Investigative Findings, Analysis and Conclusions

Facts Accumulated and Acquired during the Circuit Attorney's Investigation[27]:

The Circuit Attorney's investigative process also involved locating and interviewing witnesses. In the end, the CAO Team spoke to over 80 individuals – many of whom had never been interviewed by anyone prior to our contact.[28] Interviews focused on the witnesses' knowledge and information about the circumstances surrounding Quintin Moss' death. The information we acquired can be categorized in terms of its relevance to a particular aspect of the case.

Evidence as to the motive to kill Quintin Moss

A prosecutor has no obligation to prove a person's motive to commit a crime. However, motive evidence can be some of the most powerful and persuasive evidence submitted by the State in any criminal case. In 1981, the trial prosecutor and police detectives had some anecdotal evidence to show that Larry Griffin's motive to kill Quintin Moss was the wide-spread belief that Moss had killed Larry Griffin's brother, Dennis Griffin aka Gant. Police detectives had two confidential informants who supplied this information. The Homicide detectives arrested Quintin Moss for the murder of Gant based on witnesses' statements about the time and circumstances surrounding the death. Moss was not prosecuted solely because those eyewitnesses and other essential witnesses refused to assist and could not be produced. However, the Griffin trial prosecutor admitted some limited evidence of this motive via the testimony of the victim's mother and a police detective.

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[27] The Investigative Findings, Analysis and Conclusions section includes information known at the time of the event and information newly acquired by the CAO Team.

[28] See Appendix for Witness Chart.

Issues raised by the LDF's report

In 2005, the LDF's report implied based on Larry Griffin's claims in his 1983 PCR Hearing and comments from some of Larry Griffin's family, that the family did not have animosity toward Quintin Moss because those Griffins did not believe Moss had killed Gant. When the Circuit Attorney requested that the LDF facilitate a meeting between the Circuit Attorney's Office and those family members, the counsel for the LDF attempted to do so. However, those individuals refused to meet with the Circuit Attorney's Office.[29] Additionally, a member of the Griffin family contacted the Circuit Attorney's Office independently. They arranged to meet with members of the CAO Team but then cancelled the appointment. All subsequent efforts to contact the family member have been rebuffed.

The LDF report also intimated that the motive for killing Moss was because of competition from other drug dealer(s). The LDF speculates as to this motive using an analysis derived from norms in the current drug culture. The LDF report included no other evidence on this motive. In addition, in 2005, the authors of the LDF's report supplied the Circuit Attorney's official investigation with what they explained was all affidavits and information in their possession.[30] The items they supplied contained no additional information on this motive.

Analysis of the 1970's and 1980's drug culture:

The CAO Team determined that in order to fully understand the context of the case and the motive evidence surrounding the death of Quintin Moss there needed to be a review of the culture of drug distribution in the City of St. Louis in the late 1970's and 1980's. A cursory glance at the evidence, using current norms, was insufficient to analyze the significance of a

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[29] The Circuit Attorney subsequently was contacted by an attorney who had been retained to represent the Griffin Family in a civil lawsuit arising from the death of Larry Griffin.

[30] Despite the request that they give everything over to the Official Investigation, the LDF has since explained that they do not wish to produce all documentation to the Circuit Attorney's Office because of concerns for people's confidentiality. However, they acknowledged that they have no privileged relationship with these individuals.

particular statement or piece of evidence from 1980. The CAO Team interviewed multiple prosecutors, police and lay witnesses about their knowledge about the drug culture and sets at the time. In fact, a member of the CAO Team was a senior Homicide Detective in 1980. The CAO Team reviewed hundreds of documents in the possession of the Circuit Attorney's Office and the Metropolitan Police Department on this issue. A picture emerged of the drug culture of the 1970's and 1980's relevant to the motivation to kill Quintin Moss.

The drug groups of 1970's and 1980's in the City of St. Louis were more organized and hierarchical in nature than their present day counterparts. Wars erupted between controlling factions that aimed more at members at the top of the distribution chain rather than at the bottom-end. Unlike today, the violence was more targeted at a particular supply and demand chain – drug faction. Today, the corresponding violence is more scattered, less organized and consists of actions that are more random street-level actions. It appears the violence in 1979-1981 was more focused and controlled by individuals at the top.

Based on information from former street-level dealers, heads of distribution chains, Narcotics, TACT and Intelligence officers and various reports, it is clear that drug distribution chains in 1978-1981 were controlled by a head of the group. The head then had a roughly hierarchical chain of individuals who reported to them along the lines of distribution. Seldom would a street-level dealer have consistent access to the head of the chain. The street-level dealer did not have the authority to conduct acts of violence against other factions without some degree of sanction of those higher up the chain. Penalties for such unsanctioned conduct would be severe if the conduct affected the work/plans of those higher up the chain. The rigidity of the structure was not truly military in nature; but police personnel at the time used military

terminology to describe various factions in order to facilitate their investigations and assess the criminality level of a person under investigation.

The Dennis Haymon Drug Faction:

Information acquired by the Circuit Attorney's investigation clearly establishes that Quintin Moss was a street-level (low-level) dealer in a drug faction controlled by Dennis Haymon in late 1970's to end of 1979. Moss did not have access to Haymon. In 2006, Dennis Haymon voluntarily spoke to the CAO Team. He acknowledged his former role and position. Haymon ran a fairly structured organization.[31]

Several individuals were a part of the Haymon organization, which had areas of distribution or "sets" throughout the City of St. Louis. Haymon claimed to have introduced better forms of heroin into the City of St. Louis. He explained that, at the street-level, one did not necessarily remove the competition through violence. Haymon asserted that if individuals refused to work with him in a particular area or set, he would set up locations near or even next to their sets with a cheaper and better product. Essentially, he would drive them out of business using a supply and demand model. While the CAO Team found limits or exaggerations in Haymon's assertions about his supply and demand activities and about removing the competition in the drug distribution business in the 1970's, his assertion about the limited nature of violence between street-level dealers themselves appears to have some validity. Haymon himself engaged in conduct to eliminate competitors at his own level.

Homicide, TACT, Narcotics and Intelligence officers from the same period all agreed that street-level dealers did not remove other street-level competitors routinely absent some additional motivation. The larger threat to the street-level dealer from their competitors was the

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[31] See Appendix for Haymon Drug Faction organizational chart

robbery of their supply or cash. The same threat existed from the dealer's customers. Indeed, those in law enforcement at the time explained that the street dealers would often trade customers back and forth if their own supply were gone to insure that buyers came consistently to the areas they worked. Admitted street-level dealers from that period corroborated this situation. It was more important to their success that buyers consistently came to their particular area or set. If their supply were exhausted, they would send the customer to another dealer in the area to maintain the presence of buyers in a particular set.

Dennis Griffin aka "Gant" was Haymon's best friend. Haymon trusted Gant to conduct some of his most sensitive and important business and tasks. Haymon explained that Gant was next in line below him. Haymon relied on Gant for various actions including distribution down the chain and trusted Gant with his own safety at times.

In the late 1970's through to 1979, Haymon was in a war with a faction headed by two individuals, the Petty brothers. However, by late 1978, this war was coming to an end, with Haymon coming out on top, yet Haymon still feared trouble and for his personal safety. He trusted Gant to continue to aid him in his efforts. He also relied on personal protection provided by members lower down his own chain.

Below Gant, though not in direct line, were Michael Akins aka "Black", Derek Foley aka "Peanut," and Peter Robinson aka "Petey" or "Squirrel." Each of these individuals, to varying degrees, worked for Haymon. Peter Robinson and Michael Akins appear to be on roughly the same level in 1980 although there is some credible evidence to suggest that Akins was really directing Robinson. Peter Robinson was killed in 1985. Michael Akins was a suspect in Robinson's murder.

In a 2006 interview with the CAO Team, Akins denied being at a higher level in the Haymon organization than Robinson but acknowledged he "hustled" [dealt drugs] with Robinson. Akins also acknowledged hustling with Quintin Moss. However, the evidence reflects that Quintin Moss reported to Peter Robinson and was not at Robinson's or Akin's levels within the organization. In a 2006 interview with the CAO Team, Quintin's mother identified Robinson's photograph as the person Quintin introduced to her as his "Lieutenant." Furthermore, in Haymon's interview with the CAO Team, he explained that Quintin did not have access to Haymon and was not a major player or a threat to Haymon's competition.

Gant had individuals who reported to him as well. Some of these people included his family members. Reggie Griffin, his nephew, reported to him. Other individuals such as Kerry Caldwell and Larry Smith also reported to him. Larry Griffin was arrested a couple of times at safe houses (places were drugs were stored) operated by the Haymon drug faction and Gant in particular. During those arrests, Larry Griffin was in possession of narcotics or weapons. However, there is minimal evidence to suggest he played an active role in the faction. Most involved said he was not a part of the actual Haymon operation.

Dennis Haymon was arrested and charged with an unrelated 1978 murder. Both Robinson and Foley were arrested for carrying concealed weapons in and around the Circuit Courthouse when they came to support and protect Haymon during his court appearances and trial on Murder First Degree in 1978 and 1979. Haymon was convicted of Murder Second Degree in the spring of 1979. He went to the Missouri Department of Corrections in September 1979 on a life sentence. Haymon served approximately 24 years of that life sentence.

When questioned about any relationship or altercations with an organization commonly referred to as "the Beys," headed by a Jerry Lewis-Bey in the late 1970's to early 1980, Haymon

denied any ties or problems. He explained that the Beys stayed to their world and his people, while he was head, stayed to their own. They did not deal with each other. He kept his people away from the Beys as much as he could because he believed that individuals who killed for money, as some of the Beys were known to do, could not be trusted to do business. Haymon specifically mentioned keeping his people away from Ronnie Thomas-Bey whom he did not trust.

Haymon's assertions about the absence of any connection between the Beys in 1970's and into early 1980 and his organization are affirmed by other members of his organization at the time, members of the Bey organization and Intelligence, TACT and Narcotics officers and members of the United States Attorney's Office. The two organizations were separate and did not have an active, overt rivalry. Indeed, Ronnie Thomas-Bey, in a 2006 interview with the CAO Team, concurred that the two groups kept a cautious distance from each other. Thus, the LDF suggestion that the Beys killed Quintin Moss motivated by their desire to eliminate the competition and retaliate for the death of Gant is misplaced. There was no motive for members of the Bey organization to remove Quintin Moss as the two were not fighting each other and there was no organizational loyalty to Gant.[32]

Murder of Dennis "Gant" Griffin:

In fall of 1979 to early spring 1980, Haymon attempted to control his organization from prison. In his absence, he put Gant in charge of the day-to-day decisions. However, he explains, and police information corroborates, that "treason and treachery set in." The Haymon faction began fighting amongst themselves. For example, once he was in prison, Haymon's Atlanta, Georgia home was burglarized by trusted individuals in his former organization.

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[32] In the late, 1970's Dennis Haymon was in an open drug war with the Petty Brothers. The war was over in 1978-1979 with Haymon coming out on top. Pettys eventually collaborated with the Beys; however, the Beys never participated in the war with Haymon.

Gant was killed around January 2, 1980. Within a few days of Gant's death, Haymon received a visit in prison from Michael Akins. Haymon describes Akins as having brains and ambition. Akins moved up within the organization rapidly. Akins and Robinson worked together but Akins was the smarter, savvier of the two. Information indicates that Quintin Moss answered to Robinson, who in turn, most likely answered to Akins. Moss was a street soldier not a tactician or a strategist.[33]

Haymon suspected Akins of orchestrating the murder of Gant. Akins denied his role to Haymon but acknowledged that he did nothing to stop the shooting of Gant. Akins attempted to justify Gant's death to Haymon. Akins claimed Gant had taken some money from various members for a deal but then Gant claimed to have been robbed of the money before completing the deal. The group suspected Griffin, who was subsequently spotted with a new fur coat, of having pocketed the cash and bought the coat with the stolen money.

In 2006 interviews with the CAO Team, Akins acknowledged his former lifestyle and career choice. He denied arranging Gant's death. However, he explained he understood why people thought he had done so. Akins said he was in constant danger at the time and that he was the victim of several shooting attempts after Gant's murder.[34] He never prosecuted those responsible. To date, he denies knowing any of the individuals who shot at him in any of the instances. Akins now lives at an undisclosed location. He remains fearful for his life.

Dennis "Gant" Griffin was found shot in the head on January 2, 1980. Gant's body was located near the intersection of Sarah and Lindell…near the back of Quintin Moss' parents' home. Dennis Griffin was found with $550.00 on his person. Electrical cords with the male and female ends removed were found in the alley near where the shooting occurred and in the car.

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[33] See Organization chart in the Appendix.

[34] Several police reports confirm some of these incidents. No charges or individuals where pursued because Akins did not assist.

Homicide detectives confirm that electrical cord often was used to bind a victim's hands prior to transporting them elsewhere to be tortured and killed. Anecdotal evidence from the witnesses showed that Gant knew the street significance of binding a person's hands. Often this meant the person would be tortured before being killed. Witnesses explained that Gant would have fought or attempted to defend himself before ever being bound only to be tortured and killed. The presence of the cords and the locations of the cash on his person lead to the reasonable inference that his murder was personal and not merely monetarily motivated.

A confidential informant told Homicide detectives that Dennis Griffin, his nephews, Reggie Griffin and Bernard Bishop, and a person named "Quinn" had been to a party. According to witness statements, "Quinn" kept trying to get Gant to take him to his mother's house to get a car but Gant put Quinn off. While at the party, Quinn left to make a phone call. The four then left together and went to a drug house operated by Gant in East St. Louis. Thereafter, Gant dropped his nephews at their home on Peggy Court in St. Louis around 4 am. The informant explained that Gant took Quinn to his parents' home in the Central West End -- two doors east of where Griffin was found. Gant was found there at 5:30 am. Police connected the name "Quinn" to Quintin Moss. Moss had been arrested with others in the Haymon organization on prior occasions.

Quintin Moss was arrested on January 10, 1980. In a statement to Homicide Detectives, Quintin Moss denied killing Gant. He explained he no longer lived with his parents but had for a couple months stayed at 3656 Cook where he met Reggie and Charles Griffin. Det. Jones identified this as the same location where he saw Larry Griffin the day Quintin Moss was shot and killed. Moss then claimed to have moved from Cook and, at the time of the shooting, to be living in O'Fallon, Missouri with an individual he called "Black" and Black's girlfriend Debbie.

Michael Akin's nickname is "Black" and his girlfriend's name was Deborah Singleton. In 2006, Akins acknowledged his nickname and his former address in O'Fallon, Missouri. Akins admitted Quintin may have "crashed" with him at this address occasionally but denied that Quintin actually lived there.

Quintin Moss acknowledged to the Detectives at his arrest, that he had been to a party and then to the East side with Gant, Reggie Griffin and someone he called Charles during the night of January 1, 1980 and into early morning hours of January 2, 1980. Moss then admitted Gant dropped him at Moss parents' home immediately prior to Griffin's death. Quintin Moss then claimed to have been inside the home and sick when the shooting occurred. At the formal warrant application against Quintin Moss, the confidential informant failed to appear and Moss was released. When questioned by the police during the investigation of their Uncle Gant's death, Reggie Griffin and Bernard Griffin (believed to use the name Bishop,) acknowledged being with Gant that evening but made no mention of Quintin being present. They were unavailable at the time the police applied for formal warrants against Quintin Moss. Reggie Griffin and Bernard Griffin never pursued legal avenues for the investigation into their Uncle's death.

Interviews by the CAO Team with various law enforcement personnel, individuals involved in the Haymon drug faction itself, and lay people familiar with the street confirm that rumors at the time included that Quintin Moss had killed Griffin and/or played a role in setting him up. However, all consistently assert that Moss would not have the ability or ambition to remove Gant without the approval of someone more sophisticated or higher up the chain than him given Moss' level and experience. There was some suggestion that Akins and/or Robinson had an alliance with a higher-level dealer named "Nat Sledge." However, we found no witnesses

on the issue and only second-hand statements suggesting the take over of Sarah and Olive by "Sledge" after Gant's death. What remains consistent, however, is that individuals held Quintin Moss directly responsible for the death of Gant – regardless of whom he answered to. Indeed, two witnesses confirm that the various Griffin family members were looking for Moss to kill him but were unsuccessful for some months.

According to police records, and confirmed by Ronnie Thomas-Bey in his interviews with the CAO Team, Reggie Griffin worked for the Haymon organization up to the time his uncle was killed in January 1980.[35] In the early spring of 1980, Reggie was introduced to Ronnie Thomas-Bey by Ronnie Parker. The two developed a close working relationship thereafter. Prior to the death of Gant, there had been no partnership between the Griffins and Thomas-Bey. Subsequent to the murder, there was an association between Reggie Griffin and Ronnie Thomas-Bey. Thomas-Bey confirmed that on occasions he went with Reggie Griffin and other Griffins looking for individuals they believed responsible for the death of Gant. Thomas-Bey said he was motivated by a desire to assist Reggie Griffin not by any loyalty to Gant himself. He acknowledged knowing that various Griffin family members were looking to avenge Gant's death. Per Ronnie Thomas-Bey, the Griffins held a couple of people responsible for Gant's death including an individual named Black.

