

48 Years After Wrongful Conviction - Eddie Mayes' Sentence Commuted

By JD Staff

In November 1956, twenty-one year-old Eddie Mayes was living in central Florida when he traveled to northern Georgia to visit his family. One night he went riding in a car with his half-brother and one of his friends. After Eddie had fallen asleep in the back seat, he woke up when the police stopped the car and arrested the three young black men for a series of robberies in five Georgia counties.

Although his brother admitted he was involved in the robberies, he told the police his brother was just visiting from Florida and he had nothing to do with them. He also told the judge when he pled guilty, that Eddie wasn't involved in the robberies. Eddie knew how unfair and vindictive white Southern justice was toward blacks who protested their innocence and went to trial. So he pled guilty after being told he would be given a short sentence. However Eddie wasn't told the truth: His short sentence amounted to a very long 35 years.

Three and a half years later Eddie was serving his time at the Jefferson County Public Works Camp. In the summer of 1960 he was put in "the hole" twice for ten days each time. The first time for complaining about creosote preservative that had gotten into his eye, and soon after that when a guard accused him of not working fast enough. "The hole," a small windowless cell where he was stripped to his shorts and given bread and water, inflamed his desire to escape. On July 22, 1960, the day he was released from his second stint in "the hole," Eddie's work crew was sent to dig a drainage ditch 12 miles from the camp. At some point Eddie asked permission to get a drink of water. After getting the drink he continued walking toward the edge of a pine forest 100 yards away. Years later he described what was going through his mind as he walked away from the work crew and two armed

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or drive a Lincoln Continental. My car was a Lincoln Town Car, which is distinguishable in body and style from that of the Continental. It was also established by the police that when I was stopped for the red light violation, I was driving my Corvette. This is why Love received no answer on my car cellular phone when he claims to have called me from. I was never questioned by the police about the jewelry or any of the alleged items on the search warrant that were missing, but it was insinuated that these items might be in my possession. Love was more aware of the value of this jewelry than I.

Early one morning I had gotten into an argument with a guy, but it didn't escalate into anything physical. When I was on my way home my car phone rang. It was Donna. She asked me who I had argued with. I asked her how she knew about the argument. She said, "Willie Welles called me." This was at 4:00 a.m. and I made up my mind that the next time, regardless of where, I was going to jump on Willie. One night in the month of November, 1994, my friend Johnny Walker and I were out bar hopping and as fate would have it I ran into Willie at My Way Lounge. It had been so long since I had seen Willie I really had forgotten what he looked like. While Johnny and I were watching the dart tournament that was going on, Johnny said there's ole Willie Wells." I said, "where," he pointed to Willie standing at the bar. I walked over to Willie and tapped him on the shoulder and when he turned around I hit him in the jaw as hard as I could and sent him sailing over a few tables. When Willie got up he started throwing chairs and tables at me, striking me on the hands. He then ran out to his car and retrieved a gun. He was talking about killing me and Johnny was telling him that he didn't have to kill me, that he would take me home. In my drunken state, Willie must have got close

guards, "Shoot me and get it over, 'cause I'm gone." ¹ However the guards didn't notice him leaving, and in the forest he found a dump with some old clothes. Out of his prison garb, Eddie ran to the highway several miles away and made it back to Florida by hitching a ride with a trucker headed to Miami. Back on his home turf, he adopted the alias of Eddie Miller, changed his birth date, and kept a low profile by earning money for many years as a migrant fruit picker.

Eddie married in 1969. He had two sons and a daughter with his wife Ethel. However he never told her he was a wanted fugitive, so it came as a shock to her when he was arrested at their home on March 5, 2004. After 44 years of freedom, Eddie had gotten careless and submitted an application to be put on the visiting list of his son, who was serving a 27 month sentence in a Florida prison for burglary. His application was red flagged when the criminal background check of his application reported that Eddie Miller was an alias of Eddie Mayes – wanted for a 1960 escape in Georgia.

After three months of investigation, police confirmed they were the same person. Sixty-nine year-old Eddie was arrested at his home in Florida and extradited to Georgia. The Georgia Department of Corrections sent him to the high security Autry State Prison in Pelham to finish serving his sentence as prisoner #363086. Eddie's scheduled release date was January 18, 2025 — when he would be 90 years old.

However on June 1, 2004 – three months after his arrest – Eddie was notified that on its own initiative, the Georgia State Board of Pardons and Paroles had voted unanimously to commute his sentence to time served. In making its decision, the Board took into consideration his age, that no weapons were involved in his convicted crimes, and that he had stayed out of serious legal trouble while on the lam for 44 years. The only two brushes he had with the law were a speeding citation, and a \$500 fine in 1982 for transporting fruit without a ticket. When Eddie was released from prison on June 11, his wife of 35 years met him at the front gate and drove him back home to Florida.

