

GLENN FORD

VERSUS

STATE OF LOUISIANA

Docket No. 126,005

FIRST JUDICIAL DISTRICT

PARISH OF CADDO

MOTION TO VACATE CONVICTION AND SENTENCE

Now into court, through the undersigned assistant district attorney, comes the State of Louisiana, and requests that the first degree murder conviction and death sentence of Glenn Ford be hereby vacated and that said Glenn Ford be ordered released from the custody of the Louisiana Department of Corrections unconditionally, based upon the following occurrences:

In late 2013, credible evidence came to the attention of the undersigned to supporting a finding that Glenn Ford was neither present at, nor a participant in, the robbery and murder of Isadore Rozeman.

Defense counsel has been informed of the new information. Due to the new reliable information, the State now believes that whatever the involvement of Glenn Ford in the robbery or murder of Isadore Rozeman, the new information, if known at the time of the trial, would reasonably have resulted in a different outcome, pursuant to *Brady v. Maryland*.

Indeed, if the information had been within the knowledge of the State, Glenn Ford might not even have been arrested or indicted for this offense.

The case against Glenn Ford was based on the following information and testimony:

The victim, 58-year old Isadore Rozeman, operated a small jewelry and watch repair shop out of his home located at 151 Stoner Avenue in Shreveport, Louisiana. Rozeman sold watches, china, silverware, jewelry and similar items on a wholesale and retail basis. He suffered from poor vision as a result of

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cataracts. Because of his frail condition and a fear of intruders from the local neighborhood, Rozeman's customers always phoned ahead to tell him of their estimated arrival. When friends or customers arrived at his shop, Rozeman would ask that they identify themselves before he opened the front door which usually remained locked.

Dr. A. R. Ebrahim, an acquaintance of the victim, testified that he called Rozeman between noon and 1 p.m. on November 5, 1983, and made arrangements to come by at 3 p.m. When Ebrahim arrived at about 3:10 p.m., the front door was open. He noticed that the display cabinet was empty and that the shop appeared to be in disarray. Fearing something was wrong, Ebrahim called Shreveport Police from the florist shop next door.

Shreveport police arrived at the scene at 3:24 p.m. Although the front door was open there did not appear to be any sign of forced entry. Isadore Rozeman's body was discovered prone on the floor in a narrow space between the display counter and a wall. He was face down, his eyeglasses fallen from his face. His pockets were turned inside out.

A duffle bag filled with clothing lay next to his head and the jewelry cases were empty, and the place in disarray. A shot had been fired through the duffel bag, passing through Rozeman's skull from behind his right ear and exiting through his left eye. The spent bullet was found underneath his head.

A Shreveport fireman, one of the first individuals to respond to the scene, observed that there was no radial pulse on the victim's left wrist and that the wrist felt stiff. Rozeman's body felt cool to his touch. The pool of blood beneath Rozeman's head had begun to coagulate. A paper sack was found at the scene. It was shaped as though it had been used as a glove.

Shreveport police detectives soon learned that the victim's yard man, Glenn Ford, might have knowledge of the offense. Investigation revealed that Ford was in the vicinity of Rozeman's shop at the time of the murder. A friend of Ford's, who resided at the nearby Stoner Vista Apartments, testified

that Ford had been at her home at approximately 10 a.m. on the morning of the offense.

She and Ford proceeded to a bus stop at the corner of Youree Drive and Stoner Avenue around 10:30 a.m. but the bus failed to arrive. She left Ford at the bus stop at approximately 11 a.m. She further stated that she overheard Ford tell her boyfriend Ricky Demming "that some dude wants to sell him a gun."

A beer distributor who was making a delivery down the street from Rozeman's residence, testified that he gave the defendant and another man each a beer at approximately 1 p.m. on the day of the offense. A former employee of the Keep Happy Market located on nearby Market Street, testified that two black males entered his store near the time of the alleged offense acting very suspiciously but leaving without incident. Another employee of the Keep Happy Market identified one of the suspicious individuals as Glenn Ford. She testified that the man entered the store after 1 p.m., between 2 and 2:30 p.m. She identified Ford despite the fact that his hair style was significantly altered at the time of trial.

A 17-year old neighbor of the defendant, knew Ford raked leaves for Mr. Rozeman. He testified that Ford and Rozeman had argued the previous Tuesday over money (the murder occurred on a Saturday.) Other teenage witnesses, who lived next door to Rozeman, also saw Ford on the day of the offense. At approximately noon time they observed the defendant through a back window of their home.

One girl saw Ford in a rear storage area behind Rozeman's residence. She observed Ford run down the alley located behind the two residences, holding his jacket. The other girl observed Ford walking back and forth in the alley, viewing the houses situated on Rozeman's side of the alley. Yet another neighbor who knew Ford as the victim's yard man, saw Ford in the alley behind her house around 1:30 or 2 p.m.

Marvella Brown, who was Jake Robinson's girlfriend, also testified at trial.

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She stated that Jake, his brother Henry, and the defendant were at her house around 11 a.m. or noon on the day of the offense. She overheard Ford inquire of Jake and Henry "if they were going," whereupon they left her residence. Ford was carrying a brown paper grocery bag when they left. When they returned several hours later Ford was carrying a smaller paper bag with "something" inside it. Jake had a .22 caliber handgun with him; Ford had a gun in his waistband. Later that evening Jake presented Marvella Brown with the fruits of their labors, showing her pocket watches, wrist watches and rings wrapped in a towel.

Ms. Brown would later testify for the defense, stating she had suffered memory loss due to being shot in the head, and that her prior testimony was "a lie." This prompted the prosecution to request an instanter subpoena for George Robinson, Jake and Henry's brother, who was seated in the courtroom observing the proceedings. Robinson was then ordered out of the courtroom to join the remaining witnesses.

