

Alan Crotzer Awarded \$1.86 Million For 1982 Rape Conviction

Alan Crotzer was convicted in 1982 of charges related to the July 1981 abduction and rape of a 12-year-old girl and a 38-year-old woman after an armed robbery by three black men in Tampa, Florida. Although several alibi witnesses testified on Crotzer's behalf, the all-white jury chose to believe the eyewitness identification of him by the two victims, and the woman's husband and a family friend present at the time of the robbery. Crotzer was sentenced to 130 years in prison. Two other men were also convicted of the crimes, although neither identified Crotzer as their accomplice.

Nine years later Crotzer was convicted of a controlled substance violation after he wouldn't reveal the name of a guard smuggling marijuana into the prison where he was incarcerated.

Conviction Tossed For Man In Another Country At Time Of Robbery

Edward Mzwinila was sentenced to ten years imprisonment after being convicted in 2006 of an armed robbery in Botswana. The prosecution was based on Mzwinila's identification by the victim. Mzwinila alibi defense was that he had been mistakenly identified because he was in neighboring South Africa at the time of the robbery. The judge, however, denied Mzwinila's request for the release of his passport that had been seized after his indictment, so he was unable to introduce it as evidence.

For his appeal Mzwinila was able to obtain his passport that had border exit and entry stamps proving that he left Botswana for South Africa on the day of the robbery (Oct 31, 2002), and that he returned three days later. A witness established that she called Mzwinila at 11 a.m. in South Africa, an hour before the robbery was committed at noon in Botswana. In April 2008 Botswana's Court of Appeal overturned Mzwinila's conviction and sentence on the basis that his alibi was credible, and thus his guilt could not be established beyond a reasonable doubt. The Court stated in its ruling, "If the appellant was in Mafikeng [South Africa] at 11:00 a.m. he could not have been at the scene of the crime at 12:00 noon."

Sources:

Appeal court sets aside mzwinila's conviction, *The Voice* (Francistown, Botswana), May 6, 2008.
Court reserves judgement in Mzwinila appeal, *BOPA Daily News* (Lobatse, Botswana), April 17, 2008.

In February 2004 DNA testing unavailable at the time of Crotzer's 1982 trial excluded him as one of the assailants. Almost two years later a deluge of negative media publicity and public outrage about the continued imprisonment of a provably innocent man all but drove the reluctant prosecutors to drop the charges against Crotzer in January 2006. The 45-year-old Crotzer was released after being wrongly imprisoned for more than 24 years.

Barred from suing for meaningful compensation by Florida's sovereign immunity statute, Crotzer sought to have a claims bill filed on his behalf in the state legislature. One state representative and two state senators agreed to sponsor the claims bill. On March 24, 2008 "An Act for the Relief of Alan Jerome Crotzer" (HB 7037) was introduced in Florida's House of Representatives. Given expedited consideration, it passed two days later by a vote of 116 to 0. The bill then passed the Senate on April 3 by a vote of 33 to 5. Governor Charlie Crist signed the bill into law on April 10.

\$7.8 Million Grant For DNA Innocence Research

The U.S. Department of Justice granted \$7.8 million to five states in September 2008 to aid in detecting wrongful convictions through DNA testing. The grants were the first made under provisions of the Justice For All Act of 2004. The five states that received grants were: Arizona, Kentucky, Texas, Virginia, and Washington. Jeffrey L. Sedgwick, Acting Assistant Attorney General of the DOJ's Office of Justice Programs said about the grants: "These awards are another important step in implementing the President's DNA Initiative in an effort to protect the innocent and to bring the guilty to justice."

Arizona's grant of almost \$1.4 million is to be used in a partnership between the Arizona Attorney General's Office and the Arizona Justice Project to support a review of Arizona's inmate population to identify unresolved cases where biological evidence is present and post-conviction DNA analysis is needed to determine a prisoner's possible innocence. The AJP is the innocence project at Arizona State University's College of Law.

Source:

Department of Justice Provides States with Funding for Testing in Post-conviction Cases, Press Release by the Office of Justice Programs, US Dept. Of Justice, September 16, 2008.



Alex Sink signs agreement providing for payment of \$1.858 million to Alan Crotzer (standing).

The bill provides for the state's purchase of a \$1.25 million annuity for Crotzer's benefit. The bill also provides for 120 hours of tuition free instruction at a state career center, community college, or state university of Crotzer's choosing. To receive the benefits, the bill required Crotzer to waive any legal right to sue any state or local agency or employee related to his 1982 conviction.

On May 6 Florida's Chief Financial Officer Alex Sink signed the agreement designating the schedule of payments Crotzer was to receive from the annuity. On June 1, 2008 he received a lump sum payment of \$250,000. At the same time he also received the first payment of \$6,700 that he will receive monthly for 20 years until May 2028, when he will be 67. The total amount to be paid Crotzer is \$1,858,000.

Crotzer then filed a petition requesting a full pardon of his 1991 conviction that was retaliation for his refusal to be a "snitch" in the investigation of the guard smuggling marijuana into the prison where he was at, and a 1979 robbery conviction based on him acting as the look out when four buddies shoplifted a case of Busch Light from a convenience store. Having just turned eighteen at the time of the shoplifting incident, Crotzer described it as a stupid youthful indiscretion that resulted in him having the felony conviction that caused the police to include him in the photos looked at by the victims of the 1981 rape and abduction. Crotzer also requested expungement of his criminal records, based on a late night stop after his release. During the stop the officer grilled him about his convictions and demanded that he be allowed to search Crotzer's car.

On October 21, 2008 Florida's Executive Clemency Board considered Crotzer's petition. An attorney for the Florida Department of Law Enforcement told the Board that it didn't have the authority to expunge Crotzer's criminal record, since that authority rested with the courts. Governor Crist reacted testily to the attorney's claim, and the Board went ahead and voted to grant Crotzer the pardons and to expunge his criminal record. As of late November 2008 a legal challenge to the expungement had not been filed.

Sources:

HB 7037 - Relief of Alan Jerome Crotzer, Legislative History, <http://www.myfloridahouse.gov>
CFO Sink Signs Settlement Agreement For Alan Crotzer, *Press Release by the Florida Department of Financial Services*, May 6, 2008.
Florida Cabinet votes to expunge Crotzer's other convictions, *St Petersburg Times*, October 22, 2008.
See also a previous *JD* article: DNA Tests, Word On The Street Agree — The Alan Crotzer Story, *JD* Issue 31, Winter 2006.