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Wrongful conviction of Steve Titus

From Wikipedia, the free encyclopedia

The **wrongful conviction of Steve Titus** was a miscarriage of justice in which Steve Titus (1950–1986), an American businessman, was wrongly convicted of [rape](#). Titus was fired from his job after the conviction and, though the charges were soon dismissed, he became long term unemployed.^[1] The crime was later determined to have been committed by serial rapist Edward Lee King. Journalist [Paul Henderson](#) was awarded the [Pulitzer Prize for Investigative Reporting](#) for his work on the case. [Jack Olsen](#)'s book *Predator* examined the investigation of the crime and the life of the real criminal.

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Crime [edit]

On October 12, 1980, a female hitchhiker was raped. Police described the rapist as 25 to 30 years old, driving a royal blue car with temporary license plates and cloth seats, and having a beard. The rape was reported to have taken place at 6:45 p.m. The victim walked to a nearby house, and after approximately 10 minutes of conversation, called the police at 7:22 p.m. There were tire prints found near the scene which matched that of a [Michelin XYZ](#) tire, which was standard on 1981 [Honda Accord LX](#) cars, a model that was first sold in September, 1980. The victim reported that there was a large brown folder in the car and that the rapist wore a three piece suit.^[2]

Steve Titus was arrested and was later identified by the victim in a line-up. Like the rapist, he had a beard. He had a new car, a royal blue Chevrolet Chevette. However, the car had neither Michelin tires nor cloth seats. The car had a large brown folder which Titus later claimed was planted in the car by the police. He did not have any suits.^[3]

Psychologist [Elizabeth Loftus](#) argued at trial that the victim had elicited a false memory of the attacker due



A Chevrolet Chevette for illustration purposes

to a biased line up. When shown a line up of suspects the victim had initially claimed that Steve Titus was the man who looked the most similar to the attacker. Later in court the victim said that she definitely knew it was him. Her perceptions had been changed throughout the process of going to court through cues which created a false memory.



A Honda Accord for illustration purposes

At trial prosecution testimony was changed and evidence of innocence was explained away by prosecution experts and law enforcement officers. As a direct result, Titus was wrongly convicted of Rape in the First Degree, a crime that carried with it a [mandatory prison sentence](#). Working with investigative reporter Paul Henderson of the Seattle Times, Titus' new attorney, Jeff Jones, whom Titus had hired to pursue an appeal of his conviction, was able to convince the trial judge to grant a new trial based upon evidence developed by Henderson, arguing that Titus' trial attorney had been ambushed by surprise testimony which directly contradicted evidence contained in the Port of Seattle Police investigative reports. Subsequently, as a result of good police work by a local municipal police officer who had been following the new articles about the case, a lead was developed as to a new suspect. That lead was followed up by the King County Police Department whose investigation led to the arrest of Edward Lee King, aka "Mac Smith", who eventually confessed to the crime.^[4]

Exculpatory evidence [\[edit\]](#)

The timeline was an important factor in the case. Titus left his parents home at 6:10 p.m on October 12, 1980 after attending his father's birthday party where there were other guests. He was seen by a coffee shop waitress at 6:20 p.m. on the day of the rape. The waitress at different times thought she had seen him at 6:30 p.m. and 7:00 p.m. Titus made a long distance telephone call from his apartment at 7:00 p.m. on the day of the rape. The distance between the rape scene and Titus' apartment would have required a journey-time of 19½ minutes according to a Seattle Times reporter.^[5] These times would not have allowed Titus to be at the location where the victim was raped at the time she indicated the crime had occurred. He was convicted on March 4, and the conviction was overturned June 8. He only spent one night in jail after conviction.^[1]

After charges against him were dismissed, Titus sued the Port of Seattle and its Police Department, based upon evidence that their officers had changed and planted evidence, as well as convinced the victim to alter her testimony.^[1] Just before the trial, Titus died of a heart attack. His parents settled and got \$2 million to be paid over 20 years. The policeman who is accused of making up evidence died six years later of a heart attack, just like Titus. Paul Henderson was awarded the Pulitzer Prize for investigative journalism for his reporting on this case and later became a private investigator specializing in freeing innocent people who have been wrongfully convicted.^[6]

[Jack Olsen](#) wrote a book entitled *Predator: Rape, Madness, and Injustice in Seattle* detailing both the railroading of Titus and the life of Edward Lee King, a convicted rapist who later

confessed to this rape, and who is thought to have committed more than 50 rapes.^[7]

See also [edit]

- List of wrongful convictions in the United States

Further reading [edit]

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Categories: 1950 births | 1986 deaths | Overtuned convictions in the United States

People wrongly convicted of rape

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July 2, 1981

Looking back at Titus case

'They can't just give me a cookie and say good-bye'

"I think that if a person were to sit down and read the entire transcript, you would know that Steve Titus is guilty. Maybe he just blocks it out."
— Detective Ronald A. Parker of the Port of Seattle police responding to a Times reporter's questions April 14.

By Paul Henderson
Seattle Times staff reporter

Regrets, but no apologies.

Detective Sgt. Dave Hart, Port of Seattle police: "We do feel bad about what happened, but I believe that everybody was just trying to do their job."

Christopher Washington, King County deputy prosecutor: "On one hand you've got to say there was a mistake. But I don't make the decision on guilt or innocence. The jury does that."



Steve Titus, after the dismissal of a rape charge that had taken him to the brink of prison.

The threat of prison ended for Steve Gary Titus Tuesday when the rape charge against him was dismissed in Superior Court. The action was accompanied by an acknowledgement from King County Prosecutor Norm Maleng that Titus was innocent of raping a 17-year-old girl on a secluded road south of Sea-Tac Airport on October 12, 1980. A new suspect is in custody, charged with another rape.

