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DNA evidence frees two innocent N.C. men 30 years after wrongful conviction
One of the exonerees is North Carolina's longest serving death row inmate

LUMBERTON, N.C. — On Tuesday, two men, including North Carolina's longest serving death row inmate, were exonerated and released from prison after serving 30 years for a rape and murder they did not commit.

New DNA evidence, which proved their innocence, prompted a Robeson County judge to dismiss all charges against Henry Lee McCollum, who was living under a death sentence, and his half-brother, Leon Brown, who was serving a life sentence for the rape. Both are severely intellectually disabled and were teenagers – McCollum 19 years old, Brown just 15 - at the time of their arrests in 1983.

McCollum and Brown were released after a hearing Tuesday morning in Robeson County Superior Court, in which the North Carolina Innocence Inquiry Commission, an independent state agency, detailed the results of its investigation, including DNA testing of items found at the crime scene. The Commission found that none of the items could be traced to McCollum or Brown. Instead, critical DNA evidence matched another individual named Roscoe Artis, a convicted rapist and murderer who lived less than 100 yards from where the victim's body was found.

Lawyers for the two men said the new testing leaves no doubt about their clients' innocence.

"It's terrifying that our justice system allowed two intellectually disabled children to go to prison for a crime they had nothing to do with, and then to suffer there for 30 years," said Ken Rose, a senior staff attorney at the Center for Death Penalty Litigation in Durham, who has represented McCollum for 20 years. "Henry watched dozens of people be hauled away for execution. He would become so distraught he had to be put in isolation. It's impossible to put into words what these men have been through and how much they have lost."

Robeson County District Attorney Johnson Britt agreed that McCollum and Brown are innocent of all charges, and consented to their unconditional release. No further charges will be brought against them. Judge Douglas Sasser signed an order acknowledging the men's innocence.

The men's attorneys said they appreciated Britt's efforts to correct wrongs that occurred under the previous prosecutions. "We are most grateful to Johnson Britt, who has shown a strong desire to find the truth and to make sure that these two innocent men don't spend any more time in prison," said James Payne, a Wilmington attorney who represents Leon Brown.

McCollum and Brown were sentenced to death in 1984 for the murder of Sabrina Buie, an 11-year-old girl who was brutally raped and suffocated in the Robeson County town of Red Springs. Her body was left in a field, along with beer cans and cigarette butts. Investigators believe the girl was lured by her killer to drink beer, then attacked and killed.

Brown's sentence was later reduced to life in prison and his charge reduced to rape, but McCollum has remained on death row through decades of appeals. Each had pursued many other legal avenues for relief

until the Commission took up Brown's case in 2010. The Commission ordered new testing and uncovered evidence that the men's attorneys had not been able to obtain, all of which points to McCollum and Brown's innocence.

The DNA match with Roscoe Artis was especially significant because, less than a month after Sabrina Buie's killing, Artis raped and killed an 18-year-old girl, Joann Brockman, in shockingly similar circumstances. Both crimes happened in Red Springs, a town of only 4,000 people. Both victims were sexually assaulted, asphyxiated, and left in fields wearing only a bra. Artis was sentenced to death for Brockman's murder, but his sentence was later reduced to life in prison. Despite the similarities between the two crimes -- and the fact that police suspected Artis of yet another similar rape and murder in Gastonia -- police failed to investigate Artis as a suspect in Buie's murder. Artis also had a long criminal record including more than a half dozen incidents of attempted rape and assaults on women.

"This case is a tragedy which has profoundly affected not only the lives of the people involved, but which profoundly affects our system of justice in North Carolina," said Ann Kirby, another attorney for Leon Brown. "This case highlights in a most dramatic manner the importance of finding the truth. Today truth has prevailed, but it comes thirty years too late for Sabrina Buie and her family, and for Leon, Henry, and their families. Their sadness, grief, and loss will remain with them forever."

The only evidence that tied McCollum and Brown to the crime were false confessions that law enforcement obtained from the disabled teens, who even as adults have the intellectual ability of children. McCollum at first told police he knew nothing about the murder, but at 2 a.m. on Sept. 29, 1983, after five hours of intense interrogation, he signed a confession written by police. Soon after, his younger brother, Brown, also confessed.

North Carolina law now requires homicide interrogations to be recorded or videotaped, but at the time, no such laws were in place. There are no recordings of the confessions, which contain details that are factually impossible.

McCollum and Brown were originally prosecuted jointly by Robeson County District Attorney Joe Freeman Britt, who earned the nickname "World's Deadliest DA" for winning nearly 50 death sentences during his 12 years as chief prosecutor. At that time, there were also no laws preventing children and people with intellectual disabilities from being sentenced to death.

In 1991, courts granted the brothers separate new trials, saying the trial judge gave improper instructions to the jury. At Brown's new trial, the judge acknowledged that there was little evidence of murder, dismissing it. The jury, however, convicted Brown of rape, and he received a life sentence. McCollum was again convicted of murder and sentenced to death.

In the years since their false confessions, McCollum and Brown have maintained their innocence.

"In these old cases, tried under very different laws from what we have today, it is so difficult to root out the truth," Rose said. "It's even harder when the defendants are intellectually disabled or mentally ill, as so many on death row are. We were so lucky that the Innocence Inquiry Commission agreed to take this case. We can only be thankful that our client wasn't executed before we had the chance to prove his innocence."

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