FREE RONNIE LONG!

Wrongfully imprisoned from May 10, 1976 until August 27, 2020

In 1976, Ronnie Wallace Long was convicted by an **all white jury**, of the rape of a prominent citizen of Cabarrus County whose husband had been an executive of Cannon Mills. In 1976, a conviction for first-degree rape resulted in a life sentence, which the NC legislature defined at that time as an 80-year sentence. Ronnie was also convicted of first-degree burglary and that sentence runs concurrently with the sentence for rape.

Following the guilty verdict, bedlam broke out in the courtroom. Police used mace & beat Ronnie Long supporters inside the courtroom. Race riots broke out in Concord.

For 43 years, Ronnie has professed his innocence of the crimes of which he was convicted. The NC Supreme Court denied Ronnie's **direct appeal in 1977** and his **post-conviction motion in 1987** was also denied.

So why are we here today? The problem? **Critical evidence** gathered by the prosecution and law enforcement in 1976 was **withheld** from Ronnie's trial lawyers (**James Fuller** & **Karl Atkins**, members of the law firm of **Julius Chambers**, a prominent civil rights lawyer who recently passed away). The critical evidence was exculpatory in nature.

Today, there is evidence that is still missing. Today, there is evidence sitting at the Cabarrus County Courthouse that can be **DNA tested**, but the court has **denied** our request for DNA testing.

SO WHAT HAPPENED in 1976?

On April 25, 1976 the victim was raped in her home on Union Street. The perpetrator climbed a white painted column to get onto a flat roof and entered the upstairs window that was unlocked. The perpetrator initially tried to rob the victim of money, then dragged her down a hallway where the rape took place.

Ronnie was at his family's home with his mother. They both

were on the phone speaking with his young son & his girlfriend. They ended the call when the "Million Dollar Man" show came on because Ronnie's girlfriend liked to watch. Ronnie then listened to some music & took a shower while waiting on his father to return home with the car. Once Ronnie's father arrived home, Ronnie left to pick up friends & head to Charlotte where he remained until the next day.
On May 5, 1976, Concord police officers went to the victim's home to tell her that they had reason to believe that the person who committed the crimes would be in the Cabarrus County District Court on May 10th.

On May 10, 1976, Ronnie, then a twenty-year old with no prior criminal record appeared in Cabarrus County District Court, accompanied by his father Ike (who passed away a few years ago). Ronnie was charged with a misdemeanor trespass charge for being in a public park. The same Concord police officers who went to the victim's home on May 5th, picked her up & took her to the Cabarrus County courthouse on May 10, 1976. That day, the trespass case was **dismissed** and he returned home where he lived with his parents and where he grew up with his seven brothers and sisters.

That same evening, **Sgt. David Taylor** and **Officer Marshall Lee** of the Concord Police Department went to Mr. Long's home and asked him to come to the station to straighten out the warrant. Ronnie **voluntarily** drove his Dad's car to the police station, believing he was going to attend to some unfinished paperwork related to his morning court appearance on the dismissed trespass charge. Unbeknownst to him, he was a suspect in a rape case and he would never go home again. He was taken into the State's custody that evening and there he has remained for over FORTY years.

THE STATE'S CASE AT 1976 TRIAL:

The State's case at trial relied almost entirely on the testimony of the victim. She testified that on April 25,1976, she was attacked and raped in her home by an individual she described to the police just after the crime occurred as:
"A black male, height, five foot five to five foot nine, slender build, slim hips. Spoke plain and softly, used correct English. Subject was

wearing a dark waist length leather jacket, blue jeans with a dark toboggan pulled over his head. Could possibly have been wearing gloves."

The victim's description did not include any mention of the perpetrator having any kind of facial hair. A police photograph taken of Ronnie on the day of his arrest reveals that he wore a moustache and a "scruffy beard". Ronnie also has very blue/hazel-ish eyes, a noticeably distinct characteristic.

At trial, the only direct evidence introduced that linked Ronnie to the crime was the victim's eyewitness identification. The only **scientific** evidence introduced by the State was a latent shoe print lifted from the crime scene that the State's own SBI expert witness could **NOT** conclusively link to the shoe prints of the shoes Ronnie was wearing on the day he was arrested.
The State also introduced as evidence against Ronnie:
- a black leather jacket he was wearing the day he was arrested
- a pair of black leather gloves and
- a green toboggan that was recovered from his father's car.

