

# JUSTICE DENIED

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The Magazine for the  
Wrongly Convicted

## US SUPREME COURT OKs IMMUNITY FOR ADMINISTRATIVE PROSECUTORS

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### Mashelle Bullington

Exonerated 13 years  
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### Robert "Bob" Doyle

Posthumously awarded  
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Conviction of  
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**Message From The Publisher**

Lonnie LaBonte’s story of being convicted of a double murder in Montgomery County, Texas was in *JD* Issue 34, Summer 2006. The Innocence Project of Texas became involved in his case and over the dogged opposition of the prosecution, on January 13, 2009 the Texas Court of Appeals granted DNA testing of the prosecution’s key evidence. Swabs from spots on the exterior of LaBonte’s truck tested positive for the possible presence of iron, and the prosecution claimed at trial it was the victim’s blood. If the spots prove to not be blood, the prosecution will have no physical evidence tying him to the crime, and he can petition for a new trial.

Karlynn Eklof’s story of being convicted of a Springfield, Oregon murder was in *JD* Issue 35, Fall 2006. On March 2, 2009 the US Supreme Court declined to review the lower federal court’s denial of her writ of habeas corpus. Anthony Bornstein with the Federal Public Defenders Office in Portland, Oregon wrote brilliant briefs on Karlyn’s behalf, but he was unable to convince the federal judges that evidence of her innocence concealed from the jury by the prosecution’s *Brady* violations wasn’t procedurally barred from consideration on its merits. Erma Armstrong, the retired music teacher who discovered the concealed evidence, is now spearheading the effort to prepare a clemency petition for submission to Oregon’s governor.

William “Bill” Coleman’s 18 month refusal to eat solid food to protest what he claims is the injustice of his conviction for allegedly raping his wife, is unusual for this country. (See article on p. 12) One of the most well known hunger strikes was in 1981 at Northern Ireland’s Long Kesh prison that resulted in the starvation death of ten IRA prisoners. *JD’s* Bookshop now carries the book *Ten Men Dead*. (See p. 21)

The underhanded tactic of prosecutors concealing exculpatory evidence is rarely exposed to the light of media publicity. Fortunately for Claude McCollum (See p. 19) and Ted Stevens (See *JD* Editorial on p. 5), publicity in their cases contributed to overturning their convictions.

Hans Sherrer, Publisher

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



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*Justice:Denied* volunteers directly contributing to this issue:  
 Natalie Smith-Parra, Editor; Terri Smith, Mailing; Katha McDonald, Mailing;  
 and Hans Sherrer.

William “Bill” Coleman and his wife entered the U.S. as British citizens in 1988 with temporary visas to work in Connecticut. When their visas expired they continued living and working in Connecticut while remaining in the United States illegally.

The couple had problems, separating and getting back together several times. During one of those separations in the fall of 2002 Coleman’s wife took up with another man. Shortly after Coleman learned of that relationship he told her that since they weren’t getting back together he was going to file for sole custody of their two children, and return to England to live. Coleman filed the custody papers in the Waterbury courthouse on September 30, 2002. His wife’s car broke down a few days before he filed the papers, and he continued driving her to and from work until her car was fixed.

On October 4 – four days after Coleman filed the custody papers – his wife went to the police complaining about him. He was arrested by Waterbury police and charged with Trespass (living in the family home), Larceny (using his wife’s ATM card) and Threatening Behavior (for protesting his arrest). When Coleman had been jailed for about a week the police told his wife he would be released on bail. After hiring a divorce lawyer, she then complained to the police for the first time that Coleman had raped her sometime in the latter part of September. No physical examination of her was conducted and there was no investigation into her allegation. So Coleman’s subsequent charge of sexual assault in a spousal relationship was based solely on his wife’s accusation. Coleman claimed his wife fabricated the rape claim as a lever to ensure she would get custody of their children.

The rape charge and the Coleman’s estrangement dragged on for almost two years until they were finally divorced in August 2004. To help resolve the contested custody of their children a family relations counselor investigated the Coleman’s for 15 months. Her report to the judge stated in part: “The alleged sexual assault remains a he-said, she-said situation, as Ms. Coleman did not go for a medical exam subsequent to the abuse. It remains difficult to ascertain which client is actually telling the truth.” The judge expressed similar skepticism about the truthfulness of the vague allegation against Coleman.

Coleman passed a lie detector test that the assault never happened – but it wasn’t admissible as evidence during his February 2005 trial. He also passed a psycho-sexual test administered by Dr. Joseph J. Plaud, but the findings were not used in Coleman’s defense by his lawyer. The case against Coleman, 45, began and ended with his wife’s accusation.

