

My name is Benjamin G. Kent. I am 26-years-old. The following events occurred in late 1991 and early 1992 when I was 12-years-old.

The Anatomy Of A Sex Conviction Frame-Up The Alleged "Victim" Exposes The Lie

By Benjamin G. Kent

In December 1991, Bill L.* was a Petty Officer Third Class assigned to Base Security at New York's Staten Island Naval Station. On December 17, 1991, Bill reported that one of his supervising officers was engaging in adultery, an imprisonable offense under the Uniform Code of Military Justice. That officer was my mother's boyfriend.

The planning of a sex-crime frame-up

My dad was in the Navy and we lived in an apartment on the Staten Island base. Bill was in his early 20s, and he also lived on the base. My brother Joshua is a year younger than me, and we were not just friends with Bill, but we both thought of him as a big brother.

On the night of December 17, my mom and her boyfriend, William, told me that Bill had

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quotient of the actors. Another suggestion is to stop making the police, prosecutors and judges involved in a wrongful conviction look like decent, well-meaning folk. A wrongful conviction isn't an "opps we goofed" sort of mistake. It is a predictable consequence of the interaction of the police investigators, prosecutors and judge(s) who had a role in producing the erroneous conviction. Any one of those people could have stopped or at least impeded the injustice by saying No!, and either refused to cooperate or actually blown the whistle to the defense. Still another suggestion is to have episodes span two, three or even four shows in order to portray the grit of a wrongful conviction investigation, including the importance of involvement by family members, friends, journalists, and even strangers, to make an exoneration happen. Another avenue that could be pursued is to build on the program's opening sequence that portrays the prosecution's erroneous theory of the crime relied on by the jury that convicted the innocent person(s). How did the prosecution get it so wrong? What decisions by police investigators, prosecutors and the trial judge contributed to the creation of the fantasy crime scenario presented to the jury.

One thing is for sure. There is no shortage of ideas that could set *In Justice* apart and make it distinctive. *In Justice's* premise is promising. However, the open question is how long it can survive in its current format that lacks grit and guts, before it is relegated to the graveyard of canceled shows that had unfulfilled promise.



reported him. They also told me that I wouldn't be able to see Bill after he left the next day to spend the Christmas holiday at his parents home. My brother and I were also told by my mom and her boyfriend that when my parent's divorce was final we could be put in a foster home if my mom didn't get custody, since my dad was out to sea most of the time. The next morning (the 18th) my mom, her boyfriend and his friend, a Naval Investigative Service (NIS) agent, got together and came up with a "story" that would discredit Bill's allegation that William was committing adultery with my mom. I was kept home from my last day of school before the Christmas holiday recess so that we could go over what I was to say as my part of the story.

Although I didn't think of it in those terms at the time, what my mom, her boyfriend and his Navy friends did was cook-up a conspiracy to use the military's court martial system to frame my friend Bill for sex crimes against me that never happened.

The scheme was conceived to start with my mom claiming to get an anonymous phone call from a woman telling her that she overheard me telling another boy that Bill sleeps and touches me sexually. My mom would then notify William, since he was an officer with base security. He would then notify his two friends, the base security chief and the NIS agent, who would initiate and be in charge of the investigation. I was told that my role was to deny the accusation, and then after being questioned I would cry and say that it happened. I would also need to have a medical examination (which turned out to be horrible), be interviewed by the New York State Victims Service Agency, and then testify in court about what I had been instructed to say.

The frame-up in action

When I came in from playing outside on the 18th, I was confronted and questioned by William, the base security chief, and the NIS agent. They asked me if I told a friend that I was sexually touched by Bill. I told the officers "no." They then went into an adjoining room for a few minutes, and resumed questioning me when they returned. I kept on saying that nothing happened. The security chief and NIS agent would then tell me that something did happen and say things such as, "well didn't Bill do something like this" and they would show me by putting their hand on their leg and moving it towards their private area and rubbing their

