



## Gregory Taylor

In September 1991, the body of a prostitute who had been beaten to death was discovered at the end of a cul-de-sac in Raleigh, North Carolina. Gregory Taylor and his friend had parked in the cul-de-sac the night before to smoke crack, and had left the truck there overnight after it got stuck in the mud. When Taylor returned to get the truck, he and his friend were arrested for the murder of the woman. At Taylor's trial, the prosecution presented a lab technician's report to the jury that described a "chemical indication for the presence of blood" in his truck. A prostitute testified that she had seen the victim get into Taylor's car, and a jailhouse snitch testified that Taylor had confessed to him. In April 1993, a jury convicted Taylor of murder and he was sentenced to life in prison.

Several years after Taylor's conviction, another inmate confessed to the murder. It was also discovered that the prostitute who had testified against Taylor was on drugs when she claimed to have seen the victim get into Taylor's car, and couldn't remember what the driver looked like.

Additionally, the wording in the lab technician's report is the description analysts are required to give when an initial test indicates the presence of blood, but in this case, subsequent tests showed that no blood was present. Because the author of the report did not testify, and did not tell the prosecution about the negative results, the jury did not hear the results of the subsequent tests. In 2009, the North Carolina Innocence Inquiry Commission held a hearing on Taylor's case, and the eight member commission unanimously concluded that Taylor was innocent. In February 2010, after a review by a three judge panel, Taylor's conviction was overturned, and in May 2010, he was pardoned by the Governor of North Carolina.

- *Stephanie Denzel*

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**State:** North Carolina

**County:** Wake

**Most Serious Crime:** Murder

**Additional Convictions:**

**Reported Crime Date:** 1991

**Convicted:** 1993

**Exonerated:** 2010

**Sentence:** Life

**Race:** Caucasian

**Sex:** Male

**Age:** 28

**Contributing Factors:** False or Misleading Forensic Evidence, Perjury or False Accusation

**Did DNA evidence contribute to the exoneration?** No  
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[http://en.wikipedia.org/wiki/Innocence\\_Project](http://en.wikipedia.org/wiki/Innocence_Project)

In February 2010, Greg Taylor was exonerated for the murder of a North Carolina young female prostitute. Arrested in 1991 and convicted a few years later, Taylor served 17 years in prison. Taylor did cooperate with the police and even offered DNA samples and willing to take a polygraph test. Police charged Greg Taylor and Johnny Beck for the murder of the woman. Yet police wanted Taylor to incriminate Beck but he refused. With the help of Christine Mumma of the North Carolina Center of Actual Innocence, Taylor was freed. Mumma was able to prove the lack of physical evidence towards Taylor and the flawed process. Also, the SBI failed to report all of their testing results during Taylor's original trial and misrepresented the evidence. Taylor describes this experience as "The perfect storm of bad luck."<sup>[9]</sup>

<http://crime-bites.com/2011/07/03/330/>

## Gregory Taylor — Exonerated and Suing Crime Lab

Published on July 3, 2011 by Shalea in In The News, Justice and Punishment



Gregory Taylor

**Durham, NC** — In 1991 Jacquetta Thomas was found beaten to death in a cul-de-sac. Nearby, authorities found an empty car stuck in sand and gravel with what appeared to be bloodstains on the rear bumper. The car was traced back to Gregory Taylor, who admitted to spending the night smoking crack cocaine in his car. Authorities felt they had their man and quickly arrested Taylor.

Prosecutors received a report from the North Carolina State Bureau of Investigation crime lab that indicated the stains on Taylor's car was human blood. This was the only evidence ever found linking Taylor and Thomas. Taylor was found guilty and sentenced to life in prison.

Last year Greg Taylor was freed and exonerated after the North Carolina Innocence Inquiry Commission voted unanimously to free Taylor. The panel is the country's only state-mandated panel charged with reviewing claims of innocence by convicted felons.

Testifying before the panel, blood-stain analyst Duane Deaver admitted a second and more sophisticated test came back negative for blood. That result, however, was never disclosed to the prosecution or defense. Instead, it was simply filed away.

Deaver's testimony prompted the state attorney general to order an independent audit of the state crime lab. It was reported last August that negative or inconclusive results on blood samples were withheld in at least 190 cases that went to trial or resulted in a conviction. Of those convicted, 80 people are still incarcerated, five died in prison, and three have been executed.

Take a moment to let that last paragraph sink in. Greg Taylor lost 17 years of his life, but there are some who lost their life and quite possibly were innocent!

I used to be an advocate for the death penalty. Once in a while, I still let my emotions get the best of me and say "fry 'em" when a particularly gruesome crime is committed. Especially if a child is involved. As a reader and writer of true crime, I've come across more than my fair share of truly horrific cases. Yet, I've also become more aware that our justice system is not infallible; we are not infallible. Costly mistakes have been made and will probably continue to

be made. Innocent (and yes, guilty) people have been put to death. Should we be taking those kinds of chances with others' lives? I'm not so sure anymore. And let's face it, it's not as if the death penalty has actually been proven an effective deterrent.

Greg Taylor is one of the lucky ones. Though, after seventeen years of being a prisoner subjected to the grim realities of prison life, I am fairly certain he doesn't feel that way. Who can blame him?

On Tuesday, June 28, Greg Taylor filed a lawsuit in U.S. District Court in Raleigh. He is suing five former agents with the State Bureau of Investigation, claiming they "intentionally and in bad faith" misrepresented the blood evidence against him, knowing it could lead to his conviction.

I hope Greg Taylor wins. It's the least this poor man deserves for all the years of hell he and his family suffered. Sadly, Taylor isn't the only victim in this particular case. Jacquetta Thomas' real killer is still out there and her family is still waiting for justice to be served. According to Thomas' sister, Yolanda Littlejohn, she's been waiting a long time. She never believed that Greg Taylor was guilty of murdering her sister. Littlejohn is hopeful that the newly re-opened investigation into her sister's death will finally bring her killer to justice and there can be some closure. A year later, still no answers.

I have a feeling that unless someone continues to keep pushing the investigation forward, Jacquetta Thomas and her family will likely never have the answers.

Transcript of CNN program.

<http://transcripts.cnn.com/TRANSCRIPTS/1107/01/se.02.html>

## **CNN LIVE EVENT/SPECIAL**

### **Rogue Justice**

Aired July 1, 2011 - 23:00 ET

THIS IS A RUSH TRANSCRIPT. THIS COPY MAY NOT BE IN ITS FINAL FORM AND MAY BE UPDATED.

(BEGIN VIDEOTAPE)

DREW GRIFFIN, CNN SPECIAL INVESTIGATIONS UNIT CORRESPONDENT (voice-over): It happened in the dark of night. Greg Taylor made a wrong turn down a dead end road. It would end up costing him 17 years in prison.

GREG TAYLOR, FORMER PRISON INMATE: There's no way I could have committed that crime.

GRIFFIN: A State Bureau of Investigation crime lab withheld evidence that could have set him free.

FLOYD BROWN, FORMER PRISON INMATE: I didn't murder nobody.

GRIFFIN: Floyd Brown spent 14 years locked up for a crime he didn't commit.

(On camera): Was there any evidence whatsoever linking him to the crime?

MIKE KLINKOSUM, FLOYD BROWN'S ATTORNEY: No. The only thing that puts Floyd in this case at all is the fictional confession.

DAVID RUDOLPH, ATTORNEY: I think over the last 20 years a culture has developed at the SBI that basically the ends justify the means.

MANDY LOCKE, REPORTER, THE NEWS AND OBSERVER OF RALEIGH: And you'd hoped that these were isolated incidents. The more we dug, the more we found that that wasn't the case.

TAYLOR: You know you never anticipate anything like this. You always think that there's a sense of justice in the world and that the system works.

GRIFFIN (voice-over): It was September 25th, 1991, in Raleigh, North Carolina and Greg Taylor was spiraling down a destructive path. A husband and devoted father with a steady job, he was fighting a losing battle with crack cocaine.

TAYLOR: I think those two days that kind of sum it up which was the day before I was arrested I went to the PTA meeting at my daughter's school. And then the next night I went out partying.

BECKY TAYLOR, GREG TAYLOR'S FORMER WIFE: I met Greg in high school, dated through college and then got married.

GRIFFIN: Becky Taylor says their marriage was on the rocks.

B. TAYLOR: I tried to break up with him like every three months. And then he would get better and then we'd go through that cycle for years.

GRIFFIN: That night the addiction would get the better of him. He was watching a ball game with friends.

TAYLOR: When that baseball game went into extra innings, something clicked. I could go get a couple of rocks and that was all it took.

GRIFFIN: As the game went into extra innings, Greg hit the street in pursuit of his next fix. He found a local dealer -- Johnny Beck.

JOHNNY BECK, GREG TAYLOR'S FRIEND: Greg picked me up. I showed him what I had. And we hung out all night, coming. Buying. Buying drugs. You know, and stopping getting beer.

TAYLOR: We ended up coming down here. And we could see that it was dark, it was secluded and it looked like a pretty good place to -- you know to stop and get high.

GRIFFIN: Greg and Johnny Beck spent an hour getting high in a cul-de-sac at the end of a dirt road. Then Greg made a move that would change his life.

TAYLOR: The urge kind of hit me to spin around in the mud a little bit on the way out. I basically went across the path. I might have made it 10 feet before I bottomed out in a ditch.

BECK: So the truck stopped. We tried everything we can to get the truck out. The truck don't budge.

TAYLOR: It was just almost a relief, you know, that that truck was stuck, because I kind of took it as a sign that I don't need to be driving anymore that night. So, you know, we just took off walking.

GRIFFIN: As they walked back through the cul-de-sac, they saw what Greg thought was a roll of carpet.

BECK: I thought it was a mannequin laying there.

TAYLOR: But I didn't think it was any mannequin. I looked back over my shoulder again. And this time what caught my eye was a hand. Said, I think that's a body, you know, it might even be dead.

GRIFFIN: Greg was right. It was the body of Jacquetta Thomas, a prostitute. The two men had stumbled across a gruesome murder scene. Greg Taylor wanted to call the police, but Johnny Beck thought that was just asking for trouble.

BECK: I said, knowing our PD, first thing they're going to do is accuse us.

TAYLOR: We had drugs on our purse and I was driving without a license. I had been consuming alcohol. You know, so there is a litany of reasons that I would not want to talk to the police in general.

GRIFFIN: They walked out to the main road and eventually Greg called his wife.

B. TAYLOR: So I got a call at 6:00. I was kind of surprised that he hadn't made it home. And he said he'd gotten his truck stuck and needed me to pick him up, or he said he just wanted to check on the truck, and make sure it was still there.

GRIFFIN: The truck was there, and so were the police.

