Falsely imprisoned E. Palo Alto man to get $2.75 million settlement

By Brandon Bailey
Mercury News
San Jose Mercury News

Article Launched:09/29/2007 01:40:33 AM PDT

An East Palo Alto auto mechanic will receive $2.75 million to settle a lawsuit that accused Santa Clara County authorities of overzealous prosecution in a controversial murder case that stole nearly 12 years of his life.

Attorneys for the county and Rick Walker, who served 12 years in prison for a murder he didn't commit, said the settlement received final approval from the county's insurance carrier Friday.

Walker, who has worked as a mechanic since winning his freedom in 2003, said he won't consider the case settled until the money is deposited to his bank account. But he also said he hopes the settlement will be "like a pebble thrown in the water" that has a "ripple effect" in preventing future abuses by law enforcement authorities.

"There's a lot more people like me that are not as fortunate as I am, that are still in prison for things they didn't do," said Walker, 51. "So ultimately, if this pebble in the water makes the county change what they are doing, that's a good thing."

Walker's 1991 conviction in the slaying of a Cupertino woman came after a trial that relied in part on testimony from a onetime co-defendant whose statements were later discredited. It was only after a friend of Walker's family developed new evidence that then-District Attorney George Kennedy decided to reopen the case in 2003.

The co-defendant and another man were eventually convicted in the case. Assistant District Attorney Karyn Sinunu later apologized to Walker and urged a judge to declare him "factually innocent."

Walker's plight became one of several controversial cases for which the Santa Clara County District Attorney's Office was criticized in recent years. Another murder conviction was overturned in 2002 involving defendant Glen "Buddy" Nickerson, who later received nearly $1 million to settle a similar lawsuit.

Walker, who also received $421,000 from the state under a law that provides compensation to those wrongfully imprisoned, said he has no plans to quit his job. He enjoys his work, he said, and wants to set a good example for his nieces and nephews.

"I'm not about to give up my job because I've been blessed: I have a job where I like going to work," he said. "And besides that, what would I do if I didn't work - lay around and get fat and lazy?"

Walker was convicted in 1991 of the stabbing and suffocation death of his former girlfriend, Lisa Hopewell. He was sentenced to serve 26 years to life in prison. But family friend Alison Tucher, who is a lawyer, decided to re-examine the case and dug up new evidence and witness statements that convinced a court to clear him.

While Kennedy and Sinunu, who eventually served as Kennedy's chief lieutenant, had later disavowed the prosecution's conduct in the case, the county's chief civil attorney said the settlement was not an admission of wrongdoing.

County Counsel Ann Miller Ravel, who negotiated the settlement, instead called it a reasonable "business decision." She said there was a risk that the previous statements by the district attorney's office might lead a jury to award Walker an even larger amount.

Dolores Carr, the current district attorney, said she was pleased to see the civil case resolved. She also said she was glad Walker's attorneys agreed to drop Deputy District Attorney John Schon as a defendant in the lawsuit, as a condition of the settlement. Schon, who prosecuted the original case, was later criticized for his handling of the witness's testimony.

Carr declined to comment on how the criminal case had been handled, noting that the events occurred before she was elected last year to replace Kennedy, who is now retired. But she praised Schon, saying he has a reputation for honesty and integrity.

Walker's attorney called the outcome fair to his client.

"While it can't get him back 12 years of his life that were taken away, it's the best the system can do in terms of providing him some justice," said Matt Davis of San Francisco law firm Walkup Melodia.

"Rick is 51 years old now. He's working hard, but it's hard for him to stay afloat financially because for a lot of his earning years he was in prison," Davis said. "This is going to allow him to take a breath."

Under the settlement, Ravel said, the county itself will pay $1.3 million and its insurance carrier will pay $1.45 million.

The district attorney's office has since charged another man in Hopewell's slaying. Mark Swanson pleaded guilty to voluntary manslaughter, kidnapping and robbery in 2004, and was sentenced to 15 years and four months in prison.

Walker had been falsely accused by Rahsson Germaine Bowers, who also won a lesser murder conviction for himself in connection with Hopewell's slaying. After Walker was exonerated, prosecutors persuaded a state board not to release Bowers on parole.

While Walker has been critical of the way authorities initially handled his case, he also has said he tries to forgive and not be angry or bitter.

"I'm sure when he lays in bed at night, there must be some things swirling around above his head about what it was like to spend 12 years in prison," Davis said, "but he's remarkably squared away and has the ability to see things from a bigger perspective."

Contact Brandon Bailey at bbailey@mercurynews.com or (408) 920-5022.

Mercury News Staff Writer Jeff Thomas and librarian Diana Stickler contributed to this report.

Close Window | Send To Printer