

## State board awards \$750,000 to falsely imprisoned man

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SAN DIEGO – A state board agreed today to award more than \$756,000 to a Rancho Penasquitos man who spent 21 years in prison before doubt was cast on his second-degree murder conviction in the death of his girlfriend's toddler.

The Victim Compensation and Government Claims Board agreed with a hearing officer's recommendation to approve Kenneth Marsh's claim, said the board's public information officer, Fran Clader.

Marsh is to receive \$100 for every day he spend behind bars.

In a 12-page proposed decision, hearing officer Kyle Hedlum wrote that at a December hearing, Marsh proved by a preponderance of the evidence that he did not murder his girlfriend's son.

Philip Buell was three months shy of his third birthday when he was died on April 27, 1983.

Included in a list of nine "findings" in the hearing officer's proposed decision were that the toddler had an undiagnosed blood disorder that contributed to his death, and that a doctor's decision to administer the drug Mannitol to the boy contributed to his death.

One of Marsh's attorneys, Donnie Cox, said Mannitol sometimes is used to treat head injuries.

Marsh has filed a \$50 million federal lawsuit, alleging the drug exacerbated the bleeding and swelling in the boy's brain after he fell in his home.

In the suit, Marsh alleges that doctors and a coroner's investigator conspired to have him prosecuted to "cover up" medical malpractice.

But attorneys for the county, the investigator, the doctors and Children's Hospital deny the allegations.

A judge is scheduled later this month to consider requests from the defendants to dismiss the lawsuit.

Marsh was convicted of second-degree murder in November 1983 and sentenced to 15 years to life in prison.

In 2004, the San Diego County District Attorney's Office asked the court to grant Marsh a new trial and then dropped the case against him after a doctor who reviewed the evidence for the prosecution raised a reasonable doubt about whether he was guilty.

Marsh married the victim's mother after his release.

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