

JOHN DOE – CASE SUMMARY

ALLEGATION

On March 4, 1995, John Doe was sentenced to Life Without Parole by the State of Vermont for the shooting death of Joe Victim. In so doing the State of Vermont failed to ensure Mr. Doe's rights to a fair and impartial trial for the following reasons:

1. The use of a police officer who was a relative of the victim to coerce eyewitness testimony
2. Misconduct by the judge
3. Prejudicial comments by the prosecutor in front of the jury, and
4. Failure of the judge to declare a mistrial after he commented on Mr. Doe's lawyer being asleep during proceedings.
5. Failure of Mr. Doe's attorney to present mitigating evidence at the trial.

THE CRIME

On February 19, 1994, Joe Victim, a former friend of John Doe, who along with Mr. Doe was involved in drug dealing, was shot while driving, allegedly by a man who waited up the street for the car to approach and then fired one shot into a back window of the car. Two young men, Jack Jones and Jay Johnson, known to both Mr. Victim and Mr. Doe, testified that they were walking down the street when they saw Mr. Doe and a companion, and that one of the men (allegedly either Mr. Doe or his companion) called out to them. They then stated that Mr. Victim drove by them in his car, and that they got in the car with him. They then claim that Mr. Doe shot Mr. Victim. A year later, the uncle of Mr. Jones came forward and said that he was walking up the street at the time of the shooting and that he saw John Doe reach for a gun hidden at his back and shot Mr. Victim.

SALIENT ISSUES

- John Doe claims he was at home at the time of the shooting and was not in the area of the crime at any time that day. His mother and grandmother corroborated this information, though they were not with him at the exact time of the murder, as he claims to have been in the basement and they were in the kitchen and living room.
- Another man, Jim Perp, was seen wearing the outfit that was described by eyewitnesses as being worn by the shooter was picked up soon after the shooting by security guards in the area and questioned. He was asked if he would submit to a polygraph test and gun powder residue test and he agreed to do so but was not tested. He never became an official suspect.
- Mr. Doe was not seen wearing the identified clothing, and no such clothing found at his home. Other clothing was removed from his home but never used as evidence.
- Mr. Jones and Mr. Johnson described the assailant as being at least 3 inches taller than Mr. Doe.
- Mr. Jones and Mr. Johnson repeatedly changed their story from the initial incident until the time of the trial. For example, at first they told police that the assailant was wearing a hat, then while at the police station, changed their story to say the assailant had long bushy hair.
- Mr. Doe was not offered an official plea bargain.

- No gun was found in Mr. Doe's possession, no fingerprints, specific clothing, or other physical evidence linked him to the crime.
- The two eyewitnesses in the car refused to talk to police until the uncle of the victim, a Burlington Police officer, visited them unofficially and coerced them into giving a statement implicating Mr. Doe.
- This police officer was subsequently suspended and then fired from the police department for drug use.
- The uncle of one of the eyewitnesses only came forward to implicate Mr. Doe a year later, saying he was too scared to talk to police sooner, despite the fact that Mr. Doe was arrested the same day as the shooting.
- When Mr. Doe was arrested soon after the shooting, he was asked if he would take a polygraph and submit to gun powder residue testing and he stated he wanted this testing done but the police never went ahead and did the testing.
- Misconduct by the prosecutor and the judge and the failure of Mr. Doe's lawyer to refrain from sleeping during the trial prejudiced his case and resulted in his trial being unfair.

THE TRIAL

- Mr. Doe's case was prejudiced by comments by the prosecutor about a witness who was going to testify and then was never called.
- The possibility of lesser charges were not explored and no manslaughter instruction was given to the jury.
- The judge allowed misconduct by the prosecutor and in giving a missing witness instruction to the jury, he eroded the presumption of innocence of the defendant.
- The judge failed to declare a mistrial after he commented on the fact that Mr. Doe's lawyer was asleep during the trial.
- No mitigation evidence was presented by Mr. Doe's lawyer.

APPEALS

Mr. Doe has exhausted all of his state and federal appeals. On March 5, 1997 he was denied relief by Vermont (Case number). On March 8, 2000 his federal habeas appeal was denied by Judge Jane Justice. (Case number).

