

THE ACTUAL INNOCENT CASE OF RICKY KIDD UPDATE

The 8th Circuit Court of Appeals decided on Kidd's case on August 29, 2011, denying him relief. They cited in their overview that "**whatever the merits of a modified approach in situations like the one faced by Kidd, the panel was not at liberty to ignore Amrine (previous case law) because it had already applied Amrine in situations like Kidd's, denying others relief.**"

In laymen terms, the court has decided that despite the strong facts of Kidd's innocence, the law as written would not allow them to grant him relief.

This creates a problem for cases of injustice, where an individual's counsel has successfully presented evidence of his innocence, where the high courts recognize the evidence as true, yet deny relief because of the technicality of law. The problem with this is, it not only leaves an innocent man in prison, but it also leaves the real two real killers free in society to kill again.

The following is what the 8th Circuit Court of Appeals Acknowledged in Kidd's case.

1. They acknowledged that Merrill gave a detailed description of the shooting which matched the physical evidence found at the crime.
2. They acknowledged that, although state witness, Richard Harris maintained that Kidd was the shooter, counsel was able to discredit much of Harris eyewitness statements, pointing out discrepancies in his testimony & generally impeaching Harris credibility.
3. They concurred on a key issue of identification that it was **undisputed** Kidd was shaved bald at the time of the crime, while state witness Richard Harris was now saying that the killer (allegedly Kidd) had long hair.
4. They acknowledged that counsel for Kidd was successful in eliciting testimony from Harris indicating he saw the real killers (Goodspeed Sr. & Goodspeed Jr.) & another man go into the Bryant home, corroborating Merrill's testimony that it was him and the Goodspeeds who committed the crime and not Kidd.
5. They acknowledged that state witness Richard Harris edited the information he revealed to the police to throw suspicion off of him.
6. They acknowledged that counsel for Kidd established other eyewitnesses who never even saw state witness Richard Harris in front of Bryant's home the morning of the crime.
7. The courts acknowledged the evidence that Merrill traveled with the Goodspeeds from Georgia to K.C., rented room together, and that Senior's rental car was matched up by witnesses as being the description of the getaway car.
8. They acknowledged that independent witness, Eugene Williams, places Merrill and the 2 Goodspeeds together the morning of the crime and connect the Goodspeeds to the weapons used in the crime.

9. They acknowledged that the Goodspeeds all gave consistent alibi statements, placing themselves together with one another at the time of the crime and making no mention of Kidd being with them.
10. They acknowledge evidence of Sheriff Dispatcher, Susan Jordan, who processed Kidd's gun permit application on the 6th of February and confirmed that Kidd application was received on the same day as the shooting, refuting the state's claim at trial that Kidd may have delivered the application the day before the shooting; evidence that strongly supported Kidd's whereabouts at the time of the crime.
11. They acknowledged that video monitors at Kidd's sister job may have confirmed he was in downtown K.C. at the time of the murders.
12. They acknowledge that evidence that Kidd stopped by a pay phone to call his ex girlfriend could have confirmed his alibi timeline.
13. They cite the acknowledgment of Harris vast inconsistencies as it related to the description of the killer (allegedly Kidd) and the inconsistencies between Harris description of the shooting and other witnesses who did not see Harris outside that morning.

Yet they stated that they were bound by Amrine in offering Kidd relief because they have already denied cases similar to Kidd. They concurred that in other circuit courts, all of these facts pointing to Kidd's innocence would be considered new and reliable, as defined by a mater of law, **and Kidd would be entitled to relief**. However, they stated that in their circuit, the information would only be seen as reliable and not new as they have agreed on in the case of Amrine v. Bowersox. They alluded to the fact that it would take the United State Supreme Court to clarify whether Kidd is entitled to relief by law; despite his clearly established facts of innocence.

As for the issue with communication between Kidd and Marcus Merrill, the previous court and the state would like it to be seen as a credibility issue when in fact, it is far from. What has gone overlooked by the courts is this was not an uncover by the state, but instead a candid approach by Kidd and his counsel to introduce these letters to the state, which by they could appreciate how Marcus came to his decision to testify against his own family – Gary Sr. and Gary Jr. It is without question that Kidd used language with Merrill that would allow him to tell the truth. It is reasonably expected for a man who is serving life without parole for a crime he did not commit to attempt to create a scenario in the real killer's head that he need to come forward with the truth. What has also gone overlooked is that Kidd's language with Merrill offered no authority or real likeliness that Kidd or his counsel could offer Merrill anything. Kidd's approach to Merrill was not designed to get Merrill a deal, but to get Merrill to tell the truth, whether he received a deal or not. It was never relied on that Merrill's reason for telling the truth would be credible within itself. The objective was that, if Merrill came to tell the truth, under any sort of persuasion, it would be overwhelmingly supported by the record, thus equalizing any false assumption that Merrill wouldn't be credible because he wanted a deal. One could dismiss Merrill's reason for coming forward, but what cannot be dismissed, is the record that is firmly established, which supports Merrill's testimony in coming forward.

Seeing these facts in any other way than its truth run the risk of a viewer casting a shadow of concern over the reliability of Merrill's testimony? What the courts has overlooked is, a strategy to lure the truth out of a convicted killer; its validity should not rest on the tactic itself, but the facts spoken and corroborated by the killer.

This is a case of "**Actual Innocence vs. A Matter of Law**" It goes even further when the evidence is now recognized by a high court that Kidd may very well be innocent and two guilty men may very well be free to kill again.

This type of injustice should cause us to pause. It should also cause for us to become involved in bringing this type of case to the light. Dr. Martin Luther King Jr. stated that, "A Threat to Justice Anywhere, Is a Threat to Justice Everywhere."

We are asking that you please become involved in helping right this wrong by:

1. Contacting the District Attorney's office in Kansas City (See contact info)
2. Contacting the Chief of Police office in Kansas City(See contact info)
3. Spreading the word about this injustice and asking people to get involved, to help rally behind this man who has suffered such grave injustice
4. To contact media outlets, asking them to become involved (See contact info)
5. To register as a supporter
6. To help by making a contribution to Ricky's legal defense fund that his lawyers may continue necessary work to extricate Kidd from this injustice.