

Lots of people in the old neighborhood say they know he didn't do it. They talk about it at the salons over by the Deuces. There are knowing nods when someone mentions his name at the Blue Nile corner shop on 18th Avenue S. They say they know what really went down.

## DNA Tests, Word On The Street Agree

The Alan Crotzer Story

By Candace Rondeaux



Alan Crotzer has spent more than half his life in prison, but many who know about him believe he's innocent.

Years ago, witnesses said Crotzer was a rapist, a dark-eyed man with a sawed-off shotgun and a bad temper. One of three St. Petersburg men accused of kidnapping and raping a 12-year-old girl and 38-year-old woman at gunpoint after a robbery in Tampa in July 1981, Crotzer was cast as the cold-blooded ringleader in an assault that shocked the Tampa Bay area.

Now, nearly 24 years after his conviction, a team of lawyers that includes one of Florida's most prominent death row defense attorneys says DNA evidence proves Crotzer

was not the rapist. Several witnesses, including one of Crotzer's co-defendants, say he was not there that long ago evening in Tampa.

With Hillsborough prosecutors reviewing his case, Crotzer, now 44, could become the fifth person in Florida to be exonerated by DNA. If prosecutors agree to clear him, he would join a growing roster of exonerated prisoners in Florida, adding to its rank as the state with the most wrongful convictions on the books, according to the Death Penalty Information Center. In December 2005, state lawmakers voted to pay \$2-million to Wilton Dedge, freed after serving 22 years in prison for a rape he didn't commit.

"The Hillsborough State Attorney's Office has been very cooperative. All along they've sought to do justice. When we sought DNA testing, they supported our efforts," said David Menschel, the lead attorney on Crotzer's case and a former staff member of the Innocence Project-New York, which works to use DNA testing to free wrongly convicted defendants.

"Now that the DNA testing proves Alan Crotzer is innocent, I fully expect the state will again do justice and ask the court to overturn his wrongful conviction."

The Hillsborough State Attorney's Office is still reviewing the results of a recent DNA test and has not decided yet whether to move to dismiss the charges against Crotzer.

### A long night: July 8, 1981

The plane was late. A man named Daniel waited 90 minutes at Tampa International

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- He claimed law enforcement officials should be commended for doing "the right thing" of acknowledging the men's innocence, implying prosecutors were doing the innocent men a favor, and not their job, by supporting their exoneration.<sup>13</sup>
- He failed to mention the men's wrongful convictions were caused by the failure of the Chicago police to thoroughly investigate both Miranda's murder and LaSalle's claim the five men were involved in it, and that the prosecutors didn't insist that they do so.
- He failed to mention that without the FBI's new information that caused the reinvestigation of Miranda's murder – the four men's innocence would have been concealed forever and the men would have served out their sentences.
- He also failed to mention that he knew the men were innocent for six weeks before acting on it, so he caused Aguirre and Santos to spend the Thanksgiving holiday wrongly imprisoned instead of with their families at home where they belonged.

It is not known why LaSalle fingered the five innocent men, or why soon thereafter he moved to Florida. What is known is it was really bad luck for the men that Santos had been LaSalle's tenant, and that they made convenient patsies because LaSalle was aware they knew each other.

The same day state prosecutors publicly acknowledged the four men's innocence, the U.S. Attorney for Chicago announced the indictment of LaSalle for making three false statements to FBI agents investigating Miranda's kidnapping and murder. At the same time he also announced that three men believed to be Miranda's killers were federally indicted on murder, drug and other charges. Six other members of the gang those three belonged to were also indicted on a variety of federal charges.

In 2005 Richard Carman pled guilty to murdering Miranda, and admitted torturing him with scissors and a broomstick before he died, after which his body was badly burned when he was put in his car that was set on fire. Carman was sentenced to 60 years in prison. The other eight "Carman Brothers Crew" members were also convicted of a variety of federal offenses and given sentences of up to 36 years.

