

# Mississippi death row inmate released on bail after being tried six times for the same crime

Matthew Taylor  
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Mississippi death row inmate Curtis Flowers was released on bail earlier this week after the US Supreme Court vacated his latest conviction on four counts of homicide dating back to 1996. Flowers has been tried six times for those crimes over the last twenty-three years, with each trial either ending in a hung jury or his conviction being overturned by appellate courts.

In each of Flowers' trials the lead prosecutor was District Attorney Doug Evans, a prosecutor who has pursued a deliberately racist strategy in regard to jury selection throughout his career. Over the course of 26 years in office, Jones has struck potential black jurors from being empaneled at a rate of 4.4 times greater than potential white jurors.

This led to the US Supreme Court overturning Flowers's latest conviction. In a 7-2 decision, last June the court found that the Mississippi District Attorneys' office had violated Flowers' constitutional rights by excluding black jurors. Justice Brett Kavanaugh, writing for the majority, stated that "Equal justice under law requires a criminal trial free of racial discrimination in the jury selection process."

Flowers is accused of murdering four people at a Tardy Furniture store in Winona, Mississippi in 1996. Flowers was a former employee of the store who had been fired thirteen days before the murders, which prosecutors claim motivated him to kill the store's owner along with three other employees.

The prosecution built their case around testimony that Flowers had allegedly been seen walking in the area on the same day, that a gun stolen from Flowers' uncle that same morning matched the caliber of bullets found at the crime scene, and that an amount of cash close to what was stolen from the store was later found at the home of Flowers' girlfriend. They also claim to have detected gunshot residue on Flowers' thumb, and that

bloody footprints found at the scene of the crime match the size and brand of the shoes Flowers was seen wearing that day.

In other words, there was no direct evidence that Flowers had committed the murders. Upon closer examination, the circumstantial evidence used to convict Flowers was also shown to be weak. The murder weapon itself was never found, which invalidates the ballistic match that prosecutors claim. Furthermore, \$287 was stolen from the register of the store, while \$255 was found at the home of Flowers' girlfriend, a relatively modest sum of money that anyone might have at a given time.

Flowers stated at his trial that he had handled fireworks the day before, which accounted for the positive test for gunshot residue. He also said that he was wearing different shoes and clothes on the day of the murders than what was described by witnesses and that he had not been fired from the furniture store but rather quit without giving notice.

The main evidence presented by prosecutors was testimony by three fellow inmates who claim that Flowers confessed to the murders while incarcerated. Of those inmates who testified at the original trial one subsequently recanted his testimony and the other has died. The third inmate witness, who met Flowers in prison after his conviction and testified against him at a later trial, has also recanted his testimony.

Flowers' first and second convictions, which were separate trials for two of the victims, were overturned by the Mississippi State Supreme court due to prosecutorial misconduct. His third conviction in 2004 on all four counts, and death sentence, was overturned by the same court which found that the state's use of peremptory challenges during jury selection was racially motivated to exclude black jurors and therefore

unconstitutional.

His fourth and fifth trials, in 2007 and 2008, both ended in hung juries and were declared mistrials. His sixth and most recent trial in 2010 ended in his conviction and he was once again sentenced to death.

The US Supreme Court overturned Flowers' conviction in 2016 because of racial bias during jury selection and sent it back to the Mississippi Supreme Court for reconsideration, which upheld its earlier ruling. Finally, in 2018 Flowers was granted a review of this ruling by the US Supreme Court, which once again dismissed his conviction in June of this year.

Since that time Flowers had languished in prison while prosecutors refused to set a date for a new trial or respond to any motion filed by his attorneys. Last Monday Judge Joseph H. Loper Jr., who in his remarks from the bench criticized the prosecutors for their misconduct and inaction, set bond for Flowers at \$250,000. An anonymous donor paid the bail and Flowers was released after 23 years of incarceration.

Flowers still faces the possibility of another trial and is subject to electronic monitoring as part of his bail conditions.

An important role in freeing Flowers was played by "In the Dark," a podcast produced by American Public Media. The second season focused on Flowers' case. Most significantly, the program exposed the fraudulent use by prosecutors of jailhouse snitch Odell Hallmon, a violent career criminal who for years had avoided serious punishment for his many convictions because he became the key witness against Flowers in his final four trials.

Hallmon testified that Flowers had confessed to the murders while the two were serving time in prison together, a claim that he later told the podcast was "all make-believe."

The Flowers case is a demonstration of the class nature of the US justice system, where prosecutors are incentivized to seek convictions at all costs to boost their political careers, targeting poor and working class men, women and children who are unable to afford adequate legal representation.

The case also exposes the widespread practice of using inmate informers to secure frequently false convictions. According to ProPublica, since the practice was upheld by the Supreme Court in 1966, over 140 people have been exonerated in cases which

utilized testimony from jailhouse informants.



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