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## News

### Time served, or justice denied in Alabama?

By Bill Riales

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The end of Valerie Findley's life began with a single shot from a 9-mm band gun. But it took years for her to die. She had been on the phone with one of her best friends, her sister, when there was a knock at the door of her home in Whistler, Ala. It was March 2, 1992 between eight and nine in the morning.

The two men outside were there under false pretenses. That there were two men is not disputed. Their identities are. The reason they were there is also not in question. They came to steal the gun collection belonging to Mike Finley - Valerie's husband - and they did. They stuffed the guns in a pillowcase and before both men left, one of them tried to snuff out Valerie's life with a single gunshot in the style of an executioner. But to their chagrin, and to the surprise of many others, Valerie Finley lived. She lived long enough to remember, speak of, and testify about the crime.

At the end of it all, Rodney Stanberry was jailed for the crime. He was Mike Finley's best friend. They collected guns together and had many of the same guns. After so many years, two questions remain: Why would Rodney Stanberry have an interest in stealing the guns of his best friend - many of which he already owned - and, why would he condone the shooting of his best friend's wife?

The answer, according to Stanberry, is that he didn't. He wasn't even there when the crime happened, he says. At the time, Rodney Stanberry was a driver for BFI, the waste disposal service. Documents and statements from Stanberry's bosses show that when Valerie Finley was shot, Stanberry was miles away at a BFI facility having his sanitation truck repaired. While those documents and testimony from a BFI manager were considered by the jury Rodney Stanberry was convicted anyway - some three years after the shooting of Valerie Finley - of being an accessory. While the jury saw that evidence, something they did not see was the confession of a man who admitted in a recorded conversation to being in Valerie Finley's home when she was shot. Those two issues, and many more discrepancies contained in court records and witness testimony over several years, reveal that this man may now be in jail for a crime he did not commit, though certainly some would argue that is just not the case.

**\*\*Not Quite Perfect\*\***

In the background I can hear the meanderings of a prison cellblock. Rodney Stanberry is on a prison phone with me, taking me through the day Valerie Finley was shot. I have questions - a lot of them. I ask him about getting kicked out of Mary Montgomery High School shortly after moving to South Alabama from New York. Stanberry, a

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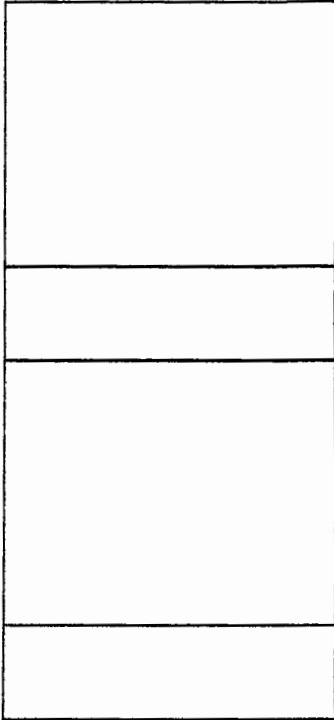
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### The LAG-NA-POLL

What issue should be the mayor's No. 1 priority?

- Improving city services
- Reducing crime
- Creating jobs
- Improving infrastructure
- Personal grooming

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young black man was dating a young white girl. This is not a practice that would seem to go over well at the time in Semmes, Ala., I tell him. He agrees and admits to being expelled for skipping school with the young lady he'd taken up with.

Aside from the race component, Rodney Stanberry is guilty of being a hormonal teenager. But there is nothing else on Stanberry's record.

Unable to go back to school, Stanberry found a job. He worked for the sanitation company, BFI. He drove a truck emptying those big, green dumpsters familiar to businesses around Mobile. By all accounts, he was a model employee.

#### **\*\*A Black Redneck\*\***

When Rodney was 17, his father moved the family from New York to the community of Axis. The elder Stanberry feared the emerging street culture of New York City and the effect it might have on his son. Rodney reveled in the move, taking up hunting and fishing. A self-described "black redneck," he loved guns and shooting and quickly became familiar with a South Alabama way of life. After having trouble with his infatuation with a white girl and finding work as a sanitation truck driver, he settled down to enjoy life. Then he met Mike Finley, a kindred spirit. They enjoyed guns, ate dinner on Sundays, went shooting as much as they could, and owned many of the same types of weapons. Valerie knew him as part of the family. Mike and Valerie lived in a small house at the end of a cul de sac in Whistler.

