

UNDISCLOSED, the State v. Ronnie Long
Episode 1 - Brilliant Disguise
March 12, 2018

[0:23] Colin Miller: Maybe the most famous American short story is “Rip Van Winkle” by Washington Irving. Rip Van Winkle lived in a village at the foot of the Catskills when America was still a colony under the madness of King George. He had a wife, a daughter, and a son who shared his name. One day, Van Winkle was taking a short walk with his dog when he met a stranger who asked him to carry his keg up a mountain. After helping the man, Van Winkle accepts a drink from the keg and falls into a slumber that lasts for 20 years.

When Van Winkle awakens, his call for his dog is answered only by the cawing of a flock of idle crows. Entering the village, he sees strange names over the doors of the houses, and all his familiar haunts have disappeared. The American Revolution has resulted in King George being replaced by George Washington. Van Winkle’s wife? Dead. His friends? Dead, dead, and gone. When he asks, “And where’s Rip Van Winkle,” a man points to his son, who now looks just like he did before his big sleep. Van Winkle’s own daughter doesn’t even recognize him.

Irving’s story is perhaps the perfect illustration of the maxim that time and tide wait for no man. In terms of real world examples, you need look no further than the National Registry of Exonerations. It contains a list of the longest time spent in prison by people who were later exonerated. There are the names of 33 men who spent more than 30 years locked up in prison, with Ledura Watkins topping the list at 41 years. After being imprisoned in 1976, he was released just last year.

A man named Ronnie Long was also imprisoned in 1976, just under 42 years ago, at the age of 20. When Ronnie Long left his house on May 10th of that year, he thought he’d be gone for 10 to 15 minutes. Instead, he’s been in prison since before this country’s bicentennial, before I was even born. Over the course of those 4 decades, he’s missed a lot:

[2:13] Ronnie Long:

I lost my pops. I lost sisters. My mother is 87 years old. They got me in when I was 20 years. I have no prior convictions. I’m not a career criminal. This is my first experience, and I’m tired.

[2:36] Colin Miller: And, based upon new evidence that was never disclosed to Ronnie Long over the past 4 decades, and even more evidence that still hasn't yet been turned over, there's reason to believe that he might one day be a free man.

[2:52] Rabia Chaudry: Hi, and welcome to Undisclosed: The State versus Ronnie Long. This is the first episode of a new case that's based out of Concord, North Carolina. My name is Rabia Chaudry, I'm an attorney and author, and I'm here with my colleagues and co-hosts, Susan Simpson and Colin Miller.

Colin Miller: Hi, this is Colin Miller. I'm an Associate Dean and Professor at the University of South Carolina School of Law, and I blog at EvidenceProf Blog.

Susan Simpson: Hi, I'm Susan Simpson. I'm an attorney in Washington, D.C., and I blog at TheViewFromLL2.com.

[4:26] Rabia Chaudry: April 25, 1976 started like any normal Sunday for Sarah Judson Bost, whose friends referred to her as "Juddie." She went to church, popped into the post office, headed home, and was visited by her nephews from about 3:00 to 5:00 P.M. Bost was 54 years-old and Caucasian, a resident of Concord, North Carolina, a small town about 25 miles northeast of Charlotte in southwestern North Carolina. Bost was the widow of a Cannon Mills executive accountant. Headquartered in nearby Kannapolis, Cannon Mills was a leading producer of all-purpose cloth and kitchen, bathroom, and bedroom textile products:

From a Cannon Mills Advertisement:

Pretty jazzy, huh? It's got all kinds of terrific flowers and ferns all over it. Boy, what colors! This blue kinda matches my eyes! You know, Cannon made it! And if they can't make a great lookin' towel, who can?

After her nephews left, Bost read the Sunday paper and looked at the TV guide. She had plans to head to the beach the next day, and she called one of her friends who'd be accompanying her. They talked for about half an hour. After doing some packing for the trip, Bost glanced at the clock in her bedroom and saw that it was 9:30 P.M. She headed down to the kitchen to make some food: a hamburger and some broccoli. Bost estimated that she was in the kitchen for about 10 minutes, taking us to 9:40 P.M.

