

JUSTICE FOR JOHN

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PRESS RELEASE #9: Composite Forgery Clinches Case

Documents obtained by the Defense reveal that **the jury who convicted John Ewing in 1985 of raping a Jackson Co. woman was shown a forged suspect composite drawn to look like John.** What they didn't see was the composite of the real rapist. **The real composite was never provided to the defense** and, like all of the physical evidence in *People v Ewing*, was destroyed by the police, despite an order to retain all evidence. Below is a police report which indicates that *two* composites were drawn the day after the June 20th, 1983 assault:

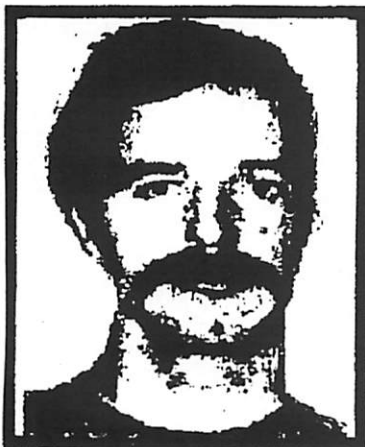
Copy of the 6/21/83 police report by Sgt. Michael Henderson

DISTRIBUTION OF COMPOSITE DRAWING:

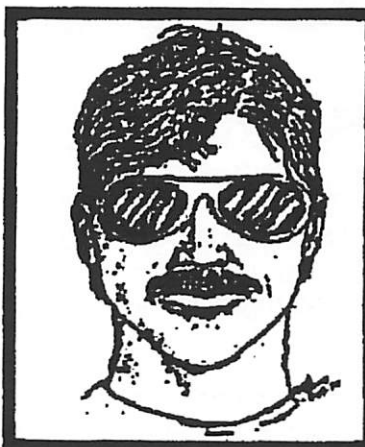
Upon obtaining several copies of the composite drawing, which was made by Det. Hutton of the City Police Department, along with the assistance of the victim who was an art student, these copies were then distributed throughout the campgrounds, state parks, party stores, etc., throughout the general area of the sexual assault.

It should be noted also that at the time of the composite sketch being made by Detective Hutton, the victim herself also made a pen sketch of the suspect without assistance of a lay-down kit, utilized by the City Police Department.

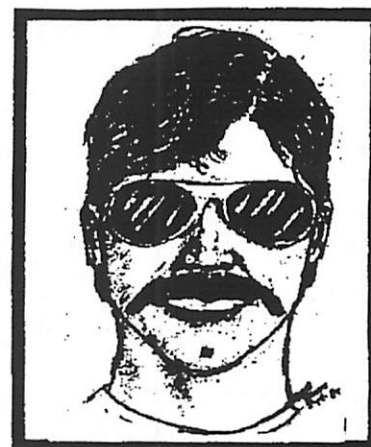
In 1984, after Ewing was targeted as the suspect in several rape cases by Washtenaw Co. Sheriff's Detective, William Eskridge, **two new composites of the Jackson suspect surfaced.** The one in the middle, below, was signed 5/15/84 by "Gary Powell" of the Michigan State Police -- a year after the rape -- and bore a striking resemblance to John's driver's license photo on the left. The "Powell" sketch was delivered by Eskridge to prosecutors and the *Ann Arbor News* along with a fabricated story that Ewing was apprehended after an Ann Arbor woman "who escaped being raped by Ewing" identified the Jackson composite as her assailant. According to both Sgt. Henderson of the Jackson Co. Sheriff's Department and prosecuting attorneys, Eskridge's false story was the basis for filing charges against John.



1984 license photo



New composite #1



New composite #2

(over)

At John's first court appearance, a revision of the "Powell" composite (far right) with mustache lengthened and chin dimple added was presented by the prosecution as an exhibit. Eskridge testified that this was "the suspect in the 1983 Jackson County case." Without the benefit of the 1983 Jackson police report or the genuine composite, defense counsel could not impeach Eskridge's 1984 testimony. By the time of trial the forgery had been unwittingly accepted as the composite of the Jackson rapist -- even the victim identified it to the jury as the composite she helped to draw!

The forgery's similarities to John's driver's license photo can't be ignored. The new evidence of police misconduct and evidence tampering was presented to Jackson Co. Circuit Court Judge Chad Schmucker at an evidentiary hearing ordered by the Michigan Court of Appeals in 1995. For the first time, the state presented a document dated 5/15/84, indicating that the victim helped Gary Powell draw new sketch #1. When asked why a new composite was drawn a year after the rape -- when two composites drawn immediately after the rape were available -- Sgt. Henderson testified that the new composite was ordered to "refresh the victim's memory."

The Defense countered with witness Kipling Williams, PhD. (University of Toledo), an expert in memory and eye-witness identification. Dr. Williams described the manner in which memory deteriorates over time, beginning within minutes of an event. According to Williams and other experts in the field, memory is more reliable closer to the time of the incident. Dr. Williams testified that nearly all of the factors which adversely affect memory were present in John's case: police reports and the victim's testimony state that she "never had more than a few moments to glimpse her attacker ... her face was covered during the entire incident ... the suspect wore dark sunglasses ... more than a year passed before she attempted to identify Ewing."

Judge Schmucker rejected all Defense arguments, although he noted that Detective Eskridge's investigatory procedures were questionable. Schmucker's decision, which was affirmed in June by the Michigan Court of Appeals, has been appealed to the Michigan Supreme Court. Their decision may take months or years.

For more information or copies of prior press releases contact **JUSTICE FOR JOHN**, or call:

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