

On January 27, 1995, at approximately 9:30 a.m. I was arrested in front of my place of business, The New House of Hits record shop at 6005 Prospect Street, Kansas City, Missouri. I was transported to the city jail handcuffed behind my back. I asked the officer what I was being arrested for and his response was that homicide detectives wanted to talk to me. While en route to the jail, the officer asked me if I knew Donna Meredith, to which I replied, "yes." In response to his questions, I told him that all I knew about her death was what I saw on television: which was that her body had been discovered in her home. This officer later suggested that I shouldn't attend Donna's funeral because some of her family members think I may have had something to do with her death.

After being booked, I was put in a holding cell to await the arrival of the detectives. Once the detectives arrived, I was taken to their unit where I was photographed and hair samples were extracted from my head and pubic area. I was then handcuffed and transported to Baptist Hospital where a nurse took blood from my left arm. I was told that I could not refuse to cooperate in any of the samples taken. I was returned to the jail and put back in a holding cell. At approximately 5:00 or 5:30 a.m., January 28, 1995, I was released. When I returned home, I learned that Detective Wells had obtained a search warrant to search my house and impound my 1980 Corvette. Within a week, I was allowed to retrieve my car from the police lot.

On the execution of the search warrant a pair of cowboy boots, a pair of purple leather pants, and a matching leather sweater were confiscated and sent to the crime lab for testing.

Nearly six months later, I was re-arrested on July 12, 1995 on a warrant for first-degree murder and armed criminal action and was held in the county jail without bail. I was able to obtain the service of attorney Mark Komoroski to represent me at trial. My defense was an alibi defense. My trial began May 6, 1996.

## Crime Lab Tech continued from page 7

It is unknown if Boots or Proctor sympathize with Vaughan's claim that the *P-I* and *News-Tribune's* truthful public disclosure of his role in their ordeal caused him "emotional distress."

### Endnotes:

- 1 2 wrongly imprisoned settle for \$2 million, Ashbel S. Green and Janet Filips, (staff writers) *The Oregonian*, Portland, OR, May 8, 1998, pp. A1, A13.
- 2 Forensic Scientist in Washington Crime Lab Tied to Wrongful Convictions in Oregon, Ruth Teichroeb, *Seattle Post-Intelligencer*, December 27, 2004.
- 3 *Id.*
- 4 Money no recompense for youth, Charles E. Beggs, *Oregonian*, May 9, 1998, p. D5
- 5 Forensic Scientist in Washington Crime Lab Tied to Wrongful Convictions in Oregon, *supra*.
- 6 *Id.*
- 7 2 wrongly imprisoned settle for \$2 million, pp. A1, A13
- 8 *Id.*
- 9 Forensic Scientist in Washington Crime Lab Tied to Wrongful Convictions in Oregon, *supra*.
- 10 *Id.*
- 11 *Id.*
- 12 *Id.*
- 13 *Id.*
- 14 *Id.*
- 15 *Id.*
- 16 John K. Wiley, State Patrol fires embattled crime-lab scientist, *The Seattle Times*, March 24, 2004, page B3. ("Forensic scientists with expertise in fiber and hair examinations later concluded Melnikoff's testimony on the number of hair examinations he had conducted and statistical comparisons contained "egregious misstatements.") *Id.*
- 17 Paul Kordonowy was prosecuted in Montana, and Melnikoff's testimony in the case was based on work he allegedly performed while employed at the MSPCL. *Id.*
- 18 Ruth Teichroeb, Shadow of Doubt, *Seattle Post-Intelligencer*, March 13, 2004, A1, A7. (Those three men, all wrongly convicted of rape, were Chester Bauer, Jimmy Ray Bromgard and Paul Kordonowy. The three men were respectively wrongly imprisoned for 14, 15 and 13 years.)
- 18 Scientist Sues P-I, Reporter Over Story, Staff, *Seattle Post-Intelligencer*, May 14, 2005, p. B4.
- 19 *Id.*
- 20 *Id.*
- 21 *Id.*

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## Bar-Hopping Alibi Against Murder Charge - Richard Stallings' Story

By Richard Stallings

Edited by Clara Boggs

The first of the state's witnesses to testify was Ms. Wanda Ray, a neighbor who lived practically a block away from the victim. She testified that on January 21, 1995 she was preparing for bed around 8:30 p.m. and she heard three loud gunshots. Huey James Love, testified that he had a scheduled date with Ms. Meredith around 6:30 p.m. that same day, when he noticed me following him in my white Lincoln Continental. He also alleged that he called Ms. Meredith to get my car phone number, but was unable to reach me when he called, but when he called Ms. Meredith back, she informed him that I was there.

Ms. Brenda Abdekhalig, testified that she called Ms. Meredith about 8:00 p.m. and in a nervous voice, Ms. Meredith said she had company and that she would call her back. She further testified that Ms. Meredith had told her that on another occasion her phone wires had been cut, that I had been calling her all the time and that I had at some time thrown her down, put a pistol in her mouth and threatened to kill her. Ms. Zena Miles, the victim's daughter testified that I had told the victim at her (Zena's) birthday party in January of 1994 that, "If I can't have you, nobody can." She further testified that Donna told her that if she (Donna Meredith) came up dead, Richard did it.

