



Wrongful conviction case in jury's hands

LAWSUIT: The man who spent 10 years in prison for a crime he didn't do is seeking \$10 million.

09:33 AM PDT on Monday, September 11, 2006

By **MEGHAN LEWIT**
The Press-Enterprise

LOS ANGELES - The defense attorney in a wrongful conviction lawsuit said in federal court Friday that former Riverside County sheriff's Detective Dan Miller had no reason to jeopardize his career by fabricating and suppressing evidence in a 1986 rape and robbery investigation.

During closing statements, attorney Arthur Cunningham focused much of his remarks on the allegation that Miller fabricated a report from an eyewitness. It claimed the eyewitness saw the plaintiff, Herman Atkins, in Riverside County around the time of the attack.

Atkins, 40, served 10 years in prison for the rape and robbery of a Lake Elsinore shoe-store clerk before being cleared by DNA evidence that was not available at the time of the investigation.

The man listed in the report, Perris resident Eric Keith Ingram, testified earlier in the lawsuit trial that he had never identified Atkins or spoken with Miller.

Cunningham questioned Ingram's credibility, saying he has a history of run-ins with the Riverside County Sheriff's Department.

Ingram also testified that he recalled meeting with a deputy named Dan Taylor, although no one by that name worked at the Lake Elsinore station, Cunningham said.

"The question is which of these two people do you believe," he said. "(Ingram), who despises the Riverside County Sheriff's Department, or Miller, who has a 30-year career in law enforcement?"

The jury deliberated for three hours Friday afternoon but did not reach a verdict. Deliberations are scheduled to resume Monday morning.

Atkins is seeking \$10 million in damages for the decade he spent in prison for the Lake Elsinore crime.

Attorney Peter Neufeld, who is representing Atkins, said that Miller used improper photo-identification procedures, falsified reports and withheld information that would have helped Atkins' defense.

The rape victim first identified Atkins after seeing a photograph of him on a wanted poster that was hanging in the 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.

Reach Meghan Lewit at 951-375-3727 or mlewit@PE.com

Online at: http://www.pe.com/localnews/inland/stories/PE_News_Local_S_atkins09.3dfa2f.html