privates. I kept on saying "no" but they kept on badgering me and insisting that it did happen. After a while I just said "yes" to get them off my back, and as had been planned for me to say. But they didn't leave. They continued their questioning by asking if Bill ever slept in my bed. I said "no." Disregarding my denials that I had ever been in bed with Bill, they asked if he ever touched me or if anything ever happened while I was in bed with him. Once again I said "no," but they kept on saying things like "did this happen," "did that happen," "did Bill ever do this while in bed with you," and so on. I answered "no" to all their questions. The officers left the room again for a few minutes. After they returned they asked me questions such as, "did Bill put his penis in your anus," "was the object against your back wet," and "did you notice if Bill had an erection?" I answered "no" to all the questions, but they kept on pressuring me and giving me examples. As had been planned, I eventually agreed to their example that Bill told me to get in bed with only my underwear on, that he did have an erection, and that I saw a wet spot on his underwear when I got out of bed. Next I was asked if Bill ever touched my privates while at his Bachelors Enlisted Quarters (BEQ) room, and just as before, I told them "no." I finally agreed with them, as I had been instructed earlier to do, that Bill touched me in his BEQ room and while driving in a car.

Counselors told about the frame-up

That night I met with two counselors from the Victims Services Agency. The interview with the counselors was "confidential," or so I thought. When they asked me about the abuse, I told them the truth that nothing happened. When they asked me why I told base security that something happened, I told them that my mom told me to falsely accuse Bill and that her boyfriend and his Naval buddies were in on it.

After I had met with the counselors I never heard from or saw them again. This kind of confused me because I was hoping they could help Bill by testifying in court about what I told them. But they didn't testify. I later found out that what I told the counselors wasn't confidential. They weren't called as witnesses because their testimony would have exposed that Bill was being falsely prosecuted to cover-up William's adultery with my mom.

Military prosecutor in on the frame-up

This brings me up to when I was interrogated by two military lawyers, the prosecutor and Bill's defense counsel. I say interrogated because the lawyers were more demanding than

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the Navy police investigators. I told the lawyers that nothing happened and that I just said “yes” to the investigator’s questions to get them off my back. They told me they had to go on what was in the investigation report, and so they continued to badger me with questions. Although I didn’t tell the lawyers about Bill’s frame-up, it appeared they knew about it and its details. Which they would have learned from the counselors, who were not called upon to testify at Bill’s court martial.

I knew that since the accusation against Bill was a lie, that I would also have to lie to the lawyers to end their interrogation. Both military lawyers intimidated me by telling me what to say in court. They also told me what could happen to me, my brother, and my mom and dad if I didn’t testify against Bill. The whole situation started to seem so unreal that I’m not sure knew what was actually happening or what I was saying. But in the end I agreed to what the lawyers told me to say. I was scared stiff that if I didn’t lie about Bill, my brother and I would be taken from our parents and put in a home, and that the military might do something to my dad. The lawyers convinced me that nothing would happen to anyone in our family if I told the fictitious story that my mom, her boyfriend, the lawyers, and the other people wanted me to tell.

A court martial completed the frame-up

One charge of violating UCMJ Article 134 was filed against Bill. He was alleged to have taken “indecent liberties with a male under 16 years of age.” The charge included two specifications, with one alleging the abuse occurred at my base apartment, and the second alleging it also occurred at Bill’s room (BEQ quarters).

Bill’s court martial took place at the Philadelphia Naval Shipyard on April 27 and 28, 1992. I committed perjury by testifying that he fondled my private parts and rubbed my crotch area. I also testified that my brother was present during the times that Bill abused me, and my brother testified that he didn’t see anything. No one else testified they saw Bill abuse me. Since there was no physical, forensic or expert testimony that I had experienced any abuse, my testimony was the sole evidence against Bill.

The lone military judge who presided over Bill’s court martial relied on my testimony to find him guilty of alleged abuse that occurred at my family’s apartment. However, in order to arrive at a guilty verdict the judge had to change the wording of material allegations in the charge to fit my testimony. The judge acquitted Bill of the allegation abuse had occurred at his BEQ room.

Bill was sentenced to 14 months confinement, reduction in rate to E-1 (from E-4), forfeiture of all pay and allowances, and discharged from the United States Navy with a Bad Conduct Discharge. Bill was released from a military prison in April 1993. Although he was convicted by a military court, Bill still has a felony and FBI record as a pedophile.

My quest to help undo the consequences of the frame-up

Shortly after Bill’s conviction I wrote him and apologized to him and his family for lying at his trial and causing him to be sent to prison. I didn’t receive a response. Although I still hadn’t heard from Bill, a little more than two years after his conviction I wrote the Commanding Office of the Navy Defense Attorney Division in Washington D.C. I was 14-years-old, and in my letter dated July 15, 1994 I wrote in part:

My name is Ben Kent ... I am writing in hopes that what I did on April 27 and 28, 1992, in Philadelphia can be fixed.

