

Carlton Gary and the stocking stranglings: The state's evidence and its flaws

Carlton Gary, an African-American, was convicted and sentenced to death in 1986 for raping and strangling seven white women in Columbus, Georgia over an eight month period 1977-8. He is still on death row and is close to the end of the appeals process. The evidence at the trial looked overwhelming. This chart summarises the weaknesses that have subsequently emerged.

Trial evidence	Flaws and subsequent developments
<p>Gary's confession: The state said that on the night of his arrest in May 1984, Gary confessed to being at most of the crime scenes, though he claimed that an accomplice, Malvin Crittenden, had actually killed the victims. Detective Michael Sellers, who was the driving force behind the case, testified that he and two colleagues had taken Gary on a drive round the area where the murders had happened, and that Gary had directed them to each victim's home, describing accurately how he gained entry. Sellers said the confession was not taped, and that he took no notes at the time. He had written the confession from memory when he got home at 4:30 in the morning.</p>	<p>Before Gary's state appeal in the 1990s, his defense was given access to a 10,000-page DA's file it had never seen before. Gary had always denied confessing, and claimed that when the cops interrogated him, they had used a tape – as was standard procedure in the Columbus police department at the time. In the DA's file were documents indicating that the interrogation had indeed been taped, and an early version of the supposed confession contained nothing incriminating, suggesting that the cops had fabricated these sections and added them later.</p>
<p>The fingerprints: The state claimed that Gary's prints were found at four of the crime scenes.</p>	<p>Although the cops took hundreds of photos at the crime scenes, none of them depicted fingerprints in situ, before they were lifted and preserved on sticky tape and fixed to cards. Another document in the DA's file, a report written on the day the cops found the body of victim Kathleen Woodruff, says no legible prints were found at her home – where, at the trial, the state said they found the clearest print.</p> <p>In 1979, Gary was in jail in South Carolina for robbing restaurants and Detective Richard Smith interviewed him and brought his prints back to Columbus. The print ID section was asked to compare them to prints from the murder scenes, but found no match. At the trial, DA Bill Smith lied to the jury, saying that unfortunately, Richard Smith had not brought back Gary's prints. I interviewed Richard and he insisted that he had. Moreover, Gary's prints had been on the national FBI database since 1970.</p>

<p>The survivor's identification: Before the first murder, the strangler attacked Gertrude Miller, but she survived. In court she identified Gary as the man who raped her – the hearing's moment of greatest drama. DA Bill Smith said that although she had been attacked nine years earlier, Gary's face was "burned into her memory," and that he had raped her with her bedside lamp on.</p>	<p>In the DA's file first disclosed on appeal were documents indicating that before she picked out Gary in court, Miller had identified three previous suspects. On the day after she was raped, she told the cops that the lamp was not on, and that it had been so dark that she could not even say whether her attacker had been black or white. Here too DA Smith had lied to the jury.</p>
<p>The serology evidence: The trial was held before DNA tests were invented, but the state said that the serology type (group O secretor) of the killer identified from his semen matched Gary.</p>	<p>The original samples have been destroyed, the state says, making a DNA test impossible. In 2000 I unearthed previously hidden lab reports suggesting Gary's semen did NOT match – he was a "secretor," but the killer was a non-secretor. Later I smuggled his semen out of the prison and lab tests have confirmed this. A DNA match with Gary's hair proves the semen tested was his.</p>
<p>The hidden bite cast: At the trial, the defense noticed that Janet Cofer, the last victim, had been bitten by the killer, who left a deep, clearly-delineated wound. DA Bill Smith told the court there was no way of comparing this with Gary's teeth. The state said nothing to indicate that there might have been a cast made of the killer's teeth from the wound.</p>	<p>In fact, a local dentist had made a cast of the killer's teeth from the wound, and the cops and DA Smith had shown it to an expert in Atlanta who said it appeared not to match Gary. They hid this cast from the trial, and again from the state appeals. My investigations unearthed it in 2005. It does not match Gary's teeth. Yet the federal court in Columbus refused to give him a new trial, deciding that although the jury might have found him not guilty if they'd known about the bite cast, they probably would not have, and therefore the hidden cast was not enough.</p>
<p>The 1970 Albany, NY murder: The state told the Columbus jury claimed that Gary had killed Nellie Farmer in Albany in 1970, a crime for which he was never charged. He pleaded guilty to robbing her, saying another man raped and killed her.</p>	<p>Here too evidence was hidden – forensic reports indicating that the Albany killer had tiny size 9 feet. Gary's feet are size 13 and the former Albany DA told me that was why he was excluded. 21 years later, he remains angry that the state misrepresented the Albany case in Columbus.</p>