

<http://ccadp.org/larryosborne.htm>

Released August 1, 2002 !

LARRY HAS BEEN EXONERATED
AND IS NOW A FREE MAN !

Larry Osborne

Released August 1, 2002 From Kentucky's Death Row

NEWS ABOUT LARRY'S RELEASE

Larry Osborne, 22, was "still in shock" after his acquittal yesterday, his lawyer said. He spent two years on death row after being convicted of the December 1997 murders of an elderly Whitley County couple. Larry Osborne -- the youngest person on Kentucky's death row -- was acquitted yesterday at his retrial in the December 1997 murders of an elderly Whitley County couple. He was freed immediately and left the courthouse with his father.

Osborne, 22, whose 1998 conviction was overturned last year by the state Supreme Court, becomes the first person in Kentucky on death row to be found innocent since the state reinstated the death penalty in 1976.

"We are very happy," his lawyer, Gail Robinson, said yesterday. "The jury did the right thing." Whitley Commonwealth's Attorney Allen Trimble could not be reached for comment late yesterday. There was no answer in numerous calls to his home.

Osborne, who had been held since his arrest on Dec. 31, 1997, when he was 17, spent two years on death row. He walked out of the courtroom a free man yesterday, Robinson said. She said he broke down when the jury returned the innocent verdict yesterday afternoon after about four hours of deliberation.

"He just sat there sobbing," Robinson said. "He's still in shock."

Osborne was not available for comment yesterday. Robinson said he was with his father and was still working out plans on where to stay.

Osborne won a retrial after the Supreme Court ruled last year that Whitley Circuit Judge Paul Braden was wrong to allow into evidence at the first trial a statement made by a witness who later died, Osborne's alleged 15-year-old accomplice. That witness, Joe Reid, drowned in a swimming accident five months before Osborne's first trial.

Death penalty opponents said yesterday that the case underscores their argument that innocent people risk conviction and execution in Kentucky.

"Huge, huge mistakes -- like innocent people going to death row -- do occur," Robinson said.

The Rev. Patrick Delahanty, chairman of the Kentucky Coalition to Abolish the Death Penalty, said it's an example of how the system fails people like Osborne.

"This guy was innocent and they put him on trial, they didn't have the evidence and they convicted him," Delahanty said. "That's the system in Kentucky."

Howard Mann, who helped prosecute Osborne in the first trial, said Trimble had a difficult case to make without the testimony of Reid. But he said Trimble was able to present new evidence at the retrial, including a pair of pliers found at Osborne's home. The victims' son testified he had left the pliers at his parents' house the day before they were killed.

Mann said the new evidence "didn't compel the jury to go either way."

Frankfort lawyer Kevin McNally, Robinson's husband and a national expert on capital cases who represents people appealing the death penalty, said Osborne becomes the 102nd person on death row nationwide to be acquitted since the U.S. Supreme Court reinstated the death penalty in 1976.

"I think what it means is that there are so many questionable cases on death row," McNally said.

Delahanty and other death penalty opponents have long pushed unsuccessfully for a Kentucky law to ban the death penalty for defendants who were juveniles at the time of the crime. Yesterday, they said Osborne would have been spared a death sentence if Kentucky had such a law.

"We shouldn't have a death penalty -- particularly for teen-agers," Robinson said.

Osborne was charged with the Dec. 14, 1997, slayings of Sam Davenport, 82, and his wife, Lillian Davenport, 76, after a break-in at the home where the couple had lived for 46 years. The prosecutor said someone disabled the elderly couple, possibly hitting them on the head, then set the house on fire. The Davenports died of smoke inhalation.

Osborne became a suspect after his mother, Pat Osborne, called police to report that her son had heard breaking glass as he and Reid rode past the Davenport home on a motorbike, according to the court record and testimony at the first trial.

Authorities said the break-in occurred on the evening of Dec. 13 and the murders early on Dec. 14; Pat Osborne called police around 1 a.m. on Dec. 14. The Davenports died around 12:30 a.m. on Dec. 14, court records said.