## William Coleman Starves Claiming Innocence of Raping Wife

By Hans Sherrer

Waterbury police officers testified that they did not conduct any investigation into the rape allegation and there was no medical examination. Nevertheless, the six-person jury convicted Coleman after deliberating four days. During his sentencing hearing Coleman accused his wife of fabricating the charge and the prosecutors of pursuing his case to prevent a lawsuit for his false arrest, “The system does not work,” he said. “It fails the innocent and, in cases like this, it fails the children.” The judge sentenced him to 15 years in prison with the sentence suspended after eight years.

After Coleman’s direct appeal was denied, on September 16, 2007 he stopped eating solid food to protest what he believes is Connecticut’s broken and corrupt criminal legal process that can be manipulated to serve the interests of a civil litigant – such as his wife did in their child custody dispute. In January 2008 the Connecticut Department of Corrections filed suit to obtain a temporary injunction to force feed Coleman. The Connecticut ACLU argued on Coleman’s behalf that as a competent person he has the right to refuse food as a form of exercising his first amendment right to political speech. During the hearing Coleman testified he wouldn’t begin eating again, saying, “I’m not going to wait for the state of Connecticut to dole out truth and justice.”

The injunction was granted allowing the DOC to force feed Coleman if they deemed it necessary for medical reasons. The judge that granted the injunction told Coleman that his hunger strike wouldn’t draw “anymore attention than you’ve already received to date.”

Coleman maintained his strength by drinking water, juice, and some milk. However, on the one-year anniversary of beginning his protest Coleman stopped taking any nutrition, including water. The DOC responded

### The Public Supports William Coleman’s Right Not To Eat

The *Hartford Courant* newspaper conducted an online poll that asked the question: Should state prison officials be allowed to force-feed convicted rapist William Coleman?

Yes — 21.7% (251 responses)  
No — 78.3% (908 responses)

by administering a saline drip solution twice a week. During the first thirteen months of his protest Coleman lost half his body weight – going from 250 to 128 pounds.

Without notice to his ACLU attorneys, on October 22, 2008 the DOC forcibly strapped Coleman’s arms and legs to a table and shoved a tube down his nasal passage into his stomach. Surveillance cameras were turned off during the procedure which was carried out incorrectly and the tube “kinked.” Coleman described it as the “worst pain of his life” that was “ten times worse than getting a tooth pulled without a sedative.” The tube was withdrawn and a second tube was inserted. Afterwards he sneezed up blood. He received no medical treatment after the episode. Another forced feeding procedure was carried out by the DOC in a more humane manner.

The state ACLU’s Executive Director Andrew Schneider responded to the DOC’s action, “This violent procedure violates Mr. Coleman’s human rights, his right to deny medical treatment, and his right to political protest.” The ACLU also wrote a letter to the United Nation’s Special Rapporteur on Torture in Geneva, Switzerland, that states in part:

Force-feeding is universally considered to be a form of cruel, inhuman and degrading treatment and in some circumstances could even amount to torture, in violation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which the U.S. ratified in 1994. Forced feeding is also considered to be unethical by the World Medical Association (WMA), of which the American Medical Association is a member. The WMA’s Declaration on Hunger Strikers states, “Forcible feeding is never ethically acceptable. Even if intended to benefit, feeding accompanied by threats, coercion, force or use of physical restraints is a form of inhuman and degrading treatment.”

In its 1975 Declaration of Tokyo, WMA prohibited force-feeding and advised “where a prisoner refuses nourishment and is considered by the physician as capable of forming an unimpaired and rational judgment concerning the consequences of such a voluntary refusal of nourishment, he or she shall not be fed artificially.” The WMA’s subsequent 1991 Declaration of Malta reinforces that “forced feeding contrary to an informed and voluntary refusal is unjustifiable” and recognizes the hunger strike as a “form of protest by people who lack other ways of making their demands known.”

Coleman cont. on page 13

A payday-loan store near Tacoma, Washington was robbed on April 12, 2004. James S. Anderson lived in Los Angeles, but he had spent time in the Pierce County Jail in Tacoma, so his mugshot was in the local police files. An eyewitness selected the 26-year-old Anderson as one of the robbers from a photo montage. Based on that identification he was charged with the robbery and arrested in Los Angeles.

While awaiting extradition to Washington, Anderson insisted he couldn't have committed the robbery because on April 12 he was more than 1,100 miles from Tacoma meeting with his probation officer in Los Angeles. Records from the LA County Probation Office confirmed Anderson's claim. The robbery charge was dropped and he was released.

Days later Anderson was re-arrested. Two suspects in the robbery of a Safeway store in Tacoma identified Anderson as one of the robbers photographed by a store surveillance camera. Anderson was charged in the robbery, which occurred at 4:20 a.m. on April 8,

### **Coleman cont. from page 12**

After the furor of negative attention focused on the DOC's for its force feeding of Coleman, they went back to administering a drip saline solution. A hearing began on January 29, 2009 to determine if the January 2008 feeding injunction will be made permanent. Coleman was represented by the ACLU of Connecticut. Coleman testified during the two-week hearing, proclaiming: "I don't belong in prison. I'm innocent." He also read a Statement of Protest. (See accompanying box with excerpts from Coleman's statement.)

