

wrongful-convictions

Wrongful convictions in US

THURSDAY, 15 OCTOBER 2009

Man's conviction set aside in 1993 shooting death

Edwin Chandler
 wept while
 holding
 Maguerite
 Thomas' hand
 after Circuit
 Judge Fred
 Cowan told
 Chandler he was
 a free man after
 the judge
 vacated the



manslaughter and robbery charges against him in a 1993 slaying and robbery case. Thomas is the director of the Kentucky Innocence Project. Chandler spent nine years in prison before being paroled. (By Matt Stone, The Courier-Journal) Oct. 13, 2009

For 16 years, Edwin Chandler faithfully believed the day would come when everyone would know he wasn't the man who shot Brenda Whitfield in the head during a 1993 robbery at the Chevron station where she worked.

That day finally arrived Tuesday, when Jefferson Circuit Judge Fred Cowan vacated the manslaughter and robbery charges against Chandler after prosecutors and police announced they had convicted the wrong man.

"All I can do at this point is apologize to you on behalf of the criminal justice system," Cowan said. "You are a free man. God bless you, sir."

Though they were the words Chandler always hoped for, to hear them out loud in a Louisville courtroom nearly overwhelmed him. He crumpled on the table next to his attorney, his body wracked with sobs of relief.

"This is like a big, old dream," Chandler said in an interview later, as he prepared to celebrate his son's first birthday. "It's like I'm waking up from a dream."

His conviction for manslaughter and robbery in Whitfield's death was vacated just hours after a Jefferson County grand jury indicted 45-

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year-old repeat offender Percy Phillips for her death. Phillips is already serving a 20-year sentence for assault.

Tuesday's news reopened an old wound for Whitfield's family, who had thought they had put the trial behind them long ago.

"Now I have to go through the whole thing again," said Keith Whitfield, who had been married to the victim for three years before she was killed. The couple had a 2-year-old son, Keith Jr., and Brenda had a 4-year-old son, Cory, from a previous relationship.

Keith Whitfield met Chandler on Tuesday afternoon for the first time since Chandler's trial and spoke with him privately for an hour before talking with reporters.

"I'm sorry he had to go through it," Whitfield said. "I'm just glad he's able to get his life back, whatever he can get back."

Prosecutor surprised

When Steve Schroering prosecuted Chandler in 1995, he said he had no doubt that the right man went to prison.

"It was never a case I had second thoughts about until this morning" when Commonwealth's Attorney Dave Stengel called to tell him the conviction was being set aside.

After all, a store video camera captured the crime and an eyewitness tentatively identified Chandler. Fingerprints, a knit cap and sunglasses were found at the scene. And Chandler made a taped confession to detectives, admitting to the robbery and saying the shooting was accidental.

But the fingerprints didn't match Chandler's, the owner of the cap and sunglasses was uncertain, and Chandler said he falsely confessed, coerced by police scare tactics and coaching.

Chandler said then-Detective Mark Handy told Chandler he believed he was lying and threatened to charge his sister and girlfriend with harboring a fugitive if he didn't tell the truth.

"Having to explain yourself to someone who doesn't believe you, it's kind of like bumping your head against the wall," Chandler said Tuesday. "I thought if I tell them what they want to know, they'll leave me alone."

Handy, now with the Jefferson County Sheriff's Department, said he was surprised that Chandler was exonerated.

"Having interviewed the guy ... I just can't imagine that he was not involved," said Handy, who defended his interrogation tactics. "It never crossed my mind that he didn't do it."

Witness overlooked

Whitfield was shot in the head on Sept. 28, 1993, just 15 minutes before her shift was to end.

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A man walked into the store, grabbed a bottle of beer from the cooler and walked up to check out. When Whitfield rang up the 99-cent bottle, the cash drawer opened and the man shot her in the head.

He grabbed \$32 from the till and fled.

Chandler said he was a few blocks away, watching a movie with his girlfriend. He remembers seeing a swarm of police cars but didn't know what had happened.

Police focused on Chandler after a witness identified him near the scene, and he already was wanted on a jail-escape charge.

Even as his trial approached, Chandler believed that the evidence would show that he hadn't committed the crime.

But Chandler's jurors never heard some of the information that could have helped acquit him.

They never heard from John Gray, who was pumping gasoline when the shooting occurred. Gray left his name with a county officer at the scene, but it was never passed on to the city officers investigating the case.

Even after a jury convicted Chandler, Gray tried to tell police that they had the wrong man —calling the station and writing a letter to detectives.

In 1996, Gray was serving time in prison with Chandler and told him he saw the shooter and his name was Percy.

In 2002, Chandler approached the Kentucky Innocence Project, which investigates potentially wrongful convictions. They took up his case in 2004, even though he had already been paroled.

Marguerite Thomas, director of the Kentucky Innocence Project, said it was the first time the project has taken on a case in which a defendant had already been released from prison.

“It was so incredibly shocking that he was convicted at all,” she said.

Thomas said there were many roadblocks as they worked to exonerate Chandler. They struggled to get information from Louisville police. They were told physical evidence had disappeared.

But in October 2008, Sgt. Denny Butler, who works Louisville Metro Police's cold case homicides, took on the case and retested the fingerprint on the bottle of beer left on the counter. This time, the more advanced automated fingerprinting system matched the print to Phillips.

No new trial?

It's unclear whether Phillips will ever stand trial for Whitfield's murder.

Phillips, who made headlines recently after a courtroom outburst prompted deputies to use a Taser on him, was recently found not

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Contributors

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competent to stand trial. A judge ruled that Phillips was unlikely to become competent in the foreseeable future.

Jay Lambert, Phillips' attorney, said he has not received Tuesday's indictment and could not comment on the new charges. Phillips had a 2002 murder and robbery charge dismissed for lack of evidence.

Chandler said he wants to see the man who shot Whitfield prosecuted and held responsible for the crime that cost him nine years behind bars.

Still, Chandler doesn't want to waste time being bitter about the years he's lost.

"Even though I've been through a lot, I know I'm still blessed," Chandler said. "I'd like for someone to miraculously go back, give me my nine years back. I can't get back what's been taken from me."

Source(www.courier-journal.com)

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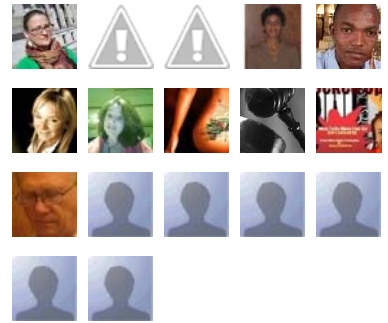
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