

# Sentinel

*"But I knew in my heart that he was innocent and would someday come home to me."*

GRACE SIMONSON, WIFE OF GERALD SIMONSON

# Simonson to be released

BY MONICA SEALS  
SENTINEL NEWS STAFF

SALEM — After 17 years, Gerald Simonson will be a free man, filing an Alford plea Friday in Marion County Court, following his battle against a 1993 murder conviction.

"Mr. Simonson's arduous journey was led by Kevin McClain of Kevin McClain Investigations who has tirelessly worked for the past 12 years to see this day," by Michael McHaney who brilliantly drafted the post-conviction petition that outlined the numerous reasons why Mr. Simonson did not receive a fair trial," said Public Defender Erika Sanders, "by Larry Wells, the Appellate Defender whose legal advocacy convinced the Appellate Court to order the new trial and give the legal system an opportunity to right the wrongs that occurred in 1993."

Simonson, 66, was convicted by a jury in 1993 of murdering Sheryl McClain of Salem and sentenced to life in prison.

An Alford plea means a defendant has not admitted guilt, but believes the state has enough evidence for a conviction.

"While we believe we had plenty of evidence to convince a jury that he did not do this, an open jail cell after 17 long years in prison is too good to pass up," Sanders said.

Marion County State's Attorney Matt Wilzbach stated a number of factors went into his decision to accept the plea agreement, including consulting the family and friends of the victim, as well as members of the Farina community. "I had to consider the possibility that even if we were able to secure

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Sentinel Photo/MONICA SEALS

**LAST TIME** — Simonson takes a walk into the Marion County Courthouse today, as the condition of his guilty plea will allow him to be released Thanksgiving. Escorted by Marion County Sheriff Jeri DeVore, LEFT, and Mark Simmons.

SING LIKE A LEGEND



Entertainer  
Todd Allen dives  
into Johnny

Fort Hood  
tragedy

# Simonson:

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another conviction of Mr. Simonson at retrial, he would not be sentenced to much more time than he has already served," he explained.

Also factoring into his decision were Simonson's health, and the financial cost to the county to conduct what Wilzbach called a "very expensive trial" at a time the county is experiencing a budget crisis.

"As with most criminal prosecutions, there has been a flurry of activity in the last few weeks leading up to the start of the retrial of Gerald Simonson for the murder of Sheryl McClain," said Wilzbach.

He said as the Nov. 16 jury date approached, the defense continued to disclose their evidence, including witness- es with information that had not been identified in the original case, and new information from witnesses who did testify.

"Very recently, defense counsel intimidated that Mr. Simonson would possibly be agreeable to resolve the case without a trial. The offer to settle the matter was that he would plead guilty to one count of first-degree murder by means of an Alford plea," he stated.

In a prepared statement, he said his office would be unable to duplicate all the evidence presented at the first trial due to the passage of so many years and that the defense had developed much more evidence and expert opinions to rebut the prosecutions evidence than was developed and presented at the original trial.

Investigator Alan Profanick, with McClain Investigations, launched in January a meticulous investigation of the Simonson case, which had been started 12 years earlier by Kevin McClain.

On his fourth petition for post-conviction relief, the Illinois Appellate Court in Mt. Vernon awarded Simonson a re-trial in October 2008, and the case was mandated back to Marion County in January of this year.

The Appellate Court found Simonson received ineffec-



**VICTORY SMILES** — Family members and the defense team of Gerald Simonson inside the Marion County Courthouse Friday, after Judge Patrick Hitpas accepted Simonson's Alford plea, which will allow him to be released by Thanksgiving. Pictured, FROM LEFT, are: Alan Profanick of McClain Investigations; Simonson's son, Jeffrey; Simonson's wife, Grace; Kevin McClain; and Marion County Public Defender Ericka Sanders.

Sentinel Photo/MONICA SEALS

tive counsel during his first trial, and that the original case was based largely upon forensic evidence that was not properly challenged by Simonson's attorney.

Simonson's appeal showed forensic evidence was kept for days in the back seat of the lead investigator's car, before being transferred to his personal refrigerator at the investigator's home.

The appeal found Simonson's defense attorney did not challenge the forensic evidence, nor did he provide expert testimony to rebut the state experts.

The attorney was later disbarred.

Home by Thanksgiving Through the agreement, Simonson was sentenced to 32 years in the Illinois Department of Corrections, to be followed by three years of parole.

Due to the time period of his conviction, Simonson would be entitled to day-for-day credit on his sentence.

Since he was taken into custody on Nov. 12, 1992, Simonson will have served over 17 years, which is the equivalent of 34 years and would effectively qualify him for a time served sentence.

Following Friday's court hearing, Simonson was transported into IDOC custody for processing, and should be

home with his wife and son by Thanksgiving, corrections officials estimate.

"It's been hard," said Simonson's wife Grace, after the court hearing. "But I knew in my heart that he was innocent and would someday come home to me."

During the 17-year ordeal, Simonson's son graduated from high school and has completed his bachelor of science degree in physics.

According to Grace, she was unable to go to their son's high school graduation, because her husband's capital murder trial was taking place at the same time.

She said that while life has been hard fighting for 17 years, every time she would get down she would call Kevin McClain and he would tell her to have faith.

"He helped me and my family to keep going when we just felt defeated and even sent us money," she explained through tears.

Kevin McClain (no relation to Sheryl McClain) has donated endless hours and traveled thousands of miles in his efforts to fill in the blanks left from the original investigation and trial.

"How do you put a price on a person's freedom and on justice," McClain stated. He recalled the first time he met Simonson, more than

12 years ago, and said he believed the circumstances of the case were suspect.

"There were a lot of questions about the timeline of events, and lots of forensic evidence that should have been collected, was mishandled or was simply lost, that could have answered a lot of questions," McClain said of the investigation. "I thought to myself, 'Oh my God, I might have an actual innocent person here, who has been sentenced to life in prison.'"

With friends and extended family members of Sheryl McClain in the courtroom Friday, Kevin McClain quickly pointed out to the loss suffered by not only Simonson and his family, but for the loved ones of the murdered victim.

"My heart goes out to the friends and family of Sheryl McClain. But here we had a man with no criminal record, brought into a situation that could have happened to anyone of us," he stated.

He posted an offer of assistance to any law enforcement agency wanting to investigate the murder of Sheryl McClain.

"When opportunity arises, I offer any law enforcement free access to our files and would assist their investigation pro bono," he stated.

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## Art Show:

Southern Illinois Art Education Association and a state

Honorable Mentions went to Debbie Avnir for her

place for her mixed media