

CITY/STATE

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Work on Whitlock case pays off

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UIS student contributes through Innocence Project

Erica Nichols had mixed emotions when she learned charges were being dropped against Herb Whitlock, a man serving a life sentence for the 1986 murders of a Paris couple.

Prosecutors filed the motion Friday in Edgar County Circuit Court, and a judge is expected to approve it during a hearing Tuesday. Whitlock then can leave a free man.

"Initially I just felt relief for Whitlock and his release,"

Nichols said by phone Sunday afternoon. "And, maybe a little bit of disappointment that it took such a long time for the state to recognize what we've been trying to tell them for a long time. ... And just dropping charges is different than being acquitted. It's a different result."

Nichols was one of the students at the University of Illinois at Springfield who assisted Bill Clutter, director of investigations for the Downstate Illinois Innocence

Project, with the Whitlock case.

The project, housed within the university's Institute for Legal and Policy Studies, has students provide research and investigative assistance to attorneys who represent people imprisoned for crimes the project believes they didn't commit. Whitlock's case became one of the project's investigations.

Whitlock, 61, of Paris was found guilty in 1987 of the murder of Karen Rhodes, who had

been found stabbed multiple times along with her husband, Dyke, in the couple's burning Paris home.

His friend and co-defendant, Gordon "Randy" Steidl — whose struggle for freedom has been profiled by The State Journal-Register — was convicted of both murders and sentenced to death. In 2004, he was freed by a federal judge who ordered the state to either release or retry him.

Although Whitlock maintained

his innocence on the same grounds as Steidl, he remained incarcerated and has served more than two decades of his life sentence.

In September, an appellate court overturned his conviction, deciding his defense counsel was ineffective and jurors never heard crucial evidence that might have exonerated Whitlock.

In its ruling, the court's opinion referenced the investigation of the Downstate Illinois Innocence

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Project.

Clutter and a team of UIS students, including Nichols, found a forensic scientist's laboratory notes, which helped discredit one witness' testimony. Their investigation also found a polygraph report indicating a witness had lied to police.

"It feels really good to know that that at least now he won't be confined by the state," said Nichols, 28, who is currently a second-year law student at Drake University in Des Moines, Iowa.

She said her involvement with the Downstate Illinois Innocence

Project has motivated her to become a lawyer.

Nichols worked as a paralegal for a Springfield law firm while attending UIS as a legal studies major. "I always kind of followed (the project) a little bit but never had much time to get involved as a volunteer. When I needed a project for my closing seminar class, they were looking for help," she said, so she got involved.

One of the students' main functions in the project was to examine the file of Ronald Tulin, Whitlock's trial attorney from 1987.

"It consisted of several thousands of pages, and we created a cross-reference index that included any correspondence, memos, witnesses that Tulin had talked to, anything that the state had given

Tulin in preparation for the trial," Nichols said. "That was our major class project, and four or five other students worked with me to help on portions of the index."

Clutter also had the students go to Paris for a few days to conduct interviews with witnesses.

"It was really enlightening. I never had any kind of law enforcement background, so it was different," she said of her experience in Paris. "It was difficult having doors slammed in your face and people refusing to talk to you. And people's memories weren't the same after 20 years, so it was a challenge."

Their work helped prepare for a hearing in April 2005 requesting a new trial for Whitlock. However, an Edgar County judge denied the

request.

In September 2006, Whitlock's lawyers asked the Springfield-based 4th District Appellate Court to reverse the decision, which led to the opinion this fall.

Nichols, who graduated from UIS in spring 2005, said she still keeps in touch with Clutter and has followed developments in Whitlock's case.

"I think the wrongful convictions and the criminal process are always going to fascinate me, and I have a strong draw to them because of all my work with Bill Clutter. You don't like to think of those things happening," she said.

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