LaSalle was convicted of making false statements to the FBI. He lied about:

- Being present in Ronnie's Bar at the time he claimed to have overheard statements by Santos concerning Miranda's planned murder or robbery.
- Seeing Santos, Gamboa, Ortiz, Gayol and Aguirre with Miranda at Ronnie's Bar on July 17, 1997.<sup>4</sup>

However, perhaps reflecting the murky world he inhabited as an informant, the

federal BOP only publicly discloses that while his release date is "unknown," he is "not in BOP custody."<sup>5</sup>

Miranda's actual killers were protected for more than five years by LaSalle's deliberate misidentification of the five innocent men. Unfortunately for those men, the Chicago police and the case's prosecutors uncritically accepted LaSalle's frame-up as the truth. Those authorities then used their factually baseless presumption that the men were guilty to justify forging Aguirre's alleged confession, to pressure Ortiz to perjure himself by testifying against Gayol, and to extract guilty pleas out of Santos and Ortiz to crimes they didn't commit.<sup>20</sup>

### Endnotes:

1 He Was Innocent, But Pleaded Guilty Nonetheless, Rob Warden, Center For Wrongful Convictions, January 22, 2003, at:

<http://www.law.northwestern.edu/depts/clinic/wrongful>.

2 Four Wrongly Convicted of Murder; New Gang Suspects Indicted in Crime, AP (Chicago), Fox News Channel, December 18, 2002.

3 *Id.*

4 Nine Defendants Indicted In Series Of Drug-Related Violent Crimes, Including 1997 Murder, U.S. Northern District of Illinois, Press Release, December 18, 2002.

5 This information was listed on the federal BOP website inmate locator for Miguel LaSalle on February 21, 2006, at <http://www.bop.gov>.

6 If federal prosecutors had any doubts about LaSalle's veracity after interviewing him during the original investigation of Mr. Miranda's murder, those doubts were insufficient to cause them to intervene on behalf of the four innocent men.

### Additional Sources:

New Facts Exonerate 4 Men in '97 Killing, David Heintzmann and Jeff Coen, *Chicago Tribune*, December 19, 2002.



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Airport before his old Army buddy, Martin, and his wife arrived from Pensacola. The couple were in town for an opticians' convention and were staying with Daniel, a salesman for a paper company, at his family's duplex.

On the way home, the threesome stopped at a steakhouse off Dale Mabry Highway. As they left, Daniel noticed three black men tooling around the parking lot in a beat-up gold Buick and said something to his friend. Both men thought it was strange, but they didn't know then how much stranger it would get.

They didn't know one of the men in the Buick was trying to disappear.

A tall, fit 22-year-old, with intense, steely brown eyes that seemed to bore holes through everyone he met, Corlenzo James was an outlaw. Three days earlier, he had walked onto a Trailways bus with a sawed-off shotgun, robbed a bus ticket agent of \$200 and ordered the driver to drop him at an intersection near his home in St. Petersburg.

With the police on his trail for the bus robbery, James needed to get out of town. The plan was to drive north to Havana, Fla., where he could hole up with relatives. On the night of July 8, 1981, he, his brother Douglas James, and a third man piled into the Buick for the long road trip.

Court records reveal the details of what happened next.

It was about 11:30 p.m. when they stumbled upon Daniel and Martin and his wife as they left the restaurant. The three men followed the friends home to Daniel's apartment on Yorkshire Court in Tampa. Minutes later, a man was holding a sawed-off shotgun to Daniel's face. Tall, solid and menacing with thick sideburns and a gold chain around his neck, he poked the gun at Daniel, Martin, their wives and Daniel's 12-year-old daughter.

The others worked quickly, binding all five of their hostages' hands with neckties they had grabbed from a closet. They took about \$60 cash, then went upstairs to grab a TV. All the while the man with the sideburns sat in an armchair smoking a cigarette, his gun trained on the two families.

Just as the robbers were about to leave, they heard a noise outside. Martin used the momentary confusion to fake a heart attack. For a minute it seemed to work, until the ringleader became agitated and ordered the other two to grab one of the women and the 12-year-old girl.

The three men dragged the girl and Martin's wife out the door and shoved them into the trunk of the Buick. They drove for what seemed like an eternity. The air inside the trunk was thick and hot. An interior light flickered eerily, as the three men drove the car over train tracks. The victims could hear the men arguing through the interior wall of the car's trunk. For a fleeting second, the woman, 38, thought they might let her and the girl go.

The car stopped. The tall one with the sideburns and the sawed-off shotgun climbed into the trunk with her and the girl. He pulled the lid shut again. He pressed his body up against them as the Buick sped down empty county roads beneath a new moon.

The woman whispered to the girl to stay calm before the men pulled the 12-year-old out of the trunk and shoved her to the ground. She told the girl God was with her and she needed to be strong.

