

## Gyronne Buckley Awarded \$460,000 For 11-1/2 Years Imprisonment For Drug Frame-Up

Gyronne Buckley [has been awarded](#) \$460,000 by the Arkansas State Claims Commission for 11-1/2 years of imprisonment for a drug conviction that was the result of a frame-up by Arkansas' South Central Drug Task Force.

Buckley was convicted on May 27, 1999 in Clark County, Arkansas of two counts of delivery of a controlled substance -- crack cocaine. Key evidence against him was provided by police informant Corey Livsey, who testified he bought \$40 worth of crack cocaine from Buckley on January 12 and 13, 1999. In exchange for his testimony shoplifting charges were dropped against Livsey. Another key witness was Keith Ray, an agent with the South Central Arkansas Drug Task Force, testified he provided the money to Livsey and inventoried the cocaine he bought from Buckley.

Buckley testified in his defense, denying he sold crack to Livsey, and that on January 13 he never even saw Livsey.

The jury convicted Buckley after a two day trial. The judge sentenced him to two terms of life in prison, and ordered they be served *consecutively* -- even though Buckley had no prior arrest or drug offense conviction.

In 2000 the Arkansas Supreme Court affirmed Buckley's convictions, but vacated his sentences and remanded him for resentencing. Buckley's trial judge then resentedenced him to 56 years in prison (two *consecutive* 28-year prison terms).

Buckley filed post-conviction petitions and the existence of a videotaped pre-trial interview of Livsey was disclosed by a police officer's testimony during an evidentiary hearing in August 2005. The Clark County DA and the Arkansas Attorney General refused to turn over the videotape to Buckley's attorney, who was unsuccessful in getting either the Clark County Circuit Court or the Arkansas Supreme Court to order disclosure of the videotape. In 2008 Buckley filed a federal writ of habeas corpus, and filed a "Motion for Production of Physical Evidence." In February 2009 -- almost four years after Buckley learned of the videotape's existence -- the federal judge ordered Arkansas' Attorney General to provide Buckley with a copy of Livsey's



Gyronne Buckley on December 13, 2013 when his claim was heard by the Arkansas Claims Commission (KTHV-TV, Little Rock, AR)

videotaped interview.

Buckley's lawyers learned from viewing the tape that Livsey did not know many of the details he subsequently testified about during Buckley's trial, and that Agent Ray extensively coached

Livsey about what he 'got wrong.' The videotape not only impeached the credibility of Livsey's testimony, but it supported that his "handler" -- Agent Ray -- had not only coached Livsey to commit perjury, but he also committed perjury during his testimony.

Based on the new videotape evidence Buckley's lawyers sought to add to his federal habeas claims, which was opposed by Arkansas' AG on the ground Buckley needed to first exhaust his new claims in state court. In February 2010 the federal judge ordered abeyance of Buckley's federal habeas so the Arkansas Supreme Court could consider his new claims. In his order [the federal judge](#) "found that Buckley had identified some thirty-eight specific points during the taped interview which would have afforded trial counsel additional opportunities to impeach Livsey on cross-examination at trial."

After Buckley returned to state court a special prosecutor was appointed to replace the Attorney General's Office as the state's lawyer. The special prosecutor conceded Buckley's factual claim was accurate that the prosecution had violated his right to due process by failing to disclose the exculpatory videotape to his trial lawyer. On November 1, 2010 the charges were dismissed and Buckley was released after 11-1/2 years of wrongful imprisonment.

Prior to his release he had been denied executive clemency first by Arkansas Governor Huckabee and then by Governor Beebe, even though he had three favorable recommendations by the Arkansas Post Prison Transfer Board.

Buckley filed a claim for compensation with the Arkansas State Claims Commission. The Commission held a hearing on December 13, 2013 during which the State Attorney General's Office opposed Buckley's claim on the basis the violations of his constitutional rights didn't justify compensation. The AG's argument ignored that in August 2006 the Claims Commission [unanimously found](#) the State liable to pay Rod-

ney Bragg \$200,000 for five years of incarceration. Bragg was exonerated in 2000 after being convicted of delivery of a controlled substance in 1996 and sentenced to 40 years in prison, based on his frame-up by Agent Keith Ray. Ray used the same tactics to frame Bragg that he used several years later to frame Buckley.

On December 17 the Claims Commission announced its unanimous 5-0 decision awarding Buckley \$460,000. The [Claims Commission's ruled](#): "In the current claim there was irrefutable evidence that a videotaped interview with an informant was never disclosed to (Buckley's) legal counsel before (his) trial and conviction occurred. The existence of the tape was, likewise, never disclosed to the prosecuting attorney."

Brenda Wade, Administrative Analyst with the Arkansas State Claims Commission, told Justice Denied on December 20 the Commission's five members unanimously voted to grant Gyronne Buckley's claim because it was "pretty cut and dried" his wrongful conviction qualified him for compensation from the State of Arkansas. Wade said the Commission's ruling will be publicly available on its website about the middle of January 2014.

Before his exoneration the Arkansas Supreme Court made six separate rulings in his case from 2000 to 2010. Buckley's path to exoneration was so tortuous that University of Arkansas Professor of Law J. Thomas Sullivan [wrote an article](#) for the *Arkansas Law Review* describing it in detail that is titled, "Brady-Based Prosecutorial Misconduct Claims, Buckley, and the Arkansas Coram Nobis Remedy," (561 *Arkansas Law Review* 64). Professor Sullivan intimately knows the details of Buckley's case because he began working *pro bono* on his case in 2005, and he was instrumental in his exoneration and the Claims Commission's compensation award.

The Arkansas State Claims Commission's website is at, [www.claimscommission.ar.gov](http://www.claimscommission.ar.gov).

Source: [Man awarded \\$460,000](#) in wrongful conviction claim, *Arkansas News*, December 17, 2013

[Man wants \\$400,000 from the state](#) after wrongful drug conviction, *KTHV Television* (Little Rock, AR), Dec. 13, 2013

[Arkansas State Claims Commission](#) website

[Arkansas State Claims Commission](#), Docket for Dec. 12 & 13, 2013

"[Brady-Based Prosecutorial Misconduct Claims](#), Buckley, and the Arkansas Coram Nobis Remedy," (561 *Arkansas Law Review* 64)

[Buckley v. State](#), 20 SW 3d 331 (Ark. Sup. Ct 2000)

