



Innocence Project New Orleans

3301 Chartres Street
New Orleans, LA 70117
Tel - 504 339 3105

During Harry Connick's tenure, Orleans Parish District Attorney's Office regularly suppressed crucial evidence in cases, costing taxpayers millions of dollars, sending innocent men to prison and exacerbating the crime problem in New Orleans.

This report examines the ongoing problem of evidence suppression by prosecutors in Orleans Parish. Innocence Project New Orleans garnered statistics based upon all 36 death sentences in Orleans Parish between 1973 and 2002, the tenure of Harry Connick. Additionally, the report examines non death penalty cases by reviewing 25 non-capital cases in which allegations of evidence suppression were brought to court. Determinations of evidence suppression in this report are not based on a subjective review of the case files, but rather on published court opinions and court documents.

According to available records, favorable evidence was withheld from 9 of the 36 (25%) men sentenced to death in Orleans Parish from 1973-2002. Four of those men were eventually exonerated, having been released only after serving a collective 43 years on death row. In other words, one in every four men sent to death row by the New Orleans District Attorney's office from 1973-2002 was convicted after evidence that could have cast doubt on their guilt was withheld from them at trial. Four men, about 11%, were completely innocent.

An additional 25 non-capital cases were examined in which allegations of evidence suppression were made.¹ In 19 of these cases, courts found favorable evidence was indeed withheld, and in all others the court deemed that the allegations warranted an evidentiary hearing. Of these non-capital cases, four men were later found innocent of their crimes and released from life sentences after having served 70 collective years in Angola. Ten more had their convictions reversed. As a result, the State bore the expense of holding new trials for each of these men - a significant cost to taxpayers that would have been avoided had the District Attorney's office not withheld evidence during the initial trial.

The imprisonment of the innocent is just one of many detrimental consequences of evidence suppression. There are several reasons why this practice must be confronted in

¹ This is a gross underestimation of the number of cases in which evidence may have been suppressed in non-capital cases. Unlike those sentenced to death, non-capital prisoners have no right to a lawyer at exactly the point in the appeals process at which they could investigate and prove that favorable evidence was suppressed, or false evidence presented, at their trial. Therefore the number 25 is only the amount of prisoners sentenced to non-capital offenses in Orleans Parish during the Connick years who managed to find an attorney to get their case back into court. The vast majority of non-capitally sentenced prisoners will never have that opportunity so the real number is unknowable. However, IPNO is currently doing further investigation to discover additional cases.



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this year's election. It is not merely a legal concern; it is an issue of crime control, fiscal responsibility, worsening an overburdened court system and prolonging the pain of victims.

WITHOLDING EVIDENCE EXACERBATES OUR CRIME PROBLEM

The New Orleans crime rate is alarmingly high, and withholding evidence in criminal cases in order to win does not address this issue. Instead, it directly undermines the safety of our communities. When favorable evidence is suppressed, and the wrong person is convicted, the perpetrator who actually committed the crime is not tried. In itself, this is a grave injustice to victims of crime, but it also prolongs the threat of future crimes by the actual perpetrators.

Consider the case of Dan Bright. Dan was arrested and convicted of first degree murder in 1996. What the prosecution withheld and the jury never heard, was that the FBI learned the identity of the real killer through an informant who identified someone else. Though Dan's attorneys suspected this other man, they were never aware that the FBI had corroborated their suspicions. Additionally, the DA's office suppressed the fact that their only eyewitness was in violation of his parole at the time of his statement to police. Dan spent 8 years behind bars, much of that time on death row, before being exonerated. The man identified by the FBI was never prosecuted.

John Thompson spent 18 years in the Louisiana State Penitentiary; 14 of those were on death row. After coming close to execution several times, he was eventually released when it was discovered that the DA's office withheld and subsequently hid evidence that helped prove his innocence. The evidence included lab results showing the perpetrator had a different blood type, and eyewitness descriptions of the murderer which differed considerably from Mr. Thompson's physical appearance at the time of the crime. After 18 years, John was afforded a second trial and was acquitted after less than 30 minutes of jury deliberation. Following his release, John started a non-profit, Resurrection After Exoneration, to help other exonerated men like him adjust to life after prison by providing vocational training, counseling and other life skills.

Meanwhile, Kevin Freeman, now believed to be the man who murdered hotel executive Ray Liuzza, walked free after implicating John Thompson as the killer at John's 1984 capital murder trial. Eleven years after the murder, Freeman was shot and killed by a security guard in New Orleans as he was burglarizing parked cars.



