



This Innocent Man Spent 23 Years Behind Bars. He's Suing the Police Who Put Him There.

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August 13, 2021

Ricky Kidd seemed strangely confident for a man who had languished behind bars for 23 years. "While I may fall in the cracks of legal terms or certain legal impediments, my facts will hold up," Kidd told *Reason* in 2019. "I'm certain of that."

They did, in fact, hold up. His confidence makes more sense in the context of his 1997 convictions for a double-murder, which were only secured after police in Kansas City, Missouri, left a trail of misconduct. In August of 2019, a judge granted him habeas corpus relief and vacated those convictions, with the Jackson County Prosecutor's Office dismissing the charges shortly thereafter.

Kidd is now suing, alleging that the government should pay for the incompetence it displayed in imprisoning him for over two decades, even though the evidence consistently pointed to his innocence.

"The unlawful, intentional, willful, deliberately indifferent, and reckless acts and omissions of the individual Defendants, the City of Kansas City, Missouri, and the Board [of Police Commissioners] caused Kidd to be improperly arrested and imprisoned, unfairly tried, wrongfully convicted, and forced to serve 23 years in prison for crimes he did not commit," notes the suit.

In 1996, Kidd was charged with murdering George Bryant and Oscar Bridges; he was convicted in March of the following year. As Zuri Davis and Joe Setyon previously reported for *Reason*, his guilty verdict hinged on a man named Richard Harris implicating him. But Harris was not a credible witness: He was on parole for drug charges and was hoping to arrange a reward for aiding in the investigation. His story has since changed multiple times.

Also core to his conviction was the information allegedly provided by a 4-year-old. Bryant's daughter Kayla, who was present during the murder, unequivocally declined to identify Kidd when asked by police if he was involved. Yet after talking to Harris, cops returned to Bryant and showed her another video lineup. They then "falsely reported that Kayla had made a compelling and theatrical identification of Kidd," notes the suit. Amy McGowan, the lead

prosecutor, conceded in 2017 that "there is no physical evidence tying [Kidd] to the crime scene."

Evidence does, however, incriminate Gary Goodspeed Sr., who had a violent criminal history, and his son Gary Goodspeed Jr. In a 2009 federal hearing, Marcus Merrill, who was also tried and convicted in 1997, confessed to his role in the killings. And he implicated Goodspeed Sr.

Kidd had a solid alibi. During the time of the murder, he was applying for a gun permit. That's important for a few reasons. Most importantly, it shows he couldn't have been at the crime scene. But also relevant is the activity itself: "Even the dumbest of criminals probably wouldn't have done something like that" on the day of a murder, said Alvin Brooks, who was a top cop with the Kansas City Police Department (KCPD) prior to the incident.

Individual KCPD officers named in the claim include George Barrios, David Bernard, Kent Morton, Jay Pruetting, Ronald Russell, and Jay Thompson, all of whom allegedly played a role in botching the investigation. Kidd's request for damages includes compensation for the "loss of his freedom for 23 years," "loss of his youth," and "pain and suffering," including the deprivation "of his familial relationships" and "his relationships with his four children."

"There's an unspoken and perhaps unconscious desire to maintain the illusion that the system works pretty well, rarely makes mistakes, and when those mistakes happen, they're understandable mistakes that are, in effect, inevitable," says Clark Neily, senior vice president for legal studies at the Cato Institute. "The complaint...really threatens, I think, the plausibility of that impression."

This is not the first time that police, prosecutors, and the justice system in Missouri writ large have failed people. As I wrote last week, several men—who were convicted of separate, unrelated crimes—are currently stuck behind bars in the state, even though various government actors have *admitted* that they were all wrongfully convicted. They include Christopher Dunn, Lamar Johnson, and Kevin Strickland, the latter of whom is also from Jackson County. Not unlike Kidd, all three were convicted based on the flimsy identifications of unreliable witnesses—including one who conceded to accepting payment from police—and sans physical evidence.

Whether or not Kidd will get any financial compensation remains to be seen, but the government will almost surely put up a fight. The city may attempt to hide behind the *Monell* doctrine, for example, which only allows victims to sue municipalities when they can furnish a city policy that explicitly precipitated the misbehavior in question. And the individual officers can try their hand at claiming qualified immunity, the legal principle that shields state actors from lawsuits if they violate your rights in a way that has not been explicitly ruled unconstitutional in a prior court ruling. It has protected officials for a wide variety of rogue behavior, including stealing, throwing explosives into an innocent person's house, killing a man who had been sleeping, and shooting a 10-year-old, among others.

In other words, though Ricky Kidd lost 23 years of his life, it is unclear whether he will have the privilege to state his claim before a jury—not because it's not an obvious miscarriage of justice, but because the government can hide behind shields not available to private citizens.

"Government defendants, law enforcement defendants are very adept at deploying these defenses that ensure in many cases that no one ever takes a look at the merits of the case," says Neily. "They're very adept at ensuring that plaintiffs with meritorious cases—plaintiffs who have absolutely had their rights violated by the police and have suffered egregious consequences as a result, like Ricky Kidd—never get a day in court."

So while Kidd remains confident in his case, and in the facts that ultimately exonerated him, he has learned one big lesson: He can take no such comfort in the system.