

Crosley Green Key Facts and Timeline

Florida Man Fights to Prove Innocence

What You Need to Know

- On April 7, 2021, Crowell & Moring client Crosley 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.
- Earlier that day, 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 in the 1989 shooting death of Charles "Chip" Flynn was overturned nearly three years ago by the same court, a decision that the State of Florida appealed to the 11th Circuit Court of Appeals in 2018. In addition, Judge Dalton found that Mr. Green has been a "model prisoner" who would pose no danger to the public, based on a declaration from the prison's warden obtained by Crowell & Moring. The ruling allows Mr. Green, now 63, to reside with family on conditional release until the 11th Circuit Court of Appeals rules on his case.
- 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. The court found that Mr. Green's constitutional rights had been violated when Brevard County prosecutors withheld key exculpatory evidence of Mr. Green's innocence in his original trial. The Florida Attorney General has fought his release during the appeal despite the fact that no physical evidence ties Mr. Green to the crime, and four of the prosecution's witnesses have recanted their testimony, alleging prosecutorial misconduct occurred at the time of their original testimony.
- The case stems from the 1989 murder of Charles "Chip" Flynn Jr., a 22-year-old man in Mims, Fla. In 1990, an all-white jury convicted Mr. Green of first-degree murder and sentenced him to death.
- Mr. Green has maintained his innocence for nearly 32 years. He has spent more than three decades in prison, including 19 on death row.
- Mr. Green's case has been covered extensively by local and national media. CBS "48 Hours" correspondent Erin Moriarty has covered Mr. Green's case since 1999.

New Evidence Proves Crosley Green Is Innocent

- Newly discovered evidence, including new witnesses and proof of prosecutorial misconduct, demonstrate Mr. Green was wrongfully convicted.
 - 1) No direct evidence has ever 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 one individual witness who the two first responders believed was the one who shot Flynn.
 - 3) The two Police officers who first responded to the crime scene independently concluded that a witness's description of the events lacked credibility and that it was she, not "a black

guy,” who killed Flynn. That individual was never investigated. These two police officers told the prosecutor the factual basis for their conclusion that the individual shot Flynn, which the prosecutor recorded in handwritten notes, but the prosecutors withheld that exculpatory information from Mr. Green’s defense counsel, denying Mr. Green’s right to a fair defense. 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.

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 now state Mr. Green never confessed to the murder and that they offered testimony 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 and threatened that she would never see her children again.

5) Ten alibi witnesses 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.” In stark contrast to the description offered by the witness, 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 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.
- Additionally, in Mr. Green’s case, prosecutors withheld the fact that responding officers suggested another individual committed 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. 5, 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 reduced sentence for Mr. Green, securing his release from death row.
- Mr. Green is re-sentenced to concurrent terms of 17 years and to a consecutive term of life without eligibility for parole before 25 years on convictions related to the incident.
- 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 speaks to 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 his appeals.
- 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.
- January 20, 2016: The federal court in Orlando, Fla., denies the writ of habeas corpus.
- December 15, 2017: Mr. Green wins appeal at the U.S. Court of Appeals for the 11th Circuit. The court reverses Orlando federal court's ruling and remands it to the lower court.
- July 20, 2018: In a major legal victory, Mr. Green wins his request for a new trial. The U.S. District Court for the Middle District for Florida grants writ of habeas corpus, ordering a new trial or release for Mr. Green. In his ruling, the federal judge finds prosecutors withheld evidence, denying Mr. Green a fair trial. The state of Florida appealed the order.
- March 19, 2021: As Mr. Green's appeal is pending, Crowell & Moring lawyers ask the Orlando federal court to grant Mr. Green's immediate release from a Florida state prison.
- 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 Mr. Green's conviction was overturned nearly three years ago by the same court. The ruling allows Mr. Green, now 63, to reside with family on conditional release until the 11th Circuit Court of Appeals rules on his case.

Crowell & Moring Team

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



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