

AIDWYC

ASSOCIATION IN DEFENCE OF THE WRONGLY CONVICTED

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The Steven Crawford Freedom Ride

The Illegals Motorcycle Club, a group comprised mainly of criminal lawyers from Ontario, held its annual 10-day ride starting from Toronto on June 14. Their ride this year, in support of AIDWYC, took them to Harrisburg, Pennsylvania where, on the morning of June 21, a press conference was held for Steven Crawford. Steven first approached AIDWYC in 1999 and his case was endorsed in December 2001.

On September 12, 1970, a 13-year-old Harrisburg, Pennsylvania newspaper boy, John Eddie Mitchell, was bludgeoned to death and robbed of the \$32 which he had collected on his paper route that day. His body was found the following day under an automobile in the garage of a neighbouring home owned by the family of 14-year-old Steven Crawford, a friend of John's.

The police were able to lift several fingerprints and palm prints from the car under which Mitchell's body was found. The police also accumulated fingerprints from people in the neighbourhood of the crime scene including those of Steven Crawford.

In September 1972 Harrisburg, Pennsylvania Police Detective Walton Simpson identified one of the prints lifted from the car as Steven's. That print was sent to the Pennsylvania State Police Crime Laboratory for analysis by State Police chemist, Janice Roadcap in November 1972.

Little else occurred in the case until February 1974, when Steven was

arrested and charged with the murder of John Mitchell. Prior to his trial, the prosecutor provided the defence with a copy of the November 1972 laboratory report of the analysis made of the Crawford print lifted from the car. That document recorded the presence of blood in the impression and indicated that the blood was deposited on the surface of the car by the donor of the print. At trial Roadcap, Simpson and another police officer testified to the presence of blood only on the ridges of the print and not in the valleys between them.

Based on their testimony that there

was blood only on the ridges, a highly qualified blood splatter scientist gave expert evidence to the effect that the print had blood on it when it touched the car; the print was not already on the car and later spattered with blood since, if it were, the blood would have been dispersed across both the ridges and the valleys.

That evidence led to Steven Crawford's conviction on September 18, 1974. This conviction, however, was reversed by the Pennsylvania Supreme Court because of evidence that was improperly admitted. In its opinion the Supreme Court stated with regard to the palm print that "No other evidence was produced to establish that [the] appellant was inside the garage at the time of the killing."

In 1977, he was re-tried and again convicted. As the result of a similar error in the admission of evidence this second conviction was also reversed and yet a third trial ordered.

Before the third trial in 1978, the prosecution proposed that he enter a guilty

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photograph by Rob Salisbury

Members of the Illegals Motorcycle Club who participated in the June 2002 ride

plea in exchange for which he would be released from confinement. Steven, maintaining his innocence, refused the deal and proceeded to trial. For a third time he was convicted and was sentenced to life in prison without parole.

Pete Shellem, a reporter for the Harrisburg Patriot-News followed Steven's story for many years and wrote frequent commentaries on what he viewed as a miscarriage of justice. In 1997 another man who had lived in the neighbourhood at the time of the murder, told investigators and the Patriot-News that he had lured Mitchell into the garage where another man had killed him. However, he refused to testify at an evidentiary hearing after the judge told him that if he gave self-incriminating testimony it could be used to support a charge against him.

It was not until 2001, twenty-three years after Steven's third conviction, that an event occurred which was to finally unravel the prosecution's case.

Following the death of Detective Simpson, one of the original investigators on Steven's case, his family discarded much of the paperwork from his cases that had accumulated over the years. Among the items they threw out

was a briefcase which, by chance, was found by some children rummaging through a dumpster. While the children were seated on a curb trying to pry it open, a police officer drove by and observed their effort. The police officer took the briefcase from them and, in an attempt to determine ownership, opened it. Inside were various documents related to the prosecution of Steven Crawford. The police officer forwarded the briefcase with the enclosed paperwork to the office of the local prosecutor where it ended up in a pile of papers related to the Crawford case.

