

Former death row inmate blasts system

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A man who spent almost three decades in Tennessee's prisons — including 14 years on death row — before his conviction was overturned told an audience at Kentucky Wesleyan College that he learned to be truly alive while living behind bars.

Ndume Olatushani, a Nashville resident who was sentenced to death in 1985 for the murder of a convenience store owner, spoke to KWC's "When Justice Fails" class Monday night at Tapscott Chapel.

Olatushani, who was born Erskine Johnson, was released from prison in June 2012 after the Tennessee Court of Criminal Appeals threw out his conviction, based on evidence that Memphis police withheld evidence that would have severely crippled the state's case if it had been presented to the defense.

All through the years in prison, Olatushani maintained his innocence and worked to improve himself — by getting his GED and paralegal certificate and becoming an artist, he said.

"For the first couple of years, I was an angry person," Olatushani said. "I was angry at what the system did to me, and rightfully so."

After his mother died a few years after he was incarcerated, Olatushani said he was at his lowest point until he had a dream of his mother telling him to continue living.

"Even though they had me physically, they never had me mentally," Olatushani said. "Even if they had ended up executing me, they still wouldn't have won ... I never bowed or bent to this sham process they put me through."

Olatushani was charged with murder by Memphis police in the 1983 death of the convenience store owner in a robbery. Anne Marie Moyes, Olatushani's attorney, whom he later married, said Olatushani was in St. Louis at the time with relatives, and there were multiple people — including the wife of a St. Louis police official — who would have testified that he was not in Memphis the day of the robbery and shooting.

Only a few of the potential witnesses were called. An Associated Press story says police relied on a palm print found on a rental car stolen from St. Louis — but did not turn over to Olatushani's attorney an analysis that showed the print lifted from the car did not match Olatushani's hand.

Moyes said Memphis police detectives had leads on other suspects, including witnesses at the shooting who identified members of a gang.

"They had all that evidence (against other suspects), and they've never explained why they never pursued a case against them," Moyes said. The evidence was withheld from Olatushani's defense,

Moyes said.

Olatushani "had never been to the state of Tennessee before" he was charged with murder, Moyes said.

Moyes said police seemed determined to connect Olatushani — who has a prior criminal record in other states — with the shooting. They showed witnesses photo lineups of only Olatushani's picture, or lineups where Olatushani was the only dark-skinned man.

"One of those (witnesses) came to court and made a very shaky identification," but later said he only recognized Olatushani from seeing his picture, Moyes said.

Other witnesses, who were connected with the gang, identified Olatushani in exchange for immunity from prosecution, Moyes said.

Olatushani's death sentence was overturned in 1999, and Olatushani was resentenced to life in prison.

Moyes, who learned of the case while working for an anti-death penalty group, later became an attorney and reinvestigated the police case against Olatushani. Meanwhile, Olatushani taught himself to draw and paint and worked on his education. Olatushani's art works have since been exhibited in numerous places.

"What I began to understand is it doesn't matter where you're at — if you can conceive it, you can begin to achieve it," Olatushani said.

After the Court of Criminal Appeals ruled Olatushani deserved a new trial based on withheld evidence, and evidence Moyes found in her investigation, prosecutors offered Olatushani an Alford plea, where he would plead guilty to the offense in exchange for immediate release. Faced with sitting in the county jail for at least another two years before a new trial could begin, Olatushani signed the agreement, he said.

"I didn't come to that decision lightly," Olatushani said. "On principle, I just could have sat there (in jail), but looking back now ... I almost see that ideal of sitting there (waiting for a new trial) as folly.

"I don't see (the plea) as capitulation on my part," he said. "I was able to prove what I'd been saying since day one."

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