

Jerry Watkins

Incident Date: 11/12/84

Jurisdiction: IN

Charge: Murder, Rape

Conviction: Murder, Rape

Sentence: 60 years Year of Conviction: 1986

Exoneration Date: 7/31/00

Sentence Served: 13.5 Years

Real perpetrator found? Yes

Contributing Causes: Government Misconduct, Informants/Snitches, Unvalidated or Improper Forensic Science

Compensation? Yes

After serving 13 years in prison for a murder he did not commit, Jerry E. Watkins was released from prison in the summer of 2000. He had been convicted in 1986 on the basis of testimony by a jailhouse snitch, improper forensic testimony and misconduct by prosecutors who withheld evidence of his innocence from defense attorneys.

#### The Crime and Investigation

On November 12, 1984, sometime after 2:00 PM, an 11-year-old girl disappeared. The last person to see her alive was her mother. Her nude body was found five days later in a field in Hancock County, Indiana. She had been raped and stabbed multiple times. The victim was Jerry Watkins' sister-in-law. Family members suspected that Watkins had been molesting the victim and another relative prior to her death. As a result, he was a suspect in the death of the victim from the early stages of the investigation, but was not charged with the crime until a year later after being implicated by a jailhouse snitch.

#### The Trial

Watkins was tried by a jury in 1986. Prosecutors sought the death penalty.

No physical evidence connected Watkins to the crime. Semen taken from the victim was analyzed, and the results suggested that the donor had blood of type B or AB. Watkins was Type O, so this finding excluded him as the contributor of the semen. However, a state serologist testified that Watkins was not excluded because the B indicator could have been the result of bacterial contamination. No testing was done to substantiate this claim.

The only evidence directly connecting Watkins to the crime came from the testimony of Dennis Ackeret, a professional jailhouse snitch with an extensive criminal record and a long history of cooperating with police in two states in return for cash and reduced sentences. Watkins and Ackeret were placed in the same holding cell despite a direct order by jail officials that Ackeret was not to be placed in a cell with anyone outside of his cellblock, and Ackeret testified that Watkins made a tearful confession to killing the victim.

Watkins had an alibi for the day of the disappearance, which was presented to the jury at trial. He was at work on the day of the crime continuously from 11:30 AM to 3:30 PM., when his wife picked him up. The two drove around running errands until approximately 7:00 PM. when they attended a church revival. They then went straight to the home of relatives, where they learned of the victim's absence. Watkins and his wife both passed polygraph tests, but the tests were ruled inadmissible at trial. The jury disbelieved his alibi, and Watkins was convicted of murder and murder during the commission of child molestation on September 19, 1986. The jury unanimously rejected the death penalty, and he was sentenced to 60 years in prison.

#### Post-Conviction Appeals and Exoneration

In 1992 Watkins filed a petition for post-conviction relief seeking DNA testing. DQ Alpha testing was performed by GeneScreen in 1993, and the results of this test indicated that Watkins could not have been the sole donor of the genetic material found in the vaginal swabs from the victim. Although he could not be conclusively excluded as a contributor of some small portion of the material tested, it was deemed unlikely. This evidence was presented at a post-conviction relief hearing, but was not seen as sufficient evidence for a new trial, as the judge ruled it was an

extension of the serology findings made during the 1987 trial.

Subsequent to this finding, evidence suggesting Watkins' innocence accumulated. There were numerous problems with the testimony of the snitch, Ackeret, which came to light after trial, including suspicious contact with the police in the time leading up to his testimony. Three witnesses, one who testified at trial and two more discovered afterwards, gave sworn affidavits that Ackeret admitted to them that he was lying, and eventually Ackeret himself signed a sworn statement that he had been supplied with information by the police and lied about Watkins' confession to him.

It was also discovered that the prosecution had illegally withheld evidence from the defense. Prosecutors did not turn over evidence of a witness who claimed to have seen the abduction. This witness provided a time and description of a vehicle which would have excluded Watkins as a suspect. Additionally, other suspects were being investigated at the time of the trial, a fact not revealed to the defense or the jury at the time. The prosecutor failed to disclose that another suspect in the case failed a polygraph test and that investigators received reports of other men who had known Peggy Sue who either told others they had killed her or had turned up with blood on their clothes the night she disappeared.

Watkins again sought post-conviction relief and was granted a hearing. A Writ of Habeas Corpus was granted in April of 2000 on the basis of the new DNA findings and misconduct by the prosecution for withholding evidence. The prosecution appealed, requesting the opportunity to perform additional STR-based DNA testing on tissue samples from the original trial; STR testing had previously been requested by Watkins' attorneys in 1999, but at the time prosecutors claimed that the materials could not be found. STR testing was performed and conclusively excluded Watkins. When they were entered into the Indiana State Police database, they implicated another man, Joseph M. McCormick, who pled guilty to sexual assault in return for prosecutors dropping the murder charges. Another man, Kenneth Munson, later pled guilty to battery of the victim.

Watkins was officially exonerated when prosecutors dropped their case against him and he was released on July 31, 2000. He had served more than 13 years in prison.

[http://www.innocenceproject.org/docs/Innocence\\_Project\\_Proc\\_Misconduct.pdf](http://www.innocenceproject.org/docs/Innocence_Project_Proc_Misconduct.pdf)  
(from research project by Emily West, from Innocence Project)

**Watkins, Jerry, IN:**

• **2000 appeal: The suppression of exculpatory evidence (Brady violation)**

○ Prosecutor withheld several key pieces of evidence from the defense including: a) that an undisclosed witness saw Peggy Sue being abducted at a time for which Watkins has a solid alibi, and by a person who could not have been Watkins; (b) that another suspect in the case failed a polygraph test; and (c) that investigators received reports of other men who had known Peggy Sue and who either told others they had killed her or turned up with blood on their clothes the night she disappeared.

🕒 Court's reasoning: "First, with the exception of the 1987 Ackeret motion, all the Brady claims involve exculpatory or impeaching information that plainly should have been turned over to the defense, especially in response to the defense's pointed requests. The state has offered no excuse for these violations, which are so numerous and complete as to have been systematic," *Watkins v. Miller*, 92 F.Supp.2d 824, 856.

Subsequent DNA testing exonerated Watkins in 2000.



## Jerry Watkins

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**County:** Hancock

**Most Serious Crime:** Murder

**Additional Convictions:** Rape

**Reported Crime Date:** 1984

**Convicted:** 1986

**Exonerated:** 2000

**Sentence:** 60 years

**Race:** Caucasian

**Sex:** Male

**Age:** 26

**Contributing Factors:** False or Misleading Forensic Evidence, Perjury or False Accusation, Official Misconduct

**Did DNA evidence contribute to the exoneration?** Yes  
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results of this test indicated that Watkins could not have been the sole donor of the genetic material found in the vaginal swabs from the victim. Although he could not be conclusively excluded as a contributor of some small portion of the material tested, it was deemed unlikely. This evidence was presented at a post-conviction relief hearing, but was not seen as sufficient evidence for a new trial, as the judge ruled it was an extension of the serology findings made during the 1987 trial.

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The National Registry of Exonerations is a joint project of the University of the Michigan Law School and the Center on Wrongful Convictions at Northwestern University School of Law.

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