Both Michael Akins and Derek Foley were interviewed by the CAO Team in 2006. Michael Akins recalled fearing for his life from various Griffin family members because of various threats related to the death of Gant and the common belief he ordered Gant's murder by

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[35] Gilbert Greenlee in his interview with the CAO Team said that Reggie Griffin was very close to and admired his Uncle Dennis "Gant" Haymon.

Quintin Moss.[36] Derek Foley, a Haymon associate, recalled that various Griffins were looking to kill Quintin Moss because of the belief that he was responsible for Gant's death.

Haymon acknowledged he communicated with Reggie Griffin and other members of the organization. He let them know he did not want them to respond to Gant's death. He intended to handle the matter himself. He explained they did not heed his direction.

May 13, 1980 shooting attempt on Quintin Moss:

At 2:30 pm, on May 13, 1980, Robert Campbell and Quintin Moss were in the area of Olive and Sarah. Campbell was standing near Moss who was on a bicycle. A black-over-brown 1960's Cadillac pulled up driven by a black male. Another black male got out of the passenger side of the car and began shooting at them. Moss got away. Campbell was shot in the legs and groin area. The Cadillac sped off.

Around 3 p.m., Detective Nick Frederickson spotted a black-over-brown Cadillac headed north on Goodfellow. As it matched the description sent out, Frederickson began pursuit. During the pursuit, which lasted a few blocks, Frederickson recognized Reggie Griffin as driving and Larry Griffin as the passenger. In a March 2006 interview, Frederickson explained that he knew both Griffins from prior arrests, incidents and numerous investigations he had against both. He explained that during the pursuit he saw Larry Griffin make motions consistent with pointing a weapon at him from the passenger side of the car. He returned fire hitting the passenger side of the car. After a couple of car accidents and damage to the Cadillac, the car stopped. Both Griffins where taken into custody. Both were conveyed to the hospital for viewing by Campbell. Campbell was unable to identify either subject. According to Frederickson, Campbell feared the

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[36] Akins denies having any role in killing Gant by stating, "I did not do it but I understand why people thought I did."

Griffins because of their reputation of violence. Additionally, Campbell even refused to view the Cadillac itself.

Detective Frederickson confirmed his identification of Larry Griffin as the passenger of the Cadillac on May 13, 1980 to the CAO Team in 2006. He also explained that he had confirmed the identification when interviewed by a private investigator from the LDF in 2004. He also explained that he told the investigator that he had confidential informants in 1980 that corroborated the participation of Larry Griffin in the murder of Quintin Moss. No mention of Detective Frederickson's interview or statements is referenced in the LDF report. No interview of the Detective was acknowledged or was offered by the LDF to the Circuit Attorney's Office.

The CAO Team learned that Robert Campbell is dead. He died in 1997.

In 2006, Mrs. Missouria Moss, Quintin Moss' mother, confirmed her trial testimony that Quintin Moss had come home upset at being shot at. She explained that Quintin had shown her an area on his bicycle with apparent bullet damage to it. When she had pressed him for details, he had refused to say who shot at him.

Moss's Family's fears and rumors:

The CAO Team interviewed various members of Quintin Moss's family in 2005 and 2006. Missouria Moss reiterated her son Quintin's knowledge that people were looking to kill him in the spring of 1980. She and others in the family confirmed that the family tried to get him to leave St. Louis. Mrs. Moss confirmed that she and her daughter had received threats over the phone against Quintin and the family because of the death of the caller's uncle. His brothers, Darrin and Walter, confirm they had heard about a contract out for Quintin. They tried to get him to leave town but he refused.

In 2006, the CAO Team concluded that the original motive attributed to various Griffin family members remains accurate. The Griffin family, including Larry Griffin, held Quintin Moss responsible, at least in part, for the death of Dennis "Gant" Griffin. They took several steps to avenge his death. Evidence also supports the conclusion that various Griffins attempted to kill others in addition to Quinton Moss that they believed responsible for the death.

Physical evidence from the scene of Quintin Moss' murder:

At Larry Griffin's trial in 1981, the trial prosecutor offered evidence from the responding Evidence Technician Unit (ETU) officer who processed the scene at 4062 Olive (near but not directly at the corner of Sarah and Olive.) The ETU Officer Andrews confirmed that two different types of projectiles and shells recovered from the scene by the victim's body were collected. Those projectiles and shells were admitted at trial. He explained that he had the fire department respond and cut boards away from a doorway of a vacant building. The victim Moss had been in front of this doorway when he was shot. Bullet holes in the boards were removed and projectiles and fragments were recovered in the abandoned building's hallway. Officer Andrews was unable to find any areas at 4062 Olive that were suitable for prints. He also photographed the scene and the crowd surrounding the scene. The LDF report does not address Officer Andrew's testimony.

Scene photographs:

In a 2006 interview with the CAO Team, Officer Andrews confirmed his report and trial testimony. He explained he has some limited memories of the scene and the area in the Ninth Police District because he had responded to numerous calls for shootings in this area. He reviewed the scene photographs. He explained that he purposely photographed the scene

surrounding the victim's body so that he also had pictures of the large crowd in the area. The photographs show that directly across the street from the shooting was an empty lot and an open business called Block's Pawnshop. The CAO Team learned that a white man owned Block's. Officer Andrews also confirmed the location of an open liquor store on the north side of the street and east of the corner of Sarah and Olive, closer to Olive and Vandeventer. The scene photographs show an open liquor store. He confirmed the location of a second, but closed, liquor store called the "Wedge" at the corner of Sarah and Olive.

The 1980 scene photographs clearly reflect the presence of multiple white individuals. Officer Andrews thought, though given the passage of time was unsure, that a couple of the white individuals in the scene were owners of a bar in the area Ike and Debbie Viser. Other than police personnel, he was unable to identify any of the others in the crowd. There were several young, black children in the crowd scene photographs. Police and lay witnesses familiar with the area indicate that those children lived in a four-family flat on Olive – just down the block from where Quintin Moss died. While no one remembers their names, those children were known to run the neighborhood at all hours.

The significance of these photographs was multi-fold to the CAO Team. They proved several assertions by Wallace Conners and the LDF report were false. There were white people in that part of town at the time of the murder investigation because the crowd shots show white people. There were open businesses because the photographs show an open pawnshop directly across from where Quinton Moss died. That pawnshop was owned by a white man. Furthermore, the neighborhood had children living there. Multiple children are clearly pictured in the crowd shots. The photographs also show a liquor store down the street that witnesses said

was open in 1980. The photographs also show that Wallace Conners was some distance away from Quinton Moss when he was shot.

Processing the 1968 Blue Chevy:

At trial in 1981, a second ETU officer named John Logan testified. He explained that he received a call to respond to the 3026 Lawton Place around 10 pm on June 26, 1980. The call required him to process a car identified as the one used in the shooting of Quintin Moss. He photographed the blue 1968 Chevy Impala 2 door, noting the license plates of JPP203. He testified that inside the car, he recovered a .30 caliber carbine rifle. He also recovered a Smith & Wesson .38 caliber 6 shot revolver in the trunk. He located numerous empty .30 shell casings under and behind the rear passenger seat. He found a J.C. Penney's automotive sales slip in the name of Ronnie Thomas at 1308 Whittier from the floor of a right front seat, a Circuit Court receipt in the name of Reginald Griffin file number 809-5961 in the right front under the mat, a red and white ball cap from the floor of the right seat and an Overland, Missouri garage work order in the name of Ricky Thomas from a shoe box in the trunk. Officer Logan testified in response to defense questions that he also located several latent fingerprints in the 1968 Chevy.

Ronnie Thomas-Bey's 1968 Blue Chevy:

In 1981, the trial prosecutor knew the blue 1968 Chevy and its plates traced in Missouri Department of Revenue (DOR) records to "Ricky Thomas" with a street address of 8233 Madison in Vanita Park, Missouri. In 1981, there were limited opportunities for computerized checks by the police department. They relied primarily on documents ordered from other agencies and on telephone interviews. No computerized checks were available to the Circuit Attorney's Office at that time. The evidence related to car title and ownership played little role

in the initial investigation and trial. The LDF report makes no mention of the fact that the car was titled to a "Ricky Thomas."

The CAO Team examined whether the car was owned by a Ricky or a Ronnie Thomas – as the current computer system now indicated that both a Ricky and a Ronnie Thomas existed in 1980. The Department of Revenue records obtained in 2005 showed that in 1980 the car was registered to Ricky Thomas at the 8233 Madison in Vanita Park, Missouri. They also showed that a Miriam Oliver lived at that address. Miriam Oliver was interviewed in 2005 by CAO Team members. She confirmed that she lived at that address in 1980. She also acknowledged that she was the former girlfriend of Ronnie Thomas. He had lived with her periodically from 1979-1983. She identified photographs of the car as belonging to Ronnie not Ricky Thomas. She had no part in or knowledge about his criminal conduct. He kept such information from her. She has no relationship with Thomas-Bey today. The CAO Team learned it was not unusual for Ronnie Thomas to use the alias of Ricky Thomas.

Firearms:

In 1981, the original investigators had the serial number of the .30 carbine rifle recovered from Thomas' car checked by Alcohol, Tobacco and Firearms agents. The agent's trace showed that Deborah Bell living at 2310a Montgomery, St. Louis, Missouri had purchased the gun from Nassau's Sporting Goods on Page Ave. on May 22, 1980. Original detectives interviewed Ms. Bell who admitted purchasing the gun and ammunition. She claimed to have bought the gun for $200.00 dollars. She also told investigators that she had noticed the gun was missing on June 29, 1980. She did not report it because the papers also had been stolen when her purse was stolen on Memorial Day. She did not testify at trial. She was not approached by the trial prosecutors.

Although the LDF report makes no mention of Ms. Bell, in a 2005 interview with Circuit Attorney's Office, she said she was interviewed by a private investigator named Sandra Coke working for the LDF. No report or evidence of this interview was provided to the Circuit Attorney.

In 2005, Ms. Bell essentially reiterated her original statement to the Detectives in 1980. She claimed that she purchased the high-powered rifle for her personal protection, as she was a single-mother of two young girls. She denied any connections to the Haymon or Bey organizations. She said that her stepfather Nathan Jefferies helped her acquire the gun. She denied ever giving the gun to anyone.

In conversations with Dennis Haymon, the Circuit Attorney's Office learned that he and his group often would take third parties to Nassau's Gun Shop and have them purchase guns in their names for Haymon's group. The people then, for some minimal cash, turned the guns over to Haymon's group. He even claimed to have taken groups to Nassau's with the cash in hand and directed them on what exactly the people were to purchase. He explained that they used individuals without criminal convictions or extensive arrest records to obtain the guns. Prosecutors with the United States Attorney's Office corroborated the practice as a common practice of criminals to conduct straw party purchases. However, Haymon did not recognize a photograph of Deborah Bell and denied any connection to her. Various former members of Haymon's group viewed her photograph. All deny knowledge of her. Nathan Jefferies could not be interviewed because he died in 1998.

Fingerprints from Ronnie Thomas-Bey's Blue 1968 Chevy:

Fingerprint expert testimony at Larry Griffin's trial in 1981 confirmed that none of the prints recovered by Police Officer Logan from the 1968 Chevy matched Larry Griffin. Indeed,

Larry Griffin even submitted his palm prints for comparison at trial. No prints, palm or finger, matched to Larry Griffin in 1981 at trial. The Defense had requested those comparisons and then admitted that evidence at trial.

The LDF report references briefly that the fingerprints do not match Larry Griffin and that the physical evidence seized from the car was linked to Ronnie Thomas-Bey and Reggie Griffin. There was no indication that the LDF staff interviewed PO Logan about his findings. In addition, there was mention in the LDF report of the red and white ball cap seized by Logan. However, there was no mention that the cap was identified by Detective Jones as consistent with one he saw on an individual with Larry Griffin leaving 3656 Cook on June 26, 1980 within minutes before the shooting of Quintin Moss.

PO Logan confirmed his trial testimony from 1981 and his 1980 police report to the CAO Team in 2006. He acknowledged his memory of the particular circumstances was limited given the passage of time. However, he indicated he lifted the prints in 1980.

The CAO Team learned that in 1980 there was no computerized system where fingerprints could be compared in the City of St. Louis. Thus, at the time of the Griffin trial, detectives had to specify the name of a suspect to the fingerprint examiners. The examiners then took print samples, either on file from an arrest or given over by the suspect, and compared them manually to prints from a particular scene. Typically, the examiner only had fingerprints on file – not palm prints. In 1981, the expert fingerprint examiner compared arrest fingerprints of Larry Griffin, Reggie Griffin, Ronnie Thomas –Bey and Gary May to the prints recovered from the car used in the drive by. None of the prints matched any of those individuals.

The CAO Team is aware that an initial fingerprint comparison can now be done by running prints recovered from a scene through a computerized law enforcement database called

AFIS. The AFIS system has millions of known prints from arrested subjects all over the country for use in initial comparisons. If a print tentatively matches to a known subject in the computerized database, then the St. Louis Metropolitan Police Department fingerprint experts will do a physical comparison of the person's actual set of prints to a specimen collected at a crime scene. If their findings confirm the computer hit, then they will conclude the print is officially a match. Larry Griffin, Reggie Griffin, Ronnie Thomas-Bey, Gary May, and Ronald Parker all have prints in the AFIS system because of their extensive arrest records.

The CAO Team found that the Office still possessed the firearm and fingerprint evidence collected from the blue Chevy used in the shooting of Quintin Moss. The CAO Team requested the Metropolitan Police Laboratory Identification Division run those prints they could through the AFIS System for the comparison. The examiners agreed to do so. The examiners found that of the 16 latent lifts in their possession, six were of insufficient quality to be used for comparison. The 10 remaining prints were run through AFIS. Only one print was a tentative match in the computer system. The hit was on the known fingerprint for an individual named Joe Polk. An examination of the actual prints on file for Joe Polk by the fingerprint expert confirmed that a print from the rear passenger window of the Chevy matched the right thumbprint of Joe Polk.

Joe Polk:

Joe Polk was interviewed in 2006. After initial hesitation, Polk agreed to speak to the CAO Team. The CAO Team had learned through Intelligence sources and their 2006 interview of Ronnie Thomas-Bey that Polk was once a low-level drug dealer who answered to Ronnie Thomas-Bey. There was no known connection between Polk and the Haymon group. In 2006, Ronnie Thomas-Bey acknowledged Polk's connection to him but denied performing any

shootings with him. Polk was not someone of Thomas-Bey's criminal caliber. He also explained that Polk would have known of Reggie Griffin because of Griffin's association with Thomas-Bey.

Joe Polk acknowledged both his former relationship with Ronnie Thomas-Bey and his former life-style. He explained he did not know Reggie very well but did know Reggie's sister "Squeeky" [sic.] Polk explained that he did not know Gant personally but he did know of him. He, however, did identify photographs of the blue Chevy as a car he recognized as Ronnie Thomas'. He admitted to riding in the car on several occasions. He made it clear that he was not at Ronnie's level and would not have ridden around with him personally. He explained that it was not unusual for members of the group to purchase cars under false names for illegal purposes.[37] He explained he, and others including Reggie Griffin, had been loaned the car by Ronnie Thomas-Bey on several occasions.

Joe Polk was confronted with the fact that his fingerprints were recovered in the car within hours of the murder of Quintin Moss. He denied any role in the murder of Quintin Moss. He explained he did not care about Gant's death. He acknowledged riding in various cars when shots were fired from them. However, he denied ever being in that particular car when it was used in a shooting. Despite acknowledging his former lifestyle and career choice, Polk said he never participated in any shootings with Reggie Griffin – he did not work with him because Reggie was not someone he trusted. Furthermore, he repeatedly stated that he was not on Ronnie Thomas-Bey's level and was very much subordinate to him. As a consequence, he was not present when Thomas-Bey did shootings. This is corroborated by Thomas-Bey who explained

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[37] Several individuals acknowledged the practice of purchasing very old, beat up cars under fictitious names. Essentially the car would be "legal" and therefore less likely to be stopped than a stolen car on a "hot sheet" listing of stolen cars. Thus, when the "legal" car got too hot because it could be identified it was dumped and became untraceable because it was registered under an alias.

that Joe Polk was not at his level and was not a "shooter." Polk was not someone with whom Thomas-Bey performed shootings.

Polk also claimed to have learned of Moss' death from his own jail cell. Polk said he was arrested in June or July 1980 and was unable to make bond. As a consequence, he was in jail and unable to have murdered of Quintin Moss. A check of his arrest and confinement record confirms that he was arrested on June 24, 1980 and unable to post bond. He remained incarcerated in the City Workhouse until January 16, 1981.[38] There is no record any release of or escape by him. Thus, Polk was unable to have murdered Quintin Moss.

