



## Antoine Pettiford

On April 30, 1994, in East Baltimore, Maryland, 22-year-old Oscar Lewis dropped off his best friend, Dante Lamont Todd, and then stopped at a traffic light. While he was waiting for the light to turn green, two men with guns ran up and fired 13 shots, killing Lewis. The gunmen then fled on foot.

Police discovered that shell casings collected at the murder scene matched casings recovering from a shooting and robbery that occurred six days earlier at an East Baltimore nightclub. About two weeks later, when police approached a group of men in a nearby park, the men fled, but left behind a MAC-11 machine pistol. Tests on the gun matched it to the casings found at the nightclub robbery/shooting and the scene of Lewis' murder.

By that time, a West Baltimore man, Darren Warren, had been charged in the shooting/robbery. In a police interview, he said he was involved in the shooting/robbery along with three other people, including 23-year-old Antoine Pettiford. Warren said the MAC-11 belonged to Pettiford.

Police assembled a photographic lineup containing a picture of Pettiford, who had a lengthy criminal record for using and selling narcotics. Warren identified him, as did two witnesses who were at the scene of the murder. A witness to the robbery/shooting said Pettiford resembled the gunman who carried a MAC-11.

Pettiford was arrested on August 30, 1994 and charged with first degree murder for shooting Lewis.

He went on trial in Baltimore County Circuit Court in June 1995. The case against him was thin. The MAC-11 had been mistakenly destroyed by the police department. Rory Harris, one of the witnesses to the murder who had previously identified Pettiford, now testified that Pettiford was too short to be one of the two killers.

Warren, the man who had initially implicated Pettiford, testified that he had lied about Pettiford being involved in the robbery/shooting. He said that he had told police what they wanted to hear.

Tracy Jordan, the other eyewitness who had selected Pettiford's photograph as one of the men running from the murder scene, hedged at trial, saying Pettiford did not appear to be the same man she saw.

The prosecution summoned Lois Ward, Tracy Jordan's older sister. Ward, a convicted thief, had not come forward until 11 months after the murder because, she said, she had been afraid to talk to the police. She told the jury that she saw the shooting and that Pettiford was one of the two men who fled from the scene.

Pettiford's relatives testified that he was attending a birthday party for

<b>State:</b>	Maryland
<b>County:</b>	Baltimore
<b>Most Serious Crime:</b>	Murder
<b>Additional Convictions:</b>	
<b>Reported Crime Date:</b>	1994
<b>Convicted:</b>	1995
<b>Exonerated:</b>	2000
<b>Sentence:</b>	Life
<b>Race:</b>	Black
<b>Sex:</b>	Male
<b>Age:</b>	23
<b>Contributing Factors:</b>	Mistaken Witness ID, Perjury or False Accusation, Official Misconduct

**Did DNA evidence contribute to the exoneration?:** No

an older brother at the time Lewis was gunned down. On June 25, 1995, the jury convicted Pettiford of first-degree murder.

Tracy Jordan came to Pettiford's sentencing and told the judge that she had become certain that Pettiford was not one of the gunmen. The judge rejected her testimony and sentenced Pettiford to life in prison.

That evening, Lewis's friend, Dante Lamont Todd, saw a news report about the sentencing. Todd was puzzled because the day after Lewis was killed, he gave police details about the motive for the killing. Todd had told police that a drug ring had given him \$4,500 to hold and that the money had been stolen from a hiding place in his grandmother's basement. Todd told police that he had later been in shootout with the drug ring leader, a man he knew as "Meat." Todd believed Lewis was shot in retaliation for the loss of the money and for the shootout.

But this information was never turned over to Pettiford's trial attorney.

During a 1996 narcotics trial in U.S. District Court in Baltimore, some of these details came to light. The case began as an investigation of a drug ring operating between New York City and Baltimore, but two members of the ring pleaded guilty and testified against their boss, Demetrius Bernard Smith, who was known as "Meat."

These witnesses said that Smith wanted Todd killed because he believed Todd had stolen the \$4,500 and because of an incident when Todd had fired a gun at Smith's car from a car that Lewis was driving. The witnesses testified that on the night Lewis was killed, Smith bragged that he had caught up to Lewis as he was stopped at a traffic light and two other members of the ring jumped out and shot him.

Smith pleaded guilty and then had his attorney tell federal prosecutors that Pettiford was innocent. But he refused to cooperate further or speak to federal agents.

Federal prosecutors relayed the information to Nancy Pollack, who had prosecuted Pettiford. She did not believe Smith and did not act on the information.

At Smith's sentencing, a federal prosecutor expressed doubt that Pettiford was guilty and requested a harsh sentence for Smith because he refused to identify the men who killed Lewis. The prosecutor said none of the government witnesses—members of the drug ring—knew of Pettiford.