Bost then headed to the den to eat and watch TV. The den was illuminated by the TV and a floor lamp, and, after taking two or three steps into the room, she was hit by something hard. Bost initially thought that a bookcase had fallen on her, but once she

got her wits about her, she saw an African-American man wearing a black leather jacket and possibly black gloves. She asked him what he wanted, but he responded by putting a knife to her throat, pushing her against a game table in the den, and throwing her down on the floor. Bost started screaming, and the man said he'd cut her throat if she kept yelling.

The man told her not to look at his face, but Bost didn't listen. She thought she wouldn't survive this encounter, but, if she did, she wanted to be able to identify her assailant. Bost and the man were about 6 to 8 feet from the television, which was illuminating the assailant's face. The man was wearing a dark colored toboggan on his head.

[6:41] Susan Simpson: Over the next several years, Bost was consistent on one aspect about the man's face: that his face was black, but it wasn't dark; it was more light skinned or, to use Bost's own word, "yellow." Later, when the case went to trial, in a very racially divided courtroom that was split down the middle, like a black and white cookie, Bost would testify that the man's face was light skinned and yellow and wasn't "like, you know, a real blue-black, black man, you know," -- a comment that elicited laughter from the crowd and a rebuke from the judge.

But back at her house on the night of the attack, while it was happening, Bost asked the man again what he wanted, and he told her he wanted all her money. She told him that he could have all the money he wanted. And then the man pulled her up, grabbed her by her arm, and took her to the bedroom. Bost opened her purse to give him the \$15 she had, but when she looked, the money was already gone. She figured the man must have taken it. Bost told her assailant that she could get him more money if he let her make a phone call, but the man refused.

Instead, he dragged her into the bathroom and then down the hall, telling her that he was going to take her upstairs and rape her. When they got to the front hallway that had the staircase leading upstairs, Bost braced her feet against the bottom stair and resisted, refusing to go up with him. She testified at trial that the man took off her clothes and told her that he had fifteen minutes to rape her because he had three buddies outside waiting for him. There was a single light in the front hallway, about 9 feet away from Bost and her assailant.

It was a violent sexual assault, and it only stopped when Bost's phone started ringing. The ringing phone startled the man, who told Bost to open the front door and let him out. She would later say that she was never so glad in her life to do something. So, Bost let the man out, and then, without putting her clothes back on, she ran out the back door

to the house belonging to her neighbor, Tony Pfennell. After telling Tony what had happened, Tony's husband called 911.

[8:49] Colin Miller: Concord Police Department Sergeant Jack Parnell was already in the same general downtown area as Bost's house, and he estimated that he arrived a mere 15 to 20 seconds after receiving the call, at 9:57 P.M. Concord Police Department Sergeant David Taylor arrived about 3 minutes later, at 10:00 P.M. with tracking dogs and he searched the area for about 30 minutes with negative results. Thereafter, Concord Police Department Identification Officer Van Isenhour arrived at the Bost residence a few minutes later, between 10:32 and 10:35 P.M.

Van Isenhour lifted a shoe print from the flat part of a white banister column that was on the right side of the front porch as you face the front of the house. A second story window adjacent to that banister column was open, and the State's theory at trial was that the assailant had climbed the banister and entered through that window. Partially burned matches were also found by the banister column, which led the police to believe that the intruder had used them to light his way.

Meanwhile, Bost was taken to the Cabarrus Memorial Hospital and treated by Dr. Lance Truman Moore. Bost had injuries, including fingernails that were sore and bent backwards, which Bost said resulted from scratching her assailant and fighting back. Sergeant Taylor spoke with Bost at the hospital at 12:05 A.M. Now, as noted, Bost described her assailant as a light-skinned black male, with what she described as "yellow" skin. Bost herself was about 5'4", and she said her assailant was between 5'5" and 5'9", with a slender build and slim hips. According to Bost, the man *didn't* have an accent and was wearing a dark waist-length leather jacket, dark jeans, and a dark toboggan she said was "pulled low on his head." He also possibly wore gloves. Sergeant Taylor said that he showed Bost 13 photographs of black males between the ages of 20 and 30, not including Ronnie Long. Bost was not able to make a positive identification of any of the men as her assailant.

