

**IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO**

STATE OF OHIO,

Plaintiff,

v.

RODNEY CARSON,

Defendant.

Case No. 03CR007717

Hon. Judge. BILL A SPERLAZZA

MOTION FOR NEW TRIAL

HEARING REQUESTED

Defendant Rodney Carson (“Carson”), by counsel Tara Rosnell and Mark A. Godsey of the Ohio Innocence Project and Proskauer Rose LLP, respectfully requests the Court vacate his convictions and order a new trial, or, in the alternative, order an evidentiary hearing on the issues. For the reasons discussed in the attached Memorandum in Support, the Motion for New Trial should be granted.

Dated August 26, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the Franklin County
Prosecutor's Office, via regular US mail and electronic filing on this 26th day of August, 2026.

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MEMORANDUM IN SUPPORT

I. Introduction

On the evening of March 14, 2003, Eric Rawlings was shot and killed in the street near the C&S Lounge (alternatively, “the Bar”) on East 5th Avenue in Columbus, Ohio. On November 8, 2003, Rodney Carson (“Carson”) was charged with Rawlings’ murder. Carson was ultimately convicted by a jury of aggravated murder and sentenced to 20 years to life in prison.

No physical evidence connected Carson to the crime. No eyewitnesses testified that they saw the face of the perpetrator. No witness at trial identified Carson as the perpetrator. The State built its case by arguing that, immediately after the shooting, the perpetrator rode a yellow bike to a payphone down the street and made a call. The State then established that Carson was the person who made a call from that payphone at around that same time. Carson never disputed that he was the person using the payphone, which he used frequently as it was located outside of his residence and served as his primary phone. Phone records later corroborated Carson’s explanation that he was talking to his terminally ill father who lived one hour away. But Carson strenuously maintained his innocence, asserting that he had nothing to do with Rawlings’ death.

Today, after an extensive investigation by the Conviction Integrity Unit of the Franklin County Prosecutor’s Office (“CIU”), it has become clear that Carson is an innocent man who was wrongfully convicted. Carson was wrongfully convicted by false eyewitness testimony manufactured through police pressure and suggestion, and unthinkable prosecutorial misconduct (now documented) that rivals the most egregious examples of prosecutorial misconduct one can find in the case law. Moreover, Carson had a defense attorney who, by her own later admission, failed to perform even the most basic functions of proper representation, allowing the above to happen without pushback.

The detectives on this case who perpetrated this wrongful conviction soon thereafter lost their badges after being convicted of fraud-related offenses. Their fraud scheme involved false documentation and misuse of funds that was ongoing at the time they were engaging in misconduct in this case.

As a result, an innocent man was convicted and the likely perpetrator, James Parham, walked free. The time has come to correct this injustice that occurred more than twenty years ago. Carson's motion for new trial must be granted, and Carson must have his freedom restored.

II. The Case as it Appeared to the Jury in 2004.

Because Carson did not dispute that he was the person on the payphone outside of his residence, the only factual question at trial was whether the perpetrator and the person on the payphone were one and the same. In other words, given that no witness saw the face of the perpetrator, and Carson did not contest that he was the person who was on the payphone at that time, to convict Carson the State was tasked with proving that the perpetrator fled the scene and then placed a call from the payphone down the street (a block and a half, about 653 feet) from the crime scene.

The State presented only one witness who claimed to see the perpetrator go from the site of the shooting to the payphone and place a call. This witness, William Bentley ("Bentley"), lived at 2826 East 5th Avenue in Columbus, Ohio¹, marked as A on the map below².

¹ Trial Transcript ("TT"), Volume IV, page 125.

² Exhibit 1; Bates 000001; Map of Crime Scene.



As Bentley was returning to his home shortly before 8:30 pm on the evening of March 14, 2003³, he observed a heated argument between two men in the street⁴ (Map at B), more than forty feet from where Bentley stood in his yard (Map at A).

Bentley testified that the assailant grabbed the collar of the victim (later confirmed to be Rawlings) and Bentley heard someone yell “Don’t shoot me.” Bentley testified that he saw the shooter with a gun, then heard approximately four to five shots. He saw the victim collapse onto the ground and observed the shooter flee on a yellowish mountain bike, heading east on 5th Avenue.⁵ Bentley testified that he watched the shooter ride all the way down the street until he stopped at a payphone (C on the map). Bentley further testified that he heard the shooter yell into the payphone, “Come get me, I have to get out of here.” Bentley testified that, only after hearing the shooter yell from the payphone and watching for a minute to see where he would go, he went inside his house to retrieve his cell phone to call 911.⁶ Bentley described the shooter as a Black male with a medium build, 5'8” to 6', wearing jeans and a mid-length down-filled coat that was very puffy.⁷

³ TT, Volume IV, pages 125-127.

⁴ *Id.* at 127.

⁵ *Id.* at 127.

⁶ *Id.* at 128.

⁷ *Id.* at 129.

Bentley's 911 call came in at 8:31 pm⁸. Bentley testified that after calling 911 and while waiting for the police to arrive, he saw two vans pull up to where the victim lay in the street. Three African American men, each about six feet tall, got out of the vans and rummaged through the wallet of the victim. He testified that after the vans left and the police were on the scene, the shooter was still talking on the payphone.⁹

Bentley did not identify Carson as the shooter, as he did not see the perpetrator's face.¹⁰

Daniel Merce ("Merce") also testified for the State. Like Bentley, Merce was present when the shooting occurred. Merce testified that, while walking his dog that evening, he witnessed a heated and physical argument between two men in the street¹¹. Merce was about half a block from his house when he saw the struggle and heard someone yell: "You're my n***, you're my n***, you're my n***, what's up? Don't do this. Stop." Then, "It's all good. It's all good. Throw it across the street. You know, you're my n***. We're friends. It's all good."¹²

Merce also testified that he saw a gun¹³. He described the shooter as wearing a dark blue, puffy jacket.¹⁴ Merce testified that to avoid the situation, he crossed the street and continued walking, so that the men scuffling in the street were behind him. He then heard the gun go off. He testified that he started running away from the shooting, and when the gunfire stopped, he turned around and saw a man lying in the street. He observed the shooter fleeing east on East 5th Avenue on a yellow bike.¹⁵

⁸ Exhibit 2; Bates 000003; CPD Download file, CPD Radio Room sheet incident 030200038.

⁹ TT, Volume IV, pages 134-136.

¹⁰ *Id.* at 138 and Exhibit 3; Bates 000007; CPD Download file, Informational Summary #27 and Exhibit 4; Bates 000010; CPD Download file, Informational Summary # 28, page 2.

¹¹ TT, Volume VI, page 128.

¹² *Id.* at 131. No evidence was presented at trial that Rawlings and Carson knew each other.

¹³ *Id.* at 128.

¹⁴ *Id.* at 136.

¹⁵ *Id.* at 128-129.

Merce testified that he then ran back to try to help, but the man was dead. Merce then observed a van pull up that nearly hit him and the deceased man in the street. Four men got out, rolled the victim over, and took money from his wallet. The four men got back in the van and drove away.¹⁶

Merce did not identify Carson in court as being the shooter or as having any role in the offense.¹⁷ Nor did Merce connect the shooter to the payphone down the street, other than stating that the perpetrator rode his yellow bike east, in the same direction as the payphone.

Two other State witnesses, Christopher McCoy (“McCoy”) and his cousin Mark Baber (“Baber”), were also in the area at the time of the shooting, although they did not observe the struggle between the shooter and the victim or the shooting itself. McCoy testified that he, his uncle Robert (“Robert”) McCoy, and Baber were hanging out in Robert’s apartment (D on the map) drinking beer and playing cards when they heard a helicopter.¹⁸ Driven by curiosity, the three ventured outside. As they looked down the street to the west, they observed police activity. Across the street from the apartment, they noticed a man on a payphone (map at C) with his back to them. McCoy testified that he heard the man urgently exclaiming, “I did what I had to do. Just come f’ing get me out of here. Get me out of here.”¹⁹ McCoy admitted, though, that his initial impression was that the man was having an argument with his girlfriend.²⁰ The man stood out in a “mid-length black leather jacket, a black do-rag, and dark blue or black jeans.”²¹ McCoy described him as having a medium build, being husky, and standing around 5’8” and 190 lbs.²²

¹⁶ *Id.* at 129.

¹⁷ *Id.* at 142.

¹⁸ TT, Volume V, page 94.

¹⁹ *Id.* at 98.

²⁰ *Id.* at 95.

²¹ *Id.* at 99.

²² *Id.* at 106.

McCoy testified that he and Robert then walked down East 5th Avenue toward where they saw the police activity to investigate. Baber remained at the apartment.²³

When they arrived at the crime scene (Map at B), McCoy and Robert observed the victim lying in the street. McCoy and Robert spoke to people at the scene. One neighbor (later revealed to be Merce) told them his version of what had happened.²⁴ McCoy and Robert then went back to the apartment²⁵ and shared the information they learned at the scene with Baber.²⁶ McCoy testified that, once back at the apartment, he wondered whether the man on the payphone might have had anything to do with the shooting. He walked back down the street, found a uniformed police officer and reported his theory about the man at the payphone perhaps being involved.²⁷ At that point, McCoy was placed in the back of a police cruiser and asked to write a statement. McCoy testified that he had to wait quite a while for the police to come back and collect his written statement, which he recalled was about three quarters of a page in length.²⁸

Sometime later he was taken to a nearby park, where a potential suspect, Rashawn Garner (“Garner”), had been apprehended by police and was being held in custody. Although McCoy could not positively identify Garner, due to the individual on the payphone having their back turned, he observed that the mid-length black leather jacket was a match, despite differences in build.²⁹ McCoy testified that he did not personally see a yellow bike.³⁰

Baber provided testimony consistent with McCoy’s account. After hearing the helicopters and venturing outside, Baber also observed a man on a payphone with his back turned. He described the man as short, stocky, wearing a mid-length plain leather jacket, and a black do-rag.

²³ *Id.* at 95.

²⁴ *Id.* at 95.

²⁵ *Id.* at 97.

²⁶ *Id.* at 111.

²⁷ *Id.* at 98.

²⁸ *Id.* at 112 and 117-118.

²⁹ *Id.* at 100.

³⁰ *Id.* at 103.

Baber heard the man say, “I had to do what I had to do” in a tone just loud enough to be heard.³¹ He estimated the man to be 5’7”-5’ 8” and approximately 230 lbs.³² Baber testified that he watched the man leave on a yellow bike after about ten minutes.³³ Baber then returned to the apartment and was interviewed by law enforcement three hours later.³⁴ Baber admitted that by that time he had consumed approximately 10-11 beers during the course of the evening³⁵.

James Michael McKinnon (“McKinnon”) also testified for the State. McKinnon lived at 2824 East 5th Avenue (map at E), across the street from where the shooting occurred. McKinnon was at home that evening. He testified that he was in his living room when he heard 3-4 gunshots, one of which penetrated his front window and entered his bedroom door. Despite being in close proximity to where the shooting occurred, however, McKinnon did not observe the struggle or the shooting and did not see the shooter.³⁶

Although McKinnon was unable to pick Carson out of a photo array,³⁷ he testified that he “knew” Carson from the neighborhood³⁸ and claimed that he had on one occasion prior to the shooting seen him riding a yellow bike.³⁹ McKinnon admitted, however, that he had previously stated to the defense investigator that the bike he had seen Carson ride was black.⁴⁰

McKinnon also testified that Henry Harris (“Harris”) lived in a garage behind Bentley’s house that Harris rented from McKinnon. McKinnon described himself and Harris as friends.⁴¹

³¹ *Id.* at 168-170.

³² *Id.* at 180.

³³ *Id.* at 170.

³⁴ Exhibit 5 ; Bates 000072; CPD download file, Informational Summary #10, page 1.

³⁵ TT, Volume V, page 168.

³⁶ *Id.* at 192.

³⁷ Exhibit 4; Bates 000010; CPD download file, Informational Summary #28, page 2.

³⁸ TT, Volume V, page 196.

³⁹ *Id.* at 208.

⁴⁰ TT, Volume IX, page 45.

⁴¹ TT, Volume V, pages 196-198.

Harris also testified for the State. Harris testified that on the evening of the shooting, he got food from the Bar, marked on the map as F. He testified that while there, he saw Carson sitting on a stool at the Bar near the front door talking to another man.⁴² Harris testified that after he left the Bar, he walked to the Quik Stop located at 2776 East 5th Avenue (G on the map) to get a drink. Harris then headed home to the garage behind Bentley's house.⁴³ As he was standing at the intersection of Morris Avenue and the alley that ran behind his garage (noted on the map as H), Harris looked in the direction of East 5th Avenue. He testified that he then saw Carson riding east on East 5th Avenue on a yellow bike.⁴⁴ He testified he was about 19 feet away from the cyclist as he rode by. Seconds later, Harris heard gunshots.

Harris claimed that he had talked to Carson in the neighborhood on one occasion prior to seeing him at the Bar on the night of the shooting.⁴⁵ However, Harris was unable to make a positive identification of Carson from a photo array, selecting his picture but stating that he was not sure the photo was of Carson.⁴⁶

Next, Detective Christopher Rond, the primary homicide detective on the case, provided a detailed account of his investigative actions. He testified that police received information early on at the scene about a Black male on a yellow bike heading east bound on East 5th Avenue. He also testified that police eventually received information about someone wearing a leather coat, but that information did not come in the first few minutes.⁴⁷ He was provided information at the scene that the victim, Eric Rawlings, and the shooter got into an altercation at the bus stop near the spot where the victim was shot. Rond testified that he received further information at

⁴² TT, Volume IV, page 90.

⁴³ *Id.* at 91-92.

⁴⁴ *Id.* at 91-93.

⁴⁵ *Id.* at 89.

⁴⁶ Exhibit 4; Bates 000007; CPD Download file, Informational Summary #28, Columbus Division of Police Investigative Photo Array Procedures, Photo Array #12130.

⁴⁷ TT, Volume VII, page 126.

the scene that the shooter shot the victim, got on a bike, went east on East 5th Avenue to a payphone, made loud statements, and rode away.⁴⁸ He noted that the police were actively searching the area for a man on a yellow bike and that helicopters were deployed within minutes after the shooting for this purpose.⁴⁹

Rond further testified that he received information at the scene that the argument between the victim and the shooter started at the Bar. He went to the Bar that night to view surveillance camera tapes but learned that the cameras were not functioning and was never able to view tapes from the night of the shooting.⁵⁰

Rond then answered a series of questions from the prosecutor about an individual named James Parham (“Parham”). Rond explained that a bouncer who had been working at the Bar on the evening of the shooting identified Parham as being ejected from the bar at the same approximate time that the victim, Eric Rawlings, was ejected. Shortly after Rond became aware of this information, Parham was arrested on an outstanding traffic warrant and Rond interviewed him in connection with the shooting in this case. Rond obtained a search warrant for Parham’s residence and executed a search, but no relevant evidence was found.⁵¹

Next Rond testified about how Carson became a suspect in the shooting. The prosecutor asked Rond what information he received at the scene that led him toward Carson. Rond responded that “I was investigating a homicide where the suspect had used a payphone on the corner of Alton & 5th Avenue.”⁵² The police then subpoenaed phone records from that pay phone. From these records, Rond learned that at 8:37 pm on March 14, 2003, a call from the

⁴⁸ *Id.* at 158.

⁴⁹ *Id.* at 91.

⁵⁰ *Id.* at 140. Rond testified that he did not try to subpoena the tapes, believing he did not have probable cause.

⁵¹ *Id.* at 150-155.

⁵² *Id.* at 157.

payphone had been placed to a 1-888 toll free number.⁵³ Through additional phone records, he was able to match the toll-free number to a Carolyn Clark.⁵⁴ On May 10, 2003, Rond learned from Carolyn Clark and her husband Richard Carson that Richard Carson's son, Rodney Carson, had been the person to place that call.⁵⁵ The call lasted for about seven minutes and was the only call placed from the pay phone on that evening near the time of the shooting.⁵⁶

Based on the testimony connecting the shooter to the payphone and evidence connecting the payphone to Carson, the jury convicted Carson of aggravated murder. The trial court sentenced Carson to 20 years to life.

III. How the Case Looks in 2026: What We Now Know

A. The Walton Letters and the Lie

The one person who knew the most about the case, and who knew that Carson was innocent, did not testify. That person was Craig Walton. The *reason* Walton did not testify was egregious prosecutorial and police misconduct designed to keep Walton off the stand.

