

What You Need to Know

- On April 17, 2023, Crowell & Moring client Crosley Green will surrender himself to the Florida Department of Corrections.
- Mr. Green is a 65-year-old Florida man who has steadfastly fought for more than three decades to prove his innocence after an all-white jury convicted him in for the 1989 murder of Charles “Chip” Flynn in Titusville, Florida. Mr. Green has been ordered to return to state prison despite the fact that there is no physical evidence linking him to that crime and prosecutors withheld exculpatory witness notes that pointed to a different suspect—Flynn’s ex-girlfriend. Mr. Green has spent the past two years working and living as a model citizen surrounded by family in a Florida community.
- In July 2018, Crowell & Moring secured a landmark victory for Mr. Green when a federal court in Orlando granted his petition for habeas corpus, ordering the State to set him free or grant him a new trial. U.S. District Court Judge Roy B. Dalton found that Mr. Green’s constitutional rights had been violated because Brevard County prosecutors withheld key exculpatory evidence pointing to Mr. Green’s innocence in his original trial. The State of Florida appealed the ruling.
- No physical evidence ties Mr. Green to the crime, and four of the prosecution’s witnesses have recanted their trial testimony, alleging the prosecution coerced their false testimony.
- On April 7, 2021, Mr. Green walked out of prison into the open arms of his family after spending more than three decades incarcerated for a murder he did not commit. U.S. District Court Judge Roy B. Dalton granted a motion filed by Crowell & Moring’s pro bono team to release Mr. Green from the Calhoun Correctional Institution in Florida, citing health risks stemming from the COVID-19 pandemic and the fact that he had overturned Mr. Green’s conviction in the 1989 shooting death of Charles “Chip” Flynn three years before, a decision that the State of Florida appealed to the 11th Circuit Court of Appeals. In addition, Judge Dalton found that Mr. Green has been a “model prisoner” who would pose no danger to the public, based in part a declaration from the prison’s warden obtained by Crowell & Moring. The ruling allowed Mr. Green to reside with family on conditional release pending appeal.
- The district court decision was reversed by the 11th Circuit Court of Appeals on September 23, 2022. He then petitioned the U.S. Supreme Court to reverse that decision. More than 100 prominent law school professors, former state-court judges, current and former prosecutors, and others [filed “friend of the court,” or “amicus” briefs](#), asking the Supreme Court to hear Mr. Green’s case due to the very significant constitutional issues at stake.
- On February 27, 2023, the U.S. Supreme Court announced it would not hear his case.
- The Supreme Court’s decision to reject Mr. Green’s petition could have far-reaching repercussions for all criminal defendants in the United States. At issue is the 60-year-old *Brady* doctrine, a law that requires prosecutors to turn over material exculpatory evidence to the defense before trial. In Mr. Green’s case, prosecutors withheld key evidence pointing to another suspect—the ex-girlfriend of Charles “Chip” Flynn, Jr. who was with him the evening of his murder and was the state’s chief witness at trial. In reversing the district court’s decision, the 11th Circuit Court of Appeals ruled that

prosecutors did not need to turn over the evidence to Mr. Green's defense counsel because the notes themselves were inadmissible at trial or otherwise cumulative.

New Evidence Proves Crosley Green Is Innocent

- Evidence discovered after his trial, including new witnesses and proof of prosecutorial misconduct, demonstrate Mr. Green was wrongfully convicted.
 1. No direct evidence tied Mr. Green to the murder. Investigators did not find a single fingerprint of Mr. Green's on the truck that he supposedly got into, out of, and drove for several miles.
 2. There were no eyewitnesses to the murder other than the ex-girlfriend of Charles "Chip" Flynn, Jr. who the two first responders believe was the one who shot Flynn. Despite the absence of any physical evidence that a third person was present at the crime scene, she told police that "a black guy" kidnapped them and shot Flynn.
 3. The two police officers who first responded to the crime scene independently concluded that the ex-girlfriend's description of the events lacked credibility based on their observations, and that it was the ex-girlfriend, not "a black guy," who killed Flynn. That individual was never investigated and remains living in Titusville today. The two police officers told the prosecutor the factual bases for their conclusion that the ex-girlfriend shot Flynn. The prosecutor recorded their suspicions in handwritten notes, but the prosecutor withheld that exculpatory information from Mr. Green's defense counsel, denying Mr. Green's right to a fair trial. Nineteen years after the murder, the Crowell & Moring team tracked down the two former police officers and obtained affidavits from them supporting Mr. Green's innocence and the fact that the prosecution failed to investigate any alternative theory.
 4. At Mr. Green's original trial, the prosecution presented three witnesses who stated Mr. Green confessed to the murder. Since Mr. Green's conviction, each has recanted their testimony. They have stated under oath that Mr. Green never confessed to the murder and that they testified at trial against Mr. Green to help themselves in connection with unrelated cases. Among them is Sheila Green (Mr. Green's sister), who stated that prosecutors coerced her testimony by threatening that she would never see her children again if she did not testify against her brother.
 5. Ten alibi witnesses not presented at trial have stepped forward asserting that Mr. Green was elsewhere at the time of the crime.
 6. Neither Mr. Green's physical build, nor his hairstyle or its length, fit the characteristics of the "black guy" described by Mr. Flynn's ex-girlfriend. In stark contrast to her description, Mr. Green has never been big or muscular and has never had a "jheri curl," a permanent with ringlets. Instead, Mr. Green has always had a slight build and very short hair.

