account she had opened in the name of Helga R. Hughes.

Although some cracks in the scheme had started to develop, it was fully exposed when Hughes did the unthinkable: he agreed to a telephone conference with seven journalists. Their end of the call on January 7, 1972 was televised. Hughes claimed he had never met, talked with, or even knew who Irving was until he learned from news reports about the purported autobiography that he disavowed as fake.

Hughes filed a lawsuit against McGraw Hill, Irving, *Life Magazine* (which had bought the rights to serialize the book), and Dell Publications (which had bought the paperback rights). An investigation by Swiss authorities identified that Edith Irving was the depositor of McGraw-Hill's checks.

The Irvings confessed to their scheme on January 28, 1972.

The Irvings were indicted by a federal grand jury for conspiracy to defraud through use of the mails. They took plea deals on June 16, 1972. Clifford Irving was sentenced to 2-1/2 years in federal prison, and he was released after 17 months. Edith Irving was sentenced to two years in federal prison, with all but two months suspended. They were each fined \$10,000. Suskind was not federally indicted.

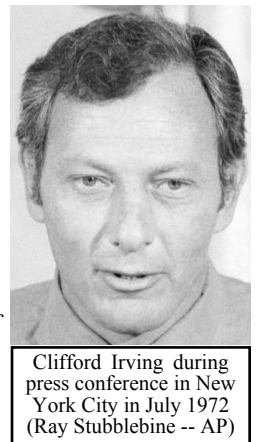
The Irvings and Suskind pled guilty to separate state charges of grand larceny and conspiracy. The Irvings were given probationary sentences and ordered to repay the money stolen from McGraw-Hill. Suskind sentenced to 6 months in jail.

Edith was extradited to Switzerland where she was convicted of charges related to the false bank account and sentenced to prison. She served 14 months in a Swiss prison before her release on May 3, 1974. After her release she filed for divorce.

The Irvings eventually returned all \$765,000 to McGraw-Hill. In an odd twist, the IRS went after Mr. Irving for his non-payment of income tax on that money, and after his release from prison he declared bankruptcy.

At the time the *Autobiography of Howard Hughes* [was described](#) as "the most famous unpublished book of the 20th century." The irony is it was the most well-researched written account of his life up to that point. Hughes died in 1976.

The idea for the Hughes autobiography came from Mr. Irvings research for the authorized biography of master forger Elmyr de Hory that he wrote, and which was published in 1969: *Fake! The story of Elmyr de Hory: the greatest art forger of our time*. In 2004 I wrote an article



Clifford Irving during press conference in New York City in July 1972 (Ray Stubblebine -- AP)

based on *Fake!* titled, *Elmyr de Hory and the loss of privacy and liberty since the mid-20th Century*. That article can be read online at,

www.forejustice.org/write/fake.htm.

Mr. Irvings' first-person account of the Hughes "autobiography" was published in 1972 under the title: *Clifford Irving: What Really Happened (His Untold Story of the Hughes Affair)*. It was reissued in 1981 under the title *The Hoax*.

A movie version of *The Hoax* was produced that starred Richard Gere as Clifford Irving. Although the 2007 movie was well-liked by critics — 85% positive reviews on Rottentomatoes.com -- it was a financially unsuccessful, only selling about \$7 million in tickets. Irving was hired as a consultant,

Clifford Irving cont. on p. 18

Clifford Irving cont. from p. 17

but he was so disappointed with the final script that he requested his name be removed from the credits.

During a 2007 interview Mr. Irving [described the](#) writing and selling of the Hughes autobiography as an “adventure,” and at the time he didn’t think of it as a crime. “We thought it was just a hoax. They can’t put you in jail for a hoax! Especially if you still have the money to give back, as we did. It just seemed like such an elegant act. And also an act from which I thought I could withdraw at any time I wanted.” He admitted the idea he could backtrack was “the great fallacy” of the adventure, and he paid for his naïveté with prison and bankruptcy.

Mr. Irving’s 12th book was published in 1982: *Tom Mix and Pancho Villa: A Romance of the Mexican Revolution*.

This Memoriam is solely due to my special affection for *Tom Mix and Pancho Villa*. The following is my review of *Tom Mix and Pancho Villa* posted on Amazon.com:

“One of the great novels of the 20th century. Romance. Action. Drama. Clifford Irving’s magnum opus.”

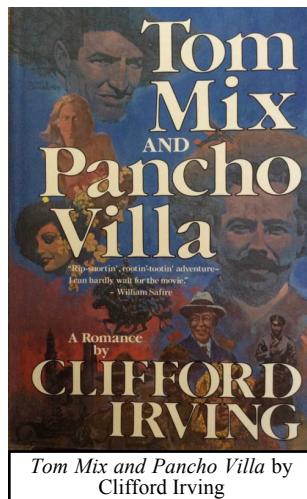
Clifford Irving wrote more commercially successful books, but none had the heart, soul, and grandeur of *Tom Mix and Pancho Villa*. Mr. Irving also thought it was his greatest writing achievement. The Biography section for his books on [Amazon.com](#) states:

“My epic novel, “*Tom Mix and Pancho Villa*,” received 5-star media reviews that any writer would envy. But it sells few copies and aficionados are an exclusive club. Nevertheless, I’d be proud if on my gravestone these words were carved: “Author of TOM MIX & PANCHO VILLA.””