In 2005 Coleman filed a still pending state *habeas corpus* petition based on ineffective assistance by his trial lawyer. Coleman's trial attorney didn't file any pre-trial motions, submit a witness list, or conduct any investigation of the rape allegation. Coleman's trial attorney was suspended from practicing law in June 2007 for failing to observe ethics rules in more than ten cases.

If Coleman's challenge to his conviction is unsuccessful and he survives not eating, he is scheduled for release no later than December 2012. He will then be taken into custody by the federal government for deportation to England.

#### **Sources:**

Waterbury jury convicts man for rape of his wife, *Republican-American*, February 25, 2005.  
Judge Ends Prisoner Hunger Strike, *News Junkie* (CT), January 23, 2008.

Starvation Diet: Convicted rapist Bill Coleman claims he's innocent, and he's starving himself to death to prove it, *New Haven Advocate*, October 30, 2008.

Connecticut ACLU Letter To UN Special Rapporteur on Torture, October 23, 2008.

Dr. Plaud specializes in evaluating sexual behavior. His website, <http://www.appliedbehavioralconsultants.com>

## **James S. Anderson Cleared Of Washington Robbery Committed When He Was 1,100 Miles Away In LA**

2004. Anderson again claimed that he couldn't have committed the crime because less than 12 hours earlier he had been at the probation office in Los Angeles. Unlike the previous robbery charge, no records were forthcoming from the probation office to clear him. Anderson was extradited to Washington to stand trial for the robbery.

Somewhat unusually, Anderson insisted on representing himself, but the judge appointed a stand-by lawyer to assist him. To obtain evidence proving his claim that he had been in Los Angeles at the time of the burglary, Anderson filed a subpoena addressed to the judge and the prosecutor: "Need all check in logs from 4-7-2004 to 4-8-2004 from Probation Department Firestone Area Office; Los Angeles, Calif." He also contacted the prosecutor numerous times requesting that he obtain the probation office's records to confirm he was there only hours before the robbery. In addition,

Anderson's stand-by counsel was ordered by the judge to obtain the probation records. Anderson even wrote the judge a letter asking that he intervene in discovering the records that would prove his alibi of being present in the probation office on April 7.

At the time of Anderson's trial in late 2005 the prosecution had not produced the probation office records for April 7 and 8, 2004, his stand-by attorney had not obtained them, and the LA probation office refused to turn any records over to him directly.

Before the start of his trial Anderson again raised the issue with the judge that the probation office records had not been provided to him. The prosecutor told the judge that he had personally contacted the Los Angeles Probation Office, and "there are no records of any contacts [with the probation office] whatsoever between April 6th when he was released from jail and April 12th." To cover their bases the prosecution checked with the airlines to see if Anderson had flown from LA to the Seattle/Tacoma airport on April 7. He had not done so. It takes about 18 hours to drive from LA to Tacoma, so Anderson could not have

### **Anderson cont. on p. 14**

### **William "Bill" Coleman's "Statement of Protest"**

(Read during his testimony on February 10, 2009)

I, Bill Coleman, in September 2007, stopped eating solid food as a form of protest. I am protesting a broken judicial system that is incapable of providing justice as well as protesting the State of Connecticut assisting in the abuse of my children. The system has failed my children and me and I have communicated this in several forums, including in court. My case is not an isolated incident; countless others have been subjected to the injustice of the judicial system. Innocent people do not belong in prison and I now just want to be left alone to protest. Force-feeding me by inserting a tube through my nose into my stomach against my will violates all medical and international law. ...

I also want to make sure it is clear that my protest is not a reflection of the Connecticut Habeas Unit. They are good people doing a good job by fighting against an increasing amount of injustice in the system. The system is broken and corrupt and is also void of any moral or ethical values for the truth. This is further exacerbated because those incarcerated are not offered rehabilitation, which is no more than a token gesture, thus

making society a more dangerous place on a daily basis. This is compounded by politicians and legislators putting blame on everyone and everything other than themselves, where it belongs. More laws and longer sentences are not the answer. What Connecticut citizens should know, even if they don't care about my children and me, is that they are one 'falsely accused' arrest themselves away from my nightmare. Make no mistake, your arrest is your conviction in the State of Connecticut.

What surrounds my conviction is filled with suspicious wrongdoing of many types. Having explored every avenue, to save my children and prove my innocence, I now believe the system is not an option for the truth to come out and I choose to fight to the maximum with my life. I do not want to die, but I am willing to die. Force feeding only prolongs death as my organs, after a period of time, will eventually give out. This means the DOC will have to force feed me until my death. Instead of letting me continue my protest the State is wasting valuable resources to temporarily prolong my life for only an undetermined short period of time. These resources should be spent on a better cause such as an investigation of the corrupt judicial system which would help not only me, but also others who have been wronged. ...