On Dec. 31, police began questioning Reid, who insisted as he had previously that neither he nor Osborne had anything to do with the crime. He stuck to that story for most of the interview.

But at the end of a four-hour interview, Reid changed his story and told police that Osborne had committed the crime while Reid watched from outside, according to court records. Police told him afterward they would assure prosecutors that Reid had cooperated with them.

"Is this going to get me out of all this stuff?" Reid asked, according to court records.

Osborne was arrested the same night.

Before Reid could testify at trial, he drowned while swimming in Jellico, Tenn. His death was ruled accidental.

But the prosecution presented Reid's statement at trial anyway, over objections of defense lawyers who argued it was wrong to present evidence from a dead witness who couldn't be cross-examined. They also argued that Reid's statement was full of inconsistencies.

Osborne was retried this time without Reid's statement. Robinson said that substantially weakened the prosecution's case.

She said Osborne took the stand at the five-day trial and testified on his own behalf.

"He said what he's said from day one," Robinson said. "He said, 'I didn't have anything to do with this.'"

Staff writer Joseph Gerth contributed to this story.

The Information below is from Larry's original webpage when he was still on death row.

Larry wrote the CCADP for assistance back in 1999 sending photo's and a pen pal request.

LARRY OSBORNE – Death Row Inmate #127516

Information provided by the Kentucky Coalition to Abolish the Death Penalty and the Catholic Conference of Kentucky

On December 13, 1997, Sam and Lillian Davenport were killed in Whitley County, Ky. when someone broke into their home and set it on fire.

Two young boys, Joe Reid (15) and Larry Osborne (17), reported they heard glass breaking when they passed the Davenport house on their trailbike the night of the murders. Larry called his mother, who called the police. When the police arrived, the house was in flames.

That night Larry Osborne was a hard working kid with no police record – but he had no way of knowing that he had two problems. First, the police suspected that his mother was the mastermind of a local crime syndicate. (This theory ignores the fact that Larry's mother has an IQ of 54, and has trouble doing even simple tasks.) Second, there had been a series of murders in Whitley County, and there was pressure on the authorities to take action.

The police decided Larry Osborne and his mother were suspects. They took Larry's companion, Joe Reid, alone, to the police station for questioning. He was interrogated on December 14, on December 16, and on December 31. He told the same story repeatedly, confirming the boys' original statements.

During the interrogation on New Year's Eve the police told Joe Reid all the details from their investigation of how the crime was committed (even drawing a map and showing photographs taken at the scene), and then gave him a lie detector test. Joe told his story again. He was told by police he "failed" the test. There was a forty-minute break in the tape, and when it came back on Joe Reid said that Larry Osborne committed the murders. Joe Reid asked, "do I get out of trouble?"

Joe Reid then told a somewhat different version to a Grand Jury, and shortly thereafter accidentally drowned in a lake in Tennessee. He had never been cross-examined. He had never seen a lawyer on his own behalf.

Larry Osborne denied any involvement in the murders. There was no physical evidence connecting him with the murders.

The Whitley circuit judge permitted the prosecutor to read to the trial jury Joe Reid's Grand Jury statement that Larry Osborne had committed the murders. There was no cross-examination.

The jury sentenced seventeen year old Larry Osborne to die.

IS THIS FAIR?

LARRY OSBORNE DETAILS

The media coverage of the series of murders in Whitley County and the pressure for a solution is found in TR VII, pp. 899-904, 912-915, Commonwealth v. Osborne.

The testimony of the two boys that they heard glass breaking and reported it to the police through Osborne's mother is at TE V, 607.

The testimony of what the police found at the scene is at TE IV, pp. 581-584.

There was broken glass at the scene and police found small bits of glass on Osborne's coveralls. Prosecutors sought to tie this to Osborne's involvement in the murder, but expert analysis showed that the glass on Osborne's clothes did not match the glass at the crime scene. TE VI, 773-335.

