

# FALSELY ACCUSED: THE WRONGFUL CONVICTION OF ALAN BEAMAN

Thirteen years after being sentenced to 50 years in prison, Alan Beaman is a free man. The Illinois Supreme Court overturned his murder conviction because the prosecution failed to turn over evidence, proving there was a viable alternative suspect who had ample opportunity to kill Jennifer Lockmiller, an Illinois State University student found dead in her apartment in Normal, Illinois, on August 28, 1993. A clock radio electrical cord was wrapped around her neck, and she had been stabbed in the chest with scissors. Her shirt and bra were pushed up around her neck, and her shorts and underwear were pulled down. A box fan was lying across her face. Seven fingerprints were recovered from the clock radio. Two of the fingerprints were left by Alan Beaman, four belonged to Jennifer's boyfriend Michael Swaine, and one was unidentifiable. Based on the crime scene and Jennifer's class schedule, the prosecution argued that the time of death was shortly after noon on Wednesday, August 25.

However, at the time of the homicide, Beaman was in Rockford, Illinois, which is over 120 miles north of Normal. According to the prosecution, Beaman drove to Normal after leaving a Rockford bank at 10:11 a.m., arriving around noon. When he walked into Jennifer's apartment, he saw Swaine's property and at that point he "snapped," murdering her. Beaman left the apartment by 12:15 p.m. and drove back to Rockford, arriving around 2:10 p.m. There was no other forensic evidence such as DNA or contradictory or inconsistent statements from Beaman that revealed deception of his whereabouts, or occurrence witnesses who placed him at her apartment at the time of the murder. Basically, the prosecution argued that he killed her because he was jealous of these other men and that had the opportunity to kill as he could drive to Normal and commit the murder.

Before the jury trial, the prosecutor and defense counsel discussed Jennifer's relationship with a person identified as John

Doe, since Beaman observed both the victim and Doe at the victim's apartment. The prosecutor informed the court that Doe had "nothing to do with this case." The prosecutor informed the court that they possessed no evidence of a third-party suspect. As for Swaine's involvement, the prosecution presented evidence that Swaine was working at his former high school's bookstore in Elmhurst, Illinois, on August 25. Jennifer's former long-term boyfriend, Stacey Gates, testified that he was employed as a teacher in Peoria, Illinois, and he worked that day.

Retired Normal Police Lieutenant Tony Daniels testified about the undisclosed Doe evidence. Doe and Jennifer had previously been involved in a romantic relationship.

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He lived in Bloomington, approximately 1.5 miles from Jennifer's apartment. Daniels testified that it would take Doe four to six minutes to drive to Jennifer's apartment and back. Doe told police officers that he and Jennifer were about to renew their relationship before her death. Jennifer and Michael Swaine came to his apartment a few days before the murder. Doe stated that he had supplied Jennifer with marijuana and other drugs—and that she owed him money.

Daniels interviewed Doe twice in early September 1993 and found him to be "somewhat evasive" and "very nervous." In his first interview, Doe stated that he went out of town on August 24, the day before the murder. In the second interview a few days later, Doe informed Daniels that he did not leave Bloomington until 4 p.m. on August 25 and that he was in his apartment until 4 p.m. that day. Doe's girlfriend

stated that she was with him from just after 1 p.m. until 4 p.m. that day. Doe did not provide any verification of his location before his girlfriend arrived around 1 p.m.

Daniels explained that he asked Doe to take a polygraph examination, but the examiner was unable to begin the test because Doe failed to follow his directions. The polygraph examiner testified that Doe's failure to follow the instructions could have been an intentional avoidance tactic. He further testified that Doe was being examined as a suspect in the murder. Daniels asked Doe to try again and Doe initially agreed, but the polygraph examination never occurred due to Doe's lack of cooperation.

Daniels further testified that Doe was charged with domestic battery and possession of marijuana with intent to deliver prior to the petitioner's trial. A witness to the domestic battery indicated that Doe had his girlfriend on the floor and was elbowing her in the chest. Doe's girlfriend stated that Doe had previously abused her on numerous occasions. Additionally, she stated that Doe was using steroids, which caused him to act erratically. Daniels testified that he considered Doe a viable suspect in the murder at the time of Beaman's trial, and he believed that Doe remained a viable suspect.

In summary, the undisclosed evidence to Beaman consists of four points: (1) John Doe failed to complete the polygraph examination; (2) was charged with domestic battery and possession of marijuana with intent to deliver prior to the petitioner's trial; (3) had physically abused his girlfriend on numerous prior occasions; and (4) his use of steroids caused him to act erratically. Beaman's attorney testified that he did not receive this evidence. The prosecution does not dispute that it knew of the evidence and failed to disclose it; in fact, the prosecution refers to the evidence as "withheld."

