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Wrongfully convicted brothers sue for \$125M after 25 years behind bars



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The \$125 million dollars Melvin and George DeJesus are seeking in a wrongful conviction lawsuit isn't enough, they said. Neither is an apology, although one would be nice, they added.

"The money is nothing compared to what we lost," said Melvin DeJesus, who was 23 when he was arrested in the hospital waiting for the birth of his daughter.

"We want to know why. Why us?"

The exonerated brothers from Pontiac spent 25 years in prison for a 1995 rape and murder they did not commit. When their convictions were overturned in March this year, Melvin DeJesus met his daughter for the first time as a free man. George DeJesus, who was 18 when he was arrested and is now 45, said he was robbed of the opportunity to have children.

A lawsuit filed Monday by the DeJesus brothers, alleging key evidence was falsified and withheld to secure their convictions, is their chance to find out, they said — and to hopefully prevent what happened to them from happening to others.

'You can't cheat to win'

The DeJesus brothers announced Tuesday at attorney Wolf Mueller's Novi office their lawsuit against Oakland County, former Oakland County Sheriff's Sgt. William Harvey, and Chester Romatowski, a former police officer who owned a business in consulting and investigations.

Harvey was the lead investigator in the 1995 rape and murder of the DeJesus brothers' neighbor Margaret Midkiff, who was found dead in the basement of her Pontiac home with her head, wrist and ankles bound by wires and a pillowcase over her head. Romatowski

performed a polygraph test for suspect Brandon Gohagen, who alleged the brothers forced him to rape Midkiff and then killed her by beating her to death.

The DeJesus brothers were convicted by a jury in 1997. Gohagen ultimately received what Mueller called a "sweetheart deal": in exchange for his testimony against the DeJesus brothers, Gohagen avoided a life sentence, pleading guilty to second-degree murder and first-degree criminal sexual conduct. But he was later convicted in 2017 and sentenced to life in prison for a 1994 sexual assault and murder of another woman in Oakland County, who was killed in a fashion similar to the Midkiff case, according to the Michigan Attorney General's Office. Gohagen was accused of abusing 12 other women emotionally, physically and sexually.

"He came up with an incredible story," Mueller said. "We have these constitutional protections that defendants are entitled to evidence that will exculpate them away from guilt, or that will impeach a star witness. And in this case, they weren't given the two key pieces of evidence they needed — that's not a fair fight. You can't cheat to win."

Mueller alleges in the lawsuit that Harvey and Romatowski conspired to falsify and withhold key evidence in order to convict the DeJesus brothers.

There was no physical evidence nor a confession that pointed to George and Melvin DeJesus, they say.

Attempts to reach Harvey and Romatowski via phone numbers listed in public records were unsuccessful.

A statement from Oakland County Sheriff Michael Bouchard's office notes that no one involved in the case still works there: "Obviously this case goes back more than 25 years, preceding Sheriff Bouchard's tenure. More facts will need to be gathered because none of the people involved still work here."

The prosecution, according to the lawsuit, decided to pursue charges against the DeJesus brothers because of a polygraph report from Romatowski that indicated Gohagen was not being deceitful, and the testimonies of two witnesses for the DeJesus brothers who said they were at a party with them during the crime but couldn't remember, years later, if the party was on a Friday or Saturday. (The crime occurred on a Saturday).

But Mueller said the defense was never given the actual polygraph exam charts. He said he was recently able to obtain them via subpoena. Mueller said an expert in polygraph examination and former Michigan State Police officer reviewed the charts.

"He said it screams out at you that he was deceitful. This isn't even a close call," Mueller said of the expert's examination.

A second key piece of evidence that Mueller alleges was withheld from the DeJesus brothers' defense attorneys: notes from the Pontiac Police Department and the Oakland County Sheriff's Office. The notes lent credibility to the two alibi witnesses who told police during the Midkiff homicide investigation that Melvin and George DeJesus were with them at a party at the time of the crime, according to the lawsuit.

"Harvey wanted three for the price of one. If he could get Gohagen on second-degree murder, and the DeJesus brothers on first-degree murder, which is what they were convicted of, then he looks like a star," Mueller claimed.


"The whole case came down to believing Gohagen and not believing the alibi witnesses."

Without any physical evidence linking the DeJesus brothers to the crime, the prosecution "had one star witness who tried to save his own skin by taking a plea deal," Mueller said. "... The prosecution was contingent on Gohagen passing a polygraph, so when that report came back positive, that he passed the polygraph — then they were off to the races," he said.

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'A total miscarriage of justice'

The DeJesus convictions were the third and fourth to be overturned through the Michigan Department of Attorney General's Conviction Integrity Unit. 

The Cooley Innocence Project and the University of Michigan Innocence Clinic reached out to the CIU after it was launched in 2019, requesting the unit conduct DNA testing and review the DeJesus brother's claim of innocence, according to a March news release from Michigan Attorney General Dana Nessel. After the CIU's investigation, the unit had the convictions against the DeJesus brothers vacated and their charges dismissed.

"I am so sorry that this happened to you and to your family. Nobody deserves this. And it's a total miscarriage of justice," Nessel said to the DeJesus brothers in March, as reported by the New York Times.

them, but prison was mentally and physically draining, they said.

But without answers, it's been hard for the brothers to move on. The DeJesus brothers hadn't seen each other for 25 years. Thanksgiving was the first major holiday they spent with family

"I knew a lot was taken from me, but I didn't realize how much was taken from me," George DeJesus said.

Melvin DeJesus began to cry as he spoke of his struggles, mainly not being able to raise his daughter while wrongfully imprisoned.

"I've been trying to have a relationship with my daughter. I was never, ever able to hold her out in the free world," he said. "For a father, that's one of the greatest things and joy that you can have, is to hold your daughter, to be there while she's being born."

It was family that helped Melvin and George DeJesus get through their time in prison. And it's their family, they said, that has been helping them heal outside prison.

"Just the joy of reconnecting with my nieces and nephews, nieces and nephews I've never met in person. ... just getting that relationship back in my family," George DeJesus said, "it's great. It's awesome."

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