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Police Fabricated Evidence, Coerced Witnesses to Frame Innocent Man in Murdock Murders, Lawsuit Charges

Video Taped Interrogation by Police Shows Aggressive, Coercive Tactics Used to Illicit False Confession

OMAHA—Attorneys representing Matthew Livers, an innocent man who spent seven months in jail after police wrongfully accused him of murdering Wayne and Sharmon Stock, filed a lawsuit yesterday alleging that officers manipulated him into a confession, fabricated and concealed evidence, and coerced witnesses into implicating Livers in the crime.

As a result of the unconstitutional and illegal tactics used in the investigation, Livers, who is mildly retarded, spent months in jail, his reputation was ruined, and many ties with family members were severed. He is seeking monetary compensation for the officers' misconduct.

"Matthew Livers is a victim of police wrongdoing at its most outrageous," said Livers' attorney Locke Bowman, legal director of Northwestern University's Roderick MacArthur Justice Center in Chicago. "This man's life was ruined because unethical police officers were more concerned with finding someone to blame than doing the hard work to find the killers who brutally murdered the Stocks. At every turn of this case, officers disregarded valuable clues and conducted a wholly improper and illegal investigation."

"Northwestern University's Center on Wrongful Convictions is located in Chicago. We rarely take cases outside of the area, but when we learned of the details of Matthew Livers' coerced confession and saw how investigators tried to coerce false testimony from the Wisconsin teenagers and Livers' friend Ryan Paulding, it was apparent that this was one of the most egregious and incompetent investigations that we had ever seen. For that reason the Center is involved in this lawsuit," said Livers' attorney Steven Drizin, legal director at the Center on Wrongful Convictions.

On April 17, 2006, Wayne and Sharmon Stock were viciously murdered in their home in Murdock, Nebraska. The brutal murder shook the small town and extreme pressure was put on the police to solve the crime immediately. According to the suit, Cass County Sheriff's Investigator Earl Schenck, Sheriff's Sargeant Sandra Weyers, and Nebraska State Patrol Investigators' William Lambert and Charles O'Callaghan proceeded to conduct a murder investigation that was an "egregious example of police misconduct."

The Stocks were killed by a shotgun at close range and the crime scene was gruesome, according

On April 25, police confronted Livers at his home and told him they wanted to ask him more questions. Livers is mildly retarded with a tested IQ of 63. He was a special education student throughout his school years, and, as a result, suffers from low self-esteem and confidence. Because of his impairment, he is far more likely than a typical person to give in to the demands of an aggressive interrogation, according to the suit.

Livers agreed and was transported more than an hour away. Although Livers had been charged with no crime, police officers isolated him in an interrogation room and harshly questioned him for 11 hours, according to the suit. In the first few hours, Livers maintained his innocence, as he had been doing for days, repeating over 100 times that he did not commit the crime. As officers became more aggressive and threatening (they told Livers at one point that he would receive the death penalty if he didn't confess), Livers finally broke down.

Despite the fact that Livers repeatedly denied involvement, had no familiarity with the crime scene, and there was no evidence linking him to the crime, police did not relent until Livers confessed to the crime. They then "spoon fed" his confession, according to the suit. Soon after he confessed, he was charged with murder. In his confession, he implicated his cousin Nicholas Sampson. The entire interrogation process was video taped. The next day, Livers recanted his confession.

At the crime scene, investigators had discovered items including a marijuana pipe, a LED flashlight, and a ring bearing an inscription that did not belong to the Stocks and likely had been left behind by the killers. In May 2006, after Livers' coerced confession, forensics analyzed these items. The inscribed ring led officers to two teenagers, Gregory Fester and Jessica Reid, who were suspected of car theft and were in jail in Wisconsin. DNA evidence on the ring and the pipe also connected the items to Fester and Reid. And DNA from blood found in the truck stolen by Fester and Reid, as well as on Reid's clothes and shoes, was found to be that of Wayne Stock.

In June 2006, both Reid and Fester confessed to killing the Stocks. Overwhelming evidence proved Reid and Fester to be guilty of murder; however, police officers did not drop charges against Livers and Sampson.

According to the suit, officers attempted to cover their tracks by fabricating additional evidence against Livers and Sampson. They attempted to coerce and manipulate Reid, Fester and at least one other witness into implicating Livers and Sampson as co-conspirators in the murders.

Finally, on December 6, 2006, the Cass County Attorney dismissed the case against Livers after a State expert found that the officers had used psychological coercion to illicit a confession from a mildly retarded person and that, as a result, the confession was not reliable and could not be used as evidence.

Livers now lives in Texas and despite being found innocent by overwhelming evidence, suffers from fear and anxiety due to the ordeal, the seven months spent in jail, and the fact that some of his family member still won't speak to him. He is seeking unspecified monetary damages.

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The Roderick MacArthur Justice Center and the Center on Wrongful Convictions are both located in Chicago at Northwestern University.

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