The significance of Polk's prints however is that they confirm that vehicles, and this vehicle in particular, were traded amongst individuals when they were engaged in various types of criminal activity. In contrast, the common practice of criminals in 2007 is to steal cars rather than purchase cars under fictitious names. The presence or absence of fingerprint evidence in vehicles does not automatically exonerate or incriminate an individual in cases where a vehicle continually changes hands for use in criminal activity. Fingerprints that help identify suspects are always useful but are not automatically dispositive.

Witnesses in the Investigation:

Patricia Moss:

In 1980 and 1981, Homicide Detectives and investigators with the Circuit Attorney's Office interviewed Patricia Moss, sister of Quintin Moss. Detective Seal interviewed Patricia Moss at the scene of her brother's shooting on June 26, 1980. She positively identified the victim as her brother Quintin Moss. She explained that she had last seen her brother at her mother's home on West Pine and that he did not act unusual or indicate he was having trouble with anyone. When questioned if she had any additional information on the day of her brother's

[38] See Appendix for copy of incarceration printout.

murder, she offered none. In 1981, Detective David Ostenfeld, with the Circuit Attorney's Office served Ms. Moss with a subpoena to testify at trial. Detective Ostenfeld drove both Patricia Moss and Mrs. Missouria Moss to court on a couple of different occasions both prior to and during Larry Griffin's trial in 1981. Detective Ostenfeld believes she stated during those rides that she was home at the time of Quintin Moss' murder when someone from Sarah and Olive came and told her that Quintin had been shot. She then ran up to the area and subsequently identified her brother's body.

Patricia Moss appeared for a pretrial interview with the prosecutor Gordon Ankney in 1981. In preparation for her testimony at trial, the prosecutor reviewed her information and her statement in the police report. She had no additional information at that time. She testified at trial against Larry Griffin consistent with her statement in the police report.

Ms. Moss spoke to an investigator with the LDF in 2004. The LDF report indicated that she claimed to them to have walked back and forth between Olive and her home several times. She remembered seeing Wallace Conners at the corner of Sarah and Olive and later at the hospital. The LDF report claimed she said she was walking back to the corner when the shooting occurred. She was too far away from Moss to have seen the shooters. The report also indicated that she was adamant that no white man was near Moss before he was killed or after attending to him when the police arrived. In an affidavit signed by a private investigator and supplied to the Circuit Attorney's Office by the LDF in 2005, the private investigator attributes different statements to Ms. Moss than are in the LDF report.

The investigator's affidavit said that Ms. Moss had gotten off the bus at the corner of Sarah and Olive on her way to her apartment. As the bus pulled to a stop, she saw Quintin and invited him for a beer. The document indicated that he initially agreed and then changed his

mind. The statement said he would be there shortly. It suggested Ms. Moss went to her apartment, stood in the doorway a few minutes before deciding to go back to Sarah and Olive. As she approached the corner of Olive and Whittier, she saw "white and heard a series of gunshots." She saw her brother being shot. The statement claimed she ran to her brother and held him for a few minutes. She then ran to her mother's home and back to the corner. She returned to the corner after the police arrived. Police were already in place. She denied seeing any white people at the scene or anywhere near her brother other than a woman with the Coroner's office and the Police Department.

Throughout 2005 and 2006, the CAO Team attempted several times to contact Ms. Moss at her home. Her family supplied her current telephone and address information. Detective Williams called her numbers multiple times. On one of the first occasions, he called a woman who answered to the name of Patricia Moss. After Detective Williams identified himself, where he worked, and why he was calling, she hung up. All subsequent calls have gone unanswered. At the request of the Circuit Attorney's Office, the police department with Fairfield, Alabama went to Ms. Moss' home. The occupants of that residence confirmed with those police officers that Ms. Moss lived there. The officers asked that Ms. Moss call the Circuit Attorney's Office as soon as possible. To date she has not done so. The Circuit Attorney's Office sent a letter to Ms. Moss requesting that she call us and allow us to check the accuracy of her statements. To date she has not done so.

Because of the fundamental and glaring inconsistencies between the LDF report, the affidavit signed by the LDF investigators, her statements to law enforcement in 1980 and 1981, her trial testimony under oath, and because Ms. Moss refused to cooperate with the Circuit Attorney's investigation, the CAO Team believed it important to learn what if any other

statements Ms. Moss had made to her family members near or at the time of the shooting. During interviews in 2005 and 2006 with Ms. Moss' family members, we asked them what Ms. Moss had told them. Again, there were very different statements from Ms. Moss to each of her family members.

One of her brothers in a July 2006 interview said that Ms. Moss had told him she did not witness the shooting and was not there. Instead, she had told him she had heard the ambulance siren and went to investigate. Another brother explained that Ms. Pat Moss had told him she did not witness the murder but he was aware she had to go to court. A third brother explained that Ms. Moss had gotten off the bus, heard shots and ran up to the scene of the shooting. She did not actually witness the shooting. She told this brother that she ran up there and held Quintin until the police made her move. She claimed that Quintin was alive while she was holding him. When her sister, Sherry Moss, was interviewed in 2006, she said that Patricia claimed to have seen the shooting but could not identify shooters. However, Sherry Moss had heard rumors on the streets that police officers shot Quintin.

In a 2006 interview with Missouria Moss, Patricia and Quintin's mother, Mrs. Moss stated that Patricia had told her she witnessed police officers, white detectives, shooting Quintin. Mrs. Moss said that Patricia told her that when she approached them to stop them they threatened her. She told Mrs. Moss at one point she tried to shelter Quintin and was prohibited from doing so by the police officers. Mrs. Moss also said that Patricia Moss had attempted to report the shooting to Homicide detectives but was prevented from doing so.

In two interviews in 2005 with the CAO Team, Detective Seal reiterated Patricia's statements to him in 1980 in his report. While he does not remember all of the contents of the interview of Ms. Moss at the scene, he is confident he would have asked her if she had any other

information on the case or any information on someone who would want to harm her brother. Such a line of questioning was standard, routine practice for him. The absence of such information in the police report indicates that she had no other information. Indeed, the report reflects she specifically commented that her brother was not acting unusual and he did not indicate any concerns when she last saw him at her mother's home earlier that day.

In interviews in 2006, the trial prosecutor reiterated that he would have asked the Moss family members who testified if they had additional information. While he does not have a specific memory of the conversation, he is confident that if they had provided any additional information he would have used that at trial if he could.

We must at this point conclude her original statements in the police report, as repeated under oath, are the true statements of Patricia Moss. There is no evidence that when questioned by the private investigator, as summarized in the LDF report or the unsigned affidavit, that Ms Moss was shown the statements attributed to her in the police reports or her testimony under oath. The passage of time and loss of Quintin may have taken a toll on Ms. Moss' memories. Given the vast discrepancies of statements, time lapse, and the refusal to speak to the CAO Team, we must rely on her original statements under oath. Her statement under oath at trial in front of a jury within one year of the event must be the more accurate summation of her observations.

Michael Ruggeri:

In 1980, Michael Ruggeri was the first police officer to respond to the shooting of Quintin Moss. He wrote a three-page original report, which indicates he, Sgt. Klinger and Police Officer St. James arrived within one minute of each other. Ruggeri examined the victim, Quintin Moss, at around 4:26 pm on June 26, 1980. Sgt. Klinger secured the area at 4:27 pm. Police

Officer St. James arrived and assisted. Ruggeri's report indicates that at the scene, he found Quintin Moss unconscious and the medical examiner's staff was called. Ruggeri's report also says that he approached Wallace Conners who was conscious. The report indicates that Conners refused to make a statement to Police Officer Ruggeri. Ruggeri was responsible for escorting the victim's body to the morgue. Police Officer St. James was responsible for escorting Wallace Conners to hospital and did so. Homicide assumed responsibility for the scene by 4:35 pm – within 15 minutes of the call and Ruggeri's arrival. Nowhere in the report is there an indication of a description of a car or a license plate supplied to Ruggeri by anyone.

At trial in 1981, Ruggeri confirmed the contents of his police report, and elaborated on details. He testified under oath that the officers arrived almost simultaneously. He indicated that the victim was lying down and a white man was taking his pulse. Ruggeri explained that a crowd was gathering quickly. He explained that a white man [Fitzgerald] was there accompanied by a black male in his 30's and a child in a car. It appeared that Fitzgerald and the other man were working on a car. He explained that at some point the white man left. His Sergeant had Ruggeri go get the man and bring him back to the scene for questioning by Homicide.

The 2005 report of the LDF attributes multiple statements to Police Officer Ruggeri. The report suggested that Ruggeri did not see any white man or car near Moss when he arrived. The report stated that Ruggeri in his eight years of patrolling the area never saw a car parked near there. Ruggeri first went to Moss and found him unconscious. It then explained that he turned to Conners who was writhing on the sidewalk but was able to give a description of a late 60's Chevy with two black males as the shooters. The report suggested he then broadcast this description.

The LDF report stated Ruggeri then turned back to Moss and saw a white man trying to take Moss' pulse. It suggested a time span of 4 minutes had elapsed. The LDF report also said that Ruggeri indicated that the witness did not appear to have the adrenalin rush the officer had seen in witnesses to other shootings. He thought the person might have seen the shooting but from a distance. The LDF then credited Ruggeri with saying his Sergeant arrived and secured the scene. After Ruggeri told his Sergeant about the white man taking Quintin Moss' pulse, the Sergeant told Ruggeri to go get the man who was walking away. Ruggeri claimed the man then said he did not see anything. Ruggeri returned him to the scene anyway. Ruggeri later drove the man down to police headquarters for Homicide Detectives to interview him. The LDF report suggested that Ruggeri stated he did not see any companions with the white man and certainly saw no children at the scene with him. The LDF report stated that Ruggeri unequivocally said his trial testimony was wrong and that his statements in 2004 and 2005 were correct.

Two transcripts of statements attributed to Ruggeri were supplied to the Circuit Attorney's Office by the LDF investigators. Those transcripts vary significantly from the summary of Ruggeri's statement in the LDF report and from each other. Each of these transcripts show that the investigator asked leading and suggestive questions of Ruggeri soliciting specific type responses. The questioning was not open-ended.[39]

In 2005 and 2006, the Circuit Attorney's Office contacted Michael Ruggeri. Although he retired from the police force, he agreed to come speak to the CAO Team. The CAO Team first supplied PO Ruggeri, his report, the homicide report, the scene photographs and his trial

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[39] One of the initial interviews of Ruggeri by the private investigator for the LDF was suggestive. The interview was conducted under the guise that the investigator was making a documentary on the life of a street police officer. Ruggeri is positioned in front of his awards, citations and police memorabilia and questioned about various incidents during his life as a police officer. After several minutes of war stories, the conversation turns to the death of Quinton Moss. He was not provided his 25-year-old police report, trial testimony or the scene photographs. In subsequent interviews with the CAO Team changed this statement and said he may have been some one short report.

testimony. He was offered any documents necessary to help him remember the events of the previous 26 years. He reviewed all items.

He explained that in the later years of his service with the Metropolitan Police Department, he developed a brain tumor that required surgery. That tumor returned and had to be removed a second time. While there is no documented evidence of an impact on Ruggeri's memory, he believes the two surgeries on his brain did affect his ability to recall events. He explained that he told the investigators from the LDF about his health condition. No mention of this brain complication is referenced in the LDF report released publicly.

Ruggeri explained that in his first year to year and a half as an officer, he responded to 21 homicide scenes in the Ninth District. He also explained his memory now 25 years later could be mixing shootings together. However, he indicated he did remember some of the Quintin Moss shooting scene because of the location of Moss' injuries in the groin. He said he responded and found Moss lying face down in a fetal position motionless -- obviously dead. Ruggeri stated the other victim was about 25 to 30 feet east of Moss or closer to Sarah. He saw that the other man was moving and appeared to have been shot in the back, lower part of his body. The man, later identified as Wallace Conners, appeared to rolling around in pain but was not up and walking around. Ruggeri does not remember Conners up and walking around at any point.

Ruggeri said that he remembers at some point a white man, later identified as Fitzgerald, looking at Quintin Moss and asking him to call an ambulance. He does not recall what the white man did while Ruggeri was waiting for the ambulance and notifying his sergeants. Ruggeri further stated he remembered at some point hearing that the witness was in the witness protection program and conveying this information to his Sergeant. He explained that his Sergeant did not

care what program the witness was in but instructed Ruggeri to get the witness and secure him. Ruggeri did so. Ruggeri believes he walked up to the white man near a car without having to chase him. Ruggeri made the man come with him. He seemed to recall that the man had some type of wrench in his hand. After following additional instructions from his Sergeant, Ruggeri took the man down to Headquarters and then took care of his own responsibilities at the morgue.

Ruggeri explained he did not remember a time in his career that someone had given him a statement or description that he did not include that in his report. He acknowledged there is no statement or description of any cars from anyone in his report. Ruggeri thought Wallace Conners might have given him a description of the car but at this point was unsure. Ruggeri also explained that if Wallace Conners had given him a statement, such would have been turned over to his Sergeant and to the Homicide Sergeant responsible for the case. Thus, either his Sergeant or the Homicide Sergeant would have noted the absence of the statement from his report as both edited the report prior to its finalization and approval. Ruggeri explained that if he had received the license plate or a description of the car in any detail he would have included it in his report even if he got the information later.

When asked about his trial testimony, police report and the vast discrepancies between them and the transcripts and report from the LDF, Ruggeri stated the more questions he is asked the more he becomes confused. He explained that his memory of the incident would have been best in the 90 minutes between handling the call and the time he wrote his report. He also indicated his memory would have been better one year after Moss' murder when he testified than it would be twenty-five years later. He explained that he might have confused the shooting with the numerous others he worked.

He also explained he was not shown the scene photographs by the LDF investigators, he was not shown his trial testimony or the final police report until their final interview of him over dinner at a restaurant. He believes he must have become confused and now asserts his original report and testimony under oath were what happened.

The CAO Team questioned Ruggeri closely about whether any prosecutor or police officer ever asked him to lie at any point or falsify any report. Ruggeri emphatically stated no one ever asked him to lie. He repeatedly explained that all prosecutors ever asked him was to keep his answers short and truthful. He was adamant his testimony would not have been influenced or adduced under false pretenses by anyone. He denied lying under oath.

The CAO Team attempted to interview both the Ninth District Sergeant and the Homicide Sergeant responsible for approving Ruggeri's report. The Ninth District Sergeant Klinger, who is retired, refused to come in for an interview, asserting that the entire investigation was "stupid." He asserted that what happened twenty-five years ago was documented in the reports and transcript; consequently, any review three decades later was "silly."

The Homicide Sergeant Bauman agreed to an interview in 2005. He came to the Circuit Attorney's Office and reviewed all the police reports. While he had limited memory of the particular crime given the passage of time and the volume of cases he saw, he is confident that had Ruggeri indicated that he had a description of the car he would have insisted Ruggeri's report contain the information. Instead, his interpretation of the Homicide report was that the information on the car came from the witness who had given it to the Homicide detectives.

Lt. Michael Indelicato came to the Circuit Attorney's Office for an interview on this matter. In 1980, he was one of the primary investigating detectives assigned to the murder of Quintin Moss. Given the passage of time and volume of cases he has handled, his memory of

this particular murder is limited. However, he does recall the circumstances surrounding parts of his contact with the witness, Fitzgerald. He believes the witness had provided him with the description of the car and the plates. While his memory was unclear, he believes Homicide obtained the information from informants on the shooters, the car and the plates and that Homicide had the information broadcast. This would account for the absence of the license plate information in Ruggeri's report but its presence in the homicide reports. The Homicide report was written by Indelicato on July 3, 1980 and reflects that during Fitzgerald's interview with Indelicato and Sgt. Bauman, at the Homicide Section within 2 hours of Quintin Moss' murder, Fitzgerald provided a description of the car, its occupants and its license plate. Ruggeri was not present for this interview.

The CAO Team also contacted Detective David Ostenfeld, a police investigator assigned to the case while at the Circuit Attorney's Office, and Gordon Ankney, the trial prosecutor. Each was interviewed separately on different dates. Each was questioned about the possibility of anyone, with the Police Department or the Circuit Attorney's Office, asking Ruggeri to modify his trial testimony. Both were adamant they knew of no such action by anyone. Both would not have permitted such conduct.

The Circuit Attorney's investigation must conclude that Ruggeri's statements to the private investigators were induced under suggestive circumstances. He was not provided a copy of his testimony, not given the report or any items to help him accurately recall events of 25 + years prior to the interview. Indeed, in one of the initial meetings with Ruggeri, the investigator led him to believe that Ruggeri was helping to prepare a documentary on the life of a police officer. The corresponding videotaped interview by this investigator has Ruggeri positioned in his home in front of his awards, police recognition certifications, badge and other police

memorabilia. Ruggeri is asked some questions about his life as a street police officer. After a few minutes, conversation turned to various statements by the investigator on the Moss case that Ruggeri has simple one or two word replies. In none of the subsequent conversations provided the Circuit Attorney's Office from the private investigators, is Ruggeri asked open-ended, non-leading questions – as would be the typical technique for true information gathering. Instead, the transcripts and tapes clearly reflect at times statements lasting for minutes by the private investigator at the end of which Ruggeri is asked simple questions. The entire contents of statements of the investigators are then attributed to Ruggeri. In fact, not until a final meeting over dinner at Lorenzo's Trattoria, was Ruggeri given his trial testimony to review. Even then, the investigator asks leading questions containing long statements of fact.

