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January 4, 2012

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Washington , DC 20530-0001

Re: Rodney K. Stanberry

Dear Attorney General Eric Holder:

I am writing to request that your office investigate the Mobile District Attorney’s Office for the wrongful incarceration of Rodney K. Stanberry. Mr. Stanberry was arrested in 1992, convicted in 1995, and began serving a prison sentence in 1997. He was convicted of attempted murder, First Degree Burglary, and First Degree Robbery. He was convicted even as there was a confession. Terrell Moore confessed in front of prosecutor Joe Carl “Buzz” Jordan on April 2, 1993 in the law offices of Clark, Deen and Copeland. Bob Clark was representing Moore . Moore was given testimonial agreement under one condition, that he tells the truth. Moore testified that it was he and Angel “Wish” Melendez who entered the home of Valerie Finley and that Rodney K. Stanberry was not at the home and did not know about the home invasion (a transcript of this confession can be found at www.freerodneystanberry.com). Angel “Wish” Melendez died in a shoot-out in New York before Rodney’s trial. The District Attorney’s Office is pretending as if Angel “Wish” Melendez did not exist and that Rene Whitecloud was the shooter, Rodney was his accomplice, and that Moore, who had a criminal record, was on probation, and who did not know Rodney (other than meeting his by happenstance once) lied to cover for Rodney. Before Rodney’s trial, the prosecutor Buzz Jordan visited Rene Whitecloud at Rikers Island prison in New York . He claims that he only visited Rikers Island prison while on vacation and only visited Rene to see if he actually existed. Again, the District Attorney’s Office claimed before this visit that Rene Whitecloud was the shooter. Buzz Jordan said he was on vacation so no notes were taken, meaning the interview with Whitecloud was not turned over to Rodney’s attorney. The District Attorney’s Office should account for this interview and explain why no one, save for Rodney, was charged for the crimes against the late Ms. Valerie Finley (she died after Rodney’s trial of an unrelated cause). Prosecutor Buzz Jordan told the jury and the press that Rene Whitecloud would be brought to Mobile for trial. My purpose in stating this is that this is another example of a misleading statement by the Mobile District Attorney’s Office.

Rodney worked at BFI Waste Management. He worked for this company from 1989 until just days before he entered prison. He had a flawless record and reputation. He supervisor and co-workers testified that both Rodney and his truck were at his place of business when the District Attorney’s Office says the home invasion occurred. Rodney was convicted solely based on eyewitness misidentification. This identification came about after Rodney, in trying to help the police, provided photos of Angel “Wish” Melendez and Rene Whitecloud so that police officers could retrieve them from New York . Further, Rodney called a police detective in New York and gave the name of the detective to the Prichard (AL) police department so that they could retrieve Wish and Rene. Both of these individuals had come to Mobile to visit Rodney during Mardi Gras. They were childhood friends of Rodney’s. Rodney’s parents moved Rodney and his sister back to Alabama from New York so that they could have a quieter, middle class background. Rodney and his parents had a stable life in Alabama . When Rodney was calling another relative in New York , Rene got on the phone and asked if they could visit Alabama . Rodney agreed and while they were in Mobile , Rodney noticed a change in them and noticed that they wanted to purchase weapons. Rodney tried to stop the selling of these weapons, but the victim and her husband sold them weapons anyway. Rene and Wish were upset that Rodney tried to stop the selling of these weapons and shut him out of conversations, they came into contact with Terrell Moore via another individual in Mobile , Donnard “Taco” Jones. His (Jones) testimony can also be sent to you or found at www.freerodneystanberry.com. He confirms this and also exonerates Rodney.

Attorney General Holder, there seems to be no interest in Alabama to correct the wrongful conviction of Rodney K. Stanberry. I have written to the Alabama Bar Association (I cc’ed you on the letter), the Mobile Bar Association, Alabama Legislators, the Alabama Black Legislative Caucus, and many others, but to no avail. The Alabama Black Legislative Caucus, during the recent prosecution of former Judge Herman Thomas, issued a resolution condemning the selected prosecution of African Americans by the Mobile District Attorney’s Office. If I recall, they sent this resolution to your office. Rodney K. Stanberry’s case would fit this pattern.