Rodney says it was simple happenstance that caused his former New York friend Rene (pronounced Rennie) Whitecloud Barbosa to call. Barbosa was looking to come south from New York and he had a friend he was bringing along - Angel Melendez. Melendez, known as "Wish" was also connected to Rodney's past life in New York. Stanberry had gotten Melendez's sister pregnant and had a child with her as a teenager. Now, Barbosa and Melendez were headed to Mobile, for a Mardi Gras visit with their old friend.

Their visit was fast and furious. Stanberry was not a happy host. Reluctantly, he introduced his old friends from New York, Melendez and Barbosa to his new southern friend, Mike Finley. Stanberry says at some point during the visit, Finley, Barbosa and Melendez went to a shooting range and Finley showed off many of his guns to the visitors, even though Stanberry says he admonished him not to bring more than one or two. Stanberry was not at the shooting range at the time.

The record of Barbosa and Melendez's visit to Mobile is a gray area. However, Stanberry says at some point they became acquainted with a man named Terrell Moore. But it's not just Stanberry who confirms that Moore met Barbosa and Melendez. Moore's own tape-recorded statements also confirm that he knew the visitors from New York and that he was at Valerie Finley's home at the time she was shot.

By all accounts from Stanberry's defense team, Moore should have become a prime suspect at least as an accessory in the shooting of Valerie Finley. But he didn't. In fact, he was never arrested or charged for any crime connected with Finley's assault. Moore's account of what happened on that March morning was recorded by Mobile private detective Ryan Russell.

Russell, a middle-aged white man, says he made a late-night venture into an all-black nightclub in Prichard in order to detain Moore to question him. The private eye who was working for Rodney Stanberry's defense lawyer, said he was shaking and sweating as he initiated the confrontation. In the end, Moore went with him peacefully.

#### **\*\*The Crime\*\***

Stanberry says he went to work early in the morning the day Valerie Finley was shot, waking up the neighbors of businesses, pounding the big BFI dumpsters on the rim of his truck, emptying the trash, then moving on to the next one. He says later in the day, perhaps noon, he heard about Valerie being shot. In the morning, he says, he'd been to several businesses before the hours of eight and nine when the shooting reportedly happened. Documents from BFI that were introduced as evidence at his trial show that Stanberry was having a tire repaired in the BFI shop during the hour Valerie was believed to have been shot. Afterward, he was reportedly at Degussa, a plant far south of the Whistler community, where Valerie lived.

This was the day Barbosa and Melendez were supposed to be leaving Mobile by bus to go back to New York. They had been staying at a

Beltline motel. Another friend of Stanberrys, a man named Taco, was to drive them from their motel to the bus station on Government Boulevard. Taco was there at the appointed time, but he was forced to wait on one of the two men to show back up to the hotel. It is unclear, even today which of the two men, Barbosa or Melendez, he was waiting for.

A few miles up I-65, something else was happening. According to witness testimony, a man who was working on a car in front of the Finley home described two other men. Court documents reveal those two men matched the description of Terrell Moore and Angel Melendez. The witness described the car in which the two men arrived, and it matched the description of the car driven by Moore.

The witness said the two men knocked on the door of the Finley home and entered. Court documents of the eyewitness testimony reveal a short while later the men emerged from the home carrying something similar to a pillow case, consistent with Moores confession that the stolen guns were stuffed into a pillow case from the Finleys bedroom.

Moore acknowledged in his interview with private investigator Ryan Russell that there were people working on a car in the middle of the cul de sac in front of the Finley home.

"I noticed that it was a man working on his car in the circle," Moore said.

But, also of importance is what happened while the two men were inside the home. Moore described how Valerie, screaming and yelling at the two men, led them to Mike Finleys gun safe and opened it for them. Her sister, Brenda Gay, reported hearing on the phone what sounded like someone going through drawers in the house. She said she hung up because it took so long for her sister to return to the phone.