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EVIDENCE SUPPRESSION WASTES MILLIONS OF DOLLARS OF TAXPAYER MONEY

Orleans taxpayers can ill-afford a District Attorney who employs prosecutors that place their own desire to win cases, regardless of the defendant’s guilt, above the interests of the public. The burden of the misconduct of the DA’s office falls heavily on the taxpayers whose money must be allocated to pay for such mistakes. These costs include incarceration of innocent men, policing costs for crime committed by the real perpetrators, compensation upon their release, and lengthy court proceedings that are an inevitable result of unconstitutional convictions. On an annual basis, this is costing millions of dollars and clogging an already overburdened court system.

The cost to taxpayers for the wrongful incarceration of innocent men from 1973-2002 is currently at least \$17 million. This is excluding the cost of the long, drawn-out court proceedings which have cost tax payers hundreds of thousands of additional dollars over the last three decades and continues to cost them today.²

Incarceration costs in Louisiana prisons average \$52.46 per day per prisoner.³ The 8 innocent men incarcerated during Harry Connick’s tenure spent a collective 113 years in prison, amassing an incarceration cost of over \$2.1 million. The Innocence Compensation Act of 2005 will potentially afford up to \$190,000 more per person, allotting \$15,000 for each year spent in prison (to a maximum of 10 years) and an additional \$40,000 for vocational training, education, and counseling/medical care. The civil suit won by John Thompson awarded him \$14 million, which has now accrued interest while the DA’s office continues to appeal the decision against them.

COST TO TAXPAYERS: CONVICTION OF INNOCENT MEN				
Name	Years in Prison	Incarceration Cost	Potential Compensation	Total
Earl Truvia	27.5	\$516,993	\$190,000	\$706,993
Greg Bright	27.5	\$516,993	\$190,000	\$706,993
Dwight LaBran	4	\$76,591	\$100,000	\$266,591
Isaac Knapper	12	\$229,774	\$190,000	\$419,774
Dan Bright	8	\$153,183	\$190,000	\$343,183
John Thompson	18	\$344,662	\$14,190,000	\$14,534,662
Curtis Kyles	14	\$268,070	\$190,000	\$458,070
Shareef Cousin	3	\$57,443	\$85,000	\$247,443
Total	113	\$2,163,712	\$15,325,000	\$17,488,712

² The same proceedings often cost the State millions when capital cases are tried

³ According the Louisiana Department of Corrections average for the last five years



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While the above table stresses the cost to taxpayers of exonerations, the price of withholding evidence is by no means limited to cases of innocence. Any time exculpatory evidence is withheld, a person's constitutional right to a fair trial has been violated. At least 20 other cases of evidence suppression in Orleans Parish exist, and while the result isn't always a full acquittal, in many cases it leads to new trials, or lesser sentences. Even more wasteful are cases in which guilty defendants are granted new trials when it is discovered that the District Attorney's office withheld evidence that the jury should have heard before reaching its verdict. The cost of withholding evidence in those cases is particularly senseless. Usually, the evidence against the defendant is so compelling that the second jury often reaches the same verdict, only at a much higher cost. Below is a small sampling of cases which remained in courts long after the original convictions because the prosecutor at trial withheld evidence to which the defense was constitutionally entitled:

- *Sullivan Walter*: Convicted of aggravated burglary, forcible rape, and crimes against nature. Physical evidence and eyewitness identification of the victim linked Mr. Walter to the crime. Because the DA withheld significant evidence from Mr. Walter, his case dragged on for 11 years, before his conviction was finalized.
- *Alfred Oliver*: Arrested for kidnapping and armed robbery, but granted a new trial after DA files surfaced showing extensive inconsistencies in the stories of those who accused him suggesting they fabricated the entire event.
- *William Perkins*: Convicted of first degree murder but granted a new trial after suppressed evidence from DA files emerged suggesting the probability that he fired his gun in self defense.

WRONGFUL CONVICTIONS ARE AN AFFRONT TO HUMAN LIVES

Perhaps the greatest cost of evidence suppression is the burden of having robbed years, and even entire lifetimes from people. For the 8 men in this study who were eventually exonerated, an average of 12 years elapsed before evidence of their innocence were found in the DA's files, and 14 years before they were released from prison.