In the end, nothing found in the Circuit Attorney's investigation suggests that Ruggeri lied under oath in 1981. Nothing suggests that his original report and trial testimony were false or inaccurate. Therefore, the statements adduced 25 years later are not accurate assessments of what Ruggeri truly saw and heard on June 26, 1980. The CAO Team does not believe that Ruggeri lied under oath at trial in June of 1981, as is one of the fundamental implications of the LDF report. This implication simply is not true.

Wallace Conners:

Wallace Conners was near Quintin Moss and Peter Robinson when they were shot on June 26, 1980, according to witness accounts and police reports. Police Officer Ruggeri's June 26, 1980 report indicates that Conners was conscious, injured in the back in the buttocks but "refused to make a statement to this officer." Conners was transported to the hospital by ambulance. Police Officer Peter St. James, the second on the scene and the assist car, escorted the ambulance to the hospital. Once at the hospital, Police Officer St. James remained with

Wallace Conners and seized his clothing. There is no indication that Conners gave any statement to Police Officer St. James.

On June 26, 1980, Detective Seal went to the hospital and interviewed Wallace Conners in the emergency room. Conners told Seal that he was a student at the University of Missouri and had gone to Sarah and Olive looking for handyman type jobs. The clerk at the liquor store had given him work-cutting grass the day before and Conners returned wanting more work. Conners explained he had walked back west on Olive and saw the victim sitting in the doorway. He talked to Quintin for a few minutes when he suddenly heard shots. He felt pain in his buttocks and fell to the ground. He looked up and saw a blue Chevy speeding east on Olive away from the scene. He was unable to see any of the occupants of the car. He then saw the victim on the sidewalk. He acknowledged he only knew the victim a couple of months -- having met him on Sarah and Olive. He said he had no knowledge of the victim's drug dealings.

On June 27, 1980, Detective Devere went to re-interview Wallace Conners at the hospital. Conners told Devere that he was standing by Quintin Moss when a blue Chevy with a dark top drove past and started shooting. He felt a pain in his buttocks and fell to the ground. When the shooting started, he looked in the direction of the car and saw the front passenger and the back seat passenger both shooting. A third person was driving. He explained he did not see who the shooter was because he then put his hands over his head while he laid on the ground. Detective Devere showed him six mug shots. These included the mug shots of Reggie Griffin, Larry Griffin and Gary May. Conners did not identify anyone from these pictures in any manner as either familiar to him or as one of the occupants of the 1968 blue Chevy.

On June 29, 1980, Detective Sergeant Thomas Rowane went to the address Wallace Conners provided while at the hospital to interview him again. This address was the home of

Wallace Conners' Aunt Maggie Conners. Mrs. Conners explained that her nephew had not lived at the residence for seven years and that she did not know where he lived. She did provide the Detective with Wallace Conners mother's home address.

On June 30, 1980, Detectives Burgoon and Siemers went to Maggie Conners' home again. Again, they were told she did not know where he lived and he did not live there. They then went to Wallace Conners mother's home. His mother explained that Conners did not live with her. She said she did not know where he was.

Wallace Conners never appeared in the Circuit Attorney's Office. Wallace Conners never appeared at trial.

The LDF 2005 report summarizes contemporary statements from Wallace Conners. The report states that the prosecution or the defense never contacted Wallace Conners. The LDF report indicated that Wallace Conners said that Larry Griffin did not shoot him. The report further indicates that Conners does not remember being asked by law enforcement if he could identify the shooters. Additionally, the LDF report claims Conners did not recognize them and that Conners fled Missouri because he did not want to be killed. He believed that whoever shot him and killed Moss might try to kill him again. He went to Texas where in January of 1981 he was arrested for grand larceny, convicted and sentenced to life in prison. He claimed never to have heard about Larry Griffin's trial, conviction or execution.

The LDF report says that Conners remembers the shooting well. He had been on the block all day and chatted with Moss, an acquaintance of his. He saw Patricia Moss both at the scene and at the hospital. Conners said there was no white man on the block at all and certainly no man with a black child. The report suggested that Conners explained there was no car near Moss because he would have run towards it for cover.

Conners said he was standing about 15 feet from the victim when shots were fired. He saw all three occupants and got a very clear view of the pistol shooter in the front passenger window who was leaning out the window. Conners did not recognize the man but stated it was not Larry Griffin. Griffin was not in the car at all. He also claimed to have talked to Larry Griffin subsequent to and within a couple days of the shooting but before Conners left St. Louis. The LDF report suggests it would have been easy for the prosecution to locate Conners after the shooting because he was incarcerated in Texas.

In a July 2004 interview, summarized in an unsigned affidavit from a private investigator hired by the LDF, Conners gave different statements than are in the LDF report. The affidavit suggested that Conners had been on the block earlier that day doing some cleaning or grass cutting for the person who owned the liquor store down the street from the killing. The affidavit includes that from noon on, Conners was just hanging out on the corner. He said the car came down Sarah and left on Olive. It stopped in front of Conners and Moss and shooting started. The car contained three black males.

A shooter was all the way out the right front passenger window shooting with a revolver. The shooter with the revolver was flat nosed, had a big head, wore glasses, and had dark skin but was lighter than Larry Griffin. Conners was sure that shooter was not Larry Griffin – whom he knew. When the shooting started, Conners ran west along Olive to the corner. Conners was shot in the buttocks from behind but did not realize he had been shot there. He did not recall anyone with Moss. The investigator's affidavit explains Conners was taken to the hospital and visited by Patricia Moss. He recalled an interview by a uniformed officer whom he told he did not know who did it. The affidavit explains he left town days after the shooting because he was worried that whoever had shot him had done it deliberately.

Per the investigator's affidavit on a July 2004 interview, Conners vehemently denied statements attributed to Fitzgerald. Conners said the statements that Fitzgerald, a white man, was on the block are ridiculous. People would have assumed he was a cop. Conners said there was not a car there. Had there been a car there he would have used it for cover. The statement said there was not little black girl on the corner that afternoon. The statement said there was no one approaching Moss when the police and ambulance arrived.

In a taped interview in August 2004 by representatives of the LDF, Wallace Conners gave different statements about the shooting. Wallace Conners in this interview says no one, no police, no prosecutors ever contacted him about the shooting. Conners acknowledged being friends with Dennis Griffin and Larry Griffin. Conners acknowledged he used to hang out on Sarah and Olive every day. He explained it was where everyone who got high and prostitutes hung out. He said he did some work for the man who owned the package liquor store down the block or on the next street over.

During the taped August 2004 interview with the investigator for the LDF, Conners said he did not recall seeing a car parked east on Olive east of where Moss and he were shot. Conners also did not recall seeing a little girl playing in the area – indeed he said no little black kid would be playing there at all because it was such a bad neighborhood. Conners said he did not see any white man at all – he did not remember seeing even the white business owners. However, later in the same interview he did say there were white people in the area but that Fitzgerald was not there. He was shown a picture of Fitzgerald and did not recognize it.

Conners said he had spoken to Moss for about 10 minutes but was not with him. Conners explained there was another person, whose name he did not know, with Moss and maybe two other men as well. Moss was dealing drugs. A car came by from Sarah and turned on Olive. He

saw it slowing and shots start coming from it. He saw a black man with a big head with bifocals or glasses with thick lenses. He reached out of the car with a revolver and started shooting. This man was in the passenger seat. There was a thinner person in the back passenger seat who started shooting but Conners did not see this gun. He did not see Larry Griffin in the car at all.

Conners said a couple of days after he was released from the hospital he saw Larry Griffin on the corner of Sarah and Olive. Conners claimed that he and Larry Griffin had a conversation at that time. Larry Griffin asked if Conners was all right. Conners said that Griffin had heard what happened to Conners and that the shooting was not intended for Conners. Griffin stated that Conners was shot by accident because one of the men standing with Conners had used him as a shield as they both ran. The only reason Conners was hit was because he was next to the intended target. Larry Griffin told Conners that he had been shot by accident. Conners suggested that the shooters were conveying that he was not a target. In this interview, Conners claimed to have left town because he was mad and his reputation was such that people believed he would retaliate for being shot. He figured people knowing his reputation and his anger, would try to strike him first before he struck back at them.

In the same interview, Conners said that he had not been shown a picture by the LDF of Larry Griffin, that he knew Larry was not in the car but sought clarification on who was being discussed. The investigator replies, "Gant's brother" without specifying which brother.[40] Conners replied Gant's brother was not in that car again without specifying which brother. The interview ends with the investigator saying that he has offered nothing to Conners. Conners' agreed. Conners added that he would appreciate it if the investigator would offer him something.

The CAO Team examined the truthfulness of Mr. Conner's assertions. We first looked to determine whether Mr. Conners had ever been interviewed by law enforcement as was implied in

[40] There are several siblings to Larry and Dennis Griffin.

the LDF report, in at least one of the interviews we received and by Conners himself at the LDF press conference.

The CAO Team contacted Police Officer Peter St. James who arrived at the scene in 1980 within 2 minutes of Police Officer Ruggeri. St. James was interviewed in 2006. He acknowledged his memory of the incident was limited. However, he remembered he was the assist car and thus responsible for escorting Wallace Conner's ambulance to the hospital. He did not recall Wallace Conners being up and walking around the crime scene. He did not recall anyone approaching Conners. Once at the hospital, St. James said that if Wallace Conners had made a statement to him, it would have been put into the homicide report or Ruggeri's report. No such statement was in either report. He would not have done an interview of Conners because it was the job of homicide detectives to do those interviews. He acknowledged seizing Conners' clothing. He was the only uniformed officer at the hospital.

The CAO Team interviewed Detective Roland Seal in 2005 and 2006. Detective Seal was a homicide detective and reported to the emergency room to interview Wallace Conners on June 26, 1980. Detective Seal explained that the entirety of Conners' statement to him would be in the Homicide report. He did not recall any additional information about Conners' statement. He was certain that because Conner told Seal he did not see the occupants of the vehicle, Conners could not have identified any of the individuals. Detective Seal also explained it was his practice to ask if a witness or victim could identify anyone involved. He was confident that had Conners given him any indication he could identify anyone the information would have been in the report. Furthermore, because the report reflected that Conners did describe the car to him as a blue Chevy Seal is confident that was what Conners said in the ER.

Detective Leo Devere was interviewed by the CAO Team in 2005. Detective Devere re-interviewed Wallace Conners in the hospital on June 27, 1980. Conners was interviewed again about his ability to see who shot him. Conners denied seeing the occupants of the car. Conners said because he had lain on the ground and covered his head with his hands and did not see the shooters. Conners said he could not identify anyone. He was shown a set of mug shots that included pictures of Larry Griffin, Reggie Griffin and Ronnie Thomas. He could not identify anyone. The Detective was confident that Conners was unable to identify anyone from the photo spread and that he did not indicate he knew any of the individuals. Devere asserted that had Conners told him he knew anyone pictured personally, Devere would have reflected it in the report. Conners did tell him the car involved was a blue Chevy with a dark top.

Detective Burgoon, a member of the CAO Team, discussed what he and his partner did to locate Wallace Conners after Conners left the hospital. Det. Sgt. Burgoon went to the address Conners' supplied as his home address to the hospital. There he learned from Maggie Conners that Wallace Conners had not lived at that location for seven years. Det. Sgt. Burgoon left word through Maggie Conners that they needed to meet with Wallace. Mrs. Conners then supplied the location of Wallace's mother's address. The Detectives went to that location to try to find Conners. They learned from Wallace's mother that she did not know his whereabouts. They asked her to have Conners call him. They had no response.

Detective Ostenfeld interviewed with the CAO Team in 2006. Detective Ostenfeld was an experienced detective with the Metropolitan Police Department. He was assigned to the Circuit Attorney's Office to assist Assistant Circuit Attorneys with investigating cases and locating and producing witnesses. Given his history, he had several contacts and informants who frequented the Ninth District. He received an assignment from Gordon Ankney to find Wallace

Conners. Detective Ostenfeld left several messages with Conners' family to no avail. He worked his sources on the street and learned that Conners had left town because of the fear that those involved would kill him. Given the technological resource limitations within the Circuit Attorney's Office in 1980, there was no computerized method to search for people. Criminal record checks consisted primarily of hard copies of arrest records that were kept on file at the police department and of local agency record searches. There was no method available to the Circuit Attorney's Office to search through the computer for individuals interstate.

In 2006, the CAO Team interviewed Wallace Conners, represented by Barry Scheck.[41] Wallace Conners gave several hours of statements to the CAO Team. During the interview, his description of the events of 1980 varied dramatically within the interview itself, from descriptions contained in the police reports, from those descriptions in the LDF report and from those descriptions in the interviews of the private investigators.

Conners' interview was limited only in the sense in that he had several charges pending against him in California for forms of fraud, grand theft and identity theft. His counsel asked that he not be questioned on any of these pending cases. When the CAO Team inquired into Wallace Conners' extensive criminal background, again Mr. Scheck did not want Conners to acknowledge his extensive record of criminal convictions. Such admissions could affect settling the case/cases against him in California and impact on his sentence if convicted. In November of 2006, Conners was convicted of these charges. He was sentenced in January 2007. Conners is now incarcerated in prison in California.

The CAO Team showed Mr. Conners the 1980 crime scene photographs that had been identified and verified by multiple other witnesses. These photographs included the street

[41] Wallace Conners had charges pending against him in California centered around an identity theft, fraud and grand theft investigation. Mr. Sheck, an attorney who cooperates with the LDF, represented Mr. Conners *pro bono* and helped arrange for California counsel to represent Conners *pro bono* as well.

layout, the location of buildings, the crowd shots, the location of the victim's body etc. Mr. Conners was unable to identity almost any aspect of the pictures. He attempted to tell the CAO Team these were the wrong photographs and were of such poor quality they were of no use. When shown the open store called Block's Pawnshop, he denied knowing it was there or open. Despite the photographs of the crowd, and children being present in the crowd shots, Conners insisted the pictures of the children at the scene had to be at a different scene.

When questioned about his statements as reflected in the police reports written in 1980, he denied giving those statements. He repeatedly said he did not remember giving any statements to police detectives at all. He said that it is possible he talked to the persons but he did not remember them at all. Furthermore, he claims that the statements given the different detectives on different dates are inaccurate. He did not recall ever seeing a set of photo mug shots of suspects as were shown to him at the hospital. When shown a copy of those pictures he did not recognize anyone in 2006. Indeed one of those mug shots was of Larry Griffin from 1980. He did not recognize Larry Griffin's picture.

Conners indicated that he had gotten a ride down to Sarah and Olive in his brother's car. He claimed that he was just hanging out on Sarah and Olive doing advanced mathematical equations on his calculator because he had a math problem "stuck in his head." He indicated that he wandered back and forth on the street from area to area talking to a few people. He indicated other times he was resting in doorways working on his math problem. He did not say he was looking for work that day. He indicated that he had gotten work in the area in the past.

Conners explained that he knew Quintin Moss from past dealings with him. He explained that at times Quintin would give him drugs free – simply out of the goodness of his

heart. He suggested that drug dealers would give him drugs and display a little humanity while expecting nothing in return but Conner's future business.

Conners also said that he was familiar with Patricia Moss. He did not recall seeing Pat Moss that day until after the shooting. He said that at some point he recalled that she was in the crowd but the police kept her back and away from Quintin. He did indicate that Pat came and spoke to him at the hospital. He claims that Pat told him the shooting happened because the Griffins or others thought that Quintin had shot Gant. Conners claimed that until Pat told him about the motive for the shooting that he had not heard the rumors on the street that Moss killed Gant. He later said that he saw her within a couple of minutes of the shooting as he lay on the ground being attended to by the ambulance. She was standing to the side crying.

Conners varied the events of June 26, 1980 during his interview with the CAO Team. At one point, he claimed to have been sitting with Quintin Moss when the shooting occurred, another point he said that Moss was standing. He admitted knowing Quintin dealt drugs but denied seeing him ever sell drugs. He also claimed that he did not see Quintin selling drugs that day. Conners also explained that a third man was present when the shooting started. The third man resembled the actor Philip Michael Thomas. The third man was someone unfamiliar to Conners.

He said that as they were near Sarah and Olive a car came by very slowly and started shooting. He said the car did not stop—it simply drove by. Conners said he ran toward the corner away from the direction the car was traveling. He explained that the third man ran along side him and cut to the inside placing Conners closer to the shooters. At one point Conners explained that after he was shot he stopped, stood there and was very calm. He told the man

with him that he was shot and the man did not believe him. He said that he was up and walking around when the police and ambulance arrived, and that people had to make him lie down.