Several months later, Steven's family received an anonymous telephone call telling them that there was information in the prosecutor's office that would be helpful to their son. An investigator for the local Public Defender went to the office to review the contents of the briefcase. Inside the briefcase was a copy of laboratory notes made on November 29, 1972 when Pennsylvania State Police chemist Roadcap analyzed the prints found on the car. These notes had never previously been disclosed to the defence. When compared to the lab notes on file, it was clear that the notes had been altered to black out references to blood in the valleys of the print which clearly contradicted the testimony pre-

sented by prosecution witnesses at all three of Steven's trials. The critical paragraph on the unaltered original read "This reaction [indicating the presence of blood] was greater along the ridges of the fingerprint, however numerous particles in the valleys also gave [positive] reactions." The altered version had been changed to read "This reaction was only along the ridges of the fingerprint pattern."

Based on the discovery of this evidence, an application was made for a hearing to determine if Steven should be released as the result of prosecutorial misconduct, or given a new trial where complete evidence regarding the print could be disclosed. He had now spent twenty eight years in prison for a crime of which he was entirely innocent. Attorneys Joshua Lock and Jerry Russo were so convinced of his innocence that they took his case for free. "It doesn't matter how many times he was convicted, the jury never heard the truth", Lock was quoted as saying earlier this year.

Steven was again offered the chance by the prosecution to go free in return for a guilty plea and again declined. Dauphin County District Attorney Edward Marsico Jr. made strenuous objections to the request for a new trial and raised several procedural impediments.

altered forensic report

PENNSYLVANIA POLICE LABORATORY 300 N. LEBANON ST., HARRISBURG, PA 17102 TEL: 717-234-4181 REQUEST FOR LABORATORY ANALYSIS		DATE: November 29, 1972
1. NAME: Mitchell 2. TYPE OF LABORATORY ANALYSIS: Blood Analysis of a Latent Fingerprint	3. ANALYST: Roadcap 4. DATE RECEIVED: 11/29/72	5. QUANTITY: One Latent lift (palm print)
1. three strips were cut from photo paper. 2. tape was peeled off of the strips leaving tape - front - and a white layer of emulsion (Bromide) 3. the Bromide layer was then scraped, exposing the fingerprint powder. 4. the sample was cut with H ₂ O and excess water was allowed to dry off. 5. Benzidine reagent was then applied along with 2% hydrogen peroxide. 6. a ⊕ reaction was obtained from the reagent and the fingerprint powder. 7. this reaction was obtained along the ridges of the fingerprint pattern		
8. A positive reaction was obtained with Benzidine reagent. This indicates the presence of blood and the fingerprint impression, deposited by the donor of the fingerprint, impressed the donor of the fingerprint impression.		
ANALYST: John C. Halsey DATE: 11/29/72		

unaltered forensic report

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ments to block the defence effort to establish Steven's innocence. These efforts ultimately proved unsuccessful and the trial court scheduled a hearing for Monday, June 24, 2002 to determine what relief, if any, Steven would be entitled to as the result of the evidence which had been hidden from the defence. His lawyers had filed an exhaustive and meticulously researched legal brief dissecting the prosecution case and examining the impact of the fresh evidence.

On the Friday before the hearing, supporters organized a rally on the steps of the Dauphin County Courthouse in Harrisburg to urge the District Attorney yet again to correct the injustice.

Rubin "Hurricane" Carter, Executive Director of AIDWYC, and Paul Copeland, the AIDWYC Director who had reviewed Steven's case, had agreed to fly down to Harrisburg to add their voices to the 100 or so supporters including city leaders, local clergy and the NAACP who were planning to be there that day. However, when the date was set, Paul, who is Ridemaster of the Illegals Motorcycle Club, discovered that it clashed with their annual road trip.

Then Win Wahrer, Executive Secretary and the heart and soul of AIDWYC, suggested that instead of taking their planned route through Quebec's Eastern Townships and New England, the Illegals instead organize their trip to take in Harrisburg and support the rally.

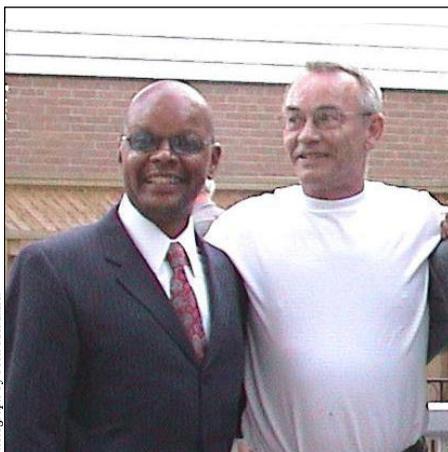
They quickly agreed and, on June 14th, set off from Toronto's High Park, escorted out of town, as is their tradition, by retired Superior Court judge and ex-Ridemaster David Humphrey, on what had by now been named "The Steven Crawford Freedom Ride".

