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Man convicted of murder who proclaimed his innocence to be freed

Frank O'Connell spent more than 25 years in prison for the 1984 shooting of a South Pasadena man. A judge found that his right to a fair trial had been violated when exculpatory evidence wasn't disclosed at his original trial.

By Jack Leonard, Los Angeles Times

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On Friday, an L.A. County Superior Court judge overturned Frank O'Connell's conviction. (Irfan Khan, Los Angeles Times / April 20, 2012)

Frank O'Connell sat in the same Pasadena courtroom where more than a quarter of a century ago he was sentenced to life in prison for a murder he insists he did not commit.

In front of him, a new judge on Friday delivered the words he had long awaited: He could go free on bail.

Behind him, his relatives sobbed with relief. His lips trembling and with tears in his eyes, O'Connell turned to look at his son, who was just 4 when a judge convicted him of gunning down a maintenance man at a South Pasadena apartment complex.

Nearby, O'Connell's mother blew kisses at him. Then he was embraced by one of the attorneys on a legal team that had worked for 15 years to win his freedom.

"I'm going home," said a still-handcuffed O'Connell as he walked past photographers in the packed courtroom.

The scene capped an emotional hearing that followed L.A. County Superior Court Judge Suzette Clover's decision last month that O'Connell should receive a new trial. The judge found that sheriff's detectives during his first trial had failed to disclose evidence pointing to another possible suspect and may have improperly influenced witnesses.

On Friday, Clover repeated that O'Connell's right to a fair trial had been violated in 1985 when the "evidence was withheld from both the [prosecution] and the defense that goes directly to the issue of Mr. O'Connell's guilt or innocence." Back then, O'Connell had opted for a judge to determine his guilt rather than a jury, and the evidence that was used to convict him "has now been, to some degree, called into question," Clover said.

Over the objections of the district attorney's office, which had argued that the conviction should stand, the judge set O'Connell's bail at \$75,000 — the same amount as during his original trial.

"I'm just on cloud nine," said his mother, Rosemarie, as her family waited in hopes of his quick release. "I've always known that he's innocent.... I'm going to hug him. I'm going to not let him go."

Prosecutors, however, are still reviewing whether there is enough evidence to retry O'Connell for the shooting of Jay French. French's relatives attended Friday's court hearing with photos of him smiling with his own son on his lap.

They said they believed O'Connell was guilty and hoped prosecutors would retry the case. The district attorney's office is expected to announce a decision by May 18.

"He's going to be out, but Jay's gone," said French's niece, Gina DeVito

French's wife, Gina French, rushed to his side shortly after the gunshots on Jan. 5, 1984. She recalled on Friday how her dying husband told her that he believed his ex-wife, Jeanne Lyon, had something to do with the shooting. Lyon and French were embroiled in a bitter custody battle over their son, Jay Jr.

Then pregnant with the victim's son, Gina French attended Friday's hearing with the boy, Bryan, now 27.

"The pain will never stop," she said.

O'Connell's family expressed sympathy for French's relatives but said they had lost O'Connell for nearly three decades as a result of his wrongful conviction.

"Our nightmare is over, but theirs is not," said one of O'Connell's sisters, Kathy Baker. "You only dream about this day, but you never believe it will happen."

Detectives focused on O'Connell as a suspect after learning that he had recently had a romantic relationship with the victim's ex-wife, who was never charged in the case and denied any involvement in the killing. O'Connell, a former football star at Glendora High School, also matched the description from witnesses of a tall, slender blond gunman.

The prosecution's star witness was Daniel Druecker, a tenant in the State Street apartment complex where the shooting occurred. Druecker identified O'Connell as the gunman from a photo lineup and testified that he was sure O'Connell was the killer.

At the trial, Judge Sally Disco described the case against O'Connell as "overwhelming." Among the evidence she highlighted was a police sketch of the gunman based on Druecker's description that Disco said bore a "striking resemblance" to O'Connell. She sentenced him to 25 years to life.

But O'Connell never wavered in maintaining his innocence. His cause was eventually taken up by Centurion Ministries, a nonprofit organization that advocates for the release of inmates it contends were wrongfully convicted.

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

In her ruling, Clover described the sheriff's identification procedure with Druecker as "suggestive" and faulted detectives for not turning over notes from their investigation. Those notes 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.

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. Lyon, the victim's ex-wife, could not be reached for comment.

O'Connell posted bail but had yet to be released as of Friday night.

Another of his sisters, Libby Carrasco, said he planned to bring his mother flowers and chocolates, go to the beach and Disneyland, and visit the grave of their father, who died in 1994.

"It's unbelievable," she said. "I can't wait to hug him."

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Times staff photographer Irfan Khan contributed to this report.

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