

At one time or another who hasn't stopped at a convenience store in the early evening to get a loaf of bread, or a quart of milk, or some snack treat? A person doesn't expect for such a shopping trip to result in being embroiled in a murder investigation – much less being arrested, prosecuted, convicted, and spending years in prison for a murder committed by someone else. Yet that is exactly what happened to Eric Proctor and Christopher Boots.

The men's nightmare began on June 7, 1983, when they stopped at a Springfield, Oregon convenience store. They couldn't find a clerk so they left. Boots returned to the store after dropping Proctor at home. There was still no clerk in the store, so Boots started looking around. He discovered the clerk's body in the walk-in cooler. The hands of the clerk – Raymond Oliver – had been bound with tape and he had been shot three times in the head. Boots immediately called 9-1-1. However he soon discovered that Proctor and him were considered the prime suspects in Oliver's murder. The men were arrested several weeks after the murder, but they were released three days later without being charged.¹

Indignant over his treatment, in January 1984 Boots filed a notice of intention to sue the city of Springfield for false arrest. The Lane County District Attorney then convened a grand jury to consider the evidence accumulated during Oliver's murder investigation. The primary evidence for them to consider was a particle found on Proctor's shirt that tested positive for oxidizers. However the test was inconclusive because while oxidizers can indicate the presence of gunpowder, they are also present in many common substances including matches, fertilizer, car paint and fireworks. Lane County's D.A. declined to seek an indictment against Boots or Proctor because there was no substantive evidence implicating the men in Oliver's murder.

Then in early 1986 — 2-1/2 years after Oliver's murder - Oregon State Police (OSP) crime lab technician Charles Vaughan claimed he discovered a "second" previously overlooked flake on the clothing Proctor was wearing the night of the crime that tested positive for oxidizers. Vaughan submitted the flake to the FBI's crime lab for confirmation of his analysis. Included with his request for testing was a letter dated March 7, 1986 that stated in part, "Time is of the essence now because of a lawsuit one of the suspects (Boots) is bringing against the police department for false arrest."² The FBI's lab confirmed Vaughan's analysis that the flake was gunpowder. In May 1986 a different Lane County D.A. was in office, and he relied on the new evidence to obtain an indictment of the men for Oliver's murder.

Boots and Proctor had separate trials. Although two jailhouse snitches implicated the men in Oliver's murder, the prosecution's case depended on expert testimony by FBI crime lab supervisor Charles Calfee that the microscopic particle of gunpowder found on Proctor's shirt in 1986 was gunpowder, and Vaughan's testimony that "high-velocity blood spatter" from the victim was on the clothes of both men.³ Both men were convicted and sentenced to life in prison.

After Boots and Proctor had been imprisoned for eight years, an informant told police in 1994 that a man named Richard Kuppens had actually killed Oliver. The police subsequently found the pistol used to shoot Oliver that they linked to Kuppens, and they also found similarities between Kuppens' fingerprint and one found on the tape used to bound the clerk. An informant then taped Kuppens admitting to the murder. However Kuppens committed suicide the day before he was going to be arrested.⁴ By that time the jailhouse snitches who testified against the men had recanted their testimony as fabricated at the behest of the prosecutors.

On the basis of the new evidence of their innocence Boots and Proctor were released from prison in November 1994. In early 1995 the charges against them were dismissed. The men's exoneration was no surprise to Frederic Whitehurst, a former supervisor of the FBI's explosives lab. He determined after their release that the data relied on by Calfee did not prove the particle was

Crime Lab Technician Whose Testimony Contributed To Murder Conviction Of Two Innocent Men Sues For Libel

By Hans Sherrer

gunpowder.⁵ It also wasn't surprising to William Thompson, a criminology and law professor at UC-Irvine. Thompson said, "The FBI's analysis was essentially worthless. There wasn't a firm scientific basis for saying it was gunpowder or not."⁶

After the charges were dismissed, Boots and Proctor filed a \$42 million federal civil rights lawsuit against the city of Springfield and two police officers involved in the investigation. The lawsuit alleged that the two policemen had pressured witnesses at their trial to commit perjury and that they hid exonerating evidence.⁷ The suit also alleged that the Springfield police department framed the men for Oliver's murder in retaliation for Boots' false arrest lawsuit

