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Leslie Lincoln's Police Misconduct Experience

by Ernest "Buddy" Conner

Detective Ricky Best was a career police officer with the Greenville Police Department. He was known as a detective who operated within his own rules. He had a reputation with the Pitt County District Attorney as being a detective who could see the big picture, while not always taking care of the details, and/or following all procedures.

Leslie Lincoln never had any reason to be worried about the police or a sloppy police investigation. She was a director for a nursing home. She owned her own home. An avid outdoors person, she had horses, dogs and cats that she loved more than life itself. Using money in her savings account, she had just installed a new fence for her pets. She had a good job, good friends, a great family and a bright future.

On St. Patrick's Day, 2002, her world shattered with the death of her mother, Arlene Lincoln, who was murdered in her condo, miles and a city away from Leslie. There was no forced entry. The killer had a vicious fight with Arlene. One stab wound to her neck proved fatal. Arlene died on her bedroom floor within minutes of being stabbed in a large pool of blood. The killer left behind significant evidence. A bloody hand print was on the bed. Arlene's eyeglasses and a dresser drawer lay on the floor, which was littered with large, bloody footprints. The killer used Arlene's credit card within hours of her death.

The first investigator was somewhat inexperienced, but this was not a problem with the SBI investigators who assisted with the crime scene investigation. Detective Ricky Best took up the case one week after the death of Arlene Lincoln. The SBI had failed to measure foot prints, or check key pieces of evidence for prints, including the eyeglasses or dresser drawer, which were on the floor. Detective Best did nothing to correct these failures. Leslie was the first person he interviewed. Then he interviewed her boyfriend. His vision of the big picture convinced him Leslie was the killer. After all, she was the last person known to have seen Arlene alive. None of the

physical evidence pointed to Leslie Lincoln. Leslie had always obeyed the law and never even had a traffic ticket.

But the veteran lead investigator felt that since Leslie was the last person known to have seen her mother alive, she must have been the killer. He did virtually no investigation at all for 6 months. Leslie cooperated with Detective Best and the police from the start. Best would use every opportunity to berate Leslie and intimate her into confessing. He interviewed Leslie's extended family member and lied to them about the evidence against Leslie. He went to Leslie's friends and co-workers, and told them he was 80 percent certain Leslie killed her mother. He provided them with false "facts" which he claimed his investigation uncovered. He told them Leslie was a drunk and a drug abuser. He told them Leslie was having affairs. He told them Leslie was getting money from her mother, and that she had gotten into a fight with her mother. He threatened Leslie's friends and co-workers with arrest for accessory after the fact if they refused to provide evidence against Leslie. He bribed Leslie's secretary by assisting her with getting better housing for her and her child, who incidentally, he threatened to take away from her if she did not help him in the case against Leslie.

When Leslie and her brother informed the detective that Arlene's credit card had been used at a gas station near Arlene's home, the detective sent his second in command to the store and seized the video of the gas pumps. Then the detective promptly lost the video. After Leslie left her mother that fatal night, she went to Wal-Mart where there are a large number of video cameras recording shoppers every moment. Even after Leslie told Detective Best she went to Wal-Mart, the veteran detective did not make any attempt to obtain Wal-Mart's videos. If he had watched the videos, he did not note such actions in his cryptic notes.

Despite this sloppy police investigation, Leslie was arrested 6 months after her mother's death

and charged with capital murder. This arrest came despite a lack of any physical evidence. The detective staged a major arrest with a number of officers to arrest Leslie. He then intimidated Leslie, trying to get her to confess to a murder she did not commit.

A bloody hand print on a sheet had been recovered during the crime scene investigation. Detective Best kept this evidence in his possession for months. After Leslie's arrest, Best carried the evidence to the SBI and filled out forms to have it tested for DNA. This detective or a sworn law enforcement officer within the SBI Lab who worked only with law enforcement and prosecutors switched Leslie's DNA samples; the SBI Crime Lab falsely reported positive DNA identification results identifying Leslie as Arlene's killer. Leslie's attorney, Ernest "Buddy" Conner, called the SBI Lab, outlined Leslie's defense, and requested the lab simply re-test the DNA to ensure there was no mistake. Despite talking to the analyst and her supervisor for over an hour, Conner was bluntly and unceremoniously informed that the SBI would not test anything for the defense. This prompted the attorney to get an independent test which, as expected, proved that the SBI Lab produced a false report.

Leslie's ordeal didn't end, however. An aggressive district attorney, aided by the detective, was willing to use and pay jailhouse informants. Detective Best signed into the jail to see one witness using her real name, and then allowed this snitch, in jail on a perjury charge, to give her statement under a false name, hampering the defense's ability to locate and talk to this snitch. The detective showed several jailhouse informants crime scene photos. With the help of the ADA, who would ultimately dismiss charges against at least two snitches and grant them favors to obtain their testimony against Leslie, the detective continued to fight for his good name and seek a conviction against Leslie.

