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Ex-Inmate Awarded \$13.6M; Innocent Man Was Jailed For Rape

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By Elaine Thompson

A former Marlboro man who spent nearly a decade in prison for a rape he did not commit should be paid more than \$13 million for the "terrible injustice" he suffered, U.S. District Court Judge Rya

W. Zobel ordered this week.

Judge Zobel issued the \$13.6 million award for Eric R. Sarsfield on Wednesday, after her consideration of evidence in a one-day bench trial on Aug. 14. The award includes the \$2 million settlement the city of Marlboro reached with Mr. Sarsfield in March. The rest of the award, \$11.6 million, will have to come from other liable parties, if possible.

In her three-page decision, Judge Zobel said Mr. Sarsfield's problems with alcohol and drugs before his wrongful imprisonment worsened and his "social and communal life has been shredded." She said that the phobia and panic disorders he suffers from are the direct result of his incarceration.

"They manifest not only in his inability to socialize with friends, to travel, to carry out normal activities outside his home, but also in physical illness," she wrote. He "becomes nauseated, develops severe headaches and stomach upsets when stressed. He has developed a condition of sudden jerking of his limbs that carries with it thoughts or dreams of dying. He is often unable to sleep. He is also depressed and his alcoholism has worsened."

Mr. Sarsfield, 42, who now lives in Clinton, had asked for at least \$10 million in damages in a federal civil rights lawsuit he filed three years ago against the city and several former and current police officers.

The city in March agreed to pay Mr. Sarsfield \$2 million to avoid, officials said, the prospect of bankruptcy for the city from a trial. The city spent more than \$400,000 in its defense and expected to spend an additional \$500,000 to go to trial. The out-of-court settlement also required the city to assign its rights to Mr. Sarsfield, so he could sue insurance companies with which the city contracted after Mr. Sarsfield was prosecuted. The insurance companies have denied the city had coverage for the lawsuit.

In a telephone interview from her New York law office yesterday, Deborah L. Cornwall, Mr. Sarsfield's lawyer, said her client may end up not getting any of the \$11.6 million, but her team is exploring its options. She said Judge Zobel's decision assesses the total damages Mr. Sarsfield suffered in economic terms. She said Mr. Sarsfield should receive the \$2 million plus \$40,000 in interest from the city within a few weeks. The state last year awarded him \$500,000 for the wrongful imprisonment.

"He's overwhelmed. It's vindication for Eric Sarsfield," Ms. Cornwall. "He understands that the \$2 million settlement with the city of Marlboro may be all he sees, but to have convinced a federal court

judge that his ordeal merits a much higher award is still very meaningful for him."

The rape occurred on Aug. 24, 1986. The 30-year-old victim had moved from Iowa to Marlboro three weeks earlier to take a job with the United Way. She lived alone in a ground-floor apartment on Pleasant Street. On the afternoon of the rape, she was on her recessed patio potting plants when a young man on the street asked her for directions.

The man jumped down onto the patio and asked for a glass of water. The woman told police that the man, who was drunk, grabbed her by the throat and dragged her into her apartment and raped her several times. When it was over, she escaped by pretending to get her attacker something to drink.

Mr. Sarsfield, in his lawsuit, said he and the rape victim were "manipulated, cheated, and betrayed by law enforcement officers more interested in closing a case and getting a conviction than in playing by the rules."

Mr. Sarsfield, a 24-year-old married construction worker at the time of his trial in July 1987, testified that he was not the rapist. In his lawsuit, he said police pointed him out to the woman in photo arrays. He also said the woman "consistently told police that she was uncertain about identifying Mr. Sarsfield as the man who raped her."

In a Telegram & Gazette interview in 1993, the woman said that during counseling she had wondered whether she had picked out the wrong man.

He was convicted of rape in 1987 and sentenced to 10 to 15 years, a sentence that he began in 1989. He was paroled in June 1999. In 2000, DNA tests excluded his semen as being on the victim's clothing, and his conviction was vacated that year.

Judge Zobel said the injustice continued after Mr. Sarsfield was exonerated.

"A Bolton police officer ordered him to register as a sex offender and threatened to arrest him if he refused. As a result of an administrative error his name had not been removed from the sex offender list after he was exonerated," she wrote.

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