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Victims' rights push against clearing Koulis' name

State challenges ruling in 2005 homicide

By *Brian Haas*
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Death has set Dr. Christ Koulis free from a negligent homicide conviction, even after a jury decided he killed his girlfriend during a drug-addled weekend in 2005.

A Tennessee appeals court dismissed the conviction against Koulis in May because he died before his appeals were final. But the Tennessee Attorney General's Office is challenging that dismissal, saying that victims have a right to see a conviction through to its end, regardless of whether the defendant is dead. That challenge, which could be heard by the Tennessee Supreme Court, pits victims' rights against defendants' rights.

It's an argument that relatives of the dead girlfriend, Lesa Buchanan, are watching closely.

"The man was a killer," said Buchanan's father, James Smith, of Dayton, Ohio. "Even his reputation, his memory needs to be smirched."

"A killer needs to be branded a killer, alive or dead," he said.

Koulis' attorney David Raybin said courts have long held that convictions are dismissed if a defendant dies during an appeal, and case law should not be overturned to satisfy victims.

"The victim is not a party to the proceeding," said Raybin, of Nashville. "It's not a civil case. It's between the state and the defendant."

If successful, the state's appeal could set a new direction for Tennessee criminal law on the matter.

"The assumption is, this would set a precedent," said Laura Click, spokeswoman for the Administrative Office of the Courts for Tennessee.

Conviction dismissed

On July 4, 2005, Franklin police rushed to Buchanan's Cool Springs apartment after Koulis found her unresponsive. He performed CPR until an ambulance arrived. She was pronounced dead at the hospital.

The two had dated for about five years, a relationship Koulis described as "stormy." He was a former Illinois plastic surgeon who had given up his medical license in 2002. Buchanan was a model and artist.

That weekend, the two engaged in what Koulis' defense attorney later would call a "marathon sex" session. On that Monday, Buchanan was injected with a fatal mixture of the prescription painkiller oxycodone and acetaminophen.

Police and prosecutors charged Koulis with second-degree murder and reckless homicide, saying that he injected his girlfriend with the drugs. He was convicted of a lesser charge, criminally negligent homicide, on Sept. 28, 2007, and later sentenced to two years in prison.

He immediately posted a \$500,000 bond while he appealed the conviction.

The appeal churned along until March 26, when Koulis died in Chicago. His cause of death has yet to be determined.

Raybin immediately asked the state court of criminal appeals to dismiss Koulis' conviction. The court did that on May 5.

Victims vs. defendants

In clearing Koulis' name, the appeals court followed a common practice across the nation, said Nancy King, Speir Professor of Law at the Vanderbilt University Law School.

"The majority view, as far as I know, is once the defendant dies, the conviction is abated," King said. "It's been around for a long time."



Dr. Christ Koulis, convicted in his girlfriend's 2005 drug-related death, died in March. (FILE / THE TENNESSEAN)

Raybin pointed to Enron founder Kenneth Lay as an example. Lay, who was convicted in May 2006 of fraud and conspiracy in federal court, died during his appeal. A federal judge then dismissed the conviction.

Raybin said a defendant has the right to appeal to clear his name, but dying during an appeal deprives him of that right.

"You could have a completely illegal conviction and not be able to do anything about it," Raybin said.

But King said some states have begun rejecting the idea that a conviction should be vacated if a defendant dies before exhausting all appeals.

"There's been some movement by some states in the last couple of decades to modify that rule so that not every death results in abatement," she said. "In some states it was prompted by the concerns for victims."

That concern is at the crux of the Tennessee Attorney General's Office's challenge to the dismissal. Attorneys say that Alabama, Illinois, Idaho, Washington, Kentucky and Indiana are among states that have decided against dismissing convictions based upon death. The state argues the victims' rights to see a criminal case to a conclusion should persuade courts to uphold such convictions.

Williamson County District Attorney General Kim Helper, who prosecuted Koulis, supports the state's challenge.

"There is now a focus on victims' rights and what is the right thing for the victim, as well," she said. "In this case, the conviction should be reinstated."

Buchanan's father agrees. He said the dismissal of the conviction in the first place was a slap in the face.

"That is all about giving all the rights to the criminal and none to the victim," he said. "I think my daughter deserves more. He is convicted. He was a killer."