Washington, who prosecuted the case, said he did nothing wrong and "can't apologize to Titus." In spite of its extraordinary twist, Washington said, the Titus case had merit when it went into court.

However, the deputy prosecutor added that he was sorry for the suffering the prosecution caused.

In Titus' mind, that is not enough. He suggests that Washington should share the experience to understand the pain.

"They can't just give me a cookie and say good-bye," Titus said yesterday, dwelling bitterly on his financial ruin, the loss of his job and the empty feeling he experienced in a county-jail cell the day he was convicted.

"I was only there overnight," Titus said, "but it seemed forever. I was looking at the ceiling, wondering where I might tie the rope. It was only a slim hope that kept me alive."

Titus was convicted of the charge March 4, but the conviction was

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overturned June 8 on the basis of evidence turned up in a Times investigation. The charge against Titus finally was dismissed Tuesday.

A month ago, few people were listening to what Titus had to say. Now, he has an audience. And Titus has lots more to say.

Jeff Jones, Titus' attorney, plans to file a complaint with Port police.

On Port of Seattle police, who investigated the rape which occurred on port property:

"This wasn't just a case of mistaken identity," he said. "This was manipulation and fabrication of evidence by police officers.

"Port police made no attempt to contact my parents or the friend who was with me in my apartment at the time of the crime. These were my alibi witnesses, and police never even met them until four months later in court.

"The police lied about times to make me look bad, and they manufactured evidence that was never in my car. This was a deliberate attempt by port police to railroad me into prison."

On the special assault unit of the prosecutor's office:

"Washington swept all of the inconsistencies in the police investigation under the table. From start to finish, the only important thing to that man was winning the case. There was no physical evidence to link me to the rape.

"The rape car had velvet seats and mine were vinyl. The rapist was wearing a three-piece suit, and I don't even own a two-piece suit. Anyone could have seen that this was a weak case based on circumstantial evidence. They were playing games with someone's life, and it didn't matter to them that it was an innocent man."

Jeff Jones, Titus's attorney, said he would file a complaint with Port of Seattle police charging that the vindication of Titus substantiated his client's accusation of dishonest investigation by police.

Titus gave investigating officers a voluntary statement the day of his arrest. It was not until four months later, two days before the trial, that the statement was put in a written report.

The report said Titus told officers he had left his parents' home in Burien at 6:10 p.m. on the night of the crime and that he had arrived at his Kent apartment at 6:55 p.m.

Titus maintains that he told the officers he arrived home at 6:30 p.m.

Because the victim testified she got into the rapist's car at 6:30 p.m., the time element was crucial to Titus' defense. Titus has accused police of lying as well in trial testimony that a brown-vinyl folder, an article that the rape victim remembered, was in the back seat of Titus' car when he was stopped for questioning.

An officer who inventoried the contents of Titus' car that night made no mention of such a folder in his written report.

The Times investigation into Titus' case began April 9. There was a small, but ultimately cruel, victory for Titus the next week.

After listening to a Times reporter detail discrepancies in the Titus investigation, Neil Moloney, then chief of Port of Seattle police, agreed to have senior officers reopen the case.

At the same time, the prosecutor's office announced that it was reviewing legal proceedings in the Titus conviction.

Both reported their findings within several days: No fault was found at either end.

Chief Moloney talked a hard line on integrity. "I've told my officers where I stand" on manipulation or fabrication of evidence, he said April 14. His message to his officers, he said, was: "There will be no quiet resignation. The case will go to the prosecutor's office, and I hope your ass (the police officer's) ends up in prison."

Moloney now is chief of the State Patrol. From his Olympia office yesterday, Moloney said he still could find no fault with the Titus investigation.

Sergeant Hart said port police had been advised not to comment on the Titus case because a lawsuit was expected.

Titus acknowledged he was considering a lawsuit. "It appears that a lawsuit is the only way justice will be done," he said.

Washington acknowledged yesterday that the outcome of the case indicated the polygraph, or lie detector, was not infallible. Titus failed a polygraph test before his trial.

Dewey Gillespie, a Lynnwood polygraph operator who administered the test, also was disturbed.

"All I can say is that the polygraph can't be 100 per cent accurate," he said. "I guess that I've tested 6,000 persons in 17 years. They're all nervous. You bet. I've never professed that the polygraph was an absolute."

Before going into private practice, Gillespie was the polygraph specialist of the Seattle Police Department. In view of the Titus case, he was asked, should the prosecutors let a person's fate ride on the findings of a machine?

"That would have to be the prosecutor's decision," he said, "I'd rather have 1,000 guilty suspects beat the machine than to have an innocent man fail."

In court, the victim identified Titus as her attacker. Now, police say she has identified another man from a photograph.

The suspect, a 28-year-old South King County man, was arrested Tuesday in Los Angeles on a King County warrant charging him with raping a hitchhiker east of Kent last month.

Dr. Elizabeth Loftus, University of Washington psychology professor and an expert on memory distortion in eyewitness testimony, said the police, courts and juries could draw a lesson from the Titus case.

"Contrary to the common perception, human memory is not an exact mirror of our experience," she said. "I hope that the Titus case will long be remembered as an example of how careful we must be when human memory is involved in a prosecution."

Titus and his fiancée, Mona Imholt, had set a June wedding date before the trouble began. Now, they are looking at a wedding next year. Legal fees have put Titus almost \$10,000 in debt.

Titus says much of his bitterness stems from having lost a career job that took him five years to earn. He was terminated, as a supervisor at Yegen Seafoods May 1. His employer says the decision was based on job performance.

"I never once doubted that Steve was innocent," said his boss, Bob Dennis. "But this was an emotionally destroying thing, and Steve reached the point where he just couldn't cope with the responsibilities."

Titus now draws unemployment and is looking for a job.

Assistance in research by Frederick Case, Times staff reporter.

