

Freed from Idaho's death row, Fain says he holds no grudge

By CHUCK OXLEY
Associated Press

BOISE — After spending more than 17 years on Idaho's death row, Charles Irvin Fain said Friday he doesn't hold a grudge against the judicial system that wrongly put him there.

"I gave that up a long time ago. That is the one thing I know I can do — forgive," said Fain, a day after a judge freed him from prison because of DNA evidence that exonerated him of sexually assaulting and drowning a 9-year-old girl.

"I just haven't got any anger toward them. God just took it all away," Fain said in a 45-minute interview he requested with The Associated Press.

Wearing a new short-sleeved golf shirt he acquired after his release from prison, Fain spoke from his attorney's office on the ninth floor of a downtown building. For the first time in nearly two decades, he could take in a view of the Boise Valley.

The former sanitation worker had been on death row since Feb. 17, 1984, following his November 1983 conviction in the kidnapping, sexual assault and drowning of 9-year-old Daralyn Johnson of Nampa. Fain, now 52, maintained his innocence throughout the legal odyssey, fighting with the help of his lawyers to reverse the verdict and be spared death.

U.S. District Judge B. Lynn Winmill set aside Fain's conviction on July 6, based on exculpatory DNA evidence that proved conclusively that pubic hairs found on Daralyn's socks and underwear were not his. On Thursday, Third District Judge Sergio Gutierrez ordered him set free.

Daralyn's family released a prepared statement after Fain was set free.

"We are in complete support of our judicial system and all those involved in the reinvestigation of this case," the family said. "We are confident that we will have closure and that all those involved will be brought to justice."

Fain's voice trembled Thursday as he described what it's like getting accustomed to being a free man.

"I found myself wanting to walk five steps, and then go back five steps again," said Fain.

"I've been doing that for so long. Our cells have room enough to go five steps forward, five steps back and three to the side."

Fain added: "Everything was a certain way. Now it's completely different. I'm suddenly able to make decisions for myself. But I'll get back into the swing of things."



Fain

He just came by and did me through a prayer and that was it," Fain said.

Fain said he does not belong to any particular religion. But he studies the Bible — he has read it four times this year — and he reads commentaries on it. Fain and three others on death row struggled for years for the privilege of holding religious services. They achieved it in 1989.

The four were known among guards and other inmates as "The Faithful Four." The three others are convicted murderers Paul Rhoades, Max Hoffman and Gene Stuart.

Fain said he had moments when he thought he would never get out. But he never gave up.

"Overall, I believed I was going to get out because I was innocent. When this DNA stuff started coming on the news, something just told me it was going to be a part of this case."

Fain said he may return to prison — not as an inmate, but as a spiritual counselor to his former fellow inmates.

"I'd like to get into some kind of Christian ministry. I'd like to be able to go back into that prison and work with the inmates, but I don't know if they'll let me do that or not," he said.

"I'd like to do church services, things like that," said Fain. "Just sort of be a volunteer there."

TODAY

The City of Refuge Men's Homeless Shelter's second annual garage sale is from 8 a.m. to 1 p.m. There will also be a quilt raffle.

Calvary Chapel Christian School, 1775 W. Broadway, presents a garage sale from 8 a.m. to 2 p.m. at the school. Proceeds will go toward scholarships to the school. Donations will be accepted at the school after 1 p.m. Friday. Call 524-4747.

The Growers Market of Idaho Falls is open from 9 a.m. to 1 p.m. every Saturday through Oct. 27 in the KeyBank parking lot. Call 524-3934 or 357-5170.

The Snake River Dutch Oven Society presents a potluck supper at 6:30 p.m. at Peterson Park in Ammon. Anyone interested in learning about Dutch oven cooking or who would like to share their knowledge is invited. Bring a dish to share and your own place setting. Call Lynn at 538-7334, or Carole at 523-3120.

The Muscular Dystrophy Association is having its annual "Fill the Boot" fund-raiser. Uniformed firefighters will be at major intersections with their boots so that motorists can donate dollars and change. The money will fund research toward cures and treatments, services at MDA clinics, and the purchase of braces and wheelchairs. The funds will also help to send local children to MDA summer camp in Coeur d'Alene. For information, call Melissa Fox at (206) 283-3503.

