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Federal Judge Declares: Grant New Trial to Crowell & Moring Client Crosley Green or Set Him Free

Florida Federal Court Finds Prosecutors Withheld Evidence, Denying Fair Trial

Washington – July 20, 2018: A federal court in Orlando, Fla., has granted former death row inmate Crosley Green's petition for habeas corpus in a ruling that requires prosecutors to retry Green or release him from prison. The court found that Green's constitutional rights were violated when Brevard County, Fla., prosecutors withheld key evidence in his 1990 trial for the murder of Charles "Chip" Flynn Jr. Green has served 29 years in prison, including 19 years on death row, while maintaining his innocence.

The ruling from U.S. District Court Judge Roy B. Dalton Jr. requires Green to be released from prison if prosecutors decline to initiate proceedings within 90 days to retry him.

"We are very pleased with the court's ruling today. Crosley Green is an innocent man, and it has taken 28 years for a court to finally agree that he did not receive a fair trial because the state improperly withheld critical evidence," said Crowell & Moring partner Keith J. Harrison, lead attorney for Green. "We are grateful that the federal court in Orlando has recognized the injustice he has suffered. We hope that today, almost 30 years later, the Brevard County prosecutor's office will now do the same and decide not to bring a new trial against Mr. Green."

On Sept. 5, 1990, an all-white jury convicted Green of first-degree murder of a 22-year-old man in Titusville, Fla., and sentenced him to death. Green's request for writ of *habeas corpus* to the Middle District of Florida asserted that no direct evidence ties Green to the murder, and that newly discovered evidence demonstrates he was wrongfully convicted. Four of the prosecution's witnesses have recanted their testimony since Green was originally convicted. Ten alibi witnesses have stepped forward asserting that Green was elsewhere at the time of the crime.

The federal ruling pointed to statements made to the prosecutor by the police officers who first responded to the crime scene that were withheld from Green's defense at trial. The officers independently concluded that a witness's description of the events lacked credibility and that it was the witness, not "a black guy," who killed Flynn. Judge Dalton found that the prosecutor's failure to disclose the evidence constituted a *Brady* violation that undermines "confidence in the outcome of the trial."

The court wrote that information that the first officers at the scene evaluated the evidence as implicating another as a suspect "went to the heart of the defense strategy. It is difficult to conceive of information more material to the defense and the development of defense strategy than the fact that the initial responding officers evaluated the totality of the evidence as suggesting that the investigation should be directed toward someone other than [Green]."

The ABA Death Penalty Project referred Mr. Green's case to Crowell & Moring in 2008. Green was removed from death row and sentenced to life in 2009.

Green's *pro bono* legal team includes: Crowell & Moring partners Keith J. Harrison and Jeane A. Thomas; Sheppard Mullin partner Robert Rhoad; Crowell & Moring counsel Vincent J. Galluzzo; former Crowell & Moring associate Stacie Lieberman; and

Crowell & Moring senior *pro bono* paralegal Virginia Martin.

[Click to read the federal court's order.](#)

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Contact: **An Pham**
Manager, Media PR & Communications
+1 202.508.8740
apham@crowell.com