CONCLUSION

John Doe maintains that he is factually innocent. His case has never been fully investigated. Additionally, it is fact that witnesses were coerced by a relative of the victim serving as a police officer, both judge and prosecutor engaged in certain misconduct during the trial, and his own retained attorney was asleep during parts of the trial, as noted in the transcript by the presiding judge. As a result, Mr. Doe's constitutional rights were violated, his trial was unfair, and his resulting sentence of Life Without the possibility of Parole is illegal and unjust.

***For more information contact:
Diana Doe (the defendant's aunt).***

JAMES HARDMAN - CASE SUMMARY

ALLEGATION

On February 18, 2000, James Hardeman was sentenced to Life Without Parole by the State of Michigan for the shoot death of Larry Price and Attempted Murder of Wanda Hall. In so doing the State of Michigan failed to ensure Mr. Hardeman's right to a fair and impartial trial for the following reasons:

1. The use of a non-testify detective's notes as my confession and used as a statement to my father I confessed.
2. Prosecutor used false evidence, and mis-stated expert testimony, police records and evidence.
3. Failure of the judge to declare a mistrial after the trial was over he threw out the false confession used the entire trial and ruled the detective who wrote the confession could not legally testify.
4. The prosecutor and judge used false information to display an in-court arrest of my father in front of jurors and witnesses and the victim's family; out in the hallway the bailiff announced to my father that he was going to jail.
5. The judge forced my father to testify in jailclothes.
6. The prosecutor used my father as his most important witness.
7. Failure to hold a Walker hearing though a hearing was verbally scheduled, on the record.
8. Prosecutor's opening guaranteed jurors they'd hear and get evidence of defendant's confession from my father.
9. Prosecutor told the jury my father would testify against me that I murder Mr. Price and tried to kill Ms. Hall, the lone-survivor.
10. Fabrication of evidence by coercing my father into signing a false statement and by submitting a false report to detective's superiors about the line-up.
11. Detectives threatened my father and family and coerced my father into illegally searching my home; an undocumented part of the police investigation that is concealed from defense counsel.
12. State and detectives violated Brady obligations withholding exculpatory evidence by not disclosing and preventing discovery of how my father's signed statement was prepared.
13. Cops told crucial lies to build a case for conviction that were used by the state but off-limits to defense but found inadmissible after (the fact) jurors began deliberations.
14. Judge's failure to inform jurors asking for the confession/statement that said confession was found to be Detective Joanne Kinney's written statement who could not legally testify and was never on the Witness List and failed to instruct that the confession they, they jury, were instructed that the defendant made should not be considered as true -that defendant and father never made a statement.
15. Prosecutor told jurors in opening the eyewitness's less than believable credibility could be ignored because the defendant confessed.
16. My father was a crucial part of the prosecution, said in the state's own words for more than a year.
17. Failure of Mr. Hardman's attorney to challenge voluntariness; right to confrontation; and did not follow through implicated police coercion.
18. Coercive police activity deprived Mr. Hardeman of due process.
19. Confession was Miranda defective.
20. Failure of Mr. hardeman's attorney to secure a Missing Witness Instruction, and the judge prevented him from fully investigating the case and defending against the charges and confronting the evidence.

THE CRIME

On January 13, 1999, Larry Price and Wanda Hall was involved in prostitution and drug dealing, was shot to death and shot at, allegedly by a man who at the time was cutting Mr. Price's hair. Ms. Hall claimed only the deceased, the shooter and she were present. Earlier two men, Dwayne Taylor (testified with immunity) and another man (who defense was not allow to know about) visited together on drug related business and too seen the young man they named "Jay" there. Mr. Taylor supplied a bag of drugs. Picked up his money. Left. So did "Jay" and Ms. Hall. Mr. Price stayed. Sold more dope. First "Jay" then, Ms. Hall returned later at separated times. The shooting occurred.

