

Crosley Green

Florida Man Fights to Prove Innocence for 29 Years

What You Need to Know

- On July 20, 2018, a federal court in Orlando, Fla., declared that former death row inmate Crosley Green should receive a new trial or be set free.
- Prosecutors must decide to retry Green within 90 days; they have 30 days to appeal the ruling (August 29 deadline).
- The court found that Brevard County, Fla., prosecutors withheld key evidence, denying Green his constitutional right to a fair trial.
- 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 Green of first-degree murder and sentenced him to death.
- Green has maintained his innocence for nearly 30 years. He has spent 29 years in prison, including 19 on death row. He remains in prison today as he fights to prove his innocence.
- Green’s case has been covered extensively by local and national media. CBS “48 Hours” correspondent Erin Moriarty has covered Green’s case since 1999. View the most recent story, “Last Chance for Freedom,” at <https://www.cbsnews.com/video/last-chance-for-freedom-2/>.

New Evidence Proves Crosley Green Is Innocent

- Newly discovered evidence, including new witnesses and proof of prosecutorial misconduct, demonstrate Green was wrongfully convicted.
 - 1) No direct evidence has ever tied Green to the murder. Investigators did not find a single fingerprint of 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 Green’s defense counsel, denying 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 Green’s innocence.
 - 4) At Green’s original trial, the prosecution presented three witnesses who stated Green confessed to the murder. Since Green’s conviction, each has recanted their testimony. They now state Green never confessed to the murder and that they offered testimony against Green to help themselves in connection with unrelated cases. Among them is Sheila Green (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 Green was elsewhere at the time of the crime.
 - 6) Neither 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, Green has never been big or muscular and has never had a “jheri curl,” a permanent with ringlets. Instead, 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 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 Green’s case, prosecutors withheld the fact that responding officers suggested another individual committed the crime.
- Writing about 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 Green of first-degree murder of Flynn, a 22-year-old man in Mims, Fla., and sentences him to death. Green has always maintained his innocence.
- 1999: Network television program CBS "48 Hours" with Erin Moriarty features an investigative journalism program focusing on 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 Green, securing his release from death row. 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: 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 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. Green appeals that denial through the Florida appellate courts, which continue to deny his appeals.
- February 27, 2014: 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: 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, 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 Green. In his ruling, the federal judge finds prosecutors withheld evidence, denying Green a fair trial.
- Today: After being imprisoned for 29 years, Green’s freedom hangs in the balances as Brevard County prosecutors, and the Florida Attorney General’s office must decide by August 29, 2018, if they will appeal the federal court decision, or re-try Green.

Crowell & Moring Team

The ABA Death Penalty Project referred Green's case to Crowell & Moring in 2008. 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 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.

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.

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. There has been substantial media interest in the case. Key coverage includes:

CBS "48 Hours"

"Last Chance for Freedom"

Erin Moriarty

<https://www.cbsnews.com/video/last-chance-for-freedom-2/>

Florida Today (part of the USA Today network)

"Crosley Green Just Another Broken Soul on the Trail of Injustice"

By: John A. Torres

July 21, 2018

<https://www.floridatoday.com/story/news/local/john-a-torres/2018/07/21/add-crosley-greens-name-list-wrongfully-incarcerated/811945002/>