



HENRY MCCOLLUM

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The physical evidence recovered included a cigarette butt, some beer cans, Sabrina's bloody clothing, two bloodstained sticks and a bloodstained piece of plywood. Some of the clothing was found in the soybean field near the body. The rest of the evidence was found in another field near Hardin's, a grocery store in Red Springs. Police believed that's where Sabrina was raped and murdered, and then the body was dragged to the soybean field.

Red Springs police officer Larry Floyd, who took the initial missing persons report, asked Ronnie Buie to find out if anyone from out of town had been in Red Springs, a town of less than 4,000 people, and might have approached Sabrina.

Two days later, on September 27th, police questioned 19-year-old Henry McCollum, a mentally-challenged youth from New Jersey (his IQ was later tested as low as 51), who was in town visiting his mother.

When police first interviewed McCollum, he said he saw Sabrina walking to Hardin's store around noon on September 24th. He denied any involvement in the crime.

On the following day, a high school student told police that there was a rumor at the school that McCollum was involved because he looked weird.

As a result, McCollum was taken to the police station where, for over four hours, police fed information to McCollum until he confessed to participating in the crime. McCollum said that on September 23rd, he and four other teenaged boys took the victim to a field where they took turns raping her while the others held her down, and that afterwards her underwear was stuffed down her throat until she stopped breathing. Police said McCollum identified the other participants as his 15-year-old half-brother, [Leon Brown](#), Darrel Suber, Chris Brown and Louis Moore, all of whom lived in Red Springs.

While McCollum was being interrogated, Leon Brown, who also was mentally challenged (his IQ tested as low as 49), came to the station, accompanied by his mother and sister. Not long after McCollum signed his confession, Leon Brown signed a confession as well, implicating himself, McCollum, Chris Brown and Darrel Suber.

On September 29, 1983, McCollum and Brown were arrested on charges of capital murder and rape. No charges were filed

State:	North Carolina
County:	Robeson
Most Serious Crime:	Murder
Additional Convictions:	Rape
Reported Crime Date:	1983
Convicted:	1984
Exonerated:	2014
Sentence:	Death
Race:	Black
Sex:	Male
Age:	19
Contributing Factors:	False Confession, Perjury or False Accusation, Official Misconduct
Did DNA evidence contribute to the exoneration?:	Yes*

against the other three boys they implicated in their confessions. Two of them had alibis that were substantiated and there was no evidence connecting the third to the crime.

About three weeks later, on October 22, 1983, 18-year-old Joann Brockman was reported missing in Red Springs. That same day, her body was found; she had been raped and strangled. Witnesses recalled seeing Brockman a short while before she went missing in the company of 43-year-old Roscoe Artis, who had recently moved to Red Springs. Police arrested Artis after he confessed to the rape and murder. Artis was convicted of that crime and sentenced to death in the summer of 1984.

McCollum and Brown went on trial in Robeson County Superior Court in October 1984. The prosecution's case rested primarily on the confessions, which were recounted to the jury by detectives. But the prosecution also called 17-year-old L.P. Sinclair, who said that prior to the crime, he was walking on the street with Brown and McCollum and they both talked about having sex with Sabrina. Sinclair also testified that after the murder, McCollum told him that he and McCollum had raped and killed Sabrina. During cross-examination, Sinclair admitted he had been interviewed three times by police before McCollum and Brown were arrested and that he never implicated either of them.

No physical or forensic evidence—including fingerprints lifted from the beer cans—linked either McCollum or Brown to the crime.

McCollum and Brown were convicted on October 25, 1984. They were both sentenced to death.

In 1988, the North Carolina Supreme Court vacated their convictions and death sentences and ordered them to be retried because the trial judge failed to inform the jury that it had to consider each defendant's guilt or innocence separately.

McCollum was reconvicted in 1991 and was again sentenced to death. Brown was retried in 1992. The jury convicted him of rape only and he was sentenced to life in prison.

Over the years, both men continued to challenge their convictions. During a re-investigation of the case, defense lawyers discovered that three days prior to their 1984 trial, police asked the North Carolina State Bureau of Investigations to compare the fingerprints from the beer cans to those of Artis. There were no documents indicating whether that comparison was performed, and the request had not been disclosed to defense lawyers for McCollum and Brown.

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In 2010, the North Carolina Innocence Inquiry Commission began investigating the case at the request of Brown's attorneys. The Commission requested that the DNA profile from the cigarette butt be submitted to the North Carolina state police DNA database. The DNA profile matched that of Roscoe Artis, who by that time was serving a sentence of life in prison after his death sentence had been set aside on appeal.