Ronnie has consistently and persistently denied, from the beginning of this case, that the toboggan belonged to him. At the trial, **Sgt.Taylor** testified that the hairs that can be seen in the toboggan are **light** in color. Ronnie's hair was **black.**

Before Ronnie's court appearance on the trespass charge, police officers went to the victim's home and told her it would be necessary for her to go to court on May 10 – the day they had issued the trespass summons – to observe all persons in the courtroom", stating that "we have reason to believe that maybe this day there might be a man in the courtroom that [she] could identify. . .as the man who raped [her]".

Police officers, **Sgt. Taylor** and **Lt. Vogler**, picked the victim up from her home and drove her to the courtroom. The victim was instructed by the officers to sit in the courtroom and look around to see if she recognized anyone.
The victim testified at trial there were 35- 50 people in the courtroom that day and "there were some blacks in there, like

maybe, a dozen". The police officers were sitting in the jury box where they could see the victim and she could see them.

The victim testified she sat in the courtroom "constantly looking around" for about **an hour or an hour and a half** before Ronnie's trespass case was called. She testified she did not see Ronnie during the entire time she was looking around. When asked at trial if she saw "anybody that even closely resembled [the suspect] in the court room?" she answered, "no."
She also stated that in her mind **she knew why she was asked to go to court that day.** The victim testified that when the judge called Ronnie's trespass case, she recognized him and indicated to the officers by nodding that Ronnie was the man who raped her. The officers immediately took the victim to the police station and showed her 6 or 8 pictures in a photo array. Of course, she had just identified Ronnie in the courtroom. The victim was asked at trial if there was anything distinctive about the dress of any individuals depicted in the photographs that drew her attention to anyone, and she replied: "It was the leather jacket. She testified that Ronnie was the **only one** in **any** of the pictures that **had on** a black leatherjacket.

The victim further testified that she was not sure if she had been told Ronnie's name before she saw him in the courtroom or when she viewed the photos. Despite her alleged certainty that Ronnie was the perpetrator, the victim admitted:
- she never visited in black people's homes;
- did not have black people ever visit in her home;
- she did not know very many black people and did not have much experience with them
- she was very frightened
- her assailant threatened her with a knife while repeatedly yelling, "don't look at me"
- kept shoving her head to the side so that she could not get a good look at his face and
- the toboggan was pulled down over his head

Ronnie's lawyers put forth an alibi defense, calling witnesses who testified:
- that he had spent the afternoon planning a high school

reunion party;

- spent time at home in the evening (at the time of the attack of the victim) talking to his girlfriend and young son on the phone;
- listened to music in his room and
- then, around 10:00 p.m., drove with a friend to a party in Charlotte.

The victim testified that the attack occurred around 9:30-9:45 p.m. when Ronnie's witnesses testified he was at home. Witnesses who were at the party in Charlotte testified that they did **not** observe any scratches or injuries on Ronnie or any scratches on his leather jacket that night at the party.

The defense pointed out to the jury that:

- Victim had little to no interaction with African-Americans
- her initial description of the perpetrator did not resemble Ronnie or include a description of the perpetrator having facial hair;
- she was terribly frightened;
- she had a knife to her throat;
- it took her a long time to identify Ronnie even though she sat in the courtroom for an hour or more looking for him;
- she initially told the police her attacker was black but then changed her testimony to "light skinned" or "yellow looking";
- she recognized Ronnie because he was wearing a leather jacket;
- the toboggan hid the perpetrator's face;
- she was, understandably, extremely emotionally upset.

The defense also pointed to the lack of **physical** evidence connecting Ronnie to the crime:

- **SBI Agent Dennis Mooney** admitted that he could **not** say that the latent shoe print found at the crime scene was made by Ronnie's shoes;
- there was **no** paint from the column on the house seen on the leather jacket or leather gloves
- there were **no** scratches on Ronnie or his jacket even though the victim admitted she fought her assailant;
- the hair that could be seen in the toboggan was **light** in color as opposed to Ronnie's hair which was black; and
- **no** blood was found on Ronnie's clothing.

Pictures of the crime scene showing where the victim's clothing was laying when the police arrived at the scene were introduced at trial. The clothing itself was not introduced as evidence. The clothing collected consisted of the victim's housecoat, pants, underwear, pantyhose and bedroom slippers.

The jury rejected Ronnie's alibi defense and convicted him. But there is more to the story.

Ronnie's family took Ronnie's case to be reviewed by **Professor Richard Rosen** of the UNC School of Law, who was then the head of the UNC Innocence Project. Professor Rosen decided Ronnie's claim of innocence had merit and asked me (Donna Bennick) to take the case. I agreed and asked **Janine Zanin** to work with me on the case. Janine is currently the Assistant Director of the Externship Program at UNC School of Law. I am a solo practitioner in Chapel Hill.

