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August 8, 2011
(sent via email August 4, 2011)

District Attorney Ashley Rich
c/o Mobile County District Attorney's Office
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Greetings District Attorney Ashley Rich:

I see that your webpage has finally been updated. I have to say, it is a pretty good website. It is much detailed than it was under former DA John Tyson, Jr. and I appreciate the breakdown of who handles what in your office. I have asked you before (during your campaign, immediately after you were elected and after you were sworn in) that you establish a Conviction Integrity Unit. In looking at the divisions listed, I see that that hasn't happened, which is no surprise. Once again, here is an example of what this unit would look like, courtesy of the Dallas County, TX District Attorney's Office:

Conviction Integrity Unit

Established by District Attorney Craig Watkins in July of 2007, the Conviction Integrity Unit oversees the post-conviction review of more than 400 DNA cases in conjunction with the [Innocence Project of Texas](#) (IPOT) and in accordance with the Texas Code of Criminal Procedure, Chapter 64 (Motion for Forensic DNA Testing). In addition to the IPOT project, the Conviction Integrity Unit investigates and prosecutes old cases (DNA and non-DNA related) where evidence identifies different or additional perpetrators. Special Field Bureau Chief Mike Ware supervises the Conviction Integrity Unit, the Appellate Division, the Public Integrity Division, the Federal Division and the Mental Health Unit, as well as public information, evidence destruction and expunctions at the District Attorney's Office. The Conviction Integrity Unit is staffed by one assistant district attorney, one investigator and one legal assistant. This special division is the first of its kind in the United States.

<http://www.dallasda.com/conviction-integrity.html>

Congratulations on your award from the Association of Government Attorneys in Capital Litigation for the prosecution of death penalty cases. Between this and your 100 percent success rate of ensuring that people who come up for parole since you've been in office since January are denied parole, you are continuing to establish your tough, law and order credentials. This is fine, the people of Mobile County need to know that they have a district attorney on their side. But alongside these credentials should be a desire to ensure that innocent people, whether prosecuted under your watch as DA or whether prosecuted in years past by the Mobile District Attorney's Office are not convicted and/or do not remain in prison because no one wants to admit a mistake was made. In Rodney K. Stanberry's case, ADA JoBeth Murphee was on Tyson's Murder Team (along with Buzz Jordan, who prosecuted his case) and ADA Martha Tierney was the prosecutor on hand during Rodney's Rule 32 hearing. Both of them head divisions in your office, so, as mentioned, although he wasn't prosecuted under your tenure, he was prosecuted while you served as ADA and while others in your office served in the Mobile District Attorney's Office.

The Alabama Department of Forensics was recently awarded for its extensive database collections. Included in an article written by Carol Robinson of *the Birmingham News*: "The agency was recognized for diminishing DNA backlogs and becoming a leader in the use of DNA to solve crimes and exonerate the innocent."

http://blog.al.com/spotnews/2011/08/adfs_honored_as_national_leade.html

I sent an email to Ms. Robinson about this portion of her article. I mentioned that the Mobile District Attorney's Office did send some sample (s) to the Alabama Dept. of Forensics and received a report back from them, but whatever was in the report, like other evidence, was lost or missing by the date of Rodney's trial. If DA offices are unacceptable of the results because it doesn't fit a theory, then how many innocent people are actually exonerated? A Conviction Integrity Unit can address this. A District Attorney can have a tough on crime, pro-victim reputation AND have a reputation of ensuring that the people convicted and the people who are in prison are actually guilty. I will send you a hard copy of an open letter to the County Commission (regarding your funding dispute) and my latest letter to the Governor soon. Those letters also address the need for the Mobile District Attorney's Office to establish mechanisms to address wrongful convictions.

Finally, I have sent you several letters to inquire about Rodney K. Stanberry's case file. I have not received a response, although when I spoke with Investigator Mike Morgan he indicated that you'd given him a box containing some items about Rodney's case (this followed a national call-in to your office). Before John Tyson, Jr. left office, I asked that all material relating to Rodney's case remain in your office. The *Mobile Press Register* wrote articles about files stored at the Baldwin County DA'S Office, but not similar stories about your office. Tyson said that the DA's Office has never destroyed case files and never will, indicating that the files should be in your office. When former ADA John Cherry responded to a letter from me in 1999, his letter indicated that there is an extensive file on Rodney's case. I hope that one day you will allow an uninterested party to review the files, and Rodney's case from the arrest to the conviction to the Rule the Rule 32 Hearing. It is not enough to do an internal review because the incentive is not to get to the truth. For my rationale on this, please read one of my blogs entitled "A National Day of Confessions for Prosecutor's, Sure, Why Not (http://freerodneystanberry.com/yahoo_site_admin/assets/docs/20100914154832.256154014.pdf) And "Rodney Passed a Polygraph Test, Can They? (<http://freerodneystanberry.com/blog/2011/04/21/rodney-passed-a-polygraph-test-can-they>) (<http://freerodneystanberry.com/blog/2011/04/21/rodney-passed-a-polygraph-test-can-they/>)

In conclusion, as I've mentioned below, I truly wish you luck and success. The job of a District Attorney is not easy. There needs to be an advocate of victim's rights, and there are truly bad people out there that need to be prosecuted. But the innocent should not have to suffer because no one wants to admit that a mistake has been made or because a prosecutor is so interested in padding his conviction rate, that corners are cut. Rodney K. Stanberry's case is one that deserves to be reopened. DA Buzz Jordan kept a confession

and much more out of the jury room, so the jury based its decision on only hearing partial evidence (his Motion in Limine can be found here:

http://freerodneystanberry.com/yahoo_site_admin/assets/docs/20100914154932.256160049.pdf) and with three years between when the crimes took place and the seating of the

jury the prosecutor had to ask the jury if they could convict based on no scientific or physical evidence

http://freerodneystanberry.com/yahoo_site_admin/assets/docs/20100914154858.256150821.pdf). I have listened to you throughout your campaign and integrity seems to be

important to you. I believe you are a person of integrity.

Sincerely,

Artemesia

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