TAYLOR: We pulled up, my wife and I, and there were, you know, police cars everywhere. And I guess the realization hit me then. It's like oh, yes, we did see a body down there.

B. TAYLOR: Once he saw the police and saw that his truck was still there, he realized sooner or later they're going to find out it's his truck and come looking for him so he might as well go talk to them about anything he saw that could possibly help; still never occurred to him that they might be looking at him.

GRIFFIN: Jacquetta Thomas was brutally beaten, covered in blood.

B. TAYLOR: We've answered every question the police had and gave them everything they wanted. Because, you know, there really wasn't that much. We could tell, you know, there was certainly nothing to hide.

GRIFFIN: Thinking he had nothing to worry about, Greg offered hair samples and the clothing he wore the night before. He even said he'd take a polygraph.

(On camera): When in that questioning which became an interrogation did you realize, "Hey, wait a minute. I just came in here to get my truck. And they're looking at me as being involved with that body."

TAYLOR: Basically he says I have a choice whether I want to be a defendant or a witness. And to me, that wasn't much of a choice because I didn't do anything and I didn't see anything.

GRIFFIN: And what were they asking of you?

TAYLOR: Essentially they were asking me to tell them my co- defendant committed the crime and they would go easy on me.

GRIFFIN (voice-over): According to Taylor, the Raleigh police wanted him to point the finger at Johnny Beck, a known drug dealer. He refused.

B. TAYLOR: Sometime in the early evening Greg called and was just, like, hysterical saying that, you know, they were charging him. And so it's just still unbelievable.

GRIFFIN: The charges against Beck were eventually dropped, but Greg went to trial. His mother and stepfather mortgaged their house to pay for his defense, but Greg's bad luck continued. The hotshot attorney they hired resigned from Greg's case three months before trial and was disbarred for fraud and embezzlement, leaving little time for his new lawyer to prepare.

B. TAYLOR: She said this was the weakest case he had ever seen in his entire career. He was really confident that they could get it dismissed and so he wasn't going to present any evidence.

(END VIDEOTAPE)

GRIFFIN: But the prosecution presented overwhelming evidence, an eyewitness who claims to have seen Taylor with the victim, a dog that picked up the victim's scent in Taylor's truck, a jailhouse snitch, who testified that Taylor confessed; but perhaps most convincing of all, scientific evidence showing blood on Taylor's truck. It took the jury just two hours to convict.

(BEGIN VIDEOTAPE)

TAYLOR: When that verdict came down, it was -- you know it was definitely a shock.

B. TAYLOR: It was a minimum 20 years with no parole.

TAYLOR: It's like being punched in the gut.

(END VIDEOTAPE)

(COMMERCIAL BREAK)

(BEGIN VIDEOTAPE)

GRIFFIN (voice-over): For 17 years, Greg Taylor sat in prison for a murder he consistently claimed he didn't commit. For much of that time, he slept here, on bunk 23.

TAYLOR: In the beginning, there was almost a constant hope. And then there was that periodic hope, then there was no hope.

GRIFFIN: This was his world; this is where he ate, this his only recreation.

TAYLOR: My goals were really simple. Finish this book. Get this workout in. Stay out of trouble.

You know it's kind of funny that even though I had to be dependent on the present to survive, at the same time you wanted to tune it out because the present is prison. Right?

GRIFFIN: Greg cleaned up his life in prison. Finally breaking himself of a decade-old drug habit. TAYLOR: When I first went to prison and I earned all these degrees and I spent, you know, all this time studying computers and electronics and telecommunications and networking. And I felt like, OK, if this appeal goes through or this motion, you know, succeeds, then -- and I'm released, then I'll be able to step back into my career, you know, that was taken from me when I was arrested.

GRIFFIN: But he wouldn't be able to step back into his life. Greg's wife Becky divorced him and his daughter Kristin was growing up without her father.

TAYLOR: I can remember the first birthday I missed of my daughter's. It was her 10th birthday and that first Christmas. I can remember thinking when she was 16, you know, that she's driving now. And I have to worry about her being on the roads and whatnot.

And when she graduated high school -- and you just want so much to get out before the next one but you're sitting there and you're helpless.

GRIFFIN: Greg repeatedly appealed his conviction, going all the way to the Supreme Court.

TAYLOR: OK. After my U.S. Supreme Court appeal was denied, we started pursuing clemency and retained an attorney out of Greensboro for that. The two things he did, one of them was he gave polygraph to my co-defendant and myself. And another thing he did was file a motion for DNA testing.

And of course that motion for DNA testing was denied and that effectively shut out any kind of avenues I had through the courts after that.

GRIFFIN: Then, Chris Mumma came into his life.

CHRIS MUMMA, NORTH CAROLINA CENTER ON ACTUAL INNOCENCE: We

get, you know, 750,000 claims a year. We reject about 95 percent of them.

GRIFFIN: Mumma runs the North Carolina Center on Actual Innocence, a last resort for those who claim they've been wrongly convicted.

MUMMA: They write us a letter. We send them a questionnaire and a release. So if they're willing to take the trouble and I'm pretty sure anybody who's innocent will take the trouble to fill out that questionnaire.

GRIFFIN: Greg wrote her in another desperate attempt to clear his name.

MUMMA: I was given a summary of Greg's case that was written by Greg, in his own words. And that was incredibly compelling.

GRIFFIN (on camera): Why?

MUMMA: Well, he was offered a plea. They came to him and said, all we want is for you to give us Johnny Beck and you can go home. I don't know of any co-defendants, who wouldn't turn on each other if they were guilty and have sort of a chance to go home.

GRIFFIN: Why didn't you do it?

TAYLOR: Silly as it sounds, you know, what I told them and the way I put it into words was that I can still look in the mirror and you're not taking that away, too. You know? I didn't have anything else left. I had already lost my family, my job, my house and -- and my daughter. And what was lying going to get it back?

GRIFFIN (voice-over): Chris Mumma spent two years investigating Greg's story.

TAYLOR: She's like the answer to my prayers for the -- for the ideal attorney to come into my life. I mean I read 833 books in prison and a whole lot of it was crime fictions, and you got an attorney that actually digs and does the work and gets it right.

GRIFFIN: She and her team reviewed documents and the main witness who turned out to be less than reliable. Slowly the state's case unraveled.

MUMMA: You had a jailhouse snitch who admits that he came forward because he was hoping to get help with his sentence. You have a prostitute who had charges dropped. You have a dog that was never trained to do what they said it did. No fingerprints from her in the truck. No fibers on her from them or on them from her.

No blood transfer whatsoever and this was a bloody scene. This was -- you know, there was splatter on the street. And she's got bloody finger smears on her arms. Somebody had blood on them when they -- when they touched her. So the physical evidence, it defies science, it defies common sense.

TAYLOR: It was just a perfect storm of bad luck. You know, between the choices I made to get that truck stuck in the ditch, things that were out of my control, the tunnel vision on the police, the attorney I had that went to prison, the jury who decided there wasn't much to go on but yet convicted me anyway.

(END VIDEOTAPE)

GRIFFIN: In 2007, Chris Mumma brought the case to the newly- formed North Carolina Innocence Inquiry Commission. It was the first and only government panel in the country created to free the wrongfully-imprisoned. And it was here in this unassuming room that Greg's bid for freedom would be heard.

(BEGIN VIDEOTAPE)

MUMMA: Once the commission was up and running; and I knew the way it was designed to work was to get around those procedural blocks, to get around those walls that were keeping Greg in.

GRIFFIN (voice-over): For Greg's daughter Kristin, it meant the possibility of getting her father back in her life. He had missed her graduation, her wedding, and the birth of a son.

(On camera): Did you put much hope or faith in this innocence project?

KRISTIN TAYLOR, GREG TAYLOR'S DAUGHTER: Yes, a lot of hope, tons of hope. My hope lies in that the people with the capabilities of making something happen actually would.

MUMMA: They had subpoena power. They could get access to all the prosecution's records, all the police records, everything that the defense never had access to. And we couldn't get access to. They could order DNA testing that Greg was denied previously. And they did all that.

GRIFFIN (voice-over): The eight-member commission voted unanimously that there was sufficient evidence to prove Greg Taylor was actually innocent.

MUMMA: So that opened the door for Greg's case to get back in the courts.

GRIFFIN: It meant Greg would have one last chance to clear his name.

TAYLOR: To the very essence of who you are, you just hate -- just absolutely hate being accused of something like this.

GRIFFIN: What he was about to find out would rock the justice system: evidence that would have changed everything and had been buried for 17 years.

MUMMA: We had Greg's innocence in our hands.

(END VIDEOTAPE)

(COMMERCIAL BREAK)

(BEGIN VIDEOTAPE)

GRIFFIN (voice-over): In February, 2010 Greg Taylor walked into this courtroom after 17 years in prison. It was his last chance to prove his innocence.

TAYLOR: You know, you get let down so many times in the courts that you just lose faith in the justice system -- but yet you still cling to the truth. I had no clue, you know, as to how this hearing was going to turn out.

GRIFFIN: Convicted of murder and sentenced to 20 years to life, Greg faced a three-judge panel empowered to set him free. They would consider an unreliable eyewitness, an inaccurate jailhouse snitch, an improperly-trained forensic dog. But there was one more revelation to come.

MUMMA: We were actually working on a Sunday going through those boxes and trying to organize all the testimony into files and organize statements by witness and things like that.

GRIFFIN: Chris Mumma, director of the North Carolina Center on Actual Innocence, was one of Taylor's attorneys preparing for the panel she made a stunning discovery; a file that had never made it to trial from the State Bureau of Investigation, or SBI's crime lab.

MUMMA: We had been there for a good part of the day going through everything and found the bench notes.

GRIFFIN (on camera): Now, what are bench notes?

MUMMA: Bench notes are the back-up notes that go with that final report that's issued by the lab. So it's all the actual test results and what the analyst is writing down as they're actually doing the testing before it goes into a nice type-written report.

GRIFFIN (voice-over): The nice type written-report stated there were chemical indications for the presence of blood on Greg's truck. Blood that jurors said was indisputable evidence of guilt. But lying in a box for the 17 years Greg was in prison was a test the SBI never shared, a more definitive test that showed the spot may not have been blood after all. The jury never heard it.

Chris Mumma now had the document that turned the case on its head.

MUMMA: We had that they had misrepresented what was on that truck. We had Greg's

innocence in our hands.

GRIFFIN (on camera): At some point during your 17-year career inside prison, Chris came to you and said guess what --

(CROSSTALK)

TAYLOR: Guess what? It wasn't blood. You know it still amazes me when I think about it, you know, because you just don't expect, you know, a lab to hide evidence.

GRIFFIN (voice-over): During his original 1993 trial, the prosecution referred to blood evidence over a dozen times.