Walton would have testified that he had been the bouncer at the Bar that night and saw "Dame" and the victim, Rawlings, argue inside the Bar.⁵⁷ Dame was later identified as James Parham ("Parham"), a member of the East 5th Avenue Cuzz Gang known to frequent the area.⁵⁸ Walton separated them, but a few minutes later the argument resumed and escalated. At that point, Walton ejected both of them along with two of Parham's friends who were also involved in the skirmish. Walton saw Parham and Rawlings continue to tussle on the sidewalk. Rawlings

⁵³ Exhibit 6; Bates 000078; CPD Download file, Letter from Ameritech Subpoena Processing Center and Attached Record.

⁵⁴ Exhibit 7; Bates 000081; CPD Download file, Affidavit of Custodian of Business Records and Attached Record.

⁵⁵ TT, Volume VII, pages 158-159.

⁵⁶ Exhibit 6; Bates 000078; CPD Download file, Letter from Ameritech Subpoena Processing Center and Attached Record.

⁵⁷ Exhibit 9; Bates 000086; CPD Download file, Informational Summary #17 and Exhibit 8; Bates 000083; CPD Download file, Informational Summary #14..

⁵⁸ Exhibit 9; Bates 000087; CPD Download file, Informational Summary #17.

then tried to run back into the Bar, telling Walton that Parham had a gun. Walton did not allow Rawlings to re-enter.⁵⁹

When Walton ejected the group and observed the altercation continue outside the Bar between Parham and Rawlings, he observed a bulge in Parham's waistband that he thought was a gun.⁶⁰ Walton then *observed Parham pull out the gun.*⁶¹ The last thing Walton saw was Parham grabbing the back of Rawling's jacket and chasing him eastbound on 5th Avenue.⁶² Walton closed the door and went back inside, and moments later, Rawlings was shot and killed.⁶³ In other words, Walton had powerful information connecting Parham to the murder and contradicting the State's theory that Carson was the perpetrator.

Walton did not see Carson in the Bar that night and was certain that Carson was not involved in any sort of argument with Rawlings and was not part of the group that was ejected.⁶⁴

Walton was scared of Parham, so he did not share everything he knew about Parham when first interviewed by the police, but rather, shared only what he believed was enough for the police to arrest Parham. As time went on, however, and Walton learned that the police were not focusing on Parham, he decided he must share everything he knew.⁶⁵ In May 2003, Walton, while serving a short sentence on a theft charge, began a letter writing campaign. On May 18, 2003, he wrote a letter to Rawling's mother, Peggy Rawlings, implicating Parham.⁶⁶ Between June 5, 2003 and October 22, 2003, Walton wrote three letters to Detective Rond, sharing his

⁵⁹ Exhibit 8 ; Bates 000083; CPD Download file, Informational Summary #14, page 1 and Exhibit 10; Bates 000092; Martha Phillips Summary of Interview with Craig Walton, page 4.

⁶⁰ Exhibit 8; Bates 000083; CPD Download file, Informational Summary #14; page 1.

⁶¹ Exhibit 9; Bates 000086; CPD Download file, Informational Summary #17, page 1 and Exhibit 11; Bates 000100: CPD Download file, Letter from Craig Walton to Detective Rond dated June 9, 2003.

⁶² Exhibit 9; Bates 000086; CPD Download file, Informational Summary #17, page 1.

⁶³ Exhibit 10; Bates 000092; Martha Phillips Summary of interview with Craig Walton, page 4.

⁶⁴ Exhibit 10; Bates 000094; Martha Phillips Summary of interview with Craig Walton, page 6.

⁶⁵ Exhibit 10; Bates 000096; Martha Phillips Summary of interview with Craig Walton, page 8.

⁶⁶ Exhibit 12; Bates 000104; CPD Download file, Letter from Craig Walton to Peggy Rawlings dated May 8, 2003.

fear of Parham but nevertheless implicating Parham in the murder.⁶⁷ Finally, Walton wrote to Carson, telling him that he knew that Carson was innocent and offering to help him.⁶⁸

Carson's attorney Sarah Beauchamp ("Beauchamp") obtained the letters from Walton to Detective Rond and Rawlings' mother the day before trial started,⁶⁹ and, of course, was keen to call Walton as a witness at trial.⁷⁰ Accordingly, she highlighted Walton's exonerative account to the jury during opening statements.⁷¹ ***However, this was the last information the jury received from the defense concerning Walton's knowledge of the shooting.*** The defense did not put on a case and never called Walton to the stand. Beauchamp committed the biggest foul a defense attorney can make. She previewed exonerative information from a star witness—the only eyewitness to the crime who could identify the perpetrator—and then failed to deliver on that promise. Why did that happen?

On May 22, 2023, Rodney Carson submitted an application to the Conviction Integrity Unit of the Franklin County Prosecutor's Office ("CIU"), dedicated to uncovering wrongful convictions, asking the CIU to re-investigate his case.⁷² Information uncovered by the CIU now establishes that after Beauchamp fronted Walton's account to the jury, the prosecutor, Sue Ruelbach ("Ruelbach") told Beauchamp that a handwriting analysis had been done and that the letters purportedly from Walton ***were actually forgeries.***⁷³ Beauchamp asked to see the

⁶⁷ Exhibit 13; Bates 000110-000111; CPD Download file, Letter from Craig Walton to Detective Rond dated June 5, 2003; Exhibit 11; Bates 000099-000101; CPD Download file, Letter from Craig Walton to Detective Rond dated June 9, 2003; Exhibit 14; Bates 000113-000115; CPD Download file, Letter from Craig Walton to Detective Rond dated October 22, 2003.

⁶⁸ Exhibit 15; Bates 000117-000118; CPD Download file, Letter from Craig Walton to Rodney Carson titled What's Up Rodney?

⁶⁹ Exhibit 16; Bates 000120: Supplemental Discovery, In the Court of Common Pleas, Franklin County, Ohio, Criminal Division. These documents were not provided to the defense until the day trial was scheduled to begin, notwithstanding that these documents were known to the State for over a year.

⁷⁰ Exhibit 17; Bates 000123; Beauchamp Affidavit.

⁷¹ TT, Volume IV, page 36.

⁷² Exhibit 18; Bates 000127-000138; Rodney Carson Application to Columbus Integrity Unit.

⁷³ Exhibit 17; Bates; 000124; Beauchamp Affidavit, page 2 and Exhibit 19; Bates 000170; Letter from Sue Ann Ruelbach to A. Alysha Clous dated September 13, 2006, page 3.

handwriting report, but Reulbach refused, claiming the report was “rebuttal evidence” that she did not have to turn over.⁷⁴ Believing that the letters were forged caused Beauchamp to abandon her defense in the case. Calling Walton in that scenario could backfire dramatically, causing the defense case to implode. The risk was that if called as a witness, Walton would tell the jury the letters were forged. The jury would be left to assume the letters were forged by Carson or someone close to him, in an unsuccessful attempt to trick Rond into dropping the case against Carson. If the jury heard such information, it would seal Carson’s fate. Beauchamp said that after hearing this she felt “demoralized” and became “ineffective” as a defense attorney.⁷⁵

It was not until late 2025, when the Ohio Innocence Project (“OIP”) received investigative files from the CIU, that Carson and his legal team finally learned that this statement from the prosecutor Ruelbach was a lie.

We now know that Reulbach had confirmed the letters written by Walton to Rond were authentic and then confirmed through laboratory analysis that the letter Walton wrote to Carson was also authentic. Reulbach possessed a report confirming the authenticity to the highest degree of scientific certainty.⁷⁶ Despite this result, Reulbach falsely informed Beauchamp that the letters by Walton had been scientifically evaluated and were determined to be forged.⁷⁷

This was a clear fabrication by the prosecutor that caused Carson’s attorney to abandon the defense case. Following this conversation, the “demoralized” and “ineffective” Beauchamp elected not to present a case. The jury then returned a guilty verdict.

⁷⁴ Exhibit 17; Bates 000124; Beauchamp Affidavit, page 2.

⁷⁵ *Id.*

⁷⁶ Exhibit 20; Bates 000175-000176; Crime Laboratory Report Log# 6462-04 Completed 09-08-04.

⁷⁷ Exhibit 17; Bates 000124; Beauchamp Affidavit, page 2 and Exhibit 19; Bates 000170; Letter from Sue Ann Ruelbach to A. Alysha Clous dated September 13, 2006, page 3.

B. The State’s “Star” Witness Bentley Was Manipulated by Police to Give Materially False Testimony.

The CIU’s investigation, conducted by Shane Karnes (“Karnes”), uncovered substantial additional information confirming Carson’s innocence. This information was subsequently disclosed to Carson’s counsel at OIP in late 2025.

In his review of the case, Karnes designed and performed experiments to determine whether Bentley’s testimony was accurate. Specifically, the tests were designed to demonstrate whether it was possible for Bentley to have observed the suspect go all the way from the crime scene to the payphone from his vantage point on the night of the shooting and whether it was possible that Bentley, from his front yard, could have heard the suspect, at the payphone, yell “come get me.”⁷⁸

Karnes measured the distance from the spot where Bentley stood on the southeast side of his house, marked on the map as A,⁷⁹ to the spot where the payphone had been located near the corner of Alton and East 5th Avenue (map at C) **as 653 feet**. The payphone itself was gone, but the metal bracket where the phone had been attached was still there, affixed to the exterior of the brick wall.⁸⁰

According to radio logs provided to defense counsel on the morning the trial was scheduled to begin, the 911 call from Bentley came in at 8:31 pm.⁸¹ It was stipulated at trial that on March 14, 2003, the sun set in Columbus, Ohio at 6:37 pm. Thus, the shooting occurred approximately two hours after sunset. It was further stipulated at trial that the moon was about 82% full that night.⁸² New streetlights had recently been installed on East 5th Avenue, and those same lights remain there today.

⁷⁸ Exhibit 21; Bates 000179; Karnes Affidavit, paragraph 6.

⁷⁹ Exhibit 21; Bates 000188; Karnes Affidavit, Appendix B.

⁸⁰ Exhibit 21; Bates 000180 ; Karnes Affidavit, paragraph 10.

⁸¹ Exhibit 2; Bates 000003; CPD File Download, CPD Radio Room Sheet Incident 0302000338.pdf.

⁸² TT, Volume IX, page 112.

Karnes performed his testing on March 12, 2024, and March 20, 2024. To duplicate the visibility conditions at the time of the shooting, he performed his testing at 9:30 pm, the same number of hours after sunset as the shooting occurred on March 14, 2003. The testing was performed at 9:30 p.m. rather than 8:30 p.m. because the Energy Policy Act of 2005, which took effect in 2007, changed the start date of daylight savings time from the first Sunday in April to the second Sunday in March. Karnes also made sure to conduct the testing at a time when the weather conditions (clear) were the same as on the night of the shooting, as well as the phase of the moon (82% full).⁸³

On the March 12, 2024 scene visit, Karnes' assistants positioned themselves on the north sidewalk near the southeast corner of Bentley's house, where Bentley testified that he stood. Karnes dressed in a black mid-length jacket and mounted a yellow mountain bike.⁸⁴

Karnes then traveled from the area where Rawlings was shot down to the location where the payphone had been located. Once Karnes arrived at the area of the payphone, one of his assistants took photos of him at the payphone from the spot in which Bentley testified he was standing. These photos were taken without the assistance of a flash to prevent the darkening of the background beyond the limits of the flash. Even with the benefit of the camera lens' clarity and aperture, Karnes is not clearly visible without the use of a zoom feature. While at the payphone, Karnes' assistants advised that they could not observe him from their position and that he had disappeared from sight well before reaching the payphone.⁸⁵

On that same day, a Tuesday, Karnes conducted an audibility test to verify Bentley's claim of hearing the suspect yell "come get me" from the payphone. Published data establishes that the average human male speaking voice ranges from 55-65 decibels and a male yelling voice

⁸³ Exhibit 21; Bates 000179-000180; Karnes Affidavit, paragraph 8 and 9.

⁸⁴ Exhibit 21; Bates 000180 and 000194; Karnes Affidavit, paragraph 11 and Appendix E.

⁸⁵ Exhibit 21; Bates 000180 and 000195; Karnes Affidavit, paragraph 11 and Appendix F.

ranges from 70-100 decibels. Karnes used a decibel meter, and yelling at a decibel in excess of 100, repeated a phrase known to his assistant, and increased his distance from Bentley's position at 50-foot increments until he reached the payphone. Karnes' assistants were only able to discern Karnes' words while yelling up to a distance of about 200 feet. [Note: because his assistants knew the words Karnes was yelling, the results of the testing are skewed in favor of being able to hear specific words]. Karnes' assistants could hear his voice but not make out the words at a distance of about 250-350 feet, even when he was yelling. Beyond 400 feet, they could not hear anything, even when he yelled as loud as he could.⁸⁶ Bentley was 643 feet away from the payphone.

Karnes thus demonstrated that it was impossible for Bentley to have seen what he claimed to see, or heard what he claimed to have heard, when he testified at trial.⁸⁷

Karnes also endeavored to find out whether Bentley's testimony could be true in light of the phone records. Specifically, Karnes checked the payphone records subpoenaed by Detective Rond for Carson's trial to determine the time that Carson placed the call at the payphone on the night of the shooting. Carson placed the call to his father at 8:37 pm.⁸⁸ Bentley's 911 call was placed at 8:31 pm, six minutes before Carson's call.⁸⁹

Thus, Bentley's testimony that he 1) watched the shooter ride on a yellow bike to the pay phone without ever taking his eyes off him, 2) saw the shooter on the payphone and heard him at the pay phone shouting "come get me", 2) waited a minute to see what the shooter would do,

⁸⁶ Exhibit 21; Bates 000180-000181 ; Karnes Affidavit, paragraph 13. Karnes also consulted publicly available research and discovered that "The normal intelligible outdoor range of the male human voice in still air is 180 m (590 ft 6.6 in)." When Eric Rawlings was killed, it was a Friday night around 8:30 pm, on a heavily traveled roadway in the city, thus vehicular traffic, as well as other common city noises, rendered "still air" impossible, as proven in the audio/video test conducted.

⁸⁷ Exhibit 21; Bates 000181; Karnes Affidavit, paragraph 14.

⁸⁸ Exhibit 6; Bates 000078; CPD Download file, Letter from Ameritech Subpoena Processing Center and Attached Record.

⁸⁹ Exhibit 2; Bates 000003; CPD File Download file, CPD Radio Room Sheet Incident 0302000338.pdf.

and 3) *only then* went inside to get his phone to place the 911 call is demonstrably false, not only based on the visibility and audibility testing herein described, but also because there is irrefutable proof in the form of phone records that this did not happen.⁹⁰

Carson had not yet arrived at the payphone when Bentley alleged that he saw and heard him on the payphone, allegedly making the incriminating statement “come and get me.” Indeed, the fact that Carson placed the call on the payphone six minutes AFTER Bentley took all the steps he took before finally calling 911 eviscerates the State’s theory of the case that immediately after the shooting the perpetrator went to the phone booth and made an urgent call for someone to come and “get me out” of the area.

In order to convict Carson, the State was able to “convince” witnesses to testify that the shooter went directly to the payphone after the shooting and made incriminating comments (how the detectives were able to convince witnesses to make these false claims will be discussed below). But the objective records show the falsity of this testimony. Although the payphone was only a block and a half away from the crime scene, which the perp would have arrived at quickly, Carson did not place the call until six minutes AFTER Bentley called 911, and Bentley did not

⁹⁰ Bentley’s willingness to testify falsely during his testimony at Carson’s trial has been recently demonstrated in other ways as well. During direct examination, the prosecutor elicited testimony from Bentley that appeared to establish that Bentley was an expert in firearms, and he was permitted to testify accordingly. When asked if he had ever been trained in law enforcement, Bentley testified that he undergone Ohio Peace Officer Training Academy (OPOTA) firearms training, which he described as “almost the same as a police officer” receives. (TT, Volume IV, pages 123-124). Having established this foundation, Bentley asserted that he was able to identify that the gun used by the shooter was a revolver based on the sound it made when discharged, and that it was likely a 38 caliber or 357 magnum revolver. (TT, volume. IV, pages 138 to 143.)

