Firm Files Brief in Appellate Matter over TV Station's Coverage of BTK Serial Murders

April 11, 2008

Member Bernie Rhodes (Business Litigation - Kansas City) has filed a brief with the Kansas Court of Appeals on behalf of KSN, a television station that in 2004 had identified a possible suspect in the BTK serial murders in its ongoing coverage of the matter. The station had been ordered in 2006 to pay $1.1 million in damages to Roger Valadez, whom Wichita police investigated as a BTK suspect.

In the brief, Mr. Rhodes argues that the Wichita news outlet performed journalism that complied with the ethics of the profession, in the station's efforts to report what eventually proved to be the truth, i.e., that Mr. Valadez was, in fact, being investigated in connection with the BTK case. Mr. Rhodes argued that other broadcast journalists also had identified the suspect, by showing footage of the outside of his house, as well as reporting on his age and address. (These stations had not included the suspect's name in their coverage).

A Kansas jury decided against the television station in the 2006 trial, holding that the television station acted outrageously and damaged Mr. Valadez' reputation by publicly airing his name after his arrest on Dec. 1, 2004 on unrelated charges. The defamation verdict was subsequently overturned by a judge, though $250,000 of the outrage verdict was left intact. Mr. Valadez was released the day after his arrest by Wichita police when a DNA test eliminated him as a BTK suspect. He died a month after the initial 2006 trial against KSN. Dennis Rader of Park City would later confess to committing the BTK murders.

To read the legal brief filed in the case by Lathrop Gage, please click here.