



ANTHONY LEMONS

Other Ohio Cases with Perjury or False Accusations



Photo by Marvin Fong / The Plain Dealer

On April 14, 1994, the body of 39-year-old Eric Sims, a reputed drug dealer, was found in his apartment in Cleveland, Ohio. He had been shot multiple times and police believed he had been dead for several days.

In the spring of 1995, two anonymous telephone callers reported to police that a woman named Jude Adamcik had said that she

was in the apartment at the time of the murder and that the gunman killed Sims in a drug deal dispute, then shot at her as well and fled.

Police questioned Adamcik and she was unable to identify the gunman. Police then showed her a photographic lineup with pictures of men who had been convicted of drug and gun crimes. Adamcik did not identify anyone in the lineup. Among the photographs in the lineup was a picture of 20-year-old Anthony Lemons. Despite Adamcik's failure to identify him as the gunman, police focused their investigation on Lemons.

Lemons voluntarily came to the police station and stood in an in-person lineup. This time Adamcik did identify him as the gunman.

Lemons was charged with first-degree murder for killing Sims and attempted murder for shooting at Adamcik.

Lemons went to trial in Cuyahoga County Court of Common pleas in October 1995. Adamcik identified Lemons at trial and said she recalled that he was wearing a particular brand of shoe at the time of the crime.

On October 11, 1995, a jury convicted Lemons of murder and attempted murder. He was sentenced to 21 years to life in prison.

Lemons appealed his convictions, but lost. He was denied parole repeatedly because he refused to admit he was guilty. In 2009, attorneys David Malik and Kevin Spellacy filed a motion for a new trial, claiming that the prosecution had failed to disclose critical evidence of Lemons' innocence.

The evidence included police reports showing that the shoes that Adamcik said Lemons was wearing at the time of the

State:	Ohio
County:	Cuyahoga
Most Serious Crime:	Murder
Additional Convictions:	Attempted Murder
Reported Crime Date:	1994
Convicted:	1995
Exonerated:	2014
Sentence:	21 years to life
Race:	Black
Sex:	Male
Age:	19
Contributing Factors:	Perjury or False Accusation, Official Misconduct
Did DNA evidence contribute to the exoneration?:	No

crime were not manufactured or sold until months after the murder. Moreover, the police had failed to disclose that Adamcik had not identified Lemons when she looked at the photographic lineup that contained Lemons' photograph.

The motion also revealed the prosecution had failed to disclose to Lemons' defense attorney that a 12-year-old girl who lived in the building where Sims was shot had told police that she heard gunshots and then saw two men leaving Sims's apartment. The girl described both men, and neither description matched the description of Lemons.

In December 2012, Lemons was released on parole. A year later, in December 2013, Court of Common Pleas Judge Janet Burnside granted Lemons' motion for a new trial because of the prosecution's failure to disclose exculpatory evidence 19 years earlier.

Burnside ordered the case be retried in October 2014. Prior to trial, the prosecution filed a motion for permission to present Adamcik's testimony from Lemons' 1995 trial in evidence at the retrial because in the intervening years Adamcik had died. Judge Burnside denied that motion, and the trial was postponed because the prosecution said it would appeal Burnside's ruling.

In December 2014, the prosecution dismissed its appeal and informed Judge Burnside that it would dismiss the charges against Lemon, but wished to reserve the right to refile the charges if new evidence was discovered.

Judge Burnside refused to grant the prosecution motion and scheduled the case for trial for December 23, 2014. A few days later, Lemons filed a lawsuit against the city of Cleveland and the Cleveland police department seeking damages for his wrongful conviction.

On December 23, 2014, Judge Burnside called the case for trial and when the prosecution presented no evidence, the judge acquitted Lemons.

– *Maurice Possley*

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Posting Date: 12/30/2014

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Prosecutors appeal county judge's decision in case of man awaiting new trial in 1994 murder

Anthony Lemons gets new murder trial after serving almost 20 years in prison

Anthony Lemons says prosecutors are stalling his re-trial in a 1994 murder case. *(Lonnie Timmons III Lonnie Timmons III)*

Rachel Dissell, The Plain Dealer By **Rachel Dissell, The Plain Dealer**

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on September 23, 2014 at 12:23 PM, updated September 23, 2014 at 2:19 PM

CLEVELAND, Ohio – The Cuyahoga County Prosecutor's office has appealed the decision of a county judge barring the questionable testimony of a now-deceased witness in a 1994 murder.

The appeal comes after Judge Janet Burnside **set a trial date of Oct. 14 in the case of Anthony Lemons.**

Burnside **granted Lemons a new trial last year**, after he had served almost 18 years in prison for murder and been paroled.

Lemons proclaimed his innocence from the beginning, saying he did not shoot Eric B. Sims and had never been on the street where his body was found in 1994.

The 39-year-old could have been released from prison earlier but maintained his innocence each time he went before the Ohio Parole Board.

Lemons told The Plain Dealer that the prosecutor's office is stalling. He said he doesn't know why time and money is being spent to fight the case, despite the fact their key witness was discredited and they know Lemons passed numerous lie detector tests while working to get a new trial.

"I've been home two years and I can't even get a decent job because I have to put this murder conviction on every application," he said. "I'm just hoping one day soon my name can be cleared so I can move on with my life."

Lemons said his original motion for a new trial got lost in the court system for nine years and then he spent about four more years waiting for a hearing on his request for a new trial.

In the appeal, the prosecutor's office, said it was not attempted to merely delay the trial but that the judge's decision had weakened the case.

In Burnside's decision to grant a new trial, she ruled that county prosecutors at the time failed to give to defense attorneys evidence calling into question the statements of an eyewitness during Lemons' 1995 trial. That eyewitness, Jude Adamcik, is now dead.

