

Bogus confessions R us

After 18 novels of fiction, John Grisham wrote his first work of nonfiction in 2006. A bestselling author of such books as A Time to Kill, The Firm, The Pelican Brief, The Chamber, The Runaway Jury, The Brethren, The Last Juror and the King of Torts, Grisham read the obituary of a man from Oklahoma who had been wrongfully convicted of a rape and murder he did not commit, spent 11 years on death row and was within five days of being executed, went insane, was exonerated and died shortly after his release.

The story was about one of Ada, Oklahoma's top baseball players of the late 60's and early 70's. Ron Williamson was drafted by Oakland in the second round of the baseball draft in 1971 but injuries cut short his playing career.

The sub-title of this book, **The Innocent Man**, is *Murder and Injustice in a Small Town*. Grisham covered not only the story of a baseball star convicted of a murder he did not commit, but also related false confessions by two other young men of the Ada area. All three were sentenced to death for murders they did not commit and all three were later cleared and freed.

The book (story) was pointed out to me as being similar to the confession of Wyatt Johnson here in Cheyenne. Johnson, in retrospect, got off easy, only spending 15 months in the Laramie County Detention Center. These three guys in Oklahoma, plus a fourth who was convicted with Williamson but not sentenced to death, were all convicted in jury trials.

Ron Williamson and his friend, Dennis Fritz, were freed largely because of the efforts of The Innocence Project but also because of the staff of a Federal District Court Judge who determined that Williamson had not received a fair trial. A retrial was ordered. The reason it was only Williamson who received the special help is because he was sentenced to die. Fritz was not entitled to the same legal review or appeal and had to just wait to see what happened with his friend.

The confession of Wyatt Johnson for the arson of downtown buildings resembled the holes-filled confessions of those guys in Oklahoma. There were two sets of defendants tried and convicted at about the same time for the rape and murder of two different young women.

It is the opinion of the Cheyenne Herald that Wyatt Johnson's confession would never have held up at trial. What he said he had done did not square with the arson investigation nor with the details of the space as told by Mary Coonts. Those close to the story never believed that Wyatt Johnson started that fire. The rush to judgment was committed by a single police officer and he dragged another into the concocted confession simply to "solve" a crime that would generate great

publicity and public praise for the Cheyenne Police Department. While admitting at the time that Johnson's confession had many problems, nothing was done subsequent to the coerced and illegal confession (during the subsequent 15 months) to determine whether this suspect was actually the perpetrator. The transcript of the confession will convince any fair-minded and intelligent reader that Johnson was just toying with the interrogator. It was he, a suspect who was sent to Evanston for mental evaluation, who got the best of the trained and experienced CPD Lt. Rob Korber. Wyatt "played" the guy who should have known what was happening and determined that the confession was not only illegally gained but would never hold up in court.

It is my opinion that law enforcement did not concern themselves with whether the confession would be critical to a conviction. I believe Korber was convinced that Johnson would be sent to prison with a plea bargain. Most prison sentences are the result of plea arrangements, not convictions in judge or jury trials. Had Wyatt Johnson's public defender, David Serelsen, not represented his indigent client adequately, it would never have come to light that Korber and others knowingly violated the suspect's right to remain silent. And they did so repeatedly.

Just as in Oklahoma, nothing punitive was done to the police officers or prosecuting attorney. They have an immunity that is hard to penetrate. A settlement was eventually reached with the City of Ada, Oklahoma for the wrongful convictions and the amount, while confidential, was believed to have been in the seven digits.

The other two men in Grisham's book were less a part of the story than Williamson and Fritz. They were young and, when initially questioned about the disappearance of the other girl, they denied any involvement or knowledge about what had happened to her. No body was found by the time they were convicted and given the death sentence. One of the young men was hooked to a polygraph for hours and continued to deny any involvement in the girl's disappearance.

But, similar to Wyatt Johnson, he was told he had flunked the polygraph and "the polygraph doesn't lie." The polygrapher threatened to bring two cops back into the room, implying the suspect would be beaten if he didn't cooperate. The cops told the frightened kid how Oklahoma "killed its killers". Like Johnson, denial after denial was ignored. That suspect finally "cracked." Tired and afraid, he confessed. He was only in the room for five hours, less than Wyatt Johnson. Grisham wrote, "he was exhausted, confused, and almost paralyzed with fear."

Play along, he thought, "Good police work will find the truth."

That's basically what Wyatt Johnson told me he was relying on when he confessed to Rob Korber that he had started the fire in the basement of Mary's Bake Shoppe, even though he didn't know how he got into the store, what flammable liquid he had used, how it got into the basement, what kind of container it was in, what material he had used as fuel, how many places he had poured the liquid, or how many places he had started fires.

