



Jason Girts

In 2004, the stepson of 30-year-old Jason Girts said Girts had sexually abused him in 1996 in Bullitt County, Kentucky.

Girts was convicted in 2006, based solely on the accuser's testimony. There was no physical evidence or other corroboration that the abuse occurred. Girts was sentenced to seven years in prison.

Not long after the conviction, Girts' stepson recanted the claim of sexual abuse. He said he had concocted the allegations because he did not like Girts and wanted Girts out of his and his mother's life. He took and passed a polygraph examination, indicating that his recantation was truthful.

In 2008, a hearing was held in Bullitt County Circuit Court and the youth repeated his recantation.

At the conclusion of the hearing, at the request of the Bullitt County Attorney's office, Girts' conviction was vacated and the charges were dismissed. On April 29, 2008, Girts was released from prison.

– Maurice Possley

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State: Kentucky

County: Bullitt

Most Serious Crime: Child Sex Abuse

Additional Convictions:

Reported Crime Date: 1996

Convicted: 2006

Exonerated: 2008

Sentence: 7 years

Race: Caucasian

Sex: Male

Age: 22

Contributing Factors: Perjury or False Accusation

Did DNA evidence contribute to the exoneration?: No

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

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The Kentucky Innocence Project (KIP) was created to provide a resource to men and women incarcerated in Kentucky state prisons who have legitimate claims of innocence. Through December 2011, eleven men and women have been released from prison due to the efforts of the Kentucky Innocence Project.

KIP does not limit itself to investigating claims of innocence based only upon testing of physical evidence for a DNA profile. KIP will review, investigate and litigate any case of factual innocence if new evidence can be developed or found through the investigation. KIP's cases have involved the same leading factors found in wrongful convictions throughout the country: mistaken eyewitness identification, false confessions, the use of jailhouse informants, etc.

Law students at three of Kentucky's law schools investigate assigned cases, under the direct supervision of KIP staff and the respective faculty advisors, using a defined methodology of criminal investigation. Externs collect and review court records, interview the client and witnesses, visit the crime scene, etc., and if required, draft motions on behalf of KIP's clients.

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Michael VonAllmen

Incident Year: 1981
Jurisdiction: Jefferson County
Year of Conviction: 1983
Conviction: Rape, Sodomy, Robbery
Sentence: 35 Years
Exoneration Date: 6/4/2010
Sentence Served: 11 Years, Paroled in 1994
Cause of Wrongful Conviction: Eyewitness
Misidentification

Michael VonAllmen was convicted in 1983 of a rape committed in a Jefferson County park. He served 11 years in prison and 16 years on parole before finally being exonerated in 2010.

The rape for which VonAllmen was convicted was extremely similar to another rape which had been committed in the same location approximately four years earlier. The suspect in that case, who died in a car crash around the time VonAllmen was convicted, looked remarkably similar to VonAllmen. The most significant difference in their appearance is that the alternative suspect fit the victim's description as having blue eyes (VonAllmen's eyes are brown).

Investigation by the Kentucky Innocence Project established that VonAllmen could not have been at the crime scene at the time of the offense. A Jefferson County judge dismissed VonAllmen's conviction, stating that the evidence shows he did not commit the crimes.



Edwin Chandler

Incident Year: 1993
Jurisdiction: Jefferson County
Year of Conviction: 1995
Conviction: Manslaughter, Robbery
Sentence: 30 Years
Exoneration Date: 10/2009
Sentence Served: 9 Years, Paroled in 2002
Cause of Wrongful Conviction: False
Confession, Police misconduct

Chandler was convicted of manslaughter and robbery for the shooting death and robbery of a convenience store clerk in 1993, and served 9 years before being paroled in 2002. He was on parole for an additional 7 years before he was exonerated.

Shortly after the offenses, the police recovered a surveillance tape which depicted the crime. Unfortunately, the tape was accidentally destroyed by a Louisville police officer shortly after it was recovered. The police also had a bottle which the killer had set on the table prior to killing the clerk, but the police did not obtain a print from the bottle at the time of the offense.

