

# Convicted Bank Robber Was 468 Miles From Scene of The Crime – The Emanuel Brown Story

By Emanuel Brown

On September 13, 1990, at about 11:30 a.m., two black males robbed the Wachovia Bank & Trust Co. (WBTC), at 1200 E. Bessemer Avenue, in Greensboro N.C. Authorities later alleged they stole \$371,000. About an hour after the robbery a city code enforcement officer noticed several black males in and around a U-Haul truck at Greensboro's Carolina Circle Mall. The mall is about 2-1/2 miles from the bank robbery scene. Considering the men suspicious, the code officer called and reported them to the Greensboro Police Department.

Several minutes later a male Greensboro PD officer arrived at the mall and began following the U-Haul truck. The driver of the truck pulled into another parking area of the mall.

The officer stopped about fifty feet from the truck. The U-Haul's occupant, Charles Walker, then approached the police car. The police officer got out of his vehicle, and with his weapon drawn ordered Walker to lay face down on the ground. Several minutes later a female officer arrived at the parking lot and kept a watchful eye on Walker while the male officer searched the cab and cargo area of the U-Haul. The officer did not discover any weapons, cash, drugs, or illegal contraband of any kind within the U-Haul. The male officer then requested that Walker produce his identification. Since there was no indication Walker was involved in doing anything illegal, the male officer eventually decided to arrest Walker for operating a motor vehicle without a legal drivers license.

No physical evidence, confession, or eyewitness identification by any bank customer, employee, or passerby in the bank area linked Walker to the bank robbery. He was, however, a black man arrested more than an hour after the robbery several miles from the bank. So about a day after he was arrested on the moving vehicle violation, local law enforcement authorities decided to charge him with the WBTC robbery. He was held in the Greensboro County Jail under \$500,000 bond.

The FBI became involved in the bank robbery investigation. When he was questioned, Walker made no incriminating statements to the local police or the FBI. However, the FBI discovered that the U-

Haul truck driven by Walker was rented on September 12, 1990, in Durham, N.C. The rental agreement showed that the truck was rented to a person displaying a Pennsylvania driver's license issued to an Emanuel Brown, and listed a Philadelphia address.

## Brown arrested

In spite of the fact that there was no evidence linking Walker or the truck he was driving to the WBTC bank robbery, the FBI immediately focused on Brown as a possible suspect. On the afternoon of September 28, 1990, Brown was stopped while driving on a Philadelphia street. He was arrested after his car was surrounded by Philadelphia PD officers and FBI agents with guns drawn.

When Brown arrived at a Philadelphia police station, he asked an FBI special agent why he had been arrested. The agent told him a U.S Magistrate in North Carolina had issued an arrest warrant against him for a bank robbery in Greensboro. Brown denied any involvement in the bank robbery and requested to see the arrest warrant. The FBI agent told him a copy was at his downtown Philadelphia office.

Three days later Brown appeared in front of U.S. Magistrate James Melinson. He requested a copy of the arrest warrant. The U.S. Attorney's Office responded by requesting a three-day continuance.

On the afternoon of Brown's arrest the FBI searched his residence. They confiscated \$67,365.85 that they found, on suspicion it was part of the bank robbery money. The FBI claimed a copy of the search warrant was left at Brown's residence, and that U.S. Magistrate Judge M. Faith Angell signed it in Philadelphia on September 28, 1990, at 10:30 p.m. Brown, however, didn't receive a copy of the warrant until the time of his trial.

The money seized by the FBI had no connection to the bank robbery. For six years prior to his arrest (1985 to 1990), Brown co-owned three Philadelphia businesses with William (Seville Bill) Merrill. Two were nightclubs, M & M Club Unique and High Rollers/Studio West. The other was a restaurant. They were all businesses that took in a lot of cash. The money seized by the FBI was proceeds from those businesses, and it was never connected to the bank robbery.

On October 4, 1990, Brown again appeared before Magistrate Melinson. He again

requested a copy of the arrest warrant. Neither the magistrate nor Brown was provided with a signed copy of the arrest warrant prior to his transportation to North Carolina by U.S. Marshalls.

## Brown, Walker and others indicted

Walker was still a state prisoner when a federal grand jury in North Carolina indicted Brown and him on October 29, 1990, for armed bank robbery of the WBTC. The grand jury relied on the testimony of an FBI agent in the Charlotte FBI office. At that time neither Brown nor Walker had made any incriminating statements.