After the rapes, the woman was almost too weak to stand. Her head was throbbing, her clothes were torn and body bruised. Two of the men used neckties to bind her and the girl to a tree while the third sat in the car. Afraid they would shoot them as they drove away from the wooded field near Bugg Road and State Road 60, the woman used her body to shield the girl from bullets that never came.

In the days and months after the robbery and rapes, the victims, who are not being identified because of the nature of the crimes, recounted the events of that night to detectives, prosecutors and later jurors. The *St. Petersburg Times* relied on sworn statements from witnesses, records of interviews with investigators, trial transcripts and police records to reconstruct the victims' story. One of the victims agreed to talk to the *Times* about the ordeal.

"It was very horrific and traumatizing," said Martin, the husband of the 38-year-old rape victim.

Since divorced, Martin said the State Attorney's Office asked him recently for a DNA sample for testing, but he did not know much more about prosecutors' plans.

### A question of identity

Later, the woman told investigators that the man with the shotgun was black with a beard, sideburns and short cropped hair, about 6 feet tall and 130 pounds.

Hours after doctors examined the rape victims, they looked at dozens of photos of black men. At first, none of the robbery

victims recognized any of the men in the photos. Finally, one, then another leapt out from the pile of pictures. Some of the victims identified brothers Douglas and Corlenzo James as two of the assailants.

Armed with a license plate number for the Buick, police were already on their way to the James brothers' home on 25th Avenue S in St. Petersburg.

Meanwhile, the woman sat alone in a room with a detective sifting through still more photos, looking for the man who raped her. Investigators had the victims view the lineups separately so one victim would not influence another. She had already looked at several photo packs when she suddenly screamed and threw Alan Crotzer's photo down on the table.

"It's him."

Confident they had the third man, detectives instructed her to sign the back of Crotzer's photo. As she did, her husband, Martin, and friend Daniel walked in. Although they had not identified Crotzer as one of the assailants when they viewed him separately in previous photo lineups, both men now said they were confident he was the ringleader.

Paroled after serving time for a 1979 robbery, Crotzer, then 20, had been out of prison a month before the 1981 robbery and rapes. Police were looking for a 6-foot-tall, 130-pound man with sideburns. What they found when they arrested Crotzer at his girlfriend's apartment in St. Petersburg was a youthful looking man who was 5 feet 5 and 135 pounds who didn't look like the man the victims described. Crotzer told police he didn't know what they were talking about. His protests fell on deaf ears; nine months later he and Douglas James were tried together in a Tampa court.

A day before the trial, Corlenzo James was sentenced to 20 years for armed robbery and burglary as part of plea bargain. He was later convicted of robbing the bus and sentenced to 90 years.

After a four-day trial, the all-white jury convicted Crotzer of two counts of sexual assault, as well as armed robbery, burglary, aggravated assault and false imprisonment. Douglas James was convicted of one count of sexual assault, armed robbery, burglary and aggravated assault. Each was sentenced to more than 100 years in prison.

### It's not so secret

Alan Crotzer was like a ghost; he haunted Pearl Daniels and her two sisters for years.

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She remembered the day she first saw him; he was sitting near her brother, Douglas James, in court. Something wasn't right. She quietly conferred with her mother.

"When they arrested Doug and we saw that boy, we said 'Well, who is he?'"

Daniels believes it was not Crotzer, but a longtime family friend of her brother's who was in the car that night with the James brothers. She and her sister, Sharon Watson, both say they saw their brother's childhood friend drive away in the Buick the night of the rapes.

"We knew from the beginning that boy (Crotzer) was not with them," she said.

Daniels knew it, her sisters knew it; her mother knew it; her brothers knew it and so did lots of people in their neighborhood. But when the mother tried to tell prosecutors she had never seen Crotzer before, and that their family friend was the one they should pursue, authorities didn't listen, Daniels said.

Six years later, her mother was dead from cancer and Crotzer was still in prison.

"My mother wanted the truth to come out. She died with a broken heart over that," Daniels said.

Two decades later, Daniels and her sisters are working with Crotzer's defense attorneys to free him. Still living in the neighborhood, the childhood friend has refused the sisters' appeals to come clean.

Daniels and her sisters are learning it takes a lot more than a broken heart to uncover the truth.