TAYLOR: The reason why it kept me in prison so long is because, you know, the jury believed that that was the victim's blood on my truck. You know, the prosecutor argued that vehemently to the jury. The jury bought it. The jury convicted me.

GRIFFIN: Greg's legal team brought the new evidence before the judges.

TAYLOR: I'm sitting there in the courtroom and the three-judge panel and listening to this testimony. You know. And still wondering, OK, well, how are they going to get it wrong now?

UNIDENTIFIED MALE: May I approach the witness?

GRIFFIN: In a dramatic moment, Greg's lawyer asked the SBI agent responsible for the tests, Duane Deaver, to clarify his bench notes.

DUANE DEAVER, FORMER SBI AGENT: I can't say with scientific certainty that that was blood.

GRIFFIN: But that conclusion was never presented at Greg's original murder trial.

UNIDENTIFIED MALE: So anyone reading your formal report would not have known that you could not scientifically confirm that was blood.

DEAVER: That's correct.

GRIFFIN: Deaver's explanation was even more shocking. He said what he did was a sanctioned practice at the SBI. In fact it would become written policy a few years later.

MUMMA: You had an employee who was following policy. Now do I think that employee should have had a conscience? Yes. Do I think it should have bothered him that he wasn't reporting the full results? Yes. In the end, is that ultimately where the responsibility should fall? I don't think so.

(END VIDEOTAPE)

GRIFFIN: We tried to find out who was responsible. Agent Deaver was recently fired for his performance at the SBI and he wouldn't talk to us. Neither would the SBI's director.

So we went to the man who runs North Carolina's criminal justice system, Attorney General Roy Cooper, who wouldn't talk to us either.

(BEGIN VIDEOTAPE)

GRIFFIN (voice-over): After the new test results came to light, the prosecution offered to let Greg go free.

MUMMA: During the hearing they offered Greg time served. They said if you walk away from this process, you can go home today. Just walk away, time served, go on home.

TAYLOR: I turned it down. I said, no. I want a chance to prove to everybody that I'm innocent.

GRIFFIN (on camera): That surprised some people.

TAYLOR: Yes. And after I tried to eat that meal that night, you know, in that jail cell, it surprised me, too. Yes.

GRIFFIN: Basically at that point you said, "Screw you, I'm staying until you say I'm not guilty."

TAYLOR: Yes. No -- until I'm innocent.

GRIFFIN: Right? Innocent. TAYLOR: I just had to believe that, you know, as long as I had a belief in the truth and pursued that truth that things were going to work out the best for me.

GRIFFIN (voice-over): But as Greg sat waiting for the panel's verdict, he still didn't know if the truth would set him free.

(END VIDEOTAPE)

(COMMERCIAL BREAK)

(BEGIN VIDEOTAPE)

UNIDENTIFIED MALE: Let the records show that everybody's here in the case of State v. Gregory (INAUDIBLE) Taylor.

GRIFFIN (voice-over): It was a moment more than 17 years in the making.

UNIDENTIFIED MALE: We are entering the following decision of the three-judge panel.

GRIFFIN: Greg Taylor was about to learn if a panel of three judges believed he was innocent -- innocent of murder.

UNIDENTIFIED MALE: The verdict is unanimous. The panel shall enter a dismissal of all and any of the charges.

GRIFFIN: After 6,149 days in jail.

UNIDENTIFIED MALE: The course of this matter is ready for disposition. The decision, Judge Howard Manning rules that Gregory Taylor is innocent of the charge of first-degree murder.

(CROSSTALK)

UNIDENTIFIED MALE: And the charge of first-degree murder of Jacquetta Thomas on September 26th, 1991 against Gregory Taylor is dismissed.

GRIFFIN (on camera): You must have seen that picture of you living that moment. What were you thinking?

TAYLOR: All that frustration and confusion over all the years and all that hard work, you know, it just -- it culminated in that one burst of release. And it was no way to script it or to prepare for it. I believe I just was conscious in the very beginning of just trying to breathe and not have a heart attack.

UNIDENTIFIED MALE: Everybody believed in you, son. And that's what -- that's what got you here.

GRIFFIN (voice-over): In a crush of reporters, Greg Taylor was released the same day.

TAYLOR: Unbelievable. All these years, what this day would be like -- 6,149 days and finally the truth has prevailed.

GRIFFIN: But Taylor's case got two of those reporters wondering. How deep did the problems at the SBI go?

JOSEPH NEFF, REPORTER, NEWS AND OBSERVER OF RALEIGH: We've covered a lot of cases of prosecutorial or police misconduct and some of them involve the SBI agents. And we've been saving string for years on this but what really got our attention focused on the SBI was the case of Greg Taylor.

GRIFFIN: "Raleigh News and Observer" reports Mandy Locke and Joe Neff reviewed more than 15,000 pages of documents. In a month's long investigation of the SBI, they found SBI agents cut corners, bullied the vulnerable, and twisted reports and court testimony.

LOCKE: There was language in their reports that told lab analysts how to testify in court in a way that most of us would agree favored the prosecution. They were told that a good testimony would enhance their conviction rate.

GRIFFIN: Problems with the SBI crime lab went far deeper than the Taylor case.

NEFF: And in several cases, the work just seems to be abysmal. We found that tests were done but the results were not reported. And so the defense never learned about them.

GRIFFIN: In one case that came out at trial, a lab's test videotaped by the SBI shows an agent trying to replicate a blood stain in an effort to prove the prosecution's case until they get it right.

UNIDENTIFIED MALE: That's a wrap, baby.

NEFF: And the blood stain pattern unit, these agents, A, they had no policy for over 20 years to guide them, and, B, they were just running the most bizarre unscientific experiments to try to put people in prison for life.

UNIDENTIFIED MALE: That's a wrap, baby.

GRIFFIN: The agent heard in the video, Dwayne Deaver, the same agent who failed to report Greg Taylor's second blood test.

LOCKE: You'd hoped that these were isolated incidents, but clearly the more we dug, the more we found that that wasn't the case.

GRIFFIN: Because, it turns out, Greg Taylor wasn't the only innocent person to spend time behind bars because of the North Carolina State Bureau of Investigation.

This is Floyd Brown -- a man with the IQ of a 7-year-old.

(END VIDEOTAPE)

GRIFFIN: Floyd Brown was a familiar figure here in downtown Wadesboro, North Carolina. One of those guys you see hanging around the courthouse in a small town. He even became friends with the clerks there, took their pay checks to the banks for them. Which is why it was such a shock when on July 16th, 1993, an SBI agent took Floyd to jail.

(BEGIN VIDEOTAPE)

KELLEY DEANGELUS, FLOYD BROWN'S ATTORNEY: Everyone loved Floyd. They knew he was slow. They knew what his intellectual deficits were. And to them, he was just a fixture.

GRIFFIN (voice-over): He had had run-ins with the police before, mostly for public drunkenness, once for assault. But now Floyd was accused of robbing and killing 80-year-old Katherine Lynch here in her home. A witness told the SBI that a black man knew something about the murder.

Although Floyd didn't match the description of that man, the SBI questioned him and said he had confessed. Mike Klinkosum and Kelly DeAngelus, Brown's lawyers, couldn't believe it.

(On camera): When you read that confession and when you saw Floyd, did you instantly say, no way.

KLINKOSUM: Yes.

DEANGELUS: Yes. There's no mistaking that Floyd could never in a million years make that confession.

BROWN: Friday -- Wednesday -- I mean Monday. We go Monday.

DEANGELUS: You meet Floyd and you just instantly know he doesn't have that capacity; he doesn't have the communication skills.

GRIFFIN: Because this is your next appointment. What is it -- who are you meeting with?

BROWN: Doctor --

DEANGELUS: He doesn't have the knowledge. He could never speak with that much definition or detail.

GRIFFIN: This doctor?

BROWN: Yes.

GRIFFIN (voice-over): This is the confession. Six pages in the first person handwritten by SBI agent Mark Isley who testified it was taken down verbatim. A transcript of what Floyd had told him. The only thing Floyd wrote down on his confession was his name, spelled wrong.

(On camera): What specifics are we talking about that scream this guy did not say this.

DEANGELUS: Oh, gosh. There's so many.

KLINKOSUM: Well, it starts at the first line where he supposedly started talking, "My mama woke me up at 6:00 a.m." Back then Floyd could not tell time.

DEANGELUS: It also said, "I live at this address." Well, we know from records at that time, Floyd's never been able to recite his address.

KLINKOSUM: If you read the level of detail, if you read the structure of that confession, it reads like it's written by someone investigating a crime scene.

GRIFFIN (voice-over): The confession was the linchpin of a case with no physical evidence.

(On camera): Was there any evidence whatsoever linking him to the crime?

KLINKOSUM: No. The only -- the only thing that puts Floyd in this case at all is the fictional confession.

GRIFFIN (voice-over): But it was enough to charge Floyd Brown.

Coming up, an innocent man locked away for 14 years.

(On camera): Floyd, did you kill that woman?

BROWN: No. I sure didn't.

GRIFFIN (voice-over): And later, hundreds of other cases where the crime lab withheld evidence.

MUMMA: They're the prosecution's lab. They are not the justice system's lab. They are the prosecution's lab.

(END VIDEOTAPE)

(COMMERCIAL BREAK)

(BEGIN VIDEOTAPE)

GRIFFIN (voice-over): In 1993, Floyd Brown was involuntarily committed here, Dorothy Addix Mental Hospital, 100 miles from his home back in Wadesboro.

DEANGELUS: They would bring him in and have these little evaluations and you know on the top of these forms it always says, "chief complaint." And his chief complaint wasn't anything physical or mental that was wrong with him, it was always something to the effect of, "I'm innocent, I want to go home."

KLINKOSUM: "I was framed."

DEANGELUS: "I was framed." Yes.

KLINKOSUM: Chief complaint, "I was framed."

(END VIDEOTAPE)

GRIFFIN: When he entered these doors, he also entered into a kind of legal limbo, accused of murder but unable to have his day in court. Floyd Brown was developmentally disabled. He had the mind of a 7-year-old and was ruled incompetent to stand trial.

(BEGIN VIDEOTAPE)

GRIFFIN (voice-over): The only evidence against Floyd was a confession he had signed misspelling his own name.

LOCKE: The details in that confession were so elaborate and so detailed that everyone who knows Floyd --

BROWN: 87, 89 --

LOCKE: His teachers from school and the doctors at Dorothy Addix believed that he was incapable of writing that confession.

GRIFFIN: The confession that kept Floyd locked up was written down by SBI agent Mark Isley. More than 20 times Floyd's competence was evaluated.

BROWN: Two.

UNIDENTIFIED FEMALE: On top.

BROWN: Six.

UNIDENTIFIED FEMALE: On top.