Moore also told how Melendez held a gun on Valerie while Moore retrieved a pillow case from the couples bedroom and stuffed the guns inside of it. The two men began to back their way out of the house, Valerie still screaming at them. Then, Moore said, he heard the shot. Valerie was quieted.

News accounts at the time say she was found at about 11:20 a.m. by the son of a neighbor, with one gunshot wound to the head.

**\*\*The Confession\*\***

Russell says it was months after Finleys shooting when he interviewed Moore. He provided the videotape recording of that interview in which Moore described who was at Valeries home on that March morning in 1992.

**\*\*Russell:\*\*** "You and Wish were there, right?"

**\*\*Moore:\*\*** "Yeah, just me and Wish."

**\*\*Russell:\*\*** "Was Rodney Stanberry there?"

**\*\*Moore:\*\*** "No he wasnt."

**\*\*Russell:\*\*** "You never saw Rodney at all that morning?"

**\*\*Moore:\*\*** "Right."

**\*\*Russell:\*\*** "You never saw him at all that day?"

**\*\*Moore:\*\*** "Right."

Stanberry says once he learned of the crime he went to the people he thought were involved in order to find the guns and hopefully, help Prichard Police. Stanberry says Taco initially led him on a wild goose chase, scouring a field in the rear the Finley residence in search of the stolen weapons.

Stanberry says in the end, he found out Taco had been entrusted with the weapons by Melendez and Barbosa and was to ship them to New York. Taco had already delivered the New York visitors to the bus station just minutes after Valerie Finley was shot. They were long gone when Valeries family, husband and eventually Stanberry, convened at USA Medical Center. Stanberry says he had already talked to Mike Finley. Valeries family was having a hard time with the crime. Stanberrys name kept coming up in their conversation, Finley said, adding, it might be best if he stayed away from the hospital.

Stanberry realized from that conversation that he was being targeted as a suspect in Valerie Finleys shooting. Having recovered the stolen weapons from Taco, Stanberry said he hoped to present them to Prichard Police detectives and sway any member of Valeries family away from the notion that he was involved. Instead, the opposite happened.

Not only did Valeries family suspect Stanberry of being involved, so did the detectives for Prichard Police. Despite the evidence that seemed to prove otherwise, Rodney Stanberry had become a suspect - the prime suspect - especially since the man Terrell Moore named as the shooter, was now long gone.

With a positive identification from Valerie, still hospitalized and who may or may not have been incapacitated at the time, Prichard Police charged Stanberry with attempted murder, first-degree robbery and first-degree burglary.

#### **\*\*Trial and Conviction\*\***

Soon after, Rodney and his family hired Mobile defense attorney Ken Nixon. Nixon seemed to pull out all the stops in order to prove Rodneys innocence. Despite his war-room mentality over the case and the use of private detective Russell, a few things slipped past the jury. One of the most important was the document from BFI that seemed to prove that Stanberry couldnt have been anywhere near the Finley home when the shooting took place. Also missing was the recorded statement of Terrell Moore to Private Investigator Russell.

But Moore didnt make that confession to just Russell only. Court documents show Moore told the same story to an investigator with the Prichard Police Department, Lebarron Smith and to Buzz Jordan, then a prosecutor with the Mobile County District Attorneys office. Jordan is now in private practice with the Mobile law firm Ross and Jordan.

"She knew Mr. Stanberry," Jordan said. "And she positively, absolutely identified him as being present when his friend shot her on top of the head."

Yet questions remained throughout Stanberrys ordeal - his original trial, a Rule 32 hearing (a post-trial hearing to determine if the defendant received adequate legal counsel), and an appeal - Valerie Finleys testimony is the only thing that has stuck to his conviction. Nowhere in the transcripts of any of the proceedings is the question: "Who, in fact, shot Valerie Finley?" As the prosecution focused on Stanberry, that question, plus the fact that no other evidence that placed Stanberry at the scene of the crime on that March morning in 1992 was ever introduced. In fact, the victims mother, Eugenia Patrick, openly criticized Prichard Police investigators in the days following the crime while her daughter recovered in the hospital. She said while the stolen guns were recovered, police never bothered to get fingerprints from them.

