

Freed after 43 years in prison, man files lawsuit saying he was framed by Wilson sheriff's office

By Deborah Strange, WRAL digital journalist

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RALEIGH, N.C. — A man who spent 43 years in prison after he was wrongfully convicted of murder has sued Wilson County authorities and former members of the State Bureau of Investigation, saying he was framed.

Charles Ray Finch was released from prison in May after a federal appeals court ruled that he was denied a fair trial because of a flawed lineup law enforcement used to obtain an eyewitness identification of Finch as the suspected killer.

Finch, now 82, filed a federal lawsuit Wednesday against Wilson County, Sheriff Calvin Woodard, former deputies Tony Owens and James Tant, former SBI agent Alan McMahan and former SBI counsel John Watters.

The lawsuit says that former Wilson County Sheriff Wilbur Robin Pridgen, along with Owens and Tant, framed Finch in the killing of Richard Holloman.

Holloman was fatally shot during an attempted robbery of his Wilson grocery store. Finch was convicted and sentenced to death in 1976.

Finch's lawsuit cites an FBI investigation that found that members of the sheriff's office, including Pridgen and Owens, had facilitated a robbery ring and that the attempted robbery at Holloman's store was organized by the sheriff's office.

"Mr. Finch's conviction, death sentence and imprisonment were not the result of mistake, negligence or incompetence," the lawsuit states. "They were the direct result of the intentional and/or reckless misconduct of members of the Wilson County Sheriff's Department."

McMahan and Watters covered for the sheriff's office and prevented Finch's conviction from being vacated earlier, the lawsuit says.

Jim Coleman, a professor at Duke University Law School and co-director of Duke's Wrongful Convictions Clinic, worked on Finch's case for more than 15 years before Finch was released.

Coleman and his team planned to introduce evidence in 2013 that Finch was framed, he said Thursday, but decided against it, worried that it could be a distraction from more direct evidence that Finch was innocent.

"If it was going to result in the judges being defensive about the corruption, then what we thought was, let's just focus on the evidence and the misconduct involving the evidence and not put it in any broader context," Coleman said.

It took years to clear Finch's name, Coleman said, because his legal team was "working against resistance" from prosecutors and officials who defended the original conviction.

"They resisted," Coleman said. "They defended on narrow, technical grounds."

In 1977, the North Carolina Supreme Court vacated Finch's death sentence after the U.S. Supreme Court declared the state's mandatory death penalty unconstitutional. Finch was resentenced to life in prison.

The 4th U.S. Circuit Court of Appeals found significant problems with the evidence used to convict him. The court said, for example, that he was subjected to "suggestive lineups" because he was the only person wearing a jacket similar to one a witness to the shooting said the gunman was wearing.

A review of the autopsy determined Holloman had been shot with a pistol, not a shotgun as the witness stated, and new ballistics evidence contradicted prosecution claims that shells found at the crime scene matched a shotgun shell found in Finch's car. Other witnesses also indicated they had been pressured by investigators into providing testimony implicating Finch.

Since his release, Finch has applied for a pardon of innocence from Gov. Roy Cooper.

If approved, Finch would be eligible for up to \$750,000, Coleman said. He was released from prison without compensation or assistance.

In his lawsuit, Finch requested a trial to determine compensation and punitive damages.

Coleman is now working on the case of Ronnie Long, who was convicted in 1976 of burglary and rape in Concord.

Long, an inmate at the Harnett Correctional Institution, has maintained his innocence.

Coleman said that Long's case is similar to Finch's case and that there's evidence of misconduct from the state.

"What we hope is we can eventually get state officials in position to do something to actually act," Coleman said.

Coleman still talks with Finch, who he said is "suffering from various medical ailments."

"He is obviously very happy to be out of prison," Coleman said.

When Finch left prison in May, "he was able to hold his head up because he had been right," Coleman said.