SALIENT ISSUES

- Left unsaid by state's objections the eyewitness was prepped to deny she was a prostitute intoxicated off heroin selling sex to Mr. Victim who sold drug in a high-traffic long-established dopehouse, that she's combative and violent with her johns were questions off-limits to defense.
- Evidence completely contradicts eyewitness's prepped story. No kitten. No food. No hair. Ammo linked to the murder weapon in her jacket pocket. No sign nor sound she was shot at. No footprints towards a garage.
- Eyewitness was on bond for Domestic Violence a similar crime in that the victim was her john she assaulted for money to pay for her addiction.
- The eyewitness visited the victim of her Domestic charges at his home near the time and before the shooting.
- In exchange for testimony her pending crime disappeared, her street occupation denied, and what she said to the man who drove her away from the shooting, the woman who aided her in keeping police from finding her, and the man she paid while in hiding to fetch her more drugs called 9-1-1 were off-limits to defense barring impeachment and discovery.
- So too, the extent of the drug supplier's immunity agreement concealed from defense in exchange for testimony which prevented revelations of alternate suspects.
- Detective's failure to record the interrogation, failed to make an accurate, coherent, procedurally proper admissible compiled recording of the police questioning of my father.
- Prosecutor implied that the Defendant conspired to keep the prosecution's witness, Defendant's father, from testifying.
- The state relied on my father's testimony to be able to take the case to trial not the "Key witnesses".
- Eyewitness shown a one photo line-up then shown a 6 photo line-up where defendant is the first photo and no corporeal line-up.
- The state's prejudicial behavior, and the trial court failed to exercise any discretion in controlling the prosecution's conduct.
- Eyewitness told three un-called witnesses with crucial information that: (1) her get away driver about the shooting minutes afterward, then (2) told the woman who hid her and (3) the man who called 9-11 that I am innocent. Witnesses that would have cleared me.
- By cross-examining my father the prosecutor testified to the false confession.
- Jury shown papers they say was my confession.
- On the prosecutor's table those papers sat face up six feet away from the eyes of jurors just outside of reading distance all throughout trial.
- Not until deliberation began did the judge rule out as evidence the confession as inadmissible, and was kept from jurors.
- Father used as a prosecutor's witness to testify against me as false proof of guilt.
- Defendant's father questioned from detective's statement by the judge and prosecutor.
- Detectives threatened the father with Murder charges. Two things are necessary to trigger recitation of the Miranda warnings --custody and interrogation.
- No Miranda read to my father in either of the two sessions of interrogation.
- Defendant's father lacked complete knowledge and participation composing the statement.
- The confession is comprised of two interviews/interrogations prooved improper recordings and illegal custodial interrogation tactics famous for Detroit's homicide police training. The Dragnet policy was an issue the judge would not allow the defense to raise because my father was the prosecutor's witness.
- In exchange for my father's signature detectives forced my father to leave to search my home for them for money, drugs, and the murder weapon then when he came back detectives resumed composing the Witness Statement. Again, without his knowledge. Police misconduct to obtain evidence by illegal means.
- The judge and prosecutor kept the 9-1-1 Caller from testifying.
- The Detroit Police Department's homicide detective unit's Dragnet policy was subsequently investigated and its practices banned by Department of Justice Consent Decree and nearly two years earlier top homicide investigators were regularly on the news and in Circuit Court alleging that their superiors forced them to use 'coercive tactics' and lies to obtain confessions.

- Jury's foreman and at least another juror sent out a total of 4 notes specifically asking for the statement/confession before the judge called the jury out not to answer their concerns but to tell them not to pay attention to what he and the lawyers said and sent them back telling them not to come back without a verdict.
- No Walker hearing
- Confession excluded during deliberation after the trial was over.
- Defense counsel barred from impeachment on immunity agreement to able the drug supplier to hid the identity and involvement of the unidentified man who came with the drug supplier on the day of the shooting.
- Ineffective assistance for not presenting and maintaining actual innocence defense.
- Mr. Hardman's photo was the only familiar face on either photo line-up and the other photos were of men who had no similar characteristics.
- The police recording was improperly admitted at trial.
- Had it not been for my father's signature I could have been free to go.
- Joanne Kinney, and other detectives composed the confession. Mainly Squad 6 Detective Kinney, and she was not on the Witness List.
- Inability of Joanne Kinney to testify deprived the right to confront the person who accused me I confessed to the crime and deprived me of the right to cross-examine Joanne Kinney.