On May 7, 1998, the men's lawsuit was settled for \$2 million. Proctor and Boots received \$1 million each for an ordeal that lasted a total of 15 years - from their fateful visit to the convenience store in June 1983 to the settlement of their lawsuit in May 1998. However neither of the two policemen named in the lawsuit suffered personally. One of them was even promoted to being a Springfield police department captain.⁸

Seattle P-I Reports On Vaughn's Checkered Past

Six years later, in December 2004, the *Seattle Post-Intelligencer* (*P-I*) published an investigative article that revealed Charles Vaughan retired from the Oregon State Police crime lab a few months after Boots and Proctor's exoneration, and two months later (in July 1995) he was hired by the Washington State Patrol's (WSP) crime lab.

Barry Logan is the director of the WSP's crime lab, and he told the *P-I* that until the newspaper informed him of Vaughan's background, he was unaware of Vaughan's role in the wrongful conviction of Boots and Proctor. Logan said, "He never told anybody that I've spoken to about his involvement in this case."⁹ Logan also said indicated there was no mention of the case in Vaughan's employment application or when he was interviewed, there was no mention of the case by references provided by Vaughan prior to his hiring, nor did it show up during his pre-employment background check.¹⁰

The deception Vaughan perpetrated on the Washington State Patrol and its crime lab about his background was so complete that a July 1995 WSP memo noted he was a "recognized expert in blood-spatter interpretation" and that he "had agreed to be a lead instructor on that subject at a State Patrol academy."¹¹ That was memo written only a few months after two innocent men were exonerated of murder after being convicted in part on the basis of Vaughan's insubstantial laboratory analysis and courtroom testimony concerning blood-spatter evidence.

The *P-I*'s article disclosed that in addition to his erroneous testing of evidence and insubstantial courtroom testimony in the Boots and Proctor case, Vaughan was "demoted in 1993 from director of the Eugene lab to assistant director after he failed to discipline an employee accused of falsifying test results."¹² Vaughan admitted to the demotion during a deposition related to the 1995 lawsuit filed by Boots and Proctor.

The *P-I* also reported that in September 1999 a national accreditation team inspecting the WSP's crime lab discovered that "Vaughan had made a mistake on an annual proficiency exam a year earlier. ... Vaughan failed to interpret footprint evidence correctly."¹³

Also in September 1999, burglary charges were dismissed against a defendant in Thurston County, Washington when

it was determined that Vaughan had erroneously concluded hair found at the crime scene was linked to the defendant.¹⁴ Vaughan defended his analysis by claiming that the "subjective nature" of analyzing hair evidence can result in different interpretations of its evidentiary value.¹⁵ If Vaughan's explanation that hair analysis is a subjective 'black art' was judicially accepted, its admissibility could be challenged as non-scientific under *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993) and its progeny.

So it is known that Vaughan provided insubstantial testimony in two murder cases about gunpowder residue and blood spatter interpretation. He provided testimony in a burglary case related to hair analysis that the judge did not deem to be substantial, and he failed a footprint identification proficiency test. In addition, Vaughan's regard for objective scientific inquiry by crime lab technicians is so minimal that he was demoted for tacitly approving of an OSP crime lab technician's falsification of test results so they would be prosecution favorable.

It is also known that Vaughan was somewhat less than forthcoming with an honest accounting of his background when he was hired by a police agency of the State of Washington as a crime lab technician. That raises the possibility that he induced that state agency - the Washington State Patrol - to hire him under false pretenses and that his termination may be warranted. Particularly considering the similarities between Arnold Melnikoff's case and that of Vaughan. Melnikoff was terminated as a WSP crime lab technician on March 23, 2004 based on his role in Paul Kordonowy's wrongful rape conviction in Montana.¹⁶ Kordonowy's case was one of three Montana cases in which Melnikoff's prosecution favorable testimony contributed to the rape conviction of an innocent man.¹⁷ Melnikoff was the Director of the Montana State Police Crime Laboratory prior to being hired as a WSP crime lab technician.