OPOTA *for law enforcement* is an extensive training regimen requiring a minimum of 740 hours of training in Ohio that is a precursor to becoming a police officer. However, Karnes learned that, contrary to Bentley’s testimony at trial, Bentley never attended any Police Academy, was never trained as a police officer and never worked in law enforcement. Rather, Bentley worked for a private security company, Smith Security, and took a nominal certification course administered by private contractors that were OPOTC (Ohio Peace Officer Training *Council*) approved. This training certified Bentley to conceal-carry while on the job as private security. It did not qualify him in any way to testify as an expert in firearms. Further, Bentley admitted that he was not qualified by the court as an expert witness as required by Ohio Supreme Court Rule 702. Moreover, in addition to misrepresenting his expertise on firearms, Bentley’s testimony regarding being able to identify the type and caliber of gun by the sound it makes is patently false.

call 911 until several minutes had passed AFTER the shooting. This shows that the perpetrator who rode off on a yellow bike, and Carson, who placed a phone call much later, were not the same person.

Indeed, the timing of the calls not only shows that Bentley's testimony was false, but also demonstrates that the person on the payphone, Carson, was not the shooter. Additional proof is found in the radio log detail, which was provided extremely late in discovery⁹¹, combined with the testimony of Officer William Lang and the Ameritech pay phone records.

The radio logs and payphone records specify the following:

2031	(8:31pm)	shots fired
2036	(8:36 pm)	Per 52B suspect left on a bike EB on 5 th Ave (T112)
2037	(8:37pm)	MB on bike last seen EB on 5 th Ave (T112)
	8:37 pm	Carson places call on pay phone
2041	(8:41pm)	per 61B he has WB 5 th Ave VE traffic stopped (T112)
2042	(8:42 pm)	one poss around 6/Alton 76 lost him (T07)
2043	(8:43 pm)	76 seen him EB poss in alley 551 checking
	8:44 pm	Carson call ends (after 6 minutes, 32 seconds) ⁹²

According to the testimony of Officer Lang, he was in police car 76 that night. After the reports of shots fired on East 5th Avenue came in at 8:31 pm, Lang was dispatched to a location near Cassidy and 5th.⁹³ He was coming from Agler and Cassidy, about 2.5 miles away.⁹⁴ Before

⁹¹ Although the radio logs were available from the date of the shooting on 3/14/03, they were not provided to defense counsel until 8/31/04, the day before trial (see Exhibit 16; Bates 000120; Supplemental Discovery).

⁹² Exhibit 2 ; Bates 000003; CPD Download file, CPD Radio Room sheet incident 030200038.pdf and Exhibit 6; Bates 000078; CPD Download file, Ameritech Phone records, page 3.

⁹³ TT, Volume VII, page 19.

⁹⁴ *Id.* at 22.

he reached the area, he received a description of a suspect on a bike.⁹⁵ This description came in at 8:36 pm and again at 8:37 pm.

Radio logs indicate that police car 61B had west bound traffic on 5th Avenue blocked as of 8:41 pm.⁹⁶ Officer Lang turned southbound onto Alton Avenue and saw someone on a bike heading west bound across Alton on either 6th Avenue or the alley between East 5th Avenue and 6th Avenue at 8:42 pm. He turned on his spotlights on his police cruiser and notified the helicopter numbered 551 (which was already at the scene) to check either 6th Avenue or the alley for someone on a bike going eastbound. This occurred at 8:42 pm.⁹⁷ Helicopter number 551 then indicated at 8:43pm that he was checking that area.⁹⁸

From this timeline, two things are apparent. First, *at the time when Officer Lang spotted the person fleeing on a bike (8:42 pm), Carson was at the pay phone on his call and remained on his call until 8:44 pm.*⁹⁹ *Therefore, while the State suggested at trial that the person Lang saw on a bike was the shooter, the phone records and radio logs prove that this was not Carson.* Second, during the time frame between 8:41 p.m. and 8:44 p.m., while it is undisputed that Carson remained on the phone, there were no fewer than three police vehicles in the immediate area of the payphone. To block westbound traffic to the spot where the victim was shot (Map at B), police car 61B was positioned at 5th and Alton, right next to the payphone. In addition, Lang, (in police car 76) was in the immediate area, as was helicopter number 551. *If a yellow bike had been leaning against the wall next to the payphone as Carson talked on the phone, he would have been immediately apprehended by police as they were searching for a person on a yellow bike. He was not.*

⁹⁵ *Id.* at 24.

⁹⁶ Exhibit 2; Bates 000003; CPD Download file, CPD Radio Room sheet incident 030200038.pdf.

⁹⁷ *Id.* at 24-25 and Exhibit 2 ; Bates 000003; CPD Download file, CPD Radio Room sheet incident 030200038.pdf.

⁹⁸ *Id.*

⁹⁹ Exhibit 6; Bates 000078; CPD Download file, Ameritech Phone records, page 3.

Further, the descriptions given by Bentley and Merce of the shooter on the bike differed significantly from the descriptions given by McCoy and Baber of the person they saw on the phone. Specifically, the shooter was described as between 5'8 and 6'0, wearing a puffy coat and nothing on his head, while the person at the payphone was shorter and wearing a black leather jacket and a doo rag with a large, floppy knot in the back.

In light of the police logs and phone records, the State's theory at trial collapses. Why would the perpetrator kill someone and then race off on his bike and stop at a payphone *right next to a police barricade* to call someone and scream in desperation to come rescue him from the police? And if he needed rescue from the scene, why would he call an immobile, elderly parent on his deathbed who lives an hour away? Indeed, it is undisputed that the call Carson made was to his father, who lived an hour away, was very ill and died shortly thereafter. And why would the perpetrator, allegedly desperate to avoid detection, stop at a payphone and make a seven-minute call to a single person, which is the length of Carson's call with his father? Indeed, if Carson was the perpetrator, why wouldn't he simply disappear inside his apartment, which was right there by the payphone?

In 2025, Karnes confronted Bentley about all of these discrepancies in his testimony. Bentley admitted that his trial testimony was inaccurate. Bentley still maintains that he saw the shooter get on a yellow bike and ride east on 5th Avenue. But crucially, he admitted to Karnes that he did not actually see the shooter go to the payphone. He also maintains that he heard someone, who he believes was the suspect, yell "come and get me," but he now believes that the person must have been yelling from somewhere much closer to where the shooting happened, and not from the payphone.¹⁰⁰ Bentley explained that *the detectives tapped on a photo spread*

¹⁰⁰ Exhibit 22; Bates 000199; Bentley Affidavit, paragraph 5 and 6. It is noted that several witnesses testified that, within a minute of shots being fired, a blue Ford minivan (similar to the one that Detective Rond testified was owned by Parham's mother) and a gray minivan pulled up to where the victim lay in the street, and a person

trying to get him to pick a particular photo (which Bentley declined to do since he had already said he did not see the perpetrator's face) and further told him that the person at the payphone was the shooter. This “hint” from the detectives colored his testimony, causing him to exaggerate what he really saw and connect the perpetrator to the payphone¹⁰¹.

Carson was connected to the case only because he used the payphone that night. Bentley's testimony provided the *only* direct link between the shooter and payphone. That link only existed because of police misconduct in suggesting testimony to an impressionable eyewitness who wanted to help police and thus acquiesced to their suggestions. That link has now proven to be flatly incorrect and impossible.

C. The False Testimony of Henry Harris

Testing performed by Karnes also definitively proves that the trial testimony of Harris was false, and likely the product of neighborhood gossip (cross-contamination) and police suggestion. Harris was the only person to identify Carson as being present at the Bar on the night of the shooting and the only person who claimed to see Carson on a yellow bike close to where the shooting occurred.¹⁰²

Harris testified that on the day of the shooting, after getting food at the Bar, allegedly seeing Carson there, and then getting a drink at the Quik Stop, he “walked through the alley” or came “straight through the alley toward” where he lived (a garage off the alley, Map at H). While at the Morris Avenue intersection, coming through the alley, Harris claimed that he saw Carson on a yellow bike on East 5th Avenue, passing by Morris Ave, heading east toward the bus stop.

identified as Nathaniel Parham, brother of James Parham, got out and robbed the body before getting back in the van and leaving. It is plausible that in the seconds after the shooting, James Parham, knowing that his brother and friends were nearby, called them on his cell phone from a location very close to where the victim's body lay, saying “Come and get me! Get me out of here now!” This would explain both the statements that Bentley still maintains he heard and the fact that two vans pulled up quickly after the shooting with the intent to rob the dead victim.

¹⁰¹ Exhibit 22; Bates 000199; Bentley Affidavit, paragraph 7.

¹⁰² TT, Volume IV, pages 90-93.

He estimated that the distance between his position and where Rodney allegedly rode by on the yellow bike was about 19 feet. The prosecutor measured off this distance in the presence of the jury so they could visualize it. Harris then testified that, seconds after Carson rode by on the yellow bike, Harris heard the gunshots.¹⁰³

At scene visits on March 12th and 20th of 2004, Karnes performed experiments to test the accuracy of Harris' testimony.¹⁰⁴ Harris testified that he stood at the intersection of Morris Avenue and the alley that ran behind his garage/residence, and looked south, in the direction of East 5th Avenue where he claimed to have seen Carson ride by on a yellow bike.¹⁰⁵

Karnes measured the shortest possible distance between the southern side of the alley, Harris's position, to the north curb line of East 5th Ave, or the nearest position a bike rider could have been to Harris while riding on East 5th Ave. This distance was 130 feet but could have been farther since East 5th Ave is 40 feet wide, and Harris did not specify precisely where the yellow bike rider was on East 5th Ave.¹⁰⁶

Regardless, 130 feet is more than six times the 19 feet Harris estimated at trial, and that the prosecutor measured out in the courtroom for the benefit of the jury.¹⁰⁷

A photo taken at night at the scene visit on March 20, 2024 shows the view from where Harris says he stood to where the bike rider allegedly rode.¹⁰⁸ Another photo taken at the scene visit on March 12, 2024 depicts the same view as that taken on March 20, although Karnes is dressed in a dark, mid-length coat, sitting on a yellow-colored mountain bike along the north

¹⁰³ Harris's testimony that he saw Carson ride by on the bike and then heard gunshots seconds later is inconsistent with the testimony of both Bentley and Merce that there was a struggle in the street between the shooter and the victim preceding the shots. See TT, Volume IV, pages 89-92.

¹⁰⁴ Exhibit 21; Bates 000183-000184; Karnes Affidavit, paragraph 23.

¹⁰⁵ TT, Volume IV, pages 90-93 and for a photograph during daytime see Exhibit 21; Bates 000196; Karnes Affidavit, Appendix G.

¹⁰⁶ Exhibit 21; Bates 000183-000184; Karnes Affidavit, paragraph 23.

¹⁰⁷ TT, Volume IV, pages 118 to 119.

¹⁰⁸ Exhibit 21; Bates 000197; Karnes Affidavit, Appendix H.

curb line. Karnes is not visible at all in that photo, and his assistant who took the photo confirmed that she could not see him.¹⁰⁹ These results disprove Harris's testimony at trial about observing and identifying, in the dark, an individual on a bicycle on East 5th Avenue from his position in the alley.

D. DNA Evidence

Post-conviction DNA testing has been pursued in this case for nearly a decade and has consistently excluded Carson as a contributor to the DNA recovered in this case. At trial, witnesses testified that immediately before the shooting, Rawlings was engaged in a physical struggle with the man who shot him and that the perpetrator grabbed Rawlings by his clothing during the altercation.¹¹⁰ No DNA evidence was presented at trial to identify the attacker. Although the victim's clothing - including two T-shirts and a jacket - was collected as evidence after the shooting,¹¹¹ those items did not undergo DNA testing at the time of trial.

Following his conviction, Carson moved for a new trial and presented evidence at a hearing identifying Parham as an alternative suspect. Witnesses testified at the post-trial hearing that Parham was involved in the altercation with Rawlings shortly before the shooting and that Parham later admitted his involvement in Rawlings' death. Although this motion was denied, it established a factual record showing that Parham was involved in the events preceding the shooting.¹¹²

Years later, with the assistance of the OIP, Carson filed an application requesting DNA testing of the victim's jacket and two T-shirts, arguing that testing could identify DNA left by the

¹⁰⁹ Exhibit 21; Bates 000197; Karnes Affidavit, Appendix H.

¹¹⁰ TT, Volume IV, page 132.

¹¹¹ TT, Volume VI, page 192.

¹¹² Exhibit 23; Bates 000202-000206; Motion for a New Trial.

perpetrator during the altercation immediately before the shooting and determine whether someone other than Carson was responsible.¹¹³

The Court granted testing of the victim's jacket in 2016, pursuant to the State's agreement.¹¹⁴ BCI tested twenty-four locations on the jacket. Testing confirmed the presence of the victim's DNA across multiple areas and identified mixtures containing DNA from the victim and at least one unknown contributor at nine locations. Only one location produced a profile suitable for comparison.¹¹⁵ That profile was determined to include Mylan Lamarr Greene, the victim's nephew, who was four years old at the time of the shooting. The remaining mixed samples contained DNA from unknown contributors.¹¹⁶

Additional testing was ordered in 2019 on the victim's T-shirts. That testing identified mixtures containing the victim and at least one unknown contributor at multiple locations. However, the samples were too small and degraded for CODIS comparison.¹¹⁶

Carson later filed a motion requesting that the Court order the State to produce DNA profiles for both Carson and Parham for comparative analysis. The motion explained that Carson had previously been granted post-conviction DNA testing and that mixed DNA profiles had been recovered from the victim's clothing. Carson requested disclosure of both profiles so that a qualified DNA analyst could compare them to the mixed DNA recovered from the victim's jacket and shirts to determine whether either individual could be included or excluded as a contributor. This comparative testing would have clarified whether the unknown DNA recovered from the victim's clothing was consistent with Parham, Carson, or another unknown contributor.

However, the Court denied this request.¹¹⁷

¹¹³ Exhibit 24; Bates 000208-000228; Application for DNA Testing.

¹¹⁴ Exhibit 25; Bates 000230-000231; Order for Post-Conviction Forensic Analysis and Testing.

¹¹⁵ Exhibit 26; Bates 000234; BCI Lab Report Dated January 17, 2017.

¹¹⁶ Exhibit 27; Bates 000312-000313; Re; Lab Report for Minor profile and Exhibit 28; Bates 000315; BCI Lab Report Dated April 29, 2019.

¹¹⁷ Exhibit 29; Bates 000318; Carson Motion for State to Produce DNA Profile for Parham.

Most recently, in 2024, the CIU conducted additional forensic testing as part of its review of Carson's conviction. This testing focused on items believed to have been touched during the robbery that occurred immediately after the shooting, including the victim's pants pockets, wallet, and eyeglasses. Testing of swabs taken from the right front pants pocket and wallet produced a mixed DNA profile from at least three contributors and excluded Carson as a contributor. Other tested samples, including portions of the eyeglasses and additional pocket swabs, contained insufficient DNA for comparison.¹¹⁸

The CIU also requested latent print analysis of prints collected during the police investigation. Examination of eight latent lifts identified one partial palm print suitable for comparison. That print was searched against state and federal databases with no successful matches but excluded Carson as a possible source. Although a comparison to Parham was attempted, the available known palm prints for Parham were not of sufficient quality to allow for a definitive comparison.¹¹⁹

In sum, forensic testing conducted between 2016 and 2024 has consistently excluded Carson from the DNA recovered from the victim's clothing. At the same time, a complete comparison of Parham's DNA has never been conducted.

E. A Faulty Premise and a Dishonest Investigation

The investigation into the homicide of Rawlings was led by disgraced former Detective Rond, together with disgraced former Detective Brian Carney. Evidence uncovered by Karnes during his re-investigation of Rawlings' murder demonstrates that the original police investigation was not just flawed, but dishonest and corrupt.

¹¹⁸ Exhibit 30; Bates 000326-000327; Lake County Lab Report Dated May 10, 2024.

¹¹⁹ Exhibit 31; Bates 000329-000330; Lake County Lab Report Dated May, 23, 2024.

It began with a faulty premise. An incorrect hypothesis adopted by Detective Rond on the night of the shooting permeated the entire investigation and took homicide detectives down the wrong track. Thereafter, detectives ignored evidence that did not comport with their theory and manipulated witnesses to obtain evidence that did. In spite of overwhelming evidence the police would shortly uncover pointing to Parham as the perpetrator, Rond concluded, wrongly, on the night of the shooting that whoever made the call from the payphone on the evening of the shooting was the shooter. From Rond's trial testimony:

Q: What information did you receive as lead investigator at the scene that sent you off on your investigation?