Edward Marsico agreed to meet with Rubin Carter, Paul Copeland and another AIDWYC lawyer (and Illegal) - Philip Campbell - together with Steven's Harrisburg attorney Joshua Lock. They impressed a number of points upon him - asking him to imagine how he would feel if positions were reversed and the prosecution had come upon altered laboratory notes from a defence expert witness. They spoke to him of Canadian prosecutors whose reputations were blighted by an unwillingness to acknowledge wrongful convictions and urged him to assume the role of a "Minister of Justice" - uphold-

ing the integrity of the system rather than seeking only to secure convictions. At the end of their meeting, Marsico said that he would reflect on the points that had been made, some of which he acknowledged troubled him. The Illegals left Harrisburg that afternoon on their return journey to Toronto anxious about Steven's fate, but hopeful that they had made an impact on the District Attorney.

At the hearing on Monday, 24th June, Dauphin County President Judge Joseph H. Kleinfelter freed Steven on \$1 bail after the prosecution conceded that he had not received a fair trial. A new trial date was scheduled for August 5th and Steven, for the first time in twenty eight years, was free to go home.

Interviewed in the press later that morning, Marsico was quoted as saying



Steven Crawford and Steven Truscott

"The prosecutor's role is to zealously prosecute those who are guilty but also to serve as a minister of justice, to assure fairness throughout the process." Steven's attorneys, Jerry Russo and Joshua Lock, commended the District Attorney's office for having preserved the integrity of the justice system.

Less than a month later, on July 16, Marsico decided not to proceed with a fourth trial and dropped the murder charge against Steven. Unfortunately this time he did not serve his office, or justice, so well, stating "I certainly believe that Steven Crawford was involved in this murder. I have seen nothing to change my opinion." He told reporters that he was dropping the charges against Steven mainly because

the victim's family did not want to go through another trial and that the lab notes did not prove that he was innocent. However he did concede that because of "ethical constraints" he would not have been able to present Roadcap's testimony again.

Steven, amazingly, seems to show no bitterness about his ordeal. He praised the decision and said he was "just pleased that Ed Marsico finally did the right thing."

At the beginning of August, Steven took the first airplane journey of his life to come to Toronto and personally thank the Illegals and AIDWYC. He was accompanied by his sister, Linda Thompson, who is a Harrisburg city councillor and has worked tirelessly with her parents and other family members over almost three decades to try to secure her brother's release. As she told us: "We have remained steadfast for 28 years as Steven has endured and persevered through this injustice. He may have been locked up physically, but his spirit was always free." From a deeply religious family, Linda had prayed for guidance as to how she would express her thanks. Having chosen a message based on the scripture of "liken yourselves to eagles", she had begun to study the eagle and had learned that not only was it "majestic, bold, courageous and beautiful", but that of all the birds, when the storm comes, it is the only one that flies into the eye of the storm.

Only that same day, she told us, had she discovered that the Illegals' emblem was, in fact, an eagle!

At the small reception party that was held for Steven in Toronto, he had the opportunity to meet with a man who is probably the most famous example of wrongful conviction in Canada's history - Steven Truscott. They commented on how there is a special kind of recognition between those who share the bond of wrongful conviction. There is, indeed, an aura of dignity and grace that surrounds both of these courageous men who have succeeded in finding meaning and purpose in their experience. It is as though the monumental dimensions of the injustice done to them endows them with a capacity to transcend their experience and somehow, impossibly, turn tragedy into triumph.

With thanks to Joshua Lock and Jerry Russo for the background information on Steven Crawford's case.

Life After Life

by Steven Crawford

These last few months since June 24th have been filled with an abundance of joy, adventure and excitement, but also disappointment and frustration - a mixture of emotions.

