



## **An innocent man recounts prison time**

**DNA FREED INMATE:** Herman Atkins, wrongly convicted of rape, tells the court his story.

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**By MEGHAN LEWIT**  
**The Press-Enterprise**

LOS ANGELES - The man who was wrongfully convicted of a rape and robbery in a Lake Elsinore shoe store spoke in court Wednesday about the years he spent in prison as an innocent man.

Herman Atkins, 40, said he witnessed slayings and survived three attempts on his own life while incarcerated for almost a decade in a series of maximum-security prisons. He missed years of his children's lives and suffered emotional trauma as a result of his wrongful conviction, Atkins testified during almost four hours in federal court.

"They took your most horrifying criminals and put them all in one yard," said Atkins, whose voice broke several times during the testimony. "It was a type of violence I had never seen and could not grow accustomed to."

In 1988, Atkins was convicted of robbing and raping a Lake Elsinore shoe-store clerk and was sentenced to 43 years in prison. He was released in 2000 after DNA evidence that was not available during the investigation cleared him of the crime.

Attorney Peter Neufeld, who is representing Atkins in the civil-rights case, said that former Riverside County sheriff's Detective Dan Miller fabricated evidence to incriminate Atkins, and withheld evidence that would have helped his defense. Atkins is seeking monetary damages for his wrongful conviction.

Atkins said he believed he would spend the rest of his life in prison.

"I was horrified, I was disappointed, I was upset," he said. "I couldn't believe that 12 people in a box failed to use common sense."

Miller's attorneys have said there was no misconduct during the investigation.

The case against Miller centers on allegations that he wrote a false report that said a witness placed Atkins in Perris around the time of the rape, and failed to disclose a statement from the victim that a pair of shoes and a ring taken from Atkins did not match those of the rapist.

The witness listed in the report testified Wednesday that he had never seen Atkins, and had never identified him as being in Riverside County around the time the rape took place.

Perris resident Eric Keith Ingram said that he recalls being taken to the Lake Elsinore sheriff's station after being stopped for a traffic incident shortly after the rape occurred. Ingram testified that he talked with a sheriff's deputy named Dan Taylor about another investigation in which he knew one of the suspects.

"Nobody ever contacted me about any kind of case involving Herman Atkins," Ingram said.

When questioned by the defense attorney, Ingram said he was sure the man who questioned him was named Dan Taylor.

San Bernardino-based attorney Arthur Cunningham, who is representing Miller, said at the opening of the trial that evidence in the case will show that Miller's report was accurate as it was told to him.

The rape victim first identified Atkins after seeing a photograph of him on a wanted poster that was hanging in a briefing room in the Sheriff's Department office.

At the time of the attack, Atkins was wanted in connection with an assault case in Los Angeles.

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