



Jimmy Williams

In 1990, a 12-year-old girl in Akron, Ohio reported that she had been raped. She provided a description of her attacker and, when shown a group of photos by the police, identified Jimmy Williams as her rapist. At trial, the victim identified Williams again, and a polygraph expert testified that Williams had failed a polygraph and lied when he said he didn't rape the victim. Although doctors examined the girl after the rape, no forensic evidence was recovered. A jury convicted Williams of rape in 1991, and he was sentenced to life in prison. In 2001, after Williams's new lawyer met with the victim's father, the victim recanted her identification, saying that she had never seen the rapist's face and that she picked Williams out of the photos because he was the only skinny dark-skinned man among them. Following an evidentiary hearing in February 2001, the trial court overturned William's conviction.

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EXONERATION NEWS

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State: Ohio

County: Summit

Most Serious Crime: Child Sex Abuse

Additional Convictions:

Reported Crime Date: 1991

Convicted: 1991

Exonerated: 2001

Sentence: Life

Race: Black

Sex: Male

Age: 20

Contributing Factors: Mistaken Witness ID, False or Misleading Forensic Evidence, 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 the Michigan Law School and the Center on Wrongful Convictions at Northwestern University School of Law.

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<http://www.victimsofthestate.org/CC/CH.html#OH>

Summit County, OH

Jimmy Williams

1990

Jimmy “Spunk” Williams was convicted of the rape of a 12-year-old girl. An attorney, appointed to represent him at a parole hearing in Dec. 2000, set up a meeting with the father of the victim. Three months later the victim recanted her identification of Williams. The victim originally claimed she was raped after her parents confronted her about sucker marks, which were on her neck. The victim and a girlfriend testified they had been experimenting with sexual activity, and the girlfriend, who was also 12, had made the sucker marks. At trial, doctors could not say that the victim was raped. They could only say the victim was not a virgin. The victim apparently still maintained she had been raped, but stated in court that she did not see her assailant's face. Williams was released in 2001 and awarded \$750,000 by the state of Ohio in 2005. (*Plain Dealer*) (*Vindicator*) (*AP News*) [9/07]

<http://www.cvsa1.com/polygraphfailures.htm>

In 2002, an Ohio court officially cleared Jimmy Williams after he spent 10 years in prison for the rape of a ten-year old girl. Because the defense attorney had stipulated to allowing the results of the polygraph tests to be admitted into court, the jury had heard that he failed the polygraph and convicted him. The now 22-year-old accuser admitted that the rape never happened.

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<http://www.victimsofthestate.org/CC/CH.htm#Williams>

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<http://truthinjustice.org/jimmy-williams.htm>

Wrongly Imprisoned Man Gets Largest Ohio Award

Wednesday, September 24, 2003

AKRON (AP) — A man who will receive the largest wrongful conviction award ever paid by the state said he wants to do something he's never done before — take a vacation.

Jimmy "Spunk" Williams, 32, was freed from prison after 10 years when a woman recanted testimony identifying him as the man who raped her when she was 12 years old. He agreed Monday to a \$750,000 settlement. The state also will pay about \$84,600 in fees to two lawyers.

"I feel like a king today," Williams said yesterday at a news conference. "I want to thank God and thank the state for finally compensating me." He said he is thinking about writing a book about his ordeal, but first he wants to get "away from some of these lawsuits, live and have fun, go see some sand, some blue water and just live."

A Summit County judge ordered the state to place the settlement money in escrow until Williams resolves a lawsuit brought against him last summer by his former lawyer who helped win his release in 2001. The Ohio Court of Claims and the state Controlling Board must approve the settlement, which could delay payment by an additional four weeks, said Kim Norris, a spokeswoman for Attorney General Jim Petro.

Attorney Tom Watkins filed a lawsuit against Williams in August, demanding 25 percent of the settlement on top of the portion the state will pay for his fees. Williams fired Watkins in May after rejecting what would have been a \$538,000 settlement. He then retained Akron attorney Edward Gilbert, who negotiated the \$750,000 settlement.

In 1991, a jury convicted Williams of the 1990 rape of the 12-year-old girl, and he was sentenced to life in prison.

Watkins was appointed to represent him at a parole hearing in December 2000. Watkins, convinced of Williams' innocence, set up a meeting with the father of the victim. Three months later, the girl recanted her identification of Williams, maintaining she had been raped but admitting in court that she never saw her attacker's face. A judge approved Williams' release.

http://articles.chicagotribune.com/2002-10-13/news/0210130286_1_polygraph-real-spies-false-positives

The truth is that polygraphs lie

October 13, 2002|By Steve Chapman. Steve Chapman is a member of the Tribune's editorial board.

In May 1978, four men were arrested by Cook County Sheriff's deputies for murdering a suburban man and raping and murdering his fiancée (this sentence as published has been corrected in this text). All of the suspects claimed they were innocent, but there was no real doubt about their guilt: Three of them, after all, had failed a polygraph exam.