With no viable leads, a few days passed. Then, on April 30, 1976, Ronnie Long was arrested and charged with misdemeanor trespassing in Caldwell Park, adjacent to his parents' house the prior night. While there, he was interrogated by Sergeant Taylor, the same officer who had interviewed Bost at the hospital.

Long was a 20 year-old African-American man, and the son of Ike Long, a concrete contractor. The details of the alleged trespassing are unclear, but Ronnie claims it was a bogus charge:

[10:58] Ronnie Long:

On May the 10th, 1976, I had to be in District Court on a bogus trespassing charge. A trespassing charge where they had called me to stay out of the park, Caldwell Park. I'm talking about Caldwell Park, it's adjacent to my mother's and them home. A charge that was dismissed.

[11:22] Rabia Chaudry: The State asserted that Ronnie had been banned from the park after a prior fight during a basketball game, but there's not any documentation to back up this claim, and, as Ronnie notes, the charges were eventually dropped. But what remains from that arrest is Ronnie's mugshot, and there are two things that are distinctive about it: First, Ronnie Long is indisputably a dark-skinned African-American man. Ronnie's skin tone very clearly clashes with Bost's description of her assailant as a "light-skinned" "yellow" black man. Here's a clip of Ronnie talking to students at Winston Salem State University, which has made his case the centerpiece of their criminal justice program:

Ronnie Long:

...[indecipherable]... a high yellow individual, let me assure you that I'm not "high yellow."

[Students laugh]

[12:07] Rabia Chaudry: Second, in the mugshot, Ronnie Long has a scraggly beard and mustache. Witnesses would later testify that this was the typical state of Ronnie's facial hair in 1976. And here's Ronnie's own description of why he went unshaven:

Ronnie Long:

I got, I got facial hair! I used to wear facial hair on my face, I, I, I...

[indecipherable] I tried to look older than I was when I used to try to go to buy alcohol. So, you know, when I was a teenager, I wanted a little hair to grow on my face, so I could look older. So when I walk in there to buy a beer or something, [they ain't] gonna ask me for my ID. I always kept a little beard or something on my face, man. And she never mentioned anything about the assailant or the perpetrator having facial hair. Never.

[14:28] Rabia Chaudry: There are three records of statements that Bost made to police officers on the night she was attacked, two made at the crime scene and one made at the hospital. All of them contain detailed descriptions of her assailant. Not a single one of them mentioned that the assailant had facial hair.

And then, there are the things that aren't evident from the mug shot but that would have been clear to Taylor. First, as noted, Bost said her assailant didn't speak with an accent. But Ronnie Long very clearly has an accent. You've already heard it on some of the clips in this episode.

[15:01] Colin Miller: Yeah, and this is something that was evident to me the first time that Ronnie called me, and that is, as you can hear in this clip, just from the way he says his name, you can clearly see he has an accent.

Recorded phone message:

... charged for this call. This call from...

Ronnie Long:

Ronnie Long.

Recorded phone message:

... an inmate at Albemarle Correctional Institution.

Ronnie's wife refers to his accent as a south Charlotte accent, and it's not that different from the accent I hear from natives of Columbia, South Carolina, which is about an hour and a half to the south of Charlotte.

[15:26] Rabia Chaudry: Second, Ronnie didn't have the slim build and slender hips described by Bost. He wasn't fat, but he was muscular, a three sport star in high school, who played baseball and basketball, and was a two-way player on the football team, tackling opposing players on defense and running over and around them on offense as tailback. Ronnie's high school classmate Christin Reische shared high school yearbook photos of Ronnie, and slim and slender aren't words that we'd use to describe him.

That takes us to the third thing Taylor would have seen, which is that Ronnie isn't short. Bost described her assailant as between 5'5" and 5'9" while people who knew him describe him as 5'10". Now, we don't have any official measurements for Ronnie, and 5'10" isn't much taller than 5'9", but Ronnie's height also isn't something that Taylor would have seen and assumed that he was the man whom Bost described.