A: I was investigating a homicide where the suspect had used a payphone at the corner of Alton and 5th.¹²⁰

And later:

A: I was provided information that (paraphrasing) there was a fight with victim at the bus stop, the shooter shot the victim, got on a bike, went east on 5th to a payphone, made a call, made loud statements, and rode away.¹²¹

The information that Rond testified that he received on the night of the shooting did not come from a single witness but was rather a synthesis of statements and speculation made by different witnesses. Bentley and Merce witnessed the shooter get on a yellow bike and ride east.¹²² McCoy and Baber heard a person make loud statements at a nearby payphone. According to McCoy's testimony, it was McCoy who had the (completely unfounded) idea that the person at the payphone may have been involved in the shooting. He communicated that idea

¹²⁰ TT, Volume VII, page 157.

¹²¹ *Id.* at 158.

¹²² TT, Volume IV, page 127 and TT, Volume VI, page 128-129.

to the police.¹²³ McCoy's unsubstantiated idea took root in Rond's mind and became the central premise on which Rond based his investigation and the prism through which he viewed the evidence.

This theory was communicated to the jury repeatedly, in Rond's testimony and in the State's opening and closing arguments. In closing, the prosecutor told the jury that "I told you that whoever was on that phone was the murderer in this case" and "if Defense Counsel doesn't give you a reasonable and common-sense explanation for that phone call and what he said, then you must find him guilty beyond a reasonable doubt¹²⁴."

The theory concocted by McCoy, adopted by Rond, and relied on heavily by the State at trial was that the shooter rode a yellow bike to the payphone where he called someone to come and pick him up, yelling "Come and get me, get me out of here," in an effort to escape the crime scene. This is inconsistent with the theory that Carson was the shooter, given that Carson was speaking on the phone with his terminally ill and immobile father who lived over an hour away¹²⁵—certainly not the first and only call that a shooter running from a crime scene would make. But the fact that Carson was talking to his father that night was not learned by the police until more than two months later, when Rond was already tightly wed to his misguided theory and had already bent the witnesses to implicate Carson. Furthermore, the police logs and phone records disprove the State's theory of the case as set forth *supra* at pages 21-22, but the detectives in charge (and defense counsel, who did not receive the records until the day before trial) seemingly did not bother to examine the timeline which demonstrates that the State's theory was rendered impossible by the objective evidence.

¹²³ *Id.* at 98 and 168-170.

¹²⁴ TT, Volume IX, page 112.

¹²⁵ TT, Volume VI, pages 62-63 and 92.

Unfortunately, not only was Rond's theory wrong, but he resorted to dishonest and inferior investigative methods to make it work.

- First, Karnes' investigation showed that detectives contaminated the investigation by **providing information to key witnesses** that they should not have shared. There is a substantial body of psychological and legal research conducted pre-2003, and widely accepted by law enforcement, demonstrating that investigators must be careful not to divulge details or evidence to witnesses, as this can contaminate and distort their testimony.¹²⁶
- Second, witnesses need to be separated from other witnesses, so as not to influence one another's testimony, and this practice was not adhered to in this case. There is specific evidence that **witnesses were not separated and that they shared information and gossiped about details of the case with one another**, causing cross-contamination.¹²⁷
- Third, detectives failed to employ best practices to ensure the preservation of evidence. Interviews of key witnesses that should have been recorded were not, while a tape of a key witness that was recorded was deemed "inaudible." The written statement of a key witness on the night of the shooting was also not preserved.¹²⁸
- Fourth, in many instances Rond actually **lied or mischaracterized what witnesses said** in his reports, and many of these false statements made their way to the jury. *See infra* pages 37-38 and 42-44.

¹²⁶ Exhibit 21; Bates 000184; Karnes Affidavit, paragraph 26.

¹²⁷ *Id.* at paragraph 27.

¹²⁸ Exhibit 21; Bates 000184-000185; Karnes Affidavit, paragraphs 28 and 29.

- Fifth, and most concerning, there is a clear pattern of witnesses suddenly changing their story to implicate Carson *only* after Detective Rond decided that Carson was the perpetrator. Confirming the pattern, there is now direct evidence that Detective Rond told witnesses what to say and intentionally encouraged witnesses to change their stories to implicate Carson. *See infra* pages 33-38.

The effect of the improper sharing of information with witnesses, cross-contamination, mischaracterizing witness statements, and improperly pushing witnesses to implicate Carson can be seen in the way the statements of various witnesses changed over time, all in a way to comport with Rond's theory.

1. **William Bentley**

Bentley told Karnes, in describing when Officer Rond came to show Bentley a photo array (which depicted Carson) on June 14, 2003, three months after the shooting, **"I do remember the Detective telling me that there were two or three calls on that payphone that day. They was telling me 'It has to be this guy!'"** Bentley explained to Karnes that detectives made this statement several times while presenting Bentley with the photo array, and, according to Bentley, tapping and pointing to a photo in the array trying to get Bentley to select that photo.¹²⁹

While Bentley did not make an identification of Carson or anyone, this interaction with Rond, where Rond provided Bentley with information that he should not have had, led to Bentley testifying inaccurately against Carson. Contrary to best police practices at the time and despite the technology being widely available, none of the police interviews of Bentley, a key witness against Carson, were recorded.

As Bentley has now stated in a sworn affidavit:

¹²⁹ Exhibit 21; Bates 000182; Karnes Affidavit, paragraph 19.

When the police came to show me the photo arrays a few months after the shooting, they were pointing at the photos and telling me that whoever was at the payphone had to be the shooter. I knew that I had seen the shooter ride in the direction of the payphone and I knew that I had heard someone yell "come and get me." The police officers telling me that the person at the payphone had to have been the shooter influenced my recollection of events and my certainty about what I saw. I was trying to help them and do the right thing.¹³⁰

That Rond's statements contaminated and compromised Bentley's testimony is supported by a review of all the statements that Bentley provided prior to the June 14 interview, as well as all 911 calls, audio-recorded transmissions from the night of the shooting, and the trial testimony of all of the police officers and homicide detectives who testified. In short, ***Bentley never mentioned the payphone prior to the June 14 interview and did so only after Rond identified Carson as the caller and Rond adopted the shooter-payphone theory that had originated from an intoxicated resident of the neighborhood (McCoy).***¹³¹

On March 14, 2003, the night of the shooting, Bentley called 911 at 8:31 p.m. He stated that someone got shot but did not mention seeing the shooter go to a payphone. Police audio recordings that capture chatter between 911 operators and police and other first responders in the minutes after the shooting do not mention anything about the shooter having gone to a payphone.¹³² When police arrived at the scene approximately four minutes later at around 8:35 pm, Bentley was present and identified himself to the responding officers.¹³³ As discussed, there were already police positioned right next to the payphone. If Bentley had mentioned anything to the responding officers about the shooter being on the payphone, they could have easily apprehended Carson, who was still on the phone, right then and there. They did not.

¹³⁰ Exhibit 22; Bates 000199; Bentley Affidavit, paragraph 7.

¹³¹ Investigators in 2003 should have been audio-recording all interviews of potential witnesses as micro-recorders were widely available and this was considered best practice. Exhibit 21; Bates 000184-185; Karnes Affidavit, paragraph 28. Unfortunately, although police forms indicate that at least one police interview of William Bentley was recorded, no such recording was located or produced to the defense. Exhibit 32; Bates 000340; CPD Download files, CPD. Investigative Subdivision Criminal Investigation form, page 9.

¹³² Exhibit 2; Bates 000003; CPD Download file, CPD Radio Room sheet incident 030200038.pdf.

¹³³ TT, Volume IV, page 128.

Carson, the alleged perpetrator, remained on the payphone talking to his father as police swarmed the area.

Police finally got around to formally interviewing Bentley at around 10:00 p.m. There is nothing in the detective's report detailing that interview indicating that Bentley told anyone about seeing the suspect go to a payphone.¹³⁴ There was also nothing in Rond's reports or subsequent trial testimony indicating that Bentley told anyone at the scene on the night of the shooting that the shooter on the yellow bike had gone to the payphone.¹³⁵

It is also worth noting that Bentley also did not initially mention the yellow bike in the 911 call. This detail was provided to Officer Weis when he interviewed Bentley at about 10:00 p.m. that night,¹³⁶ after Bentley had been sitting in a police car listening to the radio chatter about the suspect leaving the scene on a yellow bike.¹³⁷

The objective evidence clearly corroborates the recent recantation of the State's "star" witness. Bentley admitted that he did not see what he claimed he saw but rather changed his statement to comport with Rond's theory. In addition, recreations by Karnes and objective electronic records have established the impossibility of his trial testimony. We also now know that Bentley changed his story after the police fed him information that connected the shooting to the person on the payphone. The theory that the shooter and the payphone were connected was the unfounded speculation of a lay witness, with no experience with homicide investigations or solving crimes. But Detective Rond ran with it, manipulating and hiding evidence along the way, to make a square peg fit into a round hole.

¹³⁴ Exhibit 33; Bates 000334-000335; CPD Download file, Informational Summary #8.

¹³⁵ Exhibit 34; Bates 000347-000350; CPD Download file, Preliminary Progress report and Exhibit 35; Bates 000352-000358; CPD Download file, Second Progress report.

¹³⁶ Exhibit 33; Bates 000344; CPD Download file, Informational Summary #8.

¹³⁷ TT, Volume IV, pages 128-129 and Exhibit 2; Bates 000003; CPD Download file, CPD Radio Room sheet incident 030200038.pdf.

2. Michael McKinnon, Henry Harris and Barbara McKinnon

The evidence shows that the trial testimony of McKinnon and Harris was influenced by the fact that McKinnon learned that Carson was a suspect in Rawling's murder. On June 20, more than three months after the shooting, Detective Rond re-interviewed Michael McKinnon and showed him photo arrays, one of which included Carson. This happened notwithstanding the fact that McKinnon had already told detectives that he had not seen the shooting, the argument preceding the shooting, or the shooter. On that date, Michael McKinnon was not able to identify anyone.¹³⁸

Four days later, on June 24, 2003, Carson was questioned in Rawling's death.¹³⁹ Carson then went around the neighborhood trying to find out information about the shooting.¹⁴⁰ According to McKinnon's trial testimony, Carson shared with McKinnon that police had questioned him and considered him a suspect, and that he believed he was being framed.¹⁴¹ McKinnon then contacted police and asked to meet with them.¹⁴² A meeting was scheduled for June 27, 2003 at the firehouse.¹⁴³

On the 27th, Michael McKinnon brought his mother Barbara, along with a neighbor, Henry Harris, who had had no involvement in the case up until that time. Detective Rond's informational summary from that date states that **"Michael McKinnon wished to advise me that the suspect in this incident, Rodney Carson"** had come to his house asking to sell drugs from his residence. McKinnon reported that Harris was present when this occurred. Rond noted that it was apparent that Harris had information relevant to the crime.¹⁴⁴

¹³⁸ Exhibit 4; Bates 000007 ; CPD Download file, Informational Summary 28, page 2.

¹³⁹ TT, Volume VII, pages 172 and 175-202.

¹⁴⁰ TT, Volume VIII, page 18.

¹⁴¹ TT, Volume V, page 219.

¹⁴² *Id.* at 219-220.

¹⁴³ Exhibit 35; Bates 000357; CPD Download file, Second Progress Report, page 6.

¹⁴⁴ Exhibit 36; Bates 000360; CPD Download file, Informational Summary #35.

After Michael and Barbara left, Detective Rond spoke with Harris alone, wherein Harris confirmed that he had helpful information. Harris then reported that he saw the suspect, Carson, at the Bar on the night of the shooting, about an hour before the shooting occurred. Harris stated that he was certain about this and had “known” Carson for about eight or nine months (although he testified at trial that he had only talked to Carson one time prior to the night of the shooting). When presented with a photo array, Harris picked out Carson, but said he was not 100% certain the photo selected was Carson.¹⁴⁵

Significantly, despite Harris having been extensively interviewed by detectives on June 27th, none of the police reports or documents regarding the June 27th interview reflect that Harris said anything about seeing Carson riding a yellow bike or having walked home in the alley right before the shooting and hearing gunshots, the crucial information that Harris testified to at trial.¹⁴⁶ It is evident that sometime after the June 27th interview, Harris was provided information about the suspect being on a yellow bike. An inference can reasonably be made that this information was provided to Harris by the police.¹⁴⁷ Concerningly, the June 27th interview of Harris by Detective Rond which was audio-taped and submitted to the property room was never produced to the defense. At trial Rond claimed that the tape was “inaudible.”¹⁴⁸

Martha Phillips, the defense investigator, tried to interview Harris prior to trial but was unable to locate him. Despite numerous requests, no address for Harris was provided to defense counsel for Carson, and the State claimed it did not have his address. However, it came out

¹⁴⁵ Exhibit 36; Bates 000360-000361; CPD6 download file, Informational Summary #35 and Exhibit 4; Bates 000051; CPD Download file, Informational Summary # 28, page 3.

¹⁴⁶Exhibit 36; Bates 000360-000362; CPD Download file, Informational Summary #35; Exhibit 35; Bates 000352-000358 ; CPD Download file, Second Progress Report; TT, Volume IV, pages 91-92.

¹⁴⁷ There is evidence that police told other witnesses about the yellow bike, including Chris McCoy. See Exhibit 37; Bates 000365 ; CPD Download file, Informational Summary #9, page 2. Also, Craig Walton told Martha Phillips that police told him that a van stopped shortly after the shooting and robbed the victim. See Exhibit 10; Bates 000094; page 6. We also know that police provided information to William Bentley that the person at the payphone was the shooter. Exhibit 22; Bates 000199; Bentley Affidavit, paragraph 7.

¹⁴⁸ TT, Volume VII, pages 146-147.

during Officer Rond's testimony at trial that the prosecution paid for a hotel for Harris in the days leading up to trial and drove him back and forth to trial so that he could testify.¹⁴⁹

The ever-changing story provided by Barbara McKinnon ("Barbara") further highlights how Rond manipulated potential witnesses. On March 14, the night of the shooting, Barbara was interviewed by Detective Steve Eppert as part of a neighborhood canvas and provided no pertinent information.¹⁵⁰

Then, on March 18, Officer Amy Welsh, who regularly patrolled the neighborhood and was known and trusted by the community, spoke with Barbara.¹⁵¹ Barbara told Welsh that on the night of the shooting, she was coming home from work when she heard an argument. The argument was followed by a gunshot. She looked out her front window and observed a blue Ford minivan and a gray Chevy minivan in the street in front of 2819 East 5th Ave. She then observed a black male kneel by the victim and appear to remove property from the victim. The person took the property to the gray van. The two vans remained in the area when the officers arrived and began securing the scene. The occupants of these minivans, who were originally contained within the scene, were subsequently ordered to leave, which they did. Officer Welsh showed photographs of possible suspects to Barbara and Barbara immediately identified Nathaniel Parham as the individual she saw at the scene moving between the vans and removing property

¹⁴⁹ TT, Volume III, page 4 Beauchamp made a 16(B)(6) motion for update of witnesses, saying she had not received it from the prosecution. Ruelbach stated that she had copied her entire file and Beauchamp had everything. Exhibit 17; Bates 000123; Beauchamp affidavit. Beauchamp referenced the 16(b)(6) motion and said Ruelbach's statement was not true, that Ruelbach had the address of a witness who testified after being driven from the hotel paid for by the State. At TT, Volume IV, page 102 Henry Harris testified that he currently lived with his daughter on East 8th Avenue. At TT, Volume VIII, page 121, Detective Rond testified that he transported Henry Harris to court from the Holiday Inn on Town Street.

¹⁵⁰ Exhibit 38; Bates 000367-000368 ; CPD Download file, Informational Summary #6 and Exhibit 39; Bates 000372-000373; CPD Download file, Informational Summary #19.

¹⁵¹ Exhibit 9; Bates 000087; CPD Download file, Informational Summary #17, page 2..

from the victim.¹⁵² This information, provided to an officer Barbara trusted within a few days of the shooting, is very specific and highly credible.

When Rond subsequently contacted Barbara on March 29 to follow up on the statements Barbara had provided to Welsh, Barbara continued to identify Nathaniel Parham, but was agitated, stating that the person at the scene had seen her in the window and knew who she was and where she lived. She said this person was still “walking the streets” and wanted to know why he hadn’t been arrested. She was apparently scared to cooperate and would not admit to her statements to Welsh that the individual took property from the victim, just that he was the person she saw walk between the vans.¹⁵³

Rond’s next contact with Barbara was on June 20, which was *after* Carson became a police suspect. Rond’s notes summarizing this meeting say: “When I questioned Barbara as to the physical build of the individual she observed, she stated that it was a heavy-set male/black with enough weight that she could observe his stomach hanging out of his coat. ***This description matches that of Rodney Carson more than Nathaniel Parham.***” At that meeting, McKinnon flip-flopped her identification and picked Carson out of a photo array, stating that he was the person that she saw at the scene walking between the vans.¹⁵⁴

The change of Barbara’s identification from Nathaniel Parham to Carson only after Carson became Rond’s suspect is typical of the pattern that emerges from the police records.