The Illinois Supreme Court concluded that the undisclosed evidence is clearly favorable to Beaman, establishing Doe as an alternative suspect. First, the circumstances

of the polygraph examination indicate that Doe intentionally avoided the test. He did not comply with the polygraph examiner's instructions during the first attempt and failed to cooperate in scheduling a second attempt. Furthermore, the polygraph examiner testified that the police had identified Doe as a suspect in the murder. Although the prosecution argued that "the tenor of the police questioning supports the inference that police viewed Doe as a suspect," the prosecution did not contend that the disclosed statements specifically identified him as a suspect. The undisclosed polygraph evidence would have supported a claim by Beaman that Doe was a viable suspect not only because the circumstances may be viewed as evasive, but also because the polygraph examiner indicated that Doe was specifically identified as a suspect.

The evidence that Doe was charged with domestic battery and had physically abused his girlfriend on many prior occasions also could have been used by Beaman to establish Doe as a viable suspect. That evidence is relevant regarding Doe's likelihood to commit a violent act against his girlfriend. The evidence that Doe had physically abused his girlfriend on numerous occasions, together with the evidence that he was in the process of renewing his romantic relationship with Jennifer prior to her death, provided additional support of Doe as a viable suspect. The undisclosed evidence of Doe's steroid abuse may have explained his violent outbursts toward his girlfriend and supported the inference of his tendency to act violently toward others. Finally, the undisclosed evidence that Doe had been charged with possession of marijuana with intent to deliver could have been used by Beaman as part of Doe's motive to commit the murder. That evidence tends to establish Doe as a drug dealer and, with evidence of Jennifer owing Doe money for drugs, it could have been offered to support a motive to commit the murder.

The court concluded that the prosecution's evidence against Beaman was weak and that all they did was present evidence of motive, evidence of opportunity that was strongly disputed by Beaman, inferences from Beaman's statements to police officers that he knew the date of the murder, and the fingerprints on the clock radio which were explained by Beaman's relationship with Jennifer and made less important by the prosecution's concession that it would not have been necessary to touch

the clock radio in committing the murder. Furthermore, Tony Daniels testified that Doe was "somewhat evasive" and "very nervous" during his interviews. The polygraph examiner testified that Doe was viewed by police as a suspect. Doe initially gave a false alibi, stating he left town the day before the murder. That false statement could be used as proof of consciousness of guilt.

The Supreme Court of the United States has ruled that the prosecution violates an accused's constitutional right to due process of law by failing to disclose evidence favorable to the accused and material to guilt or punishment. In this case, the evidence of Doe as an alternative suspect was crucial for Beaman because it countered the prosecution's circumstantial evidence against him and countered the prosecution's argument that all other potential suspects had established that they could not have committed the murder because they were elsewhere at the time. The Illinois Supreme Court does not have confidence in the verdict finding Beaman guilty of this crime given the tenuous nature of the circumstantial evidence against him, along with the nondisclosure of critical evidence that would have countered the state's argument that all other potential suspects had been eliminated from consideration.

Beaman may be eligible for about \$170,000 of compensation for wrongful accusation. Unfortunately, one of the bigger questions raised more often than it should be is why, despite no evidence of guilt and clear evidence of innocence, do individuals such as Beaman face such charges and are convicted? As Northwestern University's Center on Wrongful Convictions indicates, the prosecutor holds a uniquely powerful position in the criminal justice process that at times rivals that of the judge. Supreme Court Justice Robert H. Jackson stated, "*The prosecutor has more power over life,*

*liberty, and reputation than any other person in America.*" When information surfaced that supported Alan's position that he was in Rockford, the police were directed to refute it instead of also seeking alternative suspects. Keep in mind that there is nothing improper in trying to refute a suspect's statement that he or she was elsewhere if there is other evidence to support the prosecution's position such as forensic evidence, contradictory statements given by a suspect about their whereabouts, occurrence witnesses, etc. However, that simply was not the case here.

Faced with a high profile case in a college town, the elected prosecutor was probably under pressure to "solve" the crime instead of leaving it "unsolved" as is the case, unfortunately, with thousands of homicides throughout the country. At the time of trial, the prosecutor hid evidence that supported Alan's innocence and misled the jury about the strength of the prosecution's case. Thus, the jurors convicted Alan Beaman on incomplete information and probably felt compelled to hold someone responsible for the crime. Societal and individual perceptions of underhanded prosecutorial behavior can be difficult to reverse, casting doubt on the character of all those in law enforcement and prosecution offices who work hard to uphold the Constitution. Fortunately, Beaman did not have to face the prospects of the death penalty and the prosecution has dismissed the charges against him.

## References

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## ABOUT THE AUTHOR



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