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Re: The Murder of Quintin Moss on June 26, 1980, in the City of St. Louis, Missouri

Date: June 10, 2005

Introduction

Larry Griffin was convicted on June 26, 1981, for the murder of Quintin Moss one year earlier, on June 26, 1980. He was executed on June 21, 1995. From the outset, there have been serious doubts about whether Griffin was really the killer. In 1983, in a dissenting opinion in Griffin's appeal from his conviction, Justice Blackmar of the Missouri Supreme Court pointed out that "The only eyewitness to the murder had a seriously flawed background, and his ability to observe and identify the gunman was also subject to question." *State v. Griffin*, 662 S.W.2d 854, 860 (1983). That description was accurate, with a qualification: the only person *who testified at trial* that he saw the murder was an extremely flawed witness.

We now know much more about the murder of Quintin Moss. The most important new direct evidence comes from two sources:

- The first police officer at the scene has now said – repeatedly on tape and to a news reporter – that the story told by the supposed eyewitness was false.
- There was a second victim to the shooting in which Moss was killed, a man who was shot in his buttock. Although easy to find, he was contacted by neither defense nor prosecution and did not testify at trial. This victim states that the supposed eyewitness was not there at the time of the shooting. More important, he positively states that Larry Griffin – whom he knew personally – did not do the shooting.

In other words, we now know that the witness who provoked Justice Blackmar's concern in fact lied, while another eyewitness – a victim of the shooting who still carries a bullet from it in his body – knew all along that Larry Griffin was innocent, but was ignored.

What this means, of course, is not only that the wrong person was arrested and convicted but also that the real criminals have never been brought to justice. We have substantial new information on the identities of the actual killers of Quintin Moss. However, a more thorough investigation by appropriate authorities will be necessary to prove their guilt beyond a reasonable doubt.

I. The Evidence at Trial

Quintin Moss was killed in a drive-by shooting at about 4:25 p.m. on June 26, 1980. Moss, a 19-year old African American drug dealer and alleged hit-man for a drug ring, was shot on Olive Street near the corner of Sarah, a notorious block known as "the Stroll." It was a center of prostitution and drug sales. The residents of the neighborhood were entirely African American. Even in 1980, many of the buildings in the immediate area had been boarded up or demolished. In 2005, nothing from the 1980s is left on that block or on several nearby. New townhouses have been built on the Stroll. Several witnesses testified at trial, or told us recently, that shootings at the corner of Sarah and Olive were "common." In particular, the murder victim Quintin Moss himself had been shot at on that corner six weeks earlier.

About six months before the Moss killing, Larry Griffin's brother, Dennis Griffin, had been murdered. Dennis, by all accounts a substantial drug dealer, was several years older than Larry. It was widely believed that Quintin Moss killed Dennis Griffin. He was arrested for that murder but released for lack of evidence. It was also common knowledge that there was a contract out to kill Moss in retaliation for killing Dennis. After the first incident in which shots were fired at Moss (but missed), police officers chased down a car with Larry Griffin in it, driven by his nephew Reggie Griffin, age 19. No weapons were found, so they released both Larry and Reggie Griffin. Evidence of that earlier shooting and Larry Griffin's possible connection to it was introduced at Griffin's capital trial.¹

Quintin Moss was shot from a slow moving car, a 1968 two-door Chevy Impala, black over blue, that drove south on Sarah and then turned east on Olive. Moss was on the south side of Olive about ninety feet east of the corner. By all accounts, there were two shooters: a black man who leaned out of the front passenger side window and fired a .38 revolver pistol, and a second black man who shot a carbine from the rear passenger window. Moss was hit thirteen times and died at the scene. Another black man in the vicinity, Wallace Conners, was hit in the buttock by one bullet. He was found about seventy-five feet east of the corner. The car then continued east on Olive. It was found that night with the murder weapons in it. Various fingerprints were found in the car but none belonged to Larry Griffin. A recent traffic ticket of Reggie Griffin's was under a front seat floor mat.

Larry Griffin, who was 25 in June 1980, was tied to the shooting of Quintin Moss by two witnesses, only one of whom claimed to have seen him at the scene.