The defense also discovered that Artis had been convicted of assault with intent to commit rape in 1957, and sentenced to 12 to 15 years in prison. He was released in 1967 and convicted of assaulting a woman that same year. And after completing his sentence for that crime, he assaulted a 16-year-old girl and again was convicted and sent to prison. In addition, at the time Artis moved to Red Springs in 1983, he was wanted by authorities for a 1980 rape murder in Gaston County, North Carolina. The victim in that case was found nude except for a bra and shirt, and an object was stuffed down her throat. She had been beaten with a stick. After Artis was convicted of the Robeson County murder and sentenced to death, Gaston County authorities dismissed the case against him.

The defense also learned that before Artis's sentence was commuted to life in prison in 1989, he repeatedly told another inmate that McCollum and Brown were innocent. The inmate told lawyers for McCollum and Brown that Artis "knew a lot about the victim. He knew some obscure facts about the crime, including the color of the victim's underwear and how she was killed."

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In August 2014, lawyers for the Center for Death Penalty Litigation Center filed a motion on behalf of McCollum and Brown requesting that their convictions be vacated and the charges dismissed. On September 2, 2014, the motion was granted, the charges were dismissed and Brown and McCollum were released. They had each served nearly 31 years in prison.

– *Maurice Possley*

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Posting Date: 9/2/2014

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

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LEON BROWN

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Henry McCollum and Leon Brown

On Sept. 2, 2014, a North Carolina judge took the rare step of declaring that Henry McCollum, N.C.'s longest serving death row inmate, and his brother, Leon Brown, who was serving a life sentence for the same crime, were innocent. The two men spent nearly 31 years in prison before DNA testing by the N.C. Innocence Inquiry Commission proved beyond a doubt that that they had been wrongly convicted for the 1983 murder of Sabrina Buie, an 11-year-old who was raped and suffocated in the Robeson County town of Red Springs. DNA evidence showed that the true killer was Roscoe Artis, a convicted rapist and murderer who lived next door to the field where Sabrina's body was found. Artis is a serial rapist who was sent to death row for murdering another young woman, less than a month after Sabrina's murder, in eerily similar circumstances. Robeson County District Attorney Johnson Britt agreed to Henry and Leon's exoneration and said the state no longer had credible evidence against them.



Henry McCollum listening to evidence of his innocence

Photo by Jenny Warburg

The long-delayed DNA test finally corrected a wrong that began when police coerced false confessions from two intellectually disabled teenagers. Shortly after Sabrina's body was found in a soybean field, police began asking Red Springs residents whether the girl had been seen with anyone from out of town. A high school student mentioned an unfounded rumor she had heard about Henry, who was in town from New Jersey to visit his mother. The investigation quickly zeroed in on him. At first, Henry told police he had nothing to do with the killing. But on the night of September 28, 1983, Henry was taken to the Red Springs Police

Department and locked in an interrogation room with police officers, Robeson County sheriff's deputies, and SBI agents. They questioned him for five hours, during which they repeatedly promised Henry that he could leave if he gave them the information they wanted. His mother, weeping in the hallway and begging to see her son, was not allowed into the room.

At 2:00 the next morning, Henry signed a confession saying he and his half-brother Leon had been part of a group of boys who raped and killed Sabrina Buie. There was no videotape or audio recording of the confession. Instead, Henry signed a statement written by law enforcement, containing details fed to him by a crime scene investigator. Afterward, having no understanding of the consequences of his confession, he asked, "Can I go home now?" Half an hour later, after hearing of Henry's confession and being threatened with the death penalty, Leon also signed a confession. Leon was 15 and Henry 19, and both had intellectual disabilities that allowed them to be easily coerced into making false statements. Neither had a guardian or lawyer with them when they confessed.

No physical evidence tied Henry and Leon to the murder. Their confessions were not consistent with each other, and the other teens they implicated had alibis and could not possibly have been involved — facts that should have cast doubt on the confessions and prompted further investigation. Instead, then-Robeson County District Attorney Joe Freeman Britt, who was known as the "World's Deadliest DA" for his aggressive pursuit of death sentences, tried Henry and Leon for their lives. At trial, law enforcement officers doomed Henry and Leon by testifying that they volunteered all details in their confessions. This was patently false; a crime scene investigator who had witnessed Sabrina Buie's autopsy was involved in the interrogations and filled in the details for them. Because of this false testimony, a jury sentenced Henry and Leon to death. (At that time, there were no protections to stop children from being sent to death row.) They received new trials in 1991, when the courts decided it was improper for the brothers to have been tried together. Leon's charge was reduced to rape and he was resentenced to life, but Henry was again sentenced to death.