GRIFFIN: Each time he was judged unfit to stand trial. Finally, after 14 years, Floyd's lawyers got him a new hearing.

DEANGELUS: This was the hearing where if we didn't win here we didn't really know what we were going to do.

GRIFFIN: Testifying about the confession was Dr. Mark Hazelrig, one of Floyd's psychiatrists at Dorothy Addix.

DR. MARK HAZELRIG, PSYCHIATRIST: This statement is not made in the language that is typical or even possible for Mr. Brown to make spontaneously on his own.

DEANGELUS: At the end of that hearing the judge said, "I've heard everything I need to hear; I rule in favor of Floyd. And he can go." And I don't think either of one of us were quite prepared for that.

KLINKOSUM: I wasn't ready for him to rule from the bench.

DEANGELUS: No. It was an incredible moment. It was the best moment of my professional life so far, easily.

KLINKOSUM: You know we were all hugging, so forth. I saw Floyd and he was walking back into the holding cell. And I called him back and I said, "Where are you going?" And he said, "Court's over. I got to go back in here."

GRIFFIN: But Floyd was free. The judge dismissed the charges against him ruling that there was nothing in the case, including the alleged confession that was convincing evidence.

(On camera): How long you been living here, Floyd?

BROWN: A long time.

GRIFFIN: You like it?

BROWN: Yes, I like it.

GRIFFIN (voice-over): Three years to the day after that release Floyd Brown struggles to understand what happened.

(On camera): You knew you weren't supposed to be there. Right?

BROWN: Yes, I knew I didn't supposed to be there.

GRIFFIN: But you were there for 14 years.

BROWN: Yes.

GRIFFIN: That's a long time.

BROWN: Yes.

GRIFFIN: Floyd, did you kill that woman?

BROWN: No. I sure didn't. No, I am but a nobody.

UNIDENTIFIED FEMALE: OK. Now you got to do this.

GRIFFIN (voice-over): Floyd lives with a full time caretaker who's one-on-one attention has helped him improve his level of functioning since his time at Dorothy Addix. He has a job cleaning a school. And Floyd is now suing the state of North Carolina with the help of attorney David Rudolph.

RUDOLPH: Over the last 20 years a culture has developed at the SBI that basically the ends justify the means and if law enforcement, local law enforcement tell the SBI that so and so is their man, then the SBI is going to go out and find whatever evidence they can. And if they can't find any, in Floyd's case, they couldn't, they manufactured it.

GRIFFIN: Floyd is still upset about his encounter with SBI agent Mark Isley.

BROWN: He kept saying I don't like your attitude. Mark Isley saying he don't like my attitude.

GRIFFIN (on camera): You speaking about Mark --

BROWN: Mark Isley, yes. He told me he don't like my attitude at all. I told him I don't like his neither. I got mad what he had did to me, he locked me up for a crime I didn't do.

(END VIDEOTAPE)

GRIFFIN: Even after questions were raised about Isley's involvement in the Floyd Brown case, Mark Isley was promoted. Now he's under investigation. We wanted to ask him about this, this six- page confession that he says Floyd Brown dictated to him, verbatim. But Isley is not talking.

(BEGIN VIDEOTAPE)

LOCKE: Over the years, Mark Isley climbed the ladder at the SBI, and today he supervises other SBI agents in the Medicaid fraud unit. And his case wasn't even investigated internally by the SBI until later this summer after our series ran.

GRIFFIN (voice-over): The "News and Observer" reporters weren't the only ones investigating the SBI. An outside expert, a former FBI agent, would find that Floyd Brown and Greg Taylor were just the tip of the iceberg.

UNIDENTIFIED MALE: I'm about as hard-line law enforcement as you can get; law and order, putting bad guys in jail. But what we saw was just not right.

(END VIDEOTAPE)

(COMMERCIAL BREAK)

(BEGIN VIDEOTAPE)

GRIFFIN (voice-over): Now free, his prayers answered, Greg Taylor is rebuilding his life; reconnecting with his daughter, getting to know his son-in-law and a grandson.

UNIDENTIFIED FEMALE: That's a spacesuit right there.

GRIFFIN: One of his first purchases -- new glasses. He admits, after 17 years in prison, freedom is overwhelming.

TAYLOR: You're just faced with so many things at one time.

UNIDENTIFIED FEMALE: Take the second right turn.

TAYLOR: They're all, you know, simple things. Simple everyday things that people take for granted. But to somebody who's not, you know, lived out here for so long, you know, it's a big deal to choose from a menu, to decide what to wear, to sleeping in a bed that's actually flat.

But I tell you, you know what really the biggest thing is to me? I don't have to go through every waking minute saying, "Please get me out of here."

GRIFFIN: Taylor was released after a three-judge panel ruled he had been wrongly convicted of murdering a woman in 1993; wrongly- convicted, in part, because the crime lab at the State Bureau of Investigation withheld evidence.

MUMMA: They're the prosecution's lab. They are not the justice system's lab. They are the prosecution's lab.

GRIFFIN: Chris Mumma was Taylor's attorney and runs the North Carolina Center on Actual Innocence.

MUMMA: I think there's been a culture at of that lab in the legal department, in the management and the leadership that we are here to convict.

GRIFFIN: Mumma says it's a culture promoted by the fact that the lab really does work for the prosecution, a practice the National Academy of Sciences says should end. North Carolina is one of a dozen states around the country where the crime lab reports to the Attorney General's office. Only 11 states have labs totally independent of law enforcement.

MUMMA: They should be independent scientific organizations that are focused on the truth. And they can't be under the control of someone or some organization that might cause them to be biased in their reporting.

TAYLOR: That's a lot bluer than it used to be.

GRIFFIN: Taylor's exoneration prompted North Carolina Attorney General Roy Cooper to order a massive review of 15,000 SBI crime lab cases involving blood analysis from 1987 through 2003. Former FBI assistant director Chris Swecker was brought in to do that review. What he found was shocking; hundreds of cases like Greg Taylor's.

CHRIS SWECKER, FORMER FBI ASSISTANT DIRECTOR: There were 200- plus cases, over 230 cases, where reports were not complete or reports didn't actually correspond to the laboratory notes or information was not presented in the report that was in the laboratory notes as to the results of the test.

GRIFFIN: Swecker found the SBI suffered from a lack of objectivity, citing lab results that were overstated, misleading or failed to mention evidence that could have helped the defense attorneys.

SWECKER: I think a lot of analysts thought, look, their job is to get up to speed on this and cross examine me effectively and they'll draw all this out. So I don't have to tell them everything at this point. They can learn that at trial if they call me to the witness stand.

I would reverse the role here for a second and say, hey, laboratory analysts, what if you were on trial for your life? What would you want to know?

(END VIDEOTAPE)

GRIFFIN: Now just because the SBI withheld evidence doesn't mean those defendants were innocent, but they could have been. And three of the cases involved people who have since been executed. There are four more on death row.

(BEGIN VIDEOTAPE)

GRIFFIN (voice-over): Chris Swecker's report covers just a single division of the SBI crime lab, one that dealt with blood testing. A full audit of the entire lab hasn't been done.

LOCKE: We don't know how many Greg Taylors are out there. And until the lab goes about performing an independent audit of every unit over as many years as would affect cases of people still alive, we'll never know. But we found enough problems to raise questions about the work in all of the cases.

GRIFFIN: In the aftermath of that audit, North Carolina Attorney General Roy Cooper called for changes, like a new SBI director, higher standards and new certification for SBI scientists. And from now on, all lab reports must be posted online for prosecutors to see and for defendants to obtain through discovery. Cooper described the audit as troubling.

ROY COOPER, NORTH CAROLINA ATTORNEY GENERAL: It describes a practice

that should have been unacceptable then and is unacceptable now. There's clearly work to do.

GRIFFIN: But neither Cooper nor anyone else we requested from the DOJ would sit down and talk with us about what happened to Greg Taylor or Floyd Brown, saying in a statement, their cases happened in the 1990s when none of the current leadership was in place, and that significant improvements have been made since then.

Out of prison for a year, Greg Taylor isn't sure what's next. For now, he's living off a \$750,000 settlement from the state.

TAYLOR: One person might say, gosh, that's a lot of money. Another person might say that's a drop in the bucket compared to what you lived through. So what I did is I just broke it down to \$5 an hour is what it came to and let people decide for themselves.

GRIFFIN: In prison, he read 833 books. His favorite: "The Count of Monte Cristo."

TAYLOR: He goes back to the prison, you know, that he escaped from and looks around that old cell he spent so much time in, and he says, "Woe to those who sent me to this wretched prison and woe to those who forgot that I was there."

GRIFFIN: Having changed one life, Chris Mumma is looking for the next forgotten prisoner; looking through those 200 cases from Chris Swecker's reports.

MUMMA: I can guarantee you there is two on that list that are innocent.

GRIFFIN (on camera): In prison.

MUMMA: In prison.

GRIFFIN: Right now.

MUMMA: Right now. Right now.

<http://www.nytimes.com/2010/02/18/us/18innocent.html>

February 18, 2010

# Judges Free Inmate on Recommendation of Special Innocence Panel

By [ROBBIE BROWN](#)

Acting at the recommendation of a special state innocence commission — the only one of its kind in the nation — a panel of North Carolina judges ruled Wednesday that a man was [wrongfully convicted](#) of murdering a prostitute in 1991 and freed him after 16 years in prison.

The three-judge panel found “clear and convincing evidence” that the man, Gregory F. Taylor, was innocent and had been convicted based on flawed evidence and unreliable testimony.

It was the first case won by the commission, which was established in 2006 after a wave of embarrassing wrongful convictions in North Carolina.

Celebrating with friends and family over a shrimp salad at a cafe in downtown Raleigh, Mr. Taylor said he was still in shock after “6,149 days in prison.”

“This morning, I was laying in a jail cell with a crazy person banging on the wall next to me,” he said. “Now I’m sitting at a fancy Italian restaurant talking on a cellphone.”

After the verdict, the Wake County district attorney, [C. Colon Willoughby Jr.](#), apologized to Mr. Taylor.

“I told him I’m very sorry he was convicted,” Mr. Willoughby told The Associated Press. “I wish we had had all of this evidence in 1991.”

The eight-member [North Carolina Innocence Inquiry Commission](#) considers claims of innocence from convicts or anyone else with

pertinent information. It has reviewed hundreds of claims by prisoners and brought only three to a hearing. If the commission agrees that a claim has merit, it refers cases to a three-judge panel, which has happened only once except for Mr. Taylor's case, and the argument in the other case was rejected.

In most states, convictions are usually overturned only by governors and pardon boards, or occasionally by judicial review. Inmate advocates used the ruling for Mr. Taylor to renew their call for others states to create commissions to investigate claims of innocence, even years after ordinary statutes of limitation have expired.

