

DeWayne McKinney Dies After Moped Crash

DeWayne McKinney was exonerated in January 2000 of a 1980 murder-robbery at an Orange, California Burger King when the actual perpetrators were identified and the DA acknowledged he was innocent. After McKinney's release from almost 20 years of wrongful imprisonment he sued the City of Orange, which settled in the summer of 2002 for \$1.7 million. He received a check for about \$1 million after deductions for attorneys fees and expenses.

McKinney didn't squander his money. He invested it in half-a-dozen condominiums in La Mirada — a Los Angeles suburb. He then learned that it is possible for a person to buy and operate automated teller machines (ATM). The ATM's owner is paid a commission on each transaction. After meeting a man whose company sold and installed ATMs, McKinney recruited two acquaintances to work on commission to find locations. His first machine was installed at a Unocal station in Santa Ana. Within a few months McKinney had 20 ATMs around Southern California.

However he felt uncomfortable in Southern California and decided he wanted to live in Hawaii. So in 2003 he sold his ATMs and bought a beachfront five-unit fixer upper apartment near Oahu's North Shore. He and his wife lived in one unit and rented the rest.

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McKinney then began installing ATMs in and around Honolulu.

McKinney and his wife equally divided the ATMs in the family business after their divorce in 2004. Within a year McKinney built his business back up to the 20 ATM machines he had before the divorce.

After the divorce McKinney sold for \$2.7 million, the five-unit apartment he bought for \$740,000 in 2003. He used the money to buy real estate on Oahu, including a beachfront home in Honolulu.

McKinney continued expanding the number of ATMs he owned, and by the fall of 2008 he had 48 throughout Hawaii in restaurants, bars and shopping malls.

On October 7, 2008 McKinney was seriously injured when shortly after midnight the moped he was riding crashed into a telephone pole in Honolulu. The 47-year-old McKinney was taken to a local hospital where he died from his injuries. McKinney



DeWayne McKinney in 2005 on the beach in front of his Honolulu home

wasn't wearing a helmet and the cause of the crash was not immediately known.

Nine days after McKinney's death, Honolulu's chief medical examiner reported that McKinney's blood-alcohol level was .22% — nearly three times the legal limit.

McKinney spoke about his prison experiences at churches and wrongful conviction conferences. After his death friends said that he had difficulty controlling the drinking that he turned to as a way of coping with the psychological trauma of being falsely convicted of a brutal murder and imprisoned for two decades.

Justice:Denied published two stories about McKinney's case: "The 19-Year Ordeal of Dwayne McKinney: Injured and on Crutches 30 Miles Away From a Murder Is Finally Recognized as an Alibi," (Issue 11, March 2000); and five years later, "From Wrongful Murder Conviction To Multi-Millionaire In Five Years," (Issue 29, Summer 2005).

Sources:
Millionaire ex-inmate dies in scooter crash, Los Angeles Times, October 8, 2008.
Inmate turned millionaire was drunk when he fatally crashed his moped, Los Angeles Times, October 16, 2008.

Virginia Issues First "Writ of Actual Innocence"

In 2006 Darrell A Copeland was a passenger in a car that crashed near Chesapeake, Virginia. A state trooper at the scene found an unloaded pistol under the seat where Copeland had been sitting. A computer check found that Copeland had a felony robbery conviction, so he was arrested as a felon in possession of a firearm.

During Copeland's May 2007 trial the prosecution didn't introduce the pistol into evidence, instead relying on the trooper's testimony that he found an unloaded pistol under Copeland's seat. Copeland's lawyer challenged the officer's testimony as insufficient to establish that what he found was in fact a firearm, but the judge sided with prosecution's argument that the trooper's expertise in identifying firearms was a sufficient substitute for its introduction into evidence.

Copeland was sentenced to five years in prison, and in March 2008 the Virginia Court of Appeals affirmed his conviction and sentence.

At the time of Copeland's trial the pistol was

in the possession of the Virginia Department of Forensic Science. Two months after his conviction was affirmed, the lab analyzed the pistol and determined it is a "gas gun" that uses compressed gas to discharge a pellet.

In 2004 Virginia revised its 21-day limit barring new non-DNA evidence, to allow the filing of a special writ if new non-DNA evidence could establish a defendant's actual innocence of their convicted crime.

Virginia statutorily defines a firearm as an instrument "intended to expel a projectile by means of an explosion." Based on the new forensic evidence that Copeland was actually innocent because he had not been in possession of a firearm, his lawyer relied on the 2004 law to file a "Writ of Actual Innocence" with Virginia's Court of Appeals. Virginia's Attorney General conceded in the State's response that the item in Copeland's possession did not meet the definition of a firearm, and that he could not have presented evidence about that prior to when his conviction became final because the pistol was in the possession of the lab that had not issued its report.

The appeals court had not granted any of the more than 120 writs that had been filed in

the first four years the actual innocence law had been in effect, but Copeland's writ was the first one the State did not oppose.

On August 12, 2008 the Court of Appeals issued its ruling. After explaining the Court had "no obligation to accept concessions of error" by the Attorney General, they concluded "the unique circumstances of this case make it prudent to accept the Attorney General's concession without "further development of the facts." The Court granted Copeland's writ, vacated his conviction, and ordered the Circuit Court to expunge it from his record.

Source:
Darrell A. Copeland v Virginia, No. 1547-08-1 (VA Ct. of Appeals 08-12-2008)

Study Finds 41% of Rapes Fake

A 9-year study in a metropolitan area found that 41% of reported rapes never happened. The study by Purdue Professor Eugene J. Kanin, Ph.D., discovered the three main reasons women make false rape complaints are: for an alibi; as a means of gaining revenge; and to gain attention/sympathy. For a copy of the "Rape Study" send \$3 (stamps OK) to: Justice Denied; PO Box 68911; Seattle, WA 98168.