3. **Christopher McCoy and Mark Baber**

Now, having examined the timeline and reconstructed what went awry with the investigation, it has become clear that Christoper McCoy learned information about the shooter being on a yellow bike from Dan Merce at the scene and from Detective Weis on the night of the

¹⁵² *Id.* at page 3..

¹⁵³ Exhibit 39 ; Bates 000373; CPD Download file, Informational Summary #19, page 2.

¹⁵⁴ Exhibit 40; Bates 000376; CPD Download file, Informational Summary #31, page 2.

shooting, and that he in turn shared that information with Baber. McCoy admitted during his trial testimony that when he went to the scene of the shooting, he learned information from others at the scene.¹⁵⁵ He told Martha Phillips that he had talked to Dan Merce, who had reported having seen the shooter on a yellow bike.¹⁵⁶ After visiting the crime scene and talking to Merce, McCoy testified that he went home and shared the information he learned with Baber.¹⁵⁷ Then, McCoy returned to the crime scene, flagged down a uniformed policeman and suggested that the person he observed at the payphone may have been connected to the shooting.¹⁵⁸ He was then placed in the back of a police car at approximately 9:45 p.m., where his statement was taken. Detective Weis noted in his summary that **“In response to a question** (McCoy) stated he didn’t see a yellow bike.”¹⁵⁹ This is another example of investigating detectives violating best practices and compromising the integrity of the investigation by inappropriately giving a witness detail that may compromise his own testimony.

At 11:30 p.m., Detective Weis interviewed Baber at his home. Baber mentioned to police during this interview that he had noticed a yellow bike lying by the pay phone.¹⁶⁰ However, Baber had been drinking heavily¹⁶¹ and he had already spoken to McCoy, who had learned about the yellow bike¹⁶² from Merce and Weis.

McCoy’s baseless (and now proven incorrect) hypothesis that the person at the payphone may have been involved in the shooting, combined with Baber’s statement about the yellow bike near the suspect on the payphone, became the first purported connection in the police investigation between the shooter and the man on the payphone down the street. These

¹⁵⁵ TT, Volume V, page 96.

¹⁵⁶ Exhibit 41; Bates 000379; Martha Phillips Report of Interview with Christopher McCoy.

¹⁵⁷ TT, Volume V, page 96.

¹⁵⁸ TT, Volume V, page 98.

¹⁵⁹ Exhibit 37; Bates 000365; CPD download file, Informational Summary #9.

¹⁶⁰ Exhibit 5; Bates 000072; CPD download files, Informational Summary #10.

¹⁶¹ TT, Volume V, page 168.

¹⁶² TT, Volume V, page 96.

statements were the sole basis for the subpoena of the payphone records and the eventual case against Carson.

It is also significant that McCoy's account of Carson's phone call also changed over time as Rond's theory evolved and solidified. McCoy testified that he initially thought that the person on the phone was in a fight with his girlfriend.¹⁶³ Later that night, however, after McCoy had spent time conversing with people at the crime scene, McCoy told the police that the caller was screaming for a getaway driver to "come and get me now" to be rescued from the police.¹⁶⁴ These were the exact words that Bentley, who was present at the scene at the same time as McCoy, reported hearing someone yell. Bentley now says he connected those words to the payphone only because of police suggestion, and that those words did not actually come from the payphone area, but rather from a location much closer to the scene of the shooting.¹⁶⁵

Unfortunately, a written statement about three quarters of a page in length that McCoy testified that he wrote on the night of the shooting and that might have shed light on his evolving statements over time is "missing." Detective Rond testified that McCoy gave his handwritten summary to Detective Weis, but that "it never reached me."¹⁶⁶ This case is replete with examples of evidence from key witnesses being lost, destroyed, or not existing, including McCoy's written statement, the "inaudible" recording of detective's interview with Harris, and the nonexistent recording of Bentley's interview.

4. **Rashawn Garner**

The files disclosed by the CIU reveal numerous further examples of the unprofessional and dishonest investigation. By way of just one, Detective Rond testified at trial that he was able

¹⁶³ TT, Volume V, page 95.

¹⁶⁴ Exhibit 37; Bates 000364 ; CPD Download, Informational Summary #9.

¹⁶⁵ Exhibit 22; Bates 000199; Bentley Affidavit, Paragraphs 5 and 6.

¹⁶⁶ TT, Volume VII, pages 148-149.

to eliminate Rashawn Garner as a suspect in around May of 2003 after he talked to the COTA bus driver¹⁶⁷, who Rond said confirmed Garner's alibi that Garner had been on the bus at the time of the shooting. This was a lie. We know this because the bus driver that Rond talked to at that time was *the wrong bus driver*. The driver Rond spoke to in May 2003 was not the driver of the bus that Garner claimed to be on. In fact, Rond did not speak to the correct driver until after the trial had commenced in September of 2004. Rond admitted to this at trial:

Q: And did you have contact with the bus driver?

A: I did

Q: Now did you have contact with 2 bus drivers in this case?

A: I did

Q: And why was that?

A: Initially COTA security advised me of the wrong bus driver

Q: And when did you become aware that we had the wrong bus driver and you needed to talk to another bus driver?

A: That would have been either Thursday or Friday of this week—last week¹⁶⁸.

Therefore, Rond's sworn testimony that he cleared Garner in May 2003 after confirming his alibi with the bus driver was false. He could not have done so, given that he did not speak with the correct bus driver until September of 2004. Rather, it appears that Rond simply dropped Garner as a suspect without clearing his alibi and without waiting for the results of a gun shot

¹⁶⁷ *Id.* at 150.

¹⁶⁸ TT, Volume VII, page 107.

residue test because he was focused solely on the person who used the payphone as the perpetrator.¹⁶⁹

5. Marlene Butler

Marlene Butler was a bartender working at the Bar on the night of the shooting. On June 19, 2003 Butler was shown a series of photo arrays. She identified James Parham as a person who was in the Bar on the night of the shooting. She also identified Sherron Phipps as at the Bar that night.¹⁷⁰ She identified Rodney Carson as someone who “comes in C&S”¹⁷¹. Consistent with this, in his Informational Summary #28 on page 4, Rond wrote “Photo Array 12130, Ms. Butler identified Photograph #3, that of Rodney Carson, as an individual who frequents the C&S Lounge.”¹⁷² Later, however, in Rond’s Second Progress Report, he falsely wrote that Butler identified Carson as being “present in the bar on the night of the incident”¹⁷³, as well as a frequent visitor of C&S Lounge.

Butler never identified Carson as having been present at the Bar that night. In fact, none of the employees who were working at the C&S Lounge on the night of the shooting identified Carson as at the Bar that night¹⁷⁴ Rather, Rond falsified his police report to confirm his theory of the case.

6. Rodney Carson

¹⁶⁹ After Garner was stopped in Crum Park in the minutes after the shooting because he met an early description of the perpetrator, he was identified by Christopher McCoy as having a jacket similar to the person at the payphone. Garner was then brought to the police station for questioning and a gun shot residue test was performed on his hands. The results of that testing, which was positive for gun shot residue, were not available until December of 2003, after Carson had been arrested.

¹⁷⁰ Exhibit 42; Bates 000382; CPD Download file, Informational Summary #37, page 2 and Exhibit 4; Bates 000064-000067; CPD Download file, Informational Summary #28, Columbus Division of Police Investigative Photo Array Procedure for Photo Array #11795 and #11572.

¹⁷¹ Exhibit 4; Bates 000068-000069; CPD Download file, Informational Summary #28, Columbus Division of Police Investigative Photo Array Procedure for Photo Array #12130.

¹⁷² Exhibit 42; Bates 000381-000382 ; CPD Download file, Informational Summary #37, page 2.

¹⁷³ Exhibit 35; Bates 000357; CPD Download file, Second Progress Report, page 6.

¹⁷⁴ Exhibit 4; Bates 000068 and 000009-000012 ; CPD Download file, Informational Summary #28.

Rond only interviewed Carson one time,¹⁷⁵ on June 24, 2003 following the execution of a search warrant on Carsons's home. This interview was audio and video recorded and played for the jury at trial.¹⁷⁶ In Rond's Second Progress report, Rond wrote that Carson was uncooperative when asked what was the last grade that he completed in school, despite the fact that Carson answered the question (9th grade).¹⁷⁷ Of greater concern, Rond also wrote in this Second Progress report that, "Mr. Carson admitted to being at the scene of this incident, claiming he stood over the body as it lay in the street."¹⁷⁸ This statement is categorically false. Carson did not say this, as can be determined by a review of the tape and the transcript.¹⁷⁹ Rond simply made it up. In fact, Carson repeatedly and consistently stated that he did not go outside of his apartment other than to make the phone call from the payphone. He said that he heard the helicopters, looked out the window and saw the police activity and heard on the news that the gunshot victim had died.¹⁸⁰

Rond's false statement was particularly prejudicial because it was shared with the jury by the prosecution during closing arguments for the false proposition that Carson was present at the crime scene. Indeed, despite that no witness testified to this fact, the prosecutor argued in closing arguments that the "evidence established" that Carson stood over the dead body of the victim after he had been shot.¹⁸¹

That witness statements changed over time to comport with the Rond's theory of the case and that Rond made multiple false statements in official reports demonstrates the police bias that permeated this case and led the investigation off track.

¹⁷⁵ TT, Volume VII, page 171.

¹⁷⁶ TT, Volume VII, pages 175-205.

¹⁷⁷ Exhibit 35; Bates 000356; CPD Download file, Second Progress Report and TT, Volume VII, page 180.

¹⁷⁸ Exhibit 35; Bates 000356; CPD Download file, Second Progress Report, page 5.

¹⁷⁹ TT, Volume VII, pages 175-205.

¹⁸⁰ *Id.*

¹⁸¹ TT, Volume IX, page 196.

Perhaps not shockingly, both Rond and Carney were subsequently investigated by the Columbus Police Department for lying that occurred during the same time frame that they were investigating this case. Both were eventually charged with crimes and fired for their misconduct. Specifically, in 2006, Rond and Carney resigned and surrendered their badges after pleading guilty to charges of falsifying documents.¹⁸²

LEGAL STANDARD

Ohio Rule of Criminal Procedure 33 governs the granting of new trials in a criminal case. The rule specifically provides that a new trial should be granted in cases of official misconduct and/or newly discovered evidence of innocence:

A new trial may be granted on motion of the defendant for any of the following causes affecting materially his substantial rights:

(1) Irregularity in the proceedings . . . because of which the defendant was prevented from having a fair trial;

(2) Misconduct of the jury, prosecuting attorney, or the witnesses for the state;

...

(6) When new evidence material to the defense is discovered which the defendant could not with reasonable diligence have discovered and produced at the trial.¹⁸³

Ohio Rule of Criminal Procedure 33(A)(1) and (A)(2) may be used to raise constitutional violations that occurred at trial. Separately, ORCP 33(A)(6) provides that a new trial should be granted based on newly discovered evidence from a neutral source, independent of any fair trial issue. All three rules apply here.

¹⁸² Exhibit 43 ; Bates 000384-385; Columbus Dispatch Cite dispatch article. Carson has attempted to obtain the documents relating to this investigation from the CIU. The CIU has not yet been able to obtain them. Carson requests a hearing and once a date is set, Carson will subpoena all possible agencies to obtain the personnel files for Rond and Carney and the documents relating to their crimes.

¹⁸³ Crim.R. 33(A).

Among other items delineated in the discussion below, the handwriting report and contemporaneous writings from defense attorney Beauchamp and prosecutor Ruelbach, obtained in late 2025 from the CIU, constitute newly-discovered evidence pursuant to ORCP 33(A)(6). The Ohio Supreme Court has adopted a six-part test to determine whether a new trial should be granted in such circumstances:

To warrant the granting of a motion for a new trial in a criminal case, based on the ground of newly discovered evidence, it must be shown that the new evidence (1) discloses a strong probability that it will change the result if a new trial is granted, (2) has been discovered since the trial, (3) is such as could not in the exercise of due diligence have been discovered before the trial, (4) is material to the issues, (5) is not merely cumulative to former evidence, and (6) does not merely impeach or contradict the former evidence.¹⁸⁴

The suppressed evidence, about which the State affirmatively lied to the defense, and false testimony of the State’s witnesses are outlined herein. When a defendant moves for a new trial on the basis that newly discovered evidence was suppressed, “the usual standards for new trial [under *State v. Petro*] are not controlling because ‘the fact that such evidence was available to the prosecution and not submitted to the defense places it in a different category than if it had simply been discovered from a neutral source after trial.’”¹⁸⁵ In these instances, the Court should not apply the six-part test set forth by *State v. Petro*. Instead, the due process analysis should apply as defined by federal constitutional law and delineated below.¹⁸⁶

The same rationale logically applies to claims of prosecutorial misconduct involving improperly withheld evidence in violation of *Napue v. Illinois*, 358 U.S. 919 (1958) and resulting in due process violations. Like *Brady* violations, these violations involve evidence known to the State but improperly withheld from—and affirmatively misrepresented—to the defense.

¹⁸⁴ *State v. Hawkins*, 66 Ohio St. 3d 339, 350 (1993) (quoting *State v. Petro*, 148 Ohio St. 505 (1974)).

¹⁸⁵ *State v. Johnston*, 39 Ohio St. 3d 48, 60 (1988) (quoting *United States v. Kelly*, 790 F.2d 130, 135 (D.C. Cir. 1986)).

¹⁸⁶ *State v. Golver*, 2016-Ohio-2833, ¶¶ 33-35 (8th Dist.); *State v. Bluford*, 2004-Ohio-4088, ¶ 22 (8th Dist.) (citing *Brady v. Maryland*, 373 U.S. 83, 87 (1963)); *Johnston*, 39 Ohio St. 3d at 60.

Here, Carson has claims related to both due process violations and newly discovered evidence. As stated above, the constitutional violations related to the withheld handwriting analysis, false testimony, and affirmative misrepresentations made by Ruelbach should be considered on their merits, according to respective due process standards developed by the United States Supreme Court and Ohio Constitutional law. The *Petro* factors, however, apply to the evidence delineated in the last section below, Section V(A). Specifically, the Court must apply:

- ***Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny**, to decide whether the suppressed evidence “undermines confidence” in the original trial (an affirmative answer here would require a new trial under both parts of Criminal Rule 33);
- ***Napue v. Illinois*, 358 U.S. 919 (1958) and its progeny**, to decide whether the State lied to the defense concerning the handwriting analysis to prevent the defense from calling a key witness and allowed State witnesses to present false or misleading testimony, and if so, whether that behavior had “any reasonable likelihood” of affecting the jury’s judgment (an affirmative answer here would require a new trial under both Criminal Rule 33);
- **Violation of Carson’s Fourteenth Amendment rights**, to decide whether the State’s prosecutorial misconduct of concealing, and affirmatively misrepresenting, the handwriting analysis of Walton’s letter alongside putting forth false testimony subverted the fairness and integrity of the trial (an affirmative answer here would require a new trial under both Criminal Rule 33);
- **Violation of Carson’s right to compulsory process under the Sixth Amendment and Ohio Constitution**, to decide whether the State’s intentional concealment of the handwriting analysis, forcing Beauchamp not to call the defense’s star witness, deprived

Carson of his right to compulsory process of witnesses under the Sixth Amendment and Article I, Section 10 of the Ohio Constitution (an affirmative answer here would require a new trial under both Criminal Rule 33);

- ***Miller v. Pate*, 386 U.S. 1 (1967) and its progeny**, to decide whether the State fabricated evidence by knowingly presenting materially false or misleading evidence—including the payphone theory and manipulated witness testimony—and if so, whether there is a reasonable likelihood that the false evidence affected the jury’s judgment (an affirmative answer here would require a new trial under both Criminal Rule 33);
- ***Strickland v. Washington*, 466 U.S. 668 (1984), and its progeny**, to decide whether defense counsel’s performance fell below an objective standard of reasonable professional help, and whether there was a “reasonable probability” that the outcome would have been different absent the deficient performance; and
- ***State v. Petro*, 148 Ohio 505 (1947) and its progeny**, to decide whether the suppressed handwriting analysis and the newly-discovered evidence would produce a “strong probability” of a different outcome at trial (an affirmative answer here would require a new trial under Rule 33).