WHAT WE DISCOVERED

In May of 2005, **Judge Erwin Spainhour** granted our Motion to Locate and Preserve Evidence. As part of that court order, the Cabarrus County District Attorney's Office, the Concord City Police Department and the N.C. State Bureau of Investigation were ordered to:

1. Submit for inspection **all** records relating to any and all evidence collected in the case and
2. Provide defense counsel with copies of **all** test results or reports prepared in connection with the matter.

In June of 2005, we filed a motion to have a DNA test conducted on the hairs found on the toboggan to see if they matched Ronnie. At the June 16th hearing, the SBI reported that "the only evidence found by the SBI that pertains to these matters is a latent shoe print that was used to link the defendant to these crimes." As we later discovered, that was a **complete falsehood**. Our motion for DNA testing was **denied**.

Also at the June 2005 hearing, the Concord Police Department reported that the only item found in their possession relating to this

case was the master case file, consisting entirely of paper work and a spiral notebook listing various items of evidence that were "not specific to this case." **District Attorney, Roxanne Vanekhoven**, told the Court that she had reviewed the police department file and there was **nothing in it of evidentiary value.** Despite that misleading representation,otherwise known as perjury, the court ordered that we be permitted to examine the file in the possession of the Concord Police Department.

The court also directed North East Medical Center to locate and preserve all biological evidence in the hospital's possession. In a letter to Judge Spainhour, North East Medical Center indicated they turned everything over to the Concord Police Department in April of 1976. That turned out to be true.

WHAT WE FOUND – ASTONISHING AND JAW DROPPING:

In 1976, Ronnie's lawyers did **NOT** have the medical records of the victim. They were **completely unaware** that the Concord Police Department gathered physical evidence that was sent to the SBI for testing – never told this to Ronnie's lawyers. The SBI's testing of physical evidence **did not link** Ronnie to the crime scene – what we lawyers call **"exculpatory evidence"** – evidence that excludes a person from the one having committed the crime or points to innocence or could create a reasonable doubt in juror's minds.

The medical records we found showed that **Dr. Lance Monroe**, the physician who examined the victim at the hospital on the night of the crime, collected physical evidence from the victim:
-her pubic hair;
-fluid from the victim's vaginal vault which was placed onto microscopic slides; and
-vaginal fluid found in the vagina, placed onto two swabs that were secured in a lab test tube.

In other words, a **rape kit** had been conducted. The medical records indicated that this physical evidence was released to **Officer Marshall Lee** of the Concord Police Department who delivered the items to the evidence custodian at the police department, a **detective** named **Van Isenhour**.

At the trial, there was **NO** testimony by **Dr.Monroe** that any biological evidence had been taken (which it had in fact been collected and sent for testing). There was also no testimony by anyone for that State that the physical evidence was picked up from the hospital by the Concord Police Department.

Detective Isenhour testified that he lifted a partial latent shoe print from one of the porch columns on the victim's home. He testified he had no way of knowing when the shoe print was made and that it could have been made as long as one month prior to the night of the rape.

Detective Isenhour told the jury that he asked the SBI to compare the crime scene shoe print to Ronnie's shoe prints. He did **NOT** tell the jury he took any other evidence to the SBI for testing. At trial, SBI **Agent Mooney** testified that in his opinion the shoes taken from Mr. Long "could have made" the shoe track impression found at the scene but admitted on cross examination that he could **NOT** say that the print "was made" by either of Mr. Long's shoes. Both the defense and the jury were led to believe that the latent shoe print was the **only** piece of physical evidence recovered from the scene. Deception under oath is also perjury.

To our great surprise, when Janine and I reviewed the police department file, we were astounded. The police file showed that the police department and hospital not only **collected evidence**, it was **sent** to the SBI **for testing**. Ronnie's trial lawyers had no idea.

EVIDENCE KEPT FROM RONNIE IN 1976 – THE SBI REPORTS

The police case file showed that the physical evidence was **personally** delivered by **Detective Isenhour** on May 11, 1976 – the day after Ronnie's arrest – to the SBI lab for testing. Those reports were **NEVER** disclosed to Ronnie's trial lawyers – not by the prosecutor and not by the police department. In January of 2006 – 30 years later – we found the SBI written reports as a result of a search of the SBI lab in Raleigh.

