

In January 2000 a woman in her mid-20s accused a family friend, David Luxford, of raping her on several occasions in 1988 when she was 13 years old. A month later the 33-year-old Luxford was arrested and charged with raping the woman 12 years earlier.

During his July 2000 trial, the woman testified that Luxford, then twenty-one, raped her on the couch of her family's home in Kent, U.K., and also forced her to perform oral sex. The prosecution neither presented any physical or medical evidence, nor any family or medical witnesses that corroborated her claim of having been sexually assaulted. The prosecution's entire case was the woman's testimony. Luxford protested his innocence and testified he had never touched the girl.

Faced with a "he said - she said" case, the jury sided with the woman. By an 11-1 vote Luxford was found guilty of two counts of rape and one count of indecent assault. He was subsequently sentenced to 18 years in prison.

In May 2001 the Court of Appeals quashed Luxford's conviction and ordered his retrial. So ten months after his imprisonment he was released on bail pending his retrial. After a carbon copy retrial in November 2001, Luxford was found guilty a second time. His bail was revoked and he was again sentenced to prison.

In spite of having her husband public branded as a rapist, Greer Luxford believed in his innocence. She gained a valuable ally after the local newspaper, the *News Shopper* published an account of her husband's second trial written from the prosecution's perspective. Greer contacted Deputy Editor Jean May and offered to provide evidence of his innocence. Knowing that two juries had found Luxford guilty, May was initially skeptical, thinking that Greer was a naive wife blinded by love to the truth about her husband. However she agreed to read the transcript of Luxford's first trial. She later wrote that it caused her to have an epiphany, "By the time I finished it at 2 a.m., I was convinced David Luxford had suffered

Wife 'Blinded by Love' Spends \$200,000 Proving Husband Innocent of Rape

By Hans Sherrer

two miscarriages of justice."¹ May then visited Luxford in prison, wrote an article about the injustice of his case, and contacted Michael Mansfield, a well-known attorney who had handled other cases of wrongful conviction. She speculated that Luxford's convictions were due to a "paedophilia witch-hunt" that followed the murder of a local girl.²

Knowing her husband's freedom depended on finding proof that his accuser's claims were untrue, in May 2002 Greer hired a private investigation firm that specialized in miscarriages of justice and false allegations. The investigators learned right off the bat that in spite of Luxford's two convictions, the police did not conduct an investigation into the woman's allegations (although neither did his lawyer). They proceeded to rectify the lack of an investigation by interviewing everyone — including Luxford's co-workers, and family members and acquaintances of him and his accuser — who could aid in reconstructing the alleged crime scene depicted by his accuser. After four months they had accumulated enough information to use a computer program to compare what they had learned about Luxford and his accuser's whereabouts and behavior, with her scenario of how and when the alleged attacks occurred. They determined the evidence proved the alleged rapes could not have happened.

The investigator's fee of about \$200,000 (£100,000) was paid by a loan obtained by Greer, dozens of fund raising events she organized, and donations from about 250 people who believed in Luxford's innocence.

Luxford appealed based on the new evidence. The U.K.'s Court of Appeals unanimously quashed his convictions on November 5, 2003. It also barred his retrial and ordered his immediate release. The Court stated, "The fresh evidence leads us to conclude these

convictions are not safe and they should be quashed."³

At 4 o'clock on the afternoon of November 5, David Luxford was permanently released after 34 months of wrongful imprisonment. He readily acknowledged that his exoneration was due to his wife's determination and the many people who supported her efforts. Greer said their relationship had been severely tested, but "Our love for each other has deepened and that is something no one can take away from us."⁴



A happy David Luxford and his wife Greer after his release from 3 years of wrongful imprisonment. (News Shopper)

Although there was talk of seeking perjury charges against Luxford's accuser, she was not prosecuted. Consequently, even though she fabricated the accusations against Luxford, under the U.K.'s sexual victim identity shield, she enjoys lifetime immunity from having her identity publicly disclosed.

The lead investigator for the firm — legalappeal.co.uk — that found the evidence substantiating Luxford's innocence said after his release, "I'm so glad we won this for him. It couldn't have happened to a nicer man. To say David was taken to the lowest depths is an understatement. He had his life taken away." The investigator continued, "Is it right that the police should allow things like this to go ahead? These false allegations have got to stop."⁵

End notes:

1 Dad Wrongly Jailed For Rape Is Freed, Richard Simcox, *News Shopper*, November 19, 2003,

2 *Id.*

3 Mum Blasts 'Rape' Woman As Selfish, *Croydon Guardian*, November 21, 2004.

4 Dad Wrongly Jailed For Rape Is Free, *World Association of Professional Investigators*, Nov. 21, 2003

5 *Id.*

JD Note: In Sept. 2005 *Justice:Denied* was unsuccessful in contacting legalappeal.co.uk. It is not known if its business name has changed or if it is no longer in operation. 

gun [that she had hidden]."

If the case had been anywhere else but Harris County, Dow thinks Newton would have had a good chance of being granted a new trial. In response to the question of why they would want to execute a woman who in all likelihood was innocent, Dow relied, "They are eager to get on with it in every case."

Dow said he would like to continue developing evidence of Newton's innocence, but he can't get into court representing a dead client. 

John Spirko Update

John Spirko's story of being on Ohio's death row when there is evidence he was over 100 miles from the scene of the crime was in *Justice Denied*, Winter 2005, Issue 27.

Spirko's execution scheduled for September 20, 2005, was stayed by Ohio Gov. Bob Taft until November 15, 2005, who also ordered a second clemency hearing to be held on October 12, 2005. The governor acted after Ohio newspapers reported that Senior Deputy AG Tim Prichard grossly misrepresented evi-

dence that casts doubt on Spirko's guilt during Spirko's clemency hearing on August 23.

Paul Hartman is the US postal inspector who provided key testimony against Spirko. Days after the execution was stayed, one of his former co-workers cast doubt on Hartman's integrity and professionalism. In a Sept. 2005 letter to superiors the co-worker said Hartman had been forced to retire early, and his conduct was "bordering on criminal." The co-worker wrote in regards to Spirko, "it appears an individual who did not commit the crime is going to be executed."