

Curtis Flowers





"The past is never dead.
It's not even past." William
Faulkner, 1951

On June 7, 2010, Curtis Flowers will become the first capital defendant in American history to go to trial six times on the same evidence.



On the morning of July 16, 1996, four people were brutally murdered at Tardy Furniture Store in Winona, Mississippi.



The victims were proprietor Bertha Tardy, aged 59, two white employees, Carmen Rigby, 45 and Bobo Stewart, 16, and a black employee, Robert Golden, 42.

4, No. 28
LOOK INSIDE
.....PAGE 3
.....PAGE 10-11
Thursday
July 6, 2006
50 Cents

Montgomery C

The Winona TIMES

"Serving the Crossroads Area Since 1881"

See inside



Bertha Tardy



Robert Golden



Carmen Rigby



Derrick Stewart

"It's kind of like our loved ones are still at the funeral home. We just can't get past it." -- Benny Rigby

Flowers granted a new tri

The victims were killed execution-style by a bullet to the back of the head fired at close range.



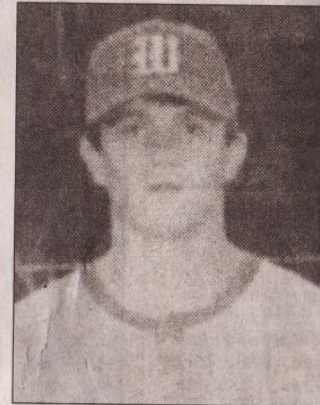
Bertha Tardy



Robert Golden



Carmen Rigby



Derrick Stewart

"It's kind of like our loved ones are still at the funeral home. We just can't get past it." -- Benny Ri

A popular gospel singer in Winona, Flowers worked for Tardy Furniture for three days in July of 1996. When he grew dissatisfied with working for minimum wage, he moved to Irving, Texas to live with his sister and work at Albertsons. In January of 1997, the 26 year-old Flowers was charged with four counts of first-degree murder.



Prosecutors suggest that Flowers was enraged when the \$82 cost of damaged merchandise was deducted from his pay check.



There is no fingerprint or DNA evidence in the case linking Flowers to the crime. The murder weapon was never recovered. The state argues that Curtis stole the gun from the glove compartment of a car parked at a local garment factory. No one has ever explained how Curtis knew where to find the gun.



The state's only meaningful piece of physical evidence is a bloody footprint found at the scene of the crime. State witnesses have tied the print to a Grant Hill Fila, size 10-11. A shoe box for a 10.5 pair of Grant Hill Filas was discovered in the closet of Curtis Flowers' girlfriend, Connie Mae Moore.

She says the shoes were purchased for her 12 year-old son, Marcus.

Marcus says he went to live with his father shortly after getting the Filas and threw them away when they got too small. Marcus had size 12 feet by the time of the first trial.





Only two witnesses can shed light on the footprint. Sam Jones discovered the bodies between 9:30 and 9:45 am. He insists that, when he first encountered the crime scene, the footprint wasn't there. Minutes after Jones rushed up the street to call the police, a motorist named Porky Collins saw two black men arguing in front of Tardy furniture store. Porky arrived shortly after 10:00 am; long after the crime was committed. There is only one theory that squares the testimony of Jones and Collins: Innocent would-be customers entered the building and stepped in the blood.



