

Kevin Gunn's Case Featured In "Obvious Answers"

"Obvious Answers" is an annual publication produced by Julie Rea about issues related to the legal system and wrongful convictions.

Ms. Rea has first-hand experience in what it is like to be wrongly convicted. She was convicted in March 2002 of murdering her 10-year-old son Joel in 1997 by stabbing him to death in their Lawrenceville, Illinois home. Represented by a single public defender who conducted minimal investigation of her case, the jury rejected her defense that a masked intruder stabbed her son, and she was sentenced to 65 years in prison.

Weeks after Rea's sentencing ABC's 20/20 aired her story. That program was seen by Diane Fanning who was writing a book about serial killer Tommy Lynn Sells who was on Texas' death row. Fanning noticed that Joel's murder had similarities to a murder committed by Sells in Springfield, Missouri. She wrote a letter to Sells that vaguely asked if he was involved in another murder about the same time as the Springfield murder. In June 2002 Sells wrote Fanning admitting to Joel's murder and he provided details that had not been released to the public. [Fanning's book](#), "Through the Window: The Terrifying True Story of Cross-Country Killer Tommy Lynn Sells," was published in May 2003, and it contained Sells' confession to Joel's murder. The information Fanning's book led to the Downstate Illinois Innocence Project (DIIP) at the University of Illinois Springfield becoming involved in Rea's case. Sells matched the description of the person she said killed her son, and an [investigation by the DIIP](#) discovered an eyewitness who saw Sells in Lawrenceville the weekend of Joel's murder.

The new evidence of Rea's innocence was incorporated into her direct appeal, and in June 2004 the Illinois Court of Appeal did overturn her conviction --- but they did it on the legal basis that the trial judge shouldn't have allowed a special prosecutor to try the case over defense objections, because he had not been sworn in as an assistant state's attorney before calling a grand jury or trying the case. The [appeals court ruled](#) that:

"Because the defendant specifically challenged the legitimacy of the prosecutor, the trial court erred in allowing an

attorney from the appellate prosecutor's office to prosecute the case. The defendant had a right to be prosecuted by someone with proper prosecutorial authority, a personal privilege she did not waive."

The Lawrence County DA elected to retry Rea. After more than two years of imprisonment she was released on bail pending her retrial. Unlike her inadequate representation during her first trial, during her retrial she was represented by six pro bono lawyers, including two lawyers from Northwestern University's Center on Wrongful Convictions. On July 26, 2006 [she was acquitted](#) by a jury that heard the evidence of Sells confession to her son's murder and other significant exculpatory evidence.

"Obvious Answers" recently included an article about the case of Kevin Gunn by *Justice Denied's* Editor and Publisher Hans Sherrer that is one of the most outrageous cases of misidentification in American legal history.

Gunn is a giant: he is a light skinned black man 6'-9" tall and he weighs over 300 pounds. He was convicted in 1999 of committing two daylight robberies of elderly people on public sidewalks in San Diego that were witnessed by more than a dozen people. Every witness, including the victims, described the assailant as 5'-10" to 6'-3" tall, and weighing 180 to 220 pounds with very dark shiny skin. Not only is Gunn dramatically larger than the robber who had a much different skin tone, but Gunn had airtight alibis for being inside of stores during two of the robberies. In addition the police were provided with the license plate number and a description of the robber's getaway car, and it didn't match the car Gunn drove. Yet, Gunn was convicted by a jury. Then the day after his convictions the jury foreman wrote the San Diego County District Attorney and told him the jurors were only able to convict Gunn because they were "proactive" in filling in all the prosecution's missing evidence against Gunn! The evidence positively excluding Gunn as the robber and the admitted jury misconduct of convicting him based on evidence they made up didn't make any difference when the judge sentenced Gunn to 17 years in prison.



Julie Rea outside the courthouse after her acquittal on July 26, 2006.

Gunn's conviction was affirmed by the California state courts, his pro se state habeas corpus petition was denied, and after his habeas corpus petition was denied by the federal district court in San Diego he appealed to the federal Ninth Circuit Court of Appeals, where his appeal was also denied. You can read "An Accumulation of Errors" [by clicking here](#).

Sources:

[Obvious Answers](#) webpage,

<http://obviousanswers.presspublisher.us>

[An Accumulation of Errors](#), By Hans Sherrer, Obvious Answers, September 22, 2011

[The Julie Rea Harper Case](#), Downstate Illinois Innocence Project, University of Illinois Springfield [Rea-Harper conviction overturned](#), The Wolf Law Firm, June 28, 2004

"[Through the Window](#): The Terrifying True Story of Cross-Country Killer Tommy Lynn Sells," Diane Fanning, St. Martin's True Crime, May 2003

Man Convicted of Rape Released After His "Vic- tim" Marries Him And Has His Child

Sharvan Kumar was sentenced to life in prison after he was convicted in 2007 of raping Kamini Nayak in Jodhpur, India, which is about 600 miles north of Mumbai.

After his conviction Nayak married Kumar and when they were able to have marital relations she became pregnant.

Kumar filed a petition to quash his conviction that relied on new evidence he did not rape Nayak. Based on Kumar's new evidence and that his alleged victim married him and had his child, the Rajasthan High Court in Jodhpur [quashed the judgment](#) of the trial court. Four years after his conviction Kumar was released in July 2011 from the Jodhpur Central Jail, where some of India's most notorious criminals are imprisoned.



Jodhpur Central Jail (The Hindu)

Sources:

[Conviction suspended in rape case](#), *The Times of India*, July 27, 2011