

UNIVERSITY OF
WISCONSIN
M A D I S O N

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FRANK J. REMINGTON CENTER
For Education, Research, and Service in Criminal Justice
WISCONSIN INNOCENCE PROJECT

Frank J. Remington (1922-1996), Founder

August 23, 2001

Mr. James Terry #273986
Supermax Correctional Institution
PO Box 1000
Boscobel, WI 53805-0900

Dear Mr. Terry:

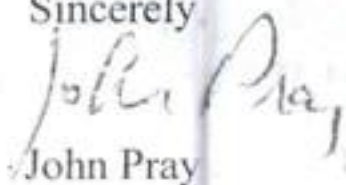
Our program has now had the opportunity to review your complete file. [Note: we did have two files at you at one point, but now have consolidated them into one file, which includes your April 2001 letter that responded to questions from our March letter.]

Unfortunately, I regret to inform you that we will be unable to assist you in your case. Our program has very limited resources, and is only able to represent a few inmates in proving their innocence. We try to select those cases which appear to have the best chance of success in court. In sexual assault cases, this generally involves cases in which there is a viable claim of mistaken identity—where the victim did not know her rapist, and DNA is present that can prove the identity of the true rapist.

In your case, there was no DNA evidence, so it can not be used to prove your innocence. Nor is this a case of mistaken identity. You admit that you were with Paula Koehn, and admit that she performed oral sex on you. The issue is whether the sexual contact was consensual, or whether she was forced. In cases like this, it is very difficult to prove innocence without a recantation by the alleged victim—in other words, that she would have to admit she lied about the assault. This is particularly difficult here, since an investigator for the Madison Appellate Office interviewed Koehn, who thought you should stay in prison for the rest of your life.

I am sorry that we will be unable to accept your case. I am returning all of the legal documents that you have sent to our program.

Sincerely,



John Pray
Co-Director, Wisconsin Innocence Project

Law School

Jurak Memo (cont.)

towards her mother, which showed that Kristin is not always the "friendly" person, she implied.

Kristin said she knows Clint Nixon and that he is a Hispanic male from Madison. Clint is the person formerly thought to be Nicholas. (u)(u)

Kristin denied the fact that Chris Irons knew James Terry before the incident.

Kristin said that Paula Koehn did not want to testify against the defendant. Kristin said she testified only because her boyfriend, Chris Irons, was with her.

Kristin stated that Paula and her park in the parking lot behind a bookstore and Knuckleheads off State St.

Kristin stated that Chris Irons acted weird when the police came to her house because he thought they were going to arrest her for a warrant or something. She stated she has a prior Attempted Robbery but that she has never been to court. She is unaware if this is in adult or juvenile court.

Kristin said she no longer hangs out on State Street because the dealers left because of all the undercover cops. Her mother seemed annoyed with this answer which caused another verbal argument between them. Her mother also informed me that Kristin has not attended school since this incident and attended very infrequently before the incident. At this time Kristin and her mother again became argumentative and I felt it would be in my best interest to leave the house.

cc014407.frm/MPF/lmr

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

CRIMINAL COMPLAINT

STATE OF WISCONSIN, PLAINTIFF

VS.

Sys ID

JAMES NMI TERRY II

DOB: 07/14/1964

Sex/Race: M/B

Height/Weight: 6'03/210

Hair/Eyes: BLK/BRO

No Permanent Address

OFFENSE(S): 1st Degree Sexual Assault, Soliciting a Child for Prostitution - 2 Counts, Child Enticement-Sexual Contact, Child Abuse-Intentionally Cause Harm, False Imprisonment, Theft-Movable Property

STATUTE(S): 940.225(1), 948.08, 948.07(1), 948.03(2)(b), 940.30, 943.20(1)(a)

DEFENDANT(S)

AGENCY & CASE NO: MAPD/98-126382

Court Case No: 98 CF 2416

DA CASE NUMBER: 98-DA-015724

COMPLAINING WITNESS

Ron LaFrancois/Fran Retelle/William Cator/Richard Pharo

COUNT 1

THE ABOVE-NAMED COMPLAINING WITNESS BEING DULY SWORN SAYS THAT THE ABOVE-NAMED DEFENDANT(S) IN DANE COUNTY, WISCONSIN DID, on or about November 8, 1998, at the CITY OF MADISON, have sexual contact with another person, P.M.K., date of birth March 29, 1981, without her consent by threat of use of a dangerous weapon or any article used in a manner to lead the victim reasonably to believe it to be a dangerous weapon, to wit: a gun; contrary to Section 940.225(1)(b) of the Wisconsin Statutes, a Class B felony; and upon conviction may be imprisoned for not more than forty (40) years.