Eddie was hiding in plain sight when he was arrested in March 2004. He was living in Fort Pierce, the same town he

enough to slap me in the face with the gun, which cut my upper lip and knock my upper partial teeth out. Willie ran to his car and took off. I ran to my car and took off after him, but I hit the curb and my car shut down. I pulled off the road and that's when I noticed that I was bleeding from the mouth and hand.

I called my wife on my car phone and told her to come get me and that I might need to go to the hospital. In about 20 minutes, she arrived and drove me straight to Truman Medical Center. It was determined that my index finger was broken and I needed stitches in my upper lip. A doctor, Dan Bennett, came in to perform the necessary surgery and cast my left hand. Officers from the Kansas City Police Department came to the hospital asking me for a statement, which I declined. One of the officers asked if I wanted to press any charges against Willie Welles and I said, "No, no." The officer told me they had my partial teeth and if I wanted them I could come to the downtown property room and pick them up. In a few days, I did go pick up my teeth. I never saw Willie Welles again and I never talked to him. From November 1994 to January 1995 my hand remained in a cast.

I have proclaimed my innocence of murdering Donna. The people who have accused me made false declarations out of spite and hate. I had no reason to commit an act of violence against Donna, and I did not.

I want to respectfully thank you for reading my story,

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lived in when he was wrongly accused and convicted of burglary in 1956, and the first place he went after his prison escape. Eddie points to his many decades of clean living after his escape as further proof of his innocence: "In 44 years, if I had done something with robbery or burglary, I would have done something between then. I'm clean as a whistle." ² Although it may be a long shot, at some point in time the governor of Georgia may acknowledge the wrong committed against Eddie Miller 48 years ago by granting him a pardon.

To that end Eddie has begun work on a book about his case that he hopes will raise enough money to pay for the legal legwork necessary to exonerate him. As Eddie said after his release, "I just want to get all this behind me. I just want to clear my name up." ³

Sources:

Escapee Gets Lucky Break After 44 Years on Lam, *The Seattle Times*, July 4, 2004, p. A5

Second chance after life on lam: Eddie Mayes is caught in his Fort Pierce home 44 years after escaping a work gang. by Post Staff and Wire Reports, *Palm Beach Post*, July 05, 2004, p. A1.

Endnotes:

1 Second chance after life on lam: Eddie Mayes is caught in his Fort Pierce home 44 years after escaping a work gang, by Post Staff and Wire Reports, *Palm Beach Post*, July 05, 2004, p. A1.

2 *Id.*

3 *Id.*



Eddie Miller and Ethel, his wife of 35 years, after his release on June 11, 2004.
(Photo: Meghan McCarthy/Palm Beach Post)

Marlinga Bribery Prosecution Update

Macomb County Prosecutor Carl Marlinga was federally indicted in April 2004 after co-defendants Jeffrey Moldowan and Michael Cristini were exonerated of kidnapping and rape charges after being wrongly imprisoned for 12 years and 13 years respectively. Marlinga's indictment related to his alleged acceptance of a bribe to structure a brief to the Michigan Supreme Court so that Moldowan would be granted a new trial. (See, Prosecutor Indicted For Bribery After Two Men Exonerated Of Kidnapping And Rape, *Justice Denied*, Winter 2005, Issue 27.) Two other men, Ralph Roberts and James Barcia were also indicted — Roberts for allegedly making the bribe, and Barcia for allegedly structuring the bribe as a federal campaign contribution.

In February 2005 the trial judge dismissed the indictment against the three men on the grounds that it improperly linked them into an over-arching conspiracy unsupported by the facts. The government had no proof, e.g., that Roberts and Barcia knew each other, or had ever had any communication with each other prior to their indictment. In June 2005 the Justice Department announced that all charges were being dropped against Roberts. Barcia's lawyer said that the charges against him would be dropped after he completed a diversion program that would consist of obeying federal and state laws and other unspecified conditions for six months to a year.

Barcia, a former U.S. Congressman, said, "Having my name and my image brought into things like an alleged conspiracy with rape defendants and people I had never heard of, I couldn't believe it. This experience has taught me a little appreciation for why some people fear the federal government. There's an awful lot of power there that can really affect people's lives."

Marlinga said in response to the dismissal of the charges, "I'm pleased both for Ralph Roberts and Jim Barcia, two innocent people who deserve this moment."

Prosecutors said they intended to go ahead with Marlinga's prosecution. However they have not indicated what charges would be in a new indictment, since Barcia and Roberts both expressed doubt they would be called as a prosecution witness.

Source: Roberts' fraud charges dropped, *Macomb Daily News*, June 3, 2005.
Lawyer: Deal in works for Barcia to take part in diversion program, *Detroit Free Press*, June 16, 2005.