LEGAL ARGUMENTS

IV. Violations of Carson’s Constitutional Rights.

A. The State Violated Carson’s Right to Due Process Under *Brady v. Maryland* by Materially Misrepresenting the Contents of and Suppressing the Handwriting Report.

The Due Process Clause of the Fourteenth Amendment prohibits the prosecution from suppressing evidence material to either the guilt or punishment of the accused.¹⁸⁷ To demonstrate that the prosecution committed a *Brady* violation, a defendant must demonstrate three

¹⁸⁷ *Brady v. Maryland*, 373 U.S. 83, 87 (1963).

elements.¹⁸⁸ First, that favorable evidence, of either an exculpatory or impeaching nature, exists.¹⁸⁹ Second, that the favorable evidence was not disclosed by the prosecution.¹⁹⁰ And third, that the prosecution’s suppression of evidence resulted in prejudice to the defendant.¹⁹¹

To reverse a verdict on the basis of a *Brady* violation, the defense must prove that there is a “reasonable probability” that, had the prosecution’s evidence been disclosed to the defense, the verdict would have been different.¹⁹² Put another way, to prove that the suppressed evidence was material and its suppression prejudicial, the defense must prove that, absent the suppressed evidence, defendant did not “receiv[e] a fair trial, understood as a trial resulting in a verdict worthy of confidence.”¹⁹³ To make this determination, courts must analyze any suppressed evidence “in the context of the entire record.”¹⁹⁴ Ohio state courts examine the prejudicial effect of suppressed evidence from the light most favorable to defendant.¹⁹⁵

Additionally, the Supreme Court clarified in *Kyles v. Whitley* that the prosecution’s duty to disclose is affirmative—disclosure of material exculpatory or impeaching evidence is mandatory regardless of whether the defense requests it.¹⁹⁶ In Ohio, this affirmative duty to disclose is codified in Ohio Crim. Rule 16(B)(5), which requires the prosecuting attorney to

¹⁸⁸ *Strickler v. Greene*, 527 U.S. 263, 281–82 (1999); *Hill v. Mitchell*, 842 F.3d 910, 926 (6th Cir. 2016).

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ *Id.*

¹⁹² *United States v. Bagley*, 473 U.S. 667 (1985); see also *State v. Aldridge*, 697 N.E.2d 228, 245 (Ohio App. 2 Dist., 1997) (“The success of a *Brady* claim turns not on an item-by-item analysis of the withheld evidence, but rather on whether the ‘likely net effect’ of such evidence yields a ‘reasonable probability’ of a different result.”).

¹⁹³ *Kyles v. Whitley*, 514 U.S. 419, 434 (1995); *Schledwitz v. United States*, 169 F.3d 1003, 1011–12 (6th Cir. 1999) (clarifying that *Brady* requires a defendant to prove not that the suppressed evidence would have established innocence by a preponderance of the evidence, but rather that without that evidence, defendant did not receive a fair trial resulting in a verdict worthy of confidence).

¹⁹⁴ *United States v. Agurs*, 427 U.S. 97, 112 (1976).

¹⁹⁵ *State v. Staten*, 470 N.E.2d 249, 256 (Ohio App. 3d Dist., 1984) (“When in doubt as to the prejudicial effect of [prosecutorial] misconduct we must find in favor of the defendant in order to preserve the accused’s presumption of innocence. ... When a prosecutor acts contrary to this obligation in order to procure convictions by his misconduct the integrity of the judicial system itself is tarnished. Consequently, such conduct cannot be tolerated.”).

¹⁹⁶ *Kyles v. Whitley*, 514 U.S. 419 (1995); see also *State v. Green*, 2024-Ohio-3260 (1st Dist.). (reversing for a *Brady* violation because even though the prosecution’s discovery disclosures put defense “on notice” that a recorded witness interview existed, the prosecution affirmatively misrepresented to the defense the recording’s continued existence and its contents).

provide in discovery “any evidence favorable to the defendant and material to guilt or punishment,” and Rule 16(A), which imposes on all parties a continuing duty to supplement their discovery disclosures.

If a prosecuting attorney is found to have possessed evidence that (1) was favorable to the defense, (2) was not disclosed to the defense, and (3) whose disclosure would have had a reasonable probability of shifting the trial outcome, that amounts to a due process violation, and the resulting verdict must be vacated.¹⁹⁷ In the case at hand, the handwriting report confirming the credibility of the key witness for the defense was exculpatory evidence that the prosecution suppressed, fundamentally undermining the defense’s case. Without it, it cannot be said that Carson received a fair trial. Carson’s guilty verdict must therefore be overturned.

The prosecution in Carson’s case lied to defense attorney Beauchamp about the validity of the only real piece of evidence that Beauchamp possessed: eyewitness testimony. Hearing that the letters from proposed eyewitness Walton were forged caused Beauchamp to abandon her entire defense theory. Beauchamp later stated that she felt “demoralized” and became “ineffective” as a defense attorney upon hearing this news.¹⁹⁸ Although Beauchamp had promised the jury in her opening statement that they would hear Walton’s exonerative account, Beauchamp then failed to deliver on that promise. As a direct result of the prosecution’s lie and suppression of the truth, the defense did not put on a case of its own at all, leaving the jury with virtually no choice but to side with the prosecution.

The handwriting report confirming Walton’s proffered testimony was genuine was vital evidence for the defense. The moment that the credibility of Walton’s eyewitness testimony was called into question by the prosecution—based on the prosecution’s incorrect statement that the

¹⁹⁷ *Brady v. Maryland*, 373 U.S. 83 (1963); *Strickler v. Greene*, 527 U.S. 263 (1999); *Hill v. Mitchell*, 842 F.3d 910 (6th Cir. 2016).

¹⁹⁸ Exhibit 17; Bates 000124; Beauchamp Affidavit, paragraph 14.

letters were forged—the handwriting report refuting this statement became highly favorable and crucial evidence that should have been, but was not, disclosed to the defense. There is at least a reasonable probability that Walton’s testimony would have raised reasonable doubt and thus resulted in a different verdict. Walton's testimony would have established that Parham, not Carson, argued with Rawlings inside the bar; that Parham was ejected alongside Rawlings at the same time as Rawlings; that Rawlings warned Walton that Parham had a gun; and that Walton observed Parham produce the firearm moments before the fatal shots. This testimony would have provided the jury with an alternative perpetrator supported by direct eyewitness observation—in a case where no physical evidence connected Carson to the crime and no witness could positively identify Carson as the shooter.

Because Walton would have been *the* key witness for the defense, the affirmative misrepresentation and ensuing suppression of an expert report confirming his credibility was necessarily prejudicial.¹⁹⁹

The Walton handwriting report was crucial favorable evidence of an exculpatory nature, which was not disclosed by the prosecution, and which resulted in an unfair trial for Carson. Under the due process clause and longstanding Supreme Court precedent, the suppression of that report requires that Carson’s guilty verdict be vacated.

¹⁹⁹ See, e.g., *Benn v. Lambert*, 283 F.3d 1040 (9th Cir. 2002) (finding multiple prejudicial *Brady* violations where the prosecution lied to the defense about a key witness’s identity, lied about an informant’s record for truthfulness, and misrepresented an expert’s report as being accusatory when it was in fact exculpatory); *Green*, 2024-Ohio-3260 (finding that the prosecution’s lie about the existence and contents of a recorded statement from a key witness amounted to a *Brady* violation requiring reversal); *State v. Aldridge*, 120 Ohio App.3d (2d Dist. 1997) (finding a *Brady* violation requiring reversal where the prosecution only provided the defense with an “abridged” version of a police report that left out a material exculpatory statement from an alleged victim); see also *Giglio v. United States*, 405 U.S. 150 (1972) (holding that under *Brady*, prosecutors must disclose any evidence relevant to a government witness’s credibility when that witness’s credibility is an important issue in the case).

B. The State’s Deliberate Deception Directly Caused Defense Counsel to Forego Calling a Key Witness, Constituting a Violation of Carson’s Right to Due Process.

Under *Mooney v. Holohan*, the Supreme Court has long recognized that the “deliberate deception of a court and jurors by the presentation of known false evidence is incompatible with ‘rudimentary demands of justice’” and violates the Due Process Clause under the Fourteenth Amendment.²⁰⁰ Deliberate deception goes well *beyond* a mere failure to disclose evidence of an exculpatory or impeaching nature. Rather, it is “a conviction obtained through use of false evidence, known to be such by representatives of the State” that goes uncorrected.²⁰¹ As articulated in *Napue v. Illinois*, when such a showing of false evidence or testimony exists, “a new trial is warranted so long as the false testimony ‘may have had an effect on the outcome of the trial’. . . that is, if it ‘in any reasonable likelihood could have affected the judgment of the jury.’”²⁰²

As previously argued, the suppression of Walton’s handwritten letters was severely prejudicial and constituted a *Brady* violation.²⁰³ Here, the prosecution’s actions were far more egregious than mere “suppression” under *Brady* and reflect precisely the same evils condemned in *Mooney* and *Napue*. It is abundantly clear that Ruelbach’s representations to the court and jury were “indisputably false,” as opposed to “merely misleading.”²⁰⁴ Ruelbach deliberately spun Walton’s letters as forgeries and cited purported handwriting analyses to further the State’s

²⁰⁰ *Giglio*, 405 U.S. 150, 153 (1972) (quoting *Mooney v. Holohan*, 294 U.S. 103 (1935)).

²⁰¹ *Evans v. McGuffey*, 2025-Ohio-5205, ¶ 27 (1st Dist.) (quoting *Napue v. Illinois*, 360 U.S. 264, 269 (1959)); see also *Brooks v. Tennessee*, 626 F.3d 878, 894–96 (6th Cir. 2010) (concluding that a due process violation existed where the prosecution knowingly relied on false evidence that was material to the verdict).

²⁰² *Glossip v. Oklahoma*, 604 U.S. 226, 246 (quoting *Giglio*, 405 U.S. at 154 (cleaned up) (internal citation omitted)).

²⁰³ The Sixth Circuit has previously observed that “if the prosecution intentionally presented false evidence. . . that would necessarily constitute a *Brady* violation as well.” *Kinley v. Bradshaw*, Nos. 14-4063, 23-3847, 2026 WL 839189, at *4 (6th Cir. Mar. 26, 2026). In other words, if a defendant “makes out a *Napue* claim, he will have demonstrated a *Brady* violation as well.” *Id.*

²⁰⁴ *Stewart v. Winn*, 976 F.3d 534 (6th Cir. 2020).

deception. Those false assertions led defense counsel Beauchamp to abandon key theories that would have allowed her to zealously advocate for Carson's exoneration.

In order to maintain suppression of the truth and hide Walton's importance as a witness, Detective Rond committed perjury on the witness stand in further violation of *Napue*. Prosecutor Ruelbach clearly conspired with Rond to effectuate this deception. First, the day before trial during arguments regarding pretrial motions, Ruelbach falsely stated to the Court and defense that James Parham had been "fully investigated by the police", "we have no one that points to James Parham as being the shooter in this case" and "no evidence" connected him to the crime.²⁰⁵ She uttered these words while fully aware of the letters Walton had written implicating Parham and exonerating Carson, which she knew had been verified by a handwriting expert as authentic. And while being fully aware that Rond had interviewed Walton and heard his exonerative account personally.

Then, while Detective Rond was on the stand during trial, Ruelbach asked Rond whether he had investigated James Parham's connection to the crime. Rond's answers were both directly false and deliberately misleading by omission. Rond indicated that the only evidence against Parham was that he had been ejected from the bar at "around the same approximate time" as the victim. This is highly misleading, because as Rond well knew, Parham had been *ejected at the exact same time as the victim*, specifically because they had been arguing and fighting against each other. Rond then conspicuously left out the crucial information that the fight continued outside the bar, the victim tried to re-enter claiming Parham had a gun and that Parham pulled a gun on the victim moments before the deadly shots were fired.

²⁰⁵ TT, Volume III, page 9.

The result of this exchange between Ruelbach and Detective Rond left the jury with the false impression that no real evidence connected Parham to the case, the same theme falsely presented to by Ruelbach to the Court the day before trial started.

There was *more* than a “reasonable likelihood” that Walton’s testimony and the validity of Walton’s handwritten letters would have affected the judgment of the jury. While Walton did not share everything he knew about Parham when first interviewed by the police (given his fear of Parham), Walton later engaged in a letter writing campaign to implicate Parham and convey Carson’s innocence. Walton’s testimony would have clearly established that Carson was not linked to the crime in *any* capacity. The jury would have been apprised of Parham’s interactions with Rawlings mere moments before the shooting. Walton observed Parham pull out a gun—this is key testimony that would have materially impacted the jury’s verdict.

If anything, the prosecutor’s misconduct goes *beyond* the typical *Napue* claim. Whereas a jury at least can hear and assess competing versions of the facts, Ruelbach’s deliberate deception ensured that the jury never heard the testimony in the first place. Since defense counsel believed that the State’s own forensic expert had concluded the Walton letters were forged, counsel abandoned the testimony of the only eyewitness prepared to identify Parham as the shooter and to corroborate Carson’s innocence. The deception therefore distorted not merely the jury’s evaluation of the evidence but the *entire* evidentiary record upon which the verdict was based.

There is absolutely no basis by which the State could argue “beyond a reasonable doubt that the error did not contribute to the verdict obtained.”²⁰⁶ “The principle that a State may not knowingly use false evidence, including false testimony, to obtain a tainted conviction, implicit in any concept of ordered liberty, does *not* cease to apply merely because the false testimony

²⁰⁶ *Glossip*, 604 U.S. at 246 (quoting *Bagley*, 473 U.S. at 680, n. 9).

goes only to the credibility of the witness.”²⁰⁷ Simply put: “A lie is a lie, no matter what its subject.”²⁰⁸ Here, this principle fares no different and warrants reversal of Carson’s conviction.

C. The State's Prosecutorial Misconduct Violated Carson's Right to Due Process Under the Fourteenth Amendment and Warrants Reversal of His Conviction.

Prosecutorial misconduct reflecting a pattern of disregard for constitutional obligations can violate due process and warrant reversal.²⁰⁹ Where a prosecutor's conduct subverts the fairness and integrity of trial proceedings, courts have a duty to remedy the resulting harm. The Sixth Circuit applies a two-part test to evaluate such claims: the court first asks whether the prosecutor's conduct was improper, and if so, whether the misconduct was sufficiently flagrant to violate due process.²¹⁰ In assessing flagrancy, the court considers four factors: (1) whether the evidence against the petitioner was strong; (2) whether the conduct of the prosecution tended to mislead the jury or prejudice the petitioner; (3) whether the conduct or remarks were isolated or extensive; and (4) whether the remarks were made deliberately or accidentally.²¹¹

Ohio state courts apply a similar legal standard. The foundational standard—requiring both improper conduct and prejudice to the defendant's substantial rights—was established in *State v. Smith*. The touchstone of the analysis “is the fairness of the trial, not the culpability of the prosecutor.”²¹² “The relevant question is whether the prosecutors’ comments ‘so infected the trial with unfairness as to make the resulting conviction a denial of due process.’”²¹³ Under Ohio law, the court applies a two-part test: (1) whether the conduct was improper, and (2) if so, whether it

²⁰⁷ *Napue*, 360 U.S. at 269 (emphasis added).

²⁰⁸ *Id.*

²⁰⁹ *See Flowers v. Mississippi*, 588 U.S. 284 (2019); *Batson v. Kentucky*, 476 U.S. 79 (1986).

²¹⁰ *Amos v. Renico*, 683 F.3d 720, 728–29 (6th Cir. 2012).

²¹¹ *Id.*

²¹² *Smith v. Phillips*, 455 U.S. 209, 219 (1982).

²¹³ *Darden v. Wainwright*, 477 U.S. 168, 181 (1986) (quoting *Donnelly v. DeChristoforo*, 416 U.S. 637, 643 (1974)).

prejudicially affected the defendant's substantial rights.²¹⁴ Prejudice is assessed by determining the effect of the misconduct “on the jury in the context of the entire trial.”²¹⁵

In the case at hand, the prosecution’s conduct was improper because, upon learning of strong exculpatory evidence in the form of letters authored by Walton, the prosecution affirmatively misrepresented the findings of a handwriting analysis to defense counsel and the Court. The prosecution told defense counsel that the letters purportedly from Walton were actually forgeries and then told both the Court and defense counsel that no evidence connected James Parham to the crime.