"There may be a man who is doing time in this case who shouldn't be doing time," the prosecutor said. "If Antoine Pettiford is innocent, then there are two shooters out there who need to be brought to justice." The prosecutor said he believed one of the gunmen was Duraye "Money" Cole, a member of the drug ring. Smith was sentenced to 41 years in prison, but the judge gave him a year to cooperate on the Lewis murder in exchange for a shorter sentence.

Pettiford's family hired a new lawyer who used a public records request to obtain Pettiford's homicide file from the Baltimore police department. In the file, the lawyer found numerous reports that the prosecution had not turned over to Pettiford's trial attorney. These included a report saying that Todd wanted to talk to detectives about the murder as well as a police bulletin issued three days after the murder listing a man known as "Meat" as a suspect.

The file also contained a statement from Rory Harris, one of the witnesses who testified at Pettiford's trial that Pettiford was too short to be one of the gunmen. Harris said he saw Duraye Cole and another man, both with guns, sitting in a car moments before Lewis was shot.

Also in the file was a police report written three months after the murder that named Cole as a suspect.

At the request of Pettiford's lawyer, federal prosecutors unsealed the grand jury testimony of another witness in the drug ring case, who had not testified at trial because Smith had pleaded guilty. That witness said that Smith and three others, including Cole, returned to Smith's girlfriend's house not long after the shooting and that Smith was gloating about how Lewis had been shot so many times, his body was "dancing inside of the car."

In May 1998, at a hearing on a motion for a new trial, the lead detective admitted that he had taken a detailed statement from Todd, but had withheld it from the case file. However, he said he had given the statement to Pollack, the prosecutor. The judge then ordered Pollack removed from the case and the hearing was postponed.

On August 21, 1998 the prosecution agreed that exculpatory evidence had not been disclosed to the defense and agreed to vacate Pettiford's first-degree murder conviction. Pettiford then pleaded no contest to a charge of manslaughter and he was released.

In July 1999, the Baltimore Sun newspaper disclosed that their review of the homicide file turned up even more evidence that had not been disclosed. Todd had provided an address for Smith, given police the names of three other men he believed were involved in the shooting, and provided information to police for months after the murder. Based on this disclosure, Pettiford's attorney filed a motion seeking dismissal of the manslaughter charge. In May, 2000, the motion was granted and the no contest plea was vacated. On June 13, 2000, the prosecution dismissed the charge.

– Maurice Possley

---

[Report an error or add more information about this case.](#)

---



---

## CONTACT US

We welcome new information from any source about the exoneration that are already on our list and about new cases that might be exoneration. And we will be happy to respond to inquiries about the Registry.

- + [Tell us about an exoneration that we may have missed](#)
- + [Correct an error or add information about an exoneration on our list](#)
- + [Other information about the Registry](#)

## ABOUT THE REGISTRY

The National Registry of Exonerations is a joint project of the University of Michigan Law School and the Center on Wrongful Convictions at Northwestern University School of Law.

Follow Us:   

Copyright 2012. All rights reserved.

Center on  
Wrongful Convictions  
 Bluhm Legal Clinic  
Northwestern Law

 Michigan Law  
UNIVERSITY OF MICHIGAN LAW SCHOOL



Home → Collections → Homicide Detectives



## How secret evidence led to a life sentence

**When a Baltimore prosecutor asked jurors to convict Antoine Pettiford**

**of murder, she told them to review the evidence. But more compelling material -- kept secret from Pettiford -- could have set him free.**

July 11, 1999 | By Caitlin Francke and Scott Higham | Caitlin Francke and Scott Higham, Sun Staff

It was a brazen slaughter on an east-side street. Baltimore prosecutor Nancy Beth Pollack told the jurors she knew who pulled the trigger and that by the end of the trial, so would they. The evidence homicide detectives pieced together pointed to one man.

Antoine Jerome Pettiford.



"I'm confident, because of this evidence," she said, "you will find this defendant guilty."

What jurors didn't know that day in Baltimore Circuit Court was that evidence had been kept secret -- material that pinned the slaying on other suspects. Even though the law requires prosecutors to disclose evidence, critical documents were never provided to Pettiford or his attorney.

Like Recommend    

0 

 Tweet 

0

### Related Articles

Missing evidence, abundant questions

August 23, 1999

Man wrongly convicted of murder after misconduct to seek...

July 13, 1999

Murder case badly flawed, judge rules

May 23, 2000

Man freed in killing is charged in shooting

July 6, 2002

Gun case evidence will be allowed

December 24, 2003

### Find More Stories About

Homicide Detectives



At 24, Pettiford, a petty drug peddler with a long criminal past, was convicted and sent to prison for the rest of his life.