Four weeks after his indictment, on or about November 26, Walker appeared in front of a federal grand jury. He proceeded to implicate not only Brown and himself in the robbery, but two additional people, Susan Parker, and Neil Harewood. That grand jury issued a superseding indictment naming all four people as accomplices in the WBTC robbery.

During a pretrial motions hearing, Brown requested the professional services of a handwriting expert to prove he didn't sign the U-Haul truck rental agreement. Brown also requested the services of a private investigator to document that at the time the bank robbery took place in Greensboro, he was almost 500 miles away in Philadelphia. The district court judge denied both motions. The judge explained that the prosecution was not going to present a handwriting expert to authenticate that the signature on the rental agreement was Browns', so therefore Brown did not need a handwriting expert to testify that the signature wasn't his. In denying the request for a defense investigator, the judge explained that Brown's court appointed defense counsel could personally contact and investigate any government witness.

After the judge's prosecution favorable rulings on the pretrial motions, Brown's lawyer encouraged him to agree to a plea deal. His lawyer told him, "I believe you are guilty, and I believe the jury is going to find you guilty." Disenchanted with his lawyer and concerned that a local lawyer wouldn't vigorously defend him, Brown suggested that the judge appoint a different lawyer from outside the Greensboro federal court district. The judge rejected Brown's request. Brown was faced with choosing between two very unpleasant choices: either represent himself *pro se* or proceed with his unsatisfactory court appointed counsel.

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scheduled physical therapy. The physical therapy was for a job related back injury that occurred about one year before the bank robbery. Martinez authenticated the sign-in sheets for staff and patients that substantiated Brown personally appeared at the medical center and that she personally aided him with "cybex exercises." Martinez was called as a defense witness, and since Brown was defending himself *pro se*, he personally questioned her on direct-examination. The following exchange is from the trial transcript:

Q. [by Brown] Miss Martinez, do you recognize the defendant ... in the courtroom today?

A. [by Martinez] That's yourself?

Q. Emanuel Brown?

A. Yes.

....

Q. You know Mr. Brown as a patient at Cynwyd Medical Center; is that correct?

A. That's correct.

Q. And your duties as a physical therapist, is that of someone who is injured on a job or someone who has some type of medical disability, it is your responsibility to give that individual therapy?

A. Yes, it is.

Q. Physical therapy.

A. Yes. (Trial Transcript, Vol. VII, 1333-1334, *U.S. v Emanuel Brown*, et al. CR-90-240-G)

....

Q. And there is a sign-in card at the front desk, isn't there?

A. Yes. (Trial Transcript, Vol. VII, 1336, *U.S. v Emanuel Brown*, et al. CR-90-240-G)

...

Q. Drawing your attention to that particular sheet, does this indicate on September 13, 1990 you personally performed what they call Cybex exercises?

A. Yes.

Q. Miss Martinez, who did you perform those Cybex exercises on, whose physical therapy sheet card?

A. Emanuel Brown. (Trial Transcript, Vol. VII, 1337, *U.S. v Emanuel Brown*, et al. CR-90-240-G)

...

Q. Okay. Now on the Cybex exercises, it just has "AM," which is Antonio Martinez, correct?

A. Correct.

Q. And it just has that on one particular day, which is September 13, 1990.

A. Right.

Q. Can you explain why "AM" would just be on that particular day as opposed to the other days?

A. Well, anytime anybody comes after 6:00, that's an hour before closing time, and Mr.

Conrad King is busy cleaning the whirlpools and getting everything prepared for the next day. So whoever is available will go to the exercise room and give the patient therapy. Cybex is considered therapy also.

Q. Thank you.

The Court: So what does that indicate?

A. That Mr. King wasn't available because at the time he was busy doing something else.

The Court: What time would that be?

A. Between 6 and 7 p.m. (Trial Transcript, Vol. VII, 1338-1339, *U.S. v Emanuel Brown*, et al. CR-90-240-G)

...

Q. ... You said that Mr. Brown was receiving therapy for over a year or so; is that correct?

A. ... Yes, for a long time.

Q. Would July 1989 up until now, would that sound correct as far as the date?

A. It's possible, you know, because I know I've seen you for a long time there. (Trial Transcript, Vol. VII, 1341-1342, *U.S. v Emanuel Brown*, et al. CR-90-240-G)

...