When defense counsel asked to see the handwriting report, prosecutor Ruelbach refused, claiming the report was “rebuttal evidence” that she was not required to disclose. This response only served as an excuse to hide the report, which would have revealed the prosecutor’s fabrication regarding the handwriting analysis. In late 2025, after a disclosure by the CIU, Carson and his legal team finally learned that the handwriting report confirmed the letters’ authenticity. The prosecution deliberately manufactured this misrepresentation to neutralize the defense's ability to present its case.

The misconduct was sufficiently flagrant to violate due process under the *Amos* factors. As to the first factor of the flagrancy analysis, Walton wrote multiple letters implicating Parham and stating he knew Carson was innocent. Defense attorney Beauchamp obtained these letters the day before trial and highlighted Walton's exonerative account during opening statements, suggesting the evidence against the petitioner was false.

As to the second factor, the conduct of the prosecution directly misled the jury and prejudiced the petitioner. Learning that the letters were forged caused Beauchamp to abandon her

²¹⁴ *State v. Maxwell*, 2014-Ohio-1019, ¶ __.

²¹⁵ *State v. Keenan*, 66 Ohio St.3d 402, 410 (1993).

defense theory entirely. The perjurious exchange between Ruelbach and Detective Rond kept the exonerative evidence under wraps. As a direct consequence of the prosecution's fabrication, the defense did not put on a case and never called Walton—the only eyewitness who could identify the true perpetrator—to the stand. The prosecutor and detective then defrauded the jury by telling them that the only evidence that ever surfaced against Parham was the fact that he had been kicked out of the Bar “around the same time” as the victim.

The jury was thus left with virtually no choice but to side with the prosecution.

As to the third factor, the misconduct had the singular power to terminate the defense case in its entirety. Viewed in that light, the conduct was extraordinarily extensive in its effect, as it bore total control over the outcome of the trial.

As to the fourth factor—whether the remarks were made deliberately or accidentally—the prosecution's fabrication was unquestionably deliberate. The evidence in question was authentic, and its authenticity was confirmed through laboratory analysis. The prosecution knowingly lied about a forensic report to disarm the defense at the most critical juncture of trial. The prosecutor and Detective Rond misled the jury during Rond's testimony both with affirmative misstatements and lies by omission.

Under both the federal and state standards, the prosecution's misconduct satisfies all requirements for reversal. Carson was effectively stripped of any meaningful legal representation as a direct result of the prosecution's fabrication. The prosecutor's affirmative deception about critical forensic evidence subverted the fairness of the trial proceedings in the same manner condemned in *Amos*. Due process is violated where misconduct “so infected the trial with unfairness” as to deny due process, and the government's deliberate misrepresentation of forensic evidence, resulting in the defense's complete inability to present a case, satisfies this standard.

Because the prosecution's misconduct fundamentally undermined the integrity of the proceedings, Rodney Carson's conviction must be reversed.²¹⁶

D. The State's Lie and Suppression of the Walton Handwriting Analysis Deprived Carson of his Right to Compulsory Process Under the Sixth Amendment and Article I, Section 10 of the Ohio Constitution.

The State's deliberate misrepresentation that Walton's letters had been forged deprived Carson of his Sixth Amendment right to compulsory process by preventing him from presenting a material witness (Walton) and critical evidence in his defense. Under both the U.S. Constitution and Ohio Constitution, the Compulsory Process Clause protects a defendant's constitutional right to present witnesses and evidence in his favor and prohibits governmental interference that undermines the meaningful exercise of that right.²¹⁷

²¹⁶ Prosecutor Ruelbach's misconduct at trial did not stop with the lie about Walton's letters and the handwriting analysis and the lies and suborned perjury about Parham's alleged lack of involvement in the crime. Ruelbach repeatedly made false statements to the court and jury, including highly inflammatory statements of fact that were not in the record. By way of one example (of which there are many), in opening statements Ruelbach told the jury that the witnesses heard the person at the payphone yell "Come and get me out of here, the police are coming, the cops are coming." TT, Volume IV, page 30. No witness testified to this fact, and such information was not in any police report. Thus, there was no basis for Ruelbach to place this highly incriminating but false statement before the jury.

In addition, the state at trial played a videotape of Carson's interrogation, during which he asserted his innocence and, according to the state at trial, appeared very angry and combative. In closing arguments, Ruelbach told the jury that during his interrogation Carson admitted that he was present at the scene of the crime and stood over the dead body of the victim after the shooting. TT, Volume IX, page 196. This was false. At no time during his interrogation or at any other time did Carson make such a statement or anything like it. Such a statement appears nowhere in any witness statement. The only place this statement appears is in a summary report written by Rond, where he adds this "fact" out of the blue without attribution to any source. As previously noted, Rond was apt to exaggerate and fabricate details in his summary reports. Nevertheless, Ruelbach knew or should have known that no evidence supported this claim, and Carson certainly did not make this statement during his interrogation.

Such false statements by Ruelbach may very well have resulted in a reversal on direct appeal. But the criminal justice has failed Rodney Carson at every turn, including failure by his own attorneys. His appellate attorney did not raise this prosecutorial misconduct point on direct appeal. See *State v. Smith*, 14 Ohio St 3d 13 (1984) (reversing conviction and noting "a prosecutor's duty in closing arguments is to be scrupulous and to avoid all efforts to obtain a conviction by going beyond the evidence before the jury") (internal citations and quotations omitted); *State v. Willard*, 144 Ohio App. 3d 767 (2001) (reversing conviction because prosecutor mischaracterized forensic testimony in closing arguments); *State v. Lett*, 2026-Ohio-1709 (same).

For a chart of Ruelbach's additional false statements to the court during the trial, see Exhibit 44, Bates 000395-398.

²¹⁷ U.S. Const. amend. VI ("In all criminal prosecutions, the accused shall enjoy the right . . . to have compulsory process for obtaining witnesses in his favor"); see also Ohio Const., art. I § 10 ("In any trial, in any court, the party accused shall be allowed to . . . have compulsory process to procure the attendance of witnesses in his behalf . . .").

“The right to offer the testimony of witnesses, and to compel their attendance, if necessary, is in plain terms the right to present a defense.”²¹⁸ The Supreme Court has explained that the right to present favorable witnesses is a fundamental component of due process and may not be arbitrarily impaired by the State.²¹⁹ Here, Carson was denied precisely that right when prosecutor Ruelbach knowingly deceived him into abandoning a crucial witness and his main line of defense. Had Ruelbach not lied to the defense regarding the handwriting analysis of the Walton letters, Beauchamp would have called Walton as a key defense witness, pointing the finger at Parham as the real perpetrator of the crime, contradicting the false testimony of the State’s witnesses, and establishing reasonable doubt regarding Carson’s culpability in the murder.²²⁰

The Supreme Court reaffirmed and expanded this principle in *Holmes v. South Carolina*, 547 U.S. 319 (2006). In *Holmes*, the Court invalidated a state evidentiary rule preventing a defendant from introducing evidence of third-party guilt whenever the prosecution’s forensic evidence appeared sufficiently strong.²²¹ The Court recognized that “[w]hether rooted directly in the Due Process Clause of the Fourteenth Amendment . . . or in the Compulsory Process or Confrontation Clauses of the Sixth Amendment . . . , the Constitution guarantees criminal defendants ‘a meaningful opportunity to present a complete defense.’”²²² Although states possess broad authority to regulate the admission of evidence, that authority ends where the government’s actions become “arbitrary” or “disproportionate to the purposes they are designed to serve.”²²³ Excluding defense evidence solely because the prosecution’s case appeared strong is

²¹⁸ *Washington v. Texas*, 388 U.S. 14, 19 (1967).

²¹⁹ *Id.* at 19-23.

²²⁰ Exhibit 17; Bates 000123; Beauchamp affidavit, paragraphs 7-9.

²²¹ *Holmes v. South Carolina*, 547 U.S. 319 (2006).

²²² *Id.* at 324 (quoting *Crane v. Kentucky*, 476 U.S. 683, 690 (1986)).

²²³ *Id.* at 324–26 (citation omitted).

constitutionally arbitrary because it prevents the jury from hearing evidence that could cast doubt on the State's proof.²²⁴

The constitutional violation here is even more egregious than the one condemned in *Holmes*. There, the defendant was prevented from introducing evidence because of an unconstitutional evidentiary rule. Here, Carson was forced to abandon critical exculpatory evidence through Walton's testimony because the prosecutor intentionally lied about Walton's letters, casting them as forgeries. Ruelbach's affirmative misrepresentation to the defense—knowing full well that the letters were, in fact, authored by Walton—while simultaneously concealing the handwriting analysis directly resulted in Beauchamp's refusal to call Walton as a defense witness. Unlike the evidentiary rule in *Holmes*, which at least purported to serve a judicial purpose, the prosecutor's deception here served no legitimate governmental interest whatsoever. It was purely arbitrary prosecutorial misconduct designed to induce Carson to forego presenting favorable evidence. And it worked. If an arbitrary rule of evidence violates the Constitution because it deprives a defendant of a meaningful opportunity to present a defense, *Holmes* necessarily compels the conclusion that deliberate prosecutorial fraud producing the same result violates the Constitution as well.

The Supreme Court has likewise recognized that the government may not substantially interfere with a defendant's presentation of favorable witnesses. In *Webb v. Texas*, for example, the Court held that governmental intimidation that caused a defense witness to refuse to testify violated the defendant's constitutional rights because the State effectively deprived him of material testimony.²²⁵ Although *Webb* involved judicial intimidation rather than prosecutorial deception, the constitutional principle remains the same: the State cannot accomplish indirectly

²²⁴ *Id.* at 329–31.

²²⁵ *Webb v. Texas*, 409 U.S. 95 (1972).

what it could not do directly. Here, Ruelbach's fraud accomplished precisely the same unconstitutional result. Rather than threatening the witness, Ruelbach deceived Carson (and Beauchamp) into believing that Walton's letters were forged and his forthcoming testimony would be irreparably discredited in front of the jury. Beauchamp's decision not to present the witness therefore was not the product of informed trial strategy but of intentional deception by the prosecutor.

The State cannot credibly contend that Carson's theoretical ability to subpoena the witness cured this egregious constitutional violation. The Sixth Amendment protects the meaningful exercise of compulsory process, not the hollow existence of subpoena power. As the Supreme Court has repeatedly recognized, the Constitution safeguards a defendant's meaningful opportunity to present favorable evidence to the jury.²²⁶ A prosecutor who knowingly fabricates a factual basis that directly results in the abandoning of a defense witness has effectively nullified that constitutional guarantee just as surely as if the witness had been excluded by court order. Carson cannot meaningfully exercise compulsory process where the State intentionally deceives him into believing that the very evidence he seeks to present is fraudulent.

Prosecutor Ruelbach's misconduct therefore constituted substantial governmental interference with Carson's exercise of his Sixth Amendment rights. Through affirmative fraud, the State deprived Carson of the opportunity to present a material witness (Walton) who would have provided credible and firsthand evidence supporting his claim of innocence. Walton was the only person in the case who actually saw the crime unfold. The Sixth Amendment does not tolerate governmental action—whether by arbitrary evidentiary rule, intimidation, or deliberate deception—that prevents a defendant from presenting favorable evidence essential to his

²²⁶ *Washington*, 388 U.S. at 19; *Holmes*, 547 U.S. 319; *Crane*, 476 U.S. 683; *Rock v. Arkansas*, 483 U.S. 44 (1987).

defense.²²⁷ Because Ruelbach knowingly induced Carson to abandon that evidence through false representations contradicted by handwriting analysis in the State's possession, and then through perjury during Detective Rond's testimony, Carson was deprived of his constitutional right to compulsory process and of his meaningful opportunity to present a complete defense.

The Ohio Constitution similarly includes a right to the compulsory process of witnesses.²²⁸ Ohio courts likewise recognize that the right to compulsory process is a fundamental constitutional protection that safeguards a defendant's meaningful opportunity to present favorable witnesses and evidence in his defense.²²⁹ Although those decisions did not involve prosecutorial deception, they faithfully apply the constitutional principles articulated by the United States Supreme Court in *Washington*, *Chambers*, *Crane*, and related cases.

Those same principles compel relief here. If the federal and Ohio Constitutions prohibit arbitrary evidentiary rules, witness intimidation, and other forms of governmental interference that prevent a defendant from presenting favorable evidence, they necessarily prohibit a prosecutor from accomplishing the same unconstitutional result through deliberate fraud and suborning perjury. By knowingly misrepresenting that a material exculpatory letter had been proven to be forged—while concealing handwriting analysis confirming its authenticity—Ruelbach deprived Carson of the meaningful opportunity to exercise his right to compulsory process that both the Sixth Amendment and Article I, Section 10 of the Ohio Constitution are designed to protect. Consistent with the Ohio Supreme Court's recognition that the right to present witnesses is among the most fundamental guarantees afforded a criminal

²²⁷ See, e.g., *Washington*, 388 U.S. 14, 19; *Webb*, 409 U.S. 95; *Holmes*, 547 U.S. 319; *Crane*, 476 U.S. 683; *Rock*, 483 U.S. 44; *Chambers v. Mississippi*, 410 U.S. 284 (1973).

²²⁸ Ohio Const., art. I § 10.

²²⁹ See, e.g., *State v. Brown*, 64 Ohio St.3d 649, 652 (1992) (quoting *Taylor v. Illinois*, 484 U.S. 400, 408 (1988) for the proposition that “[f]ew rights are more fundamental than that of an accused to present witnesses in his own defense”); *State v. Myrick*, 2011-Ohio-244 ¶¶ 34–37 (recognizing that the Compulsory Process Clauses of the United States and Ohio Constitutions protect a defendant's right to obtain and present favorable witnesses).

defendant, this Court should hold that intentional prosecutorial deception that induces a defendant to abandon a material witness and authentic exculpatory evidence violates the constitutional right to compulsory process no less than more traditional forms of governmental interference. Carson's motion for a new trial should be granted.

E. The State's Emphasis on the Payphone Constituted a Fabrication of Evidence in Violation of Carson's Due Process Rights Under *Miller v. Pate*.

The State also violated Carson's right to due process under the Fourteenth Amendment by fabricating a storyline that linked the use of a payphone outside Carson's home to the conclusion that Carson committed a crime. The State violates a criminal defendant's right to due process when it knowingly fabricates evidence, materially mischaracterizes forensic evidence, or uses false evidence in a way that creates a reasonable likelihood of affecting the jury's judgment or deprives the defendant of a fundamentally fair trial.²³⁰

For nearly 100 years, the Supreme Court has recognized that it deprives a defendant of due process when a conviction is obtained "through a deliberate deception of court and jury by the presentation of testimony known to be perjured."²³¹ More recently, the Court has expanded its view of fabricated evidence from planted evidence and falsified testimony to include knowingly presenting to the jury material evidence in a deceptive manner. The prosecution engages in the fabrication of evidence under *Miller* when it knowingly mischaracterizes evidence to the extent that there is a reasonable likelihood that the false evidence could affect the judgment of the jury.²³² For example, the Sixth Circuit has held that eliciting testimony from a witness, without foundation, that a defendant was the only resident of Detroit who could possibly have made a bite mark found on the victim, constituted fabrication of evidence because the

²³⁰ See *Miller v. Pate*, 386 U.S. 1, 6–7 (1967) (holding prosecution violated defendant's due process rights by knowingly misrepresenting pair of painted shorts to jury as covered in blood).

²³¹ *Clark v. Abdallah*, 131 F.4th 432,452 (6th Cir. 2025) (quoting *Mooney v. Holohan*, 294 U.S. 103, 112 (1935)).

²³² See *Cotton v. Hughes*, 174 F.4th 886, 905 (6th Cir. 2026); see also, e.g., *Clark*, 131 F.4th at 452 ("the heart of a fabrication claim is that law enforcement fed a witness information to establish probable cause").

testimony was a “crucial, critical highly significant factor” and rendered the trial fundamentally unfair.²³³ For that reason, Ohio courts routinely hold that a prosecutor cannot invite the jury “to reach its decision on matters outside the evidence adduced at trial.”²³⁴

Here, the State utilized the absence of evidence to fabricate a conclusion of guilt. Like in *Ege*, where the bite-mark expert made the unfounded claim that only the petitioner’s teeth could have made the mark on the victim,²³⁵ here, the State’s entire case rested on an equally unfounded premise: that the shooter and the person at the payphone were the same person. This premise was based on the speculation of an intoxicated witness (McCoy) and was then reinforced through police suggestion and manipulation of other witnesses. Further, just as the bite-mark testimony in *Ege* had no scientific basis, the testimony linking Carson to the payphone—and the payphone to the shooting—has now been proven physically impossible through Karnes’s visibility and audibility testing and contradicted by the objective phone and radio logs. The State presented what amounted to fabricated forensic evidence by eliciting testimony about observations that could not have been made and a timeline that did not occur.