Gregory Bright (unrelated to Daniel Bright, discussed above) and Earl Truvia were 20 and 17 years old when, in 1975, the DA prosecuted them for second degree murder. The two endured 25 years of wrongful imprisonment before withheld evidence finally surfaced. Even then, they spent an additional 2 ½ years in prison with their cases in court before they were released. The State suppressed evidence of the real perpetrator and evidence that its' only witness was a paranoid schizophrenic with a heroin addiction who spoke to police only in exchange for money and whose account of the murder conflicted



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with the time of death issued by the coroner. Greg and Earl were well into their 40's when they were finally exonerated and released from prison in 2003.

Isaac Knapper, at the time an amateur boxer, was arrested in 1979 at age 16 for the murder of a tourist in the French Quarter. Prosecutors in Harry Connick's office convicted Mr. Knapper on the general appearance ascribed by an eyewitness. After 12 years in prison serving a life sentence, a police report was found in the DA's files which documented an armed robbery that occurred five blocks from where Mr. Knapper was said to have murdered the tourist. The three perpetrators in that robbery matched the description given by the eyewitness, and possessed the gun which fired the fatal bullet. Isaac Knapper was released in 1991 just shy of his 30th birthday.

YEARS OF LIFE LOST IN PRISON: EXONERATED MEN		
Name	Conviction→Discovery of Evidence	Conviction → Release
Earl Truvia	25 Years	27 Years
Greg Bright	25 Years	27 Years
Dwight LaBran	3 Years	4 Years
Isaac Knapper	12 Years	12 Years
Dan Bright	8 Years	8 Years
John Thompson	14 Years	18 Years
Curtis Kyles	4 Years	14 Years
Shareef Cousin	2 Years	3 Years
Average	12 Years	14 Years
Total	93 Years	113 Years

There is an additional "hidden" cost. In all of these cases, the families of the victims are robbed of real justice. The victims' ability to obtain closure and to move-on with their lives is undermined by years of unnecessary appeals and petitions. In the case of those eight who were eventually exonerated, the victims waited years, often decades, to find that the State could hold no one accountable for the crimes perpetrated on their loved ones.

PROPOSED POLICY REFORM

Harry Connick's administration employed many accomplished prosecutors who adhered to the highest ethical standards. However, during Connick's tenure (1973-2002), a culture developed in which some prosecutors valued winning over pursuing justice. Despite routine violations of their constitutional obligations to safeguard the rights of criminal defendants, only once, in the case of Shareef Cousin, was any action taken against these prosecutors for withholding exculpatory evidence. The Louisiana Supreme Court reacted to evidence suppression in a capital case by sentencing the lead prosecutor



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to a three month suspension. However, the suspension was immediately deferred and subsequently never served.

There must be serious debate in this year's election of accountability in the DA's office. Several reforms are possible:

- Require open file discovery by the prosecution, as many states already do. This allows defense counsel access to information in the prosecution files such as police reports and eye-witness testimonies without the barrier of having to file requests for exculpatory information. This has the added benefit of speeding up the trial process
- Institute comprehensive training programs and strict internal controls against prosecutors who withhold exculpatory evidence
- Refer serious cases to the attorney disciplinary board for sanctions, including permanent disbarment, to be considered

Whether it is by one of these proposals, or an avenue of their own invention, the candidates for District Attorney in this election year have an obligation to confront this issue head-on. The next DA must address the need for accountability and the eradication of evidence suppression - a practice which serves justice to no-one, worsens our city's crime problem and costs us millions of unnecessary dollars.



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Appendix of Cases Studied

CASES IN WHICH EVIDENCE WAS WITHHELD				
Name	Crime	Sentence	Evidence suppressed	Effect of evidence on outcome
Alfred Oliver	Armed robbery; kidnapping	50 Years; 30 Years	<i>Withheld:</i> Victims statements inconsistent	Conviction reversed, granted new trial
Anthony Scire	First degree murder	Death	<i>Withheld:</i> Witness impeachment evidence	Sentence commuted, released after time served due to erroneous instructions to jury
Arthur Monroe	Armed Robbery	20 Years	<i>Withheld:</i> Inconsistent eyewitness statements	Conviction reversed granted new trial
Charles Marshall	Armed Robbery; Attempted Second Degree Murder	99 Years; 50 Years	<i>Withheld:</i> Victim positively identified another man as perpetrator	No change of verdict
Clarence Smith	First Degree Murder	Death	<i>Withheld:</i> Witness impeachment evidence	No effect. Released due to erroneous instructions to jury. Convicted in federal court of same crime
Curtis Lee Kyles	First Degree Murder	Death	<i>Withheld:</i> Informant gave inconsistent statements, implicated himself	Re-tried three times. Fourth Circuit ordered charges to be dropped before proposed 5th trial



