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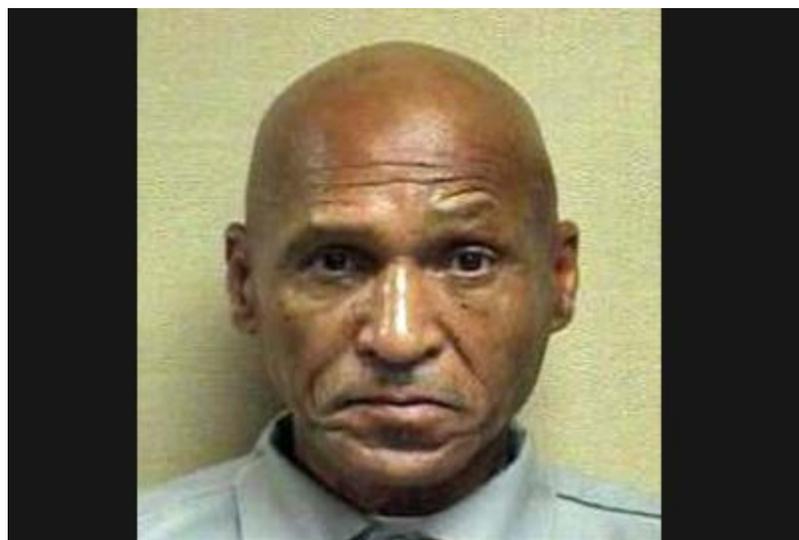
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Wrong place, wrong time, wrong conviction

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Wrong place, wrong time, wrong conviction

By Sharon McCloskey - 12/3/2014 - in Law and the Courts Print This Article



UPDATE: *The North Carolina Innocence Inquiry Commission has found that 70-year-old inmate Joseph Sledge's claim of innocence in two Bladen County murders is supported by sufficient evidence to warrant further review for a three-judge panel. The panel will determine if Sledge should be exonerated.*

After 36 years behind bars, man seeks exoneration

Joseph Sledge may just have been in the wrong place at the wrong time. And for that he's spent half of his life behind bars.

Broke and unemployed in 1973, the Georgia native and Army veteran stole a few boxes of clothes from a department store and landed in a Bladen County prison.

While working on a highway litter crew one day in 1976, he got into a fight with another inmate who was then punished with a stint at another prison. When that inmate returned, Sledge – a slight man of 147 pounds – feared for his life and ran.

That same day, a few short miles away, 74-year-old Josephine Davis and her daughter, 53-year-old Ailene Davis, had been brutally attacked and murdered.

Investigators at the scene found the victims surrounded by puddles of blood, their gowns lifted up over their waists and the daughter apparently raped.

On the hunt for a prison runner and dealing with a murder crime scene, investigators and law enforcement officials found an obvious suspect in Sledge, who they picked up four days later in South Carolina.

But blood, fingerprint and footprint evidence couldn't connect Sledge to the crime. Only hairs found at the scene, deemed consistent with an African-American's pubic hair, provided a possible link.

An investigation lingered, but when the victims' family pushed for results, agents set off on a new path, looking for inmates with whom Sledge might have confided.

Over time a few surfaced, with inconsistent stories possibly motivated by the promise of reward money.

And with their testimony and the attenuated hair link, prosecutors accused Sledge of murder.

Their first attempt at a conviction resulted in a mistrial.

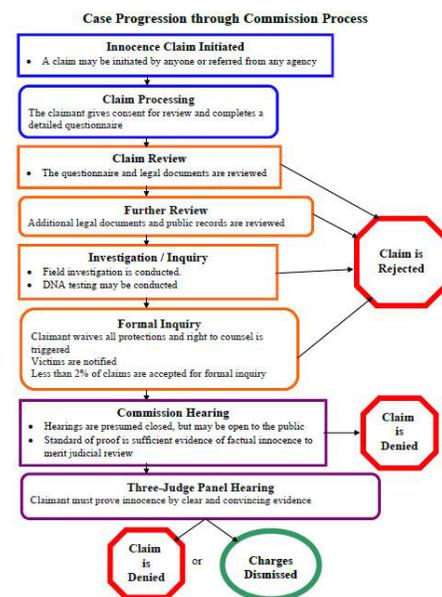
A second trial followed, conducted this time by a young and ambitious prosecutor named Michael Easley who got the verdict the state sought.

That was in 1978.

Sledge has since steadfastly maintained his innocence and spent countless hours researching the law and asking investigators, judges and anyone else who'd listen to revisit his case. He filed more than 20 motions to the court on his own and his handwritten letters fill four files in the Columbus County Clerk of Court's office, according to this article in the News & Observer.

Attempts at a review came in fits and starts and then petered out, but in December 2012 new evidence surfaced and DNA testing ruled out Sledge as the murderer.

And this morning, aided by Christine Mumma of the N.C. Center on Actual Innocence, he'll finally get the review he's sought for 36 years at a hearing before the state Innocence Inquiry Commission.



*Case Progression through the Commission Source:
N.C. Innocence Inquiry Commission*

Should he prevail there (and in a later court review), the now 69-year-old Sledge will be the fourth innocent person cleared this year in North Carolina — joining Henry McCollum, Leon Brown, and Willie Womble, who were exonerated earlier this year.

Together they have more than 100 years in time spent behind bars – certainly more than a measure of any life.

The evidence against Sledge had never been strong.