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Washington State's Wrongfully Convicted

A new state law grants the wrongfully convicted \$50,000 for each year spent behind bars. An apology, it turns out, is harder to come by.

By Rick Anderson Tue., May 7 2013 at 05:45PM

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When 30-year-old Steve Titus was arrested for the rape of a teen girl in 1980, he told Port of Seattle police they had the wrong man. They did. But the seafood-sales supervisor was convicted the following year and faced a sentence of up to life in prison. Months later, the actual rapist was arrested, and Titus was vindicated. The stressful ordeal would nonetheless mete out a punishment more severe than Titus could have received in court—his sudden death five years later.

“These things just don’t happen accidentally,” Paul Henderson says, sorting through a box of legal files. “There’s always an element of misconduct.” The ex-journalist and private investigator stops to think about that, and puts down an old Titus case file. Rubbing his stubbly beard, Henderson turns and begins to pace across the inlaid deck of his boat-home, a 49-foot Grand Banks Alaskan tied up on Lake Union in Fremont.

Police, prosecutors—“They’re actually able to sleep at night knowing they’ve convicted an innocent man,” he says, voice rising to a bellow. “They rationalize it. They say ‘I didn’t convict him, the jury did!’ They said that about Titus.”



Paul Henderson revisits his case files alongside his dog Holly in his house boat.



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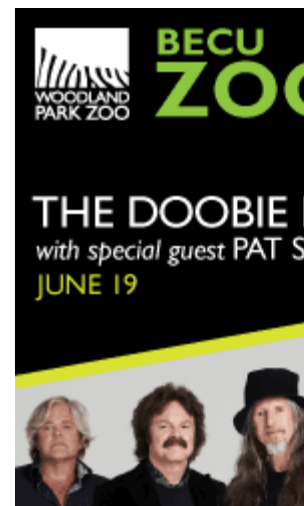
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In March 1981, a King County Superior Court jury found Titus guilty of first-degree rape.

While awaiting sentencing, Titus contacted

Henderson, then a reporter for *The Seattle Times*, claiming to be innocent of the crime, the

sexual assault of a 17-year-old hitchhiker near Sea-Tac Airport. Henderson was hooked by Titus' sincerity and the fact that police never explored any of his alibi details or interviewed his witnesses. But the reporter was wary, and told Titus he'd drop the story if he caught the sales exec in a lie.

The evidence against Titus seemed solid enough: The victim identified him in court, and Port police, acting on a tip, stitched together a series of events and eyewitness testimony that linked Titus and his car to the crime scene. Henderson began looking for the kind of details he would spend the next three decades seeking in such cases—contrary evidence and testimony that police and prosecutors had missed or ignored, sometimes purposely. Within weeks, he learned that the victim's memory of her attacker was hazy, and that she'd been steered by police to identify Titus as the perpetrator. Among other conflicts, there were clear differences between the victim's description of the rapist's car and Titus' vehicle. Henderson also learned a detective had adjusted event times on his report to counter Titus' alibi: Running his own stopwatch checks, the reporter discovered it was impossible for Titus to have been at the crime scene at the time of the rape. This was crucial evidence, there for the cops to find had they been seeking it.

Confronted with the discoveries, then—King County Prosecutor Norm Maleng dropped the charges against Titus in June 1981. Shortly after, the man who committed the crime, a serial rapist named Edward Lee King, was tracked down. Bearing only a slight resemblance to Titus, King was later convicted and sentenced to 30 years for four rapes, including that of the teen hitchhiker. Henderson, a bar-crawling crime reporter who kept a six-pack in his locker at the police press room where he sometimes slept under a pile of newspapers, won the Pulitzer Prize for Investigative Reporting. Bainbridge Island writer Jack Olsen ultimately captured the exoneration saga and King's sociopathic life in a 1992 best-seller, *Predator*.

Titus, though, was left medically stressed and financially devastated by the wrongful conviction. He sued the Port for damages, but a few months before the scheduled start of a 1986 civil trial, he died of a heart attack. He was 35. His parents later settled with the Port for \$2 million in damages to be paid over 20 years. The year after Titus died, so did the Port detective who had helped wrongly convict him, Ronald Parker. He too suffered a heart attack. He was 43.

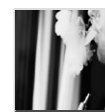
King County Deputy Prosecutor Christopher Washington, who had successfully prosecuted Titus, saw no need to apologize about getting it wrong. He was pleased that justice had prevailed, he said. "But I don't make the decision on guilt or innocence. The jury does that."

Spencer, center, and his children, Kathryn Tetz and Matthew Spencer, talk to the media outside the Clark County Courthouse in 2009. (The Columbian/Zachary Kaufman)

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The jury does that mistakenly much too often, Henderson has since discovered. He quit the Times a month after Titus' death and became a highly sought private investigator with a low boiling point for injustice. Today, at 74 with two marriages and two careers behind him, the teetotaling PI is semi-retired after three decades of freeing wrongly convicted felons—at least 23 by his count—across the U.S. and Canada.

“In almost every case I worked on, those convictions could have been avoided,” Henderson says in the gruff baritone that has persuaded a legion of confident eyewitnesses to change their tunes when confronted by the findings of his investigations. “There was a distinct absence of fair play.”

Unfortunately, there's a demand for last-resort investigators like him, scouring the countryside for long-gone witnesses or accusers, knocking on the doors of old hotels in St. Louis, wandering through trailer courts outside Dallas, chasing down dead leads in a Spokane flophouse. Since 1985, Henderson has worked for New Jersey-based nonprofit Centurion Ministries, which receives 1,500 letters each year from U.S. prisoners claiming to have been falsely convicted. In three decades, the organization has freed 50 wrongly imprisoned men and women.

