



JOSEPH SLEDGE

Other North Carolina Exonerations



Photograph by Ethan Hyman, News & Observer

On the afternoon of September 6, 1976, the bodies of 74-year-old Josephine Davis and her 57-year-old daughter Aileen Davis were found beaten and stabbed to death in their home in Elizabethtown, North Carolina.

Both were last seen alive around 10:30 p.m. the night before. Although a medical examiner

estimated the time of death between 8 a.m. and 10 a.m., blood was still wet at 5 p.m. when police arrived, indicating that they were killed later in the day. Both victims' dresses were pulled over their heads and they had been beaten and stabbed repeatedly. Blood was found throughout the house, suggesting that the killer dripped blood as he went from room to room.

Aileen had been raped and bloody palm prints found on either side of her head were believed to have been left by her assailant. African-American head and pubic hairs were also found on her naked torso and imbedded in blood on her forehead. Josephine's purse was missing.

Almost immediately, police suspected 34-year-old Joseph Sledge, Jr., who less than 24 hours earlier had escaped from the nearby White Lake Prison Camp, a minimum security prison where he was serving a four-year sentence for misdemeanor larceny convictions.

By the time Sledge was arrested by Bladen County Sheriff's detectives on September 9 in Dillon, South Carolina—50 miles from Elizabethtown—he knew that he was a suspect in the highly-publicized murders. Sledge said he had arrived in Fayetteville, North Carolina, 40 miles from the scene of the crime, by 3:30 a.m. on September 6, several hours before the women were killed.

Sledge led authorities to the location where he had discarded clothing and retraced his route from the prison into Elizabethtown where he stole a car parked with the keys in the ignition. Police confiscated the car and returned Sledge to prison.

Although Sledge was a suspect, he was not charged. No physical evidence could be found linking Sledge to the crime.

State: North Carolina

County: Bladen

Most Serious Crime: Murder

Additional Convictions:

Reported Crime Date: 1976

Convicted: 1978

Exonerated: 2015

Sentence: Life

Race: Black

Sex: Male

Age: 34

Contributing Factors: False or Misleading Forensic Evidence, Perjury or False Accusation, Official Misconduct

Did DNA evidence contribute to the exoneration?: Yes

His shoes, which he had not changed from prison, bore no blood and did not match the bloody shoe prints found at the scene. The Governor of North California offered a \$2,500 reward for information about the crime, but the crime remained unsolved more than a year later.

The murders were among several that occurred in the area during that period and the news media published articles and aired reports on television that heightened a sense of fear. By December 1977, the pressure was continuing to build and the reward was doubled to \$5,000.

In early 1978, Bladen County residents were quoted in the local newspaper as saying they were becoming afraid. Several murders in the mostly rural area were still unsolved. Some residents formed armed groups that patrolled a wide area of the region, including the Cape Fear River basin. One resident was quoted as saying it was "getting to the point where people will have to enforce the law themselves to be safe."

At about that time, law enforcement and prison officials began interviewing inmates who had come in contact with Sledge.

In February 1978, Sledge was indicted for the murders of Josephine and Aileen Davis based primarily on statements from two prison inmates that he had admitted committing the crime. Sledge was never charged with rape or robbery.

Sledge went to trial in May 1978, less than three months after being indicted. The trial was moved to adjacent Columbus County because of pre-trial publicity.

The most critical evidence for the prosecution was the testimony of the two prison inmates—Herman Baker and Donnie Sutton.

Baker said that he first met Sledge in a pool hall in Fayetteville, North Carolina in 1969 and that while they were in a weight room at the Carthage Prison Unit in 1977, Sledge told him that after escaping from prison, he came upon the Davis residence. Baker testified that Sledge told him he entered the house and was confronted by Josephine who demanded to know what he was doing.

Baker said Sledge provided details that police said only the killer would know. Baker testified, for example, that Sledge told him he struck Josephine in the jaw and knocked her down. Police had never disclosed that Josephine had a broken jaw. Baker said Sledge told him that after he knocked Josephine to the floor, he began stabbing her.

Baker said Sledge told him that when Aileen came at him from behind, he stabbed her. Baker told the jury that as Sledge left the house, he grabbed a can of black pepper and sprinkled it on the back steps of the house so that the "she-devils' spirits" of the women, both of whom were white, would not follow him. Baker said Sledge told him that white women were "she-devils."

Sutton testified that while incarcerated in the Columbus County Jail, Sledge also told him that he had killed both women.

Sutton testified that Sledge admitted killing the women and referred to them as "she-devils" who were "bad for the black man...out to get their minds." Sutton testified that Sledge told him that "the black man should...rebel over this...and

should kill...everyone...that really should cross their path.”

Both witnesses denied having been promised any favorable treatment or that they were going to receive any of the \$5,000 reward.