During the past 15 years, Henry's attorneys have pressed for DNA testing. In 2005, testing of a cigarette butt, which was found alongside bloody sticks used in the murder, showed that the DNA did not match Henry or Leon. However, the test result could not be compared with other offenders in the state's database. It took the intervention of the N.C. Innocence Inquiry Commission in 2010, which took the case at Leon's request, to finally compel the necessary testing. The Commission performed a different type of DNA testing, which allowed the DNA from the cigarette butt to be compared with the offender database. The result was a definitive match with Roscoe Artis.

In retrospect, it was a stunning lapse that police did not charge Artis with Sabrina Buie's murder at the time. Artis was a serial rapist with convictions dating back to 1957, and he lived next door to the field where Sabrina's body was found. Less than a month after Sabrina's murder, Artis confessed to the rape and murder of 18-year-old Joann Brockman, also in Red Springs, a town of only 4,000 people. Just like Sabrina, Brockman was lured to a rural area to drink alcohol, then asphyxiated and left in a field near Artis' home wearing only a bra, which had been lifted above her shoulders. Sticks were used as weapons in both crimes.

District Attorney Joe Freeman Britt prosecuted Artis for Brockman's murder just a month before Henry and Leon's trial, and Artis received a death sentence. What's more, Artis also had a warrant for his arrest in Gaston County, where police believed he had committed another rape and murder in which the victim was asphyxiated and left wearing only a bra. (After Artis received a death sentence for Brockman's murder, Gaston County officials declined to prosecute him for the other murder.)



*Leon Brown after his exoneration.
Photo by Jenny Warburg*

Artis was never mentioned at the trial. However, newly released documents showed that the similarities between Sabrina's murder and other crimes committed by Roscoe Artis did not go unnoticed by law enforcement. In July 2014, as part of the Innocence Inquiry Commission's investigation, the Robeson County District Attorney's Office voluntarily released Henry's full case file. The file included many documents that Henry and Leon's attorneys had never seen before. One was a request from the Red Springs Police Department, made three days before Henry and Leon's 1984 trial, asking the SBI to

test a fingerprint from a beer can at the Sabrina Buie crime scene to see if it belonged to Roscoe Artis. The fact that there were unanswered questions about who was involved in the crime should have raised red flags for the district attorney. But he went forward with Henry and Leon's trial anyway, and the testing was never completed. Artis — who lived for a time on death row with Henry and Leon, and even forged a friendship with them — has repeatedly told attorneys and other inmates that Henry and Leon had nothing to do with Sabrina's murder. The courts eventually reduced Artis' sentence to life in prison, and he remains incarcerated.

The documents turned over in July also showed that a witness who testified against Henry and Leon at their trial perjured himself. L.P. Sinclair, a known criminal, testified at the trial that Henry confessed to Sabrina's murder. However, in several earlier undisclosed interviews with police, Sinclair said that he knew nothing about the crime. Sinclair even passed a police polygraph test saying that he had no knowledge of the murder. None of these prior statements, nor the lie detector test, were mentioned in court or disclosed to Henry and Leon's attorneys.

During his three decades on death row, Henry proclaimed his innocence to anyone who would listen. He also suffered immensely. As a convicted child sex offender, he was targeted for violence and harassment by other inmates. And with his intellectual disabilities, he was easily taken advantage of by others. Especially during his early years of imprisonment, he was suicidal. When other inmates were executed, Henry would become so upset that guards would put him in isolation to ensure that he didn't hurt himself. His mother and grandmother, who helped to raise him, both died while he was imprisoned. Henry and Leon are now living with family, trying to rebuild their lives in an unfamiliar world.

