

The Washington Post

AN INDEPENDENT NEWSPAPER

EDITORIALS

Justice (still) delayed

*Months after his conviction was thrown out,
Santae Tribble waits to be declared innocent*

SANTAE A. TRIBBLE was 17 years old when he was charged with felony murder of a D.C. taxi driver. His 1980 conviction was overturned this year after DNA testing showed that evidence critical to the jury's finding of his guilt was based on flawed forensic work. Mr. Tribble, now 51 and out of jail, hasn't been able to move on with his life because he has yet to receive a certificate of innocence from D.C. Superior Court. In effect, he remains presumed guilty until certified innocent.

"He is destitute. He has no job, no possessions other than a few items of clothing and personal effects, no savings, no source of income and no prospects for employment. He has no place to live to call his own," Sandra K. Levick of the Public Defender Service wrote Superior Court Chief Judge Lee F. Satterfield this month, complaining about the lack of action. Mr. Tribble is one of three wrongful convictions — uncovered by the defender service and featured in a series by The Post's Spencer S. Hsu — that were based on unscientific and unreliable FBI microscopic hair analysis.

In May, a judge threw out Mr. Tribble's conviction and ruled that he could not be tried again, but the decision did not exonerate him. For that to happen, and in order to

seek any compensation for the more than 33 years he spent in jail and prison, Mr. Tribble must show by clear and convincing evidence that he is innocent of killing 63-year-old John W. McCormick during an armed robbery July 26, 1978. The U.S. Attorney's Office is neither opposing nor supporting the bid. His attorneys have presented the court with information undermining much of the prosecution's case, including the credibility of prosecution witnesses, and has produced powerful letters of support from two original jurors as well as the victim's daughter. The defender service argues that the court should either issue a certificate of innocence or schedule a hearing to hear the evidence. Citing the delay, Ms. Levick asks in her letter to Judge Satterfield that the case be reassigned to a different judge so action can be taken.

Judge Satterfield, while declining to discuss the specifics, assured us that attention is being paid to the case, adding that he sees no need for reassignment. It's been five months since Mr. Tribble's request to the court. That may not seem like a long time to an overworked court system, but considering the time this man has already lost from his life, it's about four months and 29 days too long.