



Terence Garner

On April 25, 1997, three men entered Quality Finance Company in Princeton, North Carolina and robbed two employees, Alice Wise and Charles Woodward, and a customer, Bertha Miller. During the robbery, Alice Wise, was shot in the chest and face.

Shortly after, Johnston County police arrested Kendrick Henderson based on fingerprint evidence found at the crime scene. Henderson named his two accomplices—Richard Keith Riddick and Riddick's cousin that he knew only by his first name of "Terence."

Henderson gave police directions to the apartment in Goldsboro, North Carolina, just over the Johnston County line in neighboring Wayne County where "Terence" and his girlfriend lived.

Johnston County police asked Goldsboro police for help and a search of their records turned up the name of Terence Garner, who had been convicted on a misdemeanor charge for carrying drug paraphernalia.

Woodard was shown a photo lineup and picked out Garner as the gunman. Wise was too distraught to view the lineup. Miller said she recognized Garner, but from the community, not from the robbery.

On June 30, 1997, with Garner's photo in hand, police went to the address given by Henderson, but no one was home. Police then went to Garner's mother's home where they saw Garner and took him into custody.

When Henderson learned that Garner had been arrested, he told police that Garner was not involved in the robbery, but police did not believe him. Riddick accepted a plea bargain in exchange for his testimony against Garner.

Wise, who had lost the sight of one eye as a result of the shooting, identified Garner at a bond hearing, as he sat shackled to Henderson wearing prison clothing. Wise later told the prosecutors they had the "right ones."

Garner went on trial in January 1998 and was identified by Woodard and Wise. Riddick testified as well, saying that he did not have a cousin named Terence and that he had committed the crime with Garner and Henderson.

Garner testified on his own behalf and denied being involved.

After both sides rested their case, Miller was allowed to testify. She said she had attended every day of the trial and she believed that police had failed to arrest the shooter.

On January 27, 1998, Garner, 16, was convicted by a jury of attempted first degree murder, first degree kidnapping, three counts of robbery with a dangerous weapon and two counts of second degree kidnapping. He was sentenced to 32 to 48 years in prison.

State: North Carolina

County: Wayne

Most Serious Crime: Attempted Murder

Additional Convictions: Robbery, Kidnapping

Reported Crime Date: 1997

Convicted: 1998

Exonerated: 2002

Sentence: 32 to 43 years

Race: Black

Sex: Male

Age: 16

Contributing Factors: Mistaken Witness ID, Perjury or False Accusation

Did DNA evidence contribute to the exoneration? No
:

Riddick received four years in prison due to his cooperation.

Soon after, Henderson told Wayne County police that Garner was innocent, prompting those officers to go to the apartment visited previously by Johnston County police. They found Terence DeLoach and during questioning, he admitted participating in the robbery and being the gunman.

DeLoach was taken to Johnston County where he recanted his confession, claiming he had only made the admission after Wayne County police threatened to get his girlfriend evicted from the apartment and arrange for her child to be put with welfare authorities.

Miller was re-interviewed after the case and said that Garner was a friend of her son and she would have recognized him if he had participated in the crime.

A post-conviction motion for a new trial resulted in a hearing where Henderson testified that DeLoach was the third man involved in the crime. Riddick refused to testify, but a North Carolina State Bureau of Investigation agent testified that Riddick had admitted after the trial that he had a cousin named Terence who was involved in the crime with him and Henderson.

Prosecutors presented the testimony of Woodard and Wise, who said Garner was the gunman. The motion for new trial was denied on February 23, 1998.

Garner lost his appeal to the North Carolina Court of Appeals on December 21, 1999 and the North Carolina Supreme Court declined to review the case.

In July 2001, a petition for a federal writ of habeas corpus was filed alleging the prosecution knew Riddick had testified falsely but failed to correct it.

In January 2002, while the petition was pending, PBS aired a Frontline documentary produced by Ofra Bikel entitled "An Ordinary Crime" which featured an interview with Riddick saying that Garner was not involved in the crime.

