



Levon Junior Jones

At 3:00 a.m. on February 28, 1987, a local bootlegger named Leamon Grady was found dead in his home in Duplin County, North Carolina. He had been shot once in the chest.

For several years, no one was charged with the crime. In August of 1990, after a reward was posted for information leading to an arrest, a woman named Lovely Lorden began meeting with investigators at the Duplin County Sheriff's Department. Lorden claimed that Grady had been murdered by her ex-boyfriend, Levon Jones. She had turned Jones in for an assault the year before, and he was serving time for that charge. Lorden gave five different statements with conflicting details, but ultimately would testify that in the early hours of February 28, 1987, she rode with Jones and two other men—**Larry Lamb** and Ernest Matthews—to Grady's house, where they intended to rob him.

Lorden said she stayed in the car while the three men went inside; Jones was carrying a pistol. Lorden heard two gun shots, then the men returned to the car and they drove away. Jones, Lamb and Matthews were charged with first-degree murder on August 14, 1992.

Lamb went on trial first in Duplin County Superior Court. Lorden was the star witness for the prosecution. There was no physical evidence linking any of the defendants to the crime. The murder weapon was never found. There was evidence that another suspect had been alone with Grady on the night of the crime and then lied to police before leaving town, but this evidence was never presented to the jury. Lamb's attorney did not interview any witnesses or conduct any investigation of the case.

A jury convicted Lamb on August 19, 1993 and he was sentenced to life in prison. At the time of sentencing, Lamb declared, "I will take whatever time you give me and I will go with it with pride, but (I want) to let you know you haven't solved this case by locking me up."

Jones went on trial in November 1993 and the state sought the death penalty. Once again Lorden was the crux of the prosecution's case. Jones's defense attorneys – one of whom was related to the victim—did almost nothing to prepare for his trial. No witnesses were interviewed and no motions were filed. The jury found Jones guilty and sentenced him to death on November 8, 1993, and the conviction was upheld by the North Carolina Supreme Court in 1996.

Matthews, who, like Lamb and Jones, contended he was innocent, accepted a plea deal in December 1993 after seeing the outcome of the cases against Lamb and Jones. Matthews pleaded no contest to second-degree murder, robbery and conspiracy and was sentenced to 20 years in prison. He was released in 2000.

In 2006, a federal court overturned Jones's conviction because of the

State: North Carolina

County: Duplin

Most Serious Crime: Murder

Additional Convictions: Robbery, Conspiracy

Reported Crime Date: 1987

Convicted: 1993

Exonerated: 2008

Sentence: Death

Race: Black

Sex: Male

Age: 28

Contributing Factors: Perjury or False Accusation, Official Misconduct, Inadequate Legal Defense

Did DNA evidence contribute to the exoneration?: No

ineffective assistance of his defense attorney. Prosecutors began preparing for a retrial.

Then, in December 2007, Lovely Lorden recanted her 1993 trial testimony. In an affidavit prepared by Jones's attorneys, Lorden said that much of her testimony was "simply not true." She said law officers coached her on what to say and threatened her with prosecution if she did not cooperate. She had collected a \$4,000 reward from the governor's office for providing clues that led to Jones's arrest.

In light of this new evidence, the district attorney dropped all charges against Jones on May 2, 2008, and he was released from prison the same day.

Christine Mumma, executive director of the North Carolina Center on Actual Innocence, had been investigating Lamb's case since 2007. On May 29, 2008, after Jones' charges were dismissed, Mumma met with District Attorney G. Dewey Hudson, who was informed that Jones' attorneys had obtained sworn statements from Jimmy Brinson and Larry Buckram that indicated Grady had been killed by Buckram and another man, Simon Loften. Hudson requested that the state re-investigate the case.

In 2007, Brinson had stated to investigators that while incarcerated with Buckram, they discussed Grady's murder. Buckram was serving a life sentence for another murder. Brinson said Buckram claimed he killed Grady, but would never confess because it would put him on Death Row. Brinson said Buckram "felt especially bad about the idea of someone dying for a murder that he committed." Brinson said that he "never understood why or how Lovely Lorden" said Lamb, Matthews and Jones were involved together because they were not known to hang out with each other.

