



EDWARD CASSIDY:

Showed capital conviction was a ‘house of cards’

Even by standards of Southern justice gone awry, the case of Louisiana death row inmate Michael Wearry is unusual. On March 8, 2016, the U.S. Supreme Court highlighted that reality when it not only reversed Wearry’s death sentence but also tossed out the conviction for the underlying crime — the brutal 1988 slaying of a teenage pizza delivery driver. And did it without hearing oral arguments.

“Beyond a doubt,” the court said in a per curiam decision, “the newly reviewed evidence suffices to undermine confidence in Wearry’s conviction. The State’s trial evidence resembles a house of cards, built on the jury crediting [an informant’s] account rather than Wearry’s alibi.”

From the outset, it was clear that that the snitch’s story was problematic. For one, at first he claimed that Wearry had confessed to shooting the victim and even told him where he’d dumped the body. In reality, the victim had been beaten to death and run over with a car. The body was recovered in a different location than the snitch alleged.

Additionally, the state withheld police reports that cast doubt on the veracity and motivations of the informant who had admitted that he had a personal beef with Wearry and “wanted to make sure he gets the needle.”

For Edward Cassidy, a veteran Minneapolis litigator at Fredrikson & Byron who led Wearry’s pro bono defense team, the seven-year journey was punctuated by more than a few demoralizing setbacks in Louisiana state courts.

Wearry remains under indictment and, Cassidy says, a second trial will likely begin within six months.

“In terms of the fact witnesses and the experts, our case will look a lot like our post-conviction case,” says Cassidy, who notes that state has locked up another jailhouse informant for the second trial. “His story is shaky, too. He’s already agreed he’s perjured himself,” says Cassidy.

Regardless of the outcome, it won’t be Cassidy’s last trip to the Bayou State. He was recently certified by the Louisiana Board of Public Defense to handle capital cases and has signed on to represent another death row inmate.

—Mike Mosedale

