

Local 

# Appeals court reverses CPD sgt's rape conviction

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March 3, 2011 (CHICAGO) (WLS) -- The conviction of a Chicago police officer on rape charges has been overturned by an Illinois appeals court.

John Herman was convicted of attacking a woman in her home in 2004.

This is a unanimous decision by a three-judge panel on the appellate court, and it throws out the 2007 conviction of Chicago Police Sergeant Herman.

It's not a decision remanding it for a new trial, it's a reversal of the verdict, meaning that the appellate judges find that Herman is not guilty.

The state's attorney's office could and probably will ask the Supreme Court to consider the case, but if they don't take it, Herman would be released from prison.

Herman was first accused seven years ago of raping a South Side woman. She was an admitted cocaine abuser who said Herman came to her apartment when he was on duty, in uniform, and raped her.

"It is a good day for the City of Chicago when we can take action against an officer who has disgraced the department and the uniform," said then-CPD Supt. Phil Cline.

The police department -- in what became a lengthy proceeding -- moved to fire Herman, and in December 2007 after a bench trial, Herman was found guilty of aggravated criminal sexual assault, kidnapping and official misconduct. He was sentenced to 25 years.

Herman had contended the sex was consensual, occurred when he was off-duty, and that his "sex-friend" -- as he called her -- was setting him up for a lawsuit bounty.

Trial Judge Joseph Claps called Herman's testimony "unreasonable and nothing short of perjury." But now, a three-judge appellate panel completely disagrees, saying that "the state's case rests almost entirely on the credibility of (the accuser)," and that her testimony is so "fraught with inconsistencies and contradictions" that it is impossible for any fact finder to reasonably accept any part of it."

The judges voted unanimously to reverse Herman's conviction.

"The court's opinion proves that our system works," said Herman's attorney Peter Hickey.

ABC7 hasn't heard yet from the state's attorney's office on its intentions, but typically, prosecutors would ask for leave to file for a hearing before the state Supreme Court. If the court declines that request, Herman is acquitted and would be released.

After his guilty verdict, the city reached a financial settlement with Herman's accuser, paying her \$1.5 million.

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