

Men wrongly accused spent months in St. Louis jails; one sues

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ST. LOUIS • Cedric Wright thought it would be simple to get out of jail. He was, after all, not Corey D. Leonard, on whose multiple warrants he was arrested Aug. 20.

Yet it took two days in St. Louis police custody for Wright's protests to be acknowledged, and 58 days more for him to be released — even though he documented his identity and the real Leonard was already locked up.

In a criminal justice system full of defendants who not only typically deny guilt but often deny their identities, a rare error might be considered inevitable.

Dwayne A. Jackson's case belies that notion.

He was not the Dwayne A. Jackson, born on a different date, wanted on a warrant regarding illegally obtained unemployment benefits. But he spent almost a month behind bars in 2010 before his mistaken-identity ordeal was over.

At least, he thought it was over.

Almost exactly a year later, he was picked up again by police making the same mistake on the same warrant. It took two months more in jail before he was released again. Now he carries documents he hopes will support his denials, should he be arrested a third time.

No one keeps track of people who are erroneously arrested or fall through cracks and get lost in the jail. But the Post-Dispatch easily found four cases in St. Louis of mistaken identification — three involving incarceration.

Those familiar with the court process suggest there are more.

It happens "too often," said Mary Fox, head of the St. Louis public defender's office. "It's not like it happens daily. But if you're the person sitting in jail, that's one too many," she said.

Circuit Judge John Garvey, who ordered both Jackson's and Wright's release, called it "very frustrating" and said, "I just don't understand how this keeps on happening."

Presiding Circuit Judge Steven Ohmer estimated that only a "handful" of defendants are erroneously arrested or charged each year out of more than 2,000 cases. "It's not a huge problem," he said. "But it seems like whenever you get one, it's a mess."

The known cases highlight a disorganized system for arresting and charging defendants, in which something as simple as a clerical mistake can mean weeks — even months — in a cell.

There appear to be few safeguards for preventing these types of errors, and no mechanism to quickly separate defendants who aim to deceive, by giving a false name or date of birth, from those who are unjustly detained.

The cases also hint at a lack of communication among the various arms of the law.

Wright makes some of those points in a civil rights lawsuit he filed Thursday in U.S. District Court against the police, jail, sheriff's office and corrections officials.

POINTING FINGERS

In these cases, even the agencies involved had trouble sorting out what occurred. Police and prosecutors took days to respond to media inquiries, blaming the complexities. Police never responded to questions about specific cases.

Kara Bowlin, speaking for Mayor Francis Slay and the city Department of Corrections, provided some basic information but did not respond to inquiries about how the errors occurred.

Ultimately, there was a lot of passing blame.

Ohmer said he had no good answer. He said police are responsible for arresting the right person, and lawyers on both sides for shepherding the right case through court.

"You kind of have to expect people to do their jobs," he said, with the judges in the role of trying to fix problems brought to them.

Police Lt. Col. Tim Reagan said the department uses the information available. Suspects often lack identification and give false names. Appearances and addresses change.

Officers are responsible to book defendants under their correct names, he said, but the only way to be sure is by comparison with fingerprints already in the system. "We have people working 24/7 in the ID section doing nothing but analyzing people's fingerprints," Reagan said.

Officials said that if someone gives a false name the first time he is fingerprinted, it can cause problems later.

Fox acknowledged that in one case discovered by the Post-Dispatch, her office dropped the ball for a while. But ultimately in that case — and in Wright's and Jackson's — "it looks like if we hadn't stepped forward, nothing would have happened."

Rachel Smith, a senior prosecutor for Circuit Attorney Jennifer Joyce, said the job of protecting a wrongly accused defendant lies mainly with the defense.

"Because of ethical rules, I cannot approach the defendant even if he's sitting there saying it's not me," Smith said. "We really need the defense attorneys to be proactive in helping their defendants navigate the system."

Antonio M. Johnson, now 31, of St. Louis, was failed at multiple points and spent about two weeks in jail.

Johnson was arrested Feb. 28, 2010, on a warrant intended for Antoine L. Johnson, 32, of Cahokia. Smith said police on a traffic stop "ran into a close match based on the name and DOBs and he was booked on the warrants. ..." She said both men have "extensive" criminal histories and aliases with "extensive permutations."

In court on March 1, Antonio Johnson alerted officials to the mistake.

For two weeks, Assistant Public Defender David Anderson made repeated calls to the sheriff's office, police, court clerks and prosecutors, Fox said.

Smith said her office's records do not indicate any contact with prosecutors or the court.

Antonio Johnson eventually paid \$500 to hire a bondsman to get him out of jail. Smith said he also may have been held on warrants from other jurisdictions during that time.

Anderson went on medical leave, and a new lawyer, Chad Oliver, entered the case in July, Fox said. Oliver filed a motion Oct. 20 to get Antonio Johnson out. From then, a month passed before he was released, after a witness identified Antoine Johnson as the right suspect.

In another case, the wrong click of a computer mouse by an assistant circuit attorney led an innocent man to be charged with kidnapping and raping a woman and threatening to set her on fire.

Jermaine Johnson, 26, of the 200 block of Meacham Street in Kirkwood, was supposed to be charged in an at-large warrant issued Dec. 21. Instead, another Jermaine Johnson, of a different age and address, was named in court paperwork, and thus in news reports.

When a St. Louis police detective noticed the mistake, a corrected warrant was issued, before anyone was arrested.

Susan Ryan, spokeswoman for Joyce, insisted that St. Louis police detectives knew their target and would not have arrested the wrong man. "The good news is, everything worked out the way it was supposed to," Ryan told a reporter. "There seems to be no consequences, so that's a really good thing."

But his personal information was put into the police computer system, making him subject to arrest in any jurisdiction, and potentially setting up a situation like Wright's and Jackson's.

