



JAMIE LEE PETERSON



On the morning of Sunday, October 6, 1996, friends of 68-year-old Geraldine Montgomery became concerned when she failed to attend church in the small town of Kalkaska, Michigan. When they went to the home of the retired teacher's aide, they found it ransacked. They called the police, who found Ms. Montgomery's body in the trunk of the car, which was in the

garage with the motor idling.

An autopsy showed she had been raped and beaten. The killer then apparently forced her into the trunk of her car, turned on the engine, and left her to die of carbon monoxide poisoning. The crime shocked the 2,000-plus residents of Kalkaska where murders rarely occurred.

Police believed that around 8 p.m. the previous night, the home was broken into and Montgomery, who was 4 feet, 11 inches tall and weighed about 110 pounds, was raped in her living room. Police believed that the perpetrator had wiped away fingerprints. Semen was found in the victim's vagina and another semen stain, mixed with Montgomery's saliva, was found on her shirt, indicating that she had been raped orally as well as vaginally. A DNA profile was identified from the vaginal swab, but the semen stain on the shirt was too small to obtain a profile with existing technology at the time. Numerous suspects were questioned, but were not charged.

One of the suspects was 18-year-old Jason Ryan, who came to Kalkaska a week before the murder and was staying with a friend about two blocks from Montgomery's house.

In February 1997, a prisoner at the Kalkaska County Jail told police that a fellow inmate, 22-year-old Jamie Lee Peterson, had said he committed the crime.

Peterson, who was awaiting trial on a charge of statutory rape of a 15-year-old girl, was questioned by police. Peterson was mentally ill and had spent much of his life in psychiatric wards. After he failed a polygraph exam, he confessed. He said he had taken \$30 from the victim's wallet and a candle from the home.

Days later, Peterson recanted his confession and claimed he admitted committing the crime because he wanted to be sent to a state hospital. He said that any DNA at the crime scene would not be his. And in fact, the male DNA profile developed from the vaginal swab did not match Peterson's.

State:	Michigan
County:	Kalkaska
Most Serious Crime:	Murder
Additional Convictions:	Rape, Burglary/Unlawful Entry
Reported Crime Date:	1996
Convicted:	1998
Exonerated:	2014
Sentence:	Life without parole
Race:	Caucasian
Sex:	Male
Age:	21
Contributing Factors:	False Confession, Official Misconduct
Did DNA evidence contribute to the exoneration?:	Yes

The DNA exclusion did not convince the police that Peterson was innocent. Instead, detectives got Peterson to confess again and say that he committed the crime with another man, whose identity he did not know. They also convinced him to modify his first confession and say that his unknown accomplice committed the vaginal rape while Peterson only committed the oral rape, the stain from which was too small to test. Police then announced that they now believed the crime had been committed by two men, one of whom was Peterson—who was charged with murder, rape and burglary.

In early 1997, Ryan—who had been questioned immediately after the murder—was arrested in Flint, Michigan and charged with felony home invasion. Ryan pled guilty and was placed on probation and returned to Kalkaska, where he was questioned again by police detectives who were now looking for a second suspect in the Montgomery murder.

Ryan denied knowing Peterson or being involved in the crime. He cooperated with detectives and took two polygraph examinations. The first was inconclusive, but after the second, the examiner said he was truthful when he denied any knowledge of the crime. Ryan gave the police a DNA sample, but his DNA profile was not compared to the profile obtained from the Montgomery rape kit.

In 1998, Peterson went on trial for the Montgomery murder in Kalkaska County Circuit Court. The prosecution relied almost entirely on his confession, of which there were several different versions. Since the DNA technology at the time could not identify the source of the stain on the victim's shirt, Peterson was convicted on the theory that he committed the crime with an unknown accomplice and that Peterson was likely responsible for the semen in the untested stain.

On December 14, 1998, a jury convicted Peterson of first-degree murder, rape and burglary. He was sentenced to life in prison without the possibility of parole. He later pled guilty to the statutory rape charge and received a concurrent sentence of nine to 15 years in prison.

His appeals were rejected. In 2001, his appellate attorneys moved to have the shirt stain analyzed with improved DNA technology, but the prosecution fought the motion and it was denied.

Over the next 12 years, the prosecution successfully resisted numerous requests to test the shirt stain and to upload the profile from the vaginal swab to the FBI's national DNA database (CODIS) to see if the "unknown accomplice" could be identified.

In 2013, Peterson's 92-year-old former attorney, Al Millstein, asked the University of Michigan Law School's Innocence Clinic to re-examine the case.

Michigan Innocence Clinic co-director David Moran sought the assistance of Steven Drizin and Joshua Tepfer, attorneys with Northwestern University Law School's Center on Wrongful Convictions and met with a newly-elected Kalkaska County Prosecuting Attorney Mike Perreault, who agreed that the DNA tests should be performed. New DNA tests in the summer and fall of 2013 identified Ryan as the source of the semen on the victim's shirt as well as the semen in the vaginal swab. Tests were performed on other items of physical evidence from the crime scene as well, but Peterson's DNA was not found.

Investigators determined that the time of the murder, when Ryan was initially questioned, he was staying at the residence of a man who was the first suspect in the crime. That man, who later died, had a lengthy criminal history including sexual offenses. He became a suspect after a confidential informant told detectives that the day after the murder, the man said he had "killed the lady and stuffed her in the trunk" the night before.

On December 2, 2013, Ryan was arrested and charged with the rape and murder of Montgomery. In August 2014, Peterson's motion for a new trial was granted and his convictions were vacated.

On September 8, 2014, the Kankaska County Prosecuting Attorney's office dismissed the charges against Peterson and he was released.

– *Maurice Possley*

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