### A second chance

It would be years before Crotzer's story resurfaced. When it did, it landed on a cluttered desk in New York in late 2002, 1,200 miles away from the Polk County prison where Crotzer was serving his sentence. With nothing but time on his hands, Crotzer laid out his case in a letter to the Innocence Project, the New York-based legal non-profit that has successfully uncovered dozens of wrongful convictions. He said he had filed an appeal asking a court to review DNA evidence in his case shortly before Florida's then-deadline for consideration.

(Florida legislators are still debating whether there should be a deadline for DNA appeals.)

Crotzer's motion was denied, but his case caught the attention of Innocence Project

## Publicity Spurred Crotzer's Release By Reluctant Officials

On February 4, 2004, Alan Crotzer's *pro bono* legal team filed a motion to set aside his 1982 rape and robbery conviction and vacate his sentence. The motion was based on the new evidence of DNA tests excluding him as the rapist, and the statement of one of his two co-defendants that Crotzer wasn't involved. The new evidence confirmed the truthfulness of multiple alibi witnesses who in vain testified at Crotzer's trial that he wasn't at the crime scene.

The Hillsborough County State Attorney's Office opposed Crotzer's motion, and the case languished for more than a year and a half due to legal maneuvering and retesting of evidence. Then on December 11, 2005, the *St. Petersburg Times* published a major front-page article detailing the case for Crotzer's innocence. The *Times* published several follow-up articles and other media in the St. Petersburg area also reported on the outrageous circumstances of Crotzer's

continued imprisonment. On January 13, 2006, the *Times* led off an editorial titled *Waiting For Justice* with, "How much more time is it going to take before Hillsborough County prosecutors are satisfied that Alan Crotzer is innocent and should have his convictions set aside?"

The *next day* Hillsborough State Attorney Mark Ober finally caved and agreed Crotzer should go free. A hearing was scheduled for January 23 on the state attorney's motion to vacate Crotzer's conviction and sentence. The spotlight of publicity on how the prosecutors were standing in the path of a provably innocent man's release from prison accomplished what almost two years of efforts by Crotzer's legal team had failed to accomplish in the courtroom.

Nine days later, on January 23, 2006, Crotzer was released after 24 years of wrongful imprisonment. It was two weeks shy of two years after his motion had been filed in February 2004, and twenty-nine months after the DNA tests first excluded Crotzer as the rapist.

volunteer Sam Roberts and attorney David Menschel, then a recent Yale University law graduate. Roberts began trying to track down any remaining evidence from Crotzer's decades-old trial. He asked around at the Hillsborough Sheriff's Office. No luck. There wasn't even much left of the trial files at the courthouse, Roberts said.

But then he struck gold: An official at the Florida Department of Law Enforcement's crime lab in Tampa said she had found five slides of material taken from the rape victims more than 20 years earlier.

The two approached Hillsborough prosecutor Michael Sinacore about having an independent lab in Maryland perform a DNA test on the material to see if any semen present in the samples matched Crotzer's DNA or if the results would exclude him as a rapist.

Sinacore agreed. But the Maryland lab said the samples were too small to determine whether there was a DNA match. When the initial tests failed to produce meaningful results, Roberts and Menschel worried that DNA evidence wouldn't pan out. So they flew to Florida in May 2003 to ask Crotzer's co-defendants, Corlenzo and Douglas James, what they knew.

"Fairly early on we developed a sense that this case was different," Menschel said. "As soon as we began to scratch beneath the surface, the evidence of his innocence was

so overwhelming that Sam and I decided to pursue the case no matter what."

They visited Corlenzo James, 45, first. He said he knew why they were there. He admitted Crotzer was not with him and his brother the night of the rapes, but he refused to sign a statement to that effect, Roberts said.

"He knew something was up right from the beginning," Roberts said. "He would look away and laugh to himself."

Corlenzo wouldn't budge, but Douglas, 52, was different.

"We didn't even have a chance to ask the question before he started talking," Menschel said. "Douglas' story was that he did everything that he was accused and eventually convicted of that night. He said his brother Corlenzo was the shotgun-wielding double rapist and his childhood friend was the third man."

Armed with Douglas James' statement, the two returned to New York and asked Sinacore to allow them to have the evidence tested again. The slides were sent to a lab in England in August 2003 where highly sensitive tests were performed. But that test didn't yield complete results.

