

## **D.A. who wrongfully had dozens jailed to retire**

Garance Burke, Associated Press  
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The molesters drank blood, the children said, and hung them from hooks after forcing them to have sex with their parents. They murdered babies, prosecutors told jurors, and snapped photographs as the horror unfolded.

Ed Jagels, renowned as one of California's toughest district attorneys, built his career on the Kern County child molestation cases of the 1980s, putting more than two dozen men and women behind bars to serve decades-long sentences for abusing children.

Appellate judges now say most of those crimes never happened.

Still, generations of voters have embraced the crusading prosecutor's tough-on-crime agenda in this blue-collar basin just a mountain range north of Los Angeles.

Now, as Jagels prepares to retire, the get-tough laws he championed are being criticized in a state crippled by soaring prison costs. And some of those he put away are going public with stories of wrongful conviction in a documentary film narrated by Sean Penn, one of his most ardent critics.

The Bakersfield trials - and half a dozen similar cases that rippled across America during the hysteria of that period - are widely acknowledged to have punished the innocent. Most convictions relied solely on children's testimony, and the state attorney general ultimately found county investigators coerced their young witnesses into lying on the stand and that the probe "floundered in a sea of unproven allegations."

But the silver-haired prosecutor maintains that justice was done in the cases that made him a darling of California's conservative movement.

"Innocent people may have been accused at one point or another, but what I really fear is that perfectly legitimate convictions have been overturned," Jagels said, sitting in his wood-paneled office among portraits of himself with Ronald Reagan and other Republican leaders. "How the people of Kern County feel about what I've done is much more important than what anyone else might think."

Such stunning setbacks might have derailed other elected officials, but Jagels, 60, has thrived amid the oil fields and orchards surrounding Bakersfield. He holds fast that he was right to form a special task force to investigate alleged molestation rings, right to assign his young attorneys to the cases and he has fought the release of those convicted.

He has been re-elected six times, is leaving office on his own terms and hopes to leave the reins next year to a handpicked successor.

That brings little comfort to Brandon Smith, who grew up without his parents after they were sentenced to prison for gruesome sex crimes he and his younger brother described on the witness stand. Smith said he only repeated what he heard during weeks of group therapy, and had no inkling his false statements would mean he would be separated from his family and assigned to live in foster homes for nearly a decade.

"They basically coached me through my whole testimony, and told me that I had to say that my parents had sexually abused me," said Smith, whose parents Scott and Brenda Kniffen served 12 years on molestation convictions before they were reversed by an appeals court. "We've all put it behind us, but the one thing I would love is a verbal apology from Ed Jagels for tearing my family apart."

Since the late 1980s, all but one of 26 convictions Jagels secured have been reversed. Kern County has paid \$9.56 million to settle state and federal suits brought by former defendants and their children.

Penn, who met Smith through the film, says the Bakersfield cases struck a chord because he did a short stay in a Los Angeles County jail cell next to a man accused in a major Southern California child abuse case.

Raymond Buckey and his mother, who ran the McMartin Pre-School in Manhattan Beach, ultimately were acquitted of 52 child molestation charges in 1990.

"There is no question that we have to take these kinds of questions very seriously, but in these cases a pretty good system was used really corruptly," said Penn, who also is executive producer of the film "Witch Hunt," which has been airing nationally on MSNBC. "Jagels orchestrated the rape of these children emotionally, not to mention the illegitimate prosecution of the adults."

Jackie Cummings fled Bakersfield with her husband and two sons in October 1984, when plainclothes police started casing their house looking for members of molestation rings. The family moved from campsite to campsite for a year, terrified that sheriff's deputies would arrest them because they knew a couple on trial for alleged child abuse.

When investigators tracked down the Cummings at a motel, they seized the children, arguing the couple were devil-worshiping molesters. After a year in foster care, their sons were pressured to testify against them in custody hearings.

"He's destroyed hundreds of people's lives," said Cummings, who was never charged with a crime, and whose custody case ultimately was thrown out. "We came back to Bakersfield and the jails were just filling up with people. We knew all those people were innocent, because we were innocent, too."

*<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/11/25/BATU1AKIS1.DTL>*

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