I did not read a single obituary for Mr. Irving that mentioned his beloved *Tom Mix and Pancho Villa*, that he wanted to be recognized on his gravestone for writing. Mr. Irving’s requested gravestone inscription is the subtitle for this Memoriam.

Beginning about 2012 Mr. Clifford formatted many of his books for the Kindle (Amazon) and Nook (Barnes & Noble). He also set-up a website, [cliffordirving.com](#).

Mr. Irving, was born in New York City in 1930. He lived in many places, but later in life he settled in Florida. He was active up



to early December 2017, when he was diagnosed with pancreatic cancer. His prognosis was grave, and about a week later he died on the 19th in a hospice near his home in Sarasota, Florida.

He is survived by his two sons Ned Irving and Barnaby Irving, and his wife, Julie Irving.

To honor Clifford Irving’s imaginative writing genius that has brought joy to so many people, and will continue to do so although he is no longer with us, I created and sponsored his Memorial on Findagrave.com.

Twenty-four of Mr. Irving’s books are for sale on Amazon.com, with most available in a Kindle Edition.

[Click here for the Amazon’s page for “Final Argument”.](#)

[Click here for Amazon’s page for “The Hoax”.](#)

[Click here for Amazon’s page for “Tom Mix and Pancho Villa”.](#)

Sources:

The Official Website of Clifford Irving, <http://cliffordirving.com/>.

Review by Hans Sherrer of the book ‘Final Argument’ by Clifford Irving, *Justice Denied*, Issue 33, Oct. 2006, 19, http://justicedenied.org/issue/issue_33/final_argument_jd33.pdf.

“Elmyr de Hory and the loss of privacy and liberty since the mid-20th Century” by Hans Sherrer, Forejustice.org, 2004, <http://forejustice.org/write/fake.html>.

[Irving Sentenced to 2-1/2 Term](#), By Lawrence Van Gelder, *The New York Times*, June 17, 1972, p. 1

[Clifford Irving](#), Howard Hughes prankster, has died at 87. By The Associated Press, *New York Daily News*, Dec. 21, 2017

[You couldn’t make it up](#), By Mick Brown, *The Telegraph* (London), July 28, 2007

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Justice Denied’s Article Index

www.justicedenied.org

There are links to all *Justice Denied* articles published since Issue 1 in 1999 in the Justice Denied Article Index. There are more than 1,400 articles in the Index concerning cases or issues in every state in the U.S., and more than 50 countries.

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Justice Denied’s Facebook page is regularly updated with information related to wrongful convictions. Justice Denied’s homepage has a link to the Facebook page, www.justicedenied.org

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www.justicedenied.org

Back issues of *Justice: Denied* can be read, there are links to wrongful conviction websites, and other information related to wrongful convictions is available. JD’s online Bookshop includes more than 70 wrongful conviction books, and JD’s Videoshop includes many dozens of wrongful conviction movies and documentaries.

129,610 Cases Now In Innocents Database

The Innocents Database now includes 129,610 cases: 27,303 from the U.S., and 102,307 from 119 other countries. The database includes 26,389 U.S. cases from 2018 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:

- 605 innocent people sentenced to death.
- 1,101 innocent people sentenced to life in prison.
- 2,324 innocent people convicted of a homicide related crime.
- 1,153 innocent people convicted of a sexual assault related crime.
- 839 innocent people were convicted after a false confession by him or herself or a co-defendant.
- 124,314 innocent people were convicted of a crime that never occurred.
- 233 innocent people were posthumously exonerated by a court or a pardon.
- 90 people were convicted of a crime when they were in another city, state or country from where the crime occurred.

- 2,068 innocent people had 1 or more co-defendants. The most innocent co-defendants in any one case was 36, and 25 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 120 countries are in the database.
- 27,303 cases involve a person convicted in the United States.
- 102,307 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 129,000 wrongly convicted people from the U.S. and other countries.

www.forejustice.org/exonerations.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.

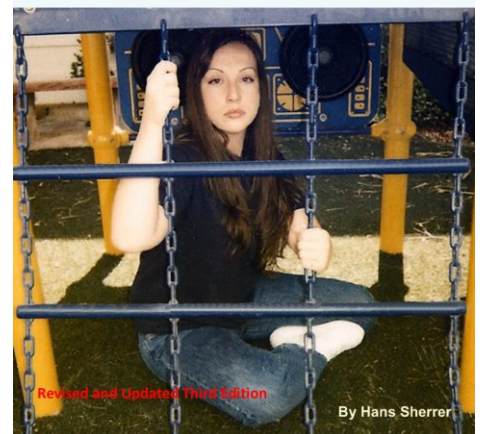
The 3rd revised edition has 57 pages of new information, that includes:

- * 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](#) *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.