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Dan Bright	First Degree Murder	Death	<i>Withheld:</i> FBI and DA's office were in possession of name of actual killer. Key witness was in violation of parole when he gave his statement	Conviction reversed, charges dropped
Dwight LaBran	First Degree Murder	Life	<i>Withheld:</i> Eyewitness lied about name. Owned car where body was found, had outstanding warrants	Conviction reversed, charges dropped
Earl Truvia	Second Degree Murder	Life	<i>Withheld:</i> Sole eyewitness was a paranoid schizophrenic with a heroin addiction, gave testimony for money from police. Story didn't match time of death according to coroner	Conviction reversed, charges dropped
Eugene Lindsey	Second Degree Murder	Life	<i>Withheld:</i> Key witnesses pre trial statements corroborated defense case of intoxication.	Conviction reversed granted new trial
Floyd Falkins	Armed Robbery	30 Years	<i>Withheld:</i> Inconsistent eyewitness identifications	Conviction reversed, granted new trial
Greg Bright	Second Degree	Life	<i>Withheld:</i> Sole	Conviction



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	Murder		eyewitness was a paranoid schizophrenic with a heroin addiction, gave testimony for money from police. Story didn't match time of death according to coroner	reversed, charges dropped
Isaac Knapper	First Degree Murder	Life	<i>Withheld:</i> Robbery on same night 5 blocks away. Perpetrators matched eyewitness identifications, and possessed murder weapon	Conviction reversed, charges dropped
James Carney	Second Degree Murder	Life	<i>Withheld:</i> Key witness agreed with DA to have battery charges against her dropped if she testified against defendant	Conviction reversed, granted new trial
John Thompson	Armed Robbery; First Degree Murder (Separate)	Death	<i>Withheld:</i> Lab results showing blood type did not match defendant. Eyewitness identifications that did not match defendant	Conviction reversed, re-tried, acquitted



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Juan Smith	First Degree Murder (separate capital and non-capital cases)	Death	<i>Withheld:</i> Evidence of other suspects, witness impeachment evidence, confessions, knowledge of false testimony	Pending
Larry Curtis	Second Degree Murder	Life	<i>Withheld:</i> Key witness failed to identify defendant in pre-trial photographic line-up	Conviction reversed granted new trial
Philip Anthony	First Degree Murder (3 Counts)	Death	<i>Withheld:</i> Eyewitness statements contradicting trial testimonies	Pending
Renoald Muse	Armed Robbery	99 Years; 99 Years	<i>Withheld:</i> Victim failed to identify defendant in pre-trial line-up	No effect, guilty as charged
Ronald Monroe	First degree murder	Death	<i>Withheld:</i> Confession by alternate suspect	Gubernatorial pardon, sentence commuted to life
Shareef Cousin	First Degree Murder	Death	<i>Withheld:</i> Eyewitness claimed she was without corrective lenses and could not identify perpetrator	Conviction reversed, charges dropped
Stephen Rosiere	Second Degree Murder	Life	<i>Withheld:</i> Witness	Conviction reversed



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			statements corroborating defendant's version of events	granted new trial
Sullivan Walter	Forcible Rape, Aggravated Burglary, Crime Against Nature	35 Years; 45 Years	<i>Withheld:</i> Lab results identifying perpetrator as possible non-secretor (defendant was not)	Conviction upheld
Thomas Deboue	2 counts first degree murder	Death	<i>Withheld:</i> Eyewitness statements inconsistent with defendant's physical description and capabilities	No effect. Sentence commuted due to mental retardation of defendant.
Norris Henderson	Second Degree Murder	Life	<i>Withheld:</i> Contradictory evidence about the dying confession of victim identifying defendant	Conviction reversed, granted new trial. Re-convicted. Released on probation
Wilbert Parker	Second Degree Murder	Life	<i>Withheld:</i> Victim had of aggravated assault (corroborated self defense)	Granted new trial
William Perkins	First Degree Murder	Life	<i>Withheld:</i> Eyewitness statement corroborating self-defense	Conviction reversed granted new trial