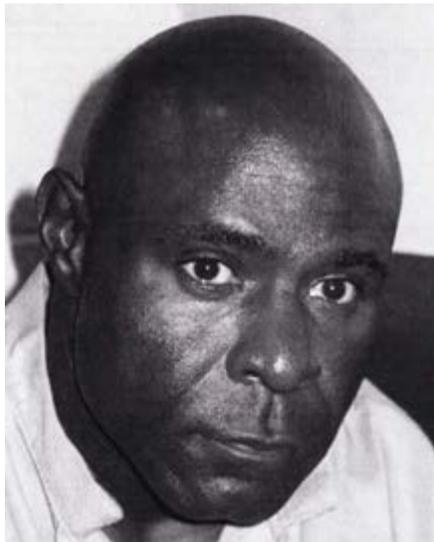
Chandler, who was in the neighborhood at the time, was picked up by police on suspicion of the offense and interrogated. He eventually gave a confession, where he admitted shooting the clerk and claimed that the gun went off accidentally. Chandler recanted that confession at trial, telling the jury that it was a coerced confession and that the police had told him they were going to arrest his sister for harboring a fugitive and take her children away from her.

Other than the confession, the trial evidence was not strong. An eyewitness to the

offense told the jury that Chandler was not the man he saw in the store that night. Nevertheless, Chandler's appeals and post-conviction actions were denied due to the allegedly "overwhelming" nature of the evidence against him – principally, the confession.

After his conviction was affirmed and post-conviction procedures were complete, the Kentucky Innocence Project sought and eventually discovered the bottle the killer had left on the counter. Using modern digital fingerprinting technology they were able to get a solid print which was a match to the alternative suspect. During the time after Chandler's conviction, the suspect had committed another assault, and was in prison for that new offense at the time the evidence came to light in Chandler's case.

In October, 2009, the Jefferson Circuit Court vacated Chandler's conviction, saying "It is absolutely clear there has been a grave miscarriage of justice." On that same date, the alternative suspect that KIP had provided to LMPD was indicted for the robbery and murder of the convenience store clerk.



Lacy

Bedingfield, Jr.

Incident Year: 1995
Jurisdiction: Fayette County
Year of Conviction: 1996
Conviction: Rape
Sentence: 25 Years
Exoneration Date: 9/11/2008

Sentence Served: 12 Years
Cause of Wrongful Conviction: Invalidated or
Improper Forensic Science, False Confession,
False Witness Testimony

Bedingfield was convicted of the rape of his girlfriend's daughter's friend and of being a persistent felony offender in 1996. He served 12 years of a 25 year sentence before his release in 2008.

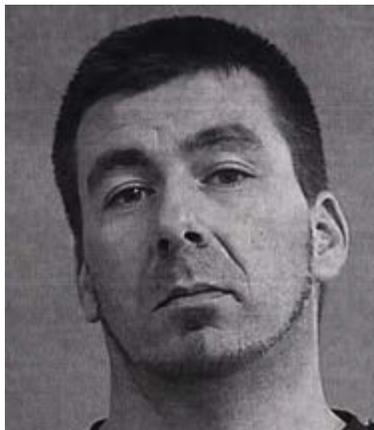
Bedingfield, his girlfriend, her daughter, and the complaining witness were together at Bedingfield's girlfriend's house on the night of the offense. Later that evening, the complaining witness was found by police wearing only a T shirt, shaken and upset. She claimed that Bedingfield had raped her.

A rape kit was taken from the complaining witness, and Bedingfield was ordered to submit to an examination. During the examination, he was told that a swab would be inserted in to his penis. He became agitated and upset, and told one of the officers that he would tell them he did it if they would not insert the swab into his penis. The officers agreed, and Bedingfield stated that he had engaged in consensual sex with the complaining witness, and that he did not know she was underage.