Adamcik originally told investigators that Lemons was wearing a specific pair of sneakers, shoes that hadn't even been manufactured in April 1994 when the murder happened. She also could not pick him out of a lineup. Defense attorneys did not have access to that information at trial.

Lemons said police took the word of one woman, an admitted drug addict, over the word of numerous other witnesses who told them they had never seen Lemons on the street where the murder occurred.

Prosecutors **had asked Burnside to allow them to use transcripts** of Adamcik's prior testimony at the new trial but she denied that request, saying it would be unfair because the defense couldn't cross examine the witness.

Prosecutors also appealed that decision but the 8th Ohio District Court of Appeals already denied that request.

Prosecutors told Burnside in a recent hearing they were exploring other potential evidence in the case. The judge said if they evidence was related to the witness whose testimony she had banned she would not allow it to be presented.

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Ohio Man Imprisoned for 2 Decades Is Acquitted

Ohio man imprisoned for murder he said he didn't commit is acquitted after pursuing new trial

The Associated Press

CLEVELAND

A man imprisoned for murder for nearly two decades was acquitted Tuesday as prosecutors in Cleveland dropped the charges against him but stopped short of conceding his innocence.

Anthony Lemons, 40, had sought to clear his name and said a burden was lifted from him as a Cuyahoga County judge acquitted him, The Plain Dealer (<http://bit.ly/1CB6tGn>) of Cleveland reported. He said he will pursue state compensation for wrongful imprisonment and would use any such payment to start a program to help released inmates transition back to life outside prison.

"I hope that any man willing to stand up ? tired of our community falling apart, tired of injustice, period ? help me along the way," Lemons said.

Lemons was imprisoned for a 1994 shooting that authorities said was a dispute over drug money. He steadfastly denied involvement and was released on parole in December 2012.

In granting a new trial last year, the judge had noted that police reports withheld from the defense during the original trial contained important information that could raise doubts about a key witness. Among the issues: The witness said Lemons was wearing shoes that police later determined hadn't even been manufactured at the time.

Assistant prosecutor Blaise Thomas said the office doesn't concede Lemons is innocent but couldn't go forward with the new trial because the eyewitness died and the judge wouldn't allow a transcript of her testimony to be used in the new case.

Lemons' next legal step could be pursuing a court declaration that he was wrongfully convicted, a necessary step in seeking compensation from the state.

Information from: The Plain Dealer, <http://www.cleveland.com>

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June 7, 2015

HUFF POST CRIME

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AP

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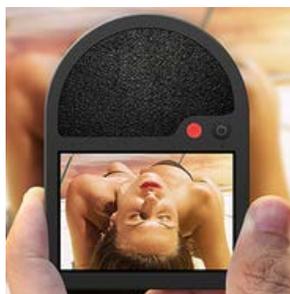
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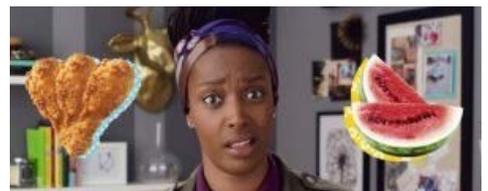
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Greg Peschin · ★ Top Commenter · Works at Freelance Translation
 Funny; all those wrongfully imprisoned always seem to be non Caucasian
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Wendy Thompson · ★ Top Commenter
 @Greg: Though I'm sure have been some non Caucasian people wrongfully imprisoned, it sure seems like a majority of them are minorities.
 Reply · Like ·  5 · December 25, 2014 at 3:40pm



Christianah Coker-jackson · ★ Top Commenter · Bradley University
 Wendy Thompson Non Caucasian people are minorities.
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Jack Stemmelin ·  Follow Following · ★ Top Commenter · Glen Ellyn, Illinois
 I am hoping that you mention the skin color issue because you realize it's WRONG and that these men have been treated very bad.
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Wade Mason · ★ Top Commenter
 20 years of imprisonment... He shouldn't have to "seek compensation", they should gift him the entire city.
 Until there are real, VERY REAL, consequences for governments, this will never stop. Money's not good enough. During an Asst. DA isn't good enough. Mayors, Governors, everyone involved in fact should be help personally accountable. Make them serve jail time for dereliction of duty.
 Reply · Like ·  10 · [Follow Post](#) · December 24, 2014 at 4:25pm



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Cheryl Elizabeth Irvin · ★ Top Commenter · South Carolina State University
 Hiding the truth. Shameful
 It's every town city state
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 Reply · Like ·  8 · [Follow Post](#) · December 25, 2014 at 12:42am



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Felicia Preston Leavitt
 God bless you in your forward life.....so terribly sorry for the injustice.



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Harinama Das · Top Commenter · University of Oregon

If prosecutors and da's were personally liable for innocents going to jail it wouldn't happen.

Reply · Like · 7 · Follow Post · December 25, 2014 at 10:35am



Wendy Thompson · Top Commenter

@ Harinama: You're so right! If the defendants were able to sue those apart of the corruption (I.e. prosecutors, police officers, etc), I bet there would be less wrongful convictions. Add to the compensation termination, and jail time, I bet the numbers would be in the single digits.

Reply · Like · 4 · December 25, 2014 at 3:38pm



Demetrius Reese · Top Commenter

Yep, I have always been for that, especially when prosecutors "willfully" withhold evidence that could prove someone innocent. What is also really infuriating is when the person has been proved innocent and the DA'S and prosecutors continue to keep the person in jail instead of conceding that they screwed up and releasing them immediately.

Reply · Like · 1 · December 27, 2014 at 1:29am



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Tee Jay · Top Commenter · Philadelphia, Pennsylvania

And miles to go before we sleep...Robert Frost.

Reply · Like · 5 · Follow Post · December 25, 2014 at 10:54pm



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