Cell phone records lead to dismissal of rape charges

By Greg Orear
Daily Express
Tue Feb 24, 2009, 01:12 PM CST

KIRKSVILLE — After spending the last eight months in jail accused of a crime he didn’t commit, Tim Rogers said he isn’t angry, even if he did miss what should have been a memorable moment.

“I've got a two-year-old boy that my sister raised for me,” Rogers said. “I missed out on his first words ... that is something that can never be replaced.”

Rogers and a friend, Glen Johnson, were arrested July 1 on rape charges based on the accusation of one woman, whom Rogers said he had just met June 12. She told police the men met her at a Kirksville gas station, drove her out to a gravel road outside of the city limits, and raped her.

Despite the lack of any physical or medical evidence, witnesses, or other corroborating evidence, the two men, who had never been convicted of a felony, were arrested within days. With cash-only bonds of $150,000 and $100,000 respectively, Rogers and Johnson remained in custody until Monday, when the charges were dropped by the State Attorney’s General office.

According to Johnson’s attorney, Ed Campbell, the state dropped the charges after releasing cell phone records that contradicted the accuser’s testimony.

“Bottom line is there was finally evidence produced to reflect she was actually text messaging people when she claimed she was being raped,” Campbell said.

Public defender Kevin Locke, who represented Rogers, said there were numerous inconsistencies in this case.

“Working with Ed Campbell’s office, we were able to develop some evidence that created several doubts about her claims,” Locke said. “From all appearances, she lied about this, and it took us this long to prove it.”

Campbell called it a very unfortunate situation.
“There needs to be something done that there is some physical evidence required to hold a person in jail,” he said. “For these guys to sit in jail for the amount of time they sat in jail with the evidence that was out there, is absolutely ludicrous.”

Adair County Prosecutor Mark Williams quickly turned the case over to the Attorney General’s office due to assistant prosecutor’s Kristin Coffman defense of Rogers on a previous rape charge in 2000, for which he was acquitted. However, the charges were still filed by an Adair County grand jury in August 2008.

“That’s the whole problem with the grand jury,” Campbell said. “They only hear one side of the story, her side. In my opinion, this is a terrible miscarriage of justice and it’s a terrible price these two had to pay.”

During his first night of freedom since July, Rogers simply tried making up for the lost time.

“I stayed home with my son,” he said. “I’ve lost practically everything. I’m just glad I got to keep him.”

http://www.kirksvilledailyexpress.com/news/x1749106803
Glen Johnson and Tim Rogers of Kirksville spent almost eight months in the Adair County Jail after Earlene Rogers, 18, also of Kirksville, made allegations that lead to felony charges against them.

Earlene Rogers is now behind bars charged with eight counts of perjury.

KTVO talked to the two men who were falsely accused.

Reporter: "What do you hope to see happen from this point on?" "Justice in a sense, I guess. You know, we lost eight months of our lives we can never get back. I'd like to see something actually materialize out of it," said Johnson.
"I think she deserves to be in there. I mean whatever happens, happens. I mean she brought it onto herself," said Tim Rogers.

Rogers and Johnson were released from jail in late February after the Missouri Attorney General's Office dismissed the charges against them.

"I like to see the fact that something is done after all this. I can't get my eight months back," said Johnson.

Reporter: "What kind of impact has this had on your life, the fact that you spent eight months in jail for nothing." "I mean I got five kids, and it's eight months that I can't give back to them, said Tim Rogers.

The two men said they're glad the prosecutor pursued the matter and filed charges against Earlene Rogers.