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### Calif. gives wrongly convicted man \$756G

THE ASSOCIATED PRESS

SAN DIEGO -- A man who spent nearly 21 years in prison for a toddler's death, now believed to have been an accident, was awarded \$756,900 by a state compensation board - \$100 for every day he spent in prison.

The payment awarded Thursday to Kenneth Marsh was the largest the Victim Compensation and Government Claims Board has offered for a wrongful conviction, a board spokeswoman said.

"Nothing can make up for the time I spent in prison unless they gave me 21 years back," Marsh said after the hearing. Though he said an apology from San Bernardino County District Attorney Michael Ramos, a member of the board, "goes a long way."

Marsh, now 50, was convicted of second-degree murder in the 1983 death of his girlfriend's son, 2-year-old Phillip Buell. Marsh had refused a plea deal, maintaining that the boy fell from a couch and hit his head on the fireplace hearth. Prosecutors argued that Marsh beat the boy.

In 2004, the San Diego district attorney asked for a new trial and later dropped the case when a doctor raised doubt about Marsh's guilt. Marsh was released from prison that year and married Phillip's mother.

Doctors retained by Marsh's attorneys believe the drug mannitol, which was administered by physicians at Children's Hospital to treat the head injury, was a "substantial factor" in the boy's death.

Marsh has filed a \$50 million federal lawsuit against doctors at the hospital and a coroner's investigator, alleging they conspired to "cover up" alleged medical malpractice that contributed to the boy's death.

The lawsuit alleges the drug exacerbated the bleeding and swelling in Phillip's brain after he fell in his home. Phillip, who had an undiagnosed blood disorder, had been stabilized at Alvarado Hospital before being transported to Children's Hospital and given mannitol, according to Marsh's attorney, Donnie Cox.

Lawyers for the defendants named in the lawsuit deny all allegations. One hospital attorney called the allegations "far-fetched" in a motion to dismiss the lawsuit.

The compensation board's award still must be approved by the Legislature, board spokeswoman Fran Clader said Friday. Lawmakers are expected to vote to allocate the money, which Marsh would receive later this year, she said.