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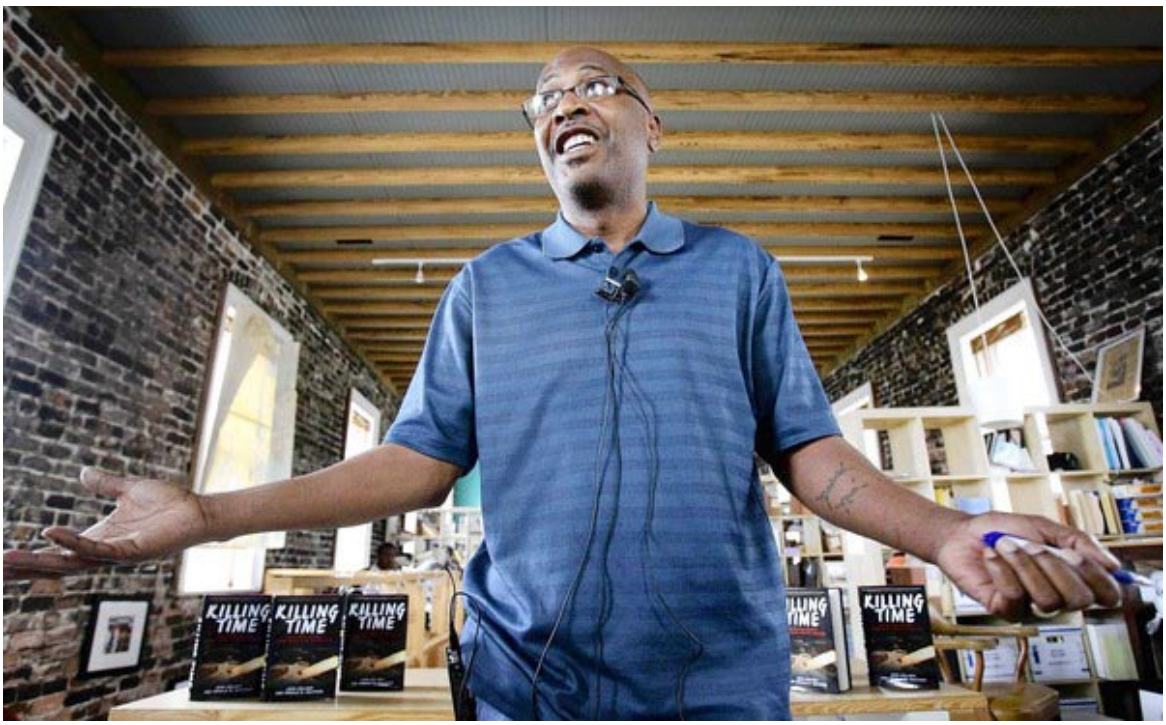
Los Angeles Times

Supreme Court rejects damages for innocent man who spent 14 years on death row, *In a 5-4 ruling, justices overturn a jury verdict awarding $14 million to John Thompson, who had sued then-New Orleans Dist. Atty. Harry Connick Sr. because prosecutors hid a blood test that would have proved his innocence in a murder case.*

by David G. Savage, Washington Bureau, March 30, 2011, Reporting from Washington



John Thompson spent 14 years on death row because prosecutors had hidden a blood test that would have exonerated him. A $14-million judgment against New Orleans prosecutors was overturned by the Supreme Court. **(Patrick Semansky, Associated Press / March 30, 2011)**

A bitterly divided Supreme Court on Tuesday tossed out a jury verdict won by a New Orleans man who spent 14 years on death row and came within weeks of execution because prosecutors had hidden a blood test and other evidence that would have proven his innocence.

The 5-4 decision delivered by Justice Clarence Thomas shielded the New Orleans district attorney's office from being held liable for the mistakes of its prosecutors. The evidence of their misconduct did not prove "deliberate indifference" on the part of then-Dist. Atty. Harry Connick Sr., Thomas said.

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Justice Ruth Bader Ginsburg emphasized her disapproval by reading her dissent in the courtroom, saying the court was shielding a city and its prosecutors from "flagrant" misconduct that nearly cost an innocent man his life.

"*John Thompson spent 14 years isolated on death row before the truth came to light*," she said. *He was innocent of the crimes that sent him to prison and prosecutors had "dishonored" their obligation to present the true facts to the jury*, she said.

In the past, the high court has absolved trial prosecutors from any and all liability for the cases they bring to court. The key issue in the case of Connick vs. John Thompson was whether the district attorney could be held liable for a pattern of wrongdoing in his office and for his failure to see to it that his prosecutors followed the law.

In 1999, when all his appeals had failed on his conviction for the murder of a hotel executive, *Thompson was scheduled to be put to death. But a private investigator hired by his lawyer found a blood test in the police lab that showed the man wanted for a related carjacking had type B blood, while Thompson's was type O.*

Thompson had been charged with and convicted of an attempted carjacking near the Superdome as a prelude to charging him with the unsolved murder of a hotel executive.

The newly revealed blood test spared Thompson's life, and a judge ordered a new trial on the murder charge that had sent him to death row. His new defense lawyers found other evidence that had been hidden, including eyewitnesses reports. *Bystanders reported seeing a man who was 6 feet tall with close-cropped hair running away holding a gun. Thompson was 5 feet 8 and had a bushy Afro.*

With the new eyewitness reports and other evidence that pointed to another man as the killer, Thompson was quickly acquitted of all the charges in a second trial. He won $14 million in damages in a civil suit against the district attorney.

In rejecting the judgment, Justice Thomas described the case as a "single incident" in which mistakes were made. He said Thompson did not prove a pattern of similar violations that would justify holding the city's government liable for the wrongdoing. Chief Justice John G. Roberts Jr. and Justices Antonin Scalia, Anthony M. Kennedy and Samuel A. Alito Jr. joined to form the majority.

However, Thompson's lawyers showed that at least four prosecutors knew about the hidden blood test. They also showed evidence of other, similar cases in New Orleans in which key evidence was concealed from defense lawyers.

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Supreme Court Justice Oath of Office: "I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

U.S. Constitution,

The Preamble: We the People of the United States, in Order to form a more perfect Union, **establish Justice**, insure domestic Tranquility, provide for the common defense, **promote the general Welfare**, and **secure the Blessings of Liberty** to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article III - The Judicial Branch, **Section 1 - Judicial powers**: The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. **The Judges, both of the supreme and inferior Courts**, **shall hold their Offices during good Behavior**, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office.

Article VI, Debts, Supremacy and Oaths: **This Constitution, and the Laws of the United States** which shall be made in **…… shall be the supreme Law of the Land**; and the **Judges in every State shall be bound thereby**, anything in the Constitution or Laws of any State to the Contrary notwithstanding

Bill of Rights:

Amendment IV, **Search and Seizure**: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, **shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized**.

Amendment V, Trial and Punishment**, Compensation for Takings**: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a

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witness against himself, **nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation**.

Amendment VIII, **Cruel and Unusual Punishment:** Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted

Amendment XIV, **Citizenship Rights**: 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. **No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws**.