# Report of the Circuit Attorney

## On the Murder of Quintin Moss

## and

## Conviction of Larry Griffin

July 12, 2007

# Executive Summary

## History

Quintin Moss was murdered on June 26, 1980. He was shot and killed while dealing drugs near the corner of Sarah and Olive in the City of St. Louis. A man named Larry Griffin was arrested, convicted, sentenced and eventually executed for Quintin Moss' murder.

## Context and Jurisdiction

In June of 2005, Circuit Attorney Jennifer M. Joyce attended a meeting hosted by Congressman Lacy Clay. On that date, she met an attorney for Walter Moss -- the oldest brother of Quintin Moss. Prior to his meeting with Joyce, Walter Moss received an unsolicited report from the NAACP – Legal Defense and Educational Fund (hereinafter "LDF.") The LDF's report raised several questions for Mr. Moss about his brother's death and Larry Griffin's corresponding conviction. Mr. Moss and the LDF asked Circuit Attorney Joyce to investigate issues raised in the LDF report and address concerns that 1) the wrong person was convicted for the murder of his brother Quintin and 2) that new evidence existed that pointed to the killers of Quintin Moss. The Circuit Attorney agreed to look into the matter at his request because the story, as it was presented to her, was compelling.

Circuit Attorney Joyce firmly believes that prosecutors always must remain open to new evidence or that the real or additional killers remain at large. Pursuing justice above all else is at the core of the Circuit Attorney's responsibilities. After reviewing the LDF report, Joyce created and led a team of three lawyers and two investigators to begin the process of investigating the information presented (hereinafter "the CAO Team.") The CAO Team first determined that the Circuit Attorney's Office had jurisdiction to conduct the investigation. In Missouri, when there

is more than one murderer in a case occurring within the boundaries of the City of St. Louis, and only one of those individuals has been held accountable, the Circuit Attorney's Office has the power to pursue the others – even 28 years later. Such is the unique set of circumstances surrounding the murder of Quintin Moss.

## Investigative Process and Report

At the outset, the CAO Team requested that the LDF share all interviews, documents and items the authors accumulated prior to generating the public report they gave to Walter Moss. The authors of the LDF report, on behalf of the organization, agreed to do so. They supplied the CAO Team with an 11-page report, six signed and two unsigned affidavits of private investigators purportedly summarizing witness interviews, copies of taped interviews and transcripts, various reports and documents on the criminal history of the witnesses. They stated that they had provided everything they possessed to the official investigation. (See page 7 of the CAO Team Report.)

The CAO Team began the Circuit Attorney's investigation by accumulating and reviewing tens of thousands of additional pages of documents, some of which was available only to law enforcement, and as such, not included in the LDF investigation. Understanding that document reviews and transcript analysis alone do not yield a sufficient investigation, the CAO Team turned to locating the evidence in the case and contacting and interviewing witnesses. In the end, the CAO Team interviewed over 80 individuals involved or even rumored to be involved in this case. After finishing all interviews, examining evidence and reviewing all documents the CAO Team analyzed the facts and reached conclusions.

## Structure of Report

The Circuit Attorney's report reflects the findings and conclusions of the 24-month investigation into the murder of Quintin Moss, and subsequent conviction of Larry Griffin for his murder. The report encompasses three topic areas:

- Introductory Remarks and Contextual Framework
- Factual and Legal History
- Investigative Findings, Analysis and Conclusions

The introductory sections outline the origins and scope of the investigation. The factual and legal history sections outline facts developed in 1980-1981 and the entire appellate time span. The investigative sections detail current factual findings, analyze those facts and reach conclusions.

## Findings and Conclusions

Quintin Moss was murdered June 26, 1980 in St. Louis, Missouri. Four people were arrested for participating in his murder. Formal charges were filed against only one of the four suspects: Larry Griffin. A jury convicted Larry Griffin of Moss' murder on June 27, 1981. Larry Griffin was sentenced to death on August 7, 1981. After 14 years of appeals and post-conviction activity at every level of the appellate courts, including the United States Supreme Court, Larry Griffin was executed on June 21, 1995.

The CAO Team concluded that Larry Griffin was fairly and rightfully convicted of the murder of Quintin Moss. An eyewitness, Robert Fitzgerald, identified Larry Griffin positively at multiple stages of the criminal process as Quintin Moss' killer. The CAO Team looked for evidence that Fitzgerald lied about his identification of Larry Griffin. The CAO Team found no evidence that Fitzgerald identified the wrong person. The CAO Team also investigated the

evidence and witnesses to see if they undermined or corroborated Fitzgerald's testimony. Multiple items corroborated Fitzgerald's testimony and identification.