Back on April 27 and 28, 1992, I lied about my Friend Bill ... Everything that I said was a lie and told to me by my Mom to say. I knew this was wrong at the time but my Mom warned me that if I did not say this that the divorce judge would put me and my brother in foster homes since my Dad was at sea most of the time, and since she was having an affair... I did not say everything that my mother told me to say hoping that Bill’s lawyers would figure out the truth since I kept changing my story. ... My brother Joshua was always with Bill and me and what he said is true, nothing was seen because it did not happen. I did a lot of things on purpose hoping that Bill wouldn’t be found guilty. When I did find out that Bill was found guilty I felt real bad and since then have been trying to find a way to tell someone. ... I called a friend back in New York and she got me this address. ... please forgive me and please correct my mistake. I can’t correct it but you can.

... Bill was a big brother and friend to me and my brother and we both still think of him as one. Sir I hope that you help Bill out and correct the wrong things that not only I did but the military did also.

I would like to thank you for listening to me and please accept my apology and please help Bill ...

Very Sorry,
Ben Kent

In December 2004, after not having contact with each other for 13 years, I recognized Bill in an AOL Star Wars chat room. I explained why I testified against him, and we resumed our friendship. Based on the new information I provided about the immense pressure put on me by my mom, her boyfriend, the Navy police and the military lawyers to lie that he molested me, Bill filed an application with the Board of Corrections of Naval Records to correct the error and injustice of his conviction. [JD Note: This is the equivalent in civilian court of filing a motion to set aside a conviction.] Also included in his application are two pieces of exculpatory evidence that weren’t introduced into evidence at his General Court Martial. One was a Chemistry and Serology Report and Memorandum that showed no evidence of abuse, and an interview with a Staten Island University Hospital physician who examined me and found no signs of abuse.

I wrote and submitted a letter dated September 28, 2005, in support of Bill’s application for a correction of his military record. That letter states in part:

Dear Members of the Board for Correction of Naval Records:

The enclosure is a letter I sent to the Commanding Officer, Navy Defense Attorney Division on July 15, 1994, while my friends’ case was still under appellate review. I know that his lawyer received my first letter because in an April 21, 1995 letter to Bill his lawyer references my letter. So the military had a letter that was understandably suspicious but never checked it out.

Yes, I can understand that the courts look at recanted testimony with suspicion but when more than one person can corroborate that the testimony was coerced and forced, the court members should be reasonably well satisfied that the testimony given at the court-martial was false and that he was denied his Due Process and is innocent.

... As I see it, if my first letter was investigated we wouldn’t be here right now. But with the Navy viewing my letter with extreme suspicion and never checking on its authentication, they ultimately kept an innocent man in prison and ignored the fact that my testimony, as the “victim”, was coerced by the three Navy Police officers, an NIS Agent and two Navy Lawyers, all whom instructed, told, and scared me ... into saying things and testifying to things that were lies.

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No matter where they got their ideas or if it was on their own, it was a lie.

With this and with all the other new evidence I pray and hope that the board members realize that he is innocent and grant his requests.

....
Sincerely,
Benjamin G. Kent

Current events are showing that anyone can be convicted of molesting a child many years after the alleged molestation occurred, even if the alleged "victim" didn't say anything to anyone for 20 years. So it is only right to exonerate an innocent person such as Bill, who was wrongly convicted years ago due to my admittedly false testimony and the prosecutors misconduct of eliciting false testimony from me (the alleged victim) and condoning perjury by other prosecution witnesses. The prosecutor was given considerable aid by the gross ineffective assistance of Bill's defense counsel, who worked hand in glove with the prosecutor. There is also the special circumstance in Bill's case that I've been telling people since before his court martial 14 years ago that his alleged abuse of me is a lie, and my letter to Naval officials 12 years ago when I was 14 was ignored. I hope that the person or persons with the power to correct Bill's conviction will be mature, and say, "hey, we made a mistake," so both Bill and I can have closure to this horrifying ordeal.

As of April 2006, Bill's application to correct his Naval record is pending.

