

QUESTIONS AND FACTS

The case of Vincent Simmons highlight several important accompanying issues, and it is worth noting that there seems to be an invisible umbilical chord which unites racism, police corruption, judicial ineptitude, government inaction and public indifferences under the single banner of human rights abuse.

The prejudiced legal system in which politics and the judiciary are mixed together in a convoluted cocktail of vested interests, results in incompetence, conspiracy and corruption.

When it comes to justice, the American system is one in which money, and/or colour, is often the deciding factor between innocence and guilt. It is a system where ignorance often by definition implies guilt. It is a system where the weak and voiceless appear to be guilty until proven innocent; a system where plea-bargaining is often a tactical necessity, rather than a legitimate legal option. It is a system where the District Attorney has to get results or he may be out of a job.

QUESTION TO BE ASKED BY PEOPLE LIKE YOU AND ME IN THE VINCENT SIMMONS CASE

1. The car involved in the crime Has never been forensically tested although the police impounded the car for examination. No fingerprints, no hair, nothing was offered as evidence.
2. The police did not interview one independent corroborative witness in order to validate the statements offered by Karen, Sharon, and Keith.
3. The statements given to police by Karen, Sharon and Keith did not at any point mention the name of "Simmons" which contradicts what they said in court, and the stories they gave in their statements severely conflict with each other's account of what happened.
4. The police investigative reports did not include one single lead pointing to Vincent Simmons, yet he was picked out off the street and charged.
5. Two reports by the same police officer Robert Laborde, written within 48 hours of each other, give two completely different locations as the place of arrest.
6. Upon arrival at the police station, Vincent took part in a line-up. He was the only man in handcuffs.
7. While in police custody, prior to any statement being made, Vincent was shot by the police officer Robert Laborde, deputy sheriff. The shot penetrated the left

hand side of his chest, inches from his heart. Vincent was taken to the hospital and admitted into the intensive care.

8. There is no indication that the police, at any point, had an official interview with Vincent Simmons or that he gave any sort of a statement. The arresting police officers were excused from testifying.
9. The defense willingly agreed to the dismissal of the investigating police officers.
10. The defense did not file a discovery motion which would have forced the district attorney to disclose crucial reports about the twins. These medical reports proved that Sharon Sanders was still a virgin at the time the police medical examiner conducted the examination, two weeks after the alleged incident.
11. The defence did not conduct any pre-trial investigative research such as searching for witnesses. He did not interview or look for witnesses from the night club. He did not research the character of Karen and Sharon Sanders, who were portrayed as two little girls who were pure and innocent. In true fact they had been suspended from school in the area where they had been living with their mother. And in fact, when asked about drugs they did agree they had some on their person that night in question. In Karen's statement to the police she admitted to carrying dope in her bra.
12. The defense attorney had very little contact with Vincent before the trial, and was therefore unable to convey a fair and accurate representation on his client's innocence. How can a defense attorney competently cross-examine key prosecution when he is unaware of his own client's defense?
13. The defense attorney proved he had not adequately studied pre-trial statements given by the key prosecution witnesses. When reporting the incident to the police, all three key prosecution witnesses said either a black subject or a black man committed the offense. They had no knowledge of the attacker's name as he had imparted that information while at the 7-11 store on Tunic Drive.
14. The defense attorney failed to expose considerable inconsistencies in the key prosecution witnesses testimony. Not only were the pre-trial statements at serious variants with each other and what they said in court, but the actual testimony inconsistencies during cross examination is seriously open to question.
15. The jury took less than one hour to return a verdict of "guilty".

Guilty

despite no corroborative evidence

Guilty

despite the complete lack of forensic evidence

Guilty

despite the sworn testimonies of three people – all of whom place the defendant elsewhere at the time of the offence

Guilty

despite the illegal procedure at the police station, in which the victims identified the defendant because he was wearing cuffs

GUILTY BY DEFENITION, GUILTY BY SUSPICION, GUILTY BY TRADITION

SOME FACTS

- **The District Attorney's Office** withholds crucial documents, which are not released until nearly twenty years later; documents which would have created reasonable doubt; documents which would have made the charges against him unsustainable in a court of law. **This was not some indiscriminate oversight**; It was the kind of 'mistake' which is cultivated behind closed doors – the kind of 'mistake' which truly requires special effort.
- **The defence was never made aware** of key evidence which would have nullified the case against Vincent. The state-appointed lawyer never filed a discovery motion - which would have revealed the existence of documentary in support of Vincent's innocence. Although at that time there was no legal requirement for prosecution to divulge evidence which could help the defence, it was then - just as it is now – incumbent on the prosecution to ensure justice was achieved. This he singularly failed to do.
- **Discovered** medical reports, available at the time of the original trial were suppressed. **The arresting officers** are dismissed at the outset of the trial, and are thus never questioned in court. Therefore the manner in which the arrest took place and the fact that Vincent is subsequently shot several times in the police station is never subjected to a proper and thorough investigation.
- **The two rape victims** wrongly identified another black man as their attacker when they walked into the police station. When asked why, their reply was "All blacks look alike". Perhaps this was why the police handcuffed Vincent during or prior to the identity parade - to ensure that 'justice' was allowed to continue its 'majestic and impartial course' without the hindrance of procedure. After all, why let the truth get in the way of a result?
- **The charges against** Vincent of two counts of 'aggravated rape' were hastily

bargained down to 'attempted aggravated rape' as the trial began. The rape was reported two weeks after it allegedly happened, and the state offered no corroborative forensic evidence. It should have been incumbent on the state to provide at least some supportive forensic evidence, in order to convict. The prosecution had none. To this day, not a shred of conclusive independent evidence exists to support Vincent's conviction. But of course in Louisiana when a black man is on trial, the need for conclusive and corroborative forensic evidence isn't always deemed necessary.

- **Despite the evidence** of the two adult black witnesses Vincent's lawyer called - one of whom placed Vincent elsewhere at the time of the alleged rape - the jury convicts Vincent almost exclusively on the evidence of two young impressionable 14-year old victims who mistakenly and understandably identified the wrong man.
- **A lot of the evidence** which proves Vincent's innocence was never brought to the Jury's attention at the original trial. And the evidence produced was ignored.
- **Vincent was visited by a lawyer just once** before the trial which was about to change his life so drastically. The lawyer had one question which was of particular importance to him:
How much money do you have?
In the 'land of the free', freedom costs money

The American Dream:

Fear it