[16:18] Susan Simpson: So, "Juddy" Bost described her assailant as a shortish, slim, light skinned African-American man with no accent and no mention of facial hair, while Ronnie Long was reasonably tall, or certainly not short man, muscular, and dark

skinned, with a clear accent and facial hair. So, how did he become a suspect in Bost's sexual assault? From Taylor's report on his interview with Ronnie Long, all we have is this: "Ronnie Long had on a black leather jacket (waist length) also suspect Long had on black leather gloves." Now, you might recall that in Bost's statements, she said her assailant had on a waist length black leather jacket and maybe black gloves. So, was that it? Did Ronnie Long become a suspect in this case merely because he was a black man with a black jacket and black gloves?

Possibly, but some later files from later on in June provide an alternate explanation for how Ronnie Long might have gotten involved in this case in the first place. On June 3, 1976, Lieutenant George Vogler of the Concord Police Department sent a letter to the Washington D.C. Police Department. The letter asked for files connected to a sexual assault in the nation's capital the prior summer; one in which Ronnie Long had been a suspect. According to the letter, "It is very imperative to our investigation that we establish a *modus operandi* of the defendant and your investigation into that same type of offense would aid greatly in doing that."

[17:53] Susan Simpson: Eight days later, Vogler received the records from the D.C. police department. They reported on a man who broke into the apartment of a 64 year-old woman in southeastern D.C. and he forced her to perform oral sex on him in her bedroom. The victim described her assailant as a clean shaven, 5'10" 25-28 years old African-American man with dark skin and a slim build. Then, four days after the assault, the victim found a Social Security card under the rug in her bedroom. That card belonged to none other than Ronnie Long.

So, that doesn't sound very good for Ronnie. Sure, the victim's description of Ronnie Long isn't a complete match for his features, but there is overlap there. And Ronnie was indeed up in that part of D.C. at the time, living there with his uncle. Ronnie's claim over the years has been that he lost his wallet a few days before the woman was assaulted:

[18:44] Ronnie Long:

I was running around, you understand, you know what I'm sayin', ... out there in the street, you understand, I was runnin' around in the street- I'm hanging down there on 14th and T, 13th and U, you understand, know what I'm saying, which would have been "The Strip," I'm hanging around down there on the strip, I had a little affiliation with a couple people, a couple women, you understand, when I was down there, but I was down on 14th--14th and Florida. So when I went to 14th and Florida, 13th and U, and 14th and T, they're right there in the same neighborhood, so I mean, you know, it was a little girl that I used to be - every

morning, when I'd go to work, you understand, I used to holler at her, you understand, and me and her got together, but I know I lost my wallet, either, running back and forth trying to catch that bus, uh, with my affiliation with this woman.

[19:28] Colin Miller: Now, understandably, you might be skeptical of this claim. I certainly was at first. But here's the thing: The victim said she got a good look at her assailant. So did a neighbor who said that she got a good look at the assailant leaving the apartment. The police got Ronnie's photo, put it in a photo array, and showed that array to both of them. According to the police report, "Neither could identify the suspect. A warrant was refused." Based on this failure to identify and the lack of other evidence against Ronnie Long, the case against him was officially closed.

Some people connected to the case said they'd heard that the true perpetrator of the crime had been caught, but it's tough to find firm corroboration. According to Ronnie's current attorney, Jamie Lau, "We tried to get the records on the crime from D.C. and we're told that they had been destroyed and were unavailable. It may be true that someone was arrested/convicted, but I don't have anything confirming that that is the case."

Now to me this seems like pretty solid circumstantial evidence the true perpetrator was caught because otherwise why would you destroy the records if this were an open case? That said, we can't say anything definitive.

We also can't say definitely that Sergeant Taylor was aware of this incident when he spoke to Ronnie Long on April 30, 1976, but, for whatever reason, Taylor suspected him in the rape of "Juddy" Bost. So, at this point if you're Sergeant Taylor, what do you do next? You've shown Bost a first photo array without Ronnie Long's photo, she wasn't able to make an identification, and now you have Ronnie's mugshot and apparent reason to believe that he was the perpetrator. So, the logical thing to do at this point would be to create a photo array with Ronnie's photo and the photos of what are known as "fillers," people who look somewhat like Ronnie Long but not too much like him.