¹ It was the introduction of this "other-crime" evidence with its weak connection to the defendant Larry Griffin that was the basis for Justice Blackmar's dissent on appeal.

(i) Officer Andre Jones testified that about thirty minutes before the shooting he saw three black males leave a notorious drug house several blocks away from the corner of Sarah and Olive. One of the three was carrying a gun that could have been a carbine and another was wearing a distinctive baseball cap similar to a cap later found in the murder car. From a photo, Jones identified the third man (with no cap and no gun) as Larry Griffin. Jones did not know Larry Griffin. He said that he knew when he saw him that this person “was a Griffin but not Reggie.” Jones made mistakes in his description of the person he photo-ID’ed as Larry Griffin; for example, the real Larry Griffin had no facial hair on June 26, 1980.²

(ii) Robert Fitzgerald was the key witness. Fitzgerald, a white man from Boston with an extensive criminal record, was in St. Louis under the Federal Witness Protection Program. He later testified at an organized crime murder trial back in Boston and was a state’s witness in other prosecutions. Judging from news coverage, he developed a reputation as a snitch who couldn’t produce convictions because Boston juries wouldn’t believe him. At Larry Griffin’s trial, Fitzgerald testified as follows:³

In March 1980, Fitzgerald had been relocated to St. Louis as a federally protected witness. On June 26 he was living in a motel. Around noon he and an African American friend, "Carl," drove off in Fitzgerald’s car (a ‘73 Oldsmobile Delta 88) to take Carl’s four-year- old “baby” daughter to Carl’s mother to babysit. It was a hot day and the car’s air conditioner exhausted the battery. The car coasted to a stop on Olive east of Sarah around 12:30 p.m. He was stuck near that corner for over four hours. Carl and a friend (another black man) took the battery to be recharged, leaving Fitzgerald alone on the street with the four-year-old African American girl for several hours. While they were gone, Fitzgerald took the girl across the street a couple of times to get soda and/or popsicles at a liquor store. At the store, he said a few words to the guy who later got shot in the butt (Connors). He noticed Quintin Moss and noticed that Moss was selling drugs.

Carl and friend returned with the battery just before the shooting. They had the hood up installing the battery when the bullets started flying. The two of them jumped under the car and Carl yelled, "Get my baby!" Fitzgerald threw himself over the little girl who was playing near the rear of the car. Then he looked up at the windshield and front passenger-side window of the car moving toward him. He got a good view of a black man with a pistol leaning out the front passenger seat and firing a handgun. He could not identify the person shooting from the back passenger seat or the driver except to say that they were black males. As the car left, he memorized its license plate. Fitzgerald went to Moss and was trying to take his pulse or administer first aid when the first police officer arrived.

² Andre Jones referred our investigator to the General Counsel of the Police Department, which declined to permit an interview. Jones did say, “Personally I have no apprehension in speaking to you about this.”

³ Some of the details that follow are taken from Fitzgerald’s testimony at a pre-trial deposition on April 10, 1981.

He told this officer that he could identify the shooter and gave the officer the license plate number of the murder car. Then, at Carl's urging, they left immediately in his now-operable car. But the cops sent a cruiser after him, stopped the car, and took him back to the scene. Fitzgerald gave Carl his car, went back to the scene in the cruiser. Homicide detectives drove him downtown to headquarters where he identified Larry Griffin from a photo array. Later, while being driven back to his motel by another officer, he identified the murder car where it had been spotted. He left town for Florida a week later, but let the authorities know how to reach him.