LOST IN THE SYSTEM

Cedric M. Wright was arrested Aug. 20, 2011, by St. Louis police. The circumstances are in dispute.

Wright and his lawyer, James Hacking III, insist he was taken into custody on warrants for a man named Corey D. Leonard. They said Wright protested and provided a Social Security card and other identification.

Wright said he had been stopped once before by police who thought he was Leonard but convinced the officers he was not.

Mike Guzy, spokesman for Sheriff Jim Murphy, researched the case and said Wright was arrested on his own petty theft charge and would have been released on a summons had one of his 13 aliases not matched Leonard.

"When you start using 14 names with the Police Department, things get confusing," he said.

Smith also reviewed Wright's file and said Wright's name was actually an alias used by Leonard — not the other way around.

Guzy also said St. Louis officials should have been notified when Leonard was jailed in St. Louis County and canceled his warrants.

Regardless, Wright ended up in front of Associate Circuit Judge Elizabeth Hogan, handcuffed and shackled to a group of other men.

Wright pointed out the mistake. Assistant Circuit Attorney Patrick Carmody filed a motion to release him because "he is not the proper defendant for this case," and Hogan ordered his release.

But since the order listed only one of Leonard's pending charges, Wright was returned to jail on the others, Guzy said.

Smith said Wright was appearing in front of Hogan on only one of the cases. He was represented by a public defender in court at the time, but she said she could not speak to what that lawyer knew about the other charges.

Wright spent his birthday in the St. Louis Justice Center downtown and was later sent to the Medium Security Institution.

For the next two months, Wright said, he endured "horrible conditions" while jailers ignored his pleas. He ate what he called 'slop" and slept in what insiders of the crowded jail know as a "boat," a plastic tray with a thin foam mat for inmates who have no regular bed.

Wright said his sister tried to get him a lawyer, and he tried in vain to get a public defender.

He was finally freed after sending a letter to Fox in mid-October. When she found no charges in his name, jail officials told her Wright was held on three pending cases against Leonard. Fox learned from Leonard's lawyer that he was already held in the St. Louis County Justice Center, verified it, then headed for court.

On Oct. 20, Circuit Judge Jack Garvey ordered Wright released "forthwith," adding, "If defendant is not released on this date, the sheriff's office and the (department of) corrections shall immediately report to the judge in Division 16 the reason for the continued detention of Cedric Wright."

Reached last week, Garvey said he had no specific memory of it.

Hacking said that had Wright's letter not reached Fox, his client might have been lost in the system "indefinitely." The possibility is underscored by court files showing that St. Louis officials were aware the real Leonard was in the county jail. His case was proceeding with no apparent recognition that a man named Wright was also held on the same charges.

Hacking, who blames failures at every step, said, "The system should be set up in a way that doesn't allow this to happen."

Besides unspecified damages, Wright's lawsuit seeks procedural changes, Hacking said, "to make sure what happened to Cedric, and apparently ... to other people, doesn't happen again."

Wright, who was about to start a job with Goodwill when he was arrested, said he now gets by on food stamps and help from his sister. He is galled that no one apologized.

"They didn't do nothing," he said. "They didn't say nothing."

TWICE SNARED IN MISTAKES

Dwayne A. Jackson is foggy on details of his two arrests. He blames seizures he has suffered since late 2009 for problems focusing and describing specifics. But he insists that he told police from the start he was not the man they wanted.

An arrest warrant at least suggested as much, naming a Dwayne Anthony Jackson, 47, of 5500 block of Clemons Avenue, who was 5-foot-11 and weighed 206 pounds. This Jackson was 48, lived on Louisiana Avenue, and was 5-foot-10 and weighs 165 pounds.

Police arrested him anyway, on Aug. 17, 2010.

"I tried to explain myself, but it didn't matter," Jackson recalled. "I have to deal with it when I get down (to court) — that's what they all kept saying."

He was held for five weeks before Judge Michael Stelzer reduced his bail to nothing on Sept. 23 and ordered a fingerprint comparison. On Oct. 13, a fresh warrant was issued for the other Dwayne Jackson, and it was noted in the case file that the wrong man had been held.

When Jackson was wrongly identified a second time, on Aug. 10, 2011, that notation didn't seem to matter. He sat in jail until his public defender, David Bryant, pointed out the mistake in an Aug. 30 letter to the court.

Jackson remained in jail while a fingerprint comparison, ordered by Judge Barbara Peebles, languished. He was finally ordered released on Oct. 12. On Nov. 8, a warrant was issued for the third time for the arrest of the other Jackson.

Garvey, who ultimately ordered Jackson's release, said it never should have gotten that far. "When the finding is made that it's the wrong guy — it shouldn't happen again," he said.

Prosecutors said part of the problem was that Jackson never went to the police station for his fingerprint comparison after the first arrest. The second time, they said, sheriff's deputies did not transfer Jackson to the Police Department from the city jail, as ordered, for the analysis.

Court records also indicate that at one point, the crime lab didn't have the case information it needed. Ohmer said that prosecutors should have provided it and that Jackson's public defender should have followed up.

But Fox, the public defender, said follow-through is the responsibility of everyone involved. Instead, she said, "it appears it's falling on our shoulders."

Bryant, in his motion, noted that his client had a strong alibi that should have erased any confusion: The theft for which he was accused occurred while Jackson was jailed in a St. Louis County theft case. (He has a history of drug and theft convictions.)

In a letter sent to a reporter the day before his release, Jackson pleaded, "Please expose this (to others) because something like this could happen to someone they love."

In an interview later, Jackson was incredulous: "To get ignored like that — and lose part of your life — man, can you swallow that?"

He said he is now afraid to leave home. "I worry it's going to happen again every time I'm in a public place."