[21:00] Colin Miller: But as Jamie Lau notes, Taylor chose a different option:

[21:05] Jamie Lau:

Several things: one is that the nearly entire basis of the conviction was on this eyewitness identification that seemed to be, um, incredibly flawed, terribly unreliable, and just bizarre in the way that it came about. The first thing being

that law enforcement had used the photo identification, um, procedure, initially at the hospital with the victim and asked her whether or not she could identify the perpetrator from the photos that they showed to her, yet some 14 days later when they have an opportunity to do the same thing with photos, including a photo of Ronnie Long, for whatever reason they opted to have her go into a courtroom, tell her that they believe that the person who assaulted her is in the courtroom, have her sit there for, um, greater than an hours, a couple of hours, and then seek an identification process...that's something I've just never seen or heard of before and raised serious questions about the identification itself.

[23:46] Rabia Chaudry: So, let's break that all down. Detective Taylor knew that Ronnie Long would have to appear in district court on May 10, 1976 on his trespassing charge. So, on May 5th, he told "Juddie" Bost to come to court on the morning of May 10th because her assailant might be in the courtroom and she could make an identification. So, imagine, if you can, that you're Bost. How do you feel about that request? She would later testify that she was reluctant to come to court; she was terrified that the man that had raped her would see her in the courtroom and try to hurt her again.

But eventually she agreed to come to court with her neighbor Tony Pfennell. And based on her fear, an agreement was reached: She would wear a disguise. On the morning of May 10th, Bost donned a red wig and glasses. Now for us, the more interesting part of the costume was the glasses. Because they weren't just cosmetic glasses; they were prescription glasses that Bost had to wear when she drove. But she didn't otherwise wear them, including on the night she was assaulted. So, yeah, Bost would be seeking to make an in-court identification while wearing prescription glasses despite the fact that she wasn't wearing glasses when she was assaulted.

Now, on the morning of the 10th, Sergeant Taylor and Lieutenant Vogler took Bost to district court early in the morning. Her testimony at trial is unclear, but it seems that they wanted her to sit in an aisle seat in the left side of the courtroom, but instead she sat two or three seats in. According to Bost, "I don't think I sat in the right seat..., but I was just nervous and scared to death." And, although it's not 100% clear, it seems that Bost's neighbor was in the seat to the right of her.

There were between 35 and 65 people and about 12 African-Americans in the courtroom, including Ronnie and his father, who were sitting in the middle section of the courtroom. Bost said that she scanned the courtroom for between an hour and an hour and a half without spotting her attacker. Finally, the judge called for Ronnie Long to

approach the bench. Ronnie and his father Ike started walking down the aisle between the center and left of the courtroom, Ike on the left and Ronnie on the right. Bost identified Ronnie right as he walked past her, and her identification was confirmed when she heard him speak to the judge, even though he ostensibly spoke with an accent. Bost looked over to Taylor and Vogler, who were sitting in the jury box, and pointed at Ronnie Long.

Now understandably, Ronnie Long is skeptical about this identification:

[26:05] Ronnie Long:

They brought a victim that was assaulted by a young black male, and there was 12 blacks in the courtroom at this time. These 12 black men they can't look the same as the young black man that she's looking for, so you got various looking blacks they scattered around in this courtroom but you ain't lookin' for nothin' but one specific, specific, specific kind. You lookin' for a young black man that assaulted you. That's all you got...they got old looking ones, crippled ones, and the blind ones...they are excluded from the 12. So that don't leave you with that many people to pick from 'cuz they done lumped these people in what they call 'fillers'. They put what they call 'fillers' in the courtroom, to where they somewhat have similarities, or look like the perpetrator.

[27:06] Susan Simpson: This point about a lack of fillers in the lineup seems important. At trial, Bost was asked about other African-American individuals she saw in the courtroom. She described one as very light and tall and stooped over with a back injury. And then several others in the audience had Afros. Simply put, no one else, no other African-Americans that were there in the court that day looked anything like Ronnie Long, who had close cropped hair.