Eventually, the Ford Heights Four, as they became known, were convicted for these brutal slayings, and two of the defendants were sentenced to death. But in 1996, DNA evidence exonerated all four. They had spent 18 years behind bars, partly because the lie detector lied.

FOR THE RECORD - This story contains corrected material, published Oct. 15, 2002.

A report issued last week by the National Academy of Sciences recommended that the federal government stop using polygraphs to screen for security risks. Why? Because, in the words of the study, these devices are "intrinsically susceptible to producing erroneous results." That's academese for "I wouldn't trust one as far as I could throw it."

The Department of Energy adopted polygraph screening of employees in response to the case of Wen Ho Lee, a scientist who was accused of spying for China but was convicted of only a minor security violation. DOE now tests about 2,000 people a year. But George Mason University systems engineering professor Kathryn Laskey, a member of the NAS committee, noted, "No spy has ever been caught using the polygraph."

There are particular dangers in subjecting lots of people to polygraphs in the effort to find a few wrongdoers, because false positives will greatly outnumber "true" positives. Some employees who have done nothing wrong will nonetheless have physiological reactions that look suspicious. Some accomplished liars will be able to fool the machine.

To nab 8 out of every 10 real spies, the NAS report found, the device would probably have to erroneously implicate nearly 1,600 people. If it were set to

minimize false positives, 80 percent of the real spies would slip past. But even then, 20 innocent people would be flagged for every guilty one.

The same fallibility that renders these machines unusable for employee monitoring makes them dangerous for criminal investigations as well. Police and prosecutors regard polygraph results as the closest thing to a dead-bang certainty. But that faith lacks any foundation. "Almost a century of research in scientific psychology and physiology provides little basis for the expectation that a polygraph test could have extremely high accuracy," concluded the panel.

And there is no reason to think better technology will help. People simply don't respond in a clear and predictable way to questions about what they may have done wrong. The "inherent ambiguity of the physiological measures used in the polygraph suggest that further investments in improving polygraph technique and interpretation will bring only modest improvements in accuracy," said the report. Polygraphs are a crude instrument that can't be refined.

The consequences of a misleading polygraph exam are bad enough in the employment arena, where someone can lose a job or not be hired. But they're much worse for criminal suspects, who can be locked away or even put to death because their pulse rate rose too much in a stressful situation.

A polygraph result generally can't be used as evidence in court. But some states allow the information if both the prosecution and the defense concur. So prosecutors may offer suspects the opportunity to clear themselves. Innocent suspects sometimes feel they have nothing to lose and much to gain from going along--only to fail the test.

A couple of weeks ago, one **Jimmy Williams** was officially cleared by an Ohio court after spending 10 years in prison for the alleged rape of a 12-year-old girl. In fact, the rape never happened, but the Akron man nonetheless managed to fail a polygraph exam. Because his lawyer had agreed in advance to admit the results, the jury was told that the lie detector had implicated him.

Other defendants have been victimized not only by the polygraph itself but by its aura of infallibility. Gary Gauger was sentenced to death for the murder of his parents on their McHenry County farm but was eventually exonerated. He took a polygraph during his interrogation, and the results were inconclusive. But the police told him he had failed it.

He was so rattled by the news that the cops were able to get him to speculate aloud how he might have killed his parents. Those statements were then used to convict him of a crime he never committed.

Our medieval forebears had their own lie detector test: Suspected witches were dunked in water, on the theory that the innocent would sink and the guilty would float (this sentence as published has been corrected in this text). Polygraphs aren't quite so preposterous, but they're bad enough.

Man freed after woman recants childhood testimony

AKRON (AP) — A judge ruled that a 12-year-old girl's lie put a man in prison for 10 years for an alleged rape that he did not commit.

The ruling Monday declared Jimmy "Spunk" Williams innocent and clears the way for the Akron man to collect as much as \$750,000 in compensation. It could be the most the state has ever paid to a wrongfully imprisoned person, exceeding the \$720,645 awarded under previous law in 1984 to William B. Jackson, a Columbus man who also was sentenced on rape charges.

Williams, 31, was released from prison Feb. 14, 2001, soon after the

victim said he was not the man who raped her in 1990. He was convicted in 1991, when he was 19.

"I'm just glad that it's over with and that the truth has been told," Williams said. "I'm just ready now to live my life and do some things I haven't been able to do."

Summit County Common Pleas Judge Jane Bond apologized for the community and called him a "victim of injustice."

The girl, now 24, testified before Bond last month that the rapist was skinny and dark-skinned but she never saw his face. The mug shots

police showed her caused her to select the only skinny, dark-skinned man among them, she said.

The woman never recanted her claim of being raped, but told Bond that she told her mother she had been raped only after her mother found sucker marks on her neck that had been made by a 12-year-old girlfriend. The friend testified last month that she made the marks.

"This case began with a child's lie to avoid a mother's anger," Bond said. "That lie then took on tragic dimensions as well-intentioned adults attempted to find the perpetrator."