Most significantly, the investigation yielded a new eyewitness to the shooting. The eyewitness (hereinafter referred to as "Carl Doe[1]") corroborated Fitzgerald's testimony at Larry Griffin's trial. Doe confirmed that he and Fitzgerald were together at the corner or Sarah and Olive to purchase drugs. Doe had used Quintin Moss as his drug dealer in the past and Doe was familiar with and known in the neighborhood. Doe explained he and Fitzgerald were present together when Doe's regular drug dealer, Moss, was shot and killed. While Doe did not see the faces of the shooters, he did establish that Robert Fitzgerald was where Fitzgerald claimed and in a position to see what Fitzgerald claimed. Doe's account of the actual shooting was very similar to that given by Fitzgerald at Larry Griffin's trial.

Additional corroboration included Detective Andre Jones' identification of Larry Griffin as a person who had the opportunity and physical proximity to have committed this murder. Just minutes before Quintin Moss' murder, Detective Jones drove by an old motel, a location known for drug and gun storage, which was close to the Moss murder scene. Detective Jones saw Larry Griffin with two other black men leaving the motel and armed with weapons.

## Other Suspects

The CAO Team found no new evidence sufficient to prosecute new or additional perpetrators of Quintin Moss' murder. The CAO Team examined the information from the LDF report that addressed the identity of additional or new perpetrators. When the LDF report was given to the Circuit Attorney's CAO Team, it claimed to present new and substantive evidence. After review, the CAO Team found much of the information presented by the LDF was not fresh

[1] Carl Doe's real name has been protected because he is an eyewitness to a crime in an ongoing, open investigation and fears retaliation.

but was a new twist on old theories that had been thoroughly investigated in earlier appellate proceedings.

In 1993, United States District Court Judge Edward L. Filippine heard testimony from Robert Fitzgerald himself and concluded that Fitzgerald was a credible witness. In his decision upholding Griffin's conviction, Judge Filippine noted that, despite some admitted confusion on the part of Fitzgerald regarding the methodology used by police in obtaining his identification, Fitzgerald never recanted his actual identification of Larry Griffin as the shooter of Quintin Moss. Fitzgerald did change the circumstances under which his identification was produced and for the first time indicated that the police officers, after showing him the picture of Larry Griffin in the array of six photographs, singled out Larry Griffin's mug shot. However, under questioning Fitzgerald explained that he was confused but that "the confusion was more now [in 1993] than it was in 1980." Judge Filippine also heard, considered and rejected evidence as to the participation of other people to the exclusion of Larry Griffin in the commission of the crime against Quintin Moss.

## Inaccurate Assertions

The following assertions were made by the LDF either in its report or in statements to the press:

1) Police Officer Robert Ruggeri, the original responding officer who testified at Larry Griffin's trial, recanted his testimony such that he contradicted the primary State's eyewitness, Robert Fitzgerald.

2) Wallace Conners, the second victim who was shot at the time of the murder of Quintin Moss, stated at the LDF press conference that he was never interviewed by law enforcement though readily accessible.

3) Although the victim's sister Patricia Moss witnessed the shooting, she was never questioned about what she saw by the prosecutor when she testified at trial.

4) Robert Fitzgerald lied about his ability to identify Larry Griffin because neither Wallace Conners nor Patricia Moss remember his presence. The LDF report further implies that Fitzgerald must have received benefits from the State in exchange for his testimony.

5) New evidence existed to establish the identity of the "real" or additional killers of Quintin Moss.

The CAO Team carefully examined each of these assertions and found each of them to be without merit.

The CAO Team interviewed former Police Officer Michael Ruggeri. He asserted to the CAO Team that he would stand by his original trial testimony and not statements made to private investigators or others 25 years later. He stated to the CAO Team that he told the truth under oath. Ruggeri maintains that no police officer or prosecutor ever asked, suggested or requested that he lie or change his testimony to fit Fitzgerald's. Ruggeri explained his memory today is clouded by years of viewing similar crime scenes, distance and multiple surgeries on his brain for recurrent brain tumors. The CAO Team reviewed every item supplied by the LDF. The CAO Team discovered there were several conflicting statements given by Ruggeri to the LDF private investigators. These statements were produced using a suggestive and highly irregular methodology that undermined the credibility of any statements made in these interviews.[2] Ruggeri stated that "the more questions I am asked the more confused I become."