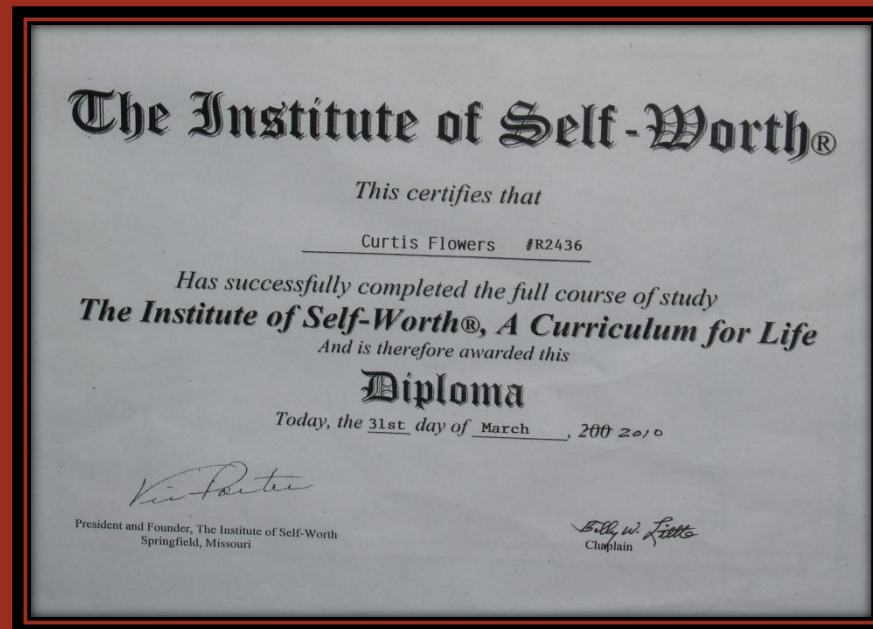
The state's case is riddled with problems. How could a single gunman murder four victims execution-style without an accomplice? There were no signs of struggle or attempted flight inside the furniture store. The murders have all the markings of a hired hit or a random crime committed by pathological thrill seekers. Between May and August of 1996, two deranged adolescents in the Birmingham area committed eight robberies using the same gun used in Winona. The last two crimes ended in execution-style murders captured by surveillance cameras. In both cases, one gunman did the shooting while an accomplice controlled the other victims. Linked by Hwy 82, Birmingham and Winona are 200 miles apart. There is no evidence that DA Doug Evans considered a killer from outside Montgomery County.



According to the state's theory of the crime, Curtis Flowers walked to the garment factors to steal the gun, returned home, then walked a mile to Tardy furniture, did the foul deed, and walked home. Why did it take nine months for witnesses to place him in the vicinity of the crime scene? Why is there no overlap in the physical descriptions the various witnesses gave police? (One woman had the defendant wearing a jacket on one of the hottest, most humid days of the year). I walked half of the route Curtis allegedly walked. I was passed by three police cars and was seen by over 100 people.



The Tardy murders were committed by a hardened criminal with a violent past. Curtis Flowers, a devout young man with no criminal record, simply doesn't fit the profile. This explains why few African Americans in Winona believe Curtis Flowers could have committed such a terrible crime. A prison guard who worked with Curtis for several years put it this way: "I've worked in this jail a long time," a prison guard told me, "and I can tell you one thing, Curtis doesn't belong in here. He is kind, compassionate, helpful, and always respectful. A lot of these guys talk like they're all innocent, but watch them long enough and they'll give themselves away. A person who is violent on the streets will get violent in here too. It's just a matter of time. Now Curtis Flowers just isn't that kind of person. I've never seen him violent or even disagreeable. In my opinion, Curtis is the finest young man that ever put on a pair of pants."



It's Been 6 Months Today...



Bertha M.
Tardy

Carmen B.
Rigby

Robert
Golden

Derrick "BoBo"
Stewart

The families of the victims appreciate the support of those in the community who have donated money or given of themselves since our tragedy. We thank the investigators and other officials for their efforts and progress made to date that resulted in an arrest.

However, the investigation continues and we ask you to please call with any information, regardless of whether you feel it is important. The \$30,000 reward is still available. Please call one of the numbers below and your identity will be kept confidential.