THE TRIAL

- Mr. Hardman's case was prejudiced by opening comments by the prosecutor about a witness (defendant's mentally ill father) who was going to testify I confessed to murder.
- Though my father answered "No," he did not tell detectives his son told him why he shot Mr. Price the judge and prosecutor repeated such questions for a long time over and over adding more detail while reading from the statement.
- The prosecutor urged jurors to agree that my father lied to protect his son.
- Defendant's father questioned from detective's statement by the judge and prosecutor.
- Jury instructions were that the jury would get the statement/confession but the judge changed his mind at the last minute and wouldn't give it to them.
- Jurors knew my father was cuffed up to be arrested even though they waited in the hallway outside the courtroom. A bailiff announced the prosecutor and the judge wanted him placed under arrest on the threshold of the courtroom doors.
- Although Defendant's father repeatedly denied the Defendant had "confessed" to him about the murder, the judge interrupted saying that the answer is "yes" answering for my father to the question if the Defendant had even talked about the homicide he committed, and then repeated the answer for emphasis.
- The judge read the questions and answers from the detective's statement and when the Defendant's father answered that the statement was not true the judge's mannerisms and gestures were of disbelief and disgust.
- Defense attorney was threatened with jail and ethics violations by the judge if he continued to dispute or object to issues of my father; because it seemed a crime to the judge that my father may have paid for my attorney and the defendant is related to the prosecutor's witness, my father.
- After jury instructions were issued the judge threw out the alleged confession in a lengthy hearing in which he found the "confession" to be an out-of-court statement made by Joanne Kinney.
- The prosecution's flagrant questions to my father violated rights to a fair trial and were damning and prejudicial to the case: PROSECUTION: What's your educational background? QUESTION: The last thing in the world you want to see happen here is your son be convicted of this crime, would you agree with that? ANSWER: I don't think that's a fair question. THE COURT: Mr. Hardman, I'll decide what the fair questions are. Answer the questions that are posed to you. PROSECUTION: Do you want this jury to believe you? [Questions re-asked again and again, again ... again, and again.] Did you go to college? You can read and write the English language, correct? ANSWER How many times you go in to ask me? PROSECUTION'S NEXT QUESTION: I don't know if I asked you that before. If I did I apologize. Can you read the English language?
- The judge told the jury my father answered "Yes." when asked by the state "Did your son tell you he shot someone?" when my father repeatedly answered "No."

- The prosecutor (IN CLOSING): there's not one of you that doesn't disagree with the fact that that guy came in here and lied his pants off about what he knew about his son ... that he was lying to protect his son. Okay. Now, I mean even to a point where he had to be jailed as a witness so that he would be available for you to hear him testify. And remember, James Hardeman, Sr. is [the defense attorney's] client too.
- The defense of actual innocence was not explored.
- The jury was mis-informed about the extent of the prosecutor's immunity given to the drug supplier and secret arrangement to stop prosecution of the eyewitness's pending felony charges.
- Mr. Hardman's case was tainted by police misconduct, but not revealed to the court.
- The judge instructed jurors to "carefully consider" a statement they were assured was my confession that the judge ruled inadmissible while jurors deliberated.
- After the jury retired to deliberate, it sent out an unanswered note saying they needed the statement, and another, and another, after another note stated a verdict could not be reached ^{without} the statement the judge finally the jury out. Unclear, the judge informed the jury just not to pay attention to what lawyers and he said during trial. And not to come back without a verdict.
- The judge allowed misconduct by the prosecutor's questions to the prosecutor's witness (Defendant's father) that had nothing to do with the case other than to erode the presumption of innocence of the defendant.
- The judge failed to declare a mistrial after he found that the detective was the declarant of the Defendant's purported confession, and threw the statement out.
- The judge failed to declare a mistrial after he improperly admitted fabricated false confession.
- The judge failed to declare a mistrial after he refused 4 requests from the jury for the false confession.

APPEALS

Mr. Hardman has exhausted all of his state appeals and is barred from federal appeals. On July 28, 2003 he was denied by the Supreme Court (No. 123104).

CONCLUSION

James Hardeman maintains that he is factually innocent. His case has never been fully investigated. Additionally, it is fact that select witnesses were kept from testifying also witnesses were coerced and made deals in exchange to falsely identify and testify against the defendant, both judge and prosecutor engaged in certain misconduct during trial, and his own retained attorney was prevented from defending the defendant under threats from the judge, barred from presenting witnesses and impeachment material and not allowed to question the prosecution's most important witness, my father, about the statement's preparation, as noted in the transcripts by the presiding judge. As a result, Mr. Hardeman's constitutional rights were violated, his trial was unfair, and his resulting sentence to Life Without the possibility of Parole is illegal and unjust.

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