

After the July 1982 rape of a woman in Many, Louisiana by an unknown assailant, the police showed her the photos of three possible suspects. One of those was a photo of 26-year-old Rickey Johnson taken when he was 18. The woman identified Johnson from the nearly decade old picture, and he was arrested and charged with her rape.

During Johnson's January 1983 trial the prosecution's case was based on the woman's identification. Convicted, Johnson was sentenced to life in prison, which in Louisiana meant he would die in Angola State Prison.

In the fall of 2007 testing of the vaginal swab in the victim's rape kit was approved by a state judge under Louisiana's DNA testing law. In December the test results excluded Johnson. But that wasn't all. The semen's DNA profile was run through Louisiana's database of convicted offenders. The DNA matched a man convicted of raping a woman in the same apartment complex as the rape Johnson had been convicted of –

Ricky Johnson Awarded \$150,000 For 25 Years Wrongful Imprisonment



Rickey Johnson after his January 2008 release from prison.

only nine months later. That man, John Carnell McNeal, was sentenced to life in prison in April 1983 and sent to Angola. McNeal and Johnson knew each other at Angola, but in the more than twenty years they were imprisoned together McNeal never told Johnson that he had committed the July 1982 rape.

Based on the new evidence the Sabine Parish District Attorney did not oppose Johnson's motion for a new trial. On January 11, 2008 Johnson was released on bail, and the charge was subsequently dismissed. From the time of his arrest he had been incarcerated for over twenty-five years.

The 52-year-old Johnson filed a claim under Louisiana's compensation statute that pro-

vides for a payment of \$15,000 per year for up to ten years of wrongful imprisonment. On July 2, 2008 Johnson was notified that Governor Bobby Jindal signed the bill authorizing the maximum \$150,000 payment.

Johnson became a leather craftsman while in prison, and he told the *Shreveport Times* that he plans to use the money to start a leatherworks business in Leesville, "It'll help to support my living expenses and all of that. If my business grows or profits, I'll be just fine. I know it will be a good business. I've got a lot of people waiting on me to get the business open. There is money to be made."

Sabine Parish DA Don Burkett, who did nothing to impede the DNA testing or Johnson's release when the results cleared him of the crime, said about the compensation payment, "He's deserving of it, and I'm happy for him. It in no way makes up for the injustice, but I'm happy that he has this money to try to help him get a fresh start."

Source: Compensation approved for wrongly convicted man, *Shreveport Times*, July 4, 2008.

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Gunn Files Civil Rights Lawsuit

In July 2008 Kevin Gunn filed a federal civil rights lawsuit over a March 2007 incident in the dining room at the California Correctional Institution in Tehachapi, California. After Gunn asked a guard if the Kool-aid dispenser was going to be filled, he turned and began walking away. The guard responded by using his baton to strike Gunn in the back of his right leg so hard that the baton fell from his hands. The guard then grabbed the stunned Gunn and threw him to the floor on his back. Gunn rolled over, and while face down he held his hands behind his back and he was handcuffed.

MO A.G. Agrees Villasana Due Compensation

Armand Villasana was convicted in November 1999 of kidnapping, raping and forcibly sodomizing Judith Ann Lummis at knifepoint in September 1998 near Springfield, Missouri. Villasana had been arrested for an unrelated matter and he became a suspect because he faintly resembled a sketch made from Lummis' description of her attacker's face. Lummis subsequently identified Villasana in a photo line-up and testified he was her assailant, even though he was taller, thinner and twenty years older than the man she described to police in her statement.

Another guard then sprayed Gunn in the face with a prolonged burst of Pepper Spray.

Gunn's back was injured from the assault and he has had to use a cane to walk. He needs back surgery that as of late November 2008 the CA DOC has not authorized to be performed. Gunn's lawsuit requests compensatory and punitive damages, future medical expenses, and other economic considerations. The case is, *Kevin Gunn v. James Tilton, et al.*, 1:08CV01038 (ED CA, 07-21-2008). A copy of Gunn's 12-page complaint can be obtained by sending \$3 (stamps OK) with a request for "Gunn Lawsuit" to:

Justice Denied
PO Box 68911
Seattle, WA 98168

Villasana was facing 40 years in prison, but prior to his sentencing his lawyers discovered they had been misled by a crime lab report — there was in fact DNA testable evidence in the case. Villasana's motion to DNA test the evidence was granted. In June 2000 the results excluded Villasana and identified an unknown male. The prosecution dismissed the charges against Villasana and he was released after spending 21 months in the Greene County Jail.

In November 2005 the DNA was matched to a Missouri prisoner. He told investigators that he had been having an affair with Lummis which is why his DNA was detected. He said that when her husband questioned why she had gotten home late one night she made up the rape story. In August 2007 Lummis admitted the assault was a hoax. Several weeks later Greene County Prosecutor Darrell Moore publicly revealed that Villasana had been convicted of a non-existent crime.

In 2006 Missouri passed a law providing \$50 for each day of imprisonment after a wrongful conviction. Villasana filed a claim of \$11,250 for the 225 days from the date of his conviction to his release. In August 2008 the Missouri Attorney General's Office informed Villasana that it would not oppose his claim.

Source: AG's Office agrees restitution needed, *News-Leader* (Springfield, MO), August 27, 2008.

For a more detailed account see previous JD article: "Woman Admits Fabricating Rape Accusation Against Armand Villasana – Seven Years After His Release From Prison," *Justice:Denied*, Issue 38, Fall 2007.