Henderson's last case before he retired from full-time sleuthing last year took him to 14 states. “I hate flying,” he says. But he loves a mystery. He and Centurion's mission is to dig for new evidence in dust-covered case files. The sleuthing almost always requires shoe leather to round up hidden or undiscovered facts—a strategy different from that of another famed exoneration group, the New York-based Innocence Project, which focuses on retesting crime-scene DNA and has helped reverse more than 300 convictions nationally. A local arm of the project, Innocence Project Northwest, operates out of the University of Washington and has chalked up eight notable reversals.

Courts may overwhelmingly grind out fair verdicts, Henderson says, but some of those decisions are flawed or flat-out wrong, sending the legally not guilty and the plainly innocent to jail or prison. In Washington state alone, according to compilations by the National Registry of Exonerations and similar organizations, more than 50 people have been wrongly convicted of felonies over the past four decades. They include accused robbers, rapists, and child molesters



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who in fact did not commit the crimes ([click here for a full list of Washington's absolved convicts](#)). Released after new evidence was discovered or when advanced DNA-testing procedures confirmed they were innocent, some of the wrongly convicted have sued and received compensation for their imprisonment.

Others, such as Alan Northrop—who served 17 years after he and a second man were wrongly convicted of rape in 1993—received nothing. Northrop has testified for three years in a row in Olympia in favor of a bill that would allow exonerated prisoners to file for compensation—\$50,000 for each year of imprisonment (same as the amount given wrongly convicted federal inmates) and up to \$75,000 in legal fees.

The third time was the charm, however, when the bill was approved by the legislature last month and sent to Gov. Jay Inslee for his signature. Northrop could receive more than \$900,000 in compensation, which can be approved by the state Attorney General or through a court hearing where petitioners must prove “actual innocence” of the crime. Money will come from a new state liability fund, which can also provide education aid and pay past child support for those who qualify. The state estimates that at least 15 wrongly convicted former inmates are likely to file claims in the first three years, and one to two each year thereafter. The bill, sponsored by Normandy Park Democrat Tina Orwall, requires taxpayers to “redress the lost years” of those “uniquely victimized” by wrongful prosecutions.

“About time!” says Henderson. Washington will be the 28th state to adopt a compensation law.

At least a dozen of Washington's wrongful-conviction cases resulted from the country-wide hysteria over alleged child-care abuses and child-molestation “rings” in the 1980s and '90s. Most memorably, in the mid-1990s, an investigation by Wenatchee police and state child-welfare workers resulted in the arrest of 43 adults on 29,726 charges of sexually abusing 60 children. Prosecutors had no physical evidence to support the charges, and their key witness was the 13-year-old foster daughter of a Wenatchee cop. The officer, Robert Perez, drove the girl around town and had her point out the homes where she claimed she and other children had been molested. Most suspects were falsely accused, and ended up being released. Eighteen went to prison, but all verdicts were overturned or the charges and sentences reduced. The Wenatchee Witch Hunt, as it became known, led to millions of dollars in wrongful-conviction damages against Wenatchee and Douglas County. Some of the accused are now expected to file for compensation under the new state law.

It was during that time that Ray Spencer joined the state's legion of the wrongfully convicted. Henderson worked on his remarkable case, and thinks Spencer is Exhibit A in the way the law can be manipulated to convict anyone of a crime he or she didn't commit. What makes his case stand out is that Spencer, in fact, *was* the law—a police officer in Vancouver, Wash. Today, 28 years after he was falsely imprisoned for raping his own children, and three years after all charges

Flyerboard



Local display adv

against him were officially dropped, he's still in court attempting to clear his name.

"I lived. They didn't count on that," Spencer tells *Seattle Weekly*. "The people who put me away assumed that being a police officer and 'child molester,' I would be killed in prison. There wasn't a day that went by that I didn't think was my last. But I managed to survive 20 years."

In the early 1980s, Clyde "Ray" Spencer was considered an arrogant, womanizing motorcycle cop in Vancouver. Spencer allows that he was a womanizer, at least. He was married with two young kids, but took advantage of his good looks to cheat on his wife, DeAnne. Married in 1971, the two divorced in 1981, and she moved to Sacramento with their children, Katie, 2, and Matt, 5. Two years later, Spencer remarried. New wife Shirley arrived with a 3-year-old son from an earlier marriage.

In 1984, while Katie was visiting her dad in Vancouver, Spencer recalls, the girl put her hands between her legs and told Shirley, "My brother does this, my mom does this, my dad does this." Spencer assumed Katie was being molested, and that "dad" was DeAnne's boyfriend. "Katie told me, 'Daddy does it to me,'" Spencer recalls.

Spencer, who lived just outside Vancouver, reported his suspicions to the local sheriff's office and to child-protection and police officials in Sacramento. He also told his Vancouver police superiors he'd reported the claim. California authorities found nothing to pursue, but Clark County did. Sheriff's Detective Sharon Krause flew to Sacramento, where she questioned the children. Eight-year-old Matt denied he was abused. But Krause reported that 5-year-old Katie gave lurid details of rape—none of which the detective recorded. Krause's most startling discovery, reported to her superiors, was that the "dad" Katie was referring to was her own dad, officer Spencer.

In January 1985, following an eight-month investigation, the man who reported the possible sexual assault of his daughter was charged with committing that assault. Spencer's department immediately fired him, and the charges broke up his marriage. Then, more charges: While he was staying at a motel, estranged wife Shirley asked if her son—Spencer's stepson—could spend the night with him. He obliged. Days later, Shirley told sheriff's detectives that her son had just been raped by Spencer. After an investigator met and interviewed the son 12 days after the stay, Spencer was charged with raping his stepson as well.

"It was a nightmare," Spencer says today, "and a lie." He lost it mentally and sought psychiatric counseling. He was facing altogether 11 counts of rape. Investigators alleged he forced the children to engage in sex acts with each other while he watched.