In a federal *habeas corpus* hearing in 1993 (*Griffin v. Delo*, No. 88-1074 C(2), United States District Court for the Eastern District of Missouri) Fitzgerald changed his story in two critical respects: *First*, he testified that instead of picking Griffin's picture from a photo array,

“... a detective came over to me and mentioned to me that ‘We happen to know who did it,’ and threw me a photograph and -

Q. Just one photograph?

A. Yes, I believe that's what happened.”

That single photograph had Larry Griffin's name on the back and Fitzgerald picked it. *Second*, Fitzgerald testified that when he later saw Larry Griffin in court he was not sure it was the man he had seen shooting but testifies that he identified him anyway because he knew that he was the same Larry Griffin whose name was on the photograph.⁴

In addition to his extensive record of convictions and prison terms, by June 1980 Fitzgerald had several felony fraud charges pending against him in St. Louis. He admitted that he had used illegal drugs, including heroin and speed. He testified at trial that he was arrested soon after he returned to St. Louis from Florida in October 1980, "to meet his fiancé" and that he was in custody from then through Larry Griffin's trial. In fact, as he admitted in the federal *habeas corpus*, he received weekend furloughs while he was being held at the St. Louis County Workhouse at Gumbo, which he spent at motels with his girlfriend. Indeed, it appears from witnesses that we have since talked to that Fitzgerald was not in physical custody when he testified and may have been at liberty for additional periods of time before trial. He was sentenced and formally released the day Larry Griffin was convicted.

Other than Fitzgerald's testimony, no evidence at trial – no other witness and no physical evidence – placed Larry Griffin at the scene of this crime or in the car from which the shots were fired.

⁴ Fitzgerald's 1993 testimony could explain why, despite his innocence, Larry Griffin was charged with the murder of Quintin Moss: It made sense that a Griffin (some Griffin) was involved in the shooting; Officer Jones thought he recognized Larry Griffin's photograph; the police (in some manner, intentionally or inadvertently) directed Fitzgerald's attention to Larry Griffin's picture; and Fitzgerald, for reasons of his own, identified that picture.

II. Our Investigation

A. Larry Griffin's innocence

We have interviewed three eyewitnesses to the shooting on June 26, 1980, and its aftermath:

(I) Patricia Moss Mason, Quintin's sister, testified for the prosecution at trial that she saw her brother dead at the scene of the shooting. Although never asked at trial about it, she also witnessed the shooting itself — a point corroborated both by her sister Sherry Moss and her mother Missouri Moss with whom she spoke immediately after the shooting. We interviewed Patricia Mason in Birmingham, Alabama. She had been back and forth to the corner of Olive and Sarah a couple of times that afternoon. At the time of the shooting, she was walking toward her brother at the corner. She remembers seeing Wallace Conners at the scene and remembers visiting Conners in the hospital later that day. She was too far from the shooting to get a clear view of the shooters, but she is very clear on one critical point: There was no white man nearby before the killing or attending to Quintin Moss when the police arrived. In fact she insists that other than the emergency personnel, nobody bent over Quintin Moss after he was shot.

(ii) Michael Ruggeri. Patrolman Michael Ruggeri, now retired, was the first officer on the scene. He wrote the first police incident report, a three-page hand-written document that makes no mention of any white man attending to Quintin Moss when he arrived. At trial, he testified consistently with Fitzgerald: (1) that Fitzgerald was at the scene taking Moss's pulse when Ruggeri arrived; (2) that there was a car nearby (3) that he later saw Fitzgerald in a car (he said it was a Buick) in the company of a black man and a child; (4) that Fitzgerald drove off and was then stopped and brought back to the scene.

We have interviewed Ruggeri several times, each time on audiotape or videotape. The most recent and detailed interview was conducted in the company of a highly respected news reporter. Ruggeri consistently says that there was no white man near Quintin Moss when he arrived, no car parked near the curb, and no young black girl nearby. Ruggeri denies that Fitzgerald gave him the license plate number of the car from which the shots were fired, or told him that he could identify any of the shooters; at trial Ruggeri was not asked whether Fitzgerald told him those things.

In his most recent interview with the reporter present, Ruggeri stressed that he saw no car in proximity to the downed victims. He pointed out that over the eight years he patrolled that district he had never seen a car parked at that location. As first on the scene with no backup, he would have seen any car parked at that location as a potential threat. He would have noted it and proceeded cautiously. The same would apply to finding an individual bending over the victim. Ruggeri pointed out that such an individual might be a shooter administering a *coup de grace*. For these reasons, Ruggeri is certain there was no car parked where Fitzgerald said his car was parked and that no one was bending over the body when he pulled up at the scene. Ruggeri recalls going to Moss and finding him unconscious. Then he turned to Conners who was writhing on the sidewalk. He got a general description of the car as a late sixties Chevy with two

black shooters. He put this out via his radio and then turned back towards Moss.

