

## Maxwell cont. from p. 5

low inmates. That method—for which Storch became famous—was precisely the one that Maxwell alleges Storch employed in this case. Storch’s method to “book” an inmate was to gain physical proximity to a high-profile defendant, get information about the case from the media, usually a newspaper, and then call the District Attorney or law enforcement and offer to testify.

...  
In sum, Storch perjured himself multiple times at Maxwell’s trial and employed a signature method to “book” fellow inmates. Furthermore, Storch had a chronic pattern of dishonesty that both predated and followed Maxwell’s trial.

...  
Here, Storch lied about Maxwell’s confession in order to reduce his own jail time. Storch went on to testify for the prosecution, and to lie, in numerous other cases. He became one of Los Angeles County’s most infamous jailhouse informants and he operated at the height of the County’s jailhouse informant scandal. ... We conclude, based on the record before the state court, that it was an objectively unreasonable determination of the facts to find that Sidney Storch was telling the truth at Maxwell’s trial in 1984.

...  
Storch was the “make-or-break” witness for the State. Storch’s testimony was the centerpiece of the prosecution’s case. ... In deciding whether to file murder charges against Maxwell, the prosecu-

tion itself acknowledged in internal written notes that were discovered during the evidentiary hearing that its case was “weak from an evidential standpoint.”

...  
Because there is a reasonable probability that Storch’s perjury affected the judgment of the jury, we must reverse the denial of Maxwell’s habeas petition as to this claim.

### C. *Brady* violation

Next, Maxwell argues that the prosecution violated his due process rights under *Brady*, 373 U.S. at 87, when it failed to disclose material evidence about Sidney Storch.

...  
Here, the prosecution itself admitted that the evidence against Maxwell was weak, that Maxwell had consistently maintained his innocence, ... Storch’s testimony was crucial to the prosecution’s case. The prosecution failed, however, to disclose multiple pieces of critical impeachment information that could have been used to undermine the credibility of Storch.

...  
Because Storch’s testimony implicating Maxwell was critical to Maxwell’s conviction, the jury’s assessment of Storch’s credibility was crucial to the outcome of the trial. ... The prosecution’s failure to disclose this impeachment evidence undermines confidence in the outcome of Maxwell’s trial, and the California Supreme Court’s decision to the contrary was an unreason-

able application of *Brady*.

### Conclusion

Storch was one of the most infamous jailhouse informants in Los Angeles history. ... Storch had a propensity to go after high profile cases. The “Skid Row Stabber” case would have been just such a case, and Storch’s testimony at Maxwell’s trial is a textbook example of the “booking” method that Storch helped make famous. ... Because the State convicted Maxwell on the basis of false and material evidence in violation of his due process rights, we direct the district court to grant Maxwell *habeas* relief on this claim. We further conclude that the prosecution withheld material evidence in violation of *Brady*.

We reverse the district court’s judgment and remand with directions to grant a writ of habeas corpus directing the state to provide Maxwell with a new trial in a reasonable amount of time or to release him.

As of late January 2011 the LA County DA hasn’t announced whether Maxwell will be retried or the charges against him dismissed.

### Sources:

*Bobby Joe Maxwell v Roe*, No. 06-56093 (9th Cir. 11-30-2010)

“Appeals court overturns murder convictions of alleged L.A. serial killer,” *Los Angeles Times*, December 1, 2010.

## Man Framed By Corrupt St Louis Cop Released After 12 Years Imprisonment

St. Louis police officer Vincent T. Carr pled guilty in February 2009 to five federal felony charges: obstruction of justice and two counts each of conspiracy to commit wire fraud and making false statements. The charges were related to the indictment of Carr and his partner Bobby Lee Garrett in December 2008 for planting evidence, stealing cash and falsifying court documents, lab forms and police reports against suspected drug users and dealers.

Carr was sentenced in to a year in federal prison in October 2009 and released in October 2010. Garrett pled guilty to six felony charges in August 2009 and was sentenced to 28



Vincent T. Carr in February 2009. (David Carson, St. Louis Post-Dispatch)

months in federal prison. A previous partner of Garrett’s, Leo Liston, also pled guilty to federal charges and was sentenced to three months in federal prison in September 2009.

During the federal investigation of Carr it was discovered that Stephen Jones had been convicted by a jury in 1998 of a federal drug charge based on the evidence of Carr’s testimony. There was no other evidence linking Jones to the crime. With Carr’s credibility destroyed because of his admission in court that he framed people, the U.S. Attorney’s Office moved to vacate Jones’ conviction.

On November 10, 2010, Stephen Jones’ conviction was vacated by U.S. District Court Judge Carol E. Jackson, and he was ordered immediately released from a federal prison in Mississippi after 12 years of wrongful imprisonment.

Source:  
“Judge frees St. Louis man imprisoned on testimony of corrupt ex-cop,” *St Louis Post-Dispatch*, November 10, 2010.

## Man Illegally Imprisoned Has Escape Conviction Tossed

In April 2009 Christopher O’Connor’s sentence had expired but the officials at his English prison didn’t release him. So he escaped. After his capture he was tried and given a five-month sentence for the crime of escaping from custody.

O’Connor appealed and on November 16, 2010, England’s Criminal Court of Appeals overturned his conviction. The Court ruled that a person cannot be held criminally liable for escaping from custody that is not legal. Since O’Connor’s sentence had expired he wasn’t in legal custody so he couldn’t commit the crime of escaping from prison.

### Source:

“Man jailed for escaping custody has conviction quashed,” *The Sentinel* (Staffordshire, UK), November 18, 2010.