\$14.95

116 pages, softcover

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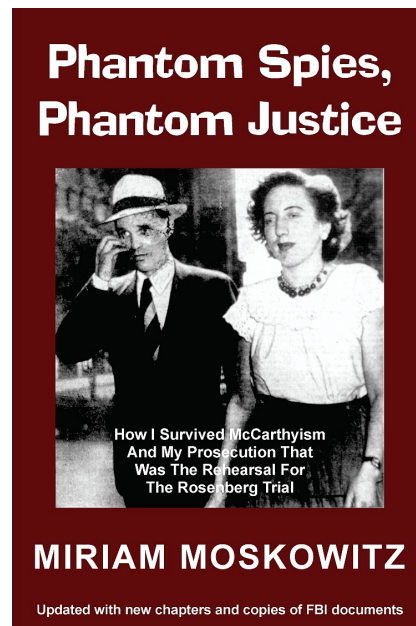
<http://tinyurl.com/y8lqylwo>

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 books 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



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.

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302 pages, softcover

Order from Amazon.com at,

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FROM THE BIG HOUSE TO YOUR HOUSE

Cooking in prison

With

Ceyma Bina, Tina Cornelius, Barbara Holder, Celeste Johnson, Trena 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

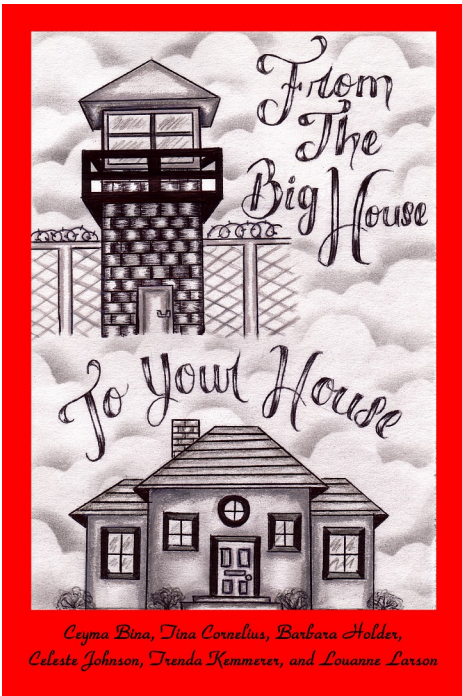
dorm housing only prisoners with a sentence in excess of 50 years. While there isn't much freedom to be found when incarcerated, using the commissary to cook what YOU want offers a wonderful avenue for creativity and enjoyment! They hope these recipes will ignite your taste buds as well as spark your 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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Ceyma Bina, Tina Cornelius, Barbara Holder, Celeste Johnson, Trena 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

358 pages, softcover

Order from Amazon.com at,

<http://tinyurl.com/ycjlhdub>

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

Download JD's book brochure at, www.justicedenied.org/books/wc/jd_bookstore.pdf

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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Promotes sane alternatives to the death penalty. Community speakers available. Write: CUADP; PMB 335; 2603 Dr. MLK Jr. Hwy; Gainesville, FL 32609. www.cuadp.org

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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- Obedience To Authority Is Endemic
- Dehumanization Paves The Path To Mistreatment

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KIRSTIN BLAISE LOBATO'S UNREASONABLE CONVICTION
Possibility of Guilt Replaces Proof Beyond A Reasonable Doubt



This is the story of Kirstin Lobato, who was 18 when charged in 2001 with the murder of a homeless man in Las Vegas. She was convicted of voluntary manslaughter and other charges in 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
Order from Amazon.com at, <http://tinyurl.com/y7jxpaff>

MENACE TO THE INNOCENT



NOW AVAILABLE!
See page 9 for details!

Menace To The Innocent: *Insubstantial Expert Evidence Endangers Innocent People Accused Of A Crime*

By Hans Sherrer, *Justice Denied's* Editor & Publisher
Read about the book with order information from Amazon.com on page 9.

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"People think that miscarriages of justice are rare and exceptional. But every single day, people are overturning convictions for criminal offences. Miscarriages of justice are routine, even mundane features of the criminal justice system. They are systemic."

Dr Michael Naughton, founder of the UK Innocence Project

JUSTICE DENIED

Justice Denied
P.O. Box 66291
Seattle, WA 98166

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.

Innocence Project's \$25.6 Million Assets Tops All Innocence Related Organizations

The first detailed financial analysis of innocence related organizations in the U.S. discovered that the Innocence Project in New York's \$25.6 million in assets dwarfs the assets of all the other organizations put together. The organizations examined either receive public funds and donations through association with a university or public agency, or are approved by the IRS to receive tax exempt donations.

See pgs. 4