

## Krause cont. from page 14

before and while she was falling to the floor. My attorney was unable to convincingly impeach Nelson's testimony because he failed to pursue expert enhancement of the surveillance tape to clearly establish that I did not emerge from the cell until after Pahnke was already on the floor. Which made it impossible for me to have been kicking her before and during her fall as the prosecution claimed.

Vincent Harrell was the second inmate witness. Harrell was an FBI/DEA informant who had already testified in several other criminal cases on behalf of the government in exchange for sentence reductions. Unaware that Harrell was a practiced snitch, I had shown him the error filled incident reports issued against me concerning Pahnke's assault. Harrell then used the false account of the events depicted in the reports to concoct a story of how I had allegedly confessed my involvement in the assault to him.

The self-serving testimony of Harrell and Nelson was contradicted by two BOP staff members: Cintora and the first officer on the scene both testified they did not see me touch Pahnke at any time. Inmate Milton and several other inmate defense witnesses also testified I did not touch Pahnke.

The prosecution's entire case rested on the testimony of the two inmate snitches. Of course, during my trial they both denied being promised anything by the U.S. Attorney's Office in exchange for their testimony. [JD note: Harrell was released by the BOP on December 13, 2002, and Nelson is scheduled for release by the BOP on April 29, 2006.] That is patently absurd because in the circumstances of my prosecution, an inmate snitch would only "volunteer" to testify for the government as a friendly witness in exchange for "compensation" of one sort or another.

Harrell and Nelson's disclaimers of horse trading for their testimony also rings hollow because it was indispensable for the prosecution to "prove" its case. Especially since the alleged victim, Officer Pahnke, did not testify that I touched her. She claimed amnesia after being struck by Milton.

If my lawyer had followed-up on having the surveillance video's image enhanced by an expert, it could have proven the two officers and defense witnesses told the truth about my innocence, while the prosecution's two inmate "snitch" witnesses lied.

While the jury was deliberating they requested to view the blurry videotape three times. In the end I was found not guilty of

the conspiracy, but guilty of an assault with a dangerous weapon (my foot). I was sentenced to an additional 10 years. It was the first time I've ever heard that the testimony of convicted "snitch" criminals was considered more credible by jurors than the testimony of law enforcement officers.


### Post Trial

In February of 2005, I filed a 28 USC §2255 petition claiming ineffective assistance of counsel, based on my lawyer's failure to investigate and examine exculpatory evidence – that being the original master surveillance tape. I also filed a discovery motion requesting access to the master surveillance tape for the purpose of subjecting it to Video Image Stabilization on Reconstruction (VISOR) analysis. My petition was denied by the U.S. District Court judge in October 2005, and a Certificate of Appealability on all the petition's claims is pending in the federal Ninth Circuit.

Because of my imprisonment I lack financial resources and I am receiving no outside help. My hope is that someone will read of my plight and assist me in having the master tape expertly analyzed, so I can prove my innocence of assaulting Officer Pahnke. Although it is part of my appeal, to date I have been unable to obtain court authorized payment for the tape's analysis or appointment of counsel.

I pled guilty to bank robbery in 1993 because I am not innocent of that crime. However, I am innocent of the trumped-up charges related to the assault on Pahnke. If you are able to help, please contact me at: Kenneth Krause 39956-004  
USP Florence – ADMAX  
PO Box 8500  
Florence, CO 81226

Thank you for your time and consideration concerning my predicament.

*Justice:Denied* comment. *Justice:Denied* contacted a nationally recognized forensic tape analyst who declined to analyze Mr. Krause's tape on a pro bono basis. He did, however, quote the discounted price of \$2,250 to enhance two minutes of videotape in "real-time." According to Mr. Krause, the events recorded during the first thirty seconds of the incident would be sufficient to establish his innocence. 

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## Norfolk Four Update

Petitions requesting executive clemency and pardons were filed with Virginia Governor Mark Warner by lawyers for Derek Tice, Joseph Dick and Danial Williams on November 10, 2005. The three men had been convicted of the rape and murder of Michelle Moore-Bosko in July 1997. They were sentenced to life in prison. The petitions argued for clemency on the basis of new evidence supporting the men's actual innocence. A fourth defendant, Eric Wilson was also convicted of rape, but not murder. Wilson completed his prison sentence in September 2005, and he also filed a pardon petition. (See, The 'Norfolk Four' Convicted of Brutal Rape And Murder Committed By Lone Assailant, *Justice:Denied*, Issue 30, p. 6)

After the clemency petitions were filed, a number of the trial jurors were contacted. Eleven of them said that if they had been aware of the new information at the time they were a juror, it would have influenced them to have voted not guilty. Affidavits and letters from those jurors were submitted on January 4, 2006, in support of the clemency petitions. (See, Jurors Back Clemency for 'Norfolk 4': Convictions Renounced In Rape-Murder Case, Tom Jackman, Washington Post, January 6, 2006, p. B1.)

Governor Warner ordered the state parole board to enlist a detective to investigate the clemency petitions. However, the investigation wasn't completed prior to the end of Warner's term on January 14th. So it is now up to his successor, Governor Tim Kaine, to make a decision about the clemency applications by the Norfolk Four.

## Tony Ford Update

Tony Ford's scheduled December 7, 2005 execution in Texas was first delayed until March 14, 2006, and then in February 2006 it was delayed indefinitely so that DNA testing of blood evidence can be conducted that may be able to conclusively prove Ford's innocence of a 1991 murder. There is significant evidence that Ford's identity was mistaken for that of the actual murderer. (See, A Mistaken Identification Leads To A Wrongful Conviction and Death Sentence — The Tony Ford Story, *Justice:Denied*, Issue 30, p. 4)