

Wrongfully Jailed Man Wins Suit

Va. Officer Falsified Confession, Jury Rules

By Jerry Markon
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A federal jury ruled yesterday that a now-deceased Virginia State Police investigator fabricated the confession that sent Earl Washington Jr. to death row for more than nine years for a rape and murder he didn't commit.

The jury in U.S. District Court in Charlottesville, Va., awarded \$2.25 million to Washington in his lawsuit against the estate of Curtis Reese Wilmore, who died in 1994.

Washington's attorney said it was the largest award in a federal civil rights case in Virginia history.

After a two-week trial and six hours of deliberation, the five-woman, four-man jury found that Wilmore deliberately falsified evidence, which resulted in Washington's conviction and death sentence in the 1982 rape and murder of Rebecca Williams, 19, of Culpeper.

The verdict marked another milestone in the legal odyssey of Washington, whose pardon in 2000 became a symbol in a statewide and national debate over whether death-row inmates can use new technology to challenge their convictions. Washington's case inspired a 2001 law that gives Virginia inmates who claim innocence the right to seek DNA testing at any time, loosening what was then the toughest rule in the nation on new evidence.

"I feel great. I'm really happy," Washington, a mildly retarded maintenance worker who came within nine days of execution, said in a telephone interview yesterday.

His attorney, Peter Neufeld, said the verdict is "obviously the most powerful proof imaginable that false confessions can put innocent people on death row. Frankly, it's a great relief because many of us have been fighting for years for Earl's innocence and vindication."

An attorney for the Wilmore estate, William G. Broaddus, did not return telephone calls late yesterday. Neither did officials in the Virginia attorney general's office. The state funded the defense against Washington's lawsuit because Wilmore was a state employee when he interrogated Washington.

Corrine Geller, a Virginia State Police spokeswoman, declined to comment on yesterday's verdict. Washington was unable to sue the department because it has immunity as a state agency. His lawsuit, filed in 2002, named other defendants, such as a Culpeper police officer who was present during Washington's interrogation, but those defendants were dropped before the case reached trial.

The trial was also notable for a major development in the investigation of who killed Williams. The two sides in the case stipulated, or agreed, in court that Washington was innocent. Even after Washington was pardoned, a special prosecutor had indicated that he remained a suspect.

Neufeld said the stipulation was the first time the state has publicly acknowledged that Washington is innocent. The prosecutor overseeing the investigation into Williams's death, Richard Moore, did not return telephone calls late yesterday.

Williams was stabbed 38 times in her apartment on a June morning in 1982 while her two young children were

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inside. As she crumpled onto her doorstep, she told a neighbor who rushed to help that she had been stabbed by a black man.

Washington became embroiled in the Williams case when he broke into an elderly neighbor's home to steal from her and hit her on the head with a chair when she surprised him in the kitchen.

When he was arrested for attacking Hazel Weeks, the illiterate Fauquier farm laborer also confessed to four other crimes, including the Williams slaying in neighboring Culpeper. Washington was convicted and sentenced to death with no forensic or physical evidence.

The conviction and death sentence were largely based on a confession in which he got several key details wrong. Washington initially described Williams, who was white, as black. He also said Williams was alone.

In their lawsuit, Washington's attorneys alleged that police and prosecutors coerced Washington, who has an IQ of 69, into confessing to a crime he did not commit and ignored details that pointed to his innocence.

In 1994, then-Gov. L. Douglas Wilder (D) commuted Washington's sentence to life in prison after primitive forensic tests cast doubt on his guilt. In 2000, then-Gov. James S. Gilmore III pardoned him after more advanced testing failed to connect Washington to the crime and revealed that the DNA left on a blanket in Williams's apartment was that of Kenneth Tinsley, a serial rapist serving a life prison sentence.

Further DNA testing in 2004 showed that semen found on the victim's body was left by Tinsley, and the stipulation filed during the trial said DNA had identified Tinsley "as the attacker of Mrs. Williams." He has not been charged in the Williams slaying.

At yesterday's trial, attorneys for Wilmore's estate said that if the investigator had fabricated evidence, he had done so unintentionally and that Washington could have learned what he knew about Williams's death from gossip in the community, Neufeld said.

But Washington denied that yesterday, saying that Wilmore fed him details such as what the victim was wearing when she was killed. "I didn't know anything about the crime," Washington said.

Staff writer Maria Glod contributed to this report.

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