[2] In one of Ruggeri's initial interviews he was videotaped at his home under the guise of making a documentary about the life of a street police officer, without allowing him to review testimony or scene photographs. In Ruggeri's initial 2 interviews with the CAO Team he indicated that he was not given any items to review prior to his last meeting with the LDF investigators. In his last interview with the CAO Team, he stated he thought he'd been

Wallace Conners was shot at the same time Quintin Moss was killed. Conners survived. The CAO Team quickly determined that Conners' assertion that he was never interviewed by law enforcement was false. Police records demonstrate that he was questioned or interviewed three times by law enforcement within 36 hours of the murder of Quintin Moss and prior to his voluntary flight from the State of Missouri.[3] The CAO Team spoke with the original officers who interviewed Conners, these officers corroborated the contents of the interviews in their reports. During two of the law enforcement interviews shortly after the shooting, Conners denied seeing the shooters. His physical injuries in his back buttocks areas corroborate that he was facing away from the shooters. Some information that corroborates that Conners faced away from the shooters included statements by the eyewitnesses, Fitzgerald and Carl Doe. Conners' present day statements are internally inconsistent and conflict with each other. (For example in 2006, during a single interview with the CAO Team, Conners gave three different answers about his ability to see the occupants of the murderers' car. At one point Conners said, he got a good look at the occupants of the car. At another point in the interview, Conners said he only glanced at the car as he ran away. At a third point in the interview, Conners was only sure the occupants were black and that they may or may not have been men.) Conners' criminal history, his motive to lie and the absence of corroboration of his current versions of events make those versions suspect.

---

given his original report at his initial interview. His answers on this, and other issues, have varied at each of the interviews with the CAO Team.

[3] Wallace Conners was incarcerated in Harris County, Texas. It is unclear under what name he was incarcerated. According to records from Texas law enforcement, he used the alias of Wallace Connors, Wallace Frank Conners, Wallace Mike Conners, Michael Conners, and Michael Thomas. His conviction was under the name of Wallace Mike Conners DOB: 4/8/53. The name he gave police in St. Louis was Wallace Frank Conners DOB 4/8/54. The District Attorney's Office in Harris County applied for a subpoena on the Metropolitan Police Department of the City of St. Louis on June 22, 1981 (the date Larry Griffin's murder trial began). The purpose of that subpoena would be to prove the identity and prior convictions of Wallace Conners as a habitual criminal. The subpoena was not served on the police department until some point after June 22, 1981. In 1981, the Metropolitan Police Department had over two thousand police officers in scores of units. The fingerprint section was responsible for the establishing Wallace Conners identity and had no connection to the Circuit Attorney's Office.

Patricia Mason Moss, the victim's sister, testified under oath at the trial against Larry Griffin. She was interviewed by law enforcement within minutes of her brother's murder. In 1980, she told police detectives she was not present at the time of the shooting and could not have known who was or was not present. In the intervening 20 plus years, she gave no less than six conflicting statements to various individuals regarding her presence or absence at the time of the shooting. The CAO Team attempted on multiple occasions to interview Ms. Moss. She refused to assist with the Official investigation. There is no evidence to suggest that her original statements at trial or to law enforcement are untrue.

At least three people participated in killing Quintin Moss – two shooters and one driver. The LDF report indicates that Ronnie Thomas-Bey confessed to Jerry Lewis-Bey that he killed Quintin Moss. In fact, both Ronnie Thomas-Bey and Jerry Lewis-Bey deny that these statements were ever made. Ronnie Thomas-Bey denies confessing the Moss murder to his cousin. Jerry Lewis-Bey denies ever receiving such a confession. Lewis-Bey points out that his cousin Ronnie Thomas-Bey sent him to prison and that Jerry Lewis-Bey would not hesitate to get Thomas-Bey in trouble. However, Lewis-Bey never received such a confession.

The LDF report identifies Reggie Griffin as a possible killer of Quintin Moss. There is no additional evidence to prove Reggie Griffin committed the murder to the exclusion of Larry Griffin. Police Detectives justifiably arrested both Reggie and Larry Griffin for killing Quintin Moss. There was never an identification of Reggie Griffin despite his picture being shown to the eyewitness and his placement in the same lineup as Larry Griffin. The witness chose Larry Griffin from that lineup but not Reggie Griffin. Evidence that Reggie Griffin participated in the crime does not prove Larry was not involved.

The LDF report suggests that witness testimony during Larry Griffin's appeals points to Ronnie Parker as a suspect in Moss murder. After reviewing hundreds of pages of court documents and interviewing Ronnie Parker, the CAO Team found no credible evidence pointing to Parker's guilt in the Moss murder that also proves Larry Griffin also did not commit the crime. Proof that one person may have been involved does not automatically prove Larry Griffin was not involved because at least three people helped kill Quintin Moss. Parker was friends with Reggie Griffin and had access to Thomas-Bey's car. However, those two facts do not prove Parker was the driver. Parker denies any knowledge of the killing.

