

# State agrees to \$12 million settlement for two wrongly imprisoned men

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North Carolina's State Bureau of Investigation and its insurers have agreed to pay \$12.475 million to two innocent men who spent a total of 31 years behind bars.

The state agreed to pay \$7.85 million to settle the state lawsuit filed by Floyd Brown, a mentally disabled man locked up for 14 years in a psychiatric hospital based on what his lawyers said was a false confession created out of whole cloth by an SBI agent. Brown has also reached a separate settlement with Anson County, whose sheriff's deputies helped investigate the case. A federal judge has sealed the Anson County settlement; North Carolina law requires that all such court settlements be public records.

The state also agreed to pay \$4.625 million to Greg Taylor, a Wake County man convicted in 1993 for the murder of a woman found beaten and abandoned in an East Raleigh cul-de-sac. Taylor spent 17 years behind bars before a three-judge panel declared him innocent in 2010, the first such exoneration by an independent innocence commission in the United States.

The settlements are not the first large payouts stemming from SBI misconduct. In 2009, the SBI and its insurers agreed to pay \$3.9 million to Alan Gell, a former death row inmate who spent nine years behind bars for a murder he didn't commit.

The Brown, Taylor and Gell cases were the subject of extensive coverage in The News & Observer. In the Brown case, Special Agent Mark Isley is currently employed as a supervisor at the SBI earning \$86,215. Duane Deaver, the SBI agent whose misconduct was central to Taylor's exoneration, has been fired for his actions in other cases. Dwight Ransome, the agent in the Gell case, retired shortly after the settlement.

Attorney General Roy Cooper characterized the Brown and Taylor settlements as an opportunity to move on, but did not admit any wrongdoing by the agency he supervises.

"The SBI and other law enforcement agencies now have better interrogation methods and lab reporting practices than were used in the 1990s when the incidents at issue in these lawsuits occurred," Cooper said in a statement Monday. "It was in the best interest of the state to settle these cases."

But Brown's lawyer, David Rudolf, said the settlements revealed deeper problems at the SBI. Rudolf, who handled Gell's settlement and is familiar with Taylor's case, said the methods and

practices were sound; the problem, Rudolf said, was that agents ignored the policies because they had the mentality that the ends justified the means.

"In each case, agents decided who was guilty and filled in the blanks to get a conviction," Rudolf said Monday. "We need an agency from the top down that believes it is just as important to follow the constitution as it is to solve cases."

Brown was charged with killing Katherine Lynch, a retired schoolteacher beaten to death in her Anson County home in 1993. Anson County sheriff's detectives and agents with the SBI settled on Brown as a suspect soon after her death.

#### *Wheel turns for Floyd Brown*

None of the evidence tested at the SBI crime lab linked Brown to the crime scene. Subsequently, Anson sheriff's deputies lost virtually all of the physical evidence.

The only piece of evidence against Brown was a six-page confession that Isley said he wrote down verbatim during a 1993 interrogation. Brown's attorneys and doctors have called the confession fiction, saying its elaborate details were far too advanced for Brown, a grown man with an IQ of 50 and the mental capacity of a 7 year old.

Brown, 49, was held as a prisoner at Dorothea Dix Hospital in Raleigh for 14 years. Durham County Superior Court Judge Orlando Hudson freed him in 2007 after determining that Brown had been unlawfully held and that the confession wasn't enough to prove he had committed murder. Brown was never brought to trial because he did not have the mental competency necessary to stand trial.

Brown subsequently sued Isley and other SBI personnel. Throughout the two-plus years of litigation, Isley has denied wrongdoing and has insisted that he had no idea Brown is mentally disabled, Rudolf said. Brown is now living full time with a caretaker, learning life skills at programs for the mentally disabled and dealing with health problems. Brown, who is fond of Burger King and cleaning house, has asked for only one thing, Rudolf said: to ride in a BMW.

His caretaker is now driving him around in a used but nice BMW 525.

Brown, who cannot drive, is fond of sitting behind the wheel of the parked car.

"You should see the picture of him smiling," Rudolf said.

#### *Family life for Greg Taylor*

In the three years since his exoneration, Greg Taylor has tried to settle into a normal routine as a freed man. He goes to the gym, baby sits his grandsons and celebrates family birthdays with dinners at restaurants.

An offer to settle his civil case brought a bittersweet satisfaction to Taylor.

"It's time to look back on some of this instead of looking ahead to it," Taylor said by phone Monday evening. "I'm glad to have this chapter behind me."

Taylor was the first North Carolina inmate freed by the North Carolina Innocence Inquiry Commission, a state agency established to examine claims of innocence. In February 2010,

three judges voted unanimously that Taylor was innocent of the murder of Jacquetta Thomas. Some of the most compelling evidence leading to his exoneration dealt with an SBI lab report that suggested a substance found on Taylor's truck was blood. It was the only physical evidence linking Taylor to the scene of the murder.

In fact, Deaver never reported the results of a subsequent confirmatory test that gave a negative result for the presence of human blood.

"Those three judges said all they needed to say when they exonerated me," Taylor said.

Taylor said the state agreeing to settle his claim is further indication that he'd been wronged.

"The fact that they settled speaks for itself," he said.

Taylor said he will use the money to live on, invest some and provide a safety net for the daughter he didn't get to raise while imprisoned.

Even as Taylor enjoyed the end to his civil claim, he was reminded of the sorrow of another family.

With his exoneration, the murder of Thomas remains unsolved.

Read more here: <http://www.newsobserver.com/2013/08/13/3102749/state-to-pay-more-than-12-million.html#storylink=cpy>