Ruggeri estimated that he turned back towards Moss three to four minutes after he arrived on the scene. At that point he saw a thin white male trying to take Moss's pulse and yelling for an ambulance. Moss lost bowel and bladder control and Ruggeri told the white guy that Moss wouldn't need an ambulance. Ruggeri recalled that his take at the time was that the white guy had wandered up from the Methadone Clinic at Olive and Vandeventer. Ruggeri was familiar with the adrenalin rush which witnesses to a shooting exhibit. He said the white guy exhibited none of this. As Ruggeri put it, "The pucker factor wasn't there." He thinks the white guy might have seen the shooting, but only from a distance.

Other emergency units were arriving. Ruggeri's sergeant arrived and took command of the scene. Ruggeri told him of the white guy trying to get a pulse and the sergeant told him to get the white guy and hold him at the scene for Homicide. The white guy was now several hundred feet east of the shooting scene walking east on Olive. Ruggeri went up to him on foot and told him to come back to the scene. The white guy told Ruggeri, "I didn't see nothin'." Ruggeri took him back to the scene and later drove him downtown to police headquarters and turned him over to Homicide. Ruggeri didn't see the white guy with any companions; didn't see him in any car; doesn't remember any children with him. Ruggeri pointed out that had any young child been close to the murder and the fusillade of bullets she would have been screaming her head off when Ruggeri arrived at the scene.

At his most recent and extensive interview Ruggeri was shown a transcript of his testimony at trial. He read it carefully and expressed surprise. He said he did not remember testifying in that manner and cannot understand why he would have done so. He states unequivocally that the testimony was incorrect and that his current description of events is accurate.

Ruggeri's description is confirmed in part by Sergeant Anthony Pona (now retired) who arrived at the scene shortly after Ruggeri, and later that night spotted the murder car parked on the street. Pona is certain that Officer Ruggeri did not receive any information on the license plate number of the car at the scene of the shooting. If Ruggeri had received that information the license plate number would have been written on the first page of Ruggeri's hand-written police report, and put out immediately over the police radio – which didn't happen. Pona is sure, based both on his recollection of the event and on his reading of the police reports, that the license plate number was obtained later, by the homicide detectives.

(iii) Wallace Conners is the second victim of the shooting on Olive near Sarah on June 26, 1980. He was shot in the buttock and still carries the slug in his body. According to a police report, he left the hospital within a couple of days and couldn't be found at the address he gave — an aunt's house. He did not testify at trial nor in any post-conviction proceeding. He now lives in Los Angeles. He had not talked about the shooting to any attorney or police officer or investigator on any side of the case from when he left the hospital in St. Louis in June 1980 until our investigator first interviewed him in July of 2004.

The police incident reports state that both at the scene and later at the hospital Connors was unable to identify any of the shooters. He told us that he doesn't remember being asked, but he was injured and probably medicated. In any event, it is true that he couldn't identify the shooters: He didn't recognize them.

Connors left St. Louis soon after the shooting because he didn't want to be killed. He was afraid that whoever shot him and killed Moss might think it was safest to kill Connors as well. He went to Texas, where, in January of 1981, he was arrested for grand larceny. He was tried as a habitual criminal because of his criminal record from Missouri, and sentenced to life imprisonment in August 1981. In fact, he was innocent of that crime. His conviction was reversed by the Texas Court of Criminal Appeals in November 1984, and a distinguished Houston lawyer (later a judge) was appointed to represent him on re-trial. His new lawyer investigated the case for the first time and located witnesses who conclusively proved Connors' innocence; in September of 1985 he was acquitted by a judge in a bench trial and released. Connors has never lived in St. Louis since 1980. He has been back for short family visits, but by 1985, when he first returned, the conviction of Larry Griffin was an event in the distant past and never came to his attention.

