

Reginald Griffin's 1988 Murder Conviction Based On Jailhouse Snitch Testimony Overturned By Missouri Supreme Court

The Missouri Supreme Court vacated Reginald Griffin's 1988 murder conviction on August 2, 2011. Griffin's conviction in the 1983 murder of James Bausley was based on the testimony of two jailhouse informants whose trial testimony is now discredited.

Minutes after Bausley was fatally stabbed in the chest in the prison yard near the gymnasium at the Missouri Training Center for Men in Moberly guards confiscated a sharpened screwdriver from inmate Jeffrey Smith as he attempted to leave the area where Bausley was stabbed.

Smith was placed in administrative segregation and for possession of the screwdriver he was convicted of "unlawful use of a weapon."

A homemade knife was found about 20 feet from Bausley's body.

During the investigation of Bausley's murder inmates Paul Curtis and Wyvonne Mozee told investigators that they saw Reginald Griffin stab Bausley. Although there was no physical or forensic evidence linking Griffin to the murder or the knife, and other inmates stated Griffin was not in the area where the crime took place, Griffin was charged in 1987 with Bausley's murder.

The prosecution's case was based on the eyewitness testimony of Curtis and Mozee (who died prior to trial so his preliminary hearing testimony was read into the record), and the prosecutor's argument that the knife discovered on the roof could have been the murder weapon because it presumptively tested positive for blood on the blade. Griffin's defense was that he wasn't in the area of the murder, and an inmate testified as a defense witness that he saw someone running from Bausley's body and it wasn't Griffin. The jury convicted Griffin in 1988 of first-degree murder and he was sentenced to death.

The jury acquitted inmate Arbury Jackson who was charged with the murder for allegedly assisting Griffin.

Griffin's conviction was affirmed in 1993 by

the Missouri Supreme Court. However, the Court overturned his death sentence after he had been on death row for five years, because to secure his sentence the prosecution relied on the criminal record of a different man named Reginald Griffin. (*State v. Griffin*, 848 S.W.2d 464, 471 (Mo. banc 1993)) Griffin was later re-sentenced to life imprisonment without the possibility of parole.

More than a decade later Griffin discovered his prosecutors had failed to disclose the evidence that Smith had been found with a screwdriver in the area of Bausley's death. Griffin had also obtained significant new evidence that included Curtis recanting his trial testimony. Griffin obtained an affidavit that Curtis did not witness the stabbing and that another inmate, Doyle Franks, confessed to the murder. Griffin also obtained an affidavit from an inmate that at the time of the stabbing he was in the law library with Mozee.

In 2005 Griffin filed a writ of habeas corpus based on the prosecution's Brady violation of failing to disclose the evidence implicating Smith as the possible murderer, and the new evidence impeaching the trial testimony of Curtis and Mozee. An evidentiary hearing was held during which Franks confessed to murdering Bausley and that Griffin wasn't involved. Jackson testified during the hearing that Griffin was not in the prison yard when Bausley was murdered, and that he saw Franks and Smith both produce weapons near Bausley immediately before he was killed. Curtis testified that he didn't witness the stabbing and that he provided a false statement and testimony during Griffin's trial in exchange for obtaining a transfer to another prison.

The circuit court denied Griffin's petition.

Griffin appealed to the Missouri Supreme Court, and on August 2, 2011 the Court *en banc* granted his writ of *habeas corpus* and vacated his conviction. (*Griffin v Denny*, No SC91112 (MO Sup Ct 8-2-2011)). The Court's majority opinion states in part:

The State suppressed the fact that prison guards confiscated a sharpened screwdriver from inmate Smith just minutes after Bausley was stabbed. A prison guard reported that a sharpened screwdriver was confiscated from inmate Smith, Smith was placed in administrative segregation for possessing the sharpened screwdriver, and the State successfully prosecuted Smith for possessing the screwdriver. The State was obviously aware of the evidence yet did

not disclose it to Griffin.

Griffin has established prejudice. The present state of the evidence in this case shows that there are at least five substantial post-trial developments that raise serious doubts regarding the factual accuracy of Griffin's conviction.

There is no physical evidence connecting Griffin to the weapon found in the gymnasium. There is no physical evidence demonstrating any contact between Griffin and Bausley. Instead, Griffin's continued incarceration for Bausley's murder is premised on the recanted testimony of inmate Curtis and the impeached testimony of deceased inmate Mozee. Overlaying the entire case is the revelation that the State failed to disclose evidence that tended to implicate Smith, impeach Curtis and Mozee, and bolster the trial testimony of inmate Rogers, who maintained that the inmate fleeing the crime scene was not Griffin.

In light of these circumstances, Griffin's conviction is no longer "worthy of confidence." Because Griffin has shown that the nondisclosure of the Smith evidence was prejudicial for *Brady* purposes, he has also established the "prejudice" necessary to overcome the procedural bar to granting him habeas relief. Accordingly, Griffin's conviction for the murder of James Bausley is vacated.

The Court ordered the 50-year-old Griffin's release within 60 days unless the State decided to retry him. However, with one of the prosecution's eyewitnesses now on record that he didn't witness the murder, the credibility of the other eyewitness impeached by new evidence he didn't witness the murder, and a confession by the actual murderer, the State has no evidence Griffin committed the crime, while all the evidence supports that he is actually innocent of Bausley's murder. However, in April 2012 the Randolph County prosecutor's office refiled the charges against Griffin and he awaits his retrial.

Sources:

[Griffin v Denny](#), No SC91112 (MO Sup Ct August 2, 2011)

[Reginald Griffin](#), Convicted Murderer, Gets Sentence Overturned -- 25 Years Later, *Riverfront Times* (St Louis, MO), August 2, 2011

[Murder Charges Reinstated](#) Against Reginald Griffin, *Moinfo.com*, April 16, 2012



Reginald Griffin
(MO DOC)