Q. And the date 9-13-90, there is no difference in the therapy or the Cybex exercise, is there?

A. No, there isn't.

Q. He received the same treatment he has been receiving under the doctor's care for X amount of period?

A. Right.

Q. And there is no difference in the therapy or the Cybex exercise; is that correct?

A. That's correct.

Q. And 9-17, 9-20, 9-24, 9-26, 9-27, all of these dates also reflect the same periods of therapy and Cybex exercises; is that correct, Miss Martinez?

A. Yes.

Q. And Mr. Brown was billed for those dates, wasn't he.

A. Yes. (Trial Transcript, Vol. VII, 1344, *U.S. v Emanuel Brown*, et al. CR-90-240-G)

...

Q. Miss Martinez, on that particular sheet, the date of September 13, 1990, your initials appear on that particular date?

A. Yes.

Q. And there is no mistake or error on that sheet relating to that particular date. Is there?

A. No. No, there isn't.

Q. Is there any doubt in your mind that Mr. Brown received therapy on September 13, 1990?

A. No, there is not a doubt.

Q. At what time does it indicate that Mr. Brown received this therapy September 13, 1990, Miss Martinez?

A. At 6:10 p.m.

Q. At 6:10 p.m. Thank you very much, Miss Martinez. (Trial Transcript, Vol. VII, 1347-48, *U.S. v Emanuel Brown*, et al. CR-90-240-G)

After Brown's direct-examination and her cross-examination by the prosecutor, Brown questioned her on re-direct:

Q. Miss Martinez, did you – you were interviewed by FBI Agent Johnston twice; is that correct?

A. Correct.

...

Q. Miss Martinez, did you receive the impression that Agent Johnston was trying to get you to change the dates that Mr. Brown –

Prosecutor. Objection, Your Honor.

The Court. Sustained.

Q. – came to the clinic on September 13, 1990?

The Court. Sustained. You may ask her did Agent Johnston do anything to try to get you to change those –

Q. Did – yes.

Q. He tried – I don't know which one is which since I was speaking to both of them [FBI agents], but they insinuated something on that behalf. (Trial Transcript, Vol. VII, 1362-63, *U.S. v Emanuel Brown*, et al. CR-90-240-G)

So Martinez's testimony established that Brown had a long-standing injury requiring regular physical therapy, that his visit of September 13, 1990, was typical of his other visits before and after that date, and that the FBI attempted to get her to change the record showing that Brown was treated at 6:10 p.m. on September 13th – about 6-1/2 hours after the WBTC was robbed in Greensboro. The trip from the bank to the Cynwyd Medical Center takes about eight hours. [JD Note: According to Yahoo.com's mapping service, it is 468 miles from the WBTC branch in Greensboro to the Cynwyd Medical Center. Yahoo.com estimates that driving at the speed limit directly between the two businesses without any stopovers takes an estimated 7 hours and 49 minutes.]

Laura Peltier worked at the Mangum Street Rental Center in Durham, North Carolina. Peltier testified as a witness for the prosecution that on September 12, 1990, she rented a U-Haul truck to a man presenting a Pennsylvania driver's license in the name of Emanuel Brown. She also testified that she compared the picture on the driver's license with the person renting the truck, and they were the same. She further said she watched the man sign the rental contract. She said she took particular note of the man's appearance because she was from Lancaster, Pennsylvania, and that she could identify him if she saw him again. Interestingly, during her direct examination Peltier was not asked

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by the prosecutor if the man she rented the truck to was present in the courtroom.

### Woman who rented U-haul did not identify Brown

Brown personally cross-examined Peltier, since he was defending himself *pro se*. The following exchange is from the trial transcript:

Q. [By Brown] Ms. Peltier, you stated to the court that you remember this particular individual renting this U-Haul truck because he was from Pennsylvania, right?

A. [By Peltier] Uh-huh.

Q. Ms. Peltier, do you recognize the individual in court today who rented the U-Haul truck from you?

A. I haven't even really looked around.

Q. Would you take a look around the courtroom and see if you can identify the individual who you remember or may remember.

