

NEW MEXICO INJURY ATTORNEY BLOG

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Wrongfully Imprisoned Man Awarded \$18.5 Million by Jury Following 12 Years in Prison and Years of Civil Rights Litigation

A New York jury awarded \$18.5 million to a man wrongfully convicted and incarcerated for 12 years. Alan Newton was convicted in 1985 of rape, robbery and assault and was served 21 years prior to exoneration as a result of the work of the Innocence Project.

Newton was convicted based upon identification by the victim. The victim, who was abducted from a convenience store, raped and had her face sliced by a box-cutter, identified Newton from an array of over 200 pictures. She identified him despite the fact that she had never gotten a clear look at him due to darkness.

Newton was convicted despite a strong alibi that he was with his fiancé, her children, and other relatives at a movie at the time of the incident. Newton requested a copy of the rape kit in order to conduct DNA testing. The rape kit was misplaced by NYPD. As such, he was unable to present DNA evidence of his innocence.

Newton repeatedly sought post-conviction relief to obtain the rape kit for DNA testing. The Court repeatedly denied the request stating simply that the rape kit was unavailable, having been misplaced.

Through the efforts of the Innocence Project, the rape kit was finally located in 2005. DNA testing proved that Newton was innocent of the crimes for which he had been convicted.

Upon release, Newton filed a §1983 Civil Rights action against the City of New York. Following years of litigation, a jury awarded Newton \$18.5 million for the wrongful conviction and imprisonment.

Newton was hopeful that the case would help others who had been wrongfully convicted. Hopefully, it will also help to avoid future such wrongful convictions. Countless individuals are wrongfully convicted each year throughout the nation. It is hard to imagine a more harrowing experience for anyone.

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The Innocence Project is working hard to free those wrongfully convicted while promoting policies and procedures to avoid future wrongful convictions. Once the innocent individuals are exonerated, it is left to the work of trial attorneys, courts and juries to right the wrongs of a flawed criminal justice system.

Read the whole story at NY1

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