AND BY THE WAY, **ISENHOUR**, A **FEW YEARS** AFTER RONNIE WAS

CONVICTED, WAS **HIMSELF CONVICTED** OF MAIL FRAUD IN FEDERAL COURT FOR **STEALING CHECKS** OUT OF MAILBOXES AND SPENT TIME IN **FEDERAL PRISON.**

The SBI reports indicate **Detective Isenhour drove the following items to the SBI for testing**:

a. the green toboggan;
b. the black gloves;
c. the black leather jacket;
d. a head hair taken from Ronnie when he was arrested;
e. a pubic hair taken from Ronnie;
f. carpet fibers taken from the victim's home;
g. paint from outside column of the house;
h. a hair found at the crime scene;
i. head and pubic hair taken from the victim;
j. matchbooks found at the scene;
k. partially burned matches found at the scene; and
l. the victim's clothing.

There is **NO** indication that any of the medical evidence collected was submitted to the SBI.

The SBI compared the hair found at the scene to the hair taken from Ronnie. The report indicates, **"Microscopic examination and comparison of the hair found at the scene . . . showed it to be DIFFERENT from the suspect's hair . . ."**

The report further indicates that:

- the hair found at the scene was "more reddish" with a "heavier pigmentation" while Ronnie's hair was "more brownish gray" with "more scattered pigment."
- The medulla of the hair found at the crime scene was "wide" while the medulla of Ronnie's hair was "narrow".
- The hair found at the scene was "more oval" while Ronnie's hair was "flatter-ribbony".
- The examiner speculates that the hair found at the scene "may be negroid or indian (Mongolian)".
- The examiner specifically concluded that the hair found at the scene was **"different from Ronnie's hair".**

The SBI also conducted an examination of the victim's clothing for hair and a comparison of any hair found with the hair taken from Mr. Long. The results? **"No hair or hair fragments similar to the suspect's were found in the victim's clothing."**

The SBI looked at the toboggan, the gloves and the leather jacket for the presence of paint and carpet fibers to see if there was a match to the paint and carpet fibers collected from the victim's home. The report states the examination of Mr. Long's clothing **"FAILED to reveal the presence of any fibers or paint similar to those [submitted].**"

The SBI compared the matches found at the crime scene with the matchbooks allegedly found in Ronnie's father's car. An examination of the matches **"FAILED to reveal sufficient identifying characteristics to allow the examiner to give an opinion"**

I remind you that the testimony at trial was that the State could not conclusively say that the shoe print from the crime scene matched Ronnie's shoes.

The **written** SBI shoe print report was **never provided** to trial counsel. That report states: **"there were an insufficient number of distinct characteristics noted by which to effect any identification."**

Detective Isenhour never told Ronnie's lawyers or the jury that he took all of the other items to the SBI **the same day he took the shoe print evidence**. Detective Isenhour testified at trial that the toboggan, the leather jacket and the gloves had remained in his sole custody and control from the time it was collected until the day of the trial. Yet, we now know he took those items to the SBI lab. **His testimony was false (also known as perjury).**

The test results are astounding for none of them to show any match to Ronnie. Rather, all of the SBI results pointed in the opposite direction– the physical evidence in this case **strongly pointed** to Ronnie's **innocence**. Just as astounding is the fact that **NONE** of

this evidence was introduced at trial because Ronnie's trial attorneys were completely unaware that it had been collected, sent to the SBI, and tested.

MISSING EVIDENCE AND DNA

Where is the rape kit? Where is the clothing? Where are the other items of physical evidence the SBI tested? We have the reports but not the actual hair, carpet, fiber and other samples taken. We've been unable to find any of the physical evidence in this case. We can only surmise that it is either lost or was destroyed.
*There is supposed to be documentation when evidence is lost or destroyed and there is no such documentation in Ronnie's case.

In the 1970's, it was common in murder and rape cases for blood typing to be done by the SBI in order to try to connect a suspect to a crime. Remember, DNA testing did not exist in those years. Despite all of our efforts to locate the rape kit, the victim's clothing, the hair, the paint and the carpet fibers – all of which could be DNA tested today –our efforts have been to no avail.

We have also been unable to determine whether any blood testing was done by the SBI in this case. All of the other physical evidence was sent to the lab – why not the rape kit? And why were the victim's clothes not tested for the presence of Ronnie's blood on them?

Our motion to have the hair in the toboggan DNA tested was **denied**. That test could well eliminate Ronnie as the perpetrator of the crime. Yet, we have not been allowed to conduct a DNA test.