Leslie languished in jail for five years while her attorneys fought for her justice. After the defense proved the SBI Lab Report was false, the State dropped the death penalty, and offered to let Leslie plead guilty to manslaughter receiving time served, and no probation. Leslie could not

admit to killing her mother, a crime she did not commit. She chose trial.

The jury rejected the State's case with its lack of evidence. Leslie was acquitted. The real killer remains at large. Despite tremendous efforts by the State to convict her, Leslie was found "not guilty" by a jury of her peers. Still, Leslie lost her job, her home, her truck, her savings, her horses and her pets. She remains financially devastated and emotionally damaged. She is working to restore her life, and overcome the damage inflicted on her by sworn officers, including SBI agents who improperly handled evidence in their zeal to convict an innocent woman. She will never be the same.

Lessons Learned by Leslie's Attorney

Lawyers always learn something with every case. They learn more on some cases than others. Leslie's case taught her attorney a lot, including:

1. Always recognize innocence. When the false DNA report was presented, the defense attorney's first reaction was to believe the report. Defense attorney Conner went to Leslie and her family to give them the bad news. It was devastating. They all believed in Leslie's innocence, but the DNA could not lie. Leslie never wavered. Her family never faltered. Their faith inspired Conner to continue to search for the truth, and fight for Leslie's good name.

2. Accept that forensic laboratory personnel or the police will falsify reports intentionally or negligently. The false evidence is the same. At trial, the prosecutors did not call Brenda Bisette, the senior SBI-trained analyst, or Detective Best, the veteran lead detective. Since the defense did not present any evidence, the truth regarding how the SBI manufactured the false report may never be known. What is known is that across this nation, and this great state, lab personnel have produced and testified about false forensic evidence reports. Law enforcement officers have lied on the stand. Attorneys are the last line of defense for the accused facing false reports or lying detectives. Les-

lie's case shows the danger of accepting the reports of the SBI or police at face value. Also, be aware that sometimes a percentage of what the SBI analyst or detectives tell you will be incomplete, misinformed or just plain wrong. Leslie's attorney's job was to be prepared to challenge and confront such false evidence, helping the jury see the truth.

3. Look for the little things. The truth always leaves its fingerprints. There will always be information out there that is helpful. Gather what information you can, assess the collected information, and make your decisions. Leslie and her family knew she was innocent. It was the little details that helped convince the attorney. For example, Leslie was checked by the detectives for injuries immediately after the police cleared the crime scene. No injuries were noted on Leslie. This key point revealed to the defense that the SBI Lab report was wrong, despite the SBI Lab's contrary contentions. The SBI's report made no mention of a DNA mixture; however, given the large amount of Arlene's blood at the scene, a mixture was inevitable. Leslie and her boyfriend also passed polygraphs given by one of the top SBI-certified polygraph operators. Small details like these gave the attorney faith in Leslie's consistent claim of innocence. Look for and find the little things.

4. Trust your instincts. The lead prosecutor ran this case through the grand jury within a week of Leslie's arrest. The following week she gave notice of the State's intention to try the case capitally. Then, for six months the prosecutor provided no discovery to the defense. For the following 15 months the DA provided only 173 pages of discovery. Then, all of a sudden, the DA called Conner, and told him she had a DNA report that shows Leslie killed her mother. This, like the other actions of the DA, were out of the ordinary. Leslie's attorney felt something was wrong, but the inherent trust of the SBI and DNA was too strong, until the SBI refused to retest the DNA for the defense.

This turned out to be a blessing, for it forced the defense to challenge the report, and uncover the false and faulty SBI lab report. Unfortunately, the SBI Lab, despite superficial changes, remains a lab which caters to law enforcement, distrusts defense lawyers and refuses to be open and transparent in its efforts to convict the accused. Thus, lawyers must trust their instincts. If something doesn't seem right, it probably isn't right.

5. Learn the basic fundamentals of the science the state is using to convict your client. Leslie's attorney took Department of Justice online courses on DNA. He talked to Diane Savage, Fred Whitehurst, and other attorneys with a background in science to help him understand the many weaknesses of the SBI's false report. Finally, he hired his own expert and exposed the false report.

