

EYEWITNESS FALLIBILITY

On October 18, 1982, I resided in a conservatively white community, and was acutely aware of my unique distinction of being the only dark complexioned male with a full beard, and long black hair worn in a ponytail. I also wore a smile, as I felt comfortably secure owning title to my pronounced appearance. A smile that quickly faded on that October night when I was placed under arrest by a Clearwater, Florida police detective. Who told me four eyewitnesses had positively identified me as the person they seen commit a brutal murder.

Hours earlier, before being placed under false arrest, I had been savagely attacked from behind, by an unknown assailant. Leaving me a bloody mess, and suffering severe head trauma amounting to a major concussion. Now add the total shock hours later in learning my girlfriends adult son had been murdered, and I was being charged with his murder. Turning me into a raving maniac, repeatedly saying four people could not have seen me, because I had not killed anyone.

From that night in October 1982, on; I have suffered from extreme mental duress. Even as I write this, I have a pounding headache. Due to the knowledge that if I fail to find the influence to compel the five trial level attorneys to come forward to address the irreparable prejudice the withheld favorable eyewitness evidence had on them to provide me with a fair and impartial trial. I will either be executed, or die of old age behind Florida's dungeon walls of death row...

None of the defense attorneys ^{appointed} ~~appointed~~ to represent me would help me get the police reports, witness statements, and other evidence I continually asked them to provide me. Evidence they

repeatedly told me was overwhelming as to guilt. It wasn't until the morning in June 1983, when the judge forced me to stand trial. The attorney appointed to represent me reappeared after months of not being available to tell me the eyewitnesses had made their identification of me through a five man photo array. When I asked to see it, to my surprise the attorney showed it to me. I was immediately able to point out to him how the photo array was highly suggestive. There were four photos of normal looking white males with neat long brown hair with full beards and a photo of me, a dark complexioned male with bloodshot eyes, looking crazy with messed up long black hair with a full beard. It was totally obvious my photo stood out as not belonging with the other four photos.

Seeing the photo array was my first glimmer of hope that the truth would come to light. I told the attorney, I wanted him to file a motion to suppress the eyewitness identification due to the highly suggestive nature of the photo array. Which I felt was a good thing, since the judge had earlier refused to grant me a continuance unless I changed my plea of innocence to one of temporary insanity. Which I refused to do! Now I felt the judge would be obligated to grant me a continuance based on the motion to suppress the eyewitness identification. Only that did not happen... The judge ordered the hearing to suppress the eyewitness identification to take place that morning. It was at this time I learned my attorney had just taken three of the four eyewitnesses statements. (which I would not see until years later.)

Only two of the four eyewitnesses, and the detective who constructed the photo array, were called to testify at the hearing to suppress the eyewitnesses identification. The first eyewitness testified she was unable to positively state I was the person

She had seen that night. The other eyewitness was unequivocally positive. I was the person she seen commit the murder, and was why she chose my photo. (The favorable evidence disputing this eyewitnesses testimony was apparently withheld from the prosecuting attorneys, and defense attorneys. Which none of these five trial level attorneys can condone taking place, since it prevented them from providing me with a fair and impartial trial.)

The detective who constructed the photo array testified he done the best he could to construct a fair photo array based on the eyewitness description of the person they seen. (What this detective did not reveal, and I would not learn until September 1987, while I was under a death warrant scheduled to be executed. Was the fact the detective had tape recorded three of the eyewitnesses statements and they each described who they ~~seen~~^{seen} commit the murder as being a white male with long brown hair. None of them mentioned seeing a full beard). The detectives withholding of this information was blatant police misconduct. None of the five trial level attorneys can condone the irreparable prejudice this detective created in the suppression of this evidence pointing toward my innocence. The five trial level attorneys were all falsely lead to believe the evidence against me could not be disputed. Once I am able to compel them to come forward to respond to the police misconduct that took place in my case. I will be vindicated. It is that simple, and raises the question of why this has not happened?

After the detective gave his tainted testimony, The judge ruled even THOUGH the photo array was somewhat suggestive, she would only suppress the identification of the one eyewitness who was unable to testify with certainty I was the

person she seen that night, and would allow the testimony of the other three eyewitnesses. Then the judge ordered jury selection for the trial to begin.

Had the detective been honest about the initial eyewitnesses descriptions of the person they seen commit the murder. The judge would have had to suppress the eyewitnesses identification of me due to the highly suggestive photo array. I would have been granted a continuance and been able to point out to my attorney how the eyewitnesses description matched the person I had been saying all along had to be the killer..

I also learned in September 1987, while I waited to be executed, that a host of other favorable evidence to dispute the eyewitnesses identification of me existed. The most glaring piece of favorable evidence that had been suppressed/hidden, came in a police report of the first officer on the scene of the murder. The officer took a collective description from the four eyewitnesses, and they all agreed the person the seen was a white male with long brown hair. (Once again there was no mention of seeing a full beard). To my knowledge neither of the two prosecuting attorneys, and three defense attorneys involved in my case knew of this police officers reports, nor did any of them ever question him. For all intensive purposes this police officer did not exist until I read his reports in September 1987.

Another glaring piece of favorable evidence that was suppressed came in the fact that one of the eyewitnesses had drawn a composite of the person she seen commit the murder. Mysteriously the composite drawing by this eyewitness was not preserved as evidence and the detective she gave it to was never questioned by the two prosecuting attorneys and three defense attorneys

All of this withheld favorable evidence proves, I was denied a fair and impartial trial. Since I was falsely made to appear overwhelmingly guilty. So why in over three decades, have I been prevented from compelling the five trial level attorneys to respond to the irreparable prejudice the withheld favorable evidence had on them to provide me with a fair and impartial trial ???

I need the court of public opinion to exert influence on the five trial level attorneys to come forward to vindicate me of any kind of murder. Help me go viral and come out from under the blanket of obscurity. The five trial level attorneys will not come forward on their own. They have to be compelled to come forward through an outcry from the court of public opinion, or they will remain hidden in the shadows denying responsibility for sending an innocent man (me) to death row.

THANK YOU,

Mile Rose