**Mississippi Highway Safety Patrol
Criminal Investigation Bureau
1-888-8CRIMES - Toll Free
or (601) 987-1212**

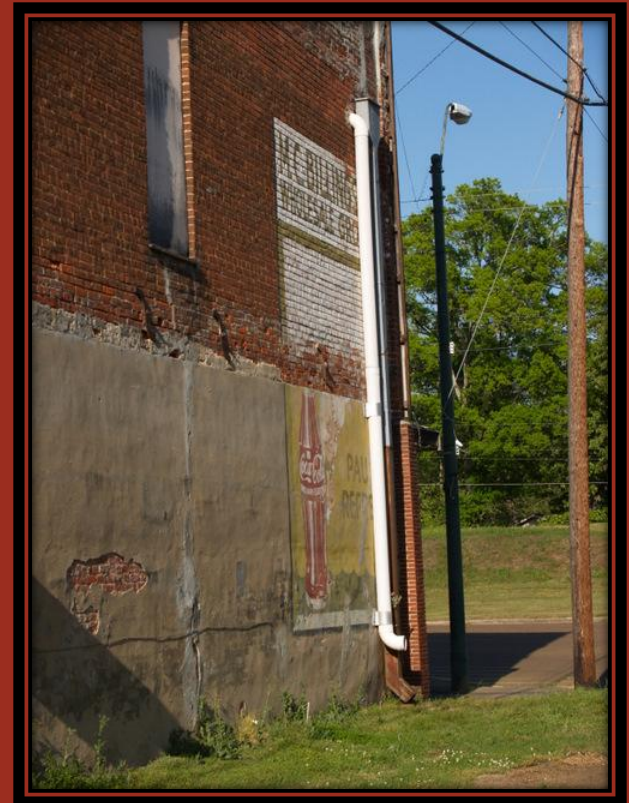
This advertisement was prepared by Tardy Families, Incorporated for the Winona Times.

When eyewitnesses didn't come forward voluntarily, a \$30,000 reward was offered for evidence leading to a final conviction. When this failed, investigators canvassed the black side of town showing residents a picture of Curtis Flowers and flogging the reward.



Without exception, the men and women who say they saw Curtis on the fateful morning come from the poorest parts of Winona's black community.

The two witnesses claiming to have seen Flower near the crime scene are an aunt and her niece who signed statements between 7 and 9 months after the crime. Both women have signaled a desire to recant their testimony, but are afraid they would be charged with perjury.

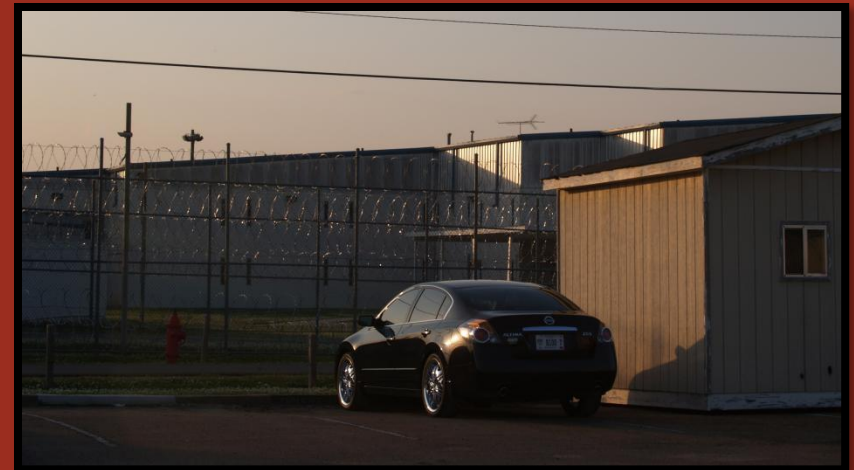




Only two of the 105 interviews conducted in the Tardy investigation were videotaped. The investigative work product for most interviews consists of sketchy notes on a yellow pad.



Curtis Flowers has been incarcerated for fourteen years without a single disciplinary write-up. Curtis sang in his father's gospel group prior to arrest and has led the singing at prison worship services at the notorious Parchman prison in the Delta and at county jails in Carroll and Leflore counties.



In mid-April, 2010, Curtis Flowers was transferred to the Leflore County Jail and placed on lockdown. In an April hearing in Winona, DA Doug Evans accused Flowers of illegal use of a cell phone, having an intimate relationship with a prison guard and generally “having the run of the place”. A recent article in the Winona Times revealed that none of these well-publicized accusations were corroborated by prison officials or the Carroll County Sheriff.



Curtis Flowers was tried in Tupelo in 1997, in Gulfport 1999, and in Winona in 2004, 2007 and 2008.



Convictions in the
first two Flowers
trials were
overturned
because of
prosecutorial
misconduct.



"It's kind of like our loved ones are still at the funeral home. We just can't get past it."

Flowers granted a new

BY STEVEN G. WATSON
EDITOR & PUBLISHER

For the third time Curtis Giovanni Flowers has successfully appealed a death sentence for murdering four people at a Winona furniture store in July of 1996.