Public anger over the case prompted the trial judge to be recused and a new judge assigned to the case. Garner took a polygraph examination at the request of prosecutors and passed. On February 11, 2002, he was released on bond.

The prosecution commenced a re-investigation of the case and three alibi witnesses for Garner were located—none of whom had been called to testify at his Garner's trial. An inmate was located who said that Riddick admitted he was going to lie at trial to implicate Garner in order to preserve his plea agreement.

On June 11, 2002, Johnston County District Attorney Tom Lock, who had prosecuted Garner at trial, dismissed the charges.

– *Maurice Possley*

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<http://forejustice.org/db/Garner--Terrence.html>

Terrence Garner

Years Imprisoned: 4

Charge:Robbery (includes armed robbery)

Sentence:32 to 43 years

Year Convicted:1998

Year Cleared: 2002

Location of Trial: North Carolina

Result: Judicially Exonerated Released

Summary of Case:

"Wrongly convicted of armed robbery, even though one of his two codefendants, who admitted his guilt, testified he wasn't the "Terrance" who was their accomplice. The other codefendant later admitted that he falsely identified Terrence Garner as their accomplice in exchange for a sentence reduction from 50 to 5 years. Terrence Garner was initially arrested only because the two robbers said their accomplice had the first name of "Terrence." The victim of the robbery erroneously identified Garner even though she lost the sight in one eye and suffered brain damage after being shot in the eye during the holdup. Another witness, who had known Garner since he was a child said he wasn't one fo the robbers. Four alibi witnesses testified Terrence Garner was 25 miles away at the time fo the robbery and attempted murder. Two days after his conviction, police apprehended Riddick's cousin and he confessed to being the third robber. In spite Garner's obvious false identification and conviction, his trial judge and then the State Ct of Appeals refused to grant a new trial, and then the state Supreme Ct. refused to review the case. Garner's conviction was reversed after the publicity generated by PBS's Frontline investigative program highlighted the injustice of his imprisonment for simply having the same first name as the third robber. As one of his lawyers, Richard Price, told Frontline: "If his mother had named him John, he wouldn't be in prison today." On June 11, 2002, five days after Garner passed a lie detector test, the charges were dismissed when the Johnson County, NC prosecutor declined to retry Garner."

Conviction Caused By:

Erroneous eyewitness identification by the victim. Perjurious testimony by one of the actual perpetrators in exchange for a sentence reduction from 50 to 5 years. Prosecutorial misconduct of prosecuting a man known by the prosecutor to be innocent.

Innocence Proved By:

"Testimony of his two alleged accomplices, who freely admitted their guilt, and the confession of the real "Terrence."."

Defendant Aided By:

"Raleigh News & Observer reporter Anne Saker was assigned the Garner story six weeks after his 1998 conviction. She uncovered the numerous peculiar aspects of his case that led to the PBS program Frontline producing and running on national television an investigative report titled: "An Ordinary Crime." That story exposed Terrence Garner was wrongly convicted solely because he had the same first name as a man who participated in an armed robbery, and that the state courts of North Carolina wanted to ignore that the

wrong man had been convicted so it wouldn't have to release him and prosecute the actual robber and attempted murderer."

Compensation Awarded:

Was Perpetrator Found?

Age When Imprisoned:

17

Age When Released:

21

Information Source 1: "An Ordinary Crime," Frontline, PBS television network"

Information Location 1:

<http://www.pbs.org/wgbh/pages/frontline/shows/ordinary/>

Information Source 2:

Synopsis of Terrance Garner's case

Information Location 2:

<http://www.pbs.org/wgbh/pages/frontline/shows/ordinary/etc/synopsis.html>

Information Source 3:

Interview: Anne Saker

Information Location 3:

<http://www.pbs.org/wgbh/pages/frontline/shows/ordinary/interviews/saker.html>

Information Source 4:

Retrial Ruled Out for Garner, Jane Ruffin and Adrienne Lu, The News and Observer, June 12, 2002

Information Location 4:

<http://www.pbs.org/wgbh/pages/frontline/shows/ordinary/etc/latest.html>

Information Source 5:

<http://www.pbs.org/wgbh/pages/frontline/shows/ordinary/etc/latest.html>

»the news and observer june 12, 2002
by jane ruffin and adrienne lu

Retrial Ruled Out for Garner

The Johnston County district attorney dismissed charges Tuesday against Terence Garner, who drew national attention for his quest to be cleared in the armed robbery of a finance company and shooting of a secretary.