To do so many things for the very first time has been a journey of discovery. I thank God that I have a very loving and supportive family that has greatly assisted me in my transition back into society. I spend a great deal of time with my family, especially my mother and sister Linda. My mother has been teaching me how to cook, the process of managing a home and the responsibilities of paying bills. Linda came with me on my first plane ride when we travelled to Canada to thank AIDWYC for their involvement in securing my freedom. She taught me how to use a computer, purchased and showed me how to use a cell phone and helped me to apply for a passport. So many of my first experiences have been supported and shared with my family and this has been a safe, joyful and beautiful experience for me. I have been bike riding, visiting neighbouring cities like Washington DC, Baltimore, New York City, going to the public library and walking all around the city.

As Linda is a city councillor, I have also been attending many political events with her. She wants people to see me and know me as a real person, and she wants me to walk with dignity among the men and women who are a part of the system that helped convict me. I have been introduced to so many elected officials, from the Mayor to the Governor. I have even met and had a lengthy conversation with Judge Dowling who presided over two of my trials. On other occasions we've bumped into the District Attorney, Ed Marsico (he said "Mr. Crawford" and I said "Mr. Marsico") and the Assistant DA, Francis Chardo (we shook hands)!

Because of my sister's high visibility and extensive involvement in the community as well as the ongoing widespread local publicity that my case has received, I can't go anywhere without someone recognizing me. My re-entry into the community has been exciting as so many people have demonstrated their belief in my innocence. That is a wonderful feeling. I awake every morning enjoying my freedom and I never have

any downtime. I keep myself busy. But I do have moments when I feel the grief and loss of so many years. I come from a very large family and all of my sisters and brothers are in good relationships and most of them have children of their own. We have family gatherings at least once a week and at those events I begin to experience a great sense of loss. Watching my nieces and nephews running around, hugging each other and playing games together, I am keenly aware of the fact that if I had not been wrongly convicted, my wife and children would also be at these family events and sharing in the wonderful times that we have when we all get together.

And although it is my desire to build a family, it is not easy to find a significant other when you come out of prison after 28 years. I first need to rebuild my own life before I can bring anyone else into it.



Steven Crawford

Good healthy relationships take time and I don't know that there will be enough time now for me to build a family, so that is hard for me to accept. I try to capture the moments I have with my friends, with all of my sisters, brothers, their children, and their children's children. I cope with it by focusing on the added value in my life, my belief in God who listens to me through my prayers and comforts me through the loving support of my family. I surround myself with loving, ethical people, I attend church, I listen to soothing music, I take long walks. At the start and end of each day, I remember that my freedom is the most important thing. So I try to make good out of each day that I am free and just take one day at a time. At times I do think about the future, but with the vast

amount of information that confronts me today I still have no idea what I will do.

To be angry is worthless and unhealthy to me spiritually, physically and emotionally. I had time to be angry in prison, and that anger fuelled me to fight vigorously for my freedom. Now I channel my anger into trying to help others. I have received a huge number of letters from men and women in prison and I make a point of personally responding to every letter with whatever encouragement and information I think can be helpful to them. I know there are still innocent people who have not been as fortunate as I have been in fighting an unjust system and acquiring their freedom. Contrary to popular belief, there are many talented and highly intelligent men and women, both guilty and innocent, in prison. I developed close relationships with a few inmates and staff while I was imprisoned and we thought of each other as extended family. For instance, there are two brothers serving life sentences who unselfishly helped me in legal research to support my case. Together with the unwavering support of my family, AIDWYC, my attorneys and the reporter Pete Shellem - all these people joined forces to fight for my freedom.

I am grateful for a deep religious faith in God and this faith sustained me and gave me the strength to keep going and to hold on to hope for 28 long years. I read the Bible daily and encourage anyone who has been wrongly convicted to trust in God and to love and trust your family. For those who have no relationship with God, it is vitally important that they help one another, surround themselves with good influences and positive people who can persuade them that there is hope. For "hope is the anchor to a man's soul". We can maintain faith in humanity knowing that there is a bit of bad in the best of us, a bit of good in the worst of us and that there are good people in the world who will not tolerate injustice, and who are fighting to correct a flawed system.

If there is one thing a man has while he is waiting in prison, it is time. We can use every minute of time in prison effectively, educating ourselves and using every avenue - however unlikely - and resource available. Freedom comes through education and having the will to help oneself. Justice comes when you are willing to fight for what is right. Truth was all I had going for myself and it was truth that set me free.