At one point, Conners said he got a good look at the occupants of the car. He gave a description of one of the shooters as having big, thick coke bottle glasses. He said the car went by very slowly. At another point, he claimed to have started running the opposite direction by the second or third shot fired. At an additional point, he claimed only to have glanced at the car quickly as he ran away from it.

Conners claimed to have gotten a good look at the front seat passenger and knew it was not Larry Griffin. He described the front passenger. He said he only saw that the person in the back seat had a rifle but did not know who the person was. He was unable to describe the driver. At another point, he said he believed the occupants of the car were black people. Later he said he thought they might be men. However, despite varying statements about his ability to see the occupants he repeatedly said none of them were Larry Griffin.

Conners acknowledged leaving town within a day or two of being released from the hospital. He gave different reasons for leaving town. Conners acknowledged leaving his aunt's home address at the hospital and with the police. He said that he was not staying there. One of the initial reasons for this lie was that he was afraid that whoever shot him would come back and finish killing him. A different reason for this lie was that he and his estranged wife wanted to start over in a new location. Yet, another reason for this lie was that he had a reputation in the community for taking care of people who harmed or offended him. He alleged that people would believe he would retaliate for the shooting.

When Conners was questioned about police efforts to locate him, he acknowledged his whole family knew he was in California and then in Texas after the shooting. He changed his

statement to say that his family did not know where he was, even though his sister gave him the plane ticket to fly to California. He later said that he did not think his family knew he went to Texas after leaving California even though he acknowledged later that his wife joined him in Texas. He later said he and his wife were traveling incognito and people would not know where to find him.

Conners denied ever being told by his mother or aunt that any detectives were looking for him. He said that while he called his family from prison in Texas he was so focused on his own needs that they could not get a word in edgewise. He later said they may have told him but he did not hear them.

Conners acknowledged leaving his aunt's home address at the hospital and with the police but said he was not staying there. He said if he needed a place to crash, he would go there but it was not a place he stayed. He later said that he gave that address but never went back there. He said he went instead to Sarah and Olive.

Once back at Sarah and Olive, Conners said he ran into Larry Griffin. Conners said that Griffin was just standing on the corner talking to everyone. Conners explained that he had done time in prison with Gant and was familiar with the Griffin family. Conners stated that Larry Griffin knew him and explained that the shooting was not intended for him. Griffin told him the people who shot him did so by accident because they were not shooting at him.

When questioned about his familiarity with the Haymon drug faction and Gant and other Griffin's relationship to it, he denied any knowledge of the situation. Conners said he knew Dennis Haymon from high school. He also knew Gant socially for years before the incident. Conners, however, said he was unfamiliar with even the rumors on the street that Gant was a business associate of Haymon's. Conners acknowledged that he saw Dennis Griffin on the

corner of Sarah and Olive after Conners got out of prison in September of 1979. He claimed to be unaware of any problems the Haymon drug set had with other groups. He later acknowledged hearing about problems between Dennis Haymon and the Petty brothers.

Conners also said that despite frequenting the corner of Sarah and Olive on a regular basis, he never heard about a contract out on Quintin for his involvement in the murder of Gant. He claimed to have talked to Quintin about a previous shooting incident where a bystander (Campbell) was shot. He said that Quintin told him the shooting was an accident. Conners said that he thought that another drug dealer named Arthur Qualls had killed Gant. Qualls was not connected to the Haymon faction. Thus, Conners claimed he was surprised by Patricia Moss' statement that the reason Quintin was killed was because people thought he had killed Gant.

Conners stated that since being interviewed by the private investigator he has read many articles about the case on the internet. He explained that he has read many things about the murder of Quintin Moss and the conviction of Larry Griffin. He said that the things he read from various sources have had no impact on his memory.

The CAO Team questioned Wallace Conners about rumors that we had heard during our investigation about Conners' potential involvement in the shooting of Quintin Moss. During an interview with Missouria Moss, she indicated friends of Quintin had told her that Conners' had set up, or identified, Quintin for the Griffins. Detective Ostenfeld in a different interview said he had heard rumors that Conners had been given money to get out of town by the Griffins. Other police detectives had heard similar stories on the street. Essentially, the rumors suggested that Conners played a role in setting up Quintin Moss and was shot by accident. Conners vehemently denied such rumors.

In examining the contents of Conners' statements, the CAO Team learned that Detectives with the Homicide Unit interviewed him at least two times. Consistent with the reaction of other witnesses, Conners in 1980 claimed not to have seen the occupants of the car as they shot Quintin Moss and shot at him and Peter Robinson. Conners was shown a spread of photographs and told officers he could not identify anyone. The physical evidence shows that the line of gunfire appeared to be from where the car traveled East on Olive away from Sarah and toward Vandeventer. It also shows that Conners ran away from the line of gunfire. Such was a logical reaction – most people do not run into the line of fire or in the same direction as their shooter. He claims that if a car had been east of his location he would have used it for cover. However, running toward a car east of Moss, and closer to the vacant lot next to the building where Moss et al were standing, would have required him to run in the same direction as the shooters were traveling. Few people choose to run through a spray of bullets to shelter. Logically, most people run away from bullets when they cannot seek immediate cover.

Conners was shot in the back -- consistent with someone who was shot as they ran or faced away from their shooter. It is a logical assumption that he ran away from gunfire. He acknowledged that he and Robinson ran away in the same direction and that Robinson used him for cover. Furthermore, his initial statements to the police detectives that once he was shot, he lay on the ground and covered his head are consistent with the physical evidence at the scene. There is no evidence from the photographs that there was blood spread out over an area consistent with a shooting victim up and walking around. He also was facing away from Vandeventer and towards Olive again consistent with his original statements to the police.

One allegation in Conners' statements to the LDF was that no police detectives or prosecutors ever interviewed Conners or attempted to locate him. This allegation is patently

untrue. Different Homicide detectives attempted to locate him on several occasions. By Conners' own admission in 2006, he had left the State for California and he and his wife were traveling incognito. The process of locating in 1980 did not include the luxury of modern day technology. There were limited computer databases and access available to law enforcement. Furthermore, by Conners' own admission he used aliases when he traveled. Indeed, his prison records from Missouri reflect that his information known to Missouri law enforcement at the time was Wallace Frank Conners. The information in Texas was under the names of Wallace Michael Conners, Michael Conners and Michael Thomas. In fact, he was not incarcerated until January 1981. From June 1980 to January 1981, Conners, by his own admission, was on the run in at least three different states under various aliases.

Detective Ostenfeld, who looked for Conners for his potential use at trial, did not have access to the information in Texas. Ostenfeld did not have routine up-to-date computer access either. Indeed, Ostenfeld used street sources and Conners' own family to try to locate him all to no avail. The logical inference, which is bolstered by Conners' statements that he deliberately left town and hid after the shooting, is that Conners did not want to be found and knew that people were looking for him. History shows us that witnesses against other Griffin family members were killed. Fear is a logical motivator to hide.

Detective Devere showed Larry Griffin's photograph to Wallace Conners on June 27, 1980. Conners claimed not to recognize this photograph. He was shown copies of the same photograph of Larry Griffin in 2006. Again, he did not recognize this photograph. The picture was of Larry Griffin taken at an arrest in 1980. At this interview with the CAO team and after a few moments reflection, he indicated the picture looked kind of like Larry Griffin but the individual's nose was wider. He acknowledged having seen pictures of Griffin on the internet

since his interview in 2004. During his 2004 interview with the LDF investigator, Wallace Conners asked who was executed for killing Quintin Moss, the investigator replied "Gant's brother" without specifying which one. There were several siblings of Dennis Griffin. Larry Griffin was only one. Given Conner's inability to recognize Larry Griffin's photograph in either 1980 or 2006, it is possible he is confused about which Griffin was executed.

Nonetheless, it is a reasonable inference based on his original statements, his inability to identify any pictures for police detectives, the physical evidence and the location of his own injuries that Wallace Conners did not see who shot him. Furthermore, his reaction to being the victim of a shooting was a common reaction in 1980. Many people did not cooperate with the police in identifying suspects out of fear for their own safety.

Particularly telling about the nature of Wallace Conners' present statements, is the fact that, while he alleges that he and Larry Griffin discussed the shooting the day Conners was released from the hospital, there is an absence of any request by Larry Griffin for Wallace Conners to be produced. Griffin made repeated requests through every level and type of appeals for the production and testimony of Robert Campbell on the uncharged prior assault on Quintin Moss. No similar request is ever documented for the production of Wallace Conners. If Griffin knew Conners, and if Griffin and Conners had a conversation, where they discussed other peoples' motives to shoot Quintin Moss, then why did Griffin fail to tell his appellate counsel or the courts about this alleged conversation? Given that Griffin faced execution for the conduct during which Conners was shot, it is illogical to believe he forgot about a conversation with this victim shortly after the shooting if such a conversation took place. It is a reasonable inference to believe that no such conversation took place. Another equally reasonable inference is that the

conversation was with another Griffin family member whom Conners' assumes was Larry Griffin, given Conners' inability to recognize Larry Griffin himself.

Conners has an extensive criminal history dating back to 1970. He was convicted of Robbery First Degree and Assault with Intent to Kill in 1974. He was sentenced to ten years incarceration in the Missouri Department of Corrections. He has spent the majority of his adult life in and out of penitentiaries and jails across the country. Of a particular note are the charges of which he recently has been convicted: money laundering and receiving stolen funds in California.

During one of Conners' interviews with the private investigator, the investigator asked Conners' to confirm that he had received nothing in return for his statement. Conners' confirmed at the time of the interview that he had received nothing in exchange for new statements. However, he indicated that he would appreciate it if he did receive something. The CAO Team did not learn of any monetary rewards to Mr. Conners. Conners was the only witness interviewed by the private investigators asked such a question based on the information given to the Circuit Attorney's Office.

The CAO Team did learn that Conners was without funds to hire his private counsel to represent him on his pending charges. Private counsel, however, represented him, up to his trial. The private counsel took the matter pro bono at the request of Barry Scheck who assisted Conners at the request of LDF. Scheck also represented Wallace Conners pro bono during his interviews with the Circuit Attorney's Office in 2006.

While the CAO Team believes that no member of the Bar would ask Mr. Conners' to lie or fabricate his statements, the CAO Team is not so confident of Mr. Conners' code of ethics. Given Mr. Conners' extensive criminal history and criminal sophistication, he would be aware

that his ability to obtain first-caliber, high-priced legal representation pro bono would turn on his usefulness to those attorneys. He had every incentive to lie to please those who, according to counsel's statements during Conners' interviews with the CAO Team, already were firmly convinced that Larry Griffin was wrongfully convicted. They wanted to believe what he had to say. Conners had every incentive to change his statements and the sophistication to do so.

An old law enforcement adage is that "[c]rimes committed in hell do not have angels for witnesses." Therefore, with witnesses of Conners' character and motivation to lie, one looks to the circumstances surrounding the events to determine the accuracy and truthfulness of their statements. If circumstances or witnesses corroborate what they are saying then, despite their motivation to lie and their character, one can believe what they are saying. If there is no corroboration of what is said, then one is reluctant to rely on the witness' word alone in proceeding. Conners' original statements to the police have corroboration through the physical evidence, the statement of Peter Robinson and other witnesses. His new statements do not have any corroboration and are often internally inconsistent and inconsistent amongst themselves. Indeed, Larry Griffin's conduct during the subsequent 14 years of appellate litigation undermines Conners' newly outlined statements. Thus, the CAO Team concludes that Wallace Conners' statements given in 1980 more accurately reflect his observations and memory of the incident on June 26, 1980. His current statements appear to be recent fabrications.

Robert Fitzgerald:

A fundamental question was whether Robert Fitzgerald, the only eyewitness who testified against Larry, told the truth about being present when Quintin Moss was shot, told the truth about his ability to identify one of the shooters and told the truth about the car used in the shooting. The CAO Team looked to see what statements Fitzgerald had given. The CAO Team

then investigated his criminal background, character and motivation to lie. We then examined whether any evidence existed to corroborate or refute his statements.

According to the police report written by Detective Indelicato, he and Sergeant Bauman interviewed Fitzgerald at the Homicide Office on June 26, 1980, shortly after the shooting of Quintin Moss. During that interview, Fitzgerald told the Detectives that his car had broken down in the 4000 block of Olive. He indicated he was working on the car when shooting started west of his location on Olive. He saw an older model blue Chevrolet with three black men inside stopped in the street. He could see the front seat passenger leaning out the window shooting at three men in front of a boarded up building west of Fitzgerald's location. After the shooting stopped, the car headed east in his direction on Olive. He obtained the license plate of JPP-203. He described the passenger as being a black male, mid-twenty's slim build, medium complexion and protruding jaw. He could only describe the driver and rear seat passenger as black males.

Fitzgerald was shown an array of six mug shots including those of Gary May, Reggie Griffin and Larry Griffin. He identified Larry Griffin's picture as that of the front seat passenger. After his identification of Larry Griffin as one of the shooters, Fitzgerald was given a ride to his motel. In route, Detectives learned officers in a different part of the City had located a blue Chevy with plates matching the number provided by Fitzgerald. Fitzgerald was driven past the car. He identified it as the one used in the shooting.

Indelicato's report identifies Fitzgerald only as a "secret witness"; thus, concealing his identity but not the content of his statements. Traditionally, the practice is used to maintain witness safety. The Detectives learned that Fitzgerald was living in St. Louis under an assumed name of Flannagan because he was a Federal witness in the witness protection program. The Federal Marshals had relocated him in St. Louis for his own safety.

The April 10, 1981 deposition was the next recorded statement of Fitzgerald. Fitzgerald gave additional details. He indicated that he had been staying at a hotel in St. Louis the spring of 1980. He explained that he met a man named Carl who was also staying at the hotel. Fitzgerald said that Carl's girlfriend and child were staying with Carl. He did not give Carl's last name at the deposition. Fitzgerald stated that one day Carl was babysitting the child and asked Fitzgerald to give him a ride to drop off the four-year-old. Fitzgerald agreed.

Fitzgerald followed Carl's directions. He claimed that in route his car broke down east of the intersection of Olive and Sarah. He explained he had been there once before on the same errand to drop the child off. Fitzgerald said that once his car broke down Carl arranged to have the battery re-charged. Carl was familiar with the area and knew people who could them. Therefore, Fitzgerald stayed with the car and the young girl. The car was across and slightly diagonal from an open package liquor store on Olive.

During the deposition, Fitzgerald said that day he had been to the liquor store across the street twice to buy soda and candy. During one stop at the store, he said he saw a man there trying to get a job because the man had been there the day before, done some work and now wanted more work. He saw the man leave the store and cross the street.

After this visit, Fitzgerald said he came back to the car to see the hood up and Carl working on the battery. He went to his car on the passenger side and watched Carl. Carl's little girl was on the sidewalk next to him. He looked and saw a car in the middle of the street stop. It stopped, approximately 20 feet behind his car and faced the same direction as his own car. The car was a '67 or '68 Chevrolet occupied by three black men.

Fitzgerald was closest to the front passenger of the car. Fitzgerald said he saw that passenger stick his hand out the window with a revolver in it. The gun appeared to be of a large

caliber. Fitzgerald saw that the person was firing rapidly. He was able to tell that the rear passenger was doing something but not able to tell exactly what. The driver's face was obscured. He explained that he pushed Carl's daughter against the side of the car and down. Fitzgerald then said he ducked himself but kept an eye on the shooter to see which way the shooter was firing.

Fitzgerald said that man was firing at another black man directly in front of him and then switched directions and shot at another man running west. Fitzgerald saw that the man who had been in the liquor store was struck as well, apparently having got in the way of the gunfire. After the shooters emptied their guns, they drove past his car. There were multiple shots fired.

At the deposition Fitzgerald continued by saying that he walked over to the man who was shot and who had blood pouring from him. He was obviously dead. Fitzgerald had observed this man to be dealing drugs. The man he had seen in the store was lying on the ground moaning and rolling around.

Carl, and the man who fixed Fitzgerald's car, came to him and asked him to leave before the police got there. Carl was concerned because he had brought Fitzgerald to the neighborhood and people knew Carl. People questioned Carl about Fitzgerald, and Carl said Fitzgerald was a friend of his. Because he was known in the neighborhood, Carl did not want Fitzgerald talking to the police. Fitzgerald claimed that he talked to the police initially at the scene outside the presence of Carl. Carl did not want Fitzgerald to involve him.

Fitzgerald said he gave the police officers the plate, his name and a description of the car only once the ambulance arrived. He then left with Carl in his car. Fitzgerald claimed to have gotten down the street and was pulled over by the police. He said he was reluctant to talk to the police. Carl told the police he did not want to get involved and that he saw nothing. Carl asked

Fitzgerald not to get involved. Fitzgerald told the officer that he did not see anything to show Carl he was not cooperating. However, the officer had Fitzgerald come with him anyway. Fitzgerald was taken back to the scene and then conveyed down to the Homicide office.

