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Louisiana's Longest-Serving Death Row Prisoner Ordered Freed After 30 Years

Glenn Ford, An Innocent Man, To Be Released Imminently

After spending 30 years on Louisiana's death row for a murder he did not commit, Glenn Ford was ordered to be freed on Monday by a judge in Shreveport after the prosecution had petitioned the court to release him. Mr. Ford has been on death row since 1984, and is one of the longest-serving death row prisoners in the United States. Mr. Ford's release from death row is expected in the coming hours.

"We are very pleased to see Glenn Ford finally exonerated, and we are particularly grateful that the prosecution and the court moved ahead so decisively to set Mr. Ford free," said Gary Clements and Aaron Novod, attorneys for Mr. Ford from the Capital Post Conviction Project of Louisiana.

The State and the Court acted on new information which corroborates what Mr. Ford had claimed all along: that he was not present at nor involved in the crime for which he had been convicted and sentenced to death.

According to Mr. Ford's attorneys, his trial was profoundly compromised by inexperienced counsel and by the unconstitutional suppression of evidence at his trial, including information from an informant, a suppressed police report related to the time of the crime, and evidence of the murder weapon, which implicated the true perpetrator.

Case Background

At the time of trial, attorneys for Glenn Ford, an African American man charged with first degree murder, were appointed because of where their names appeared in an alphabetic listing of lawyers in the Shreveport Louisiana Bar Association. Lead counsel Paul Lawrence was an oil and gas specialist. He had never tried a case to a jury, and the extent of his criminal law experience was two court-appointed cases resolved by guilty pleas. Co-counsel Kim LaVigne had been out of law school less than two years when she was appointed. At that time, she was working at an insurance defense firm focusing primarily on small automobile accident and slip-and-fall cases. She had no experience in criminal law. Like Mr. Lawrence, Ms. LaVigne had never participated in a jury trial.

Mr. Ford was charged with the November 5, 1983 murder of Isadore Rozeman. Mr. Ford had done yard work for Mr. Rozeman. After Mr. Rozeman was murdered, Mr. Ford got word that the police wanted to talk to him, and voluntarily went to the police station. During a series of interviews, Mr. Ford stated that he had gone to see Mr. Rozeman on the day of the murder and that Mr. Rozeman had told him that he did not have any work for him. Mr. Ford also discussed meeting up with and spending time with a man named "O.B." According to Mr. Ford, O.B. asked him to sell a .38 revolver, though he never actually gave Mr. Ford the weapon. O.B. also gave Mr. Ford jewelry, which he wanted Mr. Ford to pawn. Mr. Ford did indeed pawn the jewelry that evening at the International Pawn Shop. Receipts showed that the sold jewelry was similar to goods taken from Mr. Rozeman's shop. Mr. Ford later identified a suspect named Jake Robinson from a set of photographs, and identified Jake's brother Henry,

also a suspect in the murder, as O.B. Mr. Ford stated that identifying the Robinson brothers as suspects caused him to be afraid for his life.

Approximately three months later, Robinson's girlfriend, Marvella Brown, was interviewed by Shreveport detectives. Ms. Brown implicated Mr. Ford and the Robinson brothers in Mr. Rozeman's murder. Shortly thereafter, an indictment was returned against Mr. Ford and the Robinson brothers.

Mr. Ford's trial began on November 26, 1984. Mr. Ford's arrest may have been precipitated by Brown, but soon after she was placed on the stand, her credibility unraveled. Under questioning, Brown stated that she "lied about all of it."

Without useful testimony from Brown, the prosecution case came to rely heavily on the testimony of three forensic experts. Taken together, the expert testimony suggested that Mr. Ford was present when Mr. Rozeman was murdered and that Mr. Ford, not Jake or Henry Robinson, was the shooter.

Dr. George McCormick, a parish coroner (Footnote 1) and self-described "public witness", delivered opinions on two crucial issues: the gunman's dominant hand and the victim's time of death. Mr. Ford is left-handed, whereas both of the Robinson brothers are right-handed. Dr. McCormick testified that, according to the evidence, it was a matter of "common sense" that it was more probable than not that the victim was killed by a left-handed gunman. Dr. McCormick also testified that Mr. Rozeman had been dead longer than an hour and probably two or more hours when paramedics found the body, and therefore the time of death was "consistent with the time the defendant was at the scene of the crime."

Pat Wojtkiewicz, a ballistics expert, also testified for the State. Wojtkiewicz stated he found, from Mr. Ford's left hand, one particle unique to gunshot residue and four particles characteristic of gunshot residue; and, from Mr. Ford's right hand, three particles characteristic of gunshot residue.

Finally, Sergeant Billy Lockwood, a fingerprint analyst who had never been qualified as an expert prior to Mr. Ford's capital murder trial, testified for the State. Lockwood testified that he lifted a latent print from a paper bag left at the scene of the crime, ostensibly used to grasp the gun that killed the victim. He testified the latent print contained a "whorl" type pattern, and that Mr. Ford had such a pattern, whereas the Robinson brothers did not.

Defense counsel failed to retain their own experts to counter these conclusions.

