

Professor Carolyn Kronenberg was beaten, raped and strangled in her Lansing Community College classroom between 8:30 and 8:40 a.m. on January 23, 2005. Police had no leads so they began questioning everyone known to be on the campus at the time of the crime. One of those people was 27-year-old LCC student Claude McCollum, who had never taken any of Kronenberg's classes. Five days after the murder he consented to be interviewed without an attorney present. McCollum seemed to make some incriminating admissions, so he was interviewed further. The next day he was charged with murdering and sexually assaulting Kronenberg.



Michigan Prosecutor Fired For Role In Claude McCollum's Murder Conviction

In August 2007 27-year-old Matthew Emmanuel Macon was arrested on suspicion of murdering six Lansing area women beginning in 2004.

McCollum's supporters began publicly demanding that Kronenberg's murder be reopened. His sister Carol told reporters, "We thought the trial was a travesty of justice, the way he was railroaded, because they had no evidence, no DNA, no nothing. When you're convicted of murder, that's supposed to be without reasonable doubt." In early September 2007 the Ingham County prosecutor's office reopened Kronenberg's case. About a week later the prosecutor and McCollum's attorney filing a joint motion for a new trial.

On October 16, 2007 McCollum was released on a personal recognizance bond pending a retrial, and a week later the prosecutor dismissed the charges. McCollum had been incarcerated for 21 months.

The Ingham County prosecutor didn't act only because the week of McCollum's release Macon made a credible confession to murdering Kronenberg. The prosecutor had also been contacted in September by the Michigan State Police that there was video evidence exonerating McCollum.

That evidence was a tape from a surveillance camera in the lobby of a LCC building other than the one where the crime occurred. The tape showed that between 7:38 a.m. and 9:36 a.m. McCollum was visible and never left the building. Since Kronenberg was killed in a different building between 8:30 a.m. and 8:40 a.m., McCollum could not have committed the crime.

Prior to McCollum's trial his prosecutor Eric Matwiejczyk and the lead detective were specifically informed of the exculpatory video by Michigan State Police Detective Sgt. James

Young. Young wrote in his March 28, 2005 supplementary report, "McCollum was visible on camera #7 (TLC lobby) during the entire time period of 7:38 a.m. and 9:36 a.m."

In the wake of the revelation that the exculpatory tape and state police report had not been disclosed to McCollum's attorneys, the Michigan Attorney General's Office began an investigation into the case.

The report was publicly released on August 19, 2008. Although the report determined Matwiejczyk's actions weren't criminal, it did conclude, "Matwiejczyk's actions and omissions may have denied McCollum a fair trial and prejudiced the administration of justice."

McCollum's attorney Hugh Clarke Jr. told reporters, "We didn't need the report to tell us that. ... It's obvious he violated the rules of ethical conduct."

One day after the report's release, Ingham County Prosecutor Stuart Dunning III announced Matwiejczyk had been fired as an assistant prosecutor.

After McCollum's release he filed a still pending federal civil rights lawsuit that named Ingham County and several prosecutors and detectives as defendants.

Sources:

McCollum gets life in prison, no parole, *The State News* (East Lansing, MI), April 13, 2006.
 Prosecutor knew video cleared McCollum, *Lansing State Journal*, February 13, 2008.
 Ingham Co. assistant prosecutor fired, *Lansing State Journal*, August 21, 2008.

There was no physical, forensic or eyewitness evidence against McCollum. During his February 2006 trial the case against him was based on his audio and videotaped statement to the police. While bantering with a team of interrogators he gave convoluted answers to hypothetical questions about what could have happened, saying at one point, "Did I do it? I could have done it, unconsciously in my sleep." Under repetitive questioning McCollum did repeat back a scenario of how the crime occurred, but McCollum's brother and Kronenberg's son separately told reporters during the trial that things he said didn't fit what they knew.

Even though the prosecution's forensic expert testified that foreign DNA under Kronenberg's fingernails was not from McCollum, the jury convicted him after a ten-day trial. During the hearing when he was sentenced to life in prison without parole McCollum told the judge that he did not commit the crime. As he was being led out of the courtroom friends and family members disbelieving he was guilty hollered to him, "We love you," "It's not over," and "We know the truth will come out."

Payments cont. from page 18

When asked by the *Las Vegas Sun* about paying witnesses before trial, DA David Roger said that Clark County prosecutors have been doing it for at least 22 years.

However, prosecutors have not been disclosing the witness payments, and thus defense lawyers have not known to cross-examine a witness about having a possible ulterior financial motive to testify against a defendant.

Nevada ACLU Executive Director Gary Peck said about the payment practice, "We are especially concerned about the failure to disclose, which we believe is a legal obligation."


Nevada law specifically allows the payment of \$25 to a witness for testifying during trial. In defending its witness interview payments, the DA's office is arguing the law also applies to pretrial witness interviews — but there is no such language in the law, and there has never been a court case extending authorization to make the payments.

It is unknown what effect the Clark County DA's failure to disclose the payments may have on the cases of persons convicted by the testimony of a secretly paid witness.

Source:

Controversy erupts over prosecutors paying witnesses for interviews, *Las Vegas Sun*, February 13, 2009.

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