“North Carolina's commission is an important model for the adjudication of innocence claims,” said Barry C. Scheck, director of the [Innocence Project](#) in New York. “In the American court system, there are normally procedural bars that get in the way of litigating whether someone is innocent or not.”

Much national attention has been focused to using DNA to overturn wrongful convictions, said Stephen B. Bright, director of the [Southern Center for Human Rights](#). But 90 percent of criminal cases, like Mr. Taylor's, do not involve any [DNA evidence](#).

Mr. Taylor, 47, has always maintained that he did not murder Jacquetta Thomas, whose battered body was discovered in a cul-de-sac in Raleigh. He testified that he found the body while taking drugs with a friend but did not report it to the police.

Defense lawyers argued that prosecutors misrepresented evidence against Mr. Taylor, who was sentenced to life in prison in 1993. They said that stains on his truck turned out to not have been human blood, and that witnesses were later proven to have described scenarios that could not have happened.

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
91 CRS 71728

2009 SEP 8 PM 2:16  
WAKE COUNTY SUPERIOR COURT  
BY \_\_\_\_\_

STATE OF NORTH CAROLINA  
v.  
GREGORY FLINT TAYLOR

OPINION OF THE  
NORTH CAROLINA INNOCENCE  
INQUIRY COMMISSION

**THIS MATTER** came on for hearing before the North Carolina Innocence Inquiry Commission (Commission) on September 3 and 4, 2009, pursuant to N.C.G.S. §§ 15A-1460 – 1475. After careful review of the evidence presented, the Commission hereby makes and enters the following findings of fact:

1. On April 19, 1993, Gregory Flint Taylor was convicted of first degree murder in Wake County Criminal Superior Court.
2. On July 23, 2007, the North Carolina Center on Actual Innocence referred Gregory Flint Taylor's claim to the North Carolina Innocence Inquiry Commission.
3. On September 7, 2007, Gregory Flint Taylor's claim was accepted for formal inquiry, pursuant to N.C.G.S. § 15A-1467.
4. Throughout this inquiry, Gregory Flint Taylor has fully cooperated with Commission staff, in accordance with N.C.G.S. § 15A-1467(g).
5. On September 3 and 4, 2009, the Commission held a full evidentiary hearing in this matter, pursuant to N.C.G.S. § 15A-1468.
6. The Commission's investigation has not uncovered any intentional wrongdoing by any law enforcement agency, the district attorney's office, or defense counsel in this case.

7. During the hearing, the Commission considered testimonial and documentary evidence as well as summaries by the Commission staff. This evidence included: a 438 page brief provided to the Commission by the staff before the hearing, supplemental documentation provided during the hearing, live testimony by Eva Marie Kelly, Ernest Andrews, the Commission Investigator Sharon Stellato, expert testimony from SBI Special Agent Dwayne Deaver, SBI Special Agent Kristin Hughes, SBI Special Agent Russell Holley, Forensic Biologist Meghan Clement, Crime Scene Reconstruction Expert Larry McCann, Forensic Pathologist Dr. Deborah Radisch, and Confession Reliability Expert Steven Drizin, a videotaped statement of Gregory Taylor, and victim impact statements made by the family of Jacquetta Thomas.

**WHEREFORE**, pursuant to N.C.G.S. § 15A-1468(c), the Commission unanimously concludes that there is sufficient evidence of factual innocence to merit judicial review in this case.

This the 4th day of September, 2009.



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The Honorable Quentin T. Sumner  
Senior Resident Superior Court Judge, Nash County  
Chairman, North Carolina Innocence Inquiry Commission

[http://www.heraldsun.com/view/full\\_story/14503796/article-Exonerated--killer--Greg-Taylor-brings-suit-against-five-from-SBI](http://www.heraldsun.com/view/full_story/14503796/article-Exonerated--killer--Greg-Taylor-brings-suit-against-five-from-SBI)

## Exonerated 'killer' Greg Taylor brings suit against five from SBI

By MARTHA WAGGONER

Associated Press

RALEIGH -- A North Carolina man declared innocent of a murder for which he spent almost 17 years behind bars sued five former agents and supervisors of the State Bureau of Investigation, saying they either intentionally misrepresented blood test results or countenanced the practice.

Greg Taylor, 49, was released from prison last year after a groundbreaking hearing at which he was declared innocent of a 1991 murder. In the lawsuit filed in U.S. District Court in Raleigh, his attorneys for Greg Taylor say former agents Duane Deaver and Jed Taub deliberately concealed negative test blood results and that three of their bosses "encouraged, condoned and approved this practice."

Taylor moved to Durham to live with his daughter and grandson after his release.

Deaver's testimony at the innocence hearing in February 2010 led to an audit of the SBI crime lab's reporting of blood test results. Deaver testified that it was SBI policy to report that evidence showed a chemical indication for the presence of blood even when a follow-up test came back negative. The results of the preliminary tests were contained in the agents' reports, while the results of confirmatory tests that were negative were kept in agents' less formal bench notes.

"Because Deaver intentionally misrepresented evidence against Taylor, Taylor was imprisoned for 16 years, nine months and 28 days for a crime he did not commit," says the lawsuit, which states that Taylor is seeking compensatory damages.

When Taylor was convicted in 1993 of killing Jacquetta Thomas, prosecutors relied partly on a lab report that indicated blood was found in his sport utility vehicle near the slain woman's body. However, the report used at trial didn't mention that a second test for blood was negative. The negative result was contained in more extensive, informal notes that the SBI kept filed away until Taylor's case came before the innocence panel.

The eventual discovery of the notes helped set Taylor free. Taylor received \$750,000 in compensation from the state last year after Gov. Beverly Perdue pardoned him.

"The complaint speaks for itself," Taylor said Tuesday, referring further comments to his attorney, Burton Craige. Craige declined to comment beyond the lawsuit.

Philip Miller, an attorney for Deaver, said Tuesday that he hadn't seen the lawsuit. "But we do continue to wonder how Duane can be served for this when he did not testify at Greg Taylor's trial nor did he have any control over what documents the SBI did or did not provide to the district attorney," Miller said.

Taub, a former agent, didn't immediately return a message left at his home in Greenville. Phone and e-mail messages left after hours for two SBI spokeswomen also weren't returned.

Others being sued are Mark Nelson, chief of the serology section of the SBI crime lab from 1986 to 2002; Ralph Keaton, the lab's assistant director from "at least 1991 through 1995," the lawsuit says; and Harold Elliott, the lab director from 1986 through 1995. The lawsuit also says that Nelson supervised the work of Deaver and Taub.

It was Nelson who sent a 1997 order to members of the lab's molecular genetics section, writing that if an initial test for blood or saliva is positive but confirmatory tests are not, they should say the evidence showed chemical indications for their presence. Nelson, who went on to work for the U.S. Justice Department, declined to comment on the memo in an interview with the AP last year.

By March 2001, the SBI had revised its policy to add these words in case of an inconclusive second test: "Further testing failed to confirm the presence of blood."

Deaver's testimony led to an outside review by two former assistant directors for the Federal Bureau of Investigation. Chris Swecker and Mike Wolf uncovered more than 200 cases at the lab that were handled improperly during a 16-year period ending in 2003. The report found the problems were often due to misrepresented blood work and keeping notes from defense attorneys.

Read more: [The Herald-Sun - Exonerated killer Greg Taylor brings suit against five from SBI](#)

<http://www.cnnstudentnews.cnn.com/TRANSCRIPTS/1101/30/cp.01.html>

## **CNN PRESENTS**

### **Rogue Justice**

Aired January 30, 2011 - 20:00 ET

THIS IS A RUSH TRANSCRIPT. THIS COPY MAY NOT BE IN ITS FINAL FORM AND MAY BE UPDATED.

(BEGIN VIDEOTAPE)

DREW GRIFFIN, HOST (voice-over): It happened in the dark of night. Greg Taylor made a wrong turn down a dead end road. It would end up costing him 17 years in prison.

GREG TAYLOR, FORMER PRISON INMATE: There's no way I could have committed that crime.

GRIFFIN: A state bureau of investigation crime lab withheld evidence that could have set him free.

FLOYD BROWN, FORMER PRISON INMATE: I ain't murder nobody.

GRIFFIN: Floyd Brown spent 14 years locked up for a crime he didn't commit.

(On camera): Was there any evidence whatsoever linking him to the crime?

MIKE KLINKOSUM, FLOYD BROWN'S ATTORNEY: No. The only thing that puts Floyd in this case at all is the fictional confession.

DAVID RUDOLPH, ATTORNEY: I think over the last 20 years a culture has developed at the SBI that basically the ends justify the means.

MANDY LOCKE, REPORTER, THE NEWS AND OBSERVER OF RALEIGH: You'd hoped that these were isolated incidents. The more we dug, the more we found that that wasn't the case.

TAYLOR: You know you never anticipate anything like this. You always think that there's a sense of justice in the world and that the system works.

GRIFFIN (voice-over): It was September 25th, 1991, in Raleigh, North Carolina, and Greg Taylor was spiraling down a destructive path. A husband and devoted father with a steady job, he was fighting a losing battle with crack cocaine.

TAYLOR: I think those two days that kind of sum it up which was the day before I was arrested I went to the PTA meeting at my daughter's school. Then the next night I went out partying.

BECKY TAYLOR, GREG TAYLOR'S FORMER WIFE: I met Greg in high school, dated through college and had got married.

GRIFFIN: Becky Taylor says their marriage was on the rocks.

B. TAYLOR: I tried to break up with him like every three months. And then he would get better and then we'd go through that cycle for years.

GRIFFIN: That night the addiction would get the better of him. He was watching a ball game with friends.

TAYLOR: When that baseball game went into extra innings, something clicked. I could go get a couple of rocks and that was all it took.

GRIFFIN: As the game went into extra innings, Greg hit the street in pursuit of his next fix. He found a local dealer. Johnny Beck.

JOHNNY BECK, GREG TAYLOR'S FRIEND: Greg picked me up. I showed him what I had. And we hung out all night, coming. Buying. Buying drugs. You know, and stopping getting beer.

TAYLOR: We ended up coming down here. We could see that it was dark, it was secluded and it looked like a pretty good place to -- you know to stop and get high.

GRIFFIN: Greg and Johnny Beck spent an hour getting high in a cul-de- sac. At the end of a dirt road. Then Greg made a move that would change his life.

TAYLOR: The urge kind of had hit me to spin around in the mud a little bit on the way out. I basically went across the path. I might have made it 10 feet before I bottomed out in a ditch.

BECK: So the truck stopped. We tried everything we can to get the truck out. The truck don't budge.

TAYLOR: It was just almost a relief, you know, that that truck was stuck, because I kind of took it as a sign that I don't need to be driving anymore that night. So, you know, we just took off walking.