Fitzgerald said that he was shown six or seven mug shots. He picked one out. He identified the picture of the man he saw sitting in the right front passenger's seat. At the deposition, he was shown the mug shots again. He again picked out the picture of Larry Griffin as the person he saw shooting from the right front passenger's seat. He then was shown a picture of a lineup containing both Reggie Griffin and Larry Griffin. He identified Larry Griffin as the person he saw shooting from the right, front passenger's seat. He also identified pictures of the car used in the shooting.

Griffin's defense attorney cross-examined Fitzgerald during the deposition. During his cross, Steiger told Fitzgerald the matter was a capital case. Fitzgerald essentially reiterated what he had told Gordon Ankney at the beginning of the deposition. Steiger learned additional information on Fitzgerald's extensive criminal history including various incarcerations for crimes dating back to 1965. Fitzgerald was charged with multiple crimes in a couple of states. Steiger also learned that Fitzgerald had been arrested in St. Louis in early June of 1980 for credit card fraud but was immediately released when charges were not pursued. Fitzgerald told Steiger that he was re-arrested on those charges in October of 1980. Fitzgerald explained that he had been in Florida from about June to October of 1980 and was part of the witness relocation program. Steiger learned Fitzgerald had told homicide detectives they could contact him through a police officer in Boston named "John Nee."

During the deposition, Steiger questioned Fitzgerald closely on his numerous criminal convictions. He also questioned him about his use of drugs. While Fitzgerald admitted to using

drugs in the past, he claimed he had not used drugs in the year and a half before – last time being some time the summer of 79. Fitzgerald denied ever buying drugs in St. Louis. Fitzgerald denied buying drugs at Olive and Sarah. He denied buying drugs from Quintin Moss.

Fitzgerald testified at trial and again during the 1983 Federal Habeas proceedings.[42] The fundamental facts of his federal court testimony were the same as his trial testimony. There were three areas of differences: 1) he changed his testimony with regard to the specific identification methodology used by the Homicide detectives 2) He admitted to drug use closer in time to the murder of Quintin Moss and 3) he was cross-examined about the possibility of a deal with the prosecution which he adamantly denied. However, he never recanted his original identification of Larry Griffin as the front seat passenger he saw shoot Quintin Moss.

Fitzgerald had testified on behalf of governmental agencies in other matters. It was apparent that he understood and worked the criminal justice system to his advantage. He had been relocated for his own protection in 1980 as a witness in a case in Boston. He clearly had an extensive record of criminal convictions ranging from his first arrest in 1962 for curfew violations, to his last arrest before his death, for Stealing – third offense in Florida. He had several serious assaultive felony convictions for which he served time in various penitentiaries around the country. Those included: Assault with the Intention to Rob While Armed, Federal Conspiracy charges, Assault and Battery. He died shortly after leaving jail in Pinellas County, Florida.

Given his extensive criminal history and criminal sophistication, the CAO Team looked to see whether we could ascertain a motive to lie to gain an advantage. One theory advanced to the CAO Team by members of the LDF legal team, and by Griffin's attorney before the United

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[42] See page 18 for discussion of his trial testimony. See pages 26 to 34 supra for discussion of his testimony during Federal Habeas proceedings.

States District Court at the habeas proceedings, was that Fitzgerald received a deal from the trial prosecutor Gordon Ankney in exchange for his testimony. Both Gordon Ankney and Fitzgerald denied such a deal existed.

In October of 1980, Fitzgerald was arrested, charged and subsequently pled guilty to multiple counts of Fraudulent Use of a Credit Device and Conspiracy to Commit an Offense in the City of St. Louis Circuit Court. He pled guilty on March 3, 1981. He was sentenced on June 26, 1981, to 11 months incarceration concurrent on each count with credit for jail time he had already served. The sentence was not unusual for the nature and type of this offense. The sentencing occurred shortly after he testified at the Griffin trial. Gordon Ankney, although he was not assigned to Fitzgerald's cases, appeared at the sentencing for the State.

From a review of internal work product and court records there is no evidence any deal was struck. Indeed, Fitzgerald himself indicated that his involvement as a witness in the murder case slowed down his release on the pending charges. Fitzgerald also had a Burglary, Robbery and Assault First Degree case pending against him for crimes alleged to have occurred on September 11, 1980. Fitzgerald's photograph was used in a photo spread by police detectives and shown to the victim in those charges. The victim picked out Fitzgerald's mug shot as one of the people involved. There was no additional evidence against Fitzgerald. Fitzgerald was arrested on those charges when he came to the State of Missouri in October 1980.

Fitzgerald's police handlers in Boston produced a bill for telephone calls made by Fitzgerald while under their protection. Those calls showed that Fitzgerald, or someone, was making phone calls from Fitzgerald Florida motel room on September 9, 10, 11, and 12, 1980. The Boston police officers also produced names of individuals to corroborate that Fitzgerald was in Florida on September 11, 1980. Those individuals were friends with Fitzgerald. He had given

them a ride to the hospital and then visited them there after. The people in Florida supplied letters to the Circuit Attorney's Office in 1980 corroborating Fitzgerald's presence in Florida in September of 1980. The Assistant assigned to the case, Dwight Warren, gave Fitzgerald an opportunity to take a polygraph as to his alibi and as to his participation in the crimes charged. He passed the polygraph. Given his polygraph results, and the apparent validity of his alibi, the State elected to dismiss charges in May of 1981. He was no longer held on those charges. Therefore, his bond was eligible to be reduced on the fraud charges.

The CAO Team located and interviewed these Florida alibi witnesses in 2006. They remembered Fitzgerald. They associated with Fitzgerald because he frequented a bar their family owned. They remembered being asked by Fitzgerald and police officers for statements on his whereabouts in Florida. They recalled his presence in Florida because one of them was driven and admitted to St. Joseph's Hospital by Fitzgerald on September 5, 1980. Fitzgerald visited this person in the hospital every day, except one at the end of the month, until the person was discharged on or about September 27, 1980. They remained adamant that Fitzgerald was in Florida in September of 1980.

The CAO Team questioned these individuals about their association with Fitzgerald. We inquired about the conversations they had about his witness status in either Massachusetts or Missouri. They indicated they did not recall any conversations on the matters. He never discussed what he was doing in Florida, what his past truly was or whether he had witnessed any crimes. He also never discussed with them whether he had a girlfriend. While they described him as a drinker and a tall story-teller, it was apparent he did not discuss intimate personal facts with these individuals. They were unaware of his criminal history. Given the circumstances, the CAO Team concluded there was no deal struck with Fitzgerald that resulted in the dismissal of

these charges. Thus, the CAO Team could find no benefit Fitzgerald could have gained by coming forward as a witness or by lying in his statements or testimony.

Another question concerning to the CAO Team was whether there was corroboration of Fitzgerald's testimony either at the trial or from the facts themselves. The CAO Team first examined whether Fitzgerald's statements and testimony matched the physical evidence and other witness testimony. Fitzgerald explained where the shooting occurred and where he found the victim. His statement matched the physical evidence. He said he heard multiple gunshots – beyond six as would be found in a revolver. Physical evidence recovered from the scene indicates that there were two weapons involved. Quintin Moss was shot at least 13 times. Fitzgerald indicated that there were multiple shots from at least three occupants of the car: a driver and two shooters.

Physical evidence and other witness testimony i.e. Wallace Conner's original statements corroborated his statements about three individual involved. He explained a factual scenario where Wallace Conners was in the open liquor store and looking for work – this was before Wallace Conners gave his statement to the Detectives at the hospital. Fitzgerald identified the car that contained evidence eventually linked to the scene. Information from two confidential informants led to the inclusion of Larry Griffin and Reggie Griffin in the photograph spread. Fitzgerald identified Larry Griffin from the photo spread thereafter.

Detective Andre Jones was in the neighborhood near the time of the shooting. His statements and identification of Larry Griffin corroborated Fitzgerald's statements at trial. Detective Jones saw a person, he later identified as Larry Griffin, leaving a known drug/gun safe house within blocks of the shooting at around 4 pm – minutes before the shooting. He also saw two other men with the defendant. He recognized a hat recovered from the car as similar to a hat

one of the other men were wearing. He recognized a rifle recovered from the car as similar to one carried by the third individual at the Cook address. His identification of Larry Griffin and the recognition of other items recovered from the car corroborate Fitzgerald's testimony.

Detective Jones was contacted by the CAO Team during the summer of 2005 and asked to appear for an interview. He indicated he did not have a strong memory of the case and asserted that what was in his trial testimony and police reports would be what happened. He agreed to come for an interview in the fall of 2005 or winter 2005-2006. Unfortunately, before he could be interviewed he was killed in a car crash the fall of 2005.

At trial, Police Officer Ruggeri corroborated the fact that he saw Fitzgerald within moments of his own arrival at the scene. He also, at trial under oath, said he saw Fitzgerald at the scene with a black man and a young child. He at trial said he saw them near a car with a wrench. However, given subsequent information on Officer Ruggeri's memory problems, the State sought to locate and interview other individuals at the scene.

The CAO Team interviewed Mrs. Missouria Moss. Mrs. Moss indicated, in her 2006 interview, that the day of the murder, her daughter Pat came and took her to the crime where she saw Quintin laying on the ground. She was not permitted near Quintin. She stood at the scene. We then showed her pictures of the crowd. She did not recognize anyone in the crowd. However, when she was asked if she saw any white men at the scene, she indicated she had. She had seen a white man in a police car. She indicated she believed this to be the same man who later testified at trial. She attended portions of the trial.[43]

The CAO Team began investigating whether the individual with Fitzgerald named "Carl" could be located. The CAO Team reviewed internal work product in the possession of the

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[43] Mrs. Missouria Moss reluctantly spoke to the CAO Team. She stated that she wants to put this matter behind her and wishes this matter had been left alone. She agreed to one interview with the CAO Team but asked that she not be contacted again.

Circuit Attorney's Office. We examined the notes and work product of all attorneys on the case at each stage -- not just those of the trial attorney. The attorney originally assigned to try the cases was Assistant Circuit Attorney Michael Fagan. He had been given the Moss case initially to review after the case was dismissed. His work indicates he began preliminary inquiries into the credibility of Fitzgerald by talking to local fraud and theft detectives. Those detectives had referred him to Fitzgerald's Boston police contact named John Nee.

Fagan, now an Assistant United States Attorney, reviewed his personal work product for the CAO Team. His information indicated that he had contact either directly or second-hand with Detective John Nee with the Boston Police Department. During his conversation either with Detectives in St. Louis about John Nee, or with John Nee himself, he believed that Fitzgerald had told Nee about what he witnessed in St. Louis on June 26, 1980.

The double or triple hearsay statements acquired by Fagan indicate that Fitzgerald met an individual named Carl Doe[44] at the motel where they both stayed. He and Carl had purchased drugs together in the past. The statements were that on June 26, 1980, Carl, his daughter and Fitzgerald went to the area of Sarah and Olive to purchase drugs again. Fitzgerald drove. When they got up to the area, they purchased drugs and attempted to leave. Fitzgerald's car broke down. Because Carl was familiar with the neighborhood, he left to get items to repair the car. Fitzgerald and Carl's child remained behind. After a while, Fitzgerald observed the shooting. Carl returned shortly after the shooting.

Based on information from Fagan, the CAO Team looked for Detective John Nee with the Boston Police Department. We learned that the Boston Police Department's Pension and

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[44] Given that the case is an on going investigation, and that at least two suspects remain at large, Carl will be referred to as Carl Doe in this report for safety reasons.

Personnel Division had three individuals listed as "John Nee." All three had retired and were deceased. We, thus, began looking for, and eventually found, Carl Doe.

Carl Doe:

In the spring of 2006, members of the CAO Team met and interviewed Carl Doe on two occasions. In both interviews, Carl Doe explained that he had met Robert Fitzgerald, whom he knew under the name of Jerry, while both were staying at a motel in St. Louis County. Carl Doe was shown a photographic mug shot of Fitzgerald and identified him as the person he knew as "Jerry." Carl Doe said that on a few occasions, he had taken Fitzgerald to Sarah and Olive and they had purchased drugs. Carl Doe, a black man, was familiar with the neighborhood and known by drug dealers as a user. When with Fitzgerald, Carl would purchase the drugs for both parties, as the dealers in the area did not know Fitzgerald. Fitzgerald would drive. In fact, at one point, Carl had to vouch that Fitzgerald was not a police officer. Carl Doe explained that he had purchased drugs from Quintin Moss and knew him fairly well.

Carl Doe stated he and Fitzgerald decided to get some drugs and headed to Sarah and Olive on June 26, 1980. Fitzgerald drove his car to the area. Carl Doe had his four-year-old son in the car with them. They went to Sarah and Olive and saw Quintin Moss sitting in a doorway near the corner. They parked east of Moss. Carl Doe purchased drugs from Moss and returned to the car. The car would not restart and had broken down. Carl Doe explained that they had the hood up on the car and were working on it. He could not remember whether the battery was dead or they ran out of gas. However, the car was broken down near Quintin Moss. Carl Doe used scene pictures and a diagram of the scene to show the CAO Team where the car was parked. The car was on the same side of the street, but east of Quintin Moss' location.

As they were working on the car, Carl Doe was working on the passenger side of the car leaning under the hood. He heard shots. Carl Doe grabbed his son, who was playing on the sidewalk, fell to the ground and shielded his son. When Carl Doe stood up, Moss was lying on the ground.

Carl Doe explained that Fitzgerald had been on the same side of the car as Carl Doe but was closer to Moss than Carl Doe was. After the shooting stopped, Carl Doe stood up and saw "Jerry" running down the street to check on Moss. Fitzgerald started to hold Moss to try to help him. Carl Doe told Fitzgerald that Quintin was dead and they had to go. Fitzgerald refused to leave saying he was not going to leave Moss. Carl Doe attempted to persuade him to leave quickly because Carl Doe did not want to be caught in the area. In the end, Carl Doe left with his son because Carl Doe did not want to be involved with law enforcement. He was also concerned because people would know if Fitzgerald cooperated and would retaliate against Carl Doe for bringing Fitzgerald to the area.

Carl Doe left town the next day -- after he received word through a neighbor that the Griffins knew Carl brought Fitzgerald to Sarah and Olive and that Fitzgerald was now talking to the police. He was concerned for his own safety and did not want to be involved. At the scene, he told Fitzgerald not to involve him. He denied seeing who did the shooting. All he could say about the car was that it was a dark, older model – primer colored. He purposely did not look at either the car or its occupants. He never discussed with Fitzgerald what Fitzgerald saw. He never saw Fitzgerald again.

Quintin Moss was Carl Doe's drug dealer. Carl Doe was adamant he was present when Quintin Moss was shot. He did establish that Fitzgerald was in the area of Sarah and Olive to purchase drugs. Fitzgerald would have had a difficult time getting local dealers to sell to him

because he was a stranger, not from St. Louis and unfamiliar with the area, and white. According to Carl Doe, people were concerned that Fitzgerald was a police officer but he had reassured them Fitzgerald was not. Carl Doe established that Fitzgerald lied in parts of his statement and testimony – he was using drugs near the time of Quintin Moss' death and he had purchased drugs, through Carl Doe, from dealers near Sarah and Olive. Carl Doe also explains he did not leave the car that day and did witness the shooting. He said that he did not leave the car to go get parts but stayed in the area with his son and Fitzgerald.

Carl Doe definitely stated that Fitzgerald and Carl Doe's son were also present at the time of the shooting. He also corroborated where the car was parked in relation to the shooting. He corroborated where Fitzgerald stood in relation to both the car and Quintin Moss. He was unable to state what or whether Fitzgerald saw the shooters because Carl Doe himself was ducking and covering his son. To Carl Doe it was only logical to duck and not look. Carl is skeptical about Fitzgerald's willingness to watch the shooting. However, he did confirm that Fitzgerald was standing where Fitzgerald claimed to stand. He also confirmed that Fitzgerald was physically in the position to see what he claimed to see. Fitzgerald was ducking next to the passenger side of the car but facing west in the direction where Quintin Moss was shot and killed.

Several factors indicate that Fitzgerald was truthful about what he witnessed at Sarah and Olive. First, in his original statements to homicide detectives he indicated that he saw Wallace Conners at a local liquor store across the street and west of where Quintin Moss. Conners in a couple of his statements repeated this fact. He also indicated that he observed Moss to be dealing drugs near Sarah and Olive. Moss was by all accounts dealing drugs on Sarah and Olive. The original police report indicated Fitzgerald supplied the car description and license plate of

the car to homicide. A couple of hours later a car with those plates was located by different police officers with items later matched to the homicide.

The physical evidence from of the car corroborated Fitzgerald's statement and testimony. The physical evidence from the crime scene also corroborated Fitzgerald's testimony. He describes shots consistent with multiple weapons being used. He described where Wallace Conners was found. He described the condition of Quintin Moss' body.