But two years after the slaying, some of the secret evidence surfaced in U.S. District Court, leading to the conviction of another man for the same murder. It is now clear that Pettiford was imprisoned because of questionable conduct by prosecutors and homicide detectives.

The Pettiford case is part of a pattern in Baltimore, where prosecutors and police have ignored state and federal laws by failing to turn over evidence to those accused of crimes.

The pattern is confirmed by a review of criminal cases and a computer analysis of court records by The Sun; interviews with defense lawyers, judges and prosecutors; and a federally funded study of problems at the courthouse.

Not revealing evidence has led to wrongful convictions, trial delays and freedom for suspected criminals. Over the past two years, charges against at least eight defendants -- including attempted murder and cocaine trafficking -- have been dismissed because prosecutors violated laws requiring the disclosure of evidence, known as "discovery."

In the case against Pettiford, a series of police reports was never disclosed, including a witness statement that identified other suspects and provided a detailed description of the man who later pleaded guilty to the murder.

Why that statement didn't surface for nearly four years is a question that pits prosecutors against police. The homicide detective told a judge under oath that he gave the statement to Pollack. The prosecutor said that she never saw it and that that's why it was never disclosed. Without the benefit of the statement and other evidence, Pettiford and his

attorney didn't have a chance.

To this day, Pettiford denies any involvement in the slaying of Oscar Edward Lewis Jr. On April 30, he agreed to take a polygraph examination. To conduct the exam, The Sun hired James K. Murphy, chief of the FBI's polygraph division in Washington until his retirement this year.

In the three-hour test, Murphy asked Pettiford whether he shot Lewis, planned the killing or was present during it. He answered "no" to each question.

"Mr. Pettiford was truthful when responding to the above listed relevant questions asked during the polygraph examination," Murphy wrote in a report.

## BU Online PI Certificate



[onlinecourselearning.com/bu/pi](http://onlinecourselearning.com/bu/pi)

Meet The Nationally Known PIs & Attorneys Who Will Be Your Teachers

After the exam, Murphy said he doubted Pettiford's guilt.

"If I was running this investigation, I would tell the agents to go back to the streets," he said. "They got the wrong guy."

A violent dance

The case against Pettiford unfolded five years ago. It was close to 5:30 on a Saturday afternoon when a black Mazda RX7 stopped on Milton Avenue in East Baltimore. Dante Lamont Todd, then 22, a tall drug dealer with movie-star good looks, hopped out and said goodbye to his best friend of 19 years, Oscar Lewis.

Lewis pulled up to the stoplight at Preston and Gay streets. On the corner, inside Mount Pleasant Baptist Church, a choir was rehearsing for Sunday services. While Lewis waited for the light to change, two men ran up. They pointed a MAC 11 machine pistol and a 9 mm handgun through the passenger window and opened fire.

As the bullets slammed into Lewis, he jerked and jumped in the driver's seat, his body performing a violent dance. After firing a dozen times into the Mazda, the two gunmen ran off, disappearing down a side street.

Minutes later, Todd's pager went off. His girlfriend told him that Lewis had been shot. He ran to the intersection and watched medics pull his best friend from the car. Seven weeks after turning 22, Lewis was dead.

Todd knew the bullets were also meant for him. He believed he knew who was to blame. Within 24 hours, Todd provided Baltimore homicide detectives with details about what prompted the killing.

But the evidence would stay secret for years.

Closing a case

Bobby Patton, a Baltimore homicide detective with street smarts and a reputation for closing cases, began gathering clues to the April 30, 1994, slaying. He found that shell casings recovered from a robbery and shooting six days earlier near Volcano's, an East Baltimore nightclub, matched casings collected from the murder scene.

## BU Online PI Certificate



[onlinecourselearning.com/bu/pi](http://onlinecourselearning.com/bu/pi)

Meet The Nationally Known PIs & Attorneys Who Will Be Your Teachers

1 | 2 | 3 | 4 | 5 | 6 | Next

### Featured Articles



Man shot to death on Glen Burnie porch, suspect in custody



U.S. zombie runs organized by Md.-based firm abruptly canceled



Gansler says breaking up teen party was not his job

MORE:

[Baltimore woman, 56, dies after pit bull attack](#)

[Big Ten commissioner Delany says league is 'ready for Maryland' next year](#)

[Under Armour's Northwestern uniforms stir controversy](#)

[Immigration reform isn't dead yet](#)

[Annapolis mayoral election too close to call](#)

[Former Terps star Kenny Tate is trying to keep his NFL dream alive](#)



[Index by Keyword](#) | [Index by Date](#) | [Privacy Policy](#) | [Terms of Service](#)

Please note the green-lined linked article text has been applied commercially without any involvement from our newsroom editors, reporters or any other editorial staff.