In a 5-4 decision, the Mississippi Supreme Court ruled that the prosecution discriminated against blacks when they struck them from the jury.

Justices pointed to two potential jurors saying the district attorney failed to give sufficient "race-neutral reasons" for striking them.

The ruling reversed a 2004 trial in which Flowers was convicted and sentenced to death for the murders of store owner Bertha Tardy, 59; store employees Derrick Stewart, 16, and Carmen Rigby, 45; and delivery man Robert Golden, 42. Flowers was also convicted of robbing the store of around \$400.

Death penalty cases are automatically reviewed by the Supreme Court.

Two previous convictions and death sentences — one in 1997 and another in 1999 — were also overturned.



During voir dire in the third trial, prosecutor Doug Evans used all fifteen strikes to eliminate African-American's from the jury pool. The state Supreme Court called this racial bias and vacated the conviction.

In the fourth trial, five black jurors voted to acquit while seven white jurors voted to convict. Disregarding this clear signal, DA Doug Evans started getting ready for trial number five.



Sports: Favre and the Packers continue to roll, Page 12

THE GREENWOOD Commonwealth

NOVEMBER 23, 2007 – 111th YEAR

FRIDAY

GREENWOOD

TARDY MURDERS

Flowers goes on trial for 4th ti

Jury selection to start Monday in Montgomery County

JACKSON (AP) — Jury selection is set to start Monday in Montgomery County for the fourth capital murder trial of Curtis Giovanni Flowers, charged in a 1996 shooting rampage that killed four people in a Winona furniture store where he worked.

More than 500 people have been summoned as potential jurors, and court officials say it could take several days to choose people to hear the case.

Flowers, now 37, has been tried three other times. Each time, his conviction has been overturned on appeal.

"It's a draining case," said Flowers' lead attorney, Ray Charles Carter, of the state Capital Office of Defense Counsel. "We're hopeful no mistakes will be made in this one."

Carter, who was one of the first attorneys hired in the Office of Capital Defense after



Flowers

it opened in 2001, said he knows of no other case where a defendant in a capital murder case has had three convictions overturned on appeal.

In 2006, the state Supreme Court granted Flowers a new trial, saying prosecutors sought to keep black

people off his jury.

Death penalty cases are automatically reviewed by the Supreme Court.

Flowers' attorneys argued before justices that racial discrimination in the selection of the jury cast doubt on the fairness of his trial.

In 2004, Flowers was convicted of capital murder in a 1996 shooting rampage at the furniture store that claimed the life of owner Bertha Tardy, 59, store employees Derrick Stewart, 16, and Carmen Rigby, 45, and

deliveryman Robert

Flowers also was charged with the store of at least \$400

The 2004 trial was tried for all four

The Mississippi Supreme Court overturned Flower's conviction of Tardy's slaying — so in introducing evidence cases instead of focus

See



"The judge got real loud, and he said 'you are lying, you committed perjury'. I was disappointed, all these years you do all these things for the community, then you are called a liar like that out in the public. It was degrading."

James Bibbs, the retired school teacher, football referee and Vietnam veteran who held out for an acquittal in trial five, was charged with perjury. When the judge and prosecutor were recused from the case, the Attorney General's office dropped the charges on Mr. Bibbs due to lack of evidence.

In the wake of the fourth trial in 2007, Winona Times editor Amanda Sexton argued that “Based on what happened in the last trial, the only way to prevent another mistrial due to a hung jury is to move the trial.”

THE WINONA TIMES/MONTGOMERY COUNTY, MISSISSIPPI

THUR

Opinion & Editorials

Community should pray for families of murder victims, acc

By AMANDA SEXTON
EDITOR AND PUBLISHER

he Montgomery County Circuit Clerk has set the date for the fifth capital murder trial of Curtis Flowers. On September 11, a jury will once again decide his fate. He is accused of murdering Bertha Tardy, Derrick "Bo" Stewart, Carmen Rigby, and Robert Golden in July 1996. Last fall and shortly after arriving in Montgomery County, I covered the trial for the newspaper. For nearly two weeks, I read testimony, evidence, and cross-examination. It was a mentally exhausting experience. When the jury was unable to

reach a verdict and a mistrial was declared, my first reaction was - we have to go through all of this again.