6. Don't be afraid to say you don't know. This one is tough for attorneys. Leslie's attorney knew he didn't know all the answers. When the SBI presented

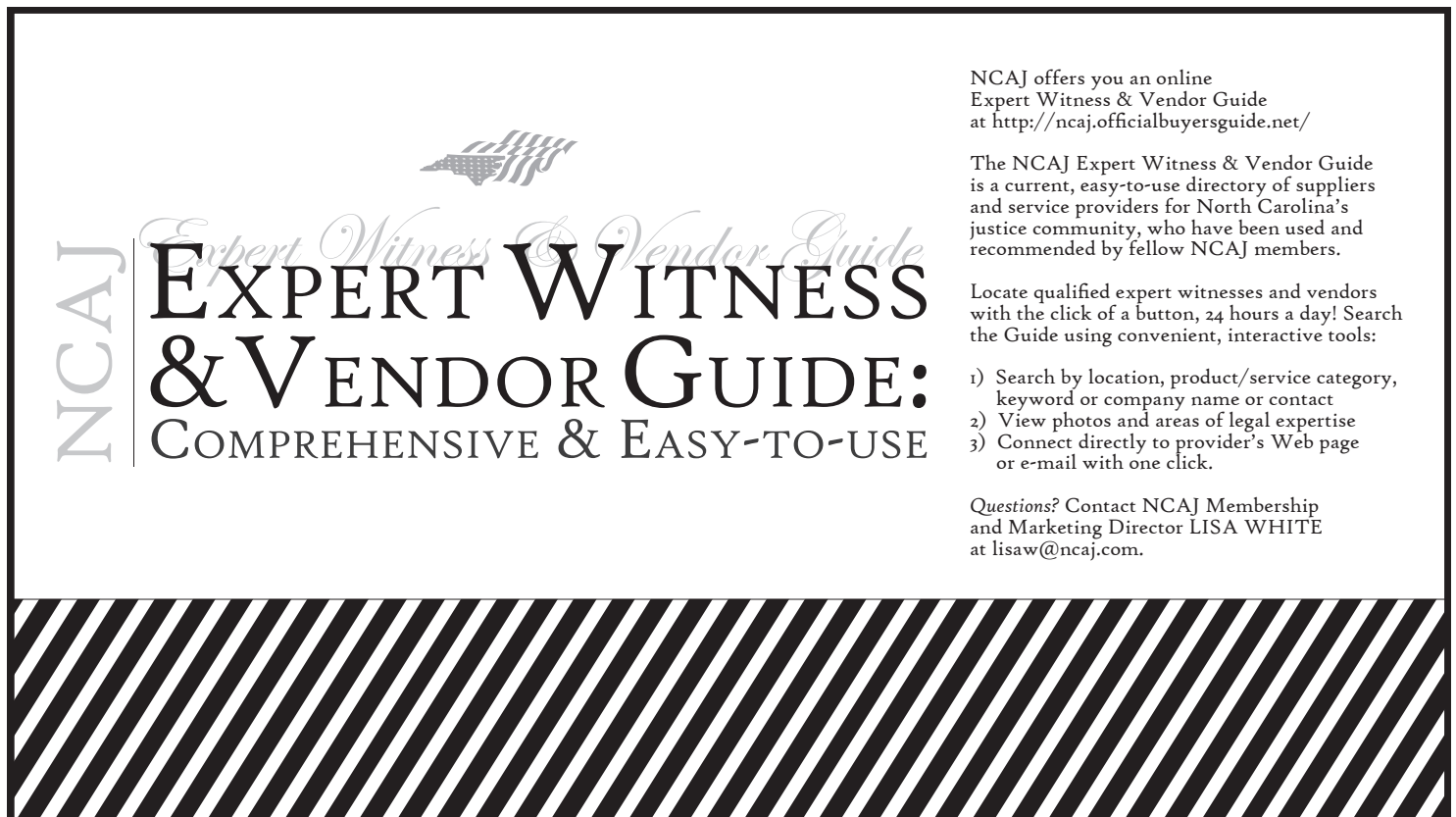
its false report, little things gave the attorney pause. There is nothing wrong with not knowing everything. Better to not know and find out, than to appear to know and show yourself to be wrong later. Leslie's attorney met with his private investigator, and followed up on the little things. They talked to every witness who was alleged to know anything. They gave their due diligence and uncovered the truth. When the prosecutor paid snitches to testify against Leslie, they learned everything they could about the snitches and uncovered the techniques used by the police to get the snitches to give what appeared to be incriminating information. They discovered letters and phone conversations where the snitches told their friends and family they would be testifying falsely against Leslie to win "favors" from the prosecution. Their investigation uncovered that the prosecutor provided dismissals and favorable treatment to the snitches to get them to testify against Leslie. Routine investigations only exist in news articles. Every case is different.

Leslie's case shows that. Get out and do the investigation required for the case. This way when the new "facts" appear or change, your investigation and processes can adapt easily.

7. Establish working relationships with key attorneys and witnesses.

Leslie's legal team earned the trust of almost every lay witness used by the state. They also had the trust of the attorneys who represented the snitches. The prosecutor often approached the snitches without their attorney present. Defense attorneys cannot afford to do this. Because of excellent working relationships with other defense attorneys, Leslie's legal team was able to talk with most snitches before their testimony, and this helped focus the cross examination and showed the jury the truth of the case.

8. Visit witnesses long before trial, when there is not a crisis. This lowers stress and fosters trust and respect, and helped Leslie's legal team get to the truth of her case. ♦



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