Vaughn Sues Seattle P-I & Tacoma News-Tribune

In May 2005 Vaughan responded to the *P-I*'s disclosures in its December 27, 2004 article by filing a libel lawsuit against the *P-I* and the article's author, reporter Ruth Teichroeb. Vaughan alleges he was libeled by the assertion in the article that the conviction of Boots and Proctor was attributable to his "lab work and testimony."¹⁸ The *P-I*'s legal counsel said that Vaughan demanded a correction or retraction in February 2005, but when he was "invited to cite specific misstatements of fact, ... he never responded."¹⁹

Vaughan also filed a libel lawsuit against the Tacoma, Washington *News-Tribune* for stating in a January 4, 2005 editorial that "he 'botched' the Oregon case because of 'sloppy procedures.'"²⁰

The *P-I* reported that Vaughan "contends both papers damaged his professional reputation and caused him ongoing emotional distress."²¹ The former claim would seem on its face to have dubious merit because Vaughan damaged his own "professional reputation" by making what are known to be the insubstantive analysis of physical evidence related to gunpowder residue, blood-spatters, footprints and hair, and for not considering any punishment was warranted for a crime lab technician's falsification of evidence test results. The *P-I* simply reported facts that are important for the public to know about the suspect competence level and overt secretiveness of a Washington State public employee whose erroneous judgments can, and have had a profound effect on the life of multiple innocent people.

Insofar as the *News-Tribune*'s editorial is concerned, the language it used was what could be expected of a layperson (such as a newspaper editorial writer) in response to being informed about Vaughan's performance in the Boots and Proctor case (and who knows how many more cases that haven't yet been brought to light): In lay terms Vaughan "botched" the case to the point that two innocent men spent eight years imprisoned for a murder they had nothing to do with.

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On January 27, 1995, at approximately 9:30 a.m. I was arrested in front of my place of business, The New House of Hits record shop at 6005 Prospect Street, Kansas City, Missouri. I was transported to the city jail handcuffed behind my back. I asked the officer what I was being arrested for and his response was that homicide detectives wanted to talk to me. While en route to the jail, the officer asked me if I knew Donna Meredith, to which I replied, "yes." In response to his questions, I told him that all I knew about her death was what I saw on television: which was that her body had been discovered in her home. This officer later suggested that I shouldn't attend Donna's funeral because some of her family members think I may have had something to do with her death.

After being booked, I was put in a holding cell to await the arrival of the detectives. Once the detectives arrived, I was taken to their unit where I was photographed and hair samples were extracted from my head and pubic area. I was then handcuffed and transported to Baptist Hospital where a nurse took blood from my left arm. I was told that I could not refuse to cooperate in any of the samples taken. I was returned to the jail and put back in a holding cell. At approximately 5:00 or 5:30 a.m., January 28, 1995, I was released. When I returned home, I learned that Detective Wells had obtained a search warrant to search my house and impound my 1980 Corvette. Within a week, I was allowed to retrieve my car from the police lot.

On the execution of the search warrant a pair of cowboy boots, a pair of purple leather pants, and a matching leather sweater were confiscated and sent to the crime lab for testing.

Nearly six months later, I was re-arrested on July 12, 1995 on a warrant for first-degree murder and armed criminal action and was held in the county jail without bail. I was able to obtain the service of attorney Mark Komoroski to represent me at trial. My defense was an alibi defense. My trial began May 6, 1996.

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It is unknown if Boots or Proctor sympathize with Vaughan's claim that the *P-I* and *News-Tribune's* truthful public disclosure of his role in their ordeal caused him "emotional distress."