In addition to the lack of fillers, Ronnie's lawyer Jamie Lau also takes issue with other aspects of the identification procedure used here:

[27:37] Jamie Lau:

I mean first of all, the stress of the victim being in the courtroom with her supposed attacker I can only imagine that, um, it was a stress inducing situation. She testifies about the stress, or how uncomfortable she felt while sitting there waiting to see if she could identify someone. Uh, the circumstances of Ronnie being picked out after he had been sitting there for a great deal of time, having not been picked out, led me to question whether or not there was some suggestion by the law enforcement officers present in the courtroom that day that

he was the individual that they suspected. The differences between Ronnie's appearance and the initial description provided by the victim ahead of her identification of Ronnie was also a concern.

[28:26] Susan Simpson: Colin spoke with Thomas Albright about the identification. Albright is a professor at the Salk Institute for Biological Studies and chaired the landmark eyewitness identification report done by the National Academy of Sciences in 2014. The first thing that they discussed was cross-racial identifications, like the one in this case where a white woman identified a black man:

[28:44] Thomas Albright:

There's a large literature in this, in the sort of perceptual psychology literature, on what's called the Own-Race Effect, or the Cross-Race Effect, which is basically, I mean you can look at this outside the context of eyewitness identification, it basically people are generally much more capable of discriminating between faces of their own race than they are of discriminating between faces of a race different from their own, and their, the common explanation for that is that it's a phenomenon of perceptual learning. That is to say, if I'm in an environment in which most people are like me, um, same race as me, then I get a lot of expertise in discriminating between those faces, just because I see them all the time. But if I'm in a diverse environment, I'm exposed to lots of different races and so I get expertise in discriminating between races that are not the same as me. So if you grew up in Kansas, where you'd probably find a lot of white people in Kansas, and that would be the only group of people that you'd spend a lot of time facing and so you have a lot of expertise at discriminating between people who are white. And if you're white, that sort of explains the Own-Race Effect, or the Cross-Race Effect. If you grew up in New York City, where there's a lot of diversity in the, racial diversity, in the population then you have a lot of expertise at a lot of different races.

[30:20] Susan Simpson: Juddie Bost definitely falls into the "Kansas" category. Concord was largely divided along racial lines at the time, meaning that Bost didn't have much in the way of interactions with African-Americans. At trial, she would testify that no African-Americans were members of any of the civic or social organizations she frequented and that she had never visited the home of an African-American person or had any African-Americans in her house.

And in this case remember, the type of identification that was done was a "field identification" which distinguishes it from, say, a lineup or a photo array, which are done

within the confines of a police station. And, according to Albright, that too was problematic:

[30:58] Thomas Albright:

The problem here is it's a field identification and she's primed to expect that there's a guilty person there, uh, and dressing her in a disguise is actually going to lead her to think that is true. I mean there are two problems there: one is she is in a courthouse - there are lots of guilty people in courthouses; and two: she is told to disguise herself, which is an implication that the guilty person is actually there. So probably, without her even being aware of it, she is biased to expect that the perpetrator will be in the courthouse.

[31:31] Susan Simpson: Following up on this, Colin asked the same question you might be asking yourself right now:

[31:35] Colin Miller:

And have you seen in your experience other field identifications where the eyewitness or victim was wearing a disguise?

Thomas Albright:

I've never heard of this before, no.

Colin Miller:

Okay

[31:57] Susan Simpson: After the judge dismissed the trespassing charge against Ronnie Long and he left the courtroom, Taylor and Vogler got Bost and took her to the police station. About 10 to 15 to minutes after Bost's identification in the court, they then showed her 6-8 photos of African-American men. But, as Ronnie Long notes, there were issues with this photo array based on the victim's own testimony:

[32:20] Ronnie Long:

She also testified that out of the 6 photos she was shown, one looked like a woman. And then the defense asked her if there was anything distinct about the dress of any of the other individuals that drew her attention to them, her distinct words were, I specifically quote, it was the jacket, that Long was the only one in the photograph lineup that was wearing a black leather jacket.