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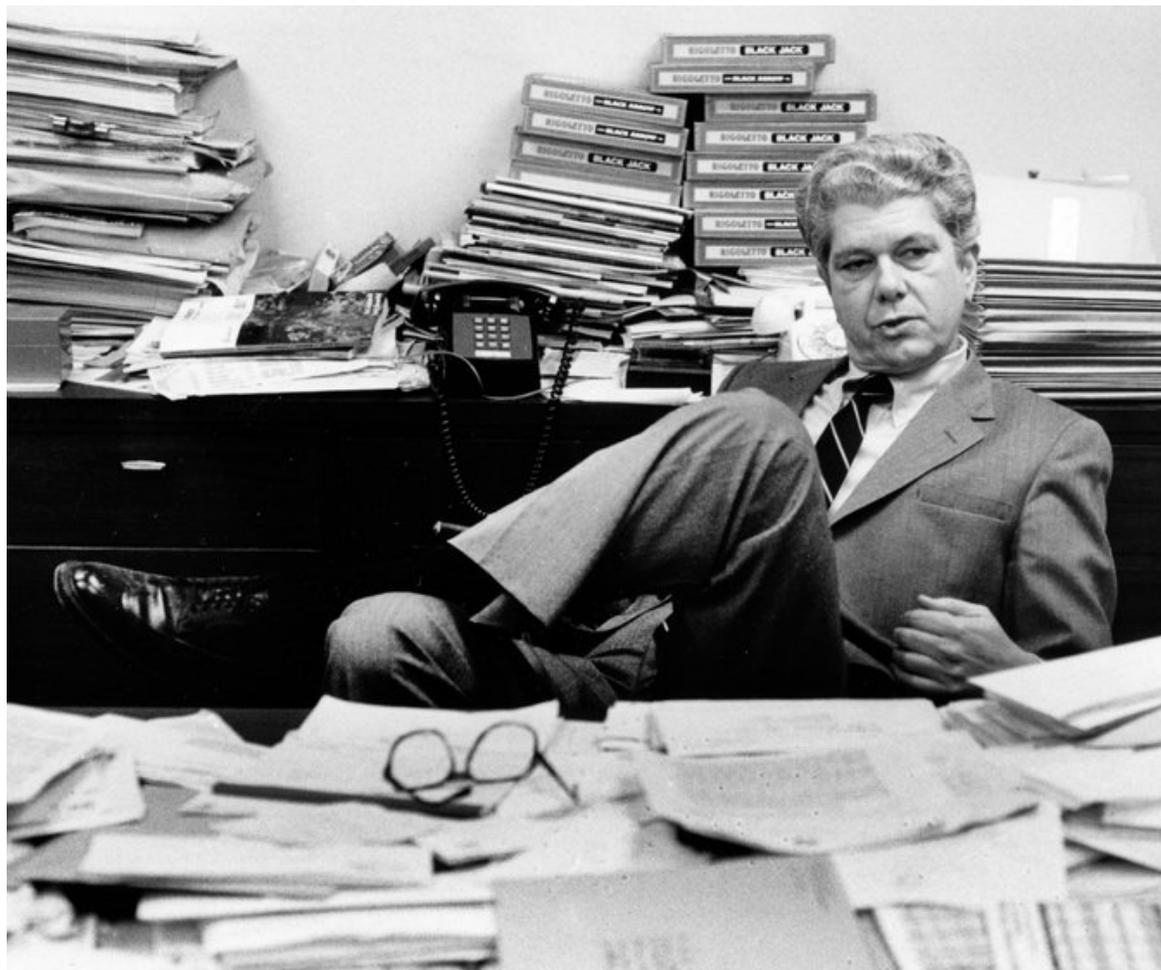
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As Two Men Go Free, a Dogged Ex-Prosecutor Digs In

By RICHARD A. OPPEL Jr. SEPT. 7, 2014



'DEADLIEST D.A.' District Attorney Joe Freeman Britt, in 1987, the man who prosecuted Mr. Brown and Henry McCollum.

Jim Bounds/The News & Observer, via Associated Press

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FACEBOOK

LUMBERTON, N.C. — The most memorable moment of the trial that put Henry McCollum and Leon Brown behind bars for three decades for a hideous 1983 rape and murder was a display of brilliant

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courtroom theatrics.

District Attorney Joe Freeman Britt of Robeson County, who stood 6-foot-6 and came to be known as America’s “Deadliest D.A.,” asked jurors to try to hold their breath for five minutes — the time it took the 11-year-old victim to choke to death, after her killer stuffed her panties down her throat with a stick — to get a small sense of the horror she experienced.



The jury came back with two of the more than 40 death penalty convictions Mr. Britt won over almost two decades.

Those two convictions were obtained on the basis of inconsistent, soon recanted, confessions from two mentally impaired teenagers who said they had been coerced to sign statements written by interrogators, and testimony by an informer who previously did not implicate the two. They were overturned last week, and Mr. McCollum and Mr. Brown were exonerated and set free.

