

## Lawyers for Crosley Green Ask Federal Court to Release Him Due to COVID-19 Risks

### *Green Remains Imprisoned More Than Two Years After Conviction Overturned*

**Washington, D.C. – March 24, 2021:** Crowell & Moring lawyers for Crosley Green—whose conviction was overturned by an Orlando federal court more than two-and-a-half years ago—have asked the court to grant his immediate release from a Florida state prison due to COVID-19 health risks. Mr. Green is at increased risk for contracting, and even dying of, COVID-19, because, in addition to his age, changes to Mr. Green’s health condition make him more vulnerable to COVID-19—new facts only learned by his counsel in recent weeks.

“Mr. Green’s conviction was overturned two-and-a-half years ago, and he is no longer convicted of a crime. Yet he remains in a Florida prison, where he has already spent three decades. He should be released immediately, before COVID-19 potentially renders his quest to prove his innocence moot,” said [Keith J. Harrison](#), Crowell & Moring partner and lead counsel for Mr. Green.

Warden Heath Holland of Calhoun Correctional Institution, Mr. Green’s current facility, has provided the court with a sworn declaration that Mr. Green has been a model inmate with an “unusual” and “impressive” record.

“I have even mentioned to others that I wished all of our inmates were like Mr. Green. I have known Mr. Green to carry himself with dignity and respect. I have known Mr. Green to be respectful of my staff and to have a positive attitude despite his incarceration,” Holland stated.

Mr. Green’s conviction for a 1989 murder was overturned by U.S. District Court Judge Roy B. Dalton Jr. of the Middle District of Florida in July 2018. The court granted *habeas* relief, ruling that Mr. Green’s constitutional rights were violated when prosecutors in Brevard County, Florida withheld key exculpatory evidence of Mr. Green’s innocence in his 1990 trial. The July 2018 order required Mr. Green to be released from prison in 90 days if the State did not initiate new trial proceedings.

The State of Florida appealed the ruling to the Eleventh Circuit, and Mr. Green remains in prison today. The appeal was argued before the Eleventh Circuit on March 12, 2020, just days before the COVID-19 pandemic forced many government institutions to close or move to a virtual work environment. A ruling is pending.

Mr. Green has served 32 years in prison, including 19 years on death row, while maintaining his innocence. He was arrested in 1989, at the age of 31. He is now 63 years old.

### **Background on the Case**

On September 5, 1990, an all-white jury convicted Mr. Green of first-degree murder of Charles “Chip” Flynn Jr. in Titusville, Florida, and sentenced him to death. Mr. Green’s request for writ of *habeas corpus* to the Middle District of Florida asserted that no direct evidence ties Mr. 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 Mr. Green was originally convicted. Ten alibi witnesses have stepped forward asserting that Mr. Green was elsewhere at the time of the crime.

The federal court’s 2018 ruling in Mr. Green’s favor pointed to statements made to the prosecutor by the police

officers who first responded to the crime scene that were withheld from Mr. Green’s defense at trial. The officers independently concluded that the key witness’s description of the events lacked credibility and that it was the witness, not “a black guy,” who killed Mr. 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 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].”

Mr. Green’s *pro bono* legal team includes: Crowell & Moring partners Keith J. Harrison, Jeane A. Thomas, and Vincent J. Galluzzo; Nichols Liu partner Robert Rhoad; and Crowell & Moring senior *pro bono* paralegal Virginia Martin. The firm has represented Mr. Green *pro bono* since 2008.

Read the [Motion for the Immediate Release of Crosley Green](#), as filed in the U.S. District Court Middle District of Florida Orlando Division.

Click to read exhibits [A](#), [B](#), and [C](#).

Read more history about Mr. Green’s case [here](#).

**Contact:** **Nicole Quigley**  
Senior Communications Advisor  
+1 202.624.2849  
[prteam@crowell.com](mailto:prteam@crowell.com)