Carl Doe corroborated Fitzgerald's testimony in terms of his presence at the time Quintin Moss was shot. Carl Doe corroborated Fitzgerald's ability to observe the shooting. While he could not definitely state what Fitzgerald actually saw, Carl Doe did establish that Fitzgerald was physically in a position to observe and note the shooters and vehicle. Carl Doe corroborated Fitzgerald's actions after the shooting.

While some inconsistencies exist, the fundamental facts are the same. Both Carl Doe and Fitzgerald establish that the other was on Sarah and Olive when Moss was shot. Fitzgerald clearly was attempting to keep Carl from being pulled into the case as a witness -- in line with Carl's wishes. Carl Doe clearly told Fitzgerald not to involve him because people knew Carl Doe had brought Fitzgerald to the set. Carl Doe was endangered by this action. Fitzgerald, a person with a sophisticated and extensive criminal background, would have understood the implications of involving Carl Doe and his child by name. Fitzgerald clearly sought to minimize "Carl Doe's" involvement and that of the child.

Detective Andre Jones corroborated Fitzgerald's statements and trial testimony on the identification of Larry Griffin as one of the individuals involved. Detective Jones, independent of Fitzgerald's actions, identified Larry Griffin – not Reggie or another – as being on Cook, a few blocks away, with individuals who were armed within minutes of the shooting of Quintin

Moss. Detectives in Jones' unit (TACT unit) and Narcotics Units had two separate confidential informants who provided information that Reggie Griffin, Larry Griffin and Gary May had acted together to kill Quintin Moss. This information came to the Detectives in Homicide through District, TACT and Narcotics Detectives independent of Fitzgerald's statement. Although the evidence is not admissible at trial, the information corroborates Fitzgerald's identification of Larry Griffin as one of the participants in the shooting.

Other suspects:

The CAO Team examined whether enough evidence existed to pursue other suspects. The original charges against Reggie Griffin, Ronnie Thomas and Gary May were never filed because there was no identification of them, no physical evidence to connect them irrefutably to the murder and no confessions or statements by them. Indeed, all three asserted their Fifth Amendment Right to remain silent and their Sixth Amendment right to counsel. Therefore, even today absent a waiver on their part, the Circuit Attorney's Office will refrain from approaching them to interview them on the matter. However, in subsequent investigations related to other crimes, Ronnie Thomas-Bey signed a proffer and obtained a deal from the State of Missouri requiring his assistance and complete cooperation as to all criminal conduct with which he was familiar. Thus, Ronnie Thomas-Bey could be approached by the CAO Team.

<u>Gary May:</u>

The CAO Team investigated Gary May's background. He appears to have been a drug dealer who was eventually convicted of Murder Second Degree and was sentenced to a Life imprisonment term. He is currently on parole from that sentence. The CAO Team learned of no overt connection between May and Quintin Moss. His arrest, on the information supplied by the confidential informant, did not result in formal charges because the confidential informant could

not be produced for court or the warrant application. However, the CAO Team did learn that Gary May and Reggie Griffin, although arrested on separate and unrelated charges, were incarcerated temporarily together on June 25-26, 1980. They were interviewed at the same time while housed together in prison processing by Detectives looking for information on other matters. No mention of Quintin Moss or the death of Gant occurred during the unrelated interview. They both were released the early morning of June 26, 1980. No records of their bond remain with the Bond Commissioner.

Reggie Griffin:

The CAO Team learned that Reggie Griffin had the motive and opportunity to kill Quintin Moss. The information, acquired from multiple sources, clearly implicates Reggie Griffin in the Moss murder – however, little of the evidence is admissible in trial against him. His statements to the LDF were not admissions by any construction of the law. The physical evidence that does connect him to the car used in the shooting, while helpful if it could be combined with other evidence, is not enough to overcome the burden of proof.

The information from the LDF report as to the involvement of Reggie Griffin comes by way of double and triple inadmissible hearsay. Many of the assertions in the LDF report as to new evidence are not truly indicative of new evidence; but are merely long-standing rumors discussed publicly for the first time in 2005. For instance, in front of the United States District Court, one theory was that Ronnie Parker and Reggie Griffin assisted in the murder. The Attorney General's office investigated the matter. When questioned by the Attorney General's Office, Ronnie Parker, though wishing to assist Larry Griffin because he faced execution and because of Parker's friendship with the Griffins, did not admit a role in the murder.

Ronnie Parker:

Parker never admitted to any role in the murder. Indeed, the LDF report acknowledges that Parker never admitted overtly to the murder. While the LDF report attempts to use Parker's statements as tacit admissions, the statements attributed to Parker as reflected in the unsigned affidavit authored by the private investigator not by Parker do not qualify as such under the law. The CAO Team contacted Ronnie Parker who is in prison for Life without Parole on the charge of Murder in the First Degree for an unrelated 1989 murder. During a telephone call, Parker agreed to speak to the CAO Team saying that the statements attributed to him by the private investigators, and as reported in the media, were inaccurate. He said he did not tell the investigator the items attributed to him. Parker wanted to dispute the contents of the LDF report.

In August of 2006, the CAO Team traveled to the prison housing Parker. He came into the room stating that he changed his mind and would not do a taped interview. He apologized for the inconvenience but felt talking to the LDF investigator had been a mistake as his statements were taken out of context and misinterpreted. He did not want to risk speaking to anyone else. He agreed to review the unsigned affidavit of the private investigator provided to the CAO Team by the LDF for accuracy. He read the investigator's affidavit and said the contents were untrue and that he did not say those things. He refused to mark it as untrue or even sign another statement. He adamantly denied the statements attributed to him. He denied any role in the murder of Quintin Moss. He explained briefly that in the 1990's an investigator with the Missouri Attorney General's Office had visited him. He said that he told the investigator he did not commit the crime but wanted to help Larry Griffin out. After reiterating that he wanted nothing further to do with this investigation, he was taken back to his cell.

Ronnie Thomas-Bey

The CAO Team contacted the United State's Attorneys Office to attempt to arrange an interview of Ronnie Thomas-Bey. When Ronnie Thomas-Bey was arrested in 1980, as an Accessory after the Fact regarding the murder of Quintin Moss, he had asserted both his Fifth and Sixth Amendment rights. However, the CAO Team learned that in the early 1990's Ronnie Thomas-Bey had entered into a proffer with both the United States Attorney's Office for the Eastern District of Missouri and the Circuit Attorney's Office.[45] The proffers required his complete and ongoing cooperation with both levels of government as to any criminal conduct he had engaged in prior to his pending charges in United States District Court. He was obligated to testify against his co-conspirators, aka "the Beys," for their organized criminal conduct from 1979 to 1990. In exchange, he received multiple sentences for various crimes and protection within a witness protection program within the prison system.

The lead prosecutors on the case, Michael Fagan and Dean Hoag, assisted the CAO Team in locating Mr. Thomas-Bey at an undisclosed location. Assistant United States Attorney Dean Hoag arranged for some of the CAO Team members and himself to interview Mr. Thomas-Bey at a secure location. The interview was taped in August of 2006.

Thomas-Bey attempted to recall events over a 26-year time span. He admitted he participated in multiple shootings, drive-bys and murders. He explained that over time his memories of some of the "insignificant" actions blended together. The major criminal actions, those with a more personal connection, stood out in his memories. However, crimes he participated in that did not have personal significance had blurred.

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[45] A proffer is a discussion between a government prosecutor and a person under investigation for, or charged with, a crime. Specifically the person reveals information known to them and the government decides its value and whether to use the information. Typically, some form of immunity for the proffer discussion is given to the person – either complete immunity, transactional immunity or use immunity.

Thomas-Bey explained that any drive-by shootings or attempts against Quintin Moss would have had no personal significance to him. He was confident he did not know Quintin Moss personally. He did not in any way associate with him. He was adamant that he had no connection in any way to any members of the Haymon Drug set or its splintering offshoots. He explained that there was no connection between the Haymon Drug set, Dennis "Gant" Griffin and himself. They did not associate while either Dennis Haymon or Gant was in charge. He had no personal connection or investment in Gant. Therefore, it did not concern him when Gant was killed. It was a matter with no personal meaning to Thomas-Bey.

He had no connection to Larry Griffin. Thomas-Bey recalled one business contact between himself and Larry Griffin. Thomas-Bey said that Griffin had attempted to sell him some guns. Thomas-Bey asked for some additional items/proof about the gun/guns, Larry Griffin left and was supposed to return with more guns. Larry Griffin never completed the deal.

When questioned about his association with Reggie Griffin, Thomas-Bey explained that at one point he and Reggie were very close associates. Thomas-Bey said that he met Reggie through Ronnie Parker and began associating with Reggie Griffin in the spring of 1980 – after Gant's death. Thomas-Bey outlined that he developed a significant degree of trust in Reggie such that they committed several crimes together. Thomas-Bey acknowledged he learned in the spring of 1980 that retaliating for Gant's death was very important to Reggie and to the entire Griffin family. Because of its importance to Reggie, Thomas-Bey said he had been out on several occasions with Reggie and other Griffin family members looking for those the Griffins blamed for Gant's death. He did not recall if Larry Griffin was present any of those times.

Thomas-Bey recalled on several occasions looking for someone named "Black" with the Griffins. This person was one of the people the Griffins, in particular Reggie, held responsible

for the death of Gant. At one point, during the 2006 interview, Thomas-Bey thought Black might have been Quintin Moss' nickname. The CAO Team showed Thomas-Bey the mug shots of both Quintin Moss and Michael Akins. Thomas-Bey identified the picture of Michael Akins as the person he knew as "Black." The CAO Team learned from multiple other sources, including Michael Akins himself, that Akins' nickname was Black. Quintin did not have a nickname or street name -- though to some interviewed he was known as "Quinn." Thomas-Bey was unfamiliar with Moss at all.

Thomas-Bey learned from Reggie Griffin that he thought that Black and another person had set Gant up to be killed and robbed. Reggie Griffin made it clear to Thomas-Bey that he intended to find and kill Black and the others responsible for Gant's death. Thomas-Bey supplied Griffin with anything he needed including semi-automatic rifles and handguns. He also allowed Reggie to use his car on several occasions – even if Thomas-Bey was not present.

Thomas-Bey examined pictures of the car recovered in the case, the document titling the vehicle to himself under the alias of "Ricky Thomas," and the statement of his former girlfriend Miriam Oliver identifying the car as one he owned. Thomas-Bey did not dispute ownership of the car. Nevertheless, he explained that he had so many similar cars in multiple names for use in criminal activity that this particular car did not stick out. He acknowledged the other evidence clearly showed his ownership. He explained he would not have hesitated to use it with Reggie Griffin or to allow Reggie or others to borrow the car.

When questioned specifically about the shooting of Quintin Moss and his possible involvement, Thomas-Bey believed he had heard or knew something about the matter but had no specific memory, at the time of the interview, of the incident. He specifically denied participating in any shootings on Sarah at Olive. He specifically denied participating in

shootings near the old "Wedge" liquor store. However, he later acknowledged given the passage of time and his criminal proclivity he could have participated in a shooting in the area and not remember it. He did not recall ever participating in a shooting on that block.

Thomas-Bey did not have a memory of shooting at, or being present when, shots were fired at three men standing near the corner of Sarah and Olive. Thomas-Bey did not know or recognize photographs of Wallace "Red" Conners. He did not have any memory of ever seeing him or shooting at him.

Thomas-Bey was shown a picture of Peter Robinson. Thomas-Bey recognized him immediately. He knew him as "Petey" from Thomas-Bey's days of growing up in the Pruitt-Igoe Projects. He knew Robinson well and considered him a friend. He adamantly denied ever being present when Petey was shot at or ever shooting at him. He said that he probably would have taken steps to keep people, even Reggie, from shooting at "Petey." He denied ever being present when Robinson was shot at.

The CAO Team asked him about statements of the LDF that allege that Ronnie Thomas-Bey had confessed to Jerry Lewis-Bey about the Quintin Moss shooting. Thomas-Bey said that his cousin Lewis-Bey is lying. Thomas-Bey testified at both the State level pre-trial deposition and the United States District Court trial against Lewis-Bey regarding Lewis-Bey's activities as the head of the St. Louis Beys. Thomas-Bey stated that Jerry Lewis-Bey had every reason to lie about him because Thomas-Bey testified against Lewis Bey.

The CAO Team questioned Thomas-Bey about statements of Kerry Caldwell[46] at Larry Griffin's federal habeas proceedings. Thomas-Bey emphatically denied ever working directly with Kerry Caldwell. He explained he never trusted Caldwell. He said he never acted on a tip

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[46] Two federal agents who worked closely with both Kerry Caldwell and Ronnie Thomas-Bey indicated that Thomas-Bey was the more reliable of the two witnesses.

from Caldwell and would have avoided doing so. He explained that he would not have committed a serious crime with Caldwell around because of his distrust.

The CAO Team asked him about his statements on the Quintin Moss murder at a deposition against Jerry Lewis-Bey. He did not know why he made those statements but indicated that he had committed so many crimes he probably became confused with the name. He also indicated again that he felt he knew something about the death but could not remember specific details. He was asked to think on the matter and contact AUSA Dean Hoag if he remembered anything.

Thomas-Bey contacted AUSA Dean Hoag on a later date. This led to another interview by the CAO Team. In the later interview, Thomas-Bey remembered one incident where he was with Ronnie Parker and Reggie Griffin when they drove by a store or pharmacy. Ronnie Parker went into that store and came out telling the others he saw Black inside the store. The three waited for Black to come out, drove by and shot at him several times. He did not know but thought he had hit Black. He could not remember if he or Parker actually did the shooting. He knew Reggie had done so. He denied anyone other than Black being present during this shooting.

This incident was later corroborated by Michael Akins, aka Black, himself. He denied knowing who shot at him but explained he was leaving a drug store when three black males began shooting at him. He shot back to defend himself and escaped. During this same telephone interview, Akins acknowledged that people believed he had a role in killing Gant and that he had been shot at several times because of it. He denied any role in Gant's death but understood why people thought he had a role. He no longer lives in the St. Louis area.

In 2007, the CAO Team interviewed Jerry Lewis-Bey about statements attributed to him in a LDF affidavit signed by one of their private investigators. The investigator's affidavit and the LDF report say that Lewis-Bey had received a detailed confession from his cousin Ronnie Thomas-Bey as to his involvement in the murder of Quintin Moss. When questioned by the CAO Team in 2007, Lewis-Bey denied he ever received a confession from his cousin on this issue. He requested copies of both the unsigned affidavit purporting to summarize his statement and of the report by the LDF. The CAO Team mailed him copies of both. Subsequent to the taped telephone interview, Lewis-Bey returned an unsolicited affidavit to the Circuit Attorney's Office.[47] In the signed, sworn affidavit, Lewis-Bey denies virtually every statement attributed to him by the private investigator. Indeed, while acknowledging a desire for revenge on his cousin Thomas-Bey for testifying against him at a federal trial, Lewis-Bey denies that Thomas-Bey ever confessed to him. He explained that his cousin did tell him about being arrested in relation to the murder of Quintin Moss. However, his cousin told him there was nothing to that arrest. Lewis-Bey repeatedly said that Thomas-Bey did not confess to killing Quintin Moss.

Jerry Lewis-Bey also confirmed that to his knowledge there was no connection between Thomas-Bey and Gant or the Griffin family. In fact, he remembers being surprised in the early 1980's when Thomas-Bey began associating with a Griffin because of historic problems between Dennis Haymon and the Pettys, associates of Lewis and Thomas-Bey. Thus, there was no motive to avenge Gant's death. He did confirm that rumors on the street indicated that Larry Griffin did not shoot Quintin Moss but indicated he had no personal knowledge on the matter. He explained that based on Thomas-Bey's deposition answers in the case against him personally he believed that Thomas-Bey had a role in Quintin Moss's death but repeated that he had no personal knowledge.

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[47] See a copy of Lewis-Bey's 2007 affiadvit attached.

After reviewing all of Thomas-Bey's statements and other items involving him, the CAO Team concluded that Thomas-Bey did not overtly participate in the shooting of Quintin Moss. He clearly supplied the car. He did participate in shooting at Michael Akins aka Black. It was apparent to the CAO Team that Thomas-Bey, and others including Ronnie Parker, may have confused Quintin Moss for Black. Only when pictures are shown to the parties can they keep the two separate. Interviewing individuals involved in these drug sets from 25 years ago, without using pictures to identify various players by their faces, not their street names, leads to mistakes and assumptions of identity. For example, just asking Thomas-Bey about shooting at Quintin Moss could lead to him to discuss his shooting at Black under the false impression they are one in the same. Using individuals' pictures and identifying them by their faces not their street names eliminates the opportunity for mistaken "confessions." The LDF relied on these invalid assumptions when identifying Thomas-Bey as a potential shooter of Quintin Moss.