In Oklahoma, there was an unplugged video camera on the table while officers rehearsed a confession. Officers in the field simultaneously searched where the suspect said things should be found - to no avail. So the confession was tweaked. Four rehearsals - then the camera was plugged in and the confession was taped.

"But the story ain't true," the kid said. "Just tell it anyway," the cops insisted, "then we'll help you prove it's not true."

Rob Korber promised Wyatt Johnson he would be with him "every step of the way" through the legal process. He was not.

Once recording, the boy told the officers that he and two others had kidnapped the girl, drove her out of town, raped her, killed her and tossed her body somewhere near a concrete bunker. The murder weapon was one of the guy's "lock-blade knife."

As he confessed, he thought, "Any blind copy could see that I'm lying."

Wyatt Johnson thought the same.

The second suspect in that murder also provided a coached confession. He said, "I gave them an untrue statement so they would leave me alone." *Ditto Johnson?*

The Oklahoma suspects said that they had burned either the victim or the house where they had taken her. They each blamed a third person for the murder. They said, "he stabbed her, killed her ...". That third guy was a four-time felon and told the cops nothing. Plus, he had broken his arm in a fight with police two days before the abduction and was with his girlfriend and in great pain when the kidnapping took place. His attending physician told cops that it would have been impossible for this guy to have committed such a violent act on that date.

Just as Cheyenne police would have learned, verification of the confessions was impossible. When police officers were sifting through the rubble of the house supposedly burned down, the owner appeared. He asked the cops what they were doing and then told them that he had burned the house himself - ten months before the girl disappeared. They also found a jawbone that was supposedly the girl's. It was from a possum.

Both young guys were convicted and sentenced to death. Months later, the girl's body was found - 27 miles from where they said it would be in their false confessions. She was not stabbed nor burned. She was killed by a single gunshot to the back of her head. Confessions cannot always be believed. Especially coerced ones.

Crybabies!

Recent stories about happenings in professional sports (if golf is a sport) have brought some astonishing complaints.

In major league baseball, where critics have labeled Alex Rodriguez of the New York Yankees "Missed October" because of his failings in playoff games, some players and managers are whining about something he did in a recent game.

Running between second and third base with a pop-up hit to the left side of the infield, A-Rod yelled and the fielder let the ball fall harmlessly to the ground. "Unprofessional," cried some. So Rodriguez yelled something and the fielder was distracted. Big deal. Catch the damned ball! Billy Martin or Pete Rose would throw sand in the face of the guy - or charged him and decked him while he was in the process of catching the pop-up.

The average salary for major league baseball players is nearly \$3 million. Yes, that's right - \$3,000,000. Rodriguez is paid nearly \$23 million a year and he has two teammates paid over \$20 million (Jason "Pass the Juice" Giambi and Derek "What time does Scores close?" Jeter. Thirty-five years ago, Hank Aaron was paid \$200,000. In that season, he was baseball's highest paid player. Now the major league minimum is \$381,000.

The U.S. Open golf tournament is being played the weekend I write this.

Phil Mickelson, who won the TPC Sawgrass tour event just a few weeks back - with a new coach and proclamation that "this will be the first of many", missed the cut for the U.S. Open.

Lefty has already made over \$4.1 million this year. And he is known as one of the best-liked and respected players on the PGA Tour. But he has his flaws.

So, why did he miss the cut and what did he have to say when he did? His reason was that he injured his wrist while practicing hitting out of the "deep rough" earlier in the week. Hell, most hackers hit from nowhere BUT the deep rough - or in the trees, or from the water edge, or next to a rock - but PM hurt himself hitting a ball from other than the fairway. Ahhhh!

In spite of a virtually unknown tour player scoring a 66 the same day Mickelson missed the cut, the Superstar insinuated he would be glad to watch "the disaster" on television. Chances are sponsors paid him a mil or so just to show up. Big baby.

When I played baseball many years back, the catcher could holler, "swing, batter, swing," and opponents were always screaming, "miss it, miss it" when a ball was hit at you. Now they want baseball to be like bowling and golf. When Tiger tees off, you can hear the proverbial pin drop. Not because of respect but because a thousand vertical signs are raised that say "QUIET". And who can forget bowling coverage? *"Dick Weber approaches the line, going for the 7-10 split."* Shhhhh! Dammit, he can't hear me, I'm watching on TV two thousand miles away. Miss it, Weber, miss it!

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