In a Mobile Press-Register article two days after the shooting, Patrick said, "The guns belonged to my son-in-law (Malthaus Finley), and hes recovered them. The police have never...never laid a finger on these guns, nor have they had them in their possession." Mrs. Patrick said her son-in-law, Mike Finley, as he was known, phoned a friend while waiting for his wife to come out of surgery. That friend, reportedly was Stanberry, who at that time had already determined that Taco was holding the weapons.

And thats not all. Apparently, Mike Finley also found a nine millimeter bullet -ostensibly the one fired at Valerie - as he was cleaning up the house following the shooting. Eugenia Patrick says family members took that piece of evidence to Prichard Police but there is no documentation of it in court records.

"They are not checking anything out themselves, only listening to hearsay," said Patrick, in the same Mobile Press Register article.

#### **\*\*Questions\*\***

Why would Moore confess to being at the crime scene in the first place? Videotape of the confession conducted by private detective Russell shows that he was not coerced in any way.

Moore says Angel "Wish" Melendez was focused on stealing Mike Finleys guns and transporting them back to New York; and that Melendez was the one who shot Valerie Finley. While Russells

questions have been described as leading by expert law enforcement investigators, Moores story still seems credible. He denies multiple times that Stanberry was there. He describes Valerie Finley leading himself and Melendez to a gun cabinet in the home. And he describes placing the guns in a pillow case from the couples bed. In court transcripts, a witness who was working on a car in a yard just outside the Finley home testified about the men exiting the home with something wrapped in a pillow case. Again, why would Terrell Moore admit any of this to a private investigator?

"Because its true," says Stanberrys original defense attorney Ken Nixon. "I dont think Terrell Moore had any idea that Wish was going to shoot Valerie Finley. And I think when Wish shot the lady, I think he got scared and I think it bothered him."

The prosecutor at the time, Buzz Jordan responds, "Thats a story - no credibility whatsoever."

But according to the recorded statement of the man who says he was in the Finley home when Valerie Finley was shot, Rodney Stanberry was nowhere around at the time of the shooting.

**\*\*Moore:\*\*** That was the biggest of it. My conscience was bothering me-and I knew I had this hanging over my head.

**\*\*Russell:\*\*** And you know for a fact Rodney Stanberry is innocent of this, right?

**\*\*Moore:\*\*** Right - he is innocent.

Rodney Stanberry eventually went to trial for the crime of shooting Valerie Finley. But it was almost three years after the crime happened. Valerie Finley had recovered from the gunshot wound to her head, but was suffering from other medical problems. She testified at Stanberrys trial that Rodney was one of the two men who entered her home on that March morning in 1992 and that whoever was with him was the person who shot her. Testimony reveals that Valerie believed the other person to be Rene Whitecloud Barbosa.

The fact that the jury found Rodney guilty came as a complete surprise to his defense team. Despite not being able to present the confession from Moore, Ken Nixon thought the documents and testimony that showed Stanberry was miles away when the crime happened, would be enough. It wasnt.

Stanberry was convicted solely on the testimony of the only eyewitness, who also happened to be the victim - Valerie Finley. Private Investigator Russell admits, "That was a tough obstacle to overcome in the case. The woman said Rodney did it. He came by the house that morning. But," says Russell, "I know for a fact the woman took a nine millimeter bullet to the brain."

"What a brilliant defense," former prosecutor Buzz Jordan counters. "You go and shoot somebody in the head and after she survives you say she cant identify me because I shot her in the head. The jury heard that argument and they heard how they tried to criticize Mrs. Finleys memory."

**\*\*Conviction\*\***

I first interviewed Rodney Stanberry at the Easterling Correctional Facility just outside Clio, Alabama in 2004. It would be our first and last interview until this year when he was granted more privileges as an inmate within the Alabama prison system. He now resides in a medium security facility just outside of Montgomery. He may be coming up for parole soon but doesnt know when. Nor do I and its almost impossible to find out. The people who know for sure are officials within the prison system - the Mobile County District Attorneys office and the family of Valerie Finley. The family is always notified in case they want to show up and argue against parole, as they have for every one of Stanberrys parole hearings in the past seventeen years.

