

Peterson found factually innocent of child molestation after 15-year term

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Kevin George Peterson

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OGDEN — Kevin George Peterson has been officially found innocent of the crimes for which he spent 15 years in the Utah State Prison.

Peterson's soon-to-be-expunged file in Ogden's 2nd District Court now includes a letter from Judge Scott Hadley that reads "Because it is the Order of the Court that you are factually innocent of the crime for which you were convicted, you are hereby relieved of all obligations and collateral consequences attributed to that prior conviction."

Hadley has ordered that Peterson be removed from the state's sex offender registry under terms of a settlement with the Utah Attorney General's office, the remainder of the terms sealed by the judge.

After a nearly four-hour, closed-door mediation session Dec. 11 with the attorney general's office, presided over by fellow 2nd District Judge W. Brent West, officials would only say there was a settlement, but terms are sealed. Peterson's was the second case decided in Ogden under the statute that can pay wrongly imprisoned inmates in the six-figure range.

"All I can say is that it happened and the agreement is under seal," said Jason Richards, who with fellow Ogden lawyer Keith Henderson, represents Peterson, after the mediation with lawyers Scott Reid, Pat Nolan and David Carlson of the attorney general's office. Requests for comment through their office spokesmen were declined. Reid and Nolan head the division that is defending the state in at least half a dozen factual innocence lawsuits filed around the state.

Last year Debra Brown was released from the Utah State Prison under Utah's 2008 Factual Innocence statute, which lays out the process for suing the state for wrongful imprisonment. Ogden 2nd District Judge Michael DiReda freed her, finding her 1993 murder conviction in Logan unfounded.

In Brown's case, DiReda ordered the state to pay her more than \$570,000 under the statute's compensation formula, likely the maximum, as it has a cap of 15 years on the number of years of lost income to be repaid. Her case is on appeal to the Utah Supreme Court, with no payment made to date. Officials have said they do not seek to return her to prison if DiReda's order is overturned.

Peterson would likely be in line for a similar maximum amount.

Peterson served the full 15 years of a one- to 15-year prison term for child molestation because he refused to admit guilt to the state Board of Pardons.

Peterson's lawyers are more talkative with Hadley's order now public. "He just wanted people to know he was innocent," Richards said, declining to comment on the financial settlement.

"Anything else was insignificant as far as he was concerned," said Henderson.

Peterson, 54, formerly of West Haven, now an Ogden truck driver, was sent to prison in early 1993 on charges alleging sexual contact short of rape. He moved back to the Ogden area when he was released from prison in November 2007.

Peterson's lawsuit includes sworn affidavits from his two children, who say they were coerced by their mother and stepfather to tell authorities their father sexually molested them. The son and daughter were 11 and 9 at the time.

Peterson pleaded no contest to the second-degree felony charges, meaning he denied guilt but couldn't defeat the state's evidence.

The whereabouts of the ex-wife and stepfather are unknown, any prosecution of them complicated with statute-of-limitation problems.

Peterson's factual innocence trial, which had been set for August of last year, was cancelled in June as the attorney general's office accepted the offer of mediation from Peterson's lawyers.

<http://www.standard.net/frontpage/2013/01/21/Peterson-found-factually-innocent-of-child-molestation-after-15-year-term.html>