

Judges cite lack of evidence linking defendants to 1967 Fukawa case

Court acquits pair after serving decades in jail

Kyodo

TSUCHIURA, Ibaraki Pref. — Two men were acquitted Tuesday after serving nearly 30 years in prison for a 1967 murder and robbery.

The Tsuchiura branch of the Mito District Court delivered the verdicts of not guilty to Shoji Sakurai and Takao Sugiyama, both 64, who were sentenced to life in prison in 1970 for the robbery and murder of Shoten Tamamura, a 62-year-old carpenter.

Sakurai and Sugiyama were freed on parole in 1996.

Presiding Judge Daisuke Kanda said in the decision that there was no objective evidence to link the men to the crime, noting that hairs and fingerprints detected at the crime scene didn't match them. Kanda also said witness accounts placing the two men at the victim's home lacked credibility.



Final justice: Shoji Sakurai (right) and Takao Sugiyama, who served nearly 30 years in prison, enter the Tsuchiura branch of the Mito District Court in Ibaraki Prefecture on Tuesday before the court acquitted the pair of robbery and murder charges. KYODO

It is the seventh postwar case involving an acquittal in a retrial of defendants sentenced to death or life imprisonment.

The two were arrested in October 1967, indicted that December and sentenced to life in October 1970 over the so-called Fukawa murder case, named after the crime site in the town of Tone, Ibaraki Prefecture.

Sugiyama, who earlier in the day spoke to reporters at his home in Kawasaki, said he was unhappy with a mere not guilty decision and hoped the court would look into prosecutors' concealment of evidence that could have helped acquit the pair.

Sakurai noted that a not guilty verdict was a natural decision.

The three-judge panel held six rounds of hearings in the two men's retrial starting in July 2010, when they pleaded innocent.

Their lawyers a tape recording of investigators interrogating Sakurai and argued that the tape had been edited. The defense also contended that investigators coerced Sakurai into confessing.

A 78-year-old woman, who saw a man at the crime scene, testified at the retrial that the man was not Sugiyama.

During the original trial, the two pleaded innocent, arguing that police investigators had forced them to confess.

But the district court's Tsuchiura branch, citing their confessions and witness accounts, found them guilty and sentenced them to life in October 1970.

The decision was upheld by the Tokyo High Court in 1973 and later by the Supreme Court in 1978. They were released on parole in November 1996.

The two first filed for a retrial in 1983 while in prison but were rejected. They filed for a retrial a second time in 2001 after being freed.

In September 2005, the district court's Tsuchiura branch accepted the petition and decided to launch a retrial — a decision upheld by the Tokyo High Court in July 2008 and then by the top court in December 2009.

In the retrial, prosecutors again sought life for both of them, arguing they had confessed voluntarily and their depositions were credible.

The prosecutors called for conducting a DNA test on four items of evidence, including underwear found wrapped around the victim's neck, but the court turned down the request.

The court was initially scheduled to hand down its decision March 16, but put off the date to Tuesday following the March 11 earthquake and tsunami that crippled railways and other mass transit systems in the region.

One of the defendants, Sakurai, worked as a volunteer at shelters in the quake-hit city of Ishinomaki, Miyagi Prefecture, after the March disaster.

In the audience at the courtroom Tuesday was Toshikazu Sugaya, 64, who was also acquitted in a 2009 retrial after spending 17 years in prison for allegedly killing a kindergarten child in 1960.

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