

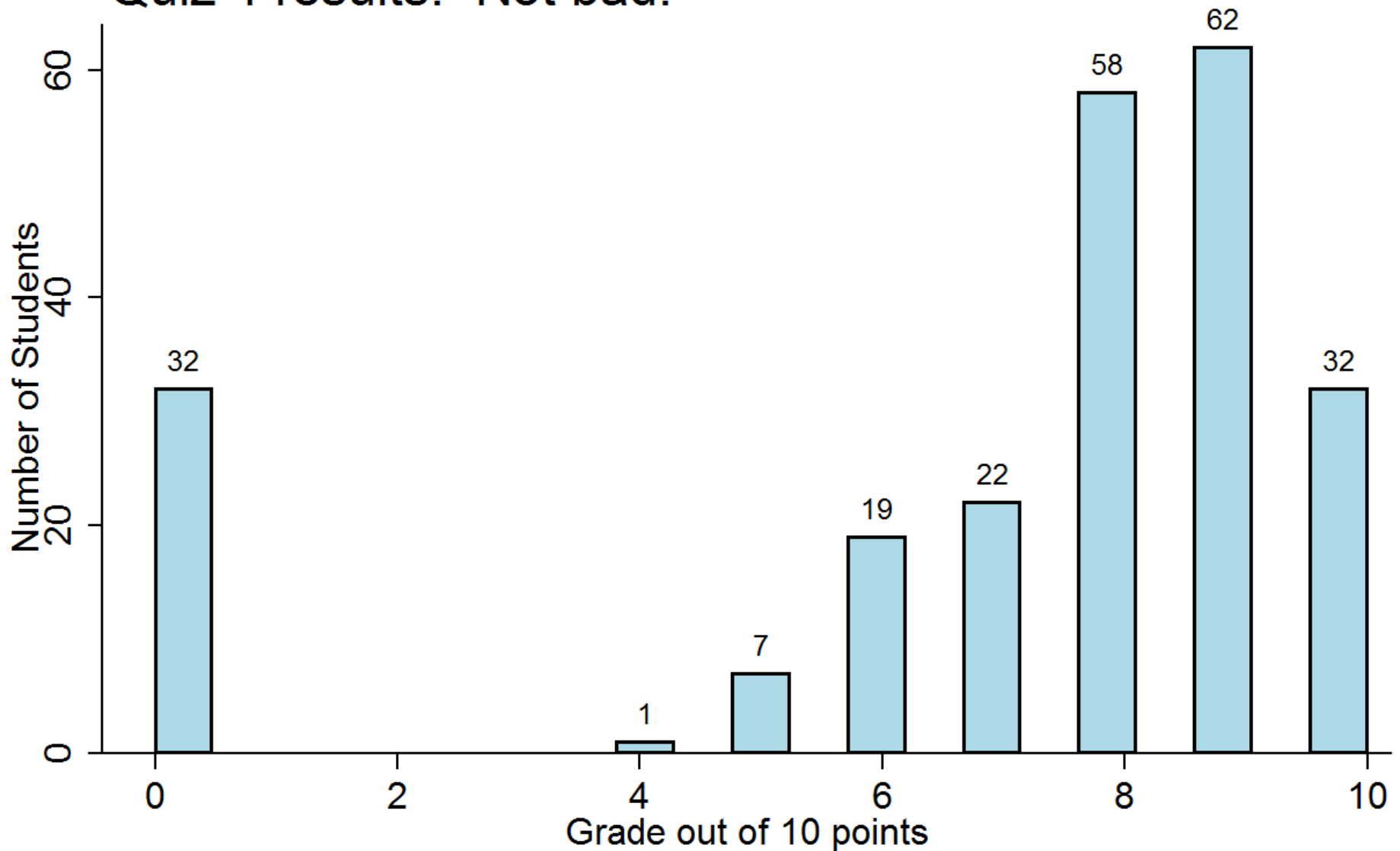
Baumgartner, POLI 203 Fall 2014

Ken Rose and Bo Jones, part 2: The
crime and investigation

Reading: Beginning of *Last Lawyer*

October 22, 2014

Quiz 4 results. Not bad.



If you took the test, the average grade was 8.2, and 65 percent got an 8 or better. Unfortunately, 27 people were absent and 5 forgot to write down their name.

Catching up

- This article just appeared, see the class web site. Shareholder actions to stop drug companies from making the LI drugs, or stop them from selling to US prisons. EU export controls. Try any method to put a stick in the wheels... Drug companies are health companies, on the other hand.
- <http://www.ft.com/cms/s/0/da2859b8-5762-11e4-8493-00144feab7de.html>