Endnotes:

- 1 2 wrongly imprisoned settle for \$2 million, Ashbel S. Green and Janet Filips, (staff writers) *The Oregonian*, Portland, OR, May 8, 1998, pp. A1, A13.
- 2 Forensic Scientist in Washington Crime Lab Tied to Wrongful Convictions in Oregon, Ruth Teichroeb, *Seattle Post-Intelligencer*, December 27, 2004.
- 3 *Id.*
- 4 Money no recompense for youth, Charles E. Beggs, *Oregonian*, May 9, 1998, p. D5
- 5 Forensic Scientist in Washington Crime Lab Tied to Wrongful Convictions in Oregon, *supra*.
- 6 *Id.*
- 7 2 wrongly imprisoned settle for \$2 million, pp. A1, A13
- 8 *Id.*
- 9 Forensic Scientist in Washington Crime Lab Tied to Wrongful Convictions in Oregon, *supra*.
- 10 *Id.*
- 11 *Id.*
- 12 *Id.*
- 13 *Id.*
- 14 *Id.*
- 15 *Id.*
- 16 John K. Wiley, State Patrol fires embattled crime-lab scientist, *The Seattle Times*, March 24, 2004, page B3. ("Forensic scientists with expertise in fiber and hair examinations later concluded Melnikoff's testimony on the number of hair examinations he had conducted and statistical comparisons contained "egregious misstatements.") *Id.*
- 17 Paul Kordonowy was prosecuted in Montana, and Melnikoff's testimony in the case was based on work he allegedly performed while employed at the MSPCL. *Id.*
- 18 Ruth Teichroeb, Shadow of Doubt, *Seattle Post-Intelligencer*, March 13, 2004, A1, A7. (Those three men, all wrongly convicted of rape, were Chester Bauer, Jimmy Ray Bromgard and Paul Kordonowy. The three men were respectively wrongly imprisoned for 14, 15 and 13 years.)
- 18 Scientist Sues P-I, Reporter Over Story, Staff, *Seattle Post-Intelligencer*, May 14, 2005, p. B4.
- 19 *Id.*
- 20 *Id.*
- 21 *Id.*

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Bar-Hopping Alibi Against Murder Charge - Richard Stallings' Story

By Richard Stallings

Edited by Clara Boggs

The first of the state's witnesses to testify was Ms. Wanda Ray, a neighbor who lived practically a block away from the victim. She testified that on January 21, 1995 she was preparing for bed around 8:30 p.m. and she heard three loud gunshots. Huey James Love, testified that he had a scheduled date with Ms. Meredith around 6:30 p.m. that same day, when he noticed me following him in my white Lincoln Continental. He also alleged that he called Ms. Meredith to get my car phone number, but was unable to reach me when he called, but when he called Ms. Meredith back, she informed him that I was there.

Ms. Brenda Abdekhalig, testified that she called Ms. Meredith about 8:00 p.m. and in a nervous voice, Ms. Meredith said she had company and that she would call her back. She further testified that Ms. Meredith had told her that on another occasion her phone wires had been cut, that I had been calling her all the time and that I had at some time thrown her down, put a pistol in her mouth and threatened to kill her. Ms. Zena Miles, the victim's daughter testified that I had told the victim at her (Zena's) birthday party in January of 1994 that, "If I can't have you, nobody can." She further testified that Donna told her that if she (Donna Meredith) came up dead, Richard did it.

Theresa Walsh, the victim's sister, testified that I had threatened to kill a man because he had made a compliment about how good Donna looked. Helen Davis, the victim's sister-in-law, testified that I had told her I didn't care if the bitch was dead. Willie Wells testified that he called Donna shortly before 10:00 p.m. on January 21, 1995. He testified she told him in a "whispering voice that, He's here, Richard is here," and that he heard a voice in the background saying, "Hang up the phone, bitch." He further testified that that voice was mine. Two Kansas City police officers testified that on January 21, 1995 they had stopped me for running a red light on 34th and Prospect approximately ten blocks from the victim's residence and they remembered that I was wearing purple leather pants and cowboy boots, but were uncertain about any other attire.

All the evidence the state presented against me was totally circumstantial and possibly coerced from these people whom I allegedly had met at some given time. There was a considerable amount of evidence at the crime scene that did not belong to me, but was never identified or investigated. There was a bloody shoe print, hair strands on the victim's shirt, fibers under her broken finger nails from struggling with her assailant, numerous fingerprints in the victim's house, and there was no gun powder residue on either the pants, sweater, or boots.