Fingerprints and handprints found at the scene did not match his. Footprints there did not match the Converse sneakers Sledge was known to wear in prison and was wearing when he was picked up by police in South Carolina.

Head hairs found could not have been his, as he'd worn his head shaved since his days in the Army. And the only connection pubic hairs had to Sledge was their identification as “consistent” with those of an African-American. (Reliable DNA testing had not yet been available).

The testimony of two jailhouse informants was suspect. Sledge's attorneys would later learn that both men had received “reward” money from the state. And one later recanted in 2013, saying that he never knew anything about the murders and that factual details of his testimony came from law enforcement officials.

By the time Chris Mumma picked up the Sledge case several years after trial, critical evidence had gone missing or had been destroyed and a judge's order for DNA testing went unheeded.

Mumma pushed again for testing and got only a partial DNA profile of the killer from the victims' clothing, which excluded Sledge but was not enough to exonerate him.

But then in August 2012, Mumma received a call from a clerk in Columbus County who'd found an envelope labeled “Joseph Sledge” on a top shelf in an evidence room being cleaned out.

The envelope contained slides with hair samples, and subsequent DNA testing of those samples excluded Sledge as a source.

The current county prosecutor handling the case, Jon David, has stated publicly that his interest is in seeing that any conviction rests on reliable evidence and that he was “going to go where the truth leads” in the Sledge matter.

But David also told the Fayetteville Observer in June 2013 that he was not convinced the new DNA results resolved the case and that he did not believe the one informant's recanting of prior testimony.

(David had not returned a phone call for comment as of this posting.)

Although Sledge will join Womble, Brown and McCollum if he is ultimately exonerated, each of their paths to freedom have been distinctly different.

Womble's case turned on a confession from a jailed man, Joseph Lee Perry, convicted in 1976 for the armed robbery of a Food Mart in Butner and the killing of a clerk working there. Womble, then 20 and of limited mental capacity, was likewise convicted for his alleged participation in that robbery and murder – which consisted of standing on a corner as a lookout in exchange for \$20.

In April, 2013, nearly forty years later, Perry wrote a letter to the Innocence Commission identifying another man – not Womble – as having been with him the night of the crime.

With the county prosecutor's blessing, a three-judge panel in Granville County vacated Womble's life sentence and conviction for first-degree murder in October.

Womble never filed any motions with the court seeking a review of his case and would likely have died in prison had Perry not come forward, according to Chris Mumma, who told the News & Observer that if Womble had lawyers who followed normal procedures and filed a motion for appropriate relief, it would not have had the same impact.

And the McCollum and Brown cases turned on DNA testing that identified the true perpetrator.

McCollum, then 19 and Brown, 15, were arrested for a brutal rape and murder of an 11-year-old girl in Red Springs – killing her by shoving her panties down her throat with a stick. Both had IQ tests in the 50-60 range and had signed confessions drafted by law enforcement officers, which the men later claimed were coerced.

In October 1984, both men were tried, convicted and sentenced to death. Both were convicted again after a retrial ordered by the state Supreme Court in 1988 – McCollum in 1991 and sentenced to death, and Brown in 1992 and sentenced to life in prison.

But recent DNA testing connected a cigarette butt found at the scene to another man already convicted for a similar rape and murder in the same town a month later.

After a six-hour hearing in September and with the consent of county prosecutor Johnson Britt, Superior Court Judge Doug Sasser ordered them freed.

Unlike the others, Sledge does not have the blessing of the county prosecutor. Nor does he have the benefit of evidence or testimony which identifies the real murderer of the women in his case.

Starting this morning, the Commission will review proof from both sides and decide whether there is sufficient evidence of factual innocence to merit judicial review. If the answer is yes, the case then moves to a three-judge panel, where Sledge will have to establish his innocence by clear and convincing proof.

The unraveling of each of these cases illustrates how human error and bias can dog the criminal justice system and highlights the need for checks on that system – a critical role that the Innocence Inquiry Commission plays, according to Chris Mumma, who was instrumental in getting the Commission off the ground in North Carolina before joining the Center on Actual Innocence as its executive director.

Innocence cases may be factually different, but common threads run through them.

Misidentification is one such thread. “The human mind is not a recorder, and we have flawed memories,” she added.

So too is tunnel vision — the way officers might investigate a case.

“They might have biases, unintentional or intentional, that can cause an investigation to go down the wrong tunnel.”

False confessions are another thread, as in the McCollum and Brown cases, and flawed science, where the science hasn’t been thoroughly tested.

Given all that, prosecutors often take the position nonetheless that they have to let process play out and let the courts and juries decide.

“The problem is that that (the justice system) is also a human system,” Mumma said. “The McCollum and Brown cases are an example. Defense attorneys working on that case, prosecutors, law enforcement – everybody thought they were guilty. The defendants had such mental disabilities that it was difficult to see if there was an actual innocence claim there.”

“That’s why it’s important to have a system like the national innocence projects and the state innocence inquiry commission, because there will be errors. It’s unavoidable, but it’s critical that we identify them.”

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Readers can listen to the Sledge hearing which will be streamed live on WRAL.com.

And listen also to Chris Mumma discussing innocence investigations in a recent interview with N.C. Policy Watch [here](#).

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ABOUT THE AUTHOR



Sharon McCloskey

Sharon McCloskey, former *Courts, Law and Democracy Reporter* for N.C. Policy Watch, writes about the courts and decisions that impact North Carolina residents. McCloskey also wrote for *Lawyers Weekly* and practiced law for more than 20 years.

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