

# Los Angeles Times

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Tuesday, March 11, 2008

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## After 25 years, new hope for inmate

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A Los Angeles judge on Monday overturned the conviction of a man who has spent the last quarter-century in prison for a murder he insists he did not commit, concluding that the prosecution's star witness lied.

The ruling comes after the witness recently recanted his testimony and could lead to freedom for Willie Earl Green, a former chauffeur who was sentenced to 33 years to life in a 1983 execution-style slaying at a South Los Angeles crack house.

Los Angeles County prosecutors must decide whether to appeal the decision, retry Green or free him. Considering the judge's conclusion that the star witness was unreliable, prosecutors would probably have a difficult task if they chose to retry the case.

Legal experts say that the case underscores the perils of relying heavily upon eyewitness identification in criminal trials. Researchers have found that faulty identifications are the

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## Long effort to void term in killing

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biggest factor in wrongful convictions. Yet judges rarely overturn convictions based on allegations of improper identifications.

During his two-decade quest for a new trial, Green won the support of the forewoman of the jury that convicted him and the legal backing of Centurion Ministries, a nationally known group that advocates the release of the wrongfully convicted.

The ruling "has quenched Willie Green's almost 25-year thirst for justice, and we are thrilled by the judge's courageous decision," said Centurion's executive director, Jim McCloskey, who investigated Green's case and pressed for a retrial. "I can't wait to tell Willie."

In his written decision, Los Angeles County Superior Court Judge Stephen A. Marcus stopped short of declaring Green factually innocent. But Marcus concluded that Green's attorneys had found important new evidence that probably would have swayed jurors when evaluating the credibility of the trial's sole eyewitness, Willie Finley.

Among the judge's findings: Finley lied when he said he wasn't high on cocaine when the murder occurred; his vision was impaired from a beating by one of the attackers; and police improperly tainted the identification by telling Finley about a theft Green had previously committed against the victim.

"It is important to note that this case did not involve overwhelming evidence of [Green's] guilt and, therefore, the testimony of Willie Finley, the star witness, is critical to the result of the case," Marcus wrote.

McCloskey said he hoped the district attorney's office would ultimately decide against a retrial and that the judge would consider releasing Green on bail while prosecutors weigh their options. Green is scheduled to appear in court March 20.

"We would love to be able to walk him out . . . so that he can return to his wife and family in Chowchilla," McCloskey said.

Prosecutors had argued that Finley's reversal on his testimony was not credible and that Green's conviction ought to stand.

"I'm somewhat surprised, but it's the court's call to make," said Deputy Dist. Atty. Hyman Sisman, who handled the case. He said the office had not yet decided how to proceed.

At the heart of the case was the Aug. 9, 1983, killing of Denise "Dee Dee" Walker, a 25-year-old single mother. That evening, Walker was cooking



SPENCER WEINER/Los Angeles Times

**JUSTICE:** Advocates hope Willie Earl Green will be freed at a March 20 hearing while prosecutors weigh a retrial.

crack cocaine when a man pistol-whipped Finley on the sidewalk outside Finley's Jefferson Park home.

The attacker forced Finley into the home. Within moments, a second man entered the house with a shotgun. Walker screamed: "Oh, no, Willie!" Finley testified during the trial that he recognized Green as the second intruder.

The prosecutor argued that Walker's cry corroborated the identification because most of Finley's friends knew him as "Doug" rather than "Willie."

Moreover, Green had lived at Walker's apartment a year earlier and had been convicted of stealing her television set.

In his ruling, Marcus wrote that the victim's cry "still echoes through the smoke rings of time," but he acknowledged it was possible that Walker was calling out for Finley.

The judge rejected the most dramatic claim Finley — a convicted murderer — made in recanting his testimony: That the lead detective on the case pointed to Green when he gave Finley photographs of possible suspects.

Marcus described Finley as equivocal when asked during a hearing in November whether Det. John Bunch helped him pick Green's photograph. And he faulted Centurion Ministries for appearing to "pressure Mr. Finley by repeatedly asking him to add new information" about recanting his testimony.

However, Marcus also said he did not find Bunch credible when he denied telling Finley that Green had stolen the victim's TV set a year before the killing.

The judge noted that Finley had said he was 80% sure Green was one of the assailants when he first picked him out, but told jurors he was absolutely certain at the trial.

"This is clearly suggestive and taints the photo identification process," Marcus wrote. "This . . . is a problem because it reinforces Willie Finley's belief that he has picked the right person."

In addition, Marcus ruled that jurors should have been able to learn about Finley's hemophilia, which Finley said caused his face to swell during the pistol-whipping and impaired his vision when the second intruder entered the home.

"Mr. Finley, in his curmudgeon style, has attempted to testify as truthfully as he can," Marcus wrote.

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