Two days before his sentencing, he underwent a "truth serum" test with a doctor in Portland—he made no admissions of assaulting his children, the doctor concluded. But Spencer says he was in a vulnerable state from the residual effects of the sodium amytal and the side effects from sedatives he was taking. Foggy-minded, and feeling that his attorney, James Rulli, had not

prepared a viable defense—he had failed to interview the children until just a few weeks before the trial—Spencer opted to plead out, hoping for a lesser sentence. In court, the 37-year-old ex-cop entered an Alford Plea: In effect, he conceded the facts would convict him, but he was not admitting guilt.

Thomas Lodge, the sentencing judge, handed down the toughest term he could give—two life sentences plus 14 years. Spencer remembers almost fainting, and a guard helping him to remain standing. He went off to prison in 1985—unaware, it turned out, of many of the relevant facts of his own case.

Word traveled fast at the state Corrections Center outside Shelton. Days after arriving, Spencer woke up to hear dozens of inmates chanting “Kill the cop in Cell 4.” Spencer spent most of his first year in isolation. Eventually, to distance him from his 14-year law-enforcement background—Spencer had also worked as a federal sky marshal and narcotics officer, and had a bachelor’s degree in criminal justice—the Washington Department of Corrections transferred him to the Idaho State Correctional Institution outside Boise. There, for nearly two decades, Spencer witnessed inmate rapes, beatings, and suicides. He lost teeth in fights to avoid becoming other prisoners’ sex punk. He read 3,000 books. And through a correspondence course he obtained a doctorate in clinical psychology. But his cop background stayed a secret.

“My story was, I was an air traffic controller, out on strike when Ronald Reagan fired us all [in 1981],” Spencer says. “I said I knew people in South America running drugs, and helped them smuggle drugs by boat. I got caught in a shootout and my partner shot a cop. I was convicted of being an accessory. I never wavered on details. It worked for 20 years.”

It might have had to work longer if Spencer hadn’t, after almost a decade in prison, contacted Seattle attorney Peter Camiel and convinced him to take on his appeal. Spencer’s earlier appeal attempts had failed, making it clear he needed new evidence if he was to prove his innocence, or at least show he hadn’t gotten a fair shake in the justice system.

Fortunately, Spencer had someone else who believed in him, a new wife. They had first met in 1968 on Guam when he was stationed there with the Air Force during the Vietnam War. She was a Navy nurse. They dated, but separated after returning to the States. In prison, Spencer found Norma Kohlscheen’s address in Los Angeles and wrote to her. She wrote back. On Guam, he’d asked her to marry him. She’d turned him down. This time she didn’t. They were wed in 1986 in the Idaho prison chapel. She continued to live in L.A.—Spencer’s hometown—visiting and corresponding regularly. She also agreed to help pay Spencer’s legal fees (which would eventually reach more than \$250,000). “She worked 70 hours a week at two jobs,” says Spencer. “She never doubted me.”

Attorney Camiel called in the hound, Paul Henderson. In 1999, the private investigator was

working for both private clients and Centurion. “Spencer’s was a dig-up-whatever-you-can case,” says Henderson. Over time, he dug up gold. For starters, Henderson learned medical reports existed, hidden from Spencer’s defense, that showed no indications any of the children had ever been sexually abused. Clark County Det. Sharon Krause, he also discovered, had held unorthodox meetings with the Spencer children, interviewing them in unrecorded sessions in her Sacramento hotel room and buying them gifts and candy. She told the children their father was “sick” and that they could help heal him by accusing him of the sexual crimes. He learned that Spencer’s son, who at first denied any abuse, had changed his story under months of questioning, coming up with a fantastic tale: Not only his father but a group of police officers had abused him. Henderson, suspicious about the night Spencer’s second wife Shirley brought her son to his motel room, wondered if that was a setup. He found his answer: Shirley was having an affair with Vancouver Police Sgt. Mike Davidson—the supervising detective on her husband’s case.

Camiel eventually took the new information to Gov. Gary Locke. In 2004, Locke, a onetime King County deputy prosecutor (and today Barack Obama’s ambassador to China), was moved by the findings. His office made its own inquiries to confirm the details, and Locke then commuted Spencer’s sentence. He ordered Spencer released immediately, although he placed him on community supervision for three years. It was a stunning reversal: Locke had freed the longest-ever-held sex offender in Washington state, and for good reason, as he outlined in his order:

Clark County authorities withheld the fact that, despite the allegations of severe, repeated sexual abuse of the children, medical reports showed no signs of physical abuse. While the children recounted that Mr. Spencer had taken photographs of the abuse, no photos were ever found . . . King County Senior Deputy Prosecuting Attorney, Rebecca Roe, a renowned specialist in child sexual abuse cases, [advised Clark County officials of] significant problems with the case, including techniques used with Mr. Spencer’s daughter and resulting inconsistencies in her testimony . . . While denying for eight months that anything had happened, Mr. Spencer’s [son] began to say that his father abused him, after being threatened with a polygraph . . . another troubling fact in the case is that one of the lead detectives investigating Mr. Spencer’s case began having an affair with his wife, Shirley Spencer, during the investigation. After Mr. Spencer’s conviction, the detective left his own wife and moved in with Mr. Spencer’s wife. This detective was also the supervisor of the primary detective [Krause] involved in interviewing the children.

Transferred back from Idaho, Spencer walked out the front gate of the Monroe Correctional Center on December 29, 2004, having spent 7,244 days behind bars (19 years, 10 months, and one day). Henderson was there to greet him, took him to a bank to cash his small prison-labor check, bought him a steak, and dropped him off at a motel on Aurora Avenue in Seattle. The next morning, Spencer recalls, he got up early, went out into the free world, and began to walk until he was exhausted.

As a registered sex offender, he still could not join his wife in California, though she quickly

arrived to greet him, returning regularly as they continued their long-distance relationship.

