

Marcus Lyons Awarded \$5 Million For Wrongful Rape Conviction

Marcus Lyons has settled his lawsuit against the Village of Woodridge, Illinois and three of its police officers for \$5 million. Lyons sued the city after he was exonerated in 2007 of a 1987 sexual assault. Woodridge is a suburb of Chicago.

Rebecca Auten, a 29-year-old Caucasian woman living in the same apartment complex as Lyons, reported on November 30, 1987 that she was raped by a man she described to police as a black male between 25 and 30 years old with a large belly and hips. She also said that she burned her assailant's coat with a cigarette. A police artist made a composite sketch that two people who lived in Auten's apartment building said resembled Lyons, who lived in an adjacent building. Lyons was the only black man living in the apartment complex.

Lyons was 29, but dissimilar to Auten's attacker because he was very slim with a 32-inch waist. He was a seven-year veteran of the U.S Navy and a reservist. He had no criminal record, he was engaged to be married, he was taking courses at College of DuPage, and he was employed at Bell Labs as a computer operator.

Two days after the rape was reported Lyons was taken into custody. Lyons' apartment was searched and none of his coats had a burn mark.

The victim selected Lyons from a photo line-up in which he stood out because five of the photos were of police mug shots while Lyons' photo was his employee ID photo from Bell Labs. The woman later selected Lyons from a live line-up, in which he stood out because he was the only person who had been in the photo line-up. Based on Auten's identification Lyons was charged with sexual assault and unlawful restraint her.

Lyons insisted on his innocence. He cooperated with police by taking a polygraph test and he gave blood and saliva samples.

There was no physical evidence linking Lyons to the crime, so during his trial in June 1988 the prosecution's case hinged on the victim's identification of him in court as her perpetrator. Lyons' defense that he was misidentified was undermined by the inconsistent statements he gave to the police about his whereabouts at the time of the



Marcus Lyons at a press conference announcing the settlement of his lawsuit for \$5 million on June 7, 2012 (Alex Garcia, Chicago Tribune)

he did not file his appeal. Howard's license to practice law was later suspended for his negligent handling of his clients' cases and appeals.

After serving 3-1/3 years of his sentence Lyons was paroled in March 1991.

Two weeks after his release from prison Lyons went to the DuPage County Courthouse with an 8' x 6" cross and dressed in his Navy uniform. When police approached him he nailed one of his feet to the cross. He was convicted of three misdemeanors related to the incident, which he explained he did because he "needed someone to listen" to his claims of innocence.

In spite of the stigma of registering as a convicted sex offender, Lyons found a job at a private sewage treatment plant where he worked for more than a decade.

In 2006 an attorney Lyons hired filed a petition for DNA testing of the assailant's semen on Auten's bra — which was the only evidence remaining from the crime. The petition was granted, and in January 2007 the state crime lab reported that Lyons' DNA was excluded as the source of the semen, which originated from an unknown male. Lyons paid [more than](#) \$10,000 out of his pocket to hire his attorney and to pay for the DNA that cleared him.

Lyons attorney then filed a petition for post-conviction relief based on the new evidence of his actual innocence. On September 18, 2007 Lyons conviction was vacated by a DuPage County judge, and the charges were dismissed after the State's Attorney's office declined to retry him for a lack of evidence. Lyons had served 19 years and 10 months of his sentence — 3-1/3 years in jail and prison and 16-1/2 years as a registered sex offender. DuPage County State's Attorney Joseph Birkett — the same prosecutor who had tried his case in 1988 — [stated](#): "As far as I'm concerned, Marcus Lyons deserves to have his record cleared."

crime. The jury convicted him, and he was sentenced to 6 years in prison and required to register as a sex offender after his release.

[Lyons hired](#) attorney George C. Howard Jr. to handle his appeal, but

It was then publicly disclosed that the identity of Auten's assailant had been discovered by matching his DNA to that identified on her bra.

After Lyons was exonerated the *Daily Herald* newspaper interviewed jurors from his trial [who said](#) that when deliberating didn't have any doubt of his guilt based on the prosecution's case.

A year later, on September 4, 2008, [Lyons filed](#) a civil rights lawsuit in federal court alleging that Woodridge police officers violated his constitutional rights by manipulating a police line-up, coaching witnesses, and fabricating evidence to falsely implicate him in Auten's rape.

Illinois Governor Rob Blagojevich on December 19, 2008 pardoned Lyons on the basis of his actual innocence. Lyons filed a wrongful imprisonment claim with the State of Illinois and was paid about \$85,000 in compensation. His record was also expunged of his felony convictions.

Lyons filed a federal civil rights lawsuit on April 30, 2009 [alleging that](#) four DuPage County deputies violated his rights by their participation in the case that resulted in his wrongful conviction. On January 29, 2010 Lyons voluntarily dismissed that lawsuit.

On June 7, 2012 — 24-1/2 years after he was arrested — it was announced that Lyons [settled his lawsuit](#) against the Village of Woodridge and its officers for \$5 million.

Lyons, now 54, is one of the few, and possibly the only person exonerated by DNA evidence who out of his own pocket paid all the legal expenses, and paid for all the scientific tests necessary to clear him of his convicted crimes.

Sources:

[Lyons v. Village of Woodridge et al.](#), No. 1:2008cv05063, Illinois Northern District Court, September 4, 2008 (3 police officers)

[Lyons v. DuPage County et al.](#), No. 1:2009cv02649, Illinois Northern District Court, April 30, 2009 (4 sheriff deputies)

[Marcus Lyons will never give up the fight](#) to clear his name, By Christy Gutowski (staff), Daily Herald, June 14, 2010

[Suit says Woodridge police set up man](#) for false conviction in 1987 rape, By Gerry Smith, Chicago Tribune, September 6, 2008

[Man wrongly imprisoned in 1987 rape](#) in Woodridge settles lawsuit for \$5 million, By Joseph Ruzich, Chicago Tribune, June 7, 2012

[Man gets \\$5 million from Village of Woodridge](#) for wrongful imprisonment, *Woodridge Reporter*, June 7, 2012