Needless to say, Connors remembers the shooting well. He had been on the block all day and had chatted with Quintin Moss, an acquaintance but not a friend of his. He confirms that he saw Patricia Moss at the scene and later at the hospital. Like Patricia Moss and Michael Ruggeri, Connors says there was no white man stuck on that corner for hours (certainly not with a four-year-old black girl) and that no white man came up to Moss before the police arrived. Connors is certain there was no car parked just east of the shooting. If there had been, he points out, he would have run to it for cover instead of running west, toward the corner of Sarah, and getting shot on the way.

Connors was standing about fifteen feet directly across from the car from which shots were fired with the windows open. He looked at all three occupants and got a very clear view of the pistol shooter in the front passenger seat who was leaning out of the window. This was the shooter Robert Fitzgerald identified as Larry Griffin. Connors does not know who that man was; he did not recognize him. However, Connors is absolutely certain that man was not Larry Griffin, and that Larry was not in the car at all.

Connors, now fifty-two, was a year or so older than Larry Griffin and a friend of Larry's older brother, Dennis. He was 27 in June 1980, and had known Larry for years, not intimately but well. Connors had only recently been released from nearly seven years in prison, and most of the guys on "the Stroll" were new to him. But Larry Griffin was one of his old crowd; he would have recognized him instantly. He gave us a good description of the pistol shooter in the front passenger seat. He doesn't know who it was but he is certain it was not Larry Griffin. In fact, he talked to Larry Griffin briefly about the shooting a couple of days later. This was after he left the hospital but before he left St. Louis.

Although Connors was out of state at the time of Larry Griffin's trial in June of 1981, it would

not have been hard for the prosecution or defense to locate him and bring him back to testify. At that time, Conners was in county jail in Houston, Texas, awaiting trial on the larceny charges for which he was ultimately exonerated in 1985. He could have been located by routine inquiries. In fact, his presence in custody in Houston must have been known to at least some members of the St. Louis Metropolitan Police Force because on June 22, 1981 – the very day that Larry Griffin's trial began – the Harris County District Attorney's Office applied for a subpoena to bring St. Louis City Police Officer Merle McClain to Houston to testify in Conners' trial in Houston. Officer McClain actually testified in Conners' trial in July 1981.

(iv) Robert Fitzgerald himself died on August 24, 2004, in Florida, of lung cancer and cirrhosis, before we could interview him.

B. The identities of the actual killers

(i) Ronnie Thomas-Bey (aka Ronnie Lee Thomas, aka Ricky Thomas) was the registered owner of the car from which Quintin Moss was killed. Several days after the shooting Thomas-Bey was arrested as an accessory before the fact, but released for lack of evidence. As far as we know, Ronnie Thomas-Bey was not suspected of being one of the three men in the car at the scene of the murder, and his picture was not presented to witnesses for possible identification.

In 1991, Thomas-Bey was indicted as one of thirteen defendants in a federal RICO prosecution of various people associated with the St. Louis Moorish Science Temple, *United States vs. Jerry Lewis Bey, et al*, No. 91-1CR(6), United States District Court, Eastern District of Missouri (the "Moorish Science Temple case"). In December of that year Thomas-Bey became a cooperating witness for the Government, and in 1993 he testified at the Moorish Science Temple trial as Government witness. As a cooperating witness, Thomas-Bey pled guilty to various RICO violations in federal court in 1993; he also pled guilty to three counts of murder in Missouri state court in 1993 and was sentenced to three terms of life imprisonment, which he is now serving in federal custody under the Federal Witness Protections Program. Thomas-Bey was given federal immunity for numerous other murders in which he was involved.

On December 1, 1995, Thomas-Bey was deposed in *State v. Jerry Lewis-Bey and Gerald Hopkins-Bey*, Circuit Court of St. Louis City, State of Missouri, 94-1366, a state-court prosecution of some the defendants who had already been convicted in federal court in the Moorish Science Temple case. He was asked about his role in the murder of Quintin Moss, and testified under oath that he was present in the car from which Moss was shot – his own car – but did not himself shoot Moss. As best he could recall, they weren't looking for Moss at the time but for a "guy called Black, something at the time, because I was trying to help Reggie [Griffin]...."