Spencer eventually would reconcile with his two children, now grown and with families of their own. The siblings eventually told Spencer they'd been coached by police. As they grew, the children had trouble remembering Spencer's alleged abuse, but their mother had told them they were blocking the sordid memories. They now realized, they told Spencer during their meetings, there were no assaults to remember.

"In prison, I went before the parole board five times and told them I didn't do it," says Spencer. "They said if I didn't admit it, I'd die in prison. I told them, 'Then I'll die in prison.' Here was the opportunity for everyone to know the truth."

His life destroyed by the conviction, and unable to get viable work because of his record, Spencer pushed ahead with a new legal effort to overturn his conviction. At a 2009 hearing ordered by an appeals court, Katie, 30, and Matt, 33, recanted their testimony—or rather the claims of the Clark County Sheriff's investigators that they'd been assaulted. Under cross-examination, Matt said he, at age 9, had been pressured by his questioners to say he'd been abused. Katie said that as an adult she read over the police reports of the rape and found them untrue. Even as a child, "I would have remembered something that graphic, that violent." Spencer's grown stepson refused to change his story, although Katie and Matt testified they never saw him abused.

Relying on the hearing testimony, the state Court of Appeals ruled that Spencer could withdraw his guilty plea, citing the recantations and "significant irregularities" by prosecutors. The state Supreme Court upheld the decision, concluding, among other things, that the affair between Spencer's wife and the detective "casts a shadow over the entire case." Reluctantly, Clark County prosecutors, who still believed Spencer guilty, threw out the charges in 2010.

But Spencer wasn't done. "When this case was overturned," he says, "instead of the prosecutors saying this was a mistake, they stood down the hallway in the courthouse and gave out a press release, trying to say they didn't do anything wrong." At the time, Spencer says, "I told myself that someday, somebody is going to apologize."

Today, the 65-year-old Spencer is still seeking that apology, along with legal damages. The ex-cop, now head of security at a Los Angeles office complex, filed a lawsuit in 2011 on behalf of himself and his children against Clark County, his ex-wife Shirley, and several of the officials involved in his conviction. Among his claims, according to court records, is that Sheriff's Detective Krause had in fact videotaped an interview with one of the children, but it was not disclosed to the defense in 1985. Krause, in court papers, says she apparently took the tape home—mixed with other memorabilia—when she retired from the sheriff's office in 1995. She discovered it while cleaning her garage in 2009, and turned it over to prosecutors.

Spencer claims the video got "lost" because it suggests the child was coached. The 1984 tape shows

little Katie, sitting in her mother's lap, being questioned by Clark County Deputy Prosecutor Jim Peters. In the first part of the video, Peters is unable to elicit any claims from Katie that she'd been sexually assaulted. He shows her anatomically correct dolls and tells her, "This is your daddy and this is Katie—show me what happened last summer, OK? And we can stop all this." Katie responds, repeatedly, "Nothing happened last summer." After an unexplained one-hour break in the video, the prosecutor and Katie are shown lying on the floor together, in a friendly face-to-face chat. She then begins to cooperate, taking the two dolls and putting them together in a sexual position.

In his lawsuit, Spencer alleges that ex-wife Shirley and Sgt. Davidson had a "sexual relationship [that] led them to attempt to frame Mr. Spencer." He also alleges that Clark County investigators altered records to hide the medical reports, and that they falsely advised his employer, Vancouver Police, that he'd failed a polygraph test when in fact the test had been inconclusive.

Ex-county prosecutor Peters, who went on to become a federal prosecutor in Idaho and who is being defended in the civil suit by the Washington State Attorney General's office, denies Spencer's accusations that he hid evidence. Peters is also immune from such civil claims, argues his attorney Patricia Fetterly, saying he "exercised reasonable judgment and discretion as an authorized public official." Shirley, Spencer's ex-wife, says his accusations of a frame-up are simply untrue; she and Davidson did not become involved until after her husband's case was concluded, she maintains. Ex-detectives Krause and Davidson deny the claims as well, insisting they acted in the best interest of the children and followed investigative procedures in use at the time. Clark County attorney E. Bronson Potter describes the investigation and prosecution as lawful and proper. A jury trial is currently set for next January.

Inside his Lake Union boat home, Paul Henderson is thumbing through more files— he has dozens of boxes and thousands of pages of documents stored in a closet and a nearby locker. "Wrongful confessions are one of the biggest problems in these cases, and the most difficult to overturn," he says, recalling Barry Beach of Montana. He was 21, still living with his parents, when he was arrested in 1983 for buying beer for a minor, a misdemeanor. He wound up doing 28 years in prison for confessing to a murder—the slaying of a teen girl—he did not commit, as Henderson's investigation helped prove. The case was one of many worked on by Henderson that were featured on national TV magazine shows, including *60 Minutes* and *20/20*. "He was put away by cops who talked him into it," says Henderson. "The first *48 Hours* report on him—they did two—prompted new witnesses to come forward. That's how he got out."


Filmmaker Ken Burns, whose 2012 documentary *The Central Park Five* detailed the wrongful convictions of five Harlem youths coerced into confessing to the 1989 rape of a New York jogger, recently said in a C-SPAN interview that "Unfortunately, [the park rape case] is not unique . . . We read in our papers of someone who has just been released from jail after 40 years or 25 years. It's prosecutorial misconduct or 'over-enthusiasm' or something like that. This is happening too

frequently . . . If there is not justice for all, there *is not* justice for all.”

But wrongful convictions will continue, Henderson says, as long as police and prosecutors are not punished for them. “They should be held criminally responsible, in my view,” he says. “In the 23 exonerations I handled, some of them involved egregious misconduct, including police coercing witnesses into going along with a totally fabricated scenario of a murder. In a Pennsylvania case, the cops sat down like they were writing fiction and got three teenage kids to go along with the confession. But over the years not one cop or prosecutor in my cases who got caught red-handed making up stuff was ever charged with a crime. They were not even demoted.