Carson’s prosecution rested on false evidence that was “crucial, critical, [and] highly significant” to the jury’s verdict. Here, the State’s theory depended entirely on fabricated testimony linking the person at the payphone to the shooter, which CIU investigator Karnes has now proven was physically impossible. Bentley could not have seen the shooter travel to the payphone from 653 feet away at night, nor could he have heard the shooter yell “come and get me” from that distance. Further, the phone records establish that Carson’s call began six minutes after Bentley called 911, demolishing the State’s timeline. And crucially, there is no forensic evidence whatsoever connecting Carson to the crime: no DNA, no fingerprints, and no physical

²³³ *Ege v. Yukins*, 485 F.3d 364, 374 (6th Cir. 2007).

²³⁴ *State v. Hart*, 94 Ohio App. 3d 665, 672 (1st Dist. 1994).

²³⁵ *Ege*, 485 F.3d at 374.

evidence of any kind. The victim's clothing, tested multiple times between 2016 and 2024, consistently excluded Carson. A latent palm print recovered from the scene excluded Carson. In a case where the victim was engaged in a physical struggle with his killer moments before being shot, the complete absence of any forensic link to Carson is itself powerful evidence of his innocence.

Under *Clark* and *Cotton*, a due process fabrication claim requires proof that defendants knowingly fabricated evidence and that there is a reasonable likelihood the false evidence affected the jury's judgment.²³⁶

Both elements are satisfied here.

Detective Rond knowingly manipulated witness testimony—telling Bentley that the person at the payphone “had to be” the shooter, tapping on Carson's photo during the photo array, and contaminating witness accounts by sharing information witnesses should never have received. Rond's own later conviction for falsifying documents demonstrates his willingness to fabricate evidence during this same time period. The false testimony unquestionably affected the jury's judgment: the only link between Carson and the shooting was the (now-disproven) claim that the shooter went directly to the payphone where Carson was standing. Without that fabricated connection, there was no case against Carson at all—no eyewitness identification, no forensic evidence, and no physical evidence of any kind. The jury convicted Carson not because evidence connected him to the crime, but because the State used the absence of evidence to manufacture a false narrative against him.

²³⁶ *Cotton v. Hughes*, 174 F.4th 886 (6th Cir., 2026); see also, e.g., *Clark*, 131 F.4th at 452.

A. Ineffective Assistance of Counsel under *Strickland v. Washington*

Criminal defendants are guaranteed effective counsel by the Sixth Amendment to the United States Constitution.²³⁷ Whether defense counsel is constitutionally ineffective is evaluated under a two-pronged test. A new trial should be granted where (1) defense counsel's performance is objectively deficient, and (2) that deficiency prejudices the defendant. Defense counsel's performance is deficient if it falls below objectively reasonable professional standards.²³⁸ A criminal defendant is prejudiced by ineffectiveness if, but-for the attorney's deficient performance, there would have been a "reasonable probability" of a different outcome.²³⁹

Prejudice does not require a defendant demonstrate that he or she would have been "exonerated" but-for counsel's ineffectiveness, or even that an acquittal would have been more likely than not:

An ineffective assistance claim asserts the absence of one of the crucial assurances that the result of the proceeding is reliable, so finality concerns are somewhat weaker and the appropriate standard of prejudice should be somewhat lower. The result of a proceeding can be rendered unreliable, and hence the proceeding itself unfair, even if the errors of counsel cannot be shown by a preponderance of the evidence to have determined the outcome.²⁴⁰

Carson's defense attorney Beauchamp, now deceased, was constitutionally ineffective in this case. It may seem unfair to blame a defense attorney for a miscarriage of justice when the prosecutor and police engaged in such egregious misconduct, as happened here. But while Carson's wrongful conviction was certainly not Beauchamp's fault, she was correct when she averred after trial that the whirlwind of corruption and state misconduct that she faced caused her

²³⁷ *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052 (1984).

²³⁸ *Id.* at 688-89.

²³⁹ *Id.* at 694.

²⁴⁰ *Id.*

to feel “demoralized” and rendered her constitutionally “ineffective.”²⁴¹ She also stated after trial in a letter to Carson that:

As I promised from the day of the verdict in your case, I am willing to sign any Affidavit . . . that relates to the problems that I found in the case, the [ir]regularities with the case that diminished my capabilities as an attorney, and the personality issues that became insidious. I also recall what you may not have heard, which is a statement by Sue Ann Reulbach, the prosecutor that “If you say anything to indicate that Detective Ron[d] is anything other than honest, this friendship is over. He’s the smartest, most hard-working, and most dedicated detective I have ever known.” I am dictating this to you while that recollection is fresh in my mind, as I am extremely busy at this time I want to keep as many notes as I can.²⁴²

Through her letter to Carson and her subsequent affidavit, Beauchamp made clear that a combination of finding out that the Walton letters had been forged, which undermined her entire defense, and “insidious” personality conflicts with prosecutor Ruelbach during the trial placed her in a mental state that prevented her from functioning as Carson’s effective advocate. The fact that Beauchamp noted that part of her deficiency was caused by the prosecutor’s threat to end their long friendship if Beauchamp tried to impeach the detective on the case—a detective for which *significant* impeachment material existed—is alarming. Indeed, the idea that Beauchamp might refrain from aggressively cross-examining Detective Rond to preserve a friendship is shocking, but it may have happened in this case. Beauchamp had significant impeachment material, including the phone records and police logs that completely disproved Rond’s theory of the investigation and the prosecution’s entire theory. But Beauchamp did not use them in her cross of Rond. She has a stockpile of ammunition at her disposal, but it went unused. Beauchamp either was ill-prepared or she intentionally pulled her punches to avoid Ruelbach’s wrath.

²⁴¹ Exhibit 17; Bates 000124; Beauchamp Affidavit, paragraph 14.

²⁴² Exhibit 17; Bates 000122; Beauchamp Affidavit, page 1.

The most glaring error by Beauchamp was that she accepted Prosecutor Ruelbach's statement that Ruelbach did not have to disclose the scientific handwriting report to the defense because it was "rebuttal evidence."²⁴³ The version of Rule 16 in place at the time of the trial required the prosecution to disclose all "reports of scientific tests or experiments" to the defense regardless of whether it constituted rebuttal evidence or not. There was *no* exception in the rule for rebuttal evidence that was already in existence before trial.²⁴⁴ Thus, Beauchamp allowed the prosecution to get away with not disclosing the most important piece of evidence in the case because she was seemingly unaware of the plain language in Rule 16. Under Rule 16, all Beauchamp had to do was make a motion to the court to require the prosecution disclose the handwriting report, and the court should have required the prosecutor to turn it over. She did not do so.

Even if she could not obtain a court order requiring disclosure of the report, Beauchamp had a duty to at least request a short delay in the trial so she could obtain her own expert handwriting report.²⁴⁵ Beauchamp's mishandling of a critical piece of evidence, relating to what should have been her "star witness" who would have provided crucial evidence in Carson's

²⁴³Exhibit 17; Bates 000124; Beauchamp Affidavit, paragraph 12.

²⁴⁴ The rebuttal evidence exception, to the extent one exists, applies in situations where the prosecution obtains new evidence in the middle of trial, like a scientific report, in response to evidence presented by the defendant during the defendant's case. In such a situation, the prosecution does not possess such evidence before trial and thus does not have to disclose it before trial per Rule 16. In this case, the state obtained the scientific handwriting report before trial and before it had even disclosed the Walton letters to the defense. As such the report was not obtained in response to the defense's case and was not rebuttal evidence. See *State v. Finnerty*, 45 Ohio St. 3d 104, 106-107 (1989) ("Rebuttal witnesses, as well as witnesses used in the prosecution's case-in-chief, fall within the scope of discovery."); *State v. Parson*, 6 Ohio St. 3d 442, 445 (1983) ("We agree with the appellant that the statement at issue was properly discoverable despite the fact that it was introduced as rebuttal evidence."); *State v. Curtin*, No. 93-A-1826, 1995 Ohio App. LEXIS 1648, *8 (11th Dist. Apr. 21, 1995) ("A party's continuing duty to disclose pursuant to a valid discovery request applies to all witnesses including rebuttal witnesses, whom that party reasonably anticipates will be called as a witness.").

²⁴⁵ Defense attorneys have a duty to investigate, which includes a duty to seek the assistance of appropriate experts for scientific analysis. *Richey v. Bradshaw*, 498 F.3d 344, 363 (6th Cir. 2007) (citing *Rompilla v. Beard*, 545 U.S. 374, 387 (2005)). The duty to investigate applies not only to evidence offered by the state, but to the validity of defense theories as well. *Id.* at 363 (defense counsel has "a duty to know enough to make a reasoned determination about whether he should abandon a possible defense based on his expert's opinion."); see also *Stermer v. Warren*, 959 F.3d 704, 738-39 (6th Cir. 2020) (stating that defense counsel was deficient for presenting theories "without expert testimony to support them, and indeed, without even knowing what such an expert might have said").

defense, falls well below prevailing accepted professional standards for defense attorneys and constitutes ineffective assistance of counsel.²⁴⁶

Furthermore, as addressed *supra* at 57, Prosecutor Ruelbach made inflammatory and incriminating statements to the jury—including that Carson admitted to being at the crime scene and standing over the dead body—that were entirely false. “Demoralized” Beauchamp did not object to these blatant falsehoods.

Beauchamp’s investigator on this case, Martha Phillips, has opined in a recent affidavit that:

The thing that struck me most about working with Sarah was that she was incredibly disorganized, both in her thinking and in the way she physically maintained her desk and files. Sarah’s disorganization was pervasive and at times caused great concern for me that she was not properly representing her clients.

Sarah’s disorganization was very apparent in the Carson case, which was typical. When I spoke with her about the case, it was very difficult to keep her on track. Rather than focusing on what I was telling her, she would veer off into unrelated personal matters. At times it seemed like she either did not read or did not remember the interview summaries for the witnesses that I sent her.²⁴⁷

Consistent with Phillips’ description, Beauchamp apparently did not go through the discovery, including the radio logs and phone records, because she seemed not to realize that these objective documents disproved the State’s case. In fairness, although the State had these records for months, it did not disclose these documents to Beauchamp until the day before trial. However, if Beauchamp needed time to absorb all the information in the admittedly complicated police logs and phone records, she should have asked for a short delay of trial to do so. If Beauchamp had bothered to analyze the records and create a timeline or flow chart at any time during the early stages of the trial, she could have made the following points through cross-examination and the introduction of the relevant records:

²⁴⁶ Exhibit 45; Bates 000401; Eckes Affidavit, paragraph 7.

²⁴⁷ Exhibit 46; Bates 000404; Phillips Affidavit, paragraphs 4 and 5.

- Carson did not make his call to his father from the payphone until 6 minutes after Bentley had called 911. This fact defeats the state's entire theory of the case as explained *supra* at 19-20.
- By the time Carson made his call from the payphone, there was already heavy police presence right at the payphone and westbound traffic on 5th had already been blocked right next to the payphone. This fact defeats the state's entire theory of the case as explained *supra* at 21-22.
- The witnesses described the perpetrator as wearing a very puffy coat and noted nothing on his head, while the witnesses who described the man at the payphone (Carson) described him as having a slick and straight (not-puffy) leather jacket and doo rag on his head with a large and floppy knot tie in the back.²⁴⁸ Given that the State argued that the perpetrator raced straight from the shooting to the payphone, the clothing discrepancy indicated in the police reports should have been central to Beauchamp's cross-examination of the witnesses, but she failed to identify or draw out this major red flag as if she were completely unaware of it.

These are just a few examples of Beauchamp's failures, of which there are many.²⁴⁹

Wrongful convictions often occur in a "perfect storm," involving both government misconduct and inadequate defense representation. This is such a case. Although the police and prosecution committed egregious acts of misconduct that violated Carson's constitutional rights, defense attorney Beauchamp was constitutionally ineffective at the same time.

²⁴⁸ Exhibit 37; Bates 000364; Informational Summary #9 and Exhibit 5; Bates 000073; Informational Summary #5.

²⁴⁹ Beauchamp's failure to do so fell below minimum standards of competence. *See* Exhibit 45; Bates 000401-000402; Eckes Affidavit, paragraphs 11 and 12. It is unclear whether Beauchamp simply did not examine the phone records, or did not cross-examine Detective Rond with them because of Ruelbach's threat to end their long friendship. Either way, failing to do so constituted ineffective assistance of counsel.

V. NON-CONSTITUTIONAL CLAIMS

A. Ohio State Rule of Criminal Procedure 33: Newly Discovered Evidence

The Ohio Supreme Court has adopted a six-part test under Rule 33 to determine whether a new trial based on newly discovered evidence should be granted:

To warrant the granting of a motion for a new trial in a criminal case, based on the ground of newly discovered evidence, it must be shown that the new evidence (1) discloses a strong probability that it will change the result if a new trial is granted, (2) has been discovered since the trial, (3) is such as could not in the exercise of due diligence have been discovered before the trial, (4) is material to the issues, (5) is not merely cumulative to former evidence, and (6) does not merely impeach or contradict the former evidence.²⁵⁰

This standard requires that the new evidence create a “strong probability” of a different outcome. An outcome different than a conviction is an acquittal or a hung jury. A juror must vote against conviction if he or she believes that reasonable doubt exists. Thus, a new trial must be granted if the new evidence creates a strong probability that at least one juror would conclude the new evidence raises reasonable doubt.

Thus, the question in this case is whether a strong probability exists that the new evidence would raise reasonable doubt as to Carson’s alleged guilt in the mind of one juror. If the answer is yes, then a new trial must be ordered. On top of the constitutional violations described above, the new evidence discovered since conviction in this case greatly surpasses this standard, eviscerates the State’s case against Carson and proves him innocent.

The new evidence has been explored in detail throughout this brief and need not be repeated in depth here.

First, the state’s “star” witness William Bentley—the only witness the testified that he saw the perpetrator go from the crime scene to the payphone—has recently recanted his testimony and explained that he was influenced by corrupt (and now criminally convicted)

²⁵⁰ *State v. Hawkins*, 66 Ohio St. 3d 339, 350 (1993) (quoting *State v. Petro*, 148 Ohio St. 505 (1974)).

former police officers who were essentially telling him what to say. Bentley's 2026 affidavit by itself raises reasonable doubt, as his false testimony at trial was the lynchpin of the state's case.

Next, the affidavit of Franklin County CIU investigator and former homicide detective Shane Karnes, by itself, eviscerates the State's case and more than raises reasonable doubt. Karnes explains how the State constructed a case against Carson through testimony that was not just false, but impossible. Karnes' affidavit erases the testimony of Bentley and Harris.

Since trial, DNA testing has been conducted that has excluded Carson at every turn from the most probative items. This includes the victim's jacket that the perpetrator grabbed and held onto as he and the victim tussled with one another outside the Bar.

Indeed, at a new trial, not only would the State have no logical, credible evidence of Carson's guilt, but the State's misconduct would be the focus of the trial. The most important new evidence was disclosed by the CIU to the Ohio Innocence Project in late 2025 establishing Prosecutor Ruelbach's lie about the handwriting test results. The handwriting report has spawned so much new evidence, delineated throughout this brief, that the misconduct of the police and prosecution would be on trial rather than Carson.²⁵¹ The fact that the detectives in charge of Carson's case were engaging in fraud and filing false documents at the same time they were investigating Carson—and were later convicted of same and lost their badges—would add further impact to the defense's depiction of the reprehensible miscarriage of justice that was the Rodney Carson investigation and prosecution.

CONCLUSION

For the foregoing reasons, Rodney Carson respectfully requests the Court grant his motion for a new trial.

²⁵¹ See *Kyles v. Whitley*, 514 U.S. 419 (1995) (recognizing right of criminal defendants to introduce evidence demonstrating corruption or incompetence in the police investigation against them).

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the Franklin County
Prosecutor's Office, via regular US mail and electronic filing on this 26th day of August, 2026.

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