An FBI agent testified that he had examined pubic hairs found on Aileen's body. He said the hairs were “microscopically alike” to pubic hair obtained from Sledge.

A state crime lab analyst testified that rudimentary testing of the seat of the car that Sledge was driving was positive for the presence of blood. That opinion was based solely on presumptive tests and no confirmatory testing was ever conducted to determine whether the substance was in fact blood.

Sledge testified in his own defense and denied committing the crime. Six months prior to the murders, Sledge was on a prison road crew when another inmate, a convicted murderer, struck Sledge so hard that Sledge's skull was cracked. Prison authorities revoked the assailant's honor grade for six months. When the inmate returned to White Lake Prison Camp in September 1976, he was assigned to the same work detail as Sledge.

Sledge told the jury that he feared for his life and even though he had less than a year left on his sentence, he believed he would be safer on the run than inside the prison. He said he jumped a fence at the prison on September 5, 1976 and hid in the woods until nightfall when he began walking toward Elizabethtown.

He detailed his path from the prison to Dillon where he was arrested and explained how he cooperated with authorities afterward. He denied making admissions to Sutton and Baker.

Two other inmates who were on the same cellblock with Sledge and Sutton testified that Sledge never admitted involvement in the crime.

After three days of testimony and argument, the jury deliberated for two days before declaring they were unable to reach a unanimous verdict. The judge declared a mistrial.

Sledge went on trial a second time, again in Columbus County, in August 1978. The testimony mirrored the first trial and on August 31, 1978, the jury convicted Sledge of two counts of second-degree murder. He was sentenced to consecutive terms of life in prison.

In May 1979, the North Carolina Supreme Court upheld the convictions and sentence. Over the next two decades, Sledge filed more than 25 post-conviction motions—all in his own hand and without the assistance of an attorney. One of them was based on a sworn statement from an inmate who claimed that at the time of Sledge's trial, Baker had privately admitted to the inmate that his testimony was false and that he had implicated Sledge because police threatened to charge him with the murder unless he cooperated. All of Sledge's motions were denied.

In 2003, Sledge, without a lawyer, filed a request for DNA testing of the physical evidence in the case. Although the court ordered a search for all evidence, there was no follow up by any of the agencies involved.

At that point, in 2004, the North Carolina Center on Actual Innocence became involved in the case. With their persistence and three additional court orders, some evidence in the case was finally found and sent to the lab for testing. The limited evidence that had been located underwent testing over the next several years. However, the critical hair evidence in the case was not located until August of 2012.

In December 2012, mitochondrial DNA tests were performed on three of the pubic hairs that were found on one victim's body. The tests excluded Sledge as the source.

In the spring of 2013, Baker recanted his testimony. Baker said that he was promised and received an early parole and got \$3,000 in reward money—despite his denials of favorable treatment or payment. Baker said police fed him the details of the crime so that his account would be credible. Sutton, by that time, was dead.

The Center on Actual Innocence learned the prosecution had failed to disclose several initial interviews law enforcement conducted with Sutton during which he denied that Sledge admitted to the crime. Ultimately, Sutton changed his account to implicate Sledge. Like Baker, Sutton received an early parole and he was paid \$2,000 from the reward fund.

Sledge took a polygraph examination in 2013, the results of which were peer-reviewed by a second examiner, and both examiners reported that he showed no deception when he denied committing the crime.

In May 2013, Christine Mumma, executive director of the Center on Actual Innocence, petitioned the North Carolina Innocence Inquiry Commission to investigate Sledge's claim of innocence.

During the Commission's investigation, all of remaining hairs found on the victim's body were subjected to DNA testing. Results of that testing was consistent with the original hair testing and excluded Sledge as well as the victims. A re-examination of all the physical evidence—the hairs collected from the victim's body, the bloody palmprints on the floor on either side of the sexually assaulted victim's head, all of the fingerprints collected at the crime scene, the victim's clothing, and the linoleum cut from where the victims laid—excluded Sledge.

The investigators discovered that the prosecution had failed to disclose to the defense that there was an alternate suspect who lived about 500 yards from the victims' home and who had been dropped off near the victims' home in the early morning hours of the day of the murders. In a report about the suspect, police noted that a shoeprint found near the suspect's home was similar to a bloody shoeprint in the victims' home.

On January 23, 2015, a three-judge panel of Superior Court Judges appointed by the North Carolina Chief Justice declared Sledge factually innocent and he was released after spending more than 36 years in prison for the crimes. The decision made Sledge eligible for \$750,000 in compensation from the state of North Carolina.

Bladen County District Attorney Jon David apologized to Sledge at the hearing. "There's nothing worse for a prosecutor than convicting an innocent person." David, who

was not the original prosecutor in the case, said he would re-open the investigation.

– *Maurice Possley*

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