“You remember what happened to the cop who made up evidence about Steve Titus, don’t you? A few months later, the Port of Seattle named him Officer of the Year.”

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Teri Castro · 2 years ago

I have waited for this time to come to see everyone in this case to have to come forward and get what they have deserved for taking our Uncle away from us. My children met him when they were very young and have now as adults been able to reconnect with him via internet. To those that have wronged Our Uncle, Our Aunt, His Children and our family, come forward and tell the truth and do your time now!!! I have always told my Uncle that this day would come from day 1. The Lord has seen it all and that is the one you will have to face in the end!!

1 | · Reply · Share ›



Teri Castro > Teri Castro · 2 years ago

Mr. Henderson Thank you for all your hard work!

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JackdsonP · 2 years ago

i've been disappointed in the Weekly lately. but this is great j. and Henderson's my new hero.

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mryahoo > JackdsonP · 2 years ago

Second that!

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Guest · a year ago

I'm curious as to how a 30-year-old man was arrested for rape in 1980.

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Gregg McFarlan · 2 years ago

Mr. Henderson;

Thank You for a well researched and written article. With your permission, may I be allowed to copy it as a basis for some of my research?

| · Reply · Share ›



blackrose1 > Gregg McFarlan · 2 years ago

You got your Andersons and your Hendersons all balled up, me thinks.

| · Reply · Share ›



PlayboyBud · 2 years ago

The evidence now shows Spencer to have been wrongly convicted, at least, and totally innocent, in the best reading. Yet the prosecutors seem to still think he's guilty. That's what a lot of these cases appear to come down to, and of course that's going to be the defendants' strategy in the civil trial - we weren't wrong, and even if we were, we didn't do anything wrong: that's

the way these cases were handled back then. Fortunately, under the new state law, Mr. Spencer can still rightfully apply for compensation even if he loses his civil suit (or, for that matter, even if he wins it, according to my reading of the bill). Seattle attorney.

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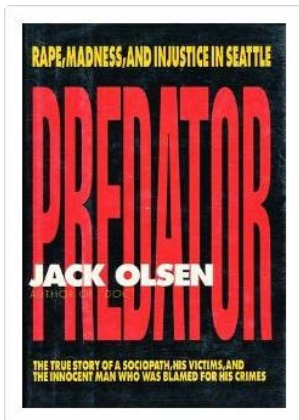
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Predator: Rape, Madness, And Injustice

In Seattle Hardcover – March 1, 1991

by Jack Olsen (Author)

★★★★★ 12 customer reviews

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An account of the life and crimes of psychopath Mac Smith describes how Seattle police, eager to make an arrest in the murders of the city's women, arrested the wrong man for Smith's crimes. Reprint. *LJ*.

--This text refers to an out of print or unavailable edition of this title.

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The Misbegotten Son

by Jack Olsen

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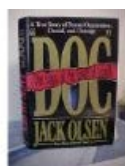


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by Jack Olsen

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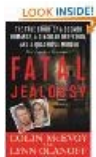


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by Jack Olsen

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Son: A Psychopath and His Victims

by Jack Olsen

★★★★★ 31

Hardcover

Product Details

Hardcover: 366 pages

Publisher: Delacorte Press; First Edition edition (March 1, 1991)

Language: English

ISBN-10: 0385299354

ISBN-13: 978-0385299350

Product Dimensions: 9.3 x 6.2 x 1.3 inches



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Editorial Reviews

Amazon.com Review

With careful reporting that sticks close to the facts, Jack Olsen tells stories that seem straight out of crime fiction, and yet are all the more compelling for being true. This book focuses on three men--a criminal who preyed on women, a carefree partygoer who was wrongly convicted of the predator's crimes, and a reporter for the *Seattle Times* who won a Pulitzer Prize for tracking down the truth. It's supposed to be a rare event in the U.S. judicial system that someone this innocent gets screwed this badly. Even if it only happened to one person every decade, it would still be a horrible thing. And the smiling rapist, described as having a sweet "Jesus-like" countenance, *knowingly* allowed that to happen. Olsen not only delivers a real page-turner, but he ties up all the loose ends before the book's memorable and satisfying finale. --*This text refers to an out of print or unavailable edition of this title.*

From Publishers Weekly

Olson (*Cold Kill*), arguably the best true-crime author around, triumphs again with the story of a serial rapist on the West Coast and of an innocent man destroyed by the police and the justice system--which found him guilty of one of the rapes. It is the tale of McDonald ("Mac") Smith, a child of the '50s raised in Ohio and the L.A. area by very young, seemingly psychotic parents. It's also an account of Steve Titus, a happy-go-lucky, rising young Seattle executive who was convicted and then exonerated of a rape charge in 1981, not long before his death from a heart attack. Olson tells, too, of Paul Henderson, a newsman who risked his career at the *Seattle Times* to prove Titus's innocence, and of Ronald Parker, a policeman and violent bully who withheld and distorted evidence to convict Titus. Compelling throughout, the book builds to a climax in its final sentence, dealing a blow to the idea that police in the case cared a whit about justice. Literary Guild/Mystery Guild selection; author tour.

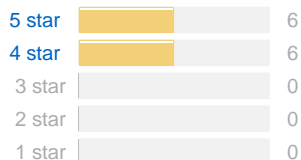
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Customer Reviews

★★★★★ (12)

4.5 out of 5 stars



I highly recomend it to all true crime fans.

jademoon13

I'll buy them faster if they're available for Kindle, and I'm sure my money is as good as any.

California Dreaming

In fact, if they fight him, he will simply let them go.

Scott E. High

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14 of 14 people found the following review helpful

★★★★★ **A truly frightening book.**

By [C. McDanel](#) on January 22, 2002

Format: Hardcover

I am a fan of thrillers and suspense books. Books such as this go far in proving that real life events can be far more terrifying than anything we read in fiction. Any fan of real life crime, criminal psychology or of books about our criminal /judicial system really need to read this book.

