

<http://forejustice.org/db/Seaton--Terry-W..html>

Terry W. Seaton

Years Imprisoned: 6

Charge: First Degree Murder

Sentence: Life Imprisonment

Year Convicted: 1973

Year Cleared: 1979

Location of Trial: New Mexico

Result: Judicially Exonerated Released

Summary of Case:

Wrongly convicted of murder based on the prosecutions concealment of exculpatory evidence pointing to another suspect as the actual murderer. Conviction reversed in 1979 and released after 6 yrs of wrongful imprisonment. Awarded \$150,000 in wrongful arrest suit in 1981.

Conviction Caused By:

Prosecution concealed exculpatory evidence pointing to another suspect as the actual murderer

Innocence Proved By: New evidence cast strong doubts about his guilt

Defendant Aided By:

Compensation Awarded: \$150,000

Was Perpetrator Found?

Age When Imprisoned:

Age When Released:

Information Source 1: "Miscarriages of Justice in Potentially Capital Cases," Hugo Adam Bedau & Michael L. Radelet, Stanford Law Review, November, 1987, Vol. 40, p. 159.

Information Location 1:

Information Source 2:

Actual Innocence - Exonerated Individuals whose cases involved prosecutorial misconduct

Information Location 2:

<http://www.publicintegrity.org/pm/default.aspx?sid=sidebarsb&aid=38>

Information Source 3:

525 P.2d 858

Information Location 3:

<http://www.victimsofthestate.org/news/Seaton.htm>

Albuquerque Journal

Sunday, September 17, 2006

What Is a Year of Life Worth?

By David Roybal
For the Journal

Wrongly convicted and imprisoned only to be found innocent later: It's not a common occurrence, not at all common in New Mexico.

But imagine yourself at the center of it the next time it happens— because it will happen again. What is a year of your freedom worth?

It's a question columnist Steve Chapman asked recently in the Chicago Tribune while writing of an Illinois man who served 27 years in prison for a rape and murder conviction before being declared innocent and freed two years ago.

"It's hard to envision a more nightmarish experience," Chapman wrote.

The state of Illinois paid the freed man \$162,000 in compensation. It breaks down to \$6,000 for each year that he was wrongly imprisoned, or \$17 a day.

Chapman's column was cited in *The Week* magazine. It said other states are even stingier when it comes to compensating people who are sentenced to prison and then found to be innocent later. There's a cap of \$25,000 for such people in Wisconsin, \$20,000 in New Hampshire. Montana offers only tuition, room and board at any of its community colleges.

Reportedly, 29 states are without legal provision for compensation in such cases.

New Mexico is among them, said prominent Santa Fe defense lawyers Mark Donatelli, Steven Farber and Robert Rothstein.

All three were involved in freeing an innocent man who was sent to prison after a 1973 conviction in Hobbs. Terry Seaton, who came to New Mexico from California and had worked as an Air Force technician at Cannon Air Force Base, was convicted of killing a Carlsbad baker. The baker was castrated, and cooking oil was poured over him before his body was burned.

"It was a heinous crime," Farber said last week.

But Seaton didn't commit it. He couldn't have, even though he was sentenced to life in prison for the crime. "We proved he was elsewhere," Farber said.

Farber and Rothstein showed that Seaton, then in his early 20s, was committing a burglary of a men's clothing store in Clovis and couldn't have made it to Carlsbad in time to commit the baker's murder.

Investigations by Farber, Rothstein and Donatelli pointed to another man, and they turned up what amounted to a taped confession that purportedly exonerated Seaton. Seaton passed a polygraph test in which he denied having committed the killing. The prosecution's key witness failed a polygraph test.

Neither the taped confession nor the polygraph results were disclosed by the prosecution during the trial that led to Seaton's conviction, Rothstein said.

“We proved that his detention was illegal and that his rights to due process were violated because the prosecution failed to provide exculpatory information,” Farber said.

State District Judge George Perez in Sandoval County ordered Seaton released after several days of testimony. U.S. District Judge Howard Bratton later presided over a federal civil rights case in Las Cruces through which Seaton was awarded about \$120,000. It amounted to about \$17,000 for each year that Seaton was wrongly imprisoned, and it was an award that didn't come automatically; it had to be won for Seaton in court by proving that his civil rights had been denied.

After it all, Seaton studied for a while at the University of New Mexico Law School before moving to San Diego. Farber hooked up with him a few years ago after being approached by students studying criminal justice and political science at New Mexico State University.

The students looked at the Seaton case and approached Farber for help. “We spoke with (Seaton) on the phone. He had suffered a stroke and was not working at the time because of impairment,” Farber said.

Rothstein said the man who confessed to the Carlsbad baker's murder was never prosecuted. He was sent to a mental institution instead.

Cases like Seaton's are not to be confused with others like the one of 59-year-old Ralph Rodney Earnest, who was released this month after spending 24 years in prison in connection with a 1982 Carlsbad slaying. Earnest's release was secured after a co-defendant who apparently implicated Earnest in a recorded statement refused to testify at his retrial.

Earnest has not been proved innocent, not yet at least. It's just that the state apparently didn't feel it could convict him again under legal rulings not applied in the original trial.

Farber, for one, thinks legislation that would compensate people found to be innocent after having been wrongly imprisoned should be pursued, no matter that such occurrences are rare.

“It's important for the times that it does occur,” Farber said.

What's a fair amount?

Farber is not sure.

“A year of lost freedom is priceless. How can you ever replace that amount of time with what happens to you in prison?” he asked.

Seems we ought to at least make an effort at compensation, even if civil rights were not violated and even if the people wronged aren't always Boy Scouts.

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