A couple of items most poignantly demonstrate Thomas-Bey did not participate in the shooting of Quintin Moss. First, he clearly was very familiar with Peter Robinson. His attitude and demeanor when describing "Petey" demonstrated that Robinson was someone with whom Thomas-Bey personally connected. He clearly knew Robinson well and considered him a childhood compatriot. It was apparent to the CAO Team, that had Thomas-Bey been present when "Petey" Robinson was shot at he would have remembered the incident. He emphatically denies any such shooting.

Throughout the interviews, Thomas-Bey made no pretense that he had been anything other than what he was – a criminal. He acknowledged countless criminal activities. He did not hide any facet of the criminal lifestyle he led. While he did not brag or offer details about that life, when asked, he candidly and forthrightly answered those questions. He made no pretense

that several of the acts had little significance to him personally and were simply a part of what he chose to do. Thus, when he discusses the personal significance that shooting at Peter Robinson would have had, that significance imparts clarity to his role in shooting at Quintin Moss. The CAO Team believes that Thomas-Bey would have remembered being present when Peter Robinson was shot at.

Second, Thomas-Bey was very clear that he was not present when three individuals were shot at down the street from the closed Wedge Liquor store. Wedge Liquor was a familiar landmark in St. Louis to many involved in the drug trade in 1970's and 1980's. Thomas-Bey was no exception. He denied ever being involved in any shooting on the block where the Wedge Liquor was located.

Third, Thomas-Bey acknowledged several shootings that law enforcement previously had not attributed to him during his proffer to the United States Attorney's Office. The Assistant United States Attorneys (AUSAs) involved, questioned him during this proffer about any crime he remembered committing. He was questioned about every arrest he ever had – regardless of whether formal charges were pursued. He was questioned in 1990 about his arrest as an accessory in Quintin Moss' death. He denied participation then. It was to his advantage to admit to every criminal act he committed because the crime then would be covered by his deal. If he were caught lying or omitting a crime during his proffer, he would be subject to the entire deal being revoked and to prosecution, not only on the items he failed to disclose, but on everything else as well. During his proffer in the early 1990's, he had everything to lose by not admitting his role in the crime against Moss if he had one. He made no mention of it – despite disclosing numerous other crimes.

Fourth, at the trial of the Beys, he was subject to cross-examination by all the defendants' counsel for crimes they were aware he committed whether or not these crimes were covered by the proffer. A review of every binder of his testimony at the trial against Jerry Lewis-Bey et al, several hundred pages, indicates that his criminal history was covered extensively both on direct and cross. The AUSA who handled his direct examination covered every crime Thomas-Bey was known to have committed. On cross-examination, each defense attorney covered any crimes of which they were aware. But, no mention of the murder of Quintin Moss or any role in that murder was located by the CAO Team. Jerry Lewis-Bey's attorney did not use the alleged confession to Lewis-Bey, at any apparent point in the trial, even though if such confession had existed it would have undermined Thomas-Bey's credibility during the trial. This is corroborated by Jerry Lewis-Bey in his statement to the CAO Team and in his unsolicited affidavit.[48]

Larry Griffin's Criminal History:

Any review of the murder of Quintin Moss, to be complete, should include a review of the convicted individual's criminal history. While criminal history does not necessarily mean the person is responsible for a crime, criminal conduct in the past can shed light on the person's motive and intent to commit a particular crime. Larry Griffin had several convictions prior to his conviction of Quintin Moss's murder. His first documented conviction includes Bank Robbery. He served a 5-year sentence in a federal penitentiary in Colorado. Subsequent to his conviction of Bank Robbery, he was convicted of at least 11 additional felonies for which he was incarcerated in the Missouri Department of Corrections. These crimes ranged from Burglary 1st

[48] See Jerry Lewis-Bey affidavit in the Appendix.

degree, Possession of Controlled Substances to Robbery with a Deadly Weapon and Assault First Degree.

At the time of his conviction for Capital Murder in the death of Quintin Moss, he had another Capital Murder charge pending involving the December 3, 1980, death of Sylvester Crawford. According the original defense attorney, both believed the State's case involving the death of Sylvester Crawford was the stronger of the two-capital murder cases charged. After Griffin's conviction of Capital Murder in the death of Quintin Moss, the State accepted his plea to Murder 2nd Degree for the murder of Sylvester Crawford and in exchange did not seek the death penalty.

He had several additional arrests for various offenses ranging from Murder in the First Degree and Robbery to Weapons Offenses and Burglary. Some of the additional arrests were at known drug houses operated by Haymon drug faction members or with his family members including Dennis "Gant" Griffin.

While in jail waiting for his trials for the murders of Quintin Moss and Sylvester Crawford, Homicide Detectives learned that Griffin befriended one of his guards named Larry Williams. The detectives questioned Larry Williams about his contacts with Griffin. Williams acknowledged that he warned Larry Griffin about threats Williams heard against Griffin. The threats stemmed from Griffin's participation in the murder of Sylvester Crawford and the simultaneous shooting of Harvey Wilkerson. Larry Griffin indicated to Williams that he was not worried because Griffin's people were looking for the witnesses testifying against him in the Sylvester Crawford murder and that those people would be taken care of. He indicated that one of these witnesses, Dwight Crawford, would be taken care of by individuals using ski masks and

large caliber weapons. Williams learned two days after this conversation of the shooting of Dwight Crawford and his subsequent death from that shooting.

Williams discussed the fact that Griffin was aware there was a white man testifying against him regarding the death of Quintin Moss. Williams received no additional information on what if any actions where to be taken against this witness. However, Griffin did offer Williams $5,000 cash to testify at Griffin's trial in the death of Sylvester Crawford that Williams saw a women running from the building at the time of Crawford's death. There is no evidence Williams availed himself of this opportunity.

In 2005 and 2006, the CAO Team contacted Larry Williams. He indicated that his memories of his conversations with Larry Griffin were vague. He said he would defer to the memorandum written by the Homicide Detectives. He was interviewed over the phone a couple of times. However, he failed to appear for a couple of scheduled in-depth interviews.

Larry Griffin's criminal history in terms of both convictions and arrests were factors to be considered in determining whether the murders were eligible for the death penalty. His criminal history clearly met one aggravating circumstance qualifying each case as a death penalty case, to wit: the factor -- a history of serious assaultive convictions. His past conduct, both charged and uncharged, was a matter that legally could be submitted to a jury for their consideration of the death penalty as a suitable form of punishment. The conduct for which he was convicted during the shooting of Quintin Moss was legally submissible as an aggravating circumstance, to wit: the factor of the use of a device under circumstances likely to cause harm to one or more persons.

Analysis and Conclusions:

The intent of the authors of the LDF report to pursue justice for Larry Griffin was noble. In their pursuit of justice on a long-closed case, they clearly demonstrate the belief that society as a whole shoulders the responsibility for insuring that justice must be served to all equally. Society's legal representatives, those with both the responsibility and power to seek justice, should always share and exhibit this principled belief as well.

Unbeknownst to those authors and the Moss family, those with the legal access and responsibility had already examined many of the issues raised in the LDF report in some form or fashion. In its report, the LDF did not address the appellate examination or the assessment of the credibility of Fitzgerald and others conducted by the state appellate and federal courts prior to the execution of Larry Griffin. The authors of the LDF report did not have the access to most of the records that the CAO Team had because the LDF's authors were not law enforcement. They clearly would not have known of the ongoing conduct of law enforcement investigators to examine alleged new evidence of different or additional killers conducted at the federal habeas level. They could not, and should not, have had access to such information because permitting private party access can compromise investigations. Law enforcement must be able to conduct investigations with security of information. The LDF authors worked for a private entity. Consequently, the lawful restrictions on access resulted in an inability of the LDF report authors to access important information. The absence of this information resulted in assumptions that, while worthy of examination, time and investigation have proven untrue.

The Circuit Attorney's investigation yielded a wealth of information about the death of Quintin Moss and conviction of Larry Griffin. The CAO Team learned that much of the

information provided in the report given to Quintin Moss's brother by the LDF was largely based on supposition and speculation that led to inaccurate conclusions.

There are standard investigative practices that allow for accurate information to be gathered. There were many factors in the LDF investigative practices that contributed to the inaccuracies. A couple of conclusions as to the inaccuracy of some of the allegations in the LDF report can be drawn. The private investigators did not use pictures of individuals to clarify identities of people and, instead, assumed that nicknames were accurately attributed to various parties by witnesses. The investigators did not provide witnesses the information from original police reports, trial testimony, depositions, federal court testimony or other sources to help them refresh their memories or to dispute the contents of the original documents. The investigators' signed and unsigned affidavits from the LDF do not include individuals' personal or health histories that might influence their memories. The investigators repeatedly and inappropriately used leading questions. Indeed, some witnesses disputed the contents of some of the affidavits as inaccurate summaries of their statements.

Additional conclusions as to some of the allegations in LDF report can be drawn. Wallace Conners stated at the press conference he had never been questioned by the police. In fact, Wallace Conners was questioned or interviewed three times by law enforcement prior to his voluntary flight from the State of Missouri. Each of those interviews consistently shows that Conners asserted he did not see who shot him. Conners at the time had every reason to be fearful of being involved. Furthermore, in 1981, he had recently been paroled on a Robbery sentence and had no alliance to, and would not, assist law enforcement. His actions at the time were consistent with many witnesses of the period: they ran rather than cooperated.

Another assertion in the LDF report, that Patricia Moss witnessed the murder of her brother but was never questioned about the matter is rebutted directly by many factors. These include: the interviews done by Homicide Detectives at the scene at the time of the murder, interviews by personnel from the Circuit Attorney's Office in preparation for her trial testimony and by statements she made to some of her family members near the time of the incident. Ms. Moss testified at trial under oath in front of Larry Griffin. She did not mention any other information. Given vast discrepancies between her statements given over the years to various people, it is a reasonable inference that Ms. Moss's memory over time has faded such that she is now unwilling to cooperate with the official investigation. The crime scene photographs and the current statements of her own mother directly rebut the assertion in the investigator's affidavit that Ms. Moss did not see any white person at the scene.

The assertion that Police Officer Michael Ruggeri now indicates he did not see a white man tending to Quintin Moss is untrue. Retired Officer Ruggeri has under gone two surgeries on his brain since his testimony in the Griffin murder case. He asserted to the CAO Team that he never lied under oath. He stated that no police officer or prosecutor ever asked, suggested or requested he lie or change his story to fit Fitzgerald's. He explained to the CAO Team that he would stand by his original trial testimony and not his current memory of events. He asserted that his memory today is clouded by years of investigating shootings in the Ninth District and by the multiple interviews, articles and statements he has heard since. He said that his statements within 90 minutes of the event in his report and to Homicide detectives would have been accurate. He reiterated that his testimony under oath one year from the event would be far more accurate and fresh than statements in a restaurant 25 years later.

Indeed, Officer Ruggeri's original statements and testimony are corroborated by Carl Doe. Carl Doe reluctantly acknowledged being present when his former drug dealer was shot. Carl Doe corroborated Fitzgerald's presence and opportunity to observe the shooting of Quintin Moss. Carl Doe acknowledged that he and his son were present with Fitzgerald when Quintin Moss was shot. He acknowledged that he took Fitzgerald to the neighborhood. He verified that Fitzgerald was attending to Quintin Moss after Moss was shot. He affirmed that Fitzgerald refused to leave Moss until the police arrived. He established that he actively sought to stay out of the case and asked Fitzgerald to keep him out of the matter. Clearly, Fitzgerald attempted to honor that request. Indeed, Carl Doe directly rebuts many of the assertions of Wallace Conners as to the presence and location of Fitzgerald at the time of the shooting.

Carl Doe has no motive to lie. He removed himself from the situation and the State of Missouri out of fear of retaliation. He has rebuilt his life independent of drugs and drug use, and he is gainfully employed. He has every reason to remain uninvolved. He could have denied he was present, asserting the CAO Team had the wrong person. There is little the CAO Team could have done to disprove him had he chosen such a course of action. Instead, he acknowledged what he witnessed and explained what he saw. He does not understand why a person would watch the shooting instead of covering their eyes. He does not understand why a person would inject themselves voluntarily as a witness in a case. He does not understand why a person would take the time to memorize license plates rather than to duck when shots are being fired. However, he adamantly attests that he and Fitzgerald were present when Quintin Moss, whom he personally knew, was shot. He establishes that Fitzgerald was physically where Fitzgerald testified he was and was in the position to see what he claimed.

The CAO Team found no evidence to suggest police or prosecutorial misconduct. There is no evidence any witness was ever coaxed or encouraged to lie. There is no evidence that any evidence was ever hidden or destroyed. There is absolutely no evidence of a motive for police officers or prosecutors to engage in such conduct. Candidly, Quintin Moss was a known drug dealer – the easiest course of action for lazy, incompetent or corrupt police officers or prosecutors would be to write the case off. They could have proceeded no further. Quintin's family at the time was not wealthy and could not have hired an attorney to pursue a lawsuit. They would have had little opportunity to fight such a response. However, the officers and prosecutors chose the higher road. No person, regardless of his or her lifestyle, earns being the victim of murder. Each murder victim has the right to an investigation and the efforts of society to hold their murderer accountable. That is what happened after the death of Quintin Moss. The police did not sweep the matter under the carpet. Prosecutors did not refuse to pursue the case because the eyewitness was flawed. They sought and obtained corroboration of the witness and proceeded to trial.

The trial prosecutor did not talk to the prior prosecutors assigned to the case. Given caseloads and responsibilities at the time, such actions, while regrettable, were not unique. Neither the originally assigned attorney nor the eventual trial attorney recalls ever discussing the case with one another. Had the trial prosecutor talked to those attorneys assigned to the case prior to him, he would have made the State's case even stronger for the jury. His working without his predecessors' information or advice in some respects benefited Larry Griffin. Larry Griffin faced only one eyewitness – he could have faced more. Few prosecutors voluntarily or knowingly give up a second eyewitness in a case such as Griffin's.

Furthermore, the appellate process reviewed every possible challenge to Griffin's conviction. The Attorney General assigned an Assistant and dedicated investigative resources to review these challenges. When new theories or allegations were advanced, investigators interviewed the witnesses and examined the "new" theories and allegations. An independent, neutral fact-finder in the form of a United States District Court judge reviewed these allegations and evidence and found them not to be credible. The appellate process examined various permutations of the theories advanced.

The essential questions facing the CAO Team were 1) was the wrong person convicted of the murder of Quintin Moss and 2) is there new evidence to merit the prosecution of new or additional perpetrators of Moss's murder? The CAO Team reached conclusions on these questions.

The wrong person was not executed for the murder of Quintin Moss. An eyewitness, flawed though he was, identified Griffin positively at multiple stages of the criminal process. Even years later, after acknowledging a personal opposition to the death penalty, Fitzgerald refused to recant the identification of Larry Griffin. Multiple items corroborate his testimony and identification. Carl Doe corroborates Fitzgerald's testimony. The physical evidence corroborates Fitzgerald's testimony. Detective Andre Jones corroborated Fitzgerald's identification of Larry Griffin. Unbeknownst to Fitzgerald, Larry Griffin had motive. Unbeknownst to Fitzgerald, Larry Griffin had the opportunity. Fitzgerald merely identified Griffin after Griffin seized that opportunity.

The prosecution proved to an independent, neutral panel of jurors that Larry Griffin committed this offense. Hindsight examination of evidence to corroborate or undermine Fitzgerald's statements and evidence is no substitute for the personal assessment of the most

independent, neutral body available – 12 average citizens with no personal investment in the case and no policy agenda to advance. No document review by examiners 26 years later can truly substitute for the eyes of those who witnessed Fitzgerald testify. Those citizens' hard work coupled with the assessment of a neutral, impartial trial and federal court judge are strong evidence that the criminal justice system worked in the case against Larry Griffin because of his participation in the murder of Quintin Moss.

Unfortunately, while the CAO Team has theories on the role of others in the death of Quintin Moss, to date there is insufficient evidence to proceed against those individuals. The evidence advanced by the LDF report on the matter largely was examined in the past. The information may have appeared new to the authors of the report or to the victim's family given that neither followed Griffin's case on appeal. However, a thorough review of the appellate process in the case shows the evidence against those named in the LDF report is not truly new and is not of sufficient legal quality such that it could be used in court at this stage against those particular individuals.

The evidence pointing at other participants does not, in and of itself, exonerate Larry Griffin. He was one of three people. The other two remain uncharged. Evidence tending to establish their identity does not automatically undermine the evidence proving his. The purpose of the appellate process remains to address legal errors and to provide a forum for new evidence to be presented. The process resulted in a guilty verdict by twelve jurors against Larry Griffin being upheld by a neutral, independent appellate system. While this result was not welcomed by him or his supporters – justice was served for him. The conviction of one of the murderers means that justice was served for Quintin Moss as well. Justice does not turn on whether the participants like the result in a particular case. Instead, justice results from a fair, neutral

assessment of the evidence that yields accurate and legally sound results. Justice was served for both Larry Griffin and Quintin Moss.