I recently read an article in the New York Times entitled, “The Prosecutor’s Case Against DNA.” Here is a quote from the article:

“Why prosecutors sometimes fight post-conviction evidence so adamantly depends on each case. Some legitimately believe the new evidence is not exonerating. But legal scholars looking at the issue suggest that prosecutors’ concerns about their political future and a culture that values winning over justice also come into play. “They are attached to their convictions,” Garrett says, “and they don’t want to see their work called into question.”

“Jed Stone, a local defense lawyer, described the legal community as “an echo chamber.” “The problem with everyone coming from the same background, from the same state’s attorney’s office, from the same narrow political spectrum, is there is a failure to see the other side,” he said. “You begin to view people as others. And when you begin to see people as other than you, they begin to become expendable.” (http://www.nytimes.com/2011/11/27/magazine/dna-evidence-lake-county.html?pagewanted=9&hp)

Buzz Jordan is a law partner of the Mobile County attorney; the “us v them” mentality becomes greater and innocent people convicted become expendable. The system needs to be reformed, but there is no incentive to reform it, even if someone who actually believes that justice should trump politics wanted to reform it. There needs to be an outside investigation by your office into Rodney’s case and similar cases out of the Mobile District Attorney’s Office. Just to give you the idea of how an “us v. them” mentality may exist in Rodney’s case, consider the following that came about as a result of my conversations with Rodney over the years. You can verify it, we welcome it: 1) Rodney’s trial attorney, Ken Nixon, a former Prichard Police Officer, represented Detective Lebarron Smith in his divorce case. Smith was the detective in Rodney K. Stanberry’s case. 2) Rodney filed a Rule 32 appeal based on ineffective counsel. Dennis Knizley represented Rodney at his 2001 Rule 32 hearing. However, Rodney had to complain to the Alabama Bar Association that Knizley hadn’t filed the Rule 32 a year after he was hired. After being concerned about missing the deadline, Rodney complained to the Alabama Bar Association and they contacted Knizley, who ended up filing it just before the deadline. There may have been a reason for his reluctance; he was actually working on a capital case with Ken Nixon during Rodney’s trial. Again, how much incentive is there to win a case based on ineffective counsel when you are working with said counsel on a capital case! Rodney once informed me that Knizley put off the Rule 32 filing because he claimed the judge was involved in a capital case and 3)Assistant District Attorney Martha Tierney was the prosecutor on record for Rodney’s Rule 32 Hearing. She listened as Jordan said he was on vacation when he visited Rene, she knew they hadn’t charged anyone else for the shooting of Ms. Finley and when Terrell Moore (who was in the Mobile County lock-up) appeared on the stand to testify, Tierney essentially told him that if he said anything, he risked life in prison and he is a young man. I am taking the liberty of attaching her comments, but much of the trial transcripts and Rule 32 transcripts can be found at www.freerodneystanberry.com.

Attorney General Holder, Rodney is approaching his 15th year in prison for crimes he did not commit. There is no incentive for people in Mobile to correct this wrong. Please investigate his case. The Mobile District Attorney’s Office should be investigated to see if there is a pattern in the types of tactics they used to get this wrongful conviction of Rodney K. Stanberry.

I can be reached at (832) 693-9247 (cell) or (251) 802-5798

Sincerely,

Artemesia Stanberry

(Sent via email on January 4, 2012. The Hard Copy, w/attachments, will follow. The attachments can be found at www.freerodneystanberry.com

Attachments: Letter to District Attorney Ashley Rich

Comments made by Mobile County District Attorney Martha Tierney

“Time Served, or Justice Denied in Alabama ,” by Bill Riales