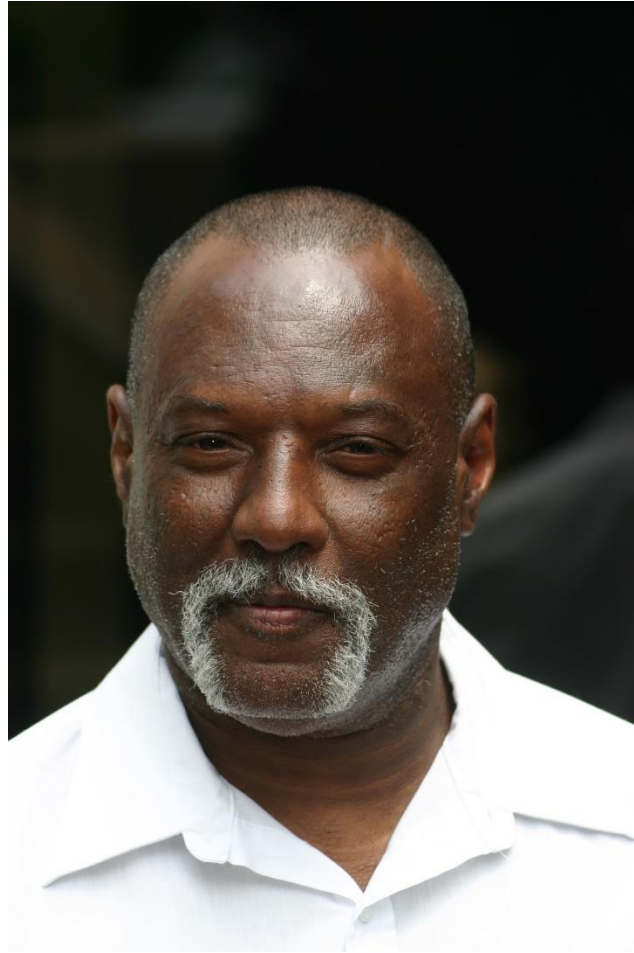
Catching Up

- Event last night at the law school.
- Johnson Britt (the current DA)
 - Initial investigation is key, same investigator did the two crime investigations, very unlikely he would not have known...
 - Decision for the prosecutor: Can I prove this beyond a reasonable doubt to a jury?
 - Note that lots of times, the answer is yes, no matter if the person may be guilty!
 - Some real animosity toward the previous DA...
 - Note how rare that is. Similar in Dallas, where Craig Watkins could not be hired in that office...

Denigrate the work of your colleagues?

- Appeals often rely on “Ineffective Assistance of Counsel”
 - Original lawyer was incompetent or worse
- Easy to do when the person was asleep or called no witnesses, or was drunk, etc.
- But what about when they did a good job but just missed a detail?
- To save your client, you may have to argue that this was an unconstitutional failure, basically one of incompetence. You have to argue it, the court can turn you down.
- Not a great way to make friends, or keep them.

Bo Jones



The Crime: Leamon Grady found dead

- Bootlegger, rural house, middle of night, lots of people come by his house at all hours to buy illegal booze
- One shot, dead.
- No DNA in such a case.
- He had previously been beaten up in another incident, no arrest or suspect...

The investigation

- Focuses on George Overton and Allen Bizzell, who found the body
- Overton wanted already for rape, “it was probably Vanessa... I should have killed her too”
- Goes cold when there is no physical evidence
- Stays dormant for 3-4 years...

Lovely Lorden

- Be careful who your friends are!
- Ex-girlfriend comes forward after 3 years, no explanation why then...
- Victim a bootlegger, start witness a prostitute, trial six years after crime, DA: I wish I had better witnesses; no gun, no physical evidence

The trial

- 3 days jury selection
- 1.5 days testimony
- 1 day deliberation: guilty

- Penalty phase
- 1.5 days testimony
- 0.5 days deliberation: death

Death, on that evidence?

- No physical evidence
- Six years later
- Not much of a defense
- Defense attorney: No way they can get 1st degree murder w/o evidence
- Detective and DA: What a surprising / successful outcome, wow!

- Recall DA Britt's statement: Do I have enough to convince a jury beyond a reasonable doubt?

Graham Phillips: Legally incompetent, or not?

- It's not unconstitutional to have a bad or lazy lawyer, or one who miscalculates
- Same with Greg Taylor: defense says the DA can't prove it so puts up little defense, certainly no mitigation defense for the penalty phase...

Defense plan

- Negotiate a plea
 - Not that easy when client is innocent!
- No investigator of the facts of the crime
- No experts / school / medical records...
- No expectation that the DA could prove the case, since the witness was bad and there was no physical evidence, and there were any number of people who could have killed Leamon Grady.

Conflict of Interest?

- Small town...
- Graham Phillips' wife was niece of Leamon Grady
 - Inherited part of the estate
 - Leamon was executor and took 10 percent of estate plus expenses when it was divided

Good enough reasons for a new trial?

- Have to make the case this was “ineffective assistance of counsel” not just mistakes
 - Fair trial just means your lawyer has the opportunity to argue, not that he is perfect...

Jury credence to witnesses

- Why believe Lovely Lorden?
 - Apparently they did...
- Bo Jones as the defendant
 - Previously guilty of several crimes
 - Low mental capacity
 - Drinking / crack problem
 - Very little defense presented
- Weigh those two things, with the police and the local officials having a “good suspect” in custody. So, the outcome is not a shock.

Is Bo Jones crazy?

- Does this matter?
- It could save him from death, lead to the sentence being changed to LWOP
- But it would not set him free.

- Dual track defense: get him off death row (delusional); try to get a new trial

How unpleasant to save someone

- Your own attorneys have to argue that you are crazy.
- Imagine what that does to the inmate
- No wonder he did not trust anyone!