District Attorney Tom Lock, who prosecuted Garner in 1998, said he was "no longer convinced beyond a reasonable doubt of Garner's guilt."

Garner, 21, served nearly four years in prison in the 1997 holdup of Quality Finance in eastern Johnston County before a judge set aside the conviction in February. That action gave Lock the option of putting Garner on trial again. Garner, who lives in Wayne County, said he was stunned to hear the news from his lawyers.

"I just couldn't believe it. I was just sitting here and I couldn't believe it," he said. "I ain't angry or nothing at no one.

"I believed it would happen one day," said Garner, who planned no celebration. A student at Wayne Community College, he said he was busy getting ready for school today.

Garner's mother, Linda Chambers, said she never doubted that her son's case would end happily, even though he once faced up to 43 years in prison. "I knew this was going to happen," she said. "I knew my son was innocent from the beginning."

Lock said he reached his decision over the weekend after reviewing a report by two State Bureau of Investigation agents who interviewed all the original witnesses, as well as others. The state would have faced "insurmountable obstacles," including the emergence of three alibi witnesses for Garner, in trying to get another conviction, he said.

Lock said he found it "very persuasive" that Garner passed a lie-detector test Thursday in Fayetteville. The district attorney had asked Garner to take the polygraph, which was administered by the SBI.

"My decision was not based entirely on the polygraph," Lock said. "If all the evidence had pointed to his guilt and he had passed the polygraph, I certainly would have still prosecuted him. Had he failed the polygraph, I don't know what I would have done."

Lock said his decision did not equal an "exoneration" of Garner, and he defended his own actions in prosecuting Garner in the first place. "My job is a prosecutor, and I think at all times I have performed that function diligently and in a straightforward manner," said Lock, who is running for re-election this year.

"If Terence Garner is in fact not guilty, then certainly it's tragic that he spent four years in prison. But on the other hand, ultimately, the system has worked for him."

Alice Wise, the secretary wounded in the holdup, could not be reached Tuesday. She was hit in the chest and head by gunfire and lost an eye. Lock, who met with Wise on Tuesday, said she remained convinced that Garner was the person who shot her.

"She has gone through a terrible ordeal and will continue to do so," Lock said. "She suffered physical and psychological trauma far beyond that ordinarily suffered by the victim of such a crime."

He declined to say whether someone else would now be charged with the crimes. The SBI is continuing to investigate.

Another man, Terrance Deloach of Goldsboro, a cousin of one of Garner's codefendants, confessed to the robbery shortly after Garner's conviction, but then retracted the confession. Deloach later was convicted of an armed mugging on a subway and imprisoned in New York.

Lock said that since Garner's trial, Deloach has confessed to at least two people that he robbed Quality Finance and shot Wise.

Deloach's cousin, Keith Riddick of Goldsboro, admitted his involvement in the robbery and testified against Garner. Riddick later said he had done so to protect a plea bargain deal with the prosecution.

Another co-defendant, Kendrick Henderson of Seven Springs, maintained from the beginning that Garner was innocent. After Garner's trial, Henderson's insistence that Garner was wrongly convicted drew the attention of sheriff's detectives in Wayne County, who tracked down Deloach and obtained his confession.

The News & Observer's reporting on the case piqued the curiosity of a producer for the PBS documentary series "Frontline." Her program, "An Ordinary Crime," aired in January, prompting an outpouring of phone calls and e-mail messages from viewers.