Prior to trial, I wrote my attorney instructing him on who to call as a witness in support of my alibi defense. Of those people he called as a witness, Johnny Walker, Robert Jackson, and Carletta Collins and her daughter, Yahna Reid. However he did not call the following people to testify: Milton Holmes, Fred Martin, Nina Taylor, Missy Crockett, and Lana Timberlake. Those people are bartenders at each of the clubs I frequented that day. Those people could have verified that they served me and established the time I was at each club. I also requested that my attorney call as a witness Bertha Johnson, one of Donna's neighbors. Johnson told the police that on her way to church on January 22, she noticed that Donna's driveway was empty, but when she returned from church at 3:15 p.m., Donna's black Jeep was parked in her driveway.

The police obtained Johnson's statement when they canvassed the neighborhood for witnesses, and it was provided to my attorney in pre-trial discovery. But my

May 1996 Trial

The prosecuting attorneys built their case on the information of several witnesses who were closely acquainted with the victim, not withstanding the crime lab saying that the victim's blood was on my purple leather pants.

attorney did not utilize Johnson's observation in my defense. My attorney also failed to depose any of the state's witnesses so I could have the opportunity to refute their testimony. My attorney also didn't comply with my request to have a blood splatter analysis performed to establish that the blood on my pants was not the type of stain that would result from a gunshot.

My attorney also didn't act on my instruction to call as a witness, Donna's grandmother, Opal Meredith. She could have best characterized my relationship with her granddaughter Donna. I explained to my attorney that Meredith could testify that I had, on two separate occasions, tended to Donna after she had surgery and that I was wearing those particular pants on at least one of those occasions in her presence. I further explained that Donna had a few nose bleeds and there was a possibility I could have gotten blood on myself from any one of those incidents. Meredith had already made a statement to the police that she had never known me to be abusive to Donna. The State cherry-picked witnesses that supported their theory that jealousy was the motive for Donna's murder. But that was contrary to the police report that her house had been ransacked and a number of items were listed as missing. The items included: .38 caliber live ammunition, spent .38 caliber shell casings, one silver bracelet with Donna spelled out in diamonds and with one red ruby, a gold ring with small double hearts, one gold ring with a oval shaped setting encircled in diamonds, one silver ring with a large heart shaped setting covered with diamonds, and bloody clothing. None of the above items listed were found in my possession. The police report also indicated that Donna might have been sexually assaulted.

The autopsy report indicated that Donna had been killed by four gunshot wounds to the head. Further examination of Donna's body revealed a broken right thumbnail with hair and fibers recovered from underneath the remaining nail. Dr. Michael Berkland, the Jackson County Chief Medical Examiner, testified that Donna's body was in the condition of a person that had been dead for seventy-two hours. There was no fixed time given in testimony on approximately what time Donna was killed. The first suggested time was from state witness Wanda Ray, who testified that she heard 3 gunshots around 8:30 p.m. as she was preparing for bed. Wells testified that he called Donna around 10 p.m. or so from his house, which is about an hour and a half after the gunshots were heard. My attorney didn't investigate phone records to corroborate Willie Wells' testimony that he claimed to have called from home. So in a residential neighborhood only one person claimed to have heard gunshots - and that was an hour-and-a-half before Wells claimed he called Donna's home and talked with her.

After a two day trial, on May 8 I was found guilty of first-degree murder and armed criminal action. I was sentenced to life without the possibility of probation or parole for first-degree murder and life for armed criminal action with the sentences to run consecutive. My direct appeal was denied. I was also denied post-conviction relief on my 29.15, a motion for an evidentiary hearing claiming ineffective assistance of trial counsel. All remedies before the Missouri courts have been exhausted.

Prosecution Witnesses Had Axes To Grind

Huey James Love and I probably befriended Donna around the same time, which was at the time she was going through the trauma of her husband, Victor Shivers, being murdered. Donna and I had an affair without terms or commitment. I have no idea as to how intense Donna and Love's relationship was. However, I was aware that they had been sexually involved and this information came from Donna. I first met Love through Victor and my association with Love was limited. However I told him that if he was trying to get next to Donna I wouldn't help him to get there.

On the day the State alleged Donna was killed, Love claimed I was following him in my Lincoln Continental. I do not own

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