Though evidence recovered from the rape kit showed the presence of semen on the complaining witnesses clothes and in her vaginal swab. Though the quantity was not sufficient for testing with the technology available at the time, much was made at trial of the fact that semen was found. Bedingfield, testified that he had spurned the complaining witness' sexual advances earlier in the evening, and that he had confessed to having sex with her only to avoid having a swab inserted into his penis. Bedingfield's counsel argued that the complaining witness could have been engaged in sexual intercourse with another earlier in the day, but that argument was belittled as "bizarre" by the Commonwealth. The jury ultimately convicted Bedingfield.

In 2005, DNA testing was done on the physical evidence and the test results excluded Bedingfield as the source of the physical evidence found in the victim's rape kit and clothes. Rather, the evidence showed that the complaining witness had engaged in sexual intercourse with three different men prior to the incident. Despite the exonerating value of the test results, the trial court denied Bedingfield's motion for a new trial. The Kentucky Court of Appeals denied Bedingfield's motion, but in a unanimous decision in a case of first impression, the Kentucky Supreme Court remanded the case back to the trial court for a new trial in 2008.

On remand, the Commonwealth continued to maintain that Bedingfield was guilty of rape, but agreed to permit Bedingfield to plead to a lesser offense in exchange for time served.



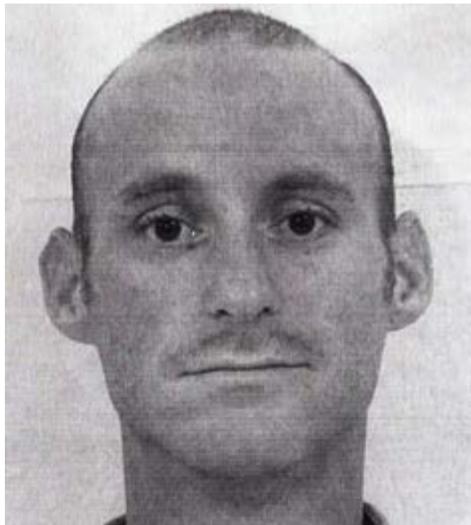
Jason Girts

Incident Year: 1996
Jurisdiction: Bullitt County
Year of Conviction: 2006
Conviction: Sexual Abuse
Sentence: 7 Years
Exoneration Date: 4/29/2008
Sentence Served: 4 Years
Cause of Wrongful Conviction: False Witness Testimony

In 2004, Girts' stepson accused Girts of having abused him many years earlier. There was no physical evidence or other corroboration of the offense. Nevertheless, Girts was convicted of sexual abuse in 2006, and sentenced to seven years for the

offense. He served four years before his exoneration.

After trial, the stepson recanted the statement and stated that he made up the accusations because he didn't like Girts and wanted him out of his and his mother's life. The stepson was given a polygraph concerning the statement, and passed. Nevertheless, the case went to an evidentiary hearing where the young man repeated his recantation. Immediately following the hearing, the Commonwealth's Attorney requested the court to dismiss the indictment against Girts being as the stepson's testimony had been the only evidence against him. Girts was released from prison the next day in April 2008.



Sam Plotnick

Incident Year: 2000
Jurisdiction: Whitley County
Year of Conviction: 10/2001
Conviction: Sodomy
Sentence: 20 Years
Exoneration Date: 1/2008
Sentence Served: 8 Years
Cause of Wrongful Conviction: Ineffective assistance of counsel

In 2000, Plotnick's girlfriend's young son accused Plotnick of sexually abusing him with a tent pole. He was sentenced to 20 years, and served 8 years before his release in 2008.

The complaining witness in this case allegedly

told his mother that Plotnick had sexually abused him with a tent pole. His mother took him to be examined the next day, and the examination revealed bruising around the complaining witness's rectum. The complaining witness's mother was aware of the fact that she had given him a couple of enemas because of constipation about the time of the accusations, and the child often rode a bicycle that did not have a seat on it, but did not provide those alternate explanations to officials because she was afraid she would lose custody of her children. She later claimed in an affidavit that the prosecutor had threatened to take her children away if she did not testify against Sam. Sam's attorney had conducted no independent investigation in to the offense, and knew nothing of these alternate explanations for the child's injuries.