Buckram also provided a statement in 2007 saying that he and his brother-in-law, Simon Loften, went to Grady's home on the date of the murder to buy some liquor. Buckram said he stayed outside in a van while Loften went inside. Several minutes later, Loften emerged and drove off "like he was in a frenzy." Loften stopped the van later, walked into the woods and returned. Buckram said that Loften had always carried a pistol, but never carried it after that night. Buckram said in his statement that Loften, who died in 1999, underwent a marked personality change after that night and became an alcoholic and cocaine addict.

In the summer of 2009, following the completion of the investigation, the prosecution and Mumma prepared to file a joint motion to vacate Lamb's conviction and obtain a new trial, with an understanding that the state would dismiss the case because Lorden had recanted and no longer was reliable as a prosecution witness. A hearing was set for late August 2009. In a prosecution draft of the motion, the prosecution said that one reason it agreed to join in the motion for a new trial was that another prosecution witness in the case, Samuel Gales, was dead. When Mumma informed the prosecution that Gales was, in fact, alive, the prosecution withdrew its support for the motion.

In July 1992, law enforcement had gone to Gales' home in search of the murder weapon. They did not recover the weapon, but instead found cocaine. Shortly thereafter, Gales implicated Lamb in the murder. He told authorities that on the night Grady was killed, Lamb came to his house to buy marijuana. Gales testified at Lamb's trial that Lamb said "he thought Leamon Grady carried more money on him than that," and stated, "We done..." and then abruptly said nothing further.

After the prosecution withdrew from the agreement to vacate Lamb's

conviction, Gales gave a statement to Lamb's defense team that he could have been mistaken about the timing of Lamb's visit to buy marijuana—that Lamb could have come to his house in January 1986—not 1987 when Grady was murdered.

In 2010, Mumma filed a petition for a new trial on Lamb's behalf, based on Lovely Lorden's recantation and the statements of Larry Buckram and Jimmy Brinson implicating Simon Loften in the murder.

A hearing on the petition was held in May 2013 where multiple witnesses, including Lovely Lorden, testified before the Court. On August 8, 2013, Superior Court Judge W. Douglas Parsons vacated Lamb's conviction.

Judge Parsons found that "the entirety of the evidence against" Mr. Lamb at trial was the testimony of Lovely Lorden. He said he had reached "the definitive conclusion" that her testimony at Mr. Lamb's 1993 trial "was false and that there was more than a reasonable possibility that, had the false testimony not been admitted, a different result would have been reached."

Judge Parsons found that the evidence showed Lorden had "both personal and financial motives to fabricate evidence" against the defendants. He further stated that "fundamental fairness and due process dictate that Lorden's testimony and credibility cannot sustain Lamb's convictions."

On August 13, 2013, the prosecution dismissed the charges and Lamb was released.

– *Maurice Possley*

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STATEMENT OF ERNEST CONNER

Raleigh, North Carolina
May 5, 2008.

Levon "Bo" Jones is an innocent man. This is a case that never should have been prosecuted. It should have been better investigated by the Duplin County Sheriff's Department, and/or the North Carolina State Bureau of Investigation. The real killer(s) of Leamon Grady has never been prosecuted.

There is no credible evidence against Mr. Jones.

Lemon Grady, 67-years-old, was found shot in his home around 4:00 a.m. on February 28, 1987. The police investigation at the crime scene and subsequently was woefully incomplete. For example, Mr. Grady had been shot through his shirt pocket. A \$20 bill found in his shirt pocket had a matching bullet hole. Mr. Grady's third finger was shot, as if he were reaching into his pocket when he was shot. The police didn't bother to test the bill for fingerprints – even though the person who handed Mr. Grady the bill could have been the last person to see him alive and the killer. When we finally had the bill tested this year – 20 years after the shooting, no prints could be found.

