



Victims of Police Fingerprint Debacle Claim Slander by Police Computers, Launch Website to Inform Public of a Danger $\hat{\square}$ Scarier than Minority Report! $\hat{\square}$

INNOCENT VICTIMS CONVICTED OF FELONIES

A defect in a computer with the ominous name $\hat{\square}$ Livescan $\hat{\square}$ manufactured by Dept. of Homeland Security contractor Identix, poses the potential for an epidemic of false convictions that has already put innocent people in jail. Charles Carreon, the attorney for two men suing biometric scanning manufacturer Identix in San Jose, California says that both of his clients were $\hat{\square}$ literally slandered by a machine, a computer that spit out perfect forgeries of real criminal histories, and convinced police that my clients were convicted felons. $\hat{\square}$

San Jose, CA ([PRWEB](#)) May 7, 2004 -- INNOCENT VICTIMS CONVICTED OF FELONIES - A defect in a computer with the ominous name $\hat{\square}$ Livescan $\hat{\square}$ manufactured by Dept. of Homeland Security contractor Identix, poses the potential for an epidemic of false convictions that has already put innocent people in jail. Charles Carreon, the attorney for two men suing biometric scanning manufacturer Identix in San Jose, California says that both of his clients were $\hat{\square}$ literally slandered by a machine, a computer that spit out perfect forgeries of real criminal histories, and convinced police that my clients were convicted felons. $\hat{\square}$

ROGER BENSON $\hat{\square}$ 43 DAYS IN JAIL DUE TO SLANDER BY LIVESCAN MACHINE

One of the men now suing Identix, Roger Benson, already won a verdict against the Oregon State Police in a Portland trial during 2002. Interviewed at his home in Horse Creek, California, where Benson lives a quiet rural life, he stated: $\hat{\square}$ During the trial of my case against Oregon, we learned that the problem originated when I was scanned with a Livescan machine that Identix sold to the Eugene jail, where I was once fingerprinted after a policeman arrested me during a traffic stop. These Livescan machines are supposed to replace old-style paper fingerprint cards with electronic fingerprint cards, and they do, but the new electronic variety was dangerous to me, because it mixed up my criminal history with this other guy, and he had three felonies on his record. So I spent 43 days in jail for being innocent. Not only that, but the other guy got a free ride at my expense, because when his convictions showed up on my record, they disappeared off his! $\hat{\square}$

MIGUEL ESPINOZA $\hat{\square}$ LOST HIS RESTAURANT DUE TO FALSE HOMICIDE CONVICTION

Benson $\hat{\square}$ s lawyer said he was flabbergasted when just a few days after a Portland jury awarded Mr. Benson over \$300,000 against the Oregon police, he discovered another person who had been injured by a Livescan criminal history mixup. $\hat{\square}$ When I heard that another person had been slandered by a Livescan machine making mischief in an Oregon jail, I was not really surprised, because product defects usually generate many victims, but to have it fall into my lap just a few days after the Benson verdict. It must have been fate. $\hat{\square}$ The new victim was Miguel Espinoza, a restaurant owner who had a thriving business on a main business street in Medford, Oregon. That is, thriving until the local newspaper reported that he had been convicted of homicide and sent to prison. Mrs. Espinoza said, $\hat{\square}$ People just stopped coming to the restaurant. Some people came in to tell me they were sorry my husband was in prison, but nobody came by to order food. Business just died. $\hat{\square}$

BENSON AND ESPINOZA BOTH SUE IDENTIX



The two wronged men and Mrs. Espinoza have filed a lawsuit in Santa Clara County Superior Court in San Jose, California. Mr. Benson says, "We will put the Livescan on trial, and require Identix to correct the defect. I'm thinking about saving other people from what I call the Livescan horror - you just can't understand what it's like to have your life destroyed by lies - and have no one believe you because they think the police computers never make mistakes." His lawyer says he's equally committed, and "it's a case that judges understand the importance of." I have received fair hearings from judges on these cases all down the line, because they know what a false criminal history can do. In California, one false felony is a third of the way to a life sentence under the three-strikes law, and Mr. Benson picked up three false felonies in one day, thanks to a defective machine. Identix and the police must face up to the problem, but at present they are still in denial.

LAWYER SAYS CONCEALED DEFECT WILL CAUSE EPIDEMIC OF FALSE CONVICTIONS

Asked what he meant by "in denial," Carreon explained: "On May 11th, at 9 am in the Santa Clara County Courthouse, Mr. Benson will argue to the court that he was unable to file suit prior to discovering that Identix had caused the problem with their Livescan machine. Since Mr. Benson was arrested in 1999, Identix has tried to remain completely anonymous. Identix's name doesn't appear on a criminal history report, and when you get sent to prison by this computer, you don't get a receipt. It took years of litigation to find out what caused the problem, and whose fault it was. But Identix, ironically, hides its identity, then claims that even if everything Mr. Benson says is true about the product defect, they can ignore the problem, because he didn't sue them soon enough. That's their current argument, but it has no basis in fact. Identix deliberately concealed its identity with the assistance of the Oregon police, and the law is not a game of hide and seek, where rights are lost if a defendant hides long enough. This could cause an epidemic of false convictions. Identix can't just wait until there's a pile of bodies in front of their door."

Asked what he wanted Identix to do, Benson said, "Fix it now. The Department of Homeland Security is their biggest customer, and the Livescan machines Identix sold to Oregon and California are defective, so they need to make their product safe or stop selling it. It's an epidemic that is just getting started. And it's scarier than that Tom Cruise movie [Minority Report], because it's real." Asked what the public needs to know about the problem, Benson said "If someone says they've got false convictions on their record, believe them, and go to our website at Benson-vs-Identix.com to get some of the evidence that we've posted there. That is how we are trying to get the word out about Identix and the Livescan. It's very important also that other victims come forward and tell their stories. Miguel and I are not the only ones."

MAY 11TH SAN JOSE HEARING OPEN TO PUBLIC

The May 11th hearing at 9 am in Department 7 of Santa Clara County Superior Court is open to the public. The Courthouse is located at 191 North First Street, San Jose, CA 95113.

FOR FURTHER INFORMATION

Email cclawyer@mind.net

OUR WEBSITE

www.benson-vs-identix.com



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