A. [After looking around the courtroom.] Not offhand.

Q. Okay. No further questions. Thank you. (Trial Transcript, Vol. II, 274-275, *U.S. v Emanuel Brown*, et al. CR-90-240-G)

So after testifying that she could identify the man who rented the truck, and that the man presented identification that he was Emanuel Brown – Peltier could not identify Brown as that person when he was standing directly in front of her asking her questions with her full attention focused on him. Thus it bears repeating that on direct examination the prosecution did not ask Peltier to identify the man who rented the truck, even though Brown was sitting right in the courtroom. Which suggests the prosecution knew when Peltier was called as a witness that she would not identify Brown as the man who rented the U-Haul. That is also significant because the trial was only five months after the truck was rented and even though Peltier's memory wouldn't be expected to be completely eroded, she didn't suggest that Brown bore any resemblance to the truck's renter.

### Brown found guilty in spite of being 468 miles from the crime scene

In spite of Harewood's admission that Brown encouraged him *not* to commit hold-ups, the eyewitness evidence that Brown didn't rent the U-Haul, and the eyewitness and documentary evidence that he was in Philadelphia picking up his Monte Carlo from a bodyshop at about the time of the robbery and that he was getting physical

therapy in Philadelphia 6-1/2 hours after the robbery 468 miles away, the jury found Brown guilty of all counts after a three-week trial. Parker, who was represented by a lawyer, was acquitted of all counts.

### What was Brown's relationship with his co-defendants?

At the time of Brown's indictment he had not met Walker or know who he was.

"Nawny's" actual identity was never disclosed, so Brown doesn't know if he had ever met "Nawny" or know of him, or even if "Nawny" was a real person!

Harewood lived in Philadelphia next door to Brown's best friend Charles, so Brown was acquainted with him. Prior to the robbery Harewood attempted to entice Brown, Charles, and another acquaintance of theirs to rent a car that he could use to drive to North Carolina. Brown had stayed at Charles' house at one time, and among some personal effects stored at his house was a duplicate driver's license that Brown acquired after having misplaced his license at one time. It is possible Harewood obtained that license and with his connections found someone with the ability to replace Brown's picture. Not knowing what did happen, Brown can only guess.

A friend of Brown's had a woman friend named Carolyn who lived in Greensboro, North Carolina. The woman and several relatives, including her sister, visited Philadelphia for a family reunion. While in Philadelphia Carolyn and her sister went out one night to Brown's nightclub. Carolyn's sister was Susan Parker, and that night was the first and only time Brown met Parker prior to their indictment.

An odd twist is that the day after the WBTC robbery, and before Brown knew he was a suspect, he loaned his Monte Carlo to Charles and Evonne Richardson, who drove the car to North Carolina where they visited friends. If Brown had been involved in the bank robbery the last thing in the world he would have done was allow friends to drive the car to the same state where the robbery was committed and where the where car may have been seen!

### The prosecutor's pay-off of Harewood and Walker

In exchange for their testimony, Harewood was given a sentence of 5 years for violating §924(c)(1) and *no prison time* for the bank robbery! Walker was given a sentence of

ten years for the bank robbery. Those may seem like stiff sentences after fully cooperating with the government, but remember this was a federal prosecution, and they are light compared to the 27-1/2 year sentence given Brown.

### Brown's appeals denied

Brown's direct appeal was to the federal Fourth Circuit Court of Appeal. The tenor of the Court's 1993 decision was set in the first sentence of its 'statement of facts', "Brown masterminded a plan to rob the Bank using information from a Bank employee." (*United States v. Brown*, No. 91-5088 (4th Cir. 01/06/1993)) The 3-judge panel erroneously adopted as "fact" the prosecution's theory of the crime that was disproved at trial because Parker – the alleged "Bank employee" providing "information" – was acquitted of all charges! In 1998 Brown's 28 USC §2255 (habeas) petition was denied.

In February 2005, Brown filed successive §2255 petition that was denied in July 2005. Harewood was released from federal Bureau of Prison custody on October 20, 1995, and Walker on May 28, 1999. So Brown's best chance to challenge his conviction is for an investigator to find and interview them. The statute of limitations for perjury has expired, so one or both might now be willing to tell the truth and recant their false testimony in an affidavit. Their admissions could also trigger the discovery of additional new evidence of Brown's actual innocence that would enable him to prevail on another successive §2255 petition.

Emanuel Brown's contact information is:  
Emanuel Brown 00594-158  
FCI Schuykill  
P.O. Box 759  
Minersville, PA 17959

Brown's outside contact is:  
H. Wesley Robinson  
National Legal Professional Associates  
11331 Grooms Road  
Cincinnati, OH 45242



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