The police failed to test the other gun found at the crime scene, failed to take into evidence a bloody sheet, and failed to take fingerprints from such obvious surfaces as the door and doorknob.

The police did not check the size or characteristics of a shoe print in blood on the floor near Mr. Grady's lifeless body.

They did not determine if a .25 caliber pistol in Mr. Grady's bed had been recently fired. They did not test this pistol for fingerprints. They did not even check the serial number on the pistol, or run a check with the Bureau of Alcohol Tobacco and Firearms to determine where the pistol came from. In fact, they lost this pistol.

They did not check for fingerprints around the doorknob of front door, or elsewhere on the door. Nor did the police check the refrigerator door handle for fingerprints. They did not check for fingerprints on the telephone near Mr. Grady's body.

The police did not attempt to determine what was the white particulate material that was observed at the scene on Mr. Grady's finger. Nor did they conduct fingernail scraping from Mr. Grady to collect skin tissue or other trace evidence that may have been transferred from the killer if physical contact was made with the killer.

Years later when Lovely Lorden came to the police, they did not challenge her many changing stories, or question why it did not match up with the know facts. Why did Ms. Lorden say 10:30 p.m. as the time of the crime when Mr. Grady was known to be alive at 11:00 p.m.? Why did she say 10:30 p.m. when Larry Lamb was known to be at work

until 12:06 a.m., and known to be back at work eight hours later that same day? Why did she name Tootie Matthews, Ernest Matthews' brother? Why was Ms. Lorden out so late with nine children, one a three month old pre-maturely born infant at home? Why was she out so late, and so long when she had just recently undergone major surgery?

There is not now and there has never been any physical evidence in this case linking Bo Jones to the crime. The entire prosecution case rested on the changing stories of Lovely Lorden.

Lovely Lorden told the police the first of her many stories in 1990, three years after the shooting, and after a \$5,000 reward was posted. She had turned Bo Jones into the police for an assault the year before and Mr. Jones was serving time in prison for this assault. In her first couple of stories, she told the police only that Bo Jones gave her money and made a comment that made her think that he was involved.

This story was not enough for the police to prosecute Mr. Jones – and not enough for Lovely Lorden to collect reward money.

In her next few stories, Lovely Lorden said that she was with Bo Jones and two other men – Larry Lamb and Tootie Matthews - and that they had gone to the house of Lemon Grady. This time, Lorden said she sat outside in the car while the men went inside and that she heard a gunshot.

Each time Lorden told the story, it changed. Sometimes there were two gunshots – sometimes one. Sometimes they were in a small red car. Sometimes they were in a black and white car. At one point, she said they went to Mr. Grady's house at 10:30 p.m. – a time that was impossible because independent witnesses and phone records showed that Mr. Grady placed a telephone call at 11:00 p.m. and because Larry Lamb was at work until midnight. She changed her mind and decided it was Ernest Matthews, not his brother Tootie, who should be named in her story.

The police confronted all three men with Lorden's story: Bo Jones, Ernest Matthews, and Larry Lamb. The men told the police the truth: they didn't know what Lorden was talking about. The police were not able to corroborate Lorden's story: she told the police that she saw Bo Jones throw the gun into a creek. The police looked – but didn't find a gun where Lorden reported it thrown.

The fact that Lorden fully recanted this time isn't surprising – she has been recanting all along. Her story has never stayed the same. The surprising fact is that the police and the prosecution chose to pick one of her many stories, gambling with the lives of three innocent men.

On Friday afternoon, Dewey Hudson, the head prosecutor, told the world that he believed the story Lovely Lorden sold for a reward. He stated he believed in Mr. Jones's guilt because Lorden passed a lie detector test. He pointed to the fact that a codefendant, Ernest Matthews, pled guilty as further proof of Bo's guilt; and he suggested that there

was another witness tying Bo to the crime. These statements are not consistent with the facts.