At trial, the complaining witness originally repeated his allegation against Plotnick. On cross examination, the child testified that another of his mother's boyfriends had hurt him; specifically, that he had steel or metal tips on the toes of his cowboy boots and that he had fallen on the toe of his boot. Eventually, the child's testimony became so fanciful that in the opinion of the Kentucky Supreme Court further cross -examination would have been "futile."

In order to bolster the credibility of the complaining witness the prosecution relied on testimony from the child's grandmother, doctors, nurses and social workers about statements the child had made to them. Plotnick's counsel waived any objection to those statements. On post-conviction, the Kentucky Court of Appeals found that counsel's failure to object to incompetent evidence of the child's prior statements was ineffective assistance of counsel, and reversed the conviction. The prosecution was dismissed several months later, in 2008.



Jaqulynn Green

Incident Year: 2000
Jurisdiction: McCreary County
Year of Conviction: 2001
Conviction: Murder
Sentence: 18 Years
Exoneration Date: 12/11/2007
Sentence Served: 6 Years
Cause of Wrongful Conviction:
Government Misconduct, Inadequate or
Ineffective Defense Counsel

In 2000, Green was accused of murder after her husband threw their infant child against a wall in their home. Green pled guilty and was sentenced to 18 years for the offense, and served 6 years before receiving clemency from Governor Ernie Fletcher based on newly discovered evidence.

After Green's husband seriously injured their infant child by throwing the child against a wall in their home, Green immediately wanted to seek medical attention. She was prevented from doing so by her husband, who later admitted that he had verbally, physically and sexually abused Green throughout their marriage. Green was finally able to get the child to the hospital almost 24 hours after the injury, but the child died of her injuries.

Green pled guilty to the lesser offense of manslaughter on the advice of her attorney. She later sought post-conviction relief, but that claim was denied. Based in large part on the investigation and facts provided by the Kentucky Innocence Project in its various motions that were used in the request,

Governor Ernie Fletcher granted clemency to Green on his last day in office in 2007.



Ben Kiper

Incident Year: 1999
Jurisdiction: Butler County
Year of Conviction: 2000
Conviction: Rape, Sexual Abuse
Sentence: 55 Years
Exoneration Date: 5/6/2006
Sentence Served: 6 Years
Cause of Wrongful Conviction: False Witness Testimony

Ben Kiper was convicted of sexually abusing his stepdaughter and sentenced to 55 years in 1999. He served six years before he was released based on new evidence.

Kiper was charged with Rape and Sexual Abuse after his stepdaughter supposedly told her mother, Kiper's wife, that Kiper had abused her two years earlier.. The allegations were raised during a custody hearing between Kiper's wife and the stepdaughter's father. There was no physical evidence or other evidence that any abuse had occurred.

Shortly after Kiper's conviction, his stepdaughter was placed in a children's hospital. During her stay, she told care providers that the accusations were false and that her stepmother had told her what to say to law enforcement and the court. The girl, at age 15, testified in an evidentiary hearing about why she made the allegations and what her father and stepmother had

threatened to do if she did not say what they told her to say.

Recanted testimony is not readily accepted by the courts in Kentucky but in Kiper's case there was no other proof that the abuse had ever even happened. With no other evidence against Kiper, the trial court granted him a new trial and the indictment was dismissed through an agreed order in 2006.



Tim Smith

Incident Year: 1990
Jurisdiction: Kenton County
Year of Conviction: 2002
Conviction: Sodomy
Sentence: 20 Years
Exoneration Date: 5/5/2006
Sentence Served: 5 Years
Cause of Wrongful Conviction: False Witness
Testimony, Government Misconduct

In 2000, Smith was indicted for allegedly sodomizing his daughter 10 years earlier. He was convicted and sentenced to twenty years. He spent five years in custody before being exonerated in 2006.

Smith's daughter claimed in 2000 that she suddenly remembered performing a sex act on her father 10 years earlier. She was examined by a mental health nurse, who concluded that Smith's daughter suffered from "repressed memory syndrome" and that this syndrome explained the lack of specific details and failure to report the offense to anybody for 10 years. Smith's counsel did no investigation into the

syndrome, and failed to learn that the nurse falsely claimed to have a doctorate in the field. No objection was made to the admission of the repressed memory testimony.