Susan Simpson: In fact, Bost testified that Long was the only one in the photos wearing a jacket, period. Again, here's Thomas Albright:

[33:05] Thomas Albright:

That's what's called a biased lineup, a lineup in which there's some critical physical feature, in this case the leather jacket, that's present in only one of the people in the lineup, and so she's going to be biased to choosing that person. If the lineup is fair, then you're not going to have that confound.

[33:26] Susan Simpson: Beyond this obvious issue is the fact that Bost made this second identification mere minutes after identifying Ronnie Long, and seeing Ronnie Long, in the courtroom, a courtroom in which presumably no one else in the photo array that she was looking at now had been present:

[33:40] Thomas Albright:

And if there was a person in the lineup that was also in the courthouse, then she might simply identify that person because she had seen him before in the courthouse. We... there's something called source memory failure, that is we know things are true, but we don't know why we have a certain memory. So her memory of seeing the face in the courthouse might have sort of supplanted her memory of the face she saw in the sexual assault.

[34:14] Colin Miller: For decades, eyewitness identifications were seen as the gold standard in criminal prosecutions, but the National Registry of Exonerations has downgraded them to pyrite. Eyewitness misidentifications are *the* leading cause of wrongful convictions in this country, playing a role in more than 70% of convictions overturned through DNA evidence.

One of those cases involved a North Carolina woman who now strongly supports Ronnie Long's cause. In 1984, an African-American man broke into the apartment of 22 year-old college student Jennifer Thompson, and, like Bost's assailant, put a knife to her throat and raped her. Thompson's thought process during the assault was similar to what Bost described:

[34:50] Jennifer Thompson:

So I made kind of two decisions that night, one was that somehow I would live, because I was not about to die on my back in my own bed. There had to be away that I could figure out how to escape. And the second thing that went to my mind, that I quickly understood, was when I survived, I wanted to make sure that the

police could find this man and lock him up for the rest of his life. And those two things really, I think, were the biggest motivators for me to survive, really. So I began to, in those moments, that I could, look at his eyes, listen to his voice, and try to remember those parts of the face and just anything that I could remember, such as, did he have a tattoo, or a scar, or a piercing, or a missing tooth. And everything that I could remember and memorize became, um, paramount to my survival, to be honest.

Colin Miller: Thompson eventually identified a man named Ronald Cotton as her rapist, first in a photo array and then in a lineup. And, while this is the reverse of the order in the Ronnie Long case, one of these identifications was similarly unorthodox, this time by necessity:

[36:09] Jennifer Thompson:

I had never been in a police station in my life until this happened to me, the only thing I knew about lineups and police investigations were what I had seen in movies and TV shows. So when they called me about a week and a half after the assault and said that they wanted me to do a physical lineup, I assumed it would be like what I had seen in all the cop shows, right, you go into a room, there's that one-way mirror, and you see people and they don't see you, so there's that level of protection. But this particular summer the room that they were using at the police station was being renovated so I had been taken to an abandoned school, to the second floor to a classroom that was empty except for a folding table, and so, you know, I was taken into this room with this table and, you know, 7 men in a lineup that were told to take 3 steps forward and 3 steps back, turn to the right and turn to the left, and say some things that I had remembered my assailant saying, and uh... I wrote #5 on a piece of paper and again the police said, that's who you picked out in the photographs. For me, you know, again, it was one of those next levels of, um, of confidence, that I had gotten it right.

[37:26] Colin Miller: Ronald Cotton was eventually convicted, but his conviction was reversed on appeal, leading to a second trial. By this point, a man named Bobby Poole had bragged about committing the rape, and he was brought into the courtroom and stood right in front of Jennifer Thompson, who was asked if she had ever seen him before. Her response: "I have never seen him in my life. I have no idea who he is."

This takes us back to Thomas Albright and source memory, replacing your real memory of your assailant with the face of the man you later identified. Because it was Bobby Poole and not Ronald Cotton who had raped Jennifer Thompson. DNA testing 11 years

after the crime proved it. The same officer who did the initial photo array with Thompson broke the news to her:

[38:00] Colin Miller:

And what's your reaction when they tell you this news?