First, polygraphs are not admissible in court because of their unreliability – and should never be used to decide a person's innocence or guilt alone. Secondly, when the police first asked Lovely Lorden to take a lie detector test in June 1991, Ms. Lorden told the police that she couldn't take the test because she was pregnant. In fact, Lorden had had a hysterectomy years before. Although the police say that Lorden later that summer took and passed a polygraph, all that remains is a summary sheet. The test itself and the results, if any, were destroyed by law enforcement. So the world has no way to know if Ms. Lorden actually passed any polygraph test. Law enforcement lost or destroyed the test results, in spite of Bo Jones having been sentenced to death. Thus, no one can now confirm anything about the alleged polygraph.

The supposed other witness is another statement that doesn't measure up to the facts. There is a short note in the police file that suggests that a jail inmate heard Bo Jones say something suspicious. The police interviewed the man and chose at the first trial not to call him as a witness. When we interviewed him last fall, he told us that he had not heard Bo Jones say anything suggesting he was guilty. So this statement in the prosecutor's press release is not factually correct.

Finally, although Ernest Matthews pled, he pled no contest. Ernest Matthews was the last of three men to be tried. After witnessing Larry Lamb go to trial and get life in prison, and Bo Jones go to trial and get the death penalty, Ernest Matthews feared that the truth would not be enough for his freedom. Even in the plea though, Mr. Matthews maintained his innocence and pled no contest. Ernest Matthews has given an affidavit to the defense that he was offered a deal for 10 years if he would simply write a statement saying he, Bo Jones and Larry Lamb committed the robbery and murder of Leamon Grady. He refused and took a 20-year sentence instead.

Mr. Hudson was right in his statement when he said: "justice delayed is justice denied." It took 16 years for the truth to come out in Bo Jones's case, and an innocent man set free.

The tragedy is how close Bo Jones came to being executed, and how the North Carolina Court system ignored the serious flaws in Bo's trial, in blind deference to the prosecution.

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Ernest Conner is a private attorney in Greensville, North Carolina and was appointed along with the ACLU Capital Punishment Project to represent Bo Jones in his new trial.

Man wrongly convicted of murder walks free from Wake prison

Posted: August 13

Updated: August 14

A man imprisoned for more than 20 years for the murder of a Duplin County bootlegger was released Tuesday evening from the Wake Correctional Center in Raleigh.

A judge on Thursday ordered that Larry Lamb be exonerated in the fatal shooting of Leamon Grady, who was robbed and found dead in his home in 1987. On Tuesday, the Duplin County District Attorney's Office dropped the charges against Lamb, clearing the way for his release.

Smiling, Lamb walked calmly into the arms of waiting family members shortly after 5:30 p.m.

"For the last 20-plus years, I've been an innocent man. It's been a struggle," Lamb said. "It's a hard life in the penitentiary, especially knowing that you are innocent."

Grandchildren were born and loved ones passed away while Lamb was locked up, he said.

"Not being able to attend their funerals or be with my family to console them, it's been a struggle," he said.

But he tried to stay positive through the ordeal.

"I was raised in a good community and the people taught me to be positive," he said. "My mother always told me whatever I do, do my very best. Wherever I go, represent home, represent the family, and that's what I've strived to do over these years."

On his first night as a free man, Lamb said he was looking forward to a good meal and new memories with family.

"I'm going to go and try to eat me some fish, some real food," he said. "Now, all I just want to do is go and be with my family and my children and get to know my grandchildren and love them."

Lamb was the only one of three men convicted in Grady's murder still in prison. He was serving a life sentence.

Levon "Bo" Jones spent 13 years on death row before he was released in May 2008. Duplin County prosecutors decided to drop the charges against him after a key witness admitted she lied on the stand.

The Center on Actual Innocence took up Lamb's case in 2010, filing a motion to have him released based on the witness's false statements, as well as ineffective defense counsel.

Lamb said the path to his exoneration was slow and painful, but he advised other wrongfully convicted inmates to keep the faith.



"At one time, I wanted to fire Chris (Mumma)," Lamb said with a laugh. "This is a slow battle. It takes time. A lot of times we think it should happen just like that, but it doesn't ... so I would like to encourage them to stay focused, continue to take part in positive things – attend worship service, go to school."

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