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Conviction in 1984 South Pasadena murder overturned

A former Glendora High football star got 25 years to life in the slaying. A judge faults detectives for failing to turn over evidence pointing to a possible other suspect.



Frank O'Connell, who insists he had nothing to do with the fatal shooting of a South Pasadena maintenance man, is shown in court last summer. (Irfan Khan, Los Angeles Times / July 14, 2011)

By Jack Leonard, Los Angeles Times

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A Los Angeles County judge has overturned a 1985 murder conviction in the fatal shooting of a maintenance man in South Pasadena, finding that sheriff's detectives failed to disclose records pointing to another possible suspect and may have improperly influenced witnesses.

Superior Court Judge Suzette Clover made the ruling after the prosecution's key witness recanted, telling the judge at a hearing that he never got a good look at the killer and felt

pressured to make a positive identification after tentatively identifying Frank O'Connell as the gunman during a photo lineup.

O'Connell, whose conviction was based largely on eyewitness testimony, has maintained that he had nothing to do with the killing.

"It's been a long time coming," said Verna Wefald, one of his attorneys. "Until you step into somebody else's shoes and live that nightmare, it's impossible to imagine how a person endures."

O'Connell, a former Glendora High School football star, was sentenced to 25 years to life for the murder of Jay French, who was gunned down Jan. 5, 1984, in a carport area of the State Street apartment complex where he lived and worked.

As he lay fatally wounded, French told two police officers that he didn't know the killer but that the gunman had been in a yellow Ford Pinto. The dying man also told his wife that the killer looked like someone who associated with his ex-wife, whom he had been fighting in court over custody of their young son.

Detectives linked O'Connell to the shooting after learning that he had recently had a romantic relationship with the victim's ex-wife. He also matched the description from witnesses of a tall, slender blond gunman.

A tenant in the apartment complex, Daniel Druecker, had seen the shooting and identified O'Connell as the gunman from a photo lineup. Druecker's testimony was the linchpin of the case against O'Connell, and he testified that he was sure O'Connell was the killer.

But last summer, Druecker returned to the same Pasadena courtroom where O'Connell had been convicted more than a quarter century ago. Facing him, on either side of the audience, were the families of French and O'Connell — just as they had been for the trial.

Druecker testified that he had barely caught a glimpse of the gunman's profile and had not been wearing his glasses. He felt pressured and intimidated by the investigators and the justice system, he said, so never admitted that he really didn't know whether O'Connell was the man he had seen.

"I felt that I couldn't back out," he told the court. "I ruined a man's life."

The district attorney's office argued that Druecker's recantation was unreliable and denied that investigators pressured him.

Prosecutors noted that Judge Sally Disco — who convicted O'Connell after he opted for a trial before a judge instead of a jury — found the case against him to be "overwhelming." Among the evidence she highlighted was a police sketch of the gunman based on Druecker's description that she said bore a "striking resemblance" to O'Connell.

But in her ruling last week, Clover described the sheriff's identification procedure with Druecker as "suggestive" and faulted detectives for not turning over notes from their investigation. Those notes showed that a neighbor of the ex-wife who testified that he had seen O'Connell driving a yellow Pinto station wagon had failed to positively identify O'Connell from a photo lineup.

The same sheriff's notes also revealed that another boyfriend of the victim's ex-wife was suspected of trying to kill French four years earlier. That man was described as tall with sandy or blond hair.

Clover ruled that the detectives' notes probably would have changed the outcome of O'Connell's trial had they been turned over to the defense. The judge also cited several sworn declarations presented by O'Connell's defense from people who said the victim's ex-wife confessed to being involved and said O'Connell was innocent.

Prosecutors could appeal the ruling or retry the case. A retrial appears unlikely given Druecker's recantation. A district attorney's spokeswoman said the office will announce its plans at a court hearing April 17. Until then, O'Connell remains in prison.

French's older sister, Jolene Cordova, said her family was disappointed with Clover's decision and believes that O'Connell was responsible for the killing. Cordova said that the case had been thrown out on a "technicality" and that the victim's family blames investigators for not ensuring that the case was airtight back in the 1980s.

"If they had done their job better in 1985, we wouldn't be here today," she said. "It's like reliving it all over again."

Kate Germond, the director of the nonprofit Centurion Ministries, which advocates for

the release of inmates it contends were wrongfully convicted, said Clover's ruling struck at the heart of the prosecution's case. Germond, who investigated O'Connell's case for about 15 years, said her client learned about the ruling on Tuesday.

"He's in a complete and utter state of shock," she said. "We know Frank O'Connell is innocent."

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