Another acquaintance of Ford also testified for the State. He stated that on the day of the offense he had given Ford a ride from the Allen Avenue projects to the Stoner Hill area (where Ford resided). He stated that Ford was trying to sell a .38 caliber gun at that time, and his passenger related that Ford wanted to get out of town.

An expert at the North Louisiana Crime Lab testified that the bullet found underneath Rozeman's head was consistent with a .38 caliber round.

One of the proprietors of the Sprague Street Hotel where Ford resided stated that she saw the defendant on the day of the offense around 3:30 or 4 p.m. Ford, being three days late in his rent, told Smith that he would pay her "a little bit later on." She next saw him after dark the same day when he paid her \$40 cash for the rent.

Shreveport detectives searched for Ford on the day of the murder without success. They left word with his father to inform Ford that they wished to

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Speak with him. Ford, accompanied by his father, went to the police department in the early morning hours of November 6 where he provided fingerprints, photographs and submitted to a gunshot residue examination. The residue test results were positive for Ford's left hand. Ford is left handed.

Ford also gave the detectives several post-*Miranda* statements after being advised that he was under investigation for the first-degree murder of Rozeman. In his first statement, Ford related that on the day of the offense he had been at his friend's house at the Stoner Vista Apartments to visit her boyfriend. They waited for a bus at the corner of Youree Drive and Stoner Avenue, only one-half mile from Rozeman's, but left at approximately 11 a.m. when the bus failed to arrive. Ford stated he then ran into "O.B." and they proceeded to go to Rozeman's looking for work. Rozeman told them that work was unavailable and refused to loan him money.

Ford and "O.B." then proceeded to the Keep Happy Market where they got a soft drink and a beer from a salesman. They then went to the Stoner Vista Apartments and got a ride to the Allen Avenue projects. Ford stated that there he received \$5 from a friend. He then went to his hotel room, paid his rent and spent the night until his father arrived.

Detectives then took a recorded statement from Ford wherein he admitted to urinating in the alleyway behind the Rozeman's residence. In neither did he tell detectives that he had pawned any items or that he had tried to sell a .38 caliber handgun. Ford was released at that time, but returned for further questioning in the afternoon the same day.

When confronted with the information that he tried to sell a handgun, he told detectives in his second statement that he tried to sell the handgun to Pouncey and White for "O. B." Ford could or would not provide detectives with any information on "O. B.," such as an address, where he could be reached, or even a last name. Shreveport detectives searched their records and "street information" for "O.B." but failed to discover such an individual.

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The beer distributor had picked Henry Robinson out of a photographic lineup, identifying Robinson as one of the men that he gave a beer to at the Keep Happy Market. A search warrant executed on Henry Robinson's luggage in California revealed numerous items similar in nature to those sold by Rozeman, including a shirt stud identical to one found in Ford's hotel room. A search warrant was executed at appellant's one-room hotel room on November 9. Found inside were demitasse spoons, a cross, gold chains, a pill box, and shirt studs.

A few days after the offense members of the Shreveport police "pawn shop detail" came into possession of several pawn shop slips from International Pawn Brokers on Marshall Street, located near Rozeman's residence. The slips were issued for a travel clock, a silver ring, a silver bracelet, and a pocket watch, all of which were identified as coming from Rozeman's shop.

The receipts were signed "Glenn Ford" and positively matched by handwriting analysis to handwriting exemplars provided by Ford. The receipts indicated that the aforementioned items were pawned at 5 p.m. on the date of Rozeman's death, and petitioner was identified as the person who brought the items in to pawn.

Dr. George McCormick, the late forensic pathologist, theoretically reconstructed the offense. Based upon the location of the victim's body, the narrow area in which it was discovered, the presence of other objects around the body and the trajectory of the bullet, McCormick opined that the killer was left handed and stood at the head of the victim when he fired the fatal shot. As noted earlier, Ford is left handed.

The crumpled paper bag found at Rozeman's was determined to contain latent "whorl" prints. Approximately one-third of the population has such prints; neither Jake nor Henry Robinson had such a "whorl" pattern. Appellant does have "whorl" pattern fingerprints.

While the evidence at trial was sufficient to support the verdict, the jury

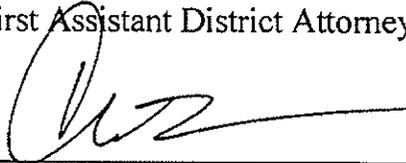
was necessarily unaware the information now in the possession of the State. In a dissenting opinion on appeal, Justice Calogero felt the evidence was insufficient to support the verdict.

In light of the newly-discovered and credible exculpatory evidence, and in light of its obligation under *Brady v. Maryland*, the State therefore moves that the Court vacate Ford's conviction and sentence, without reservation.

Respectfully submitted,



DALE G. COX
First Assistant District Attorney



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CERTIFICATE

I HEREBY CERTIFY that this Motion has been mailed to counsel for petitioner, Gary Clements and D. Aaron Novod, 1340 Poydras St., Suite 1700, NOLA 70112, this 10th day of March, 2014.


CATHERINE M. ESTOPINAL

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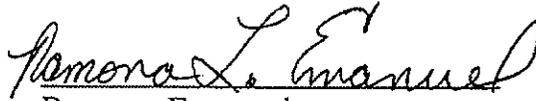
PARISH OF CADDO

ORDER

CONSIDERING THE FOREGOING MOTION, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Motion to Vacate Conviction and Sentence is hereby GRANTED.

IT IS FURTHER ORDERED that GLENN FORD be unconditionally released from the custody of the Louisiana Department of Corrections.

Shreveport, Caddo Parish, Louisiana, this 10th day of March, 2014.



Ramona Emanuel
Judge, First Judicial District

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