A witness testified to seeing someone near the murder scene earlier. The description did not fit Osborne. TE IV, pp. 562-567; TE V, 717.

The police interrogations of Joe Reid were recorded and are in the transcript except there is an unexplained forty-minute gap in the tape before Joe Reid changed his testimony. TRN, Tab 3; Appellant's brief, p. 8, 17.

Osborne has claimed his innocence from the time he was charged to the present time. While he was held in the Whitley County jail two prisoners escaped, but Osborne declined to go with them. TE VIII, pp. 1000-1001.

Osborne's conviction is currently under appeal.

Rev. Patrick Delahanty Policy Analyst

613 Zane Street Catholic Conference of Kentucky

Louisville KY 40203-3029 1042 Burlington Lane

Frankfort Kentucky 40601

Phones: Home: (502)581-9154; Office: (502)875-4345; Fax: (502)875-2841

Catholic Conference - www.ccky.org

KCADP - www.kcadp.org

Kentucky Coalition to Abolish the Death Penalty

PO BOX 3092

Louisville KY 40201-3092

(502)585-2895 Fax: (502)587-1356

To join KCADP, send \$15 to above address.

Above information provided by the Kentucky Coalition to Abolish the Death Penalty and the Catholic Conference of Kentucky

LARRY OSBORNE'S ORIGINAL PEN PAL REQUEST TO THE CCADP:

Hello my name is Larry Osborne. I'm 19 years old, white, native Kentuckian on Death Row in Kentucky at the Kentucky State Penitentiary where I await my execution. I'm seeking correspondence with : someone interested in establishing a lasting relationship with mutual respect and honesty, and above all else willingness to nurture a friendship in the midst of adversity. My family has all but abandoned me in this nightmare, being 19 years old is not the easiest situation for me.. I could use some companionship / friendship and support. I grew up in the mountains of southeastern Kentucky. I love the outdoors, hiking, fishing and hunting. As well as every aspect of nature. I enjoy, Basketball, Wrestling, Rock and Roll music and NFL football. I like good movies, mostly action packed and comedy. I enjoy drawing. I also lift a few weights and play basketball when allowed to go out side a couple of hours a week. I'm looking for someone who can shine a bit of light in this sometimes dimly lit world I must live in. Below is my address, and a picture of me holding "The World's Largest Game Cock" (Rooster) at Busch Gardens a year before my arrest. * (* Larry's original photo was deleted by NBCi in April 2001.) Hope to hear from you soonest. Sincerely Larry Osborne.

Larry Osborne #127516

6-G-3

P.O. Box 128

Eddyville, Kentucky

42038-0128 USA

RELEASED FROM DEATH ROW

EXONERATED - NOW A FREE MAN !

Larry Osborne

State: Kentucky
Incident Date: 12/13/1997
Age at Arrest: 17
Conviction Date: 1998
Age when Exonerated: 22
Exonerated Date: 08/01/2002
Time Served: 4 years
Conviction: Murder
False Confession: No
Implicated by Another Youth: Yes

Details

Seventeen-year-old Larry Osborne was wrongfully convicted of murder and sentenced to death for burning down the house of and killing an elderly couple. Osborne was driving by the couple's home when he heard glass breaking. He told his mother, who reported it to the police. Osborne and fifteen-year-old Joe Reid became suspects of the murder. Reid was questioned three times, each time telling the same story of innocence. The third time, however, the police told Reid all the details of the crime, gave him a lie detector test and was told he failed. There was then a forty minute break in the tape and when the tape resumed, Reid claimed that Osborne committed the murders and asked, "do I get out of trouble?" Reid accidentally drowned before the trial and his statement was allowed into court, even though he could not be cross-examined. Osborne was convicted although there was no physical evidence against him. In a retrial, Reid's statement was not allowed and with the weakened prosecution, Osborne was found innocent.

Post Exoneration:



Resources

[Osborne v Commonwealth \(2001\)](#)

Supreme Court of Kentucky - April 26, 2001

State: Kentucky

Type: Case

Topic: Juveniles and Wrongful Convictions