

District of Columbia Settles for \$16.65 Million to Wrongfully Convicted Man

Who Served 27 Years for a 1981 Murder

First-of-its-Kind Settlement Comes After Jury Finding That Police Framed an Innocent Man

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(Washington, D.C.) –Just hours before the jury was set to deliberate on damages, the District and Donald E. Gates agreed on a \$16.65 million settlement to compensate Mr. Gates for the 27 years he spent wrongly imprisoned for the rape and murder of Georgetown University student Catherine Schilling in Rock Creek Park in 1981. The settlement follows a Nov. 17 finding by the jury that two police homicide detectives were liable for fabricating evidence and framing an innocent man. This is the largest civil rights settlement or verdict in the District’s history. The case is also the first federal civil rights claim for damages involving a wrongful conviction in the District.

Donald Gates was the 249th U.S. inmate to be exonerated through post-conviction DNA and the second in the District. His 27-plus years behind bars is one of the longest sentences served by a wrongfully convicted defendant and is more than twice the 13-year average of such cases.

“As the jury clearly recognized, this case was a virtual primer on deliberate, unconstitutional police misconduct from start to finish,” said Nick Brustin, a partner with the law firm Neufeld Scheck & Brustin, LLP, a member of the legal team representing Mr. Gates. “Donald Gates never stopped fighting for his freedom during the 27 years he was behind bars for a crime he did not commit. We are grateful that the jury sent a clear message to the District of Columbia that cheating and lying to get a conviction will not be tolerated.”

Brustin added that the jury’s finding of misconduct by former police detectives Ronald Taylor and Norman Brooks was due not only to shocking evidence of blatant police misconduct, but also the powerful testimony of Maureen Dolan, a former paralegal at the law firm where Ms. Schilling worked who was the last person to see Ms. Schilling alive. Ms. Dolan told homicide detectives of the suspicious actions of a substitute janitor who had been “hovering” aggressively around Ms. Schilling– evidence that detectives ignored.

In testimony on November 4 and 5th, Ms. Dolan recounted leaving the office on the night of the murder and seeing the janitor stand outside the building and watch Ms. Schilling walk toward the park. He never returned to work after that day. Efforts by police department attorneys to block this testimony were rejected by Chief Judge Richard W. Roberts.

Instead of following up on this compelling information, the detectives concocted a case against Mr. Gates based on a paid informant who falsely testified that Mr. Gates confessed to the crime. Police never revealed to the defense the lead they had heard from Ms. Dolan about the real perpetrator. They also hid a warning they received from then-Detective, now Judge Hennessey, that the informant they were using was a treacherous liar who was not to be trusted. In addition, other investigators submitted lab results on blood and hair evidence at the trial that were later shown to be false and misleading.

The detectives originally focused on Mr. Gates because he was picked up as a suspect in a rape some months prior that occurred in the same park; however, he was later cleared after it was found he was incarcerated on unrelated misdemeanor charges during the time of the rape. But at that point police had already set in motion the false conviction by feeding crucial information to their informant. It was not until 2009, when Mr. Gates obtained a DNA test with the help of the judge who presided over his original trial that Mr. Gates's innocence was established. Years later, in 2012, additional DNA testing demonstrated that the janitor was the real perpetrator. By that time, the janitor had died.

During the 27 years Donald Gates was behind bars, he was shuttled to at least eight federal prisons around the country. His father, mother and two of his three brothers died while he was in prison. While suffering extreme physical and psychological hardships, he worked toward an associate degree in business management from Park University. When he was released on December 15, 2009, he was given \$75 and a Greyhound bus ticket to Ohio.

“When the police framed me for murder they took away my life, and I’ll never get that back,” said Mr. Gates, who attended the jury trial. “There are a lot of things I missed, and I try not to dwell on it. But today, at least I have some justice.”

Gates v. D.C. et al., Civil Action No. 11-0040, was filed in U.S. District Court for the District of Columbia before Chief Judge Richard W. Roberts against the District of Columbia, retired and current members of the Metropolitan Police Department and the police informant Gerald M. Smith a/k/a/ “Bear.”

Attorneys in the case are Peter Neufeld, Nick Brustin and Alexandra Lampert of Neufeld Scheck & Brustin, LLP, and Jeffrey S. Gutman of Washington, D.C.

Mr. Gates was exonerated with the help of Sandy Levick of the DC Public Defender Service. He currently lives in Knoxville, Tennessee.

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