GRIFFIN: As they walked back through the cul-de-sac, they saw what Greg thought was a roll of carpet.

BECK: I thought it was a mannequin laying there.

TAYLOR: But I didn't think it was any mannequin. I looked back over my shoulder again. And this time what caught my eye was a hand. Said, I think that's a body, you know, it might even be dead.

GRIFFIN: Greg was right. It was the body of Jacquetta Thomas, a prostitute. The two men had stumbled across a gruesome murder scene. Greg Taylor wanted to call the police, but Johnny Beck thought that was just asking for trouble.

BECK: I said, knowing our PD, first thing they're going to do is accuse us.

TAYLOR: We had drugs on our person. I was driving without a license. Had been consuming alcohol. You know, so there is a litany of reasons that I would not want to talk to the police in general.

GRIFFIN: They walked out to the main road and eventually Greg called his wife.

B. TAYLOR: So I got a call at 6:00. I was kind of surprised that he hadn't made it home. And he said he'd gotten his truck stuck and needed me to pick him up, or he said he just wanted to check on the truck, and make sure it was still there.

GRIFFIN: The truck was there, and so were the police.

TAYLOR: We pulled up, my wife and I, and there were, you know, police cars everywhere. And I guess the realization hit me then, it's like oh, yes, we did see a body down there.

B. TAYLOR: Once he saw the police and saw that his truck was still there, he realized sooner or later they're going to find out it's his truck and come looking for him so he might as well go talk to them about anything he saw that could possibly help. Still never occurred to him that they might be looking at him.

GRIFFIN: Jacquetta Thomas was brutally beaten, covered in blood.

B. TAYLOR: We've answered every question the police had and gave them everything they wanted. Because, you know there really wasn't that much. We could tell, you know, there's certainly nothing to hide.

GRIFFIN: Thinking he had nothing to worry about, Greg offered hair samples and the clothing he wore the night before. He even said he'd take a polygraph.

(On camera): When in that questioning which became an interrogation did you realize, hey, wait a minute, I just came in here to get my truck. And they're looking at me as being involved with that body.

TAYLOR: Basically he says, I have a choice whether I want to be a defendant or a

witness. And to me, that wasn't much of a choice because I didn't do anything and I didn't see anything.

GRIFFIN: And what were they asking of you?

TAYLOR: Essentially they were asking me to tell them my co-defendant committed the crime and they would go easy on me.

GRIFFIN (voice-over): According to Taylor, the Raleigh police wanted him to point the finger at Johnny Beck, a known drug dealer. He refused.

B. TAYLOR: Sometime in the early evening Greg called and was just, like, hysterical saying that, you know, they were charging him. And so it's just still unbelievable.

GRIFFIN: The charges against Beck were eventually dropped, but Greg went to trial. His mother and stepfather mortgaged their house to pay for his defense, but Greg's bad luck continued. The hotshot attorney they hired resigned from Greg's case three months before trial and was disbarred for fraud and embezzlement, leaving little time for his new lawyer to prepare.

B. TAYLOR: She said this was the weakest case he had ever seen in his entire career. He was really confident that they could get it dismissed and so he wasn't going to present any evidence.

(END VIDEOTAPE)

GRIFFIN: But the prosecution presented overwhelming evidence, an eyewitness who claims to have seen Taylor with the victim, a dog that picked up the victim's scent in Taylor's truck. A jailhouse snitch who testified that Taylor confessed. But perhaps most convincing of all, scientific evidence showing blood on Taylor's truck. It took the jury just two hours to convict.

(BEGIN VIDEOTAPE)

TAYLOR: When that verdict came down, it was -- you know it was definitely a shock.

B. TAYLOR: It was a minimum 20 years with no parole.

TAYLOR: It's like being punched in the gut.

(END VIDEOTAPE)

(COMMERCIAL BREAK)

(BEGIN VIDEOTAPE)

GRIFFIN (voice-over): For 17 years, Greg Taylor sat in prison for a murder he consistently claimed he didn't commit. For much of that time, he slept here, on bunk 23.

TAYLOR: In the beginning, there was almost a constant hope. Then there was that periodic hope, then there was no hope.

GRIFFIN: This was his world. This is where he ate. This, his only recreation.

TAYLOR: My goals were really simple. Finish this book. Get this workout in. Stay out of trouble. You know it's kind of funny that even though I had to be dependent on the present to survive, at the same time you wanted to tune it out because the present is prison. Right?

GRIFFIN: Greg cleaned up his life in prison. Finally breaking himself of a decade-old drug habit.

TAYLOR: When I first went to prison and I earned all these degrees and I spent, you know, all this time studying computers and electronics and telecommunications and networking. And I felt like, OK, if this appeal goes through or this motion, you know, succeeds, then -- and I'm released, then I'll be able to step back into my career, you know, that was taken from me when I was arrested.

GRIFFIN: But he wouldn't be able to step back into his life. Greg's wife Becky divorced him and his daughter Kristin was growing up without her father.

TAYLOR: I can remember the first birthday I missed of my daughter's. It was her 10th birthday. And that first Christmas. I can remember thinking when she was 16, you know that she's driving now. And I have to worry about her being on the roads and whatnot.

And when she graduated high school -- and you just want so much to get out before the next one but you're sitting there and you're helpless.

GRIFFIN: Greg repeatedly appealed his conviction, going all the way to the Supreme Court.

TAYLOR: OK. After my U.S. Supreme Court appeal was denied, we started pursuing clemency and retained an attorney out of Greensboro for that. The two things he did, one of them was he gave polygraph to my co-defendant and myself. Another thing he did was file a motion for DNA testing.

And of course that motion for DNA testing was denied and that effectively shut out any kind of avenues I had through the courts after that.

GRIFFIN: Then, Chris Mumma came into his life.

CHRIS MUMMA, NORTH CAROLINA CENTER ON ACTUAL INNOCENCE: We

get, you know, 750,000 claims a year. We reject about 95 percent of them.

GRIFFIN: Mumma runs the North Carolina Center on Actual Innocence, a last resort for those who claim they've been wrongly convicted.

MUMMA: They write us a letter. We send them a questionnaire and a release. So if they're willing to take the trouble and I'm pretty sure anybody who's innocent will take the trouble to fill out that questionnaire.

GRIFFIN: Greg wrote her in another desperate attempt to clear his name.

MUMMA: I was given a summary of Greg's case that was written by Greg, in his own words. And that was incredibly compelling.

GRIFFIN (on camera): Why?

MUMMA: Well, he was offered a plea. They came to him and said, all we want is for you to give us Johnny Beck and you can go home. I don't know of any co-defendants who wouldn't turn on each other if they were guilty and have sort of chance to go home.

GRIFFIN: Why didn't you do it?

TAYLOR: Silly as it sounds, you know, what told them and the way I put it into words was that I can still look in the mirror and you're not taking that away, too. You know? I didn't have anything else left. I had already lost my family, my job, my house. My daughter. And what was lying going to get it back?

GRIFFIN (voice-over): Chris Mumma spent two years investigating Greg's story.

TAYLOR: She's like the answer to my prayers for the ideal attorney to come into my life. I mean I read 833 books in prison and a whole lot of it was crime fictions and you got an attorney that actually digs and does the work and gets it right.

GRIFFIN: She and her team reviewed documents and the main witness whose turned out to be less than reliable. Slowly the state's case unraveled.

MUMMA: You had a jailhouse snitch who admits that he came forward because he was hoping to get help with his sentence. You have a prostitute who had charges dropped. You have a dog that was never trained to do what they said it did. No fingerprints from her in the truck. No fibers on her from them or on them from her.

No blood transfer whatsoever and this was a bloody scene. This was -- you know there was splatter on the street. And she's got bloody finger smears on her arms. Somebody had blood on them when they touched her. So the physical evidence, it defies science, it defies common sense.

TAYLOR: It was just a perfect storm of bad luck. You know, between the choices I made to get that truck stuck in the ditch, things that were out of my control, the tunnel vision on the police, the attorney I had that went to prison, the jury who decided there wasn't much to go on but yet convicted me anyway.

(END VIDEOTAPE)

GRIFFIN: In 2007, Chris Mumma brought the case to the newly formed North Carolina Innocence Inquiry Commission. It was the first and only government panel in the country created to free the wrongfully imprisoned. And it was here in this unassuming room that Greg's bid for freedom would be heard.

(BEGIN VIDEOTAPE)

MUMMA: Once the commission was up and running, and I knew the way it was designed to work was to get around those procedural blocks, to get around those walls that were keeping Greg in.

GRIFFIN (voice-over): For Greg's daughter Kristin, it meant the possibility of getting her father back in her life. He had missed her graduation, her wedding, and the birth of a son.

(On camera): Did you put much hope or faith in this innocence project?

KRISTIN TAYLOR, GREG TAYLOR'S DAUGHTER: Yes, a lot of hope. Tons of hope. My hope lies in that the people with the capabilities of making something happen actually would.

MUMMA: They had subpoena power. They could get access to all the prosecution's records, all the police records, everything that the defense never had access to. And we couldn't get access to. They could order DNA testing that Greg was denied previously. And they did all that.

GRIFFIN (voice-over): The eight-member commission voted unanimously that there was sufficient evidence to prove Greg Taylor was actually innocent.

MUMMA: So that opened the door for Greg's case to get back in the courts.

GRIFFIN: It meant Greg would have one last chance to clear his name.

TAYLOR: To the very essence of who you are, you just hate -- just absolutely hate being accused of something like this.

GRIFFIN: What he was about to find out would rock the justice system. Evidence that would have changed everything and had been buried for 17 years.

MUMMA: We had Greg's innocence in our hands.

(END VIDEOTAPE)

(COMMERCIAL BREAK)

(BEGIN VIDEOTAPE)

GRIFFIN (voice-over): In February, 2010, Greg Taylor walked into this courtroom after 17 years in prison. It was his last chance to prove his innocence.

TAYLOR: You know, you get let down so many times in the courts that you just lose faith in the justice system -- but yet you still cling to the truth. I had no clue, you know, as to how this hearing was going to turn out.

GRIFFIN: Convicted of murder and sentenced to 20 years to life, Greg faced a three-judge panel empowered to set him free. They would consider an unreliable eyewitness, an inaccurate jailhouse snitch, an improperly trained forensic dog. But there was one more revelation to come.

MUMMA: We were actually working on a Sunday going through those boxes and trying to organize all the testimony into files and organize statements by witness and things like that.

GRIFFIN: Chris Mumma, director of the North Carolina Center on Actual Innocence, was one of Taylor's attorneys preparing for the panel she made a stunning discovery. A file that had never made it to trial from the State Bureau of Investigation, or SBI's crime lab.

MUMMA: We had been there for a good part of the day going through everything and found the bench notes.