THE 2008 MAR HEARING

Following our investigation, we filed a motion asking that Ronnie be granted a new trial on the basis that his constitutional rights had been violated – the State failed to disclose evidence favorable to Ronnie. In late 2008, a full hearing was conducted. Ronnie's trial lawyers, **James Fuller** & **Karl Atkins**, testified that they **never knew nor were they ever told** about the SBI testing and the results which did not connect Ronnie to the crime. They both testified that if they

had known such evidence existed, **they** would have presented it to the jury. Both lawyers testified this would have been powerful evidence in Ronnie's defense.

Les Burns, the lead investigator for trial counsel, kept his field file for 31 years and gave it to us. Mr. Burns' field file contained a copy of the complete discovery received by trial counsel which definitively shows that trial counsel was not told about the testing nor did they ever received the written reports. How did we prove that? We compared Mr. Burn's file with the documents the State produced in 1976 – contained in the Cabarrus County Clerk's Office. The court documents match page for page, word for word, the file Mr. Burns kept all these years.

Ron Bowers, who was an Assistant DA and who, along with **Bob Roberts**, the Cabarrus County DA in1976, prosecuted Ronnie for the rape. **Mr. Bowers** testified **FOR** Ronnie at the 2008 hearing. He testified that the police department never told him that evidence had been submitted to the SBI for testing, and that if he had known about it, he would have told Ronnie's lawyers and given them the reports. He also testified that it was common in those days to conduct blood type testing and that if he known about the rape kit, he would have had it tested. **Mr. Bowers** testified that, in his opinion, Ronnie **did not receive a fair trial** given that the police department hid critical evidence.

At the close of the hearing, we argued that had Mr. Long's trial attorneys been aware of the evidence collected and known of the favorable test results, they would have presented it, along with Mr. Long's alibi defense, to the jury. Not only would this evidence have helped support the alibi defense, it would have greatly aided the defense's position that the victim was mistaken in her identification of Ronnie as the perpetrator. Despite proving that exculpatory evidence was not turned over in 1976, our motion for a new trial was **denied**.

The denial of our motion for a new trial was appealed to the NC Supreme Court. Briefs were submitted and oral arguments held. In February of 2010, the NC Supreme Court issued a very short decision: THERE WAS A 3-3 TIE. In other words, three judges voted

to give Ronnie a new trial. There are 7 judges on the NC Supreme Court. **Justice Brady**, who read the briefs and heard the arguments, declined to vote, resulting in the tie that denied Ronnie a new trial.

Ronnie then took his case to federal court but his motion for a new trial was denied on a technicality – the NC Prison Legal Services attorney who represented Ronnie, **Nicholas Woomer-Deters**, failed to file the 4th circuit papers and he did so knowingly. This was Ronnie's second and final attempt in federal court.

Because of the complexity of the matter and because litigation is still pending in the NC courts, there is some chance Ronnie may have his sentenced reduced and be eligible to be released some time next year. That remains to be seen.

Ronnie has been deprived for over FORTY years of his constitutional rights due to the misconduct of the State (Concord Police Department). Ronnie has claimed his innocence from the outset of this matter. It is long past time for the truth to come to light and for justice to prevail.

**Donna Bennick, Ronnie's former attorney (UNC School of Law Innocence Project), wrote this summary in 2013. Donna Bennick has since passed away (2018).

*This summary has since been updated by Ronnie's campaign manager/wife with Ronnie & his current attorney's approval.

*Ronnie is currently represented by Jamie Lau of the Duke Wrongful Convictions Clinic, pro bono.

His case is currently in the 4th circuit federal court of appeals.

Oral arguments were heard on March 20, 2019, in Richmond, VA. The 4th circuit reached a 2-1 decision on January 8, 2020. Judge Thacker gave a scathing dissent which allowed Ronnie's attorneys to request an en banc hearing.
The request for an en banc hearing in front of the full 15 judge panel of the 4th circuit was granted on March 16, 2020. In order to

be granted an en banc hearing, Ronnie needed the majority vote. The very next day the courts shut down due to COVID19. The court did schedule the en banc hearing to be held remotely on May 7, 2020.

On August 24, 2020, the 4th circuit federal court of appeals ruled in favor of Ronnie.

On August 27, 2020, Ronnie was exonerated & walked out of prison as a free man.

North Carolina Governor Roy Cooper granted Ronnie a FULL PARDON of INNOCENCE on December 17, 2020.

**Ronnie's attorneys have filed a federal civil rights lawsuit on his behalf in 2021.