"Q. Was Larry Griffin present when he [Quintin Moss] was killed?

A. No.

Q. Are you sure?

A. No, I'm not."

Thomas-Bey went on to explain that he couldn't remember for sure who was there because the drive-by shooting of Quintin Moss "was just an insignificant incident....you have got to understand something, you are talking about over 20 years of incidents, information and I'm doing my best." He also testified that "a lot of times I wasn't in possession of [my] car. Reggie would have it," that he and Reggie were close, and that Reggie Griffin (but not Larry) worked with Thomas-Bey in the same drug ring.

(ii) The other two killers – in addition to Ronnie Thomas-Bey – appear to be Reggie Griffin, Larry Griffin's nephew, and Ronnie ("Hump") Parker, a drug-dealing associate of Reggie Griffin and Ronnie Thomas-Bey. Both Reggie Griffin and Ronnie Parker are serving sentences of life imprisonment without the possibility of parole in Missouri state prisons.

Reggie Griffin was 19 on June 20, 1980 – six years younger than his uncle Larry, and more than seven years younger than Wallace Conners, who didn't know him. Both Reggie Griffin and Ronnie Parker had worked in the drug trade with Larry Griffin's older brother Dennis, and both were closely associated with Ronnie Thomas-Bey.⁵

Jerry Lewis-Bey, the lead defendant in the Moorish Science Temple case, was the Minister of the St. Louis Moorish Science Temple since 1980. The Moorish Science Temple trial in 1991 included extensive evidence that Ronnie Thomas-Bey had worked as a hit man for Jerry Lewis-Bey through most of the 1980s. We interviewed Lewis-Bey in July 2004 at the Federal Correctional facility in Edgefield, South Carolina, where he is serving a sentence of life imprisonment without the possibility of parole for his convictions in the Moorish Science Temple case.

Lewis-Bey told us that he went to Montreal in June 1980 to attend the Sugar Ray Leonard/Roberto Duran prize fight. Upon his return, he learned that his cousin, Ronnie Thomas-Bey, had been arrested and then released for a drive-by shooting. When he ran into Thomas-Bey, Lewis-Bey asked him about the shooting. Thomas-Bey replied that he, Reggie Griffin and Ronnie Parker had been riding around in Thomas-Bey's car and happened to spot Quintin Moss selling drugs at the corner of Sarah and Olive Streets. Thomas-Bey turned over driving duties to Parker because he wanted to do some of the shooting. The guns were in the car as a matter of course. Reggie Griffin was in the back seat, Thomas-Bey in the right front passenger seat and Parker driving when the killing occurred. Lewis-Bey stated that this version of the killings was "gospel," that everyone "back then knew that this was the way it went down."

Lewis-Bey told us that Thomas-Bey said nothing about a white man being at the scene of the Moss murder. He offered his opinion that if Thomas-Bey, Reggie Griffin and Parker had seen a white man at or near the scene of the Moss murder, they would have killed him too.

Lamont Griffin, a nephew of Larry Griffin's and cousin of Reggie Griffin's, was interviewed last

⁵ By contrast, we have heard from several sources that Larry Griffin was not a member of that drug ring, and Ronnie Thomas-Bey's deposition testimony is consistent.

August at Crossroads Correctional Center in Cameron, Missouri, where he is serving a sentence of life imprisonment without the possibility of parole for an unrelated murder. Lamont Griffin was shown a portion of a report of the interview with Lewis-Bey that included Lewis-Bey's description of the shooting of Quintin Moss and his statement that it was "gospel." Lamont Griffin read that portion of the report, was silent for a moment, and then said "That's about the truth for me." A few minutes later he confirmed again that Ronnie Parker was the third occupant of the car in addition to Reggie Griffin and Ronnie Thomas-Bey. We have heard the same story from several other sources as well, some of them confidential. The only difference is that some report that Ronnie Thomas-Bey was driving rather than shooting (as Thomas-Bey himself said in his deposition in *State v. Jerry Lewis-Bey, et al.*) and that Ronnie Parker was the pistol shooter in the front passenger seat.