RELATED COVERAGE



[DNA Evidence Clears Two Men in 1983 Murder](#) SEPT. 2, 2014



Leon Brown in his death row cell block in 1987. Scott Sharpe/The News & Observer, via Associated Press

Their release concluded a judicial horror story in which the two men were sent to death row though no physical evidence linked them to the murder. At the same time, a serial sex offender who lived less than 100 yards from the crime scene — and who, a few weeks after that murder, would kill a teenage girl nearby in strikingly similar circumstances — was never pursued as a suspect.

But if the case was finally closed, the episode reopened ugly memories of what critics say was a merciless criminal justice system that ran roughshod over helpless people for

decades in this poor, sprawling, racially volatile county sometime known as the Great State of Robeson.

At the heart of that is the legacy of Joe Freeman Britt, who earned a spot in “Guinness World Records” and a “60 Minutes” profile for his

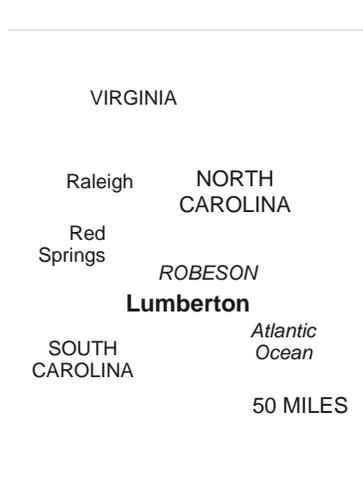
prowess in sending people to death row. (Only two were eventually executed. The most infamous was Velma Barfield, 52, who died from lethal injection in 1984 for killing her fiancé by poisoning his beer.)

And whereas Mr. Britt, now 79 and retired, once dominated this county and won headlines for convictions, now some on both sides of the courtroom see a different tale.

The current district attorney, Johnson Britt, whose grandfather was first cousin to Joe Freeman Britt's father, suggested that his predecessor could be tyrannical.

"He is a bully, and that's the way he ran this office," he said. "People were afraid of him. Lawyers were afraid of him. They were intimidated by his tactics. And he didn't mind doing it that way." He added: "You treat people with dignity, and you can get a whole lot more done that way than you can by trying to run over people. And that's part of his legacy, that he ran over people."

In a subsequent interview, Joe Freeman Britt made it clear that Johnson Britt was not his kind of prosecutor, either.



"Well, let's say, if I was a bully, he is a pussy. How about that?" the elder Mr. Britt said. "I think Johnson Britt has been hanging around too much with the wine and cheese crowd."

Of last week's ruling, which was spurred by a North Carolina Innocence Inquiry Commission investigation and supported by the younger Mr. Britt, he added: "I thought the D.A. just threw up his hands and capitulated, and the judge didn't have any choice but to do what he did. No question about it, absolutely they are guilty."

No one ever accused Joe Freeman Britt of being a soft touch, particularly in the era when Mr. McCollum and Mr. Brown were tried.

Bisected by Interstate 95, the main artery between Florida and New York, Robeson County saw the drug trade come to fill part of the vacuum after textiles vanished and tobacco faded. Even today, Robeson has the state's highest violent crime rate. Over the years, another element has been a three-way racial split — white, black and American

Indian — and complaints from the latter two groups of discrimination by whites who held power despite being a numerical minority.

Flash points included protests over the killing in 1986 of an unarmed drug suspect by a deputy sheriff — a son of the sheriff at the time — and what many saw as a hasty, incomplete investigation that found no wrongdoing. Two years later, American Indian activists took 19 hostages at the local newspaper to protest discrimination and corruption in the criminal justice system.

Nonetheless, the McCollum and Brown case seems destined to become the signature one of Joe Freeman Britt's tenure. And to critics, especially the current district attorney, it was remarkable what was overlooked: any pursuit of Roscoe Artis as a suspect.

Mr. Artis, who had already served prison time and committed violent sexual assaults, lived next to the soybean field in tiny Red Springs, where the victim was discovered. Investigators found a cigarette there which, at trial in 1984, Joe Freeman Britt implied belonged to one of the killers.



Henry McCollum upon his release last week after more than 30 years on death row.
Michael Biesecker/Associated Press

In fact, recent tests found that the cigarette had Mr. Artis's DNA, setting off the process that led to the release of Mr. McCollum and Mr. Brown.