A Pattern of Prosecutorial Misconduct in 1980s Brevard County, Florida

- Crosley Green's conviction is part of a distinct pattern and practice of government misconduct to wrongfully secure convictions in Brevard County during this period.
- At least three other men—Wilton Dedge, William Dillon, and Juan Ramos—have been exonerated from Brevard County convictions that were based on the same type of government misconduct that occurred in Mr. Green's case during the 1980s.
- In all of these convictions, the same group of prosecutors and investigators used fraudulent dog handlers, coerced testimony, and deals with untruthful informants, among other tactics, to win their cases.

- In Mr. Green’s case, prosecutors withheld the fact that responding officers suggested another individual committed the crime—the ex-girlfriend of the victim and the only eyewitness to the crime.
- Writing about Mr. Green’s case, U.S. District Court Judge Roy B. Dalton Jr. stated 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].” Read the order at: <https://www.crowell.com/files/20180720-Crosley-Green-Order.pdf>.

Timeline: Key Moments in Crosley Green’s Case

- Sept. 1990: An all-white jury convicts Mr. Green of first-degree murder of Flynn, a 22-year-old man in Mims, Fla., and sentences him to death. Mr. Green has always maintained his innocence.
- 1999: Network television program CBS “48 Hours” with Erin Moriarty features an investigative journalism program focusing on Mr. Green. The CBS program raises national awareness of the case for the first time.
- April 8, 2008: On referral of the ABA Death Penalty Representation Project, Crowell & Moring takes on the Green case pro bono.
- August 31, 2009: Crowell & Moring wins a new sentencing proceeding for Mr. Green, resulting in him being resentenced to life in prison with possibility of parole.
- July 2, 2010: Mr. Green petitions the 8th Judicial Circuit Court of Brevard County, Fla., for a new trial. The petition for post-conviction relief sets forth new evidence that support’s Mr. Green’s innocence.
- On May 27, 2011 and August 11, 2011, Crowell Moring lawyers present the new evidence of innocence in evidentiary hearings, but the state court denies post-conviction relief. Mr. Green appeals that denial through the Florida appellate courts, which continue to deny relief.
- February 27, 2014: Mr. Green petitions a federal court in Orlando, Fla., to overturn his conviction. The writ of habeas corpus seeks a new trial due to constitutional violations in his original state trial.
- July 20, 2018: In a major legal victory, Mr. Green is granted a new trial. The U.S. District Court for the Middle District for Florida grants his writ of habeas corpus, ordering a new trial or release for Mr. Green. In his ruling, the federal judge finds prosecutors withheld material exculpatory evidence, denying Mr. Green a fair trial. The state of Florida appealed the order.
- April 7, 2021: Based on a motion to secure his release pending the appellate proceedings, Mr. Green walked out of prison into the open arms of his family after spending more than three decades incarcerated for a murder he did not commit. U.S. District Court Judge Roy B. Dalton granted a motion filed by Crowell & Moring’s pro bono team to release Mr. Green from the Calhoun Correctional Institution in Florida, citing health risks stemming from the COVID-19 pandemic and the fact that Mr. Green’s conviction was overturned nearly three years ago by the same court.
- March 14, 2022: The U.S. Court of Appeals for the 11th Circuit ruled against Mr. Green, overturning a 2018 landmark victory that declared his conviction unconstitutional.
- April 21, 2022: Crowell & Moring files amended petition for rehearing *en banc* by the U.S. Court of Appeals for the 11th Circuit.

- April 28, 2022: The Lawyers' Committee for Civil Rights Under Law filed an *amicus* brief at the U.S. Court of Appeals for the 11th Circuit on behalf of Mr. Green urging the court to grant a rehearing *en banc*.
- January 20, 2023: Mr. Green petitioned the U.S. Supreme Court for *writ of certiorari* in a case that has far-reaching repercussions for all criminal defendants in the United States. Mr. Green asked the Supreme Court whether it will continue to uphold the 60-year-old *Brady* doctrine, which requires prosecutors to turn over material exculpatory evidence to the defense before trial.
- February 24, 2023: More than 100 prominent law professors, former state-court judges, current and former prosecutors, and others filed *amicus* briefs to ask the U.S. Supreme Court to hear the case of Mr. Green.
- February 27, 2023: The U.S. Supreme Court announced that it will not hear Mr. Green's case.
- April 3, 2023: The U.S. District Court of the Middle District of Florida ordered Mr. Green to return to the custody of the Florida Department of Corrections to complete his sentence.
- April 17, 2023: Mr. Green returned to prison.

Crowell & Moring Team

Crowell & Moring has represented Mr. Green pro bono since 2008. The ABA Death Penalty Representation Project referred Mr. Green's case to Crowell & Moring in 2008. Mr. Green was removed from death row and resentenced to life in prison in 2009. On July 5, 2018, Crowell & Moring LLP was awarded the 2018 Exceptional Service Award from the American Bar Association's Death Penalty Representation Project for work in connection with Mr. Green and another unrelated case. The award honors the work of volunteer law firms for their "exceptional commitment to providing high quality pro bono representation for indigent death row prisoners," and is considered among the signature achievements in the pro bono bar.

Mr. Green's pro bono legal team includes: Crowell & Moring partners Keith J. Harrison, Jeane A. Thomas, and Vincent J. Galluzzo; counsel Drake Morgan; and Crowell & Moring senior pro bono paralegal Virginia Martin.

Media Interest

Public interest in the case is significant and the Green legal team administers the "Justice for Crosley Green" Facebook page to keep the public informed about the case.

Media Contact:

Nicole Quigley
Senior Communications Advisor
+1 202.624.2849
Email: prteam@crowell.com