Meanwhile, Menschel and Roberts turned to one of Florida's most well-known death penalty lawyers for assistance. Martin Mc-

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Clain has worked on more than 155 capital cases. He won notoriety for helping exonerate three wrongly convicted men in Florida. McClain says he believes race may have been a factor in the confusion over the photo identifications since the victims were white and the perpetrators were black.

"Is this a situation where one black man is as good as another? I hate to level the racism charge, but there does seem to be this acceptance or this failure to question these discrepancies," McClain said.

Crotzer's attorneys persuaded Sinacore to allow them to send the slides to Dr. Edward Blake in Richmond, Calif. A pioneer in DNA forensics, Blake has run Forensic Science Associates since 1978. His lab has received national recognition for its work as an independent testing lab for postconviction testing. The lab's work proved crucial; test results showed DNA evidence excluded Crotzer as a rapist.

On Feb. 4, Menschel and McClain filed a motion asking a Hillsborough court to throw out Crotzer's conviction and sentence.

"Every day that Alan Crotzer remains in prison is a day too long," Menschel said. "He's served 24 years for a crime he didn't commit. The time to free him is now."

### The Crotzer Case Timeline

July 8, 1981: Corlenzo James, his brother Douglas and a third man drive to Tampa, where they rob five people at an apartment on Yorkshire Court, then abduct and rape a 12-year-old girl and 38-year-old woman.

July 9, 1981: Detectives show the five victims dozens of photos. Some identify Corlenzo and Douglas James. The 38-year-old woman identifies Alan Crotzer as the ringleader and double rapist.

July 10, 1981: At his girlfriend's home in St. Petersburg, police arrest Crotzer in the robbery and rapes.

April 22, 1982: A jury convicts Crotzer and Douglas James of robbery and rape, and they are each sentenced to more than 100 years in prison.

December 2002: The Innocence Project in New York begins investigating Crotzer's claim that he was wrongly convicted and asks the Hillsborough County State Attorney's Office for permission to test for DNA on evidence leftover from the case.

## State Court Rules on Citation of Unpublished Opinions

I	II	III	IV	V
All Opinions Citable	Citable as Precedent	Citable for Persuasive Value	Too Close to Call	Citation Prohibited
Connecticut	Delaware North Dakota Ohio <sup>5</sup> Utah	Alaska <sup>1</sup> Iowa Kansas Oklahoma <sup>6</sup> Michigan Minnesota Mississippi <sup>3</sup> New Jersey New York Vermont Virginia	Georgia Oregon New Mexico Wyoming	Alabama, Arizona Arkansas, California Colorado, Dist. of Col. Florida, Hawaii Idaho, Illinois Indiana, Kentucky Louisiana, Maine Maryland <sup>2</sup> Massachusetts Missouri, Montana Nebraska, Nevada New Hampshire North Carolina <sup>4</sup> Pennsylvania Rhode Island South Carolina South Dakota Tennessee <sup>7</sup> , Texas <sup>8</sup> Washington West Virginia, Wisconsin
1	4	11	4	31

#### Notes:

- 1 Citation prohibited by statute. Citation approved for "persuasive power" only by appellate decision.
- 2 May be cited for any purpose except as precedent or "persuasive authority."
- 3 Decisions prior to Nov. 1, 1998, are not citable under any circumstance.
- 4 Citable only if no published case covers the issue, otherwise citation disfavored.
- 5 Applicable to decisions on or after May 1, 2002.
- 6 Citable only if no published case covers the issue, otherwise citation disfavored.
- 7 Unpublished opinions not designated "not for citation" can be cited for persuasive authority only.
- 8 Tex. R. App. P. 77.3 (Ct of Crim. Appeals) "no value as precedent and must not be cited as authority."

Source: Federal and State Court Rules Governing Publication and Citation of Opinions: An Update, Melissa M. Serfass and Jessie Wallace Cranford, *The Journal of Appellate Practice and Process*, Vol. 6, No. 2 (Fall 2004).

May 2003: Douglas James tells an Innocence Project attorney that he was one of the robbers, fingers his brother, Corlenzo, as the ringleader and says another man - not Crotzer - was there the night of the robbery.

August 2003: DNA forensics pioneer Dr. Edward Blake confirms through testing at his Richmond, Calif., lab that DNA evidence excludes Crotzer as the rapist.

February 2004: Crotzer's attorneys file a motion to have the sentence and charges against him dismissed.

Candace Rondeau is a *St. Petersburg Times* staff writer.

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