For the past several years I have received updates on the status of Rodney Stanberrys case. There is nothing encouraging about it except for the efforts of his cousin, Artemesia Stanberry. She has been tireless in her efforts to get somebody to listen to the details of Rodneys case. Yet, Stanberry remains in jail and will likely serve out the remainder of his sentence, even with a possible parole hearing in the near future.

What is different about Stanberry and many other inmates is his attitude toward parole. In the Alabama prison system, parole boards

tend to lean more favorably toward inmates who admit to their crimes and express remorse. Over the past 17 years, Stanberry has refused to admit anything other than that he is sorry Valerie Finley was shot and almost died. After all, he knew Valerie and had for some time. But would he ever admit to being in her home when she was shot, just to satisfy the parole board and possibly get out of jail early? "No." Says Stanberry.

With no other suspects within reach, Rodney and others associated with his case believe prosecutors focused on the only real suspect they had. Barbosa and Angel "Wish" Melendez had already traveled back to New York and by the time Stanberry's trial date arrived "Wish" had been killed in a botched drug deal. That left Rene to help fill in the blanks of the case. Court documents from Rodney Stanberry's Rule 32 hearing revealed that prosecutor Buzz Jordan traveled to New York in order to interview Barbosa who was incarcerated at Rikers Island for another crime. Details of that interview have so far remained unavailable and Jordan did not respond to a recent list of e-mail questions regarding this case.

**\*\*Today\*\***

Rodney Stanberry turned 40-years-old recently. He has spent the majority of his twenties, thirties and now what may be his next decade in prison. His parents are exhausted financially with trying to hire the right lawyers or private investigators to bring justice. His cousin, Artemesia Stanberry, a political science professor at North Carolina Central University, has been and remains one of his stalwart proponents. She has rallied satellite radio programs, newspapers and independent journalists to look into Rodney's case. As in years past it is likely Valerie's family will make their opinion known before the parole board when Rodney's case comes up. They are notified by the prosecutors office when the meeting will take place. Strangely, when I talked to them during the original investigation of Rodney Stanberry's story, their anger was mostly expressed at Mike Finley.

And the opinion of the current Mobile Prosecutor remains the same. John Tyson, Jr. expressed in a letter to Artemesia Stanberry, and later to me, that unless there is some new evidence that arises strongly pointing toward Rodney Stanberry's innocence, there is no reason for him to re-open the case. That reasoning was meticulously spelled out in a reply to Artemesia from Tyson in March, 2004.

\*It is apparent to me that every question raised in your letter has been asked and answered many times. The original file is meticulously documented by Mr. Jordan. Ms. (Martha) Tierney has spent hundreds of hours reviewing the file and the evidence and preparing for the Rule 32 proceedings. Your cousin's lawyer was allowed unlimited access to the prosecution files and Mr. Jordan actually visited Mr. Barbosa in Rykers Island Prison (sic) in New York as he was trying to discover the truth about the case.\*

The letter continues:

\*We believe that the person at fault in the crime is your cousin, Rodney K. Stanberry.\*

To date, no other evidence that would exonerate Rodney Stanberry in the shooting of Valerie Finley has been uncovered. Nor has any evidence that would explicitly implicate Stanberry come to light. That includes fingerprints on the guns allegedly stolen from Mike Finley's collection, or any other physical evidence that might have placed Stanberry at the crime scene.

\*Bill Riales is a former WKRG reporter and anchor, where he began working on this story. He is a Lagniappe contributing writer.\*

### Join the discussion.

**amyj1950** says:

JUNE 20, 2010  
12:00 AM

i simply cannot believe with all of this evidence showing that rodney was not there, SOMEONE confessed and mr. stanberry is still in prison. how can this go on for this many years. this isnt a case of pretending innocence this man is truly innocent. why in earth is the united states of america letting this continue to go on. we are not the land of the free! if innocent men and women go to jail for YEARS for a crime that they did not commit then what kind

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