Jennifer Thompson:

You know, the truth is Colin, I can't tell you what the reaction was because I literally went blank. I've asked Mike Alden what I did, and he said I crumbled to the floor and I wailed and sobbed and screamed and, um, but... I don't remember. It was... I've tried to remember that moment. I know the moment afterwards, you know, in the days and weeks and months that you kind of, are starting to reconcile this new truth and, but the immediate response was I honestly, seriously, felt like the earth had opened up and I was just swallowed whole.

Colin Miller: Jennifer Thompson later reached out to Ronald Cotton, and the two became good friends. They now travel the country talking about criminal justice reform and how eyewitness identification procedures need to be reformed. In 2007, North Carolina passed the progressive Eyewitness Identification Reform Act, which includes important requirements like double blind and sequential lineups. Thompson wrote a book about her experience called *Picking Cotton*, and she founded Healing Justice, a nonprofit organization which aims to address the personal toll of wrongful convictions on all involved. And she's also an advocate for Ronnie Long. Thompson first became aware of his case after running into Ronnie's wife at a march:

[39:26] Jennifer Thompson:

I was walking through, you know, this crowd of thousands of people and I see this young woman with a sign that says "Free Ronnie Long," and anytime I see signs like that, because of the work I do, I'm like, I'm gonna go talk to her! And so I went up and introduced myself and she was quite surprised, because she had read *Picking Cotton* and she got very excited, introduced herself as Ashley, and I, you know, I committed myself that day, I said if there's anything I can do to help with Ronnie's case you know, just tell me, whatever it is. And that's kind of how it started, and I, I am committed to one day seeing that man walk free.

[40:05] Rabia Chaudry: Thompson's own experience and her subsequent research into the issues with eyewitness identifications is a main reason why she believes in Ronnie's innocence:

Jennifer Thompson:

People don't understand is when a person is being traumatized, when a person is being violently assaulted and attacked and there's a weapon and there's issues of cross-race issues, it's *really* difficult for a person to have an accurate eyewitness identification. It's very difficult. I mean it's really difficult for us to memorize faces under non-trauma situations. So when I read how the identification process went, how long it took her to make an ID, the whole, the terrible way they put her in the courtroom, you know, tellin' her that he may be walking into the courtroom that day, I mean all of those things lead... and it make sense... it leads to a contamination of someone's memories. It was the way the ID was done kind of raised all the hairs on the back of my neck.

[41:15] Rabia Chaudry: If DNA evidence ever exonerates Ronnie Long, and there's reason to believe that it may still, Juddie Bost will never have a chance for catharsis like Jennifer Thompson. She passed away a few years ago. Ronnie Long, meanwhile remains incarcerated and can only hope that one day he will be released like the other Ronald, Ronald Cotton:

[41:34] Ronnie Long:

I been in here 41 years. And I done seen murderers, rapists, child molesters, walking in and out of this penitentiary. For crimes that they *did* committ. Only thing I wanna do, you understand, is to go home and spend time with my wife, be able to spend time with my mother before she dies.

[42:10] Rabia Chaudry: The identification procedure in the Ronnie Long case was odd; like Thomas Albright, we've never seen anything like it in all our years of working on and researching criminal cases. But it's not even the oddest thing that the State did in Ronnie's case. "Judge, Jury, and Executioner,"...next time, on *Undisclosed*.

Thanks so much to all of you for tuning in this week and we have a whole host of other people to thank for making this season possible, as they do every season. First of all, thank you to our sponsors for helping to bring us back week after week. Thank you Baluki, for designing our logo. Thank you Christie, for maintaining our website. Thanks so much Mital Telhan, our amazing executive director. And a big thanks to Mr. Henry LaVoie, for helping with research for this series. And if that name sounds familiar, it should be! Because he's the son of our awesome audio producer Rebecca LaVoie, who is not only our audio producer but also the host and producer of the fantastic podcast

Crime Writers On, which I don't miss, any week. Don't forget to follow us on social media, our Twitter handle and Facebook is @undisclosedpod. And if you have questions for the addendum, don't forget to get Mr. Jon Cryer's attention, and our producers, by tagging them with #UDaddendum. Thanks so much. Until next week...