## Police and Prosecutor Conduct

The CAO Team found no evidence to suggest police or prosecutorial misconduct. There is no evidence that any witness was coaxed or encouraged to lie at the time of the original investigation. There is no evidence to show that physical or testimonial evidence was hidden or destroyed. There is no evidence of any motive for police officers or prosecutors to engage in such conduct. The original prosecutor did not locate a second eyewitness to the shooting in the form of Carl Doe. There is no evidence to suggest that he was able to find Carl Doe. There is no evidence to suggest that Fitzgerald received any benefit in exchange for his cooperation with the State. In fact, both Fitzgerald and the trial prosecutor repeatedly denied such assertions under oath during the entire appellate process.

The appellate process reviewed every possible challenge to Griffin's conviction. From 1981 to 1995, the primary responsibility to represent the State of Missouri in this case belonged to the Missouri Attorney General's Office. The Missouri Attorney General dedicated resources to examine Larry Griffin's claims of actual innocence, including claims that witness' statements had changed, prior to Larry Griffin's execution. For example, when there were allegations that

the eyewitness Robert Fitzgerald had recanted, the Attorney General flew an investigator to Florida to interview him. The CAO team reviewed the transcript of that interview and spoke to the investigator himself. The investigator found that Fitzgerald had not recanted. Indeed, Fitzgerald never recanted his actual identification of Larry Griffin. The examinations done by the Attorney General and United States District Court Judge Edward L. Filippine in the early 1990's yielded no additional or credible evidence of Larry Griffin's innocence. The purpose of the appellate process is to examine legal allegations, to provide a forum for new evidence to be presented and to address any legal errors. In the end, the appellate process did exactly that for Larry Griffin.

Larry Griffin made statements to the media and during the appellate process protesting his innocence of this crime. However, at trial itself in 1981, Larry Griffin exercised his constitutional right not to testify in his own behalf. Griffin's claims of innocence are not unique. Criminals often protest their innocence post-conviction – particularly in capital cases. Such protests, while important to examine, are not dispositive of issues in and of themselves.

In preparing and publishing this report, the Circuit Attorney's Office is not issuing a statement on the death penalty as a form of punishment or its application to Larry Griffin personally. The question of what punishment was imposed, and whether it is an appropriate form of punishment, is fundamentally irrelevant to the questions the Circuit Attorney's report addresses. The report includes the CAO Team's conclusion that the criminal justice system provided justice for both Larry Griffin and Quintin Moss under the laws of the State of Missouri and the Constitution of the United States.

## Summary

- The 24-month investigation by the Circuit Attorney's Office has established that no credible evidence exists to suggest that Larry Griffin was wrongfully convicted.
- Larry Griffin had prior assaultive criminal convictions, including bank robbery and another pending capital murder case; thus making the case involving the murder of Quintin Moss eligible for the death penalty.
- Larry Griffin pled guilty to Murder Second Degree in connection with the other capital murder case pending against him.[4]
- The LDF report indicates that Police Officer Ruggeri recanted his trial testimony. In fact, in interviews with the CAO Team Ruggeri reaffirms his trial testimony and states he told the truth at trial.
- Ruggeri's conflicting statements to the LDF's private investigator were produced under suggestive and irregular circumstances without benefit of a review of the 25-year-old homicide reports, transcript or any other information.
- Ruggeri has had two surgeries on his brain since 1980 – this information was known by the LDF but not mentioned in their report or to the public.
- At the LDF press conference announcing their report, Wallace Conners stated he was never questioned by law enforcement. In fact, Wallace Conners was questioned by police officers on three occasions within 36 hours of the murder of Quintin Moss. Shortly thereafter, he fled the State fearing for his safety and assumed a false name.

[4] Larry Griffin was charged with Capital Murder for the shooting death of a known drug dealer Sylvester Crawford and the Assault First of Harvey Wilkerson, a person standing with Crawford. Once the State obtained the death penalty for the murder of Quinton Moss, the State accepted Griffin's plea of guilty on the Crawford murder to a lesser charge.