GRIFFIN (on camera): What are bench notes?

MUMMA: Bench notes are the back-up notes that go with that final report that's issued by the lab. So it's all the actual test results and what the analyst is writing down as they're actually doing the testing before it goes into a nice type written report.

GRIFFIN (voice-over): The nice type written report stated there were chemical indications for the presence of blood on Greg's truck. Blood that jurors said was indisputable evidence of guilt. But lying in a box for the 17 years Greg was in prison was a test the SBI never shared, a more definitive test that showed the spot may not have been blood after all. The jury never heard it.

Chris Mumma now had the document that turned the case on its head.

MUMMA: We had that they had misrepresented what was on that truck. We had Greg's

innocence in our hands.

GRIFFIN (on camera): At some point during your 17-year career inside prison, Chris came to you and said guess what --

TAYLOR: Guess what? It wasn't blood. You know it still amazes me when I think about it, you know, because you just don't expect, you know, a lab to hide evidence.

GRIFFIN (voice-over): During his original 1993 trial, the prosecution referred to blood evidence over a dozen times.

TAYLOR: The reason why it kept me in prison so long is because, you know, the jury believed that that was the victim's blood on my truck. You know, the prosecutor argued that vehemently to the jury. The jury bought it. The jury convicted me.

GRIFFIN: Greg's legal team brought the new evidence before the judges.

TAYLOR: I'm sitting there in the courtroom and the three-judge panel and listening to this testimony. You know. And still wondering, OK, well, how are they going to get it wrong now?

UNIDENTIFIED MALE: May I approach the witness?

GRIFFIN: In a dramatic moment, Greg's lawyer asked the SBI agent responsible for the tests, Duane Deaver, to clarify his bench notes.

DUANE DEAVER, FORMER SBI AGENT: I can't say with scientific certainty that that was blood.

GRIFFIN: But that conclusion was never presented at Greg's original murder trial.

UNIDENTIFIED MALE: So anyone reading your formal report would not have known that you had not scientifically confirmed that was blood.

DEAVER: That's correct.

GRIFFIN: Deaver's explanation was even more shocking. He said what he did was a sanctioned practice at the SBI. In fact it would become written policy a few years later.

MUMMA: You had an employee who was following policy. Now do I think that employee should have had a conscience? Yes. Do I think it should have bothered him that he wasn't reporting the full results? Yes. In the end, is that ultimately where the responsibility should fall? I don't think so.

(END VIDEOTAPE)

GRIFFIN: We tried to find out who was responsible. Agent Deaver was recently fired for his performance at the SBI and he wouldn't talk to us. Neither would the SBI's director. So we went to the man who runs North Carolina's criminal justice system. Attorney General Roy Cooper who wouldn't talk to us either.

(BEGIN VIDEOTAPE)

GRIFFIN (voice-over): After the new test results came to light, the prosecution offered to let Greg go free.

MUMMA: During the hearing they offered Greg time served. They said if you walk away from this process, you can go home today. Just walk away, time served, go on home.

TAYLOR: I turned it down. I said, no. I want a chance to prove to everybody that I'm innocent.

GRIFFIN (on camera): That surprised some people.

(LAUGHTER)

TAYLOR: Yes. And after I tried to eat that meal that night, you know, in that jail cell, it surprised me, too. Yes.

GRIFFIN: Basically at that point you said, screw you, I'm staying until you say I'm not guilty.

TAYLOR: Yes. No -- until I'm innocent.

GRIFFIN: Right? Innocent.

TAYLOR: Just had to believe that, you know, as long as I had a belief in the truth and pursued that truth, that things were going to work out the best for me.

GRIFFIN (voice-over): But as Greg sat waiting for the panel's verdict, he still didn't know if the truth would set him free.

(END VIDEOTAPE)

(COMMERCIAL BREAK)

DON LEMON, CNN ANCHOR: I'm Don Lemon live in the CNN world headquarters in Atlanta. Here are your headlines this hour.

It is now Monday morning in Egypt and the national uprising there is entering its seventh day. Sunday brought tens of thousands of people back out to the streets and public

squares in defiance of a government curfew. The U.S. was watching the chaotic situation very closely. The U.S. embassy is closed.

Here in the U.S. and around the world, demonstrators marched in support of the protesters in Egypt. Marchers were held today in New York, Los Angeles, just a day after people hit the streets in solidarity in places like Toronto and Geneva. Different cities but a familiar demand. Mubarak, they say, must step down.

Those are your headlines this hour. "CNN PRESENTS" "Rogue Justice" continues right now.

(BEGIN VIDEOTAPE)

UNIDENTIFIED MALE: Let the record direct everybody's here. Case of state v. Greg (INAUDIBLE) title.

GRIFFIN (voice-over): It was a moment more than 17 years in the making.

UNIDENTIFIED MALE: We are entering the following decision of the three-judge panel.

GRIFFIN: Greg Taylor was about to learn if a panel of three judges believed he was innocent. Innocent of murder.

UNIDENTIFIED MALE: The verdict is unanimous, the panel shall enter a dismissal of all and any of the charges.

GRIFFIN: After 6,149 days in jail.

UNIDENTIFIED MALE: The course of this matter that (INAUDIBLE) disposition, the decision, Judge (INAUDIBLE) that Greg Taylor is innocent of the charge of first-degree murder.

(CROSSTALK)

UNIDENTIFIED MALE: And the charge of first-degree murder of Jacquetta Thomas on September 26th, 1991 against Gregory Taylor is dismissed.

GRIFFIN (on camera): You must have seen that picture of you living that moment. What were you thinking?

TAYLOR: All that frustration and confusion over all the years and all that hard work, you know, it just -- it was culminated in that one burst of release. And it was no way to script it or to prepare for it. I believe I just was conscious in the very beginning of just trying to breathe and not have a heart attack.

UNIDENTIFIED MALE: Everybody believed in you, son. And that's what -- that's what got you here.

GRIFFIN (voice-over): In a crush of reporters, Greg Taylor was released the same day.

TAYLOR: Unbelievable. All these years, what this day would be like, 6,149 days. And finally the truth has prevailed.

GRIFFIN: But Taylor's case got two of those reporters wondering. How deep did the problems at the SBI go?

JOSEPH NEFF, REPORTER, NEWS AND OBSERVER OF RALEIGH: We've covered a lot of cases of prosecutorial or police misconduct and some of them involve the SBI agents. And we've been saving string for years on this but what really got our attention focused on the SBI was the case of Greg Taylor.

GRIFFIN: "Raleigh News and Observer" reports Mandy Locke and Joe Neff reviewed more than 15,000 pages of documents. In a month's long investigation of the SBI, they found SBI agents cut corners, bullied the vulnerable, and twisted reports and court testimony.

LOCKE: There was language in their reports that told lab analysts how to testify in court in a way that most of us would agree favored the prosecution. They were told that a good testimony would enhance their conviction rate.

GRIFFIN: Problems with the SBI crime lab went far deeper than the Taylor case.

NEFF: And in several cases, the work just seems to be abysmal. We found that tests were done but the results were not reported. And so the defense never learned about them.

GRIFFIN: In one case that came out at trial, a lab's test videotaped by the SBI shows an agent trying to replicate a blood stain in an effort to prove the prosecution's case. Until they get it right.

UNIDENTIFIED MALE: That's a wrap, baby.

NEFF: And the blood stain pattern unit, these agents, A, they had no policy for over 20 years to guide them, and, B, they were just running the most bizarre unscientific experiments to try to put people in prison for life.

UNIDENTIFIED MALE: That's a wrap, baby.

GRIFFIN: The agent heard in the video, Dwayne Deaver, the same agent who failed to report Greg Taylor's second blood test.

LOCKE: You'd hoped that these were isolated incidents, but clearly the more we dug, the

more we found that that wasn't the case.

GRIFFIN: Because, it turns out, Greg Taylor wasn't the only innocent person to spend time behind bars because of the North Carolina State Bureau of Investigation.

This is Floyd Brown. A man with the IQ of a 7-year-old.

(END VIDEOTAPE)

GRIFFIN: Floyd Brown was familiar figure here in downtown Wadesboro, North Carolina. One of those guys you see hanging around the courthouse in a small town. He even became friends with the clerks there. Took their paychecks to the banks for them. Which is why it was such a shock when on July 16th, 1993, an SBI agent took Floyd to jail.

(BEGIN VIDEOTAPE)

KELLEY DEANGELUS, FLOYD BROWN'S ATTORNEY: Everyone loved Floyd. They knew he was slow. They knew what his intellectual deficits were. And to them, he was just a fixture.

GRIFFIN (voice-over): He had had run-ins with the police before, mostly for public drunkenness. Once for assault. But now Floyd was accused of robbing and killing 80-year-old Katherine Lynch here in her home. A witness told the SBI that a black man knew something about the murder.

Although Floyd didn't match the description of that man, the SBI questioned him and said he had confessed. Mike Klinkosum and Kelly DeAngelus, Brown's lawyers, couldn't believe it.

(On camera): When you read that confession and when you saw Floyd, did you instantly say, no way.

KLINKOSUM: Yes.

DEANGELUS: Yes. There's no mistaking that Floyd could never in a million years make that confession.

BROWN: Friday -- Wednesday -- I mean Monday. We go Monday.

DEANGELUS: You meet Floyd and you just instantly know he doesn't have that capacity. He doesn't have the communication skills.

GRIFFIN: Because this is in your next appointment. What is it -- who are you meeting with?

BROWN: Doctor --

DEANGELUS: He doesn't have the knowledge. He could never speak with that much definition or detail.

GRIFFIN: This doctor?

BROWN: Yes.

GRIFFIN (voice-over): This is the confession. Six pages in the first person handwritten by SBI agent Mark Isley who testified it was taken down verbatim. A transcript of what Floyd had told him. The only thing Floyd wrote down on his confession was his name, spelled wrong.

(On camera): What specifics are we talking about that scream this guy did not say this.

DEANGELUS: Oh, gosh. There's so many.

KLINKOSUM: Well, it starts at the first line where he supposedly started talking, "My mama woke me up at 6:00 a.m." Back then Floyd could not tell time. DEANGELUS: It also said, "I live at this address." Well, we know from records at that time, Floyd's never been able to recite his address.

KLINKOSUM: If you read the level of detail, if you read the structure of that confession, it reads like it's written by someone investigating a crime scene.

GRIFFIN (voice-over): The confession was the linchpin of a case with no physical evidence.

(On camera): Was there any evidence whatsoever linking him to the crime?

KLINKOSUM: No. The only -- the only thing that puts Floyd in this case at all is the fictional confession.

GRIFFIN (voice-over): But it was enough to charge Floyd Brown.

Coming up, an innocent man locked away for 14 years.