We have interviewed both Ronnie Parker and Reggie Griffin. Parker was interviewed first, at the Missouri State penitentiary in Jefferson City where he is serving a term of life imprisonment without the possibility of parole. Parker did not admit participation in the Moss/Connors shooting; but when told that we had heard that the three men in the car were Ronnie Thomas-Bey, Reggie Griffin and himself, Parker said that when he spoke to the lawyer and investigator who handled Larry Griffin's habeas corpus petition he told them "that what they had to do was to get Reggie on the phone and get the feds to put Ronnie [Thomas-Bey] on the phone and let the three of us talk about it." Later, toward the end of the interview, Parker said more than once: "You go talk to Reggie and then come back to me. That's how we'll do it." We did talk to Reggie Griffin, at the Crossroads Correctional Center, where he too is serving a term of life imprisonment without the possibility of parole. Reggie Griffin denied any personal knowledge of this crime. Toward the end of the interview he said: "Even if I was there, I wouldn't walk into a mother-fuckin' capital murder case." We then returned to see Parker after the interview with Reggie Griffin and reported Reggie's position. Parker seemed disturbed by this and finally said: "Look, what I'm gonna do is write Reggie a letter and then I'm gonna write to you. You can then see if you want to come see me again." We have not heard back from Parker.⁶

⁶ At Larry Griffin's federal habeas corpus hearing in 1993 (*Griffin v. Delo, supra*) a witness named Kerry Caldwell – like Ronnie Thomas-Bey, a government witness in the Moorish Science Temple case – presented a different story of the shooting of Moss and Connors. Caldwell testified that he had been a member of Dennis Griffin's drug gang; that on June 26, 1980, he spotted Quintin Moss on the street and called an associate to come kill him; and that in response three members of the gang arrived in Ronnie Thomas-Bey's car and shot Moss, an event Caldwell said he witnessed. He identified the driver as Humphrey Scott (who died in 1986), the man shooting from back seat as Darryl Smith (who died in 1990), and the man shooting from the front passenger seat as Ronnie Parker. Judge Filippine of the Eastern District of Missouri did not believe Caldwell's testimony for a variety of reasons, including that Caldwell had immunity for the crime and was a friend of the Griffins – and that his testimony was inconsistent with Robert Fitzgerald's (e.g., Caldwell did not see a white man near the Moss after the shooting). We do not believe that Caldwell's story is accurate; it contradicts a consistent description of the Moss/Connors shooting that we have heard from many sources. It may well be that Caldwell lied, as Judge Filippine found. It is also possible that Caldwell was mistaken. He testified that he never actually talked to Darryl Smith, the confederate he called, but only left voice messages on Smith's pager. When Ronnie Thomas-Bey's car showed up with blazing guns, Caldwell might have assumed it was in response

to his call when in fact (as Thomas-Bey himself testified) the encounter was accidental. If so, it makes sense that the one person Caldwell identified correctly was Ronnie Parker – the front-seat passenger who was leaning out of the window, and therefore the only one of the three Caldwell could have actually seen if he were present, as he said, in his own car.

At the habeas corpus proceeding in 1993, Griffin's attorneys presented an affidavit from Robert Dwyer, a DEA agent. In his affidavit Dwyer stated that in December of 1990 or January of 1991, when Dwyer was a St. Louis City Police homicide detective on loan to the United States Attorney's office, Caldwell discussed the Moss murder with Dwyer as part of Caldwell's cooperation agreement with the United States Attorney. We talked to Agent Dwyer, and he confirmed Caldwell had told him that Larry Griffin was not present at the Moss shooting. Dwyer added that if Caldwell had claimed that Larry Griffin had no role at all in the Moss killing he, Dwyer, would have remembered it and challenged it as "bullshit." Apparently Dwyer believed that Larry Griffin was not present at the scene, but must have had some role in the murder nonetheless. Of course, Larry Griffin was convicted solely on the basis of evidence that he was present and fired shots, and there was no evidence whatever that anyone who was not present had any role in the shooting.