

Susman Godfrey Wins Federal Civil Rights Jury Trial – Houston Jury Finds City of Houston Liable for \$5,000,000 In Wrongful Conviction Lawsuit

On June 25, 2009, a federal jury in Houston returned a verdict finding the City of Houston liable in a civil rights lawsuit and awarding \$5 million in damages to plaintiff George Rodriguez for his wrongful conviction in October 1987. United States District Judge Vanessa Gilmore entered judgment on the jury verdict on July 1.

The plaintiff, George Rodriguez, was convicted in 1987 of kidnapping and sexual assault of a 14-year old girl. The crime was committed by two men. One of the assailants was arrested, confessed to the crime, and told police that his accomplice had been a man named Yanez. Police, however, arrested George Rodriguez, and the State proceeded to trial against him after the Houston Police Department's chief serologist, James Bolding, reported that Yanez could not have contributed to semen recovered from the victim's rape kit. At trial, Bolding provided critical, but false, testimony that Yanez could be excluded as a suspect. Rodriguez was convicted and sentenced to 120 years in prison. He spent 17 years in prison before proving his innocence and winning his release based on DNA evidence in 2004.

During the federal civil rights trial, the City of Houston conceded that Bolding's serology report was knowingly fabricated, but denied that the false serology report had caused Rodriguez's conviction, and also denied that the City of Houston was legally responsible for its serologist's fabrication under the United States Supreme Court's decision in *Monell v. Department of Social Services*. The Chief of Police in Houston at the time of the 1987 conviction was Lee P. Brown, who went on to become Police Commissioner of New York City and Director of the White House Office of National Drug Control Policy, before returning to Houston to serve as Mayor from 1998 to 2004. The federal jury found that Brown had been deliberately indifferent to the substantial risk that the City of Houston's policy of inadequate supervision or training in the crime lab would lead to constitutional violations similar to the one suffered by Rodriguez.

Rodriguez was represented at trial by Mark Wawro, Alex Kaplan, and Rob Safi of Susman Godfrey (Houston), and Barry Scheck of Neufeld, Scheck & Brustin (New York City). Wawro, Kaplan, and Safi also worked with Scheck and The Innocence Project, co-founded by Scheck, to obtain Rodriguez's release in 2004 on a writ of habeas corpus granted by the Texas Court of Criminal Appeals.

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