A month later, in February, a judge granted Garner's request for a new trial, with Lock's consent. Garner was released from prison and returned home to Wayne County.

Garner's attorney, Mark Montgomery of Durham, credited the documentary for Garner's release. "It's humbling to realize I spent four years trying to get this kid, who I believe to be innocent, out of prison using all my lawyer skills, and a 90-minute television documentary springs him like magic," Montgomery said.

He disagreed with Lock's contention that the system worked for Garner. "Terence Garner is free in spite of the system, not because of it," Montgomery said.

"The system would have kept Terence Garner in prison for 30 more years. Public attention derailed the system in this case. It got people to stop and pay attention to what was going on. Otherwise, it was going to be business as usual. Everybody just gave a big yawn: 'So what else is new? Another black kid in prison. Who cares?'"

Ofra Bikel, the producer of the PBS documentary, said she was thrilled by Tuesday's events. She had hoped the charges would be dismissed, she said, but was never confident. "It's nice to see that [I was] right," she said. "I'm just really very, very glad."

[The News & Observer](#)

Read more: <http://www.pbs.org/wgbh/pages/frontline/shows/ordinary/etc/latest.html#ixzz1mljfzQbr>

<http://www.pbs.org/wgbh/pages/frontline/shows/ordinary/etc/synopsis.html>

Jan 10, 2002

"If his mother had named him John, he wouldn't be in prison today," says defense attorney Richard Price, referring to his former client Terence Garner.

In "An Ordinary Crime," award-winning FRONTLINE producer Ofra Bikel investigates the bizarre case of Terence Garner. It is a story that seems fit for a novel, with unforgettable characters, plot twists, and timeless themes. Only it isn't fiction. The facts of the story are all too real.

As crimes go, the armed robbery of the Quality Finance Company on April 25, 1997, in Johnston County, N.C., was serious -- but ordinary. It ended in the near-fatal shooting of one of the three victims; shot in the chest and head, she survived but lost an eye.

It seemed to be an open-and-shut case. Police apprehended a suspect -- Kendrick Henderson -- who named two accomplices: Keith Riddick and Riddick's cousin from New York, a man Henderson knew only by his first name, Terrance. All the men were in their 20s.

It is at this point that the story takes a bizarre turn.

Following Henderson's apprehension, there was a brief investigation. Police searched their files and found Terence Garner, a 16-year-old who had a misdemeanor charge for carrying drug paraphernalia. Officers put Garner's photo in a lineup, and Charles Woodard, the office manager of the company that was robbed, identified Garner as the shooter. Garner was arrested and charged, but he has always professed his innocence.

The two confessed co-perpetrators of the robbery, Kendrick Henderson and Keith Riddick, also said Garner was the wrong man. Against his lawyer's advice, Henderson testified that Garner was not involved and that he never knew him before he met him in prison. Riddick, however, had been offered a plea bargain by the prosecution: if Riddick testified against Garner he would receive great consideration during sentencing.

According to Riddick, he was given a choice between five years and 50 years -- an offer, he said, that he could not refuse.

"An Ordinary Crime" details several elements of the case leading up to the trial, including Riddick's plea bargain, his failed polygraph test, and how investigators never tried to find the "Terence" who Henderson stated at the outset was Riddick's cousin from New York.

At Garner's January 1998 trial, the prosecution's case rested almost entirely on eyewitness testimony. Alice Wise, the woman who had lost her eye in the shooting, had identified Garner as the shooter during a bond hearing in court. She told the jury, "The last thing I saw with my two eyes was [Garner's] face."

Another person at the scene of the robbery -- customer Bertha Miller -- was not convinced Garner was the shooter. She testified she could not positively identify who the shooter was, but later said it was not Garner. "I practically helped raise Terence Garner, and two weeks before this happened Terence Garner had spent the weekend with my son

at my house, and I know him. It was not him."

But, in accordance with his plea bargain, Riddick testified that Garner was the shooter. The fact that Riddick had a cousin named Terrance never came up.