- The LDF report inaccurately states that Patricia Moss was an eyewitness to the murder but was never questioned by the police. In 1980 and 1981, police officers, Circuit Attorney Investigators and the trial prosecutor questioned Patricia Moss about her knowledge of the Quintin Moss murder. She denied any knowledge related to her brother's murder; instead, at the time of the shooting, she told law enforcement and her family that she came on the scene after the murder. Today, she refuses to cooperate with the Official Investigation.
- At trial in 1981, the eyewitness Fitzgerald indicated he was with an individual named Carl when Quintin Moss was murdered. The trial prosecutor failed to locate Carl. In 2006, the CAO Team was successful in locating the second eyewitness, Carl Doe, who corroborated Fitzgerald's testimony.
- There is no evidence to suggest police or prosecutorial misconduct.
- Robert Fitzgerald, the eyewitness who identified Larry Griffin, never recanted his identification of Griffin as one of the shooters of Quintin Moss.
- The United States District Court reviewed and upheld the conviction of Larry Griffin in 1993. During the District Court hearing, Fitzgerald testified under oath. Although he changed some details regarding the procedure by which he identified Griffin, he never recanted the identification itself.
- Robert Fitzgerald's presence and opportunity to see the murder of Quintin Moss was corroborated by another eyewitness, Carl Doe.
- Carl Doe, who remains fearful of retaliation, explains that he and Fitzgerald were at the scene of the murder purchasing drugs from Moss – who was Doe's drug dealer.

- The LDF report indicates that there is new evidence to establish the identity of the real killers. In fact, no new admissible evidence exists that permits the Circuit Attorney's Office to hold the other two participants accountable.
- The LDF report indicates that Ronnie Thomas-Bey confessed to Jerry Lewis-Bey about his participation in killing Quintin Moss. In fact, both Ronnie Thomas-Bey and Jerry Lewis-Bey deny that these statements were ever made.

Table of Contents


**Introductory Remarks and Contextual Framework** 1

**Perspective of Circuit Attorney's Investigative Team** 2

**Scope and Framework of the Circuit Attorney's Investigation** 4

**Circuit Attorney's Investigative Process** 5

**Issues Raised in the LDF Report** 8

**Factual and Legal History** 12

**Facts from the 1980 Investigation and 1981 Jury Trial** 12

Procedural history of the criminal charges leading to the conviction of Larry Griffin by a petit jury 12

**Appellate Process pursued by Larry Griffin and the State's response** 21

First Appeal Direct Appeal to Missouri Supreme Court: issues/ claims raised by Larry Griffin and rulings by the Court 21

Post conviction challenges in Circuit Court by Larry Griffin claiming ineffective assistance of counsel 21

Larry Griffin's Appeal to Missouri Court of Appeals Eastern District of ineffective assistance of counsel 23

Larry Griffin's Federal Habeas Corpus Proceedings 24

1993 Evidence of and testimony by Fitzgerald on the role of Larry Griffin in Quinton Moss's murder 26

Kerry Caldwell's testimony before U.S. District Court 31

Judge Filippine's rulings on Griffin's Writs 32

U.S. Court of Appeals Affirmed Judge Filippine's rulings 33

**Larry Griffin's request for clemency and denial by the Governor** 34

**Investigative Findings, Analysis, and Conclusions** 35

**Facts Accumulated/Acquired during the CAO Team's Investigation** 35

Evidence as to motive to kill Quinton Moss 35
*Issues raised by the LDF report* 36
*Analysis of Drug Culture in 1970's and 1980's* 36
*The Dennis Haymon Drug Faction* 38
*Murder of Dennis "Gant" Griffin* 41
*May 13, 1980 shooting attempt on Quinton Moss* 46
*Moss' Family fears and rumors* 47

Physical evidence from the scene of Quinton Moss' murder 48
*Scene photographs* 48
*Processing the1968 Blue Chevy* 50
*Ronnie Thomas-Bey's1968 Blue Chevy* 50
*Firearms* 51
*Fingerprints from Ronnie Thomas-Bey's 1968 Chevy* 52
*Joe Polk* 54

Witnesses in the Investigation 56
*Patricia Moss* 56
*Michael Ruggeri* 60
*Wallace Conners* 67
*Robert Fitzgerald* 85
*Carl Doe* 96

**Other Suspects** 100
Gary May 100
Reggie Griffin 101
Ronnie Parker 102

**Ronnie Thomas-Bey** 103

**Larry Griffin's Criminal History** 111

**Analysis and Conclusions** 114

**Appendix** 122

**Witness Chart** **A**

**Griffin Case Chronology** **B**

**Ronnie Thomas-Bey transcript portions** **C**

**Jerry Lewis-Bey Affidavit** **D**

**Haymon Drug Faction Organizational Chart** **E**

**Interview of Fitzgerald by Van Godsey** **F**

**Joe Polk Incarceration Printout** **G**