Mr. Artis confessed to and was found guilty of raping and killing another teenage girl in similar circumstances four weeks after — and a short distance from — the murder Mr. McCollum and Mr. Brown were charged with. He remains in prison. There is no sign that investigators or prosecutors pursued the theory that he might have killed both girls.

“What are the chances of this similar, if not same, crime occurring in this small town, and there not being a connection?” said Johnson Britt. “How could they not make this connection? The same prosecutor handled both trials, 90 days apart. I'm still dismayed.”

Also distressing, he said, were violations of the “Brady rule” requiring that exculpatory information be handed over to the defense. Three days before trial, the Red Springs police sought to test a beer can found at the scene for fingerprints of Mr. Artis and L. P. Sinclair, listing both as suspects. The can had two fingerprints, one from the victim, another

from neither Mr. McCollum nor Mr. Brown. But mysteriously, tests for the other two men never were performed.

None of that was shared with defense lawyers, Johnson Britt said. Nor was the information that Mr. Sinclair, the informer who said Mr. McCollum had admitted killing the girl, had previously said he did not know anything about the murder, and a lie-detector test indicated he was telling the truth.

Another concern: the Red Springs police insisted for years that they no longer had any physical evidence. But this summer, Innocence Commission officials discovered evidence at the police station that included hair samples from the scene. No DNA from the newly found evidence matched Mr. McCollum's or Mr. Brown's.

Kenneth J. Rose, a lawyer for Mr. McCollum and senior staff attorney of the [Center for Death Penalty Litigation](#) in Durham, said the confessions that constituted almost the entire case were false. An investigator knowledgeable about the crime scene and the autopsy attended Mr. McCollum's interrogation, contaminating a session at which investigators fed his client details, Mr. Rose contends.



The field at left, just off South Main Street in Red Springs, N.C., was where an 11-year-old girl's body was found in 1983. Times
Jeremy M. Lange for The New York

Taken at face value, he added, the statement from Mr. McCollum

purports to show a mentally impaired defendant somehow with precise recall of many crime scene details, including the brand and number of beer cans, and brand of cigarettes smoked by other perpetrators who, the confession states, were also involved. (Two supposed co-conspirators were quickly found to have credible alibis.)

“It’s just astounding that people given so much power over other people’s lives, and who can totally destroy people’s lives, are so unwilling to consider facts,” said Mr. Rose, who intends to petition the governor for an innocence pardon. (At Mr. McCollum’s 1991 retrial, one interrogator testified that details of the confession did not come from the police. Another of the investigators on the case, Kenneth Sealey, now the Robeson County sheriff, did not return a phone call seeking comment.)

Johnson Britt says there is no indication the police had informed Joe Freeman Britt about Mr. Sinclair’s polygraph results or the aborted fingerprint testing.

The elder Mr. Britt said he did not remember either piece of evidence, nor could he recall any investigator suggesting a connection between the murders. He also said he could not understand why much faith is put in DNA evidence, saying Mr. Artis could have dropped the cigarette in the field at a time unrelated to the murder. (At trial, he told jurors that, “lo and behold,” butts at the scene were Newports, which he implied were smoked by the other supposed perpetrators described in one of the confessions.)

Nor is he swayed by the argument that the defendants — with I.Q.’s in the 60s and 50s — were too impaired to appreciate the confessions written by investigators that they signed.

“When we tried those cases, every time they would bring in shrinks to talk about how retarded they were,” he said. “It went on and on and on, blah-blah-blah.”

He chafes, too, at critics who say he pursued verdicts for personal glory. “I’m not proud of the number of death penalty cases I’ve done,” he said, calling them a necessary pursuit.

Woody Bowen, a Lumberton lawyer who worked for Joe Freeman Britt for a dozen years, called the McCollum and Brown incarcerations an “unspeakable tragedy.” But he said his former boss was fair and ethical — albeit, stern — and would not have withheld evidence or used

coerced confessions.

“He was disliked, but it was mostly by lawyers who didn’t like getting whapped,” Mr. Bowen said.

Angus Thompson, the public defender here since the 1980s, had a different recollection: Withholding information was common back then. “They didn’t give a darn about Brady,” he said.

“There is another book, other than the Guinness Book of World Records, that we all have to face,” Mr. Thompson added. “One of the most dreadful words in the capital case, when a person is convicted and sentenced and put to death, and the judge imposes that death sentence, and I’ve heard it said many times, is, ‘God have mercy on your soul; he’s in your custody, bailiff.’ I hope God has mercy on Joe Freeman Britt’s soul.”

Jonathan M. Katz contributed reporting.

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