Asked about Kendrick Henderson's testimony, against his lawyer's advice, that Garner wasn't involved, Johnston County District Attorney Tom Lock, who prosecuted the case, says that he didn't find Henderson's testimony credible. "I frankly don't believe anything [Henderson] says."

At the end of the trial, Terence Garner was found guilty and sentenced to 32 to 43 years in prison.

"The question is, why would Henderson lie?" asks Richard Rosen, professor of law at the University of North Carolina at Chapel Hill. "Why would he get up there and lie to save somebody he doesn't know?"

This is one of the many unanswered questions, strange twists, and peculiar aspects of the case which only became more apparent in the weeks following the trial. Two days after the trial, based on information given to them by Kendrick Henderson, detectives in Wayne County apprehended Riddick's cousin from New York, Terrance Deloach, and he confessed to the crime. Johnston County D.A. Tom Lock called a news conference. But then, within a few hours, Deloach recanted his confession after additional interrogation by Johnston County law enforcement officers.

At a hearing before the trial judge, Knox V. Jenkins, Jr., Garner's lawyer asked for a new trial. The judge denied it. The defense next appealed to the State Court of Appeals. It also denied a new trial. And the North Carolina Supreme Court refused to review the case. People following the Garner case were disappointed and angry.

"Every time you turn around, there's something about this case that just isn't right," says Raleigh News & Observer reporter Anne Saker. "And that's not a moral judgment, that's according to the law books. When you look at trial court procedure, there's just something not right about this."

"In this case one could understand the jury's verdict," says producer Bikel. "But what happened after the sentence is baffling. Why didn't Terence Garner get another trial? How could they uphold the verdict knowing what they knew? It's very difficult to understand."

Read more:

<http://www.pbs.org/wgbh/pages/frontline/shows/ordinary/etc/synopsis.html#ixzz1mpIjw9j>

<http://cwcy.org/exonereesViewDetail.aspx?id=99>

Terence Garner

State: North Carolina

Incident Date: 04/25/1997

Age at Arrest: 16

Conviction Date: 1997

Age when Exonerated: 21

Exonerated Date: 2002

Time Served: 4 years

Conviction: Armed robbery, kidnapping, attempted murder

False Confession: No

Implicated by Another Youth: Yes

Details

Terence Garner was wrongfully convicted of armed robbery in 1997, when he was only sixteen years old. On April 25, 1997, there was an armed robbery in Johnston County, North Carolina. During the robbery, Alice Wise, a company employee, was shot twice, losing an eye in the process. Kendrick Henderson's fingerprints were found at the scene, and upon arrest, he told officers that he and Keith Riddick had committed the crime with a third accomplice: Riddick's cousin, whom Henderson called "Terrance." When police investigated the address given to them by Riddick, no one was home. Instead of doing any additional surveillance, the officers left the scene. Later that evening, police arrested Terence Garner at a different address. Garner insisted from the very beginning that they had apprehended the "wrong Terrance." Still, Wise identified Garner, despite the loss of her left eye. District Attorney Tom Lock agreed to give Riddick a lighter sentence for testifying against Garner, but Henderson maintained throughout the trial that they had the "wrong Terrance." Several of Garner's friends and relatives testified that he was playing basketball with them at the time of the robbery. Nevertheless, Garner was convicted on all charges. His story had not gone unheard, though: a Wayne County detective went to the original address and found Terrance DeLoach, Riddick's cousin, who had been in prison in New York. Upon questioning, DeLoach confessed to the robbery, but recanted as soon as he was turned over to the Johnston County police. At this time, Riddick confessed that he had perjured himself to receive a lighter sentence, and that the third robber had been DeLoach, not Garner. Still, a motion to appeal was denied. This would have been the end of the line for Garner had it not been for producer Okra Bikel, who had heard the story. In 2002, Bikel produced a documentary based on the story, which drew public outrage. Within a few short weeks, the judgments were vacated and Garner was released on bond. District Attorney Tom Lock dismissed all charges against Garner after he passed a final polygraph test.