

Innocence Project wants 1989 murder evidence re-examined

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STATE JOURNAL-REGISTER

Posted Aug 31, 2008 @ 01:42 AM

Last update Aug 31, 2008 @ 06:54 AM

When Melissa Koontz disappeared June 24, 1989, her story brought to life every young woman's biggest fear and every parent's worst nightmare.

A week later, authorities discovered the body of the 18-year-old Culver-Stockton College honor student dumped in a cornfield west of town. Koontz had been stabbed to death. Though the body was fully clothed, Koontz's bra was unfastened and her underwear torn.

Eventually, five people were sent to prison for the crime, which authorities said at the time began as a robbery. Two of the accused, Gary Edgington and Tom McMillen, are serving life sentences in prison.

Edgington confessed to helping murder Koontz, but McMillen has steadfastly denied he had anything to do with it.

Nearly 20 years after the crime, the Downstate Innocence Project at the University of Illinois at Springfield wants to see if McMillen is telling the truth.

The group this week is expected to ask a Springfield circuit judge to order that evidence left from the Koontz murder be re-examined. With advances in science over the past two decades, project organizers say, items that were not helpful to investigators in 1989 could provide new insights.

The project is asking:

- That a fingerprint found on the rearview mirror of Koontz's car be run through the Automatic Fingerprint Identification System to see if it matches that of any known criminals. The print has never been linked to the defendants, police or Koontz or her family.
- That three pubic hairs collected from Koontz's body undergo DNA testing.
- That Koontz's clothing be retested for the presence of seminal fluid, which then also could be tested.

"The evidence contradicts the idea that they killed Melissa Koontz for beer money," said Bill Clutter, director of investigations for the Downstate Innocence Project. "There's no question that when one looks at the facts of the case that the crime was one of a sexual predator, not one of robbery."

Clutter and two UIS students, Priyanka Deo and Sarah Wellard, have spent the past several weeks presenting their evidence to local authorities. Included are statements from key witnesses who now say they didn't tell the truth during the original investigation.

Sheriff: No objection

Sangamon County Sheriff Neil Williamson, whose department handled the investigation although the crime occurred before he became sheriff, said he has no objection to taking another look at the Koontz evidence.

"I don't think it's a bad thing myself," he said. "If technology exists today that didn't 20 years ago and it can be utilized either to convict someone who hadn't been taken to court or exonerate someone who has, it's a good thing."

Capt. Tom Hendrickson, head of the investigations division at the sheriff's department, said he's also met with the Innocence Project. His office is attempting to find evidence from the case and make sure its chain of custody is intact.

"Some of the issues they presented to us are factual in nature and those factual issues may be able to be resolved," he said. "What will be there will be there. We will attempt to see if there is validity to their concerns."

Innocence Project staff members also have met with John Milhiser, first assistant state's attorney.

"It would be premature for us to respond prior to receiving the filed motion along with all the exhibits," Milhiser said.

Bob and Ann Koontz, Melissa's parents, said last week that they "feel the justice system has worked in the past and will continue to do so now.

"We feel that the evidence was concrete and substantial in the conviction of McMillen for murdering our daughter, Melissa," the Koontzes said in a brief written statement to The State Journal-Register.

Prosecutors at the time said McMillen, Edgington, Donald "Goose" Johnston and Danny Pocklington — then only about 15 years old — had driven toward New Berlin that night from the Modesto area. Their plan allegedly was to rob the first person who came along in order to get money for beer and gas for Pocklington's mother's 1972 Chevrolet.

Johnston testified in McMillen's trial that they flagged down Koontz's car as she was driving from her job at the former Cub Foods on Veterans Parkway in Springfield to her home in Waverly. They intended to rob her, Johnston said, but things got out of hand.

Once Koontz's car was stopped on the Waverly Blacktop, Johnston testified, he watched as McMillen pulled Koontz from the car and stabbed her in the arm. McMillen and Edgington then dragged her down the road.

Koontz was placed in the back seat of the Chevy, and the group drove off toward Springfield.

Conflicting evidence

Johnston said he and Pocklington got out when they put Koontz in and walked a long distance up the road, figured they were going the wrong way, turned back and passed Koontz's car. He said he closed the passenger door using his feet and then saw a brown and white police car approaching.

He said the two hid in a field, but saw that the officer was looking for the girl and that the officer "had a poster out."

Johnston said he and Pocklington eventually were given a ride home by a man and woman who had a baby and a dog with them and that he knew the man but couldn't remember their names.

