

SUIT HAD SOUGHT \$100,000

Man falsely accused of rape wins \$3,464 from ex-wife

By SUZANNE HEREL

Staff Writer

A Superior Court jury agreed with John R. Howard Tuesday that his ex-wife slandered, libeled and maliciously prosecuted him when she falsely claimed he sexually assaulted her in July 1992.

But it didn't buy Mr. Howard's request that Annette G. Howard be punished by having to pay him \$100,000.

The eight-man, four-woman jury awarded Mr. Howard — owner of the Yvonne Howard clothing store — \$3,464.85 and threw out both parties' claims that each had caused the other "severe emotional distress." The issues of slander and libel had been decided for the jury by a previous court judgment.

The award consisted of three dollars in nominal damages for the charges of libel and slander, \$1,461.85 for legal fees Mr. Howard incurred in clearing his name of the assault charge and \$2,000 in punitive damages. Judge Stafford G. Bullock of

Wake County presided over the two-day trial in New Hanover County court.

"We're not here about money," William Norton Mason, Mr. Howard's attorney, told the jury in his closing arguments.

What his client wanted, he said, was for the jury to render a verdict that would discourage Mrs. Howard from making any more false claims and send a message to the community that such action is punished.

But money, he added, was the only tool the jury could use to do that.

Mr. Howard, 50, and Mrs. Howard, 39, declined to talk about the verdict.

Mr. Mason said he and his client had mixed feelings about the outcome.

"We were gratified that the jury recognized the wrongful conduct of the defendant for what it was. One of the purposes was for John Howard to clear his name," Mr. Mason said. "We thought it might have been appropriate for the punitive damages to be more."

Mrs. Howard, who was tearful

throughout the trial, left the courtroom downcast.

"We are pleased with the verdict," said her lawyer, Jim Lea. "It could have been much worse."

In his closing arguments, Mr. Lea asked the jury not to allow either of the Howards to leave the trial victorious. That could only hurt their daughter, he said.

"That little 10-year-old child should not know there was a winner, and she will find out," he said.

He also asked that neither be awarded damages.

The incident was not made public by the media until Mr. Howard filed the lawsuit to clear his name, Mr. Lea said, and the matter should have remained private.

"These were two troubled people in a troubled marriage who made serious mistakes," he said. "It should have remained a private affair."

During the trial, Mrs. Howard testified that she was scared of her husband —

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whom she described as a tyrant — during their 10-year marriage. She said she was constantly criticized and made to adhere to strict household rules, such as not wearing shoes in the home and keeping the kitchen cabinets in perfect order.

When Mr. Mason asked her Tuesday to name one good trait about her ex-husband, Mrs. Howard refused to answer the question.

After the couple's 1991 separation, the stress of battles over child custody and property drove her to become mentally unstable, she

said. Mrs. Howard claimed she heard voices from the television and radio telling her to charge her husband with assault to keep him away from their child. Mr. Howard since has gained primary custody of the 10-year-old.

In his testimony, Mr. Howard denied his ex-wife's allegations that he occasionally hit her and made her sleep in their daughter's room for eight years.

The whole trial, he said Monday, could have been avoided if Mrs. Howard had shown any remorse.

"I thought it was just mean-spirited. I was expecting an apology of some kind," he said. "We wouldn't be here right now if she had apologized for what she had done."