Theresa Walsh, the victim's sister, testified that I had threatened to kill a man because he had made a compliment about how good Donna looked. Helen Davis, the victim's sister-in-law, testified that I had told her I didn't care if the bitch was dead. Willie Wells testified that he called Donna shortly before 10:00 p.m. on January 21, 1995. He testified she told him in a "whispering voice that, He's here, Richard is here," and that he heard a voice in the background saying, "Hang up the phone, bitch." He further testified that that voice was mine. Two Kansas City police officers testified that on January 21, 1995 they had stopped me for running a red light on 34th and Prospect approximately ten blocks from the victim's residence and they remembered that I was wearing purple leather pants and cowboy boots, but were uncertain about any other attire.

All the evidence the state presented against me was totally circumstantial and possibly coerced from these people whom I allegedly had met at some given time. There was a considerable amount of evidence at the crime scene that did not belong to me, but was never identified or investigated. There was a bloody shoe print, hair strands on the victim's shirt, fibers under her broken finger nails from struggling with her assailant, numerous fingerprints in the victim's house, and there was no gun powder residue on either the pants, sweater, or boots.

Prior to trial, I wrote my attorney instructing him on who to call as a witness in support of my alibi defense. Of those people he called as a witness, Johnny Walker, Robert Jackson, and Carletta Collins and her daughter, Yahna Reid. However he did not call the following people to testify: Milton Holmes, Fred Martin, Nina Taylor, Missy Crockett, and Lana Timberlake. Those people are bartenders at each of the clubs I frequented that day. Those people could have verified that they served me and established the time I was at each club. I also requested that my attorney call as a witness Bertha Johnson, one of Donna's neighbors. Johnson told the police that on her way to church on January 22, she noticed that Donna's driveway was empty, but when she returned from church at 3:15 p.m., Donna's black Jeep was parked in her driveway.

The police obtained Johnson's statement when they canvassed the neighborhood for witnesses, and it was provided to my attorney in pre-trial discovery. But my

## May 1996 Trial

The prosecuting attorneys built their case on the information of several witnesses who were closely acquainted with the victim, not withstanding the crime lab saying that the victim's blood was on my purple leather pants.

attorney did not utilize Johnson's observation in my defense. My attorney also failed to depose any of the state's witnesses so I could have the opportunity to refute their testimony. My attorney also didn't comply with my request to have a blood splatter analysis performed to establish that the blood on my pants was not the type of stain that would result from a gunshot.

My attorney also didn't act on my instruction to call as a witness, Donna's grandmother, Opal Meredith. She could have best characterized my relationship with her granddaughter Donna. I explained to my attorney that Meredith could testify that I had, on two separate occasions, tended to Donna after she had surgery and that I was wearing those particular pants on at least one of those occasions in her presence. I further explained that Donna had a few nose bleeds and there was a possibility I could have gotten blood on myself from any one of those incidents. Meredith had already made a statement to the police that she had never known me to be abusive to Donna. The State cherry-picked witnesses that supported their theory that jealousy was the motive for Donna's murder. But that was contrary to the police report that her house had been ransacked and a number of items were listed as missing. The items included: .38 caliber live ammunition, spent .38 caliber shell casings, one silver bracelet with Donna spelled out in diamonds and with one red ruby, a gold ring with small double hearts, one gold ring with a oval shaped setting encircled in diamonds, one silver ring with a large heart shaped setting covered with diamonds, and bloody clothing. None of the above items listed were found in my possession. The police report also indicated that Donna might have been sexually assaulted.

The autopsy report indicated that Donna had been killed by four gunshot wounds to the head. Further examination of Donna's body revealed a broken right thumbnail with hair and fibers recovered from underneath the remaining nail. Dr. Michael Berkland, the Jackson County Chief Medical Examiner, testified that Donna's body was in the condition of a person that had been dead for seventy-two hours. There was no fixed time given in testimony on approximately what time Donna was killed. The first suggested time was from state witness Wanda Ray, who testified that she heard 3 gunshots around 8:30 p.m. as she was preparing for bed. Wells testified that he called Donna around 10 p.m. or so from his house, which is about an hour and a half after the gunshots were heard. My attorney didn't investigate phone records to corroborate Willie Wells' testimony that he claimed to have called from home. So in a residential neighborhood only one person claimed to have heard gunshots - and that was an hour-and-a-half before Wells claimed he called Donna's home and talked with her.

After a two day trial, on May 8 I was found guilty of first-degree murder and armed criminal action. I was sentenced to life without the possibility of probation or parole for first-degree murder and life for armed criminal action with the sentences to run consecutive. My direct appeal was denied. I was also denied post-conviction relief on my 29.15, a motion for an evidentiary hearing claiming ineffective assistance of trial counsel. All remedies before the Missouri courts have been exhausted.

## Prosecution Witnesses Had Axes To Grind

Huey James Love and I probably befriended Donna around the same time, which was at the time she was going through the trauma of her husband, Victor Shivers, being murdered. Donna and I had an affair without terms or commitment. I have no idea as to how intense Donna and Love's relationship was. However, I was aware that they had been sexually involved and this information came from Donna. I first met Love through Victor and my association with Love was limited. However I told him that if he was trying to get next to Donna I wouldn't help him to get there.

On the day the State alleged Donna was killed, Love claimed I was following him in my Lincoln Continental. I do not own

Richard Stallings continued on page 9

# 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

## Richard Stallings continued from page 8

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." <sup>1</sup> 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." <sup>2</sup> 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." <sup>3</sup>

## 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.

