

After falsely serving 19 years, Danny Brown is home

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For almost two decades, Danny Brown hadn't walked outside a prison without his wrists being shackled and armed guards at his side.

Yesterday, he emerged alone and unchained from the Lucas County jail into the pale afternoon sunshine shortly after a judge granted him a new trial for a murder he's been imprisoned for since 1981.

A chorus of "hallelujahs" rained down from about two dozen friends and family members who waited for his release at the back door of the jail. Before he could take his first two steps of freedom, his mother, Fannie Brown, swept him into her arms.

Mr. Brown, 45, seemed slightly embarrassed but appreciative as people took turns hugging him and shaking his hand.

"I'd say this is a little liberating, but it's not completely liberating because the shackles are always there because the experience is there," Mr. Brown said outside the jail. "I have to get over that before I can feel that type of elation."

He was released in the wake of a polygraph test he took Wednesday that indicated he wasn't lying when he said he didn't kill Bobbie Russell, a woman he had a casual relationship with for a few months before her death. That, paired with a DNA test that proved he wasn't the man who raped her, led Lucas County Prosecutor Julia Bates to not oppose a defense motion for a new trial.

"If you're the state, your client is the public, so your job is to make sure the innocent aren't convicted and the guilty don't escape punishment," Mrs. Bates said after the hearing.

Mr. Brown's release does not mean his involvement with the judicial system is over. Mrs. Bates said her office is working to find Jeffery Russell, Miss Russell's son, who witnessed his mother's attack when he was 6 years old. She said the decision about whether the case can or should be tried again will be made after further investigation.

His next court appearance is a pre-trial conference June 11.

In the meantime, Lucas County Common Pleas Judge Charles Doneghy said Mr. Brown can remain free on a supervised bond. The decision to grant a new trial means Mr. Brown goes back to being charged with Miss Russell's murder. The case will either be prosecuted again or dismissed.

Despite the polygraph and DNA results, Mrs. Bates hasn't fully signed onto the notion of Mr. Brown's innocence because Jeffery told the police at one point that two people were in the Birmingham Terrace apartment when his mother was attacked on Dec. 5, 1981. Prosecutors theorize that Mr. Brown could have been there even if he wasn't the man who raped Miss Russell, who was beaten and strangled with an electrical cord from a nearby Christmas tree.

The problem with the two-man theory, however, is that Jeffery, in two separate court appearances, said only Mr. Brown was in the apartment. Based on the boy's story and later his testimony, Mr. Brown was arrested within days of the murder and was convicted in 1982.

Jon Richardson, Mr. Brown's attorney at his original trial and for the latest court action, said he thinks the case is over. He said barring the discovery of some new evidence that would prove his client's guilt, he doesn't think a 20-year-old case based primarily on the testimony of someone who was 6 years old at the time of the murder could be prosecuted successfully.

"To see the system fail is devastating, but to watch it correct itself is a great relief," Mr. Richardson said. "I was there when Danny went in and it feels great to be a part of it now that he's coming out."

It was Mr. Richardson's idea to search for evidence from Miss Russell's rape that could be used for DNA testing. He credits Mrs. Bates and Lucas County Common Pleas Judge Ruth Ann Franks, a former assistant county prosecutor who tried Mr. Brown's case, for helping find the evidence and getting it tested.

Mr. Brown also was assisted by Toledo defense attorney Jeffrey Gamso and James McCloskey, founder of Centurion Ministries, a New Jersey-based organization that tries to free prisoners he believes were wrongly convicted of murder. In 20 years, Centurion has helped free 23 people.

"It never gets old," Mr. McCloskey said. "It's like giving birth to a new baby. This is the Easter week and this is the week of resurrection and new life. Danny was among the living dead for 20 years, but now he's alive and he's home with his loving family where he belongs."

Mr. Brown's family was on his mind as he filled out the paperwork necessary for his release. He said one of the first things he would do after getting out of jail yesterday was to visit the grave of grandmother, Wadie Pettaway, who died while he was in prison.

Other than that, Mr. Brown said he would spend time getting reacquainted with his family and looking for a job.

He said he'll try not to dwell on the past, but knows it will be impossible to forget. "I'm not without bitterness - I'd be a liar if I said that," Mr. Brown said. "But, at the same time, I can deal with that and I have to go on."
