

## *State v. Terence Garner: A System Gone Awry*

by Mark D. Montgomery

**O**n April 25, 1997, Keith Riddick and Kendrick Henderson robbed the Quality Finance Company in Johnston County. They committed this crime with a third person, named “Terrance.” During the robbery, “Terrance” shot Alice Wise, one of the company employees, assaulted her boss, Charles Woodard, and robbed Bertha Miller, a customer. Both Ms. Wise and Mr. Woodard are white; Ms. Miller is black.

Henderson left fingerprints at the scene. When he was arrested, he told Johnston County authorities that “Terrance” was Riddick’s cousin from New York and gave them the address where “Terrance” lived. When police went to that address, nobody was home. Later that evening, police arrested Terence Garner, at a different address. As soon as Henderson saw Terence Garner, he told the police that they had the wrong “Terrance.” However, Alice Wise, who had been shot in the head during the robbery, saw Terence Garner in a bond hearing shackled to Henderson. She told District Attorney Tom Lock that he had “the right ones.”

Keith Riddick was willing to testify that Terence Garner was the third robber in exchange for a plea bargain limiting his sentence to four-to-six years. Tom Lock had Riddick take a polygraph test on whether this version of the crime was true. Although Riddick failed the polygraph, Lock agreed to a light sentence in exchange for testifying against Terence. Riddick testified as agreed; he even denied that he had a cousin named “Terrance.”

The jury also heard from others: the two white eyewitnesses, Alice Wise and Charles Woodard, identified Terence Garner as the shooter; Ms. Miller testified that she knew Terence Garner from the community, but did not see him at the robbery;



Terence Garner was convicted of robbery, kidnapping, and attempted murder, and sentenced to a minimum of 25 years in prison.

Henderson testified that Terence Garner was not involved—that he was the wrong “Terrance”; several of Garner’s friends and relatives testified that he was playing ball with them at the time of the robbery. Nonetheless, Terence Garner was convicted of robbery, kidnapping, and attempted murder, and sentenced to a minimum of 25 years in prison.

Soon after trial, Henderson told a Wayne County detective that the Johnston County authorities prosecuted the wrong Terrance. Henderson repeated the address where “Terrance” lived. Wayne County detectives went to that address and found Terence DeLoach, Riddick’s cousin, who had recently been released from prison in New York. DeLoach confessed to being the third robber; however, when he was turned over to the Johnston County authorities, De-



Terence Garner was released and charges dismissed after the airing of a news documentary describing the injustices of his trial.

That is how this story might have ended had it not been for Ofra Bikel, a television documentary producer. Her story on the case was aired in January 2002 and the public response was enormous; people from all over the country were outraged by the apparent injustice in this case. Within a couple of weeks, Judge Jenkins was recused, the judgments vacated, and Terence released on bond. Recently, after Terence passed another polygraph, District Attorney Tom Lock dismissed the charges, and Terence is now free.

There are those who would say that this case proves that the system works. However, Terence is not free because of the system; he is free because of media attention, and because a small army of volunteer lawyers, investigators, journalists, law students and concerned citizens would not accept the system's verdict. ■

Loach recanted his confession and said he had nothing to do with the crimes. Like Riddick, DeLoach failed a polygraph test.

Meanwhile, officers went to talk with Keith Riddick. Riddick admitted that he had perjured himself—that his cousin, Terrance DeLoach, and not Terence Garner, was the third robber.

At a Motion for Appropriate Relief hearing, Henderson testified that Terrance DeLoach was the “Terrance” he had been talking about. Riddick and DeLoach refused to testify, but their statements clearing Garner were introduced into evidence. Ms. Wise and Mr. Woodard testified again that Terence Garner was the third robber.

The state did not subpoena Bertha Miller because she would have testified that Garner was not involved. The defense did not know that she had tentatively identified DeLoach as the third robber.

Judge Jenkins, who had presided over the original trial and was running for reelection (as were the district attorney and sheriff), denied the defense motion for a new trial. He chose to disbelieve the several black witnesses (from another district) who exonerated Terence Garner, and to believe the white witnesses (from his own district) who implicated him. Jenkins ruled that, because Ms. Wise and Mr. Woodard identified Terence Garner, DeLoach's confession and Riddick's admission to perjury must be

false. The N.C. Court of Appeals affirmed Mr. Garner's convictions; the N.C. Supreme Court declined to review the case.

## “AMFS Only the Best Medical Experts...”

*Speak to one of our staff physicians with just one phone call—at no charge to you.*

*AMFS staff physicians collaborate to personally review your medical records, formulate opinions, and match experts to your cases from our carefully pre-screened panel of board-certified specialists in your region.*

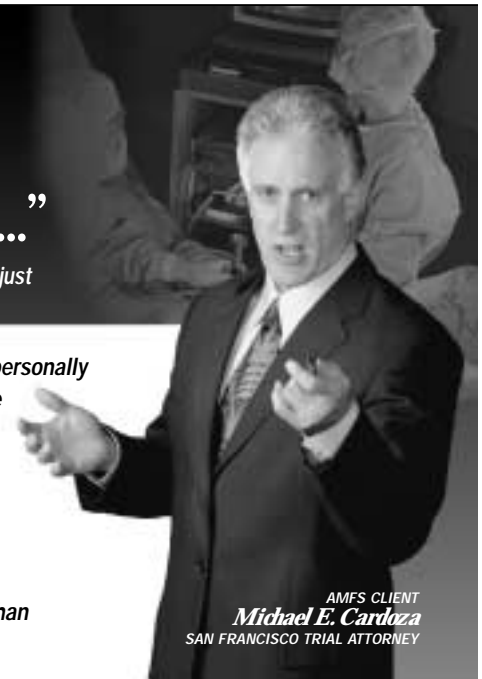
*AMFS bridges medicine and law... more than 5,000 specialists in more than 25,000 cases since 1990.*

**1-800-275-8903**

[www.amfs.com](http://www.amfs.com)  
[medicalexperts@amfs.com](mailto:medicalexperts@amfs.com)

*A physician managed company*

**AMFS**  
American Medical Forensic Specialists, Inc.



AMFS CLIENT  
**Michael E. Cardoza**  
SAN FRANCISCO TRIAL ATTORNEY