Thank you for the opportunity to unburden myself from the terrible wrong I committed against my friend Bill, that caused him and his family great suffering.

I can be contacted by writing:
Ben Kent
PO Box 4252
St. Augustine, FL 32085
Or email: benkent79@yahoo.com

Bill can be emailed at: wjc725@yahoo.com

* At Bill L.'s request, *Justice:Denied* is taking the unusual step of not publishing his last name. *Justice:Denied* agreed to this because he was convicted out of the public eye by a military court martial, his case has not received any press, and he has built a life after his release from military prison. If the Navy declines to "correct" Bill's conviction and he pursues his exoneration in federal court, his full name will then become a matter of public record.



Florida Supreme Court Acquits John Robert Ballard From Death Row

By Hans Sherrer

Jennifer Jones, 17, and William Patin, 22, lived together in a duplex apartment in Golden Gate, a small city in southwestern Florida's Collier County. John Robert Ballard lived across the street from their apartment, and he regularly socialized with them.

Jones supplemented her regular job by dealing marijuana around the area where she lived. It was known that she usually conducted drug deals in her bedroom. The last week in February 1999, a car drove by the couple's apartment and fired bullets through her bedroom window. Ballard witnessed the shooting and described the vehicle and several occupants to a Collier County Sheriff Deputy. Based on Ballard's information, the vehicle was stopped. Five people were in the car, and one person was charged with the shooting. The accused shooter and another man in the car were known street gang members. The shooting was attributed to a drug dispute with Jones.

A week later, on Saturday, March 6, 1999, Ballard and at least three other people attended a small going away party at Jones and Patin's apartment. The two were planning to move on Monday (the 8th) to Texas where Patin was going to start a job working with his father. A woman attending the party said she saw Jones with what she later estimated was \$1,000.

Jones and Patin Found Dead

Jones and two of the people at the party arranged to go boating at 11 a.m. on Sunday. After Jones didn't show up, both people separately went to the couple's apartment on Sunday to check on them. No one answered the door and Jones' car wasn't in the driveway, so they assumed the couple wasn't home.

On Monday at 9 a.m., someone reported to the Collier County Sheriff's Office that a car was parked in a vacant lot. The deputy who responded ran a license plate check. After learning the car was registered to Jones, the deputy drove by her residence, which was about a mile from where her car was parked. He didn't stop because he didn't notice anything suspicious.

Although the couple had planned to leave for Texas that Monday, no one had heard from them since the party Saturday night. So late Monday afternoon one of the people

Jones had arranged to go boating with on Sunday went to the couple's apartment with Jones' father. The front door was locked so they popped out the sliding glass patio door in the back of the apartment.

They found Jones' body in the master bedroom and Patin's body in the spare bedroom. The friend went to a neighbor and called 911.

Murders Investigated

Sheriff investigators collected evidence from the apartment. In addition to blood evidence, they found one hundred and eighteen latent fingerprints and collected hundreds of hair samples, along with nail scrapings and clippings. Officers found no large amount of money on the victims or in their apartment.

They also examined Jones' car for fingerprints, blood, and hair samples.

The medical examiner determined that Jones and Patin had been brutally bludgeoned to death, and that Jones had not been sexually assaulted. It was determined both victims were standing when attacked, and they had defensive injuries consistent with vigorously resisting their attacker, or attackers. A sustained and simultaneous attack on Jones and Patin by multiple perpetrators was suggested by extensive blood splatter evidence in the bathroom, hallway, spare bedroom, and in the master bedroom around Jones' body. The medical examiner could not determine the murder weapon, except that it was likely a blunt object. Sheriff investigators found no murder weapon at the crime scene nor in Jones' car.

Ballard was investigated as a suspect because he lived near the victims and he had provided eyewitness information to the Sheriff's Office about the shooting into Jones' bedroom a week before the murders. Ballard denied any involvement. None of the evidence collected from Jones' car was matched to Ballard, and no evidence was found in his car when it was searched and examined with his consent.

Out of the many hundreds of evidence samples collected from the crime scene that were identified as originating from several different people, Sheriff investigators eventually keyed on two pieces of evidence samples:

- Of the more than one hundred fingerprints of numerous people found in the apartment, one fingerprint on the headboard of Jones' bed was identified by a Florida Dept. of Law Enforcement (FDLE) crime lab technician as being Ballard's print.

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