

## STATEMENT OF ERNEST CONNER

Raleigh, North Carolina  
May 5, 2008.

Levon "Bo" Jones is an innocent man. This is a case that never should have been prosecuted. It should have been better investigated by the Duplin County Sheriff's Department, and/or the North Carolina State Bureau of Investigation. The real killer(s) of Leamon Grady has never been prosecuted.

There is no credible evidence against Mr. Jones.

Lemon Grady, 67-years-old, was found shot in his home around 4:00 a.m. on February 28, 1987. The police investigation at the crime scene and subsequently was woefully incomplete. For example, Mr. Grady had been shot through his shirt pocket. A \$20 bill found in his shirt pocket had a matching bullet hole. Mr. Grady's third finger was shot, as if he were reaching into his pocket when he was shot. The police didn't bother to test the bill for fingerprints – even though the person who handed Mr. Grady the bill could have been the last person to see him alive and the killer. When we finally had the bill tested this year – 20 years after the shooting, no prints could be found.

The police failed to test the other gun found at the crime scene, failed to take into evidence a bloody sheet, and failed to take fingerprints from such obvious surfaces as the door and doorknob.

The police did not check the size or characteristics of a shoe print in blood on the floor near Mr. Grady's lifeless body.

They did not determine if a .25 caliber pistol in Mr. Grady's bed had been recently fired. They did not test this pistol for fingerprints. They did not even check the serial number on the pistol, or run a check with the Bureau of Alcohol Tobacco and Firearms to determine where the pistol came from. In fact, they lost this pistol.

They did not check for fingerprints around the doorknob of front door, or elsewhere on the door. Nor did the police check the refrigerator door handle for fingerprints. They did not check for fingerprints on the telephone near Mr. Grady's body.

The police did not attempt to determine what was the white particulate material that was observed at the scene on Mr. Grady's finger. Nor did they conduct fingernail scraping from Mr. Grady to collect skin tissue or other trace evidence that may have been transferred from the killer if physical contact was made with the killer.

Years later when Lovely Lorden came to the police, they did not challenge her many changing stories, or question why it did not match up with the know facts. Why did Ms. Lorden say 10:30 p.m. as the time of the crime when Mr. Grady was known to be alive at 11:00 p.m.? Why did she say 10:30 p.m. when Larry Lamb was known to be at work

until 12:06 a.m., and known to be back at work eight hours later that same day? Why did she name Tootie Matthews, Ernest Matthews' brother? Why was Ms. Lorden out so late with nine children, one a three month old pre-maturely born infant at home? Why was she out so late, and so long when she had just recently undergone major surgery?

There is not now and there has never been any physical evidence in this case linking Bo Jones to the crime. The entire prosecution case rested on the changing stories of Lovely Lorden.

Lovely Lorden told the police the first of her many stories in 1990, three years after the shooting, and after a \$5,000 reward was posted. She had turned Bo Jones into the police for an assault the year before and Mr. Jones was serving time in prison for this assault. In her first couple of stories, she told the police only that Bo Jones gave her money and made a comment that made her think that he was involved.

This story was not enough for the police to prosecute Mr. Jones – and not enough for Lovely Lorden to collect reward money.

In her next few stories, Lovely Lorden said that she was with Bo Jones and two other men – Larry Lamb and Tootie Matthews - and that they had gone to the house of Lemon Grady. This time, Lorden said she sat outside in the car while the men went inside and that she heard a gunshot.

Each time Lorden told the story, it changed. Sometimes there were two gunshots – sometimes one. Sometimes they were in a small red car. Sometimes they were in a black and white car. At one point, she said they went to Mr. Grady's house at 10:30 p.m. – a time that was impossible because independent witnesses and phone records showed that Mr. Grady placed a telephone call at 11:00 p.m. and because Larry Lamb was at work until midnight. She changed her mind and decided it was Ernest Matthews, not his brother Tootie, who should be named in her story.

The police confronted all three men with Lorden's story: Bo Jones, Ernest Matthews, and Larry Lamb. The men told the police the truth: they didn't know what Lorden was talking about. The police were not able to corroborate Lorden's story: she told the police that she saw Bo Jones throw the gun into a creek. The police looked – but didn't find a gun where Lorden reported it thrown.

The fact that Lorden fully recanted this time isn't surprising – she has been recanting all along. Her story has never stayed the same. The surprising fact is that the police and the prosecution chose to pick one of her many stories, gambling with the lives of three innocent men.

On Friday afternoon, Dewey Hudson, the head prosecutor, told the world that he believed the story Lovely Lorden sold for a reward. He stated he believed in Mr. Jones's guilt because Lorden passed a lie detector test. He pointed to the fact that a codefendant, Ernest Matthews, pled guilty as further proof of Bo's guilt; and he suggested that there

was another witness tying Bo to the crime. These statements are not consistent with the facts.

First, polygraphs are not admissible in court because of their unreliability – and should never be used to decide a person's innocence or guilt alone. Secondly, when the police first asked Lovely Lorden to take a lie detector test in June 1991, Ms. Lorden told the police that she couldn't take the test because she was pregnant. In fact, Lorden had had a hysterectomy years before. Although the police say that Lorden later that summer took and passed a polygraph, all that remains is a summary sheet. The test itself and the results, if any, were destroyed by law enforcement. So the world has no way to know if Ms. Lorden actually passed any polygraph test. Law enforcement lost or destroyed the test results, in spite of Bo Jones having been sentenced to death. Thus, no one can now confirm anything about the alleged polygraph.

The supposed other witness is another statement that doesn't measure up to the facts. There is a short note in the police file that suggests that a jail inmate heard Bo Jones say something suspicious. The police interviewed the man and chose at the first trial not to call him as a witness. When we interviewed him last fall, he told us that he had not heard Bo Jones say anything suggesting he was guilty. So this statement in the prosecutor's press release is not factually correct.

Finally, although Ernest Matthews pled, he pled no contest. Ernest Matthews was the last of three men to be tried. After witnessing Larry Lamb go to trial and get life in prison, and Bo Jones go to trial and get the death penalty, Ernest Matthews feared that the truth would not be enough for his freedom. Even in the plea though, Mr. Matthews maintained his innocence and pled no contest. Ernest Matthews has given an affidavit to the defense that he was offered a deal for 10 years if he would simply write a statement saying he, Bo Jones and Larry Lamb committed the robbery and murder of Leamon Grady. He refused and took a 20-year sentence instead.

Mr. Hudson was right in his statement when he said: "justice delayed is justice denied." It took 16 years for the truth to come out in Bo Jones's case, and an innocent man set free.

The tragedy is how close Bo Jones came to being executed, and how the North Carolina Court system ignored the serious flaws in Bo's trial, in blind deference to the prosecution.

###

*Ernest Conner is a private attorney in Greensville, North Carolina and was appointed along with the ACLU Capital Punishment Project to represent Bo Jones in his new trial.*