(On camera): Floyd, did you kill that woman?

BROWN: No. I sure didn't.

GRIFFIN (voice-over): And later, hundreds of other cases where the crime lab withheld evidence.

MUMMA: They're the prosecution's lab. They are not the justice system's lab. They are

the prosecution's lab.

(END VIDEOTAPE)

(COMMERCIAL BREAK)

(BEGIN VIDEOTAPE)

GRIFFIN (voice-over): In 1993, Floyd Brown was involuntarily committed here, Dorothy Addix Mental Hospital, 100 miles from his home back in Wadesboro.

DEANGELUS: They would bring him in and have these little evaluations. And you know on the top of these forms it always says, "chief complaint." And his chief complaint wasn't anything physical or mental that was wrong with him, it was always something to the effect of, "I'm innocent, I want to go home."

KLINKOSUM: "I was framed."

DEANGELUS: "Y was framed." Yes.

KLINKOSUM: Chief complaint, "I was framed."

(END VIDEOTAPE)

GRIFFIN: When he entered these doors, he also entered into a kind of legal limbo, accused of murder but unable to have his day in court. Floyd Brown was developmentally disabled. He had the mind of a 7- year-old and was ruled incompetent to stand trial.

(BEGIN VIDEOTAPE)

GRIFFIN (voice-over): The only evidence against Floyd was a confession he had signed misspelling his own name.

LOCKE: The doe tails in that confession were so elaborate and so detailed that everyone who knows Floyd --

BROWN: 87, 89 --

LOCKE: His teachers from school and the doctors at Dorothy Addix believed that he was incapable of writing that confession.

GRIFFIN: The confession that kept Floyd locked up was written down by SBI agent Mark Isley. More than 20 times Floyd's competence was evaluated.

BROWN: Two.

UNIDENTIFIED FEMALE: On top.

BROWN: Six.

UNIDENTIFIED FEMALE: On top.

GRIFFIN: Each time he was judged unfit to stand trial. Finally, after 14 years, Floyd's lawyers got him a new hearing.

DEANGELUS: This was the hearing where if we didn't win here we didn't really know what we were going to do.

GRIFFIN: Testifying about the confession was Dr. Mark Hazelrig, one of Floyd's psychiatrists at Dorothy Addix.

DR. MARK HAZELRIG, PSYCHIATRIST: This statement is not made in the language that is typical or even possible for Mr. Brown to make spontaneously on his own.

DEANGELUS: At the end of that hearing the judge said, I've heard everything I need to hear. I rule in favor of Floyd. And he can go. And I don't think either of one of us were quite prepared for that.

KLINKOSUM: I wasn't ready for him to rule from the bench.

DEANGELUS: No. It was an incredible moment. It was the best moment of my professional life so far, easily.

KLINKOSUM: You know we were all hugging, so Forth. I saw Floyd and he was walking back into the holding cell. And I followed him back and I said, where are you going? And he said court's over. I got to go back in here.

GRIFFIN: But Floyd was free. The judge dismissed the charges against him ruling that there was nothing in the case, including the alleged confession that was convincing evidence.

(On camera): How long you been living here, Floyd?

BROWN: A long time.

GRIFFIN: You like it?

BROWN: Yes, I like it.

GRIFFIN (voice-over): Three years to the day after that release, Floyd Brown struggles to understand what happened.

(On camera): You knew you weren't supposed to be there. Right?

BROWN: Yes, I knew I didn't supposed to be there.

GRIFFIN: But you were there for 14 years.

BROWN: Yes.

GRIFFIN: That's a long time.

BROWN: Yes.

GRIFFIN: Floyd, did you kill that woman?

BROWN: No. I sure didn't. No, I ain't but a nobody.

UNIDENTIFIED FEMALE: OK. Now you got to do this.

GRIFFIN (voice-over): Floyd lives with a full time caretaker who's one-on-one attention has helped him improve his level of functioning since his time at Dorothy Addix. He has a job cleaning a school. And Floyd is now suing the state of North Carolina with the help of attorney David Rudolph.

RUDOLPH: Over the last 20 years a culture has developed at the SBI that basically the ends justify the means and if law enforcement, local law enforcement tell the SBI that so and so is their man, then the SBI is going to go out and find whatever evidence they can. And if they can't find any, in Floyd's case, they couldn't, they manufactured it.

GRIFFIN: Floyd is still upset about his encounter with SBI agent Mark Isley.

BROWN: He kept saying I don't like your attitude. Mark Isley saying he don't like my attitude.

GRIFFIN (on camera): You speaking about Mark --

BROWN: Mark Isley, yes. He told me he don't like my attitude at all. I told him I don't like his neither. I got mad what he had did to me, he locked me up for a crime I didn't do.

(END VIDEOTAPE) GRIFFIN: Even after questions were raised about Isley's involvement in the Floyd Brown case, Mark Isley was promoted. Now he's under investigation. We wanted to ask him about this, this six-page confession that he says Floyd Brown dictated to him, verbatim. But Isley is not talking.

(BEGIN VIDEOTAPE)

LOCKE: Over the years, Mark Isley climbed the ladder at the SBI, and today he

supervises other SBI agents in the Medicaid fraud unit. And his case wasn't even investigated internally by the SBI until later this summer after our series ran.

GRIFFIN (voice-over): The "News and Observer" reporters weren't the only ones investigating the SBI. An outside expert, a former FBI agent, would find that Floyd Brown and Greg Taylor were just the tip of the iceberg.

UNIDENTIFIED MALE: I'm about as hard-line law enforcement as you can get. Law and order, putting bad guys in jail. But what we saw was just not right.

(END VIDEOTAPE)

(COMMERCIAL BREAK)

(BEGIN VIDEOTAPE)

GRIFFIN (voice-over): Now free, his prayers answered, Greg Taylor is rebuilding his life. Reconnecting with his daughter, getting to know his son-in-law, and a grandson.

UNIDENTIFIED FEMALE: That's a spacesuit right there.

GRIFFIN: One of his first purchases -- new glasses. He admits, after 17 years in prison, freedom is overwhelming.

TAYLOR: You're just faced with so many things at one time.

UNIDENTIFIED FEMALE: Take the second right turn.

TAYLOR: They're all, you know, simple things. Simple everyday things that people take for granted. But to somebody who's not, you know, lived out here for so long, you know, it's a big deal to choose from a menu, to decide what to wear, to sleeping in a bed that's actually flat.

But I tell you, you know what really the biggest thing is to me? I don't have to go through every waking minute saying, please get me out of here.

GRIFFIN: Taylor was released after a three-judge panel ruled he had been wrongly convicted of murdering a woman in 1993. Wrongly convicted, in part, because the crime lab at the State Bureau of Investigation withheld evidence.

MUMMA: They're the prosecution's lab. They are not the justice system's lab. They are the prosecution's lab.

GRIFFIN: Chris Mumma was Taylor's attorney and runs the North Carolina Center on Actual Innocence.

MUMMA: I think there's been a culture of that lab in the legal department, in the management and the leadership that we are here to convict.

GRIFFIN: Mumma says it's a culture promoted by the fact that the lab really does work for the prosecution, a practice the National Academy of Sciences says should end. North Carolina is one of a dozen states around the country where the crime lab reports to the Attorney General's Office. Only 11 states have labs totally independent of law enforcement.

MUMMA: They should be independent scientific organizations that are focused on the truth. And they can't be under the control of someone or some organization that might cause them to be biased in their reporting.

TAYLOR: That's a lot bluer than it used to be.

GRIFFIN: Taylor's exoneration prompted North Carolina Attorney General Roy Cooper to order a massive review of 15,000 SBI crime lab cases involving blood analysis from 1987 through 2003. Former FBI assistant director Chris Swecker was brought in to do that review. What he found was shocking. Hundreds of cases like Greg Taylor's.

CHRIS SWECKER, FORMER FBI ASSISTANT DIRECTOR: There were 200-plus cases, over 230 cases, where reports were not complete or reports didn't actually correspond to the laboratory notes or information was not presented in the report that was in the laboratory notes as to the results of the test.

GRIFFIN: Swecker found the FBI suffered from a lack of objectivity, citing lab results that were overstated, misleading or failed to mention evidence that could have helped the defense attorneys.

SWECKER: I think a lot of analysts thought, look, their job is to get up to speed on this and cross examine me effectively and they'll draw all this out. So I don't have to tell them everything at this point. They can learn that at trial if they call me to the witness stand.

I would reverse the role here for a second and say, hey, laboratory analysts, what if you were on trial for your life? What would you want to know?

(END VIDEOTAPE)

GRIFFIN: Now just because the SBI withheld evidence doesn't mean those defendants were innocent, but they could have been. And three of the cases involved people who have since been executed. There are four more on death row.

(BEGIN VIDEOTAPE) GRIFFIN (voice-over): Chris Swecker's report covers just a single division of the SBI crime lab, one that dealt with blood testing. A full audit of the entire lab hasn't been done.

LOCKE: We don't know how many Greg Taylors are out there. And until the lab goes about performing an independent audit of every unit over as many years as would affect cases of people still alive, we'll never know. But we found enough problems to raise questions about the work in all of the cases.

GRIFFIN: In the aftermath of that audit, North Carolina Attorney General Roy Cooper called for changes, like a new SBI director, higher standards and new certification for SBI scientists. And from now on, all lab reports must be posted online for prosecutors to see and for defendants to obtain through discovery. Cooper described the audit as troubling.

ROY COOPER, NORTH CAROLINA ATTORNEY GENERAL: It describes a practice that should have been unacceptable then and is unacceptable now. There's clearly work to do.

GRIFFIN: But neither Cooper nor anyone else we requested from the DOJ would sit down and talk with us about what happened to Greg Taylor or Floyd Brown, saying in a statement their cases happened in the 1990s when none of the current leadership was in place, and that significant improvements have been made since then.

Out of prison for a year, Greg Taylor isn't sure what's next. For now, he's living off a \$750,000 settlement from the state.

TAYLOR: One person might say, gosh, that's a lot of money. Another person might say that's a drop in the bucket compared to what you lived through. So what I did is I just broke it down to \$5 an hour is what it came to and let people decide for themselves.

GRIFFIN: In prison, he read 833 books. His favorite, "The Count of Monte Cristo."

TAYLOR: He goes back to the prison, you know, that he escaped from and looks around that old cell he spent so much time in and he says, woe to those who sent me to this wretched prison and woe to those who forgot that I was there.

GRIFFIN: Having changed one life, Chris Mumma is looking for the next forgotten prisoner. Looking through those 200 cases from Chris Swecker's reports.

MUMMA: I can guarantee you there is two on that list that are innocent.

GRIFFIN (on camera) In prison.

MUMMA: In prison.

GRIFFIN: Right now.

MUMMA: Right now. Right now.