1-27-99 @ 8:00 final pretrial
2-15-99 @ 8:30 jury selection
2-16-99 @ 8:30 jury trial

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12749m
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10719m

CIRCUIT COURT

NOV 20 9 06 AM '98

DANE COUNTY, WI

COPY

Be. 8
prelim. was 11-25-98

COUNT 2

AND AS A SECOND AND SEPARATE OFFENSE, THE ABOVE-NAMED DEFENDANT(S) IN DANE COUNTY, WISCONSIN DID, at the CITY OF MADISON, on or about November 8, 1998, feloniously and intentionally solicit a child, to wit: P.M.K., date of birth March 29, 1981, to practice prostitution, contrary to Section 948.08 of the Wisconsin Statutes, a Class BC felony; and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), imprisoned not more than twenty (20) years or both.

COUNT 3

AND AS A THIRD AND SEPARATE OFFENSE, THE ABOVE-NAMED DEFENDANT(S) IN DANE COUNTY, WISCONSIN DID, at the CITY OF MADISON, on or about November 8, 1998, feloniously and with intent to expose a sex organ to a child, P.M.K., date of birth March 29, 1981, for the purpose of sexual arousal or sexual gratification, cause said child, who had not attained the age of eighteen years, to enter to a vehicle, contrary to Section 948.07(3) of the Wisconsin Statutes, a Class BC felony; and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), imprisoned not more than twenty (20) years or both.

COUNT 4

AND AS A FOURTH AND SEPARATE OFFENSE, THE ABOVE-NAMED DEFENDANT(S) IN DANE COUNTY, WISCONSIN DID, at the CITY OF MADISON, on or about November 8, 1998, feloniously and intentionally confine another, to wit: P.M.K., date of birth March 29, 1981, without that person's consent and with knowledge that he had no lawful authority to do so; contrary to Section 940.30 of the Wisconsin Statutes, a Class E felony; and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), imprisoned not more than two (2) years or both.

COUNT 5

AND AS A FIFTH AND SEPARATE OFFENSE, THE ABOVE-NAMED DEFENDANT(S) IN DANE COUNTY, WISCONSIN DID, at the CITY OF MADISON, on or about November 12, 1998, feloniously and intentionally solicit a child, to wit: K.M.J., date of birth November 23, 1981, to practice prostitution, contrary to Section 948.08 of the Wisconsin Statutes, a Class BC felony; and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), imprisoned not more than twenty (20) years or both.

COUNT 6

AND AS A SIXTH AND SEPARATE OFFENSE, THE ABOVE-NAMED DEFENDANT(S) IN DANE COUNTY, WISCONSIN DID, at the CITY OF

MADISON, on or about November 12, 1998, intentionally cause bodily harm to a child, K.M.J., date of birth November 23, 1981; contrary to Section 948.03(2)(b) of the Wisconsin Statutes, a Class D felony; and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), imprisoned not more than five (5) years or both.

COUNT 7

AND AS A SEVENTH AND SEPARATE OFFENSE, THE ABOVE-NAMED DEFENDANT(S) IN DANE COUNTY, WISCONSIN DID, at the CITY OF MADISON, on November 8, 1998, intentionally take and carry away movable property, to-wit: a black down leather look jacket with a label indicating "First Down", of the value of less than \$1,000, of another, to-wit: Steve Lewis, without the consent of the owner, and with intent thereby to deprive the owner permanently of possession of such property, contrary to Section 943.20(1)(a) & (3)(a) of the Wisconsin Statutes, a Class A misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), imprisoned not more than nine (9) months or both.

*** FACTS:** Your complainant is a detective with the City of Madison Police Department and for this complaint is relying on a report submitted by City of Madison Police Officer Scott Favour, John Radovan, Mike Edler and Detective Cory Nelson.

Officer Favour reports that on November 8, 1998 at approximately 5:53 p.m. he was on foot patrol in the 500 block of State Street when he was contacted by a subject who identified himself verbally as Steve Lewis. Lewis advised that his jacket had just been stolen by a black male subject. Lewis advised that the jacket was a black down winter jacket with the brand name of "First Down." Lewis advised that the individual wanted to buy marijuana from him and a transaction had taken place in the alley located between Stadium Sports and the next building off of State Street, Madison, Dane County, Wisconsin. Lewis advised that the man asked him if he could see his jacket and the man subsequently gave Lewis his jacket and also gave him some money for the marijuana and stated he was giving him \$10.00 for the jacket and began walking out of the alley. Lewis stated that as the man was walking away he told the man he wanted his jacket back at which time the suspect walked rapidly toward BW3 located at 529 State Street and jumped the fence into the parking lot and ran toward University Avenue.

Madison Police Officer John Radovan reports that on November 13, 1998 at approximately 5:00 p.m. he was contacted by a subject who identified herself as K.M.J., date of birth November 23, 1981 and her mother. K.M.J. wanted to report an incident which had occurred on State Street on November 12, 1998 at approximately 2:00 a.m. K.M.J. advised that she hangs out on State Street a lot and on Thursday, November 12, 1998 she was waiting for some friends outside the Second Story restaurant located at 508 State Street. She stated that at approximately 2:00 a.m. a black male subject, approximately 6'4" tall with a muscular build, in his forties, with a two inch scar going parallel below his left eyelid along side of his left eye, approached her. She stated at that time the individual was wearing what she believed was a black knee length leather jacket,