

LOCAL

'A happy day': Man wrongfully convicted of Memphis robbery declared innocent after 20 years behind bars



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"You're free to go, Mr. Whitehead," Shelby County Criminal Court Judge Jennifer Fitzgerald said with a smile Wednesday morning.

Artis Whitehead, a man who had spent over two decades behind bars for a crime he did not commit, was in the process of hugging and shaking hands with Shelby County Sheriff's Office deputies when those words left the judge's mouth.

Though being free for over a month, when Fitzgerald officially overturned his conviction stemming from an attempted robbery and kidnapping at B.B. King's Blues Club on Beale Street in 2001, Wednesday morning was the day Whitehead was officially declared innocent.

"It was like a weight lifted off my shoulders," Whitehead told The Commercial Appeal outside the courtroom. "Keep in mind now, I have done 20 years and 11 months for something that I hadn't done. To get somebody to just look at the facts, just examine all of the information that was there — it was a relief."

Over the last few months of 2023, Whitehead had been appearing in court wearing a baby blue Tennessee Department of Corrections jumper. Wednesday, he wore a vibrant blend of orange, with alligator skin loafers and red-tinted glasses. There were no tears when he spoke with a soft voice to The CA Wednesday, only a smile.

"It's a happy day," he said. "The colors are basically the mood that I felt this morning. I spent time with [Tennessee Innocence Project attorney] Jessica [Van Dyke] yesterday and spoke with the (public relations) firm. I knew what the outcome was going to be, but actually being able to hear it — to hear the judge say that she signed off on the orders and that all of those charges were dismissed — yeah, it's real."

How Artis Whitehead was freed

Whitehead was represented by lawyers with the Tennessee Innocence Project, a group that focuses on actual innocence and overturning wrongful convictions. In arguments last year, the group said Whitehead should be granted a new trial based on advances in eyewitness identification sciences, Brady violations by the Memphis Police Department and original prosecutor and a dubious CrimeStoppers tip.

That CrimeStoppers tip came from a man named Gregory Jones, who later told investigators with the Tennessee Innocence Project that his tip was not anonymous, nor did he have any actual knowledge of the B.B. King's robbery. The call he placed to CrimeStoppers, Jones said, was placed from within MPD's robbery bureau and from a detective's phone in an attempt to have time cut from his own impending robbery sentence.

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In Fitzgerald's 93-page ruling, the judge found that the original prosecutor on the case, former Shelby County District Attorney Amy Weirich, and the MPD detectives' failure to disclose Jones' name, and that he had previously levied false allegations, constituted a Brady violation.

"Detective Bart Ragland testified at two federal hearings about how Mr. Jones had implicated innocent people in other crimes," Fitzgerald wrote in the ruling. "Yet the Memphis Police Department nor the state disclosed this information. The court finds that the MPD officers suppressed this information because they knew that there were problems with Mr. Jones as a witness. Even more persuasive of MPD's knowledge, Detective Bart Ragland testified three days before the petitioner's (Whitehead's) sentencing hearing about how Gregory Jones had lied. Furthermore, MPD's actions extend to the State of Tennessee. The Tennessee Supreme Court has held that 'the prosecutor is responsible for 'any favorable evidence known to the others action on the government's behalf in this case, including the police.'"

In addition to the Brady violation, Fitzgerald listed five quotes from the original trial's closing statements made by the prosecution that she found to be improper that the defense counsel did not object to. An additional one was found to not be improper, but that the defense attorney was deficient for not objecting to it.

Fitzgerald also said that she found "the evidence at trial against" Whitehead "minimal." She also said that she agreed with Van Dyke that a conflict of interest existed for Whitehead's initial trial lawyer. That lawyer, while representing Whitehead, was working in a law office where another attorney represented Jones in his federal case and was trying to have time reduced from his sentence.

After Fitzgerald's ruling, the Shelby County District Attorney's Office said it did not plan to re-try Whitehead's case. With that decision filed in writing Wednesday, all charges against Whitehead were dismissed, and Whitehead's record will show as if he was charged and had his case dropped.

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The true perpetrator of the B.B. King's robbery has never been charged with the crime.

Now found innocent, Whitehead said he is ready to move forward and return to what he was doing before he was put in prison.

"Over the course of these years, a lot of things have happened and taken place for me to finally be at the end of this journey," he said. "This is definitely something that I want to put behind me. I want to be able to turn back to the things that I used to do in life. I worked for the Department of Social Services with kids from the age of 18 until I was 40 years old and wrongfully convicted of this crime. I want to be able to have my record expunged. I want to be able to go back to doing what I like doing."

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