There are two aspects to this story...more if you want to start considering the many rape victims left in Mac Smith's wake. The first aspect is Mac Smith himself. The story goes very far in explaining how personalities such as Mac Smith's are formed. Jack Olsen portrays Mac as a well-rounded individual, even a likeable person. Yet, Mac is truly twisted and sick. Extremely manipulative. It is frightening to know that this person could be out on the streets in another 4 years...

Then there is the story of Steve Titus. This is, perhaps, the most frightening part of the whole story. It really makes you wonder how often innocent people are convicted of another's crimes. This man suffered for 8 months...through his arrest which he jokingly thought was all a mistake, a trial, a conviction, and finally numerous postponements of his sentencing before his innocence was finally proven with the assistance of a news reporter. His life was destroyed....he lost his job and eventually the woman he loved.

This book is a truly compelling read. I read it in one day of nonstop reading. After reading this book,

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the next time you hear someone in jail profess their innocence, you will hesitate before you sneer and say, "Yeah...that's what they all say..."

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10 of 10 people found the following review helpful

★★★★★ **5 out of 5 BIG stars**

By [jademoon13](#) on November 29, 2001

Format: Mass Market Paperback | **Verified Purchase**

I'd expected the book to be good, but it was excellent. I highly recomend it to all true crime fans. The book gave just enough background, just enough of the trials, just enough opinions etc. It was very informative and such a compelling read. I was already familiar with the wrongful conviction of Steve Titus, and found Olsen's account to be quite accurate and compassionate.

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8 of 8 people found the following review helpful

★★★★★ **Gripping**

By [A Customer](#) on June 14, 2002

Format: Hardcover

If you are a fan of True Crime, then get your hands on this book. Jack Olsen is one of the best True Crime writers around. Not only will this book keep you on the edge of your seat, but it will also enrage you at the injustice put upon one man. I highly recommend this book.

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6 of 6 people found the following review helpful

★★★★★ **Sad**

By [J. Wilson](#) on July 27, 2006

Format: Mass Market Paperback

This was a case of police creating evidence to fit crimes. As I first began to read Predator, I thought it was going to be a shallow account of mistaken identity, but as I got further into it, I was totally caught up in it. How sad that in the police's efforts to clean up a case, a man's life was ruined. Nothing can make up for the railroading of Steven Titus and how it ultimately affected his life and death. Jack Olsen succeeds in delving into the case and all the personalities involved. This is an excellent book.

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4 of 4 people found the following review helpful

★★★★★ **Police mis-conduct**

By [BbP](#) on December 11, 2009

Format: Mass Market Paperback | **Verified Purchase**

Note-McDonald Smith is NOT the subjects true name. I was unable to find out real name.

Macdonald Smith-rapist-pervert-con man.
Steve Titus-arrested for Smiths crime.
Paul Henderson-news paper reporter from the old school.

"This can not be happening to me. It is a night mare and soon I will wake up. How can they believe those storys about me? They have all the facts/evidence wrong. Thank GOD it will all be over soon."

Mr. Titus stand up. Judge- "Mr. Titus you have been found GUILTY"

Steve's night mare was just starting. Mac Smith raped



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Published 11 months ago by [Scott E. High](#)

★★★★★ **Reminds me of "All the President's Men"**

A long time ago, I read the book "All the President's Men" (ATPM). Naturally, that was a great book, and this one, while not being quite as good, has a lot of similarities. [Read more](#)

Published 13 months ago by [California Dreaming](#)

★★★★★ **Loved it!**

Jack Olsen scores again, Big Time! He has the knack to capture the story as well as the intricate nature of people without being preachy.....

Published 17 months ago by [Anthony Towns](#)

★★★★★ **great book!!**

Captivating story line and good character development make this an excellent read. If you like Jack Olsen, you'll love this book.

Published on February 19, 1999

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probably 50 women in his life time. He was a pervert and a truly dangerous predator. Steve Titus died because of him. Steve Titus was cleared because of Paul Henderson.

This is another great book by true crime writer Jack Olsen. Such a great author. Such a SAD story.

Please read this book and find out if Macdonald Smith PAID FOR HIS CRIMES. See if the police department paid for their sloppy work.

All I can tell you is that no one lived happily ever after.

bbp--retired -civie police employee---okc ok

4 Comments | Was this review helpful to you?

3 of 3 people found the following review helpful

★★★★★ makes you think

By S. Beasley on February 17, 2008

Format: Mass Market Paperback

I first read this book many years ago and the feelings of rage and injustice are still very sharp. My late father was an Army MP and then a deputy sheriff and I remember how my world was turned upside down by what happened to poor Steve Titus. And of course I always felt that the cops should have been punished somehow. Not just for what they did to him but because of all the women who landed in the crosshairs of a serial rapist who went undisturbed by a real investigation.

Whenever I hear people gossiping about the justice system and how we coddle criminals and how lawyers are morally as corrupt as their clients, I always ask, " Do you remember the Predator case?" To date, nobody I've ever asked has ever heard of it. When I tell them, they tell me it's not true, or that Titus must have done SOMETHING!! Some will question me about being related to a victim, or being one of the attorneys. For the record, I work in a warehouse and I don't know anyone in the book.

This book was the first in the genre I ever read, and got me hooked on true crime. I recommend it to everyone, especially as a first attempt at non-fiction.

I also recommend 'All sHe Ever Wanted' by Aphrodite Jones (it's the book that was made into the movie 'Boys Don't Cry' with Hilary Swank; and 'The Michigan Murders' whose author I don't recall.

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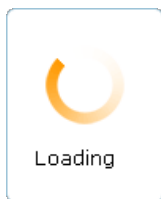
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