

Ten transients were killed in similar fashion in Los Angeles from late 1978 to early 1979. The media dubbed the killer as the “Skid Row Stabber.” The Los Angeles Police Department was under a lot of pressure to solve the crimes, and the LA District Attorney’s Office was under a lot of pressure to get a conviction.

In April 1979 Bobby Joe Maxwell was in the Los Angeles County Jail on an unrelated misdemeanor when he was charged with the murders. After 4-1/2 years awaiting trial, Maxwell’s trial began in January 1984.



Bobby Joe Maxwell before his 1979 arrest.

The prosecution’s evidence against Maxwell was circumstantial with the exception that police informant Sidney Storch testified that Maxwell confessed to the murders while they shared a cell at the LA County Jail. The jury convicted Maxwell of two murders, acquitted him of three murders, and they couldn’t agree on a verdict for the other five murders.

Maxwell was sentenced to two concurrent terms of life in prison without the possibility of parole. In exchange for his testimony Storch was released from custody one year and eight months early.

Maxwell’s direct appeal was denied and he filed a state *habeas corpus* petition in 1991. His key issues were that Storch falsely testified at his trial and that the prosecution failed to disclose their deal to reduce Storch’s sentence in exchange for his testimony. An evidentiary hearing was held in the Los Angeles County Superior Court, and in February 2000 the Court issued its ruling that while Storch was “an established liar” he had not lied at Maxwell’s trial. After the California Supreme Court denied Maxwell’s petition in December 2001 he filed a federal *habeas corpus* petition in 2002.

The U.S. District Court judge denied Maxwell’s petition in May 2006. Although the judge ruled that the prosecution knowingly used Storch’s perjured testimony, he ruled that Maxwell wasn’t prejudiced by Storch’s testimony, and since it wasn’t material to his conviction the prosecution didn’t violate his due process rights by failing to disclose their deal with Storch.

Maxwell appealed to the Ninth Circuit Court of Appeals, which on November 30,

Bobby Joe Maxwell’s 1984 Murder Convictions Based On Jailhouse Snitch Perjury Tossed By Federal Appeals Court

By Hans Sherrer

2010, overturned his murder convictions and ordered his retrial. *Bobby Joe Maxwell v Roe*, No. 06-56093 (9th Cir. 11-30-2010) The Ninth Circuit’s 41-page opinion is important because it documents that the Los Angeles County District Attorney’s Office knowingly used Storch’s perjured testimony to prop up its case against Maxwell that otherwise consisted of speculation that he might possibly have committed the murders.

Bobby Joe Maxwell was arrested in 1979, and jailed for 4-1/2 years before his 1984 trial, so he has been incarcerated more than 31-1/2 years for murders that there is no credible evidence he committed. Maxwell is 60 years old, so he has spent more than half his life publicly branded as the “Skid Row Stabber” while the actual murderer was never apprehended.

The Los Angeles County District Attorney’s Office knowingly used Storch’s perjured testimony to prop up its case against Maxwell that otherwise consisted of speculation that he might possibly have committed the murders.

The following are excerpts from the 9th Circuit’s opinion in Maxwell’s case:

Maxwell’s conviction was based in large measure on the testimony of the jailhouse informant Sidney Storch. ... Sidney Storch had a long and public history of dishonesty, starting with his discharge from the U.S. Army in 1964 for being “a habitual liar.”

...In 1983, Storch was arrested by the Los Angeles Police Department for, among other crimes, impersonating a Central Intelligence Agency (“CIA”) officer and Howard Johnson, the son of the well-known Howard Johnson hotel chain. At the time he was apprehended and placed in a cell with Maxwell, Storch was in possession of a false California driver’s license, forged checks, and stolen credit cards. The detective who arrested Storch ... testified that he “would not trust anything Sidney Storch said unless you could corroborate the information with some source.”

Following Storch’s 1983 arrest, ... Storch ... independently negotiated a sixteen-month prison term, almost two years less than the deal his public defender had been able to secure for him. In exchange for his reduced prison term, Storch agreed to testify for the prosecution at Maxwell’s trial.

Storch testified at Maxwell’s trial in 1984. Thereafter, Storch testified for the Los Angeles County District Attorney’s Office in no less than six cases, several of them high-profile. By 1985 or 1986, Storch was classified as an informant or “K-9” and was housed in the K-9 module, otherwise known as “informant’s row.”

By 1988, however, Storch’s informant days were over. Storch was caught fabricating lies as he testified for the prosecution in the unrelated case; as a result, he was marked by the Los Angeles County District Attorney’s office as unreliable and unusable and was later indicted for perjury.

B. Due Process Concerns

Maxwell argues that his due process rights under the Fourteenth Amendment were violated when he was convicted on the false material testimony of jailhouse informant Sidney Storch. In particular, Maxwell alleges that the Superior Court’s factual determination that Storch testified credibly at Maxwell’s trial was an unreasonable determination of the facts and that admission of Storch’s false testimony prejudiced his case.

First, it is undisputed that Storch told numerous lies at Maxwell’s trial.

Storch also misrepresented his sophistication and experience as a jailhouse informant at Maxwell’s trial. In particular, Storch testified at trial that he had never testified for the district attorney’s office before.

Storch did indeed have a history of working as an informant and “booking” other criminals. It is undisputed that in at least one such instance, Storch went so far as to suggest that fake checks be planted on an individual in order to “book” him.

Storch not only had an established history of working as an informant by the time of Maxwell’s trial, but he also had a signature *modus operandi* for “booking” fel-

Maxwell cont. on p. 6

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.