Several years after the conviction, Smith's daughter, faking a pregnancy, lured a pregnant woman to her house and attacked her with a knife, intending to cut the baby from her womb. The pregnant woman defended herself and killed Smith's daughter. This led to questions of her mental state when she had made accusations of abuse against her father five years prior. Smith's conviction was subsequently vacated based upon ineffective assistance of counsel and he was granted a new trial. Shortly thereafter, Smith's indictment was dismissed at the request of the Commonwealth's Attorney.



Herman May

Incident Year: 1988
Jurisdiction: Franklin County
Year of Conviction: 1990
Conviction: Rape, Sodomy
Sentence: 20 Years
Exoneration Date: 9/18/2002
Sentence Served: 13 Years
Cause of Wrongful Conviction: Eyewitness Misidentification

May was convicted of rape and sodomy and received a 20 year sentence in 1990. He was exonerated in 2002, after serving 13 years, more than 50% of his sentence.

The victim in May's case described her

attacker to police immediately after the rape occurred. She described a man in his 20's or early 30's that had long, greasy dark brown hair. Later, at the hospital, she gave the same information but described his hair as chocolate brown. May did not fit either description – he had striking red hair and was only 18 when the rape occurred. After May was arrested for another matter, the investigating detective called the victim, who was in California on a pre-planned vacation. The detective asked the victim if he could fly to California to show her a photo lineup. She agreed, the detective flew to California and showed the victim a photo lineup that included May's picture. The victim first picked three from the lineup as looking like the man that attacked her. She finally picked May from those three and later identified May in court.

After all other avenues were exhausted; KIP recovered the physical evidence and sought requested DNA testing. After the initial tests excluded May, the Commonwealth requested testing on all of the physical evidence. After months of testing, the Franklin Circuit Court ruled that if the results were presented to a new jury that a different verdict was likely, ordered May's immediate release from prison, and granted him a new trial. In spite of inconsistency between the victim's description at the time of the offense and Mr. May's appearance, and the fact that the DNA evidence points to an unidentified third party as the attacker, Franklin County prosecutors continue to maintain that May is the guilty party.



William Gregory

Incident Year: 1992
Jurisdiction: Jefferson County
Year of Conviction: 1993
Conviction: Rape, Attempted Rape, Burglary
Sentence: 70 Years
Exoneration Date: 7/5/2000
Sentence Served: 7 Years
Cause of Wrongful Conviction: Eyewitness
Misidentification, Improper Forensic Science

William Gregory was convicted of one count of Rape, one count of Attempted Rape, and one count of Burglary, in conjunction with two attempted or completed rapes which occurred at the apartment complex where he lived. He was sentenced to seventy years, and served seven years in prison before being exonerated by the Innocence Project (NY).

Prior to trial, both victims identified Mr. Gregory as her attacker, the second victim through a show-up procedure. Forensic evidence consisted of hairs found in the stocking cap worn and left behind by the assailant. A forensic analyst testified that the hairs were of Negroid origin, that they shared "unusual characteristics" with Gregory's hairs, which the examiner had never seen before except in cattle. As a result of these unusual characteristics the examiner testified that the hairs were "more than likely" from Gregory.

After his appeal was denied, the Innocence Project located the evidence in his case and arranged to have the hairs in the stocking cap tested using mitochondrial DNA testing, which at the time was a relatively new form of DNA testing. Gregory was excluded after this DNA testing established excluded him as a possible contributor to the hairs found in the stocking cap.

When Mr. Gregory was released in 2000, he became the first person to be exonerated by mitochondrial testing alone and the first inmate to be exonerated based on DNA testing in Kentucky. Well after his

exoneration, in 2009, the National Academy of Sciences report found a total absence of evidence establishing the statistical reliability of hair comparison evidence. The report pointed to one FBI study found a "false positive" rate of 12.5%, meaning that in more than 1 out of every 10 cases, trained hair analysts found hair to be a "match" when DNA evidence established that it was not. Mr. Gregory was clearly a victim of that phenomenon.

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