The all-white jury returned a guilty verdict. After the penalty phase—during which Mr. Ford took the stand and protested his innocence—the jury recommended a sentence of death. The charges against Jake and Henry Robinson were dismissed soon thereafter.

Mr. Ford's conviction was affirmed on appeal by the Louisiana Supreme Court, though the court was troubled by the adequacy of the State's evidence. Despite appellate counsel's failure to press the insufficiency of the evidence, the court visited the issue *sua sponte*. The court acknowledged that the evidence of guilt was "not overwhelming" and that "serious questions" were raised by the quality of the State's evidence. The court's affirmance was not unanimous, as one justice was "not convinced that a rational trier of fact could have found the essential elements of the crime of first degree murder beyond a reasonable doubt."

In 1992, Petitioner filed a Petition for Post-Conviction Relief in state district court. The district court summarily dismissed the petition, but the Louisiana Supreme Court remanded the case for an evidentiary hearing on issues including ineffective assistance of counsel and violations of *Brady v. Maryland*.

The district court conducted an evidentiary hearing in 2004 and 2005. During the hearing, post-conviction counsel presented evidence regarding the State's failure to disclose exculpatory evidence to Mr. Ford. Previous to trial, the State suppressed information in its possession that corroborated Mr. Ford's story that he only became involved when Henry Robinson asked him to sell goods stolen from the shop. Police reports indicated that two confidential informants stated the Robinson brothers, and not Mr. Ford, had committed the murder. Reports also cited multiple sources for the proposition that the Robinson brothers possessed the murder weapon after the crime.

Post-conviction counsel also presented the testimony of three expert witnesses in support of their ineffective assistance of counsel claim.

Dr. Riddick Leroy, a forensic pathologist and medical examiner, attacked Dr. McCormick's testimony related to handedness and time of death. assailant being left-handed is based on several assumptions and speculation rather than on fact and scientific probability." Dr. Riddick concluded that Dr. McCormick's opinion as to time of death was unreliable; in particular, Dr. McCormick failed to account for variables that should be considered when calculating time of death, and because he did not examine the victim's body himself, relied on the observations of an untrained observer. In his report, introduced as an exhibit at the evidentiary hearing, Dr. Riddick also stated that, "[a]t the very best, Dr. McCormick's opinion about the assailant being left-handed is based on several assumptions and speculation rather than on fact and scientific probability."

Ronald Singer, a firearms expert, was critical of several aspects of Wojtkiewicz's testimony. He discounted the importance of the so-called characteristic particles, pointing out there was only one unique gunshot residue particle collected from Mr. Ford's hand. He also stated that the sample was taken in a police station, a location full of ambient gunshot residue, and was collected 12-14 hours after the crime. Mr. Singer concluded that the gunshot residue evidence was of no relevance to the question of whether Mr. Ford shot or handled a firearm.

William Bailey, a fingerprint examiner, attacked Lockwood's trial testimony. Bailey stated that Lockwood made no mention of the four sub-classifications of whorl type patters at trial, and that if the print was either of two of those sub-classifications, it would have excluded Mr. Ford. Moreover, Lockwood told a post-conviction investigator that he was unable to view the center of the whorl print, leading Mr. Bailey to believe that Lockwood may have misidentified the print altogether. According to Mr. Bailey, it is very possible to mischaracterize a whorl as another pattern since loops with converging ridges can have the appearance of a whorl. Such error would be important in this case, as both Jake and Henry Robinson have loop patterns on nearly all their fingers.

On October 19, 2009, the district court issued an opinion denying Mr. Ford relief. With regards to Mr. Ford's *Brady* claim, the state court implicitly found that the evidence at issue was not disclosed to trial counsel: "This court finds that the petitioner has failed to prove his claim that the disclosure of this evidence would have resulted in a different outcome in this case." The court made a single finding regarding the exculpatory value of the suppressed evidence, stating "this court does agree that many of the petitioner's statements tend to confirm his involvement in the crime rather than his innocence." With regards to Mr. Ford's claim of guilt phase ineffective assistance of counsel, the court stated: "Trial counsel did not obtain experts as a part of the defense... However, this court finds that the defense's cross-examination of the state's experts did not fall below the *Strickland* standard." On February 4, 2011, the Louisiana Supreme Court affirmed the denial or relief in a two-word order.

In 2012, Mr. Ford filed a habeas petition in federal district court. The State filed an Answer later that year. In 2013, the State notified Mr. Ford's counsel that a confidential informant for the Caddo Parish Sheriff's Office stated that Jake Robinson told him that he—not Mr. Ford—shot and killed Isadore Rozeman. Shortly thereafter, Mr. Ford filed a motion requesting that the federal court hold his habeas proceedings in abeyance to enable him to return to state court to exhaust claims related to this new evidence. Last week, both the State and Mr. Ford's counsel filed motions to vacate his conviction and sentence. Yesterday, March 10, 2014, the state district court signed an order for his release.

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Footnote 1: In 2005, the Caddo Parish District Attorney's Office initiated an investigation into the procedures employed by Dr. McCormick in performing his duties as parish coroner. The investigation revealed that Dr. McCormick's work fell grossly below the standard of care necessary to maintain scientific reliability, and that he regularly allowed unqualified assistants to perform autopsies.

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