The Jackson Hole Historical Society and Museum presents an excursion hike to Miller Butte from 9 a.m. to 2 p.m. This is an annual trek to see the remains of one of the first Native American tribes in the Jackson area. Cost is \$30 for nonmembers. Call (307) 733-9605.

The Star Valley Jaycees present the fifth annual "2001 Kickin' Classics Kar Show" at the Lincoln County Fairgrounds in Afton, Wyo. Cars, trucks, motorcycles and more are welcome. Registration is from 9 a.m. to noon. The show is from noon to 3 p.m., and awards will be presented at 3 p.m. Entry fee is \$20. Call Amy Sessions at (307) 886-9289.

Idaho Rivers United presents the second annual Sawtooth Salmon Celebration from 10 a.m. to 6 p.m. in downtown Stanley, on Highway 21 across from the Stanley Visitors' Center. The celebration includes presentations by Idaho Department of Fish and Game, biologists on Idaho's sockeye and Chinook salmon, representatives from the Shoshone-Bannock Tribes leading talks on the Native American perspective of salmon and their culture, educational tents, experiential children's activities, field trips, viewing of salmon spawning and more. All activities are free. Call Dan at 1-800-574-7481.

The Pugmaniacs and Pugsavers clubs of Idaho Falls present a rummage sale fund-

raiser from 9 a.m. to noon in the parking lot at 2088 E. 25th St., behind Westmark. There will also be a bake sale. To donate items or for information, call Kris at 542-1010.

The Mike Crapo Health Awareness cancer-screening booth is open through today at the Western Idaho Fair in Boise in conjunction with the Cancer Foundation of America. Free prostate cancer screening is offered from 2 p.m. to 8 p.m. There is also free cholesterol screening. For information, call Lindsay Nothern at 334-1776.

Today is the deadline to nominate persons to receive an award from the Idaho State Historical Society. The awards recognize significant contributions to the preservation of Idaho history. The recipients will be announced at the society's annual meeting Oct. 4 in Boise. Anyone can nominate an individual or organization for the award, but contact information must be included for those making the nomination. Send nominations to the Idaho State Historical Society, Esto Perpetua Award, 1109 Main St., Suite 250, Boise, ID 83702. For information, call 1-877-OLD-GEMS.

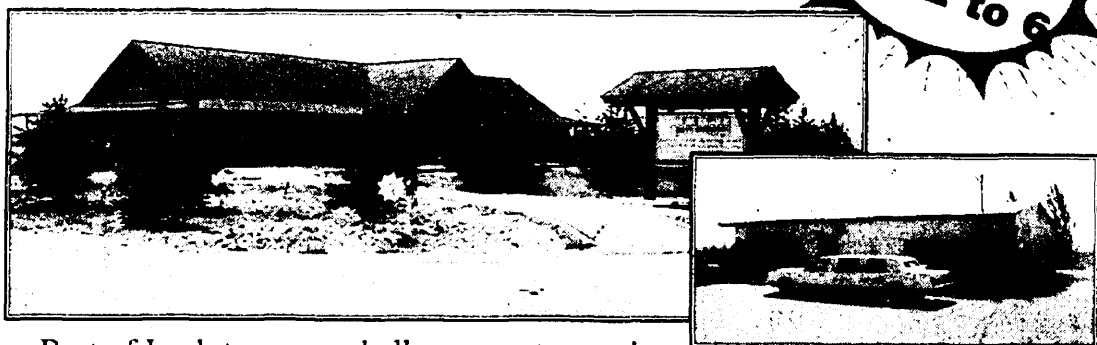
Hagerman Fossil Beds National Monument and the Idaho Humanities Council will present John Bieter Jr., noted historian, at 2 p.m. This audio-visual presentation is on the history of the Basques in Idaho. The presentation will be in the National Park Service Visitor Center on Highway 30, across from the high school. For information, call (208) 837-4793.