In its petition, the Innocence Project points out inconsistencies in Johnston's story. It was impossible for a missing-person poster to have been produced the night Koontz disappeared, the petition says, no blood was found where Koontz supposedly was stabbed and dragged, and no money was missing from her car or purse.

In a videotaped interview with the Innocence Project, Johnston has recanted his story, saying he pleaded guilty to a crime he didn't commit.

"Them officers said you're guilty, you're guilty," he said on the tape.

Danny Pocklington also says in a new affidavit that, in 1989, he said whatever police told him to say because investigators told him that Johnston, Pocklington's cousin, would get the death penalty if he didn't.

Mary Pocklington Heinrich, Danny Pocklington's mother, says her story was true from the start, according to an affidavit taken this summer. Heinrich said in 1989 and repeats today that she was with her son and Edgington that night at Edgington's sister's trailer in Scottville. She had her car with her, Heinrich said.

Johnston came to the attention of police before Koontz's body was found.

Johnston was being given a ride home by a Macoupin County sheriff's deputy on June 28, 1989, and saw a missing person poster about Koontz. Johnston told the officer he had seen Koontz and a girl named "Sissy" at noon that day in Carlinville.

About 10 days later, Johnston got drunk. While he was being booked into the Macoupin County Jail for urinating in public, he told deputies that McMillen killed Koontz and he knew it because he was there and watched.

However, Johnston also told the deputy that he had known Koontz for 13 years and knew her mother, too. He didn't. And he said Koontz had been choked to death but she wasn't, the Innocence Project points out.

Innocence Project staff members also point to statistics that indicate a large percentage of false confessions are made by people who are mentally retarded. An IQ test administered in July 2008 showed Johnston has "mild to moderate retardation," and newspaper stories from the early 1990s indicate all five of the defendants had little education and seemed intellectually slow. McMillen's sister has said her brother can neither read nor write.

Richard Leo, a professor of law at the University of San Francisco who is an expert in false confessions, said people with low intelligence make up a significant portion of those found to have made false confessions.

"They are easily led, easily manipulated, slow, they ... pretend to understand things when they don't," Leo said. "They look to authority figures for clues on how to behave. They rely on teachers and police their whole lives."

Prosecutor: Strong case

However, former Sangamon County state's attorney Don Cadagin, who prosecuted the case, said other strong evidence suggests the right people are in prison.

A Palmyra man who owned a red Camaro testified at McMillen's trial that he had driven along the Waverly Blacktop about the time that Koontz disappeared. Johnston had told authorities he'd seen such a car.

Authorities also had Edgington's taped confession, along with a videotape of a conversation between Edgington and McMillen in which they discussed the murder. In the 80-minute conversation, taped without McMillen's knowledge, newspaper accounts from the trial indicate that Edgington keeps telling McMillen that McMillen did the stabbing, but McMillen continuously denies it.

Detectives found blood in Mary Pocklington's car when they first examined it. McMillen said the blood was his, but when officers went back to recover the car to test the blood, the car had been disposed of.

"It had been compacted — not sold or abandoned, but compacted," Cadagin said. "I don't know of anybody who has had a car compacted. I don't even know where you go to have it done."

In addition, Mary Pocklington turned over to police a necklace that had belonged to Koontz, according to an April 1991 story in The State Journal-Register.

Cadagin said he doesn't oppose a re-examination of the case, though.

"I'm happy to see it, actually," he said. "I think McMillen is guilty and did at the time and still do. But you know, there are always situations where there could be a mistake made."

McMillen's sister, Debbie Hudson, was the person who contacted Clutter to ask that the Innocence Project re-examine the case against her brother.

"I totally believe in Tom's innocence and never did think he was guilty," she said.

Hudson said she sees her brother two to three times a year and he calls from prison two to three times a month.

She also feels for the Koontz family, Hudson said.

"I feel sorry for the Koontzes right now, because they'll feel he's guilty until they have absolute proof he's not," she said.

But Hudson isn't the only one who believes McMillen could be innocent. His attorney, Mike Costello, from the 1991 trial believes so, too.

"When I talked to him, he was so sincere. He didn't have the demeanor that he would resort to violence like some other mopes," Costello said.

"You can put this in," he added. "It makes no difference to trial counsel if their client is guilty or innocent. The only concern is that he can ethically prove the client innocent on the facts.

"With McMillen, I believed he was innocent."

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