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POLICE LOG

The Police Log is compiled from reports available at press time from the Idaho Falls Police Department. Block addresses are included except when they could identify suspects or victims in need of protection, such as victims of sex crimes. On Sunday, we name those arrested for felonies and DUIs when their cases are settled in court. If you have information about unsolved crimes, call Crime Stoppers at 522-1983.

Thursday
65 calls after noon

1:04 p.m. Inhalants, 2300 block of E. 17th St. Officers arrested a 45-year-old man after he went into a store and bought airplane glue, then was later found huffing glue fumes from a plastic bag.

1:22 p.m. Vehicle burglary, 1700 block of S. Milligan Drive. No report available.

1:38 p.m. Larceny, 400 block of E. Anderson. No report available.

3:06 p.m. Larceny, 200 block of Fieldstream Lane. A man reported someone stole the license plate to his truck.

3:10 p.m. Malicious injury to private property, 100 block of College. No report available.

3:46 p.m. All other larceny, 1500 block of E. 17th St. A woman reported her money order had been stolen. Officers discovered the money order had been cashed in Salt Lake City by an Idaho Falls man.

3:48 p.m. Vehicle burglary, 400 block of S. Woodruff Ave. A woman reported someone stole her purse and a bag of clothes from her vehicle while it was parked.

4:14 p.m. Violation protective order, 1200 block of Atlantic. A woman reported her former husband and her parents were keeping

her daughter from her, which was in violation of a protective order that the father not come into contact with the girl.

4:28 p.m. Simple assault, 800 block of Shoup Ave. No report available.

5:44 Auto accident, 300 block of E. 11th St. No injuries.

6:08 p.m. Kidnap, Whittier and N. Wabash Ave. No report available.

7:23 p.m. Criminal arrest warrant, 26J block of Tabor Ave. Officers went to a party where there was a report of narcotics being used. Officers found a 22-year-old man who had eight warrants for his arrest on drug charges.

7:28 p.m. Malicious injury to private property, 1500 block of Alice St. A woman reported someone had broken the rear and front window blinds to her house, kicked a hole in her garage and ripped the carpet. The officer reported it appeared a dog caused the damage to the blinds and carpet.

8:34 p.m. Cocaine, 300 block of Constitution Way. No report available.

10:54 p.m. Reckless driving, Cleveland and Northgate Mile. An officer spotted a car spinning its tires in preparation to race another car. He rode his bicycle in front of the car and the car turned and sped down another street. Another officer spotted the car and pulled over

the driver.

11:18 p.m. DUI, D St. and N. Yellowstone Highway. An officer pulled over a 50-year-old man after his truck drifted in and out of traffic lanes as he was driving. The man reportedly smelled of alcohol and the man failed several field sobriety tests.

Friday
37 calls before noon

2:00 a.m. Curfew violation, Burwood Drive and W. 17th St. Officers cited a 17-year-old girl for being out past 1 a.m.

5:34 a.m. Burglary, 900 block of Northgate Mile. A store employee reported a door between two businesses had been broken. She found that someone stole two tills containing \$400 and the neighboring business reported another \$500 had been stolen from their store.

7:35 a.m. Malicious injury to private property, 2400 block of Granite Way. An officer responded to several complaints of a car having destroyed mail boxes, street signs, park trees and sprinkler valves. The officer arrested two juveniles, ages 16 and 15, who had allegedly driven a car over all of the items. The estimated damage was nearly \$3,600.

9:37 a.m. Gas theft, 500 block of E. 17th St. A gas station employee reported a truck drove away without paying for \$15 in gas.

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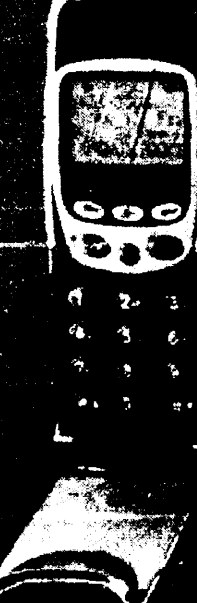
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