Then the real tragedy struck me. The families of the victims as well as the family of Curtis Flowers must also, for the fifth time, endure it. I cannot even comprehend what they are going through.

They have had to re-live the most painful experience of their lives, and they have been re-living them for the past 12 years. I can't imagine going on without some sort of closure, much less the wounds being opened every couple of years with a new trial.

As a community, I ask that your thoughts and prayers go out to the families of the victims and the family of the accused. They need our strength and support more than ever - two trials just months apart.

AN EFFORT IS currently underway to re-establish a farmer's market in downtown Winona. Currently, residents must drive to Greenwood or Vaiden to purchase farm-fresh fruits and vegetables.

In this trying economy, small farmers and those with kitchen gardens can definitely benefit from extra income.

The Farmer's Market will also help Montgomery County households. With gas prices sky-rocketing, local households can stock up on staple goods right here at home.

Farmers wishing to participate in a Farmer's Market, please contact Gerry Whitfield at 283-4821.

THE WINONA ANIMAL Advocacy Group (WAAG) is in the process of getting its non-profit status. The group's leaders will meet tonight to vote on bylaws.

WAAG is in its conception stage. The group does not have the capacity to house animals as of yet, but it is working in conjunction with the city and Project Hope Animal Sanctuary in Duck Hill to find suitable housing for stray animals in Winona.

If you need assistance with a stray animal or have any other animal-related issues other than allegations of animal cruelty, please contact Animal Control Officer Charlie Brown at 283-1232. Those with animal cruelty complaints, please contact Winona Police Department or the Montgomery Department.

For those interested in getting involved with contact me at 283-1232.

FAMILY AND the late Avis mayor of Winona a loving home. A terrier mix, outdoor environment room to run.

Shivel passed year from a long For those into the dog, please Lockett at 301



Amanda Sexton

Under Mississippi law, only defense counsel can request a change of trial venue. The defense team believes that a local jury should try this case.



A bill that would enable the court to select a jury from a multi-county judicial district has been introduced in the last two sessions of the MS legislature. White legislators endorse the bill while black politicians oppose it.

THURSDAY
OCTOBER 16, 2008
75 CENTS
MONTGOMERY COUNTY
COPYRIGHT 2007
THE WINONA TIMES

The Winona TIMES

Vol. 126, No. 43

"Serving the Crossroads Area Since 1881"

Law makers looking for way to solve jury issue

By AMANDA SEXTON
EDITOR AND PUBLISHER

Local legislators are working to find a solution to the shallow jury pool to hear the sixth capital murder trial of Curtis Flowers. The fifth trial, held last month, ended in a hung jury with two jurors being arrested and later indicted for perjury.

Flowers is accused of killing four people at Tardy Furniture Store in Winona in July of 1996. He is charged with the capital murders of Bertha Tardy, Carmen Rigby, Derrick "BoBo" Stewart, and Robert Golden.

Judge Joseph Loper pleaded with District Attorney Doug Evans to seek new legislation that would allow prosecutors to request a change of venue for capital murder trials if they believe the jury pool is tainted.

"I urge you, Mr. Evans, to work with the Mississippi Prosecutors Association to change this," Loper said at the conclusion of the fifth trial of Flowers. "I have never seen jurors willing to lie to get on a jury to avert justice."

James Bibbs and Mary Purnell were both indicted by the grand jury last week for com-

mitting perjury.



Howell



Chassaniol

Accusations were brought against Purnell, an alternate juror, on the first day of testimony. Witnesses came forward and alerted court officials of Purnell's personal relationship with Flowers and the Flowers Family.

After investigating, court officials found more than 60 telephone calls made from the Carroll-Montgomery County Correctional Facility to Purnell's home. They also discovered that Purnell is included on Flowers visitation list at the facility.

During jury selection, Purnell did not disclose this informa-

tion to the court.

Another juror member alerted officials to Bibbs during jury deliberations. Bibbs allegedly told jurors that he was in the area of Tardy Furniture on the day of the murders and saw police planting evidence on the scene.

Bibbs told the court during jury selection that he did not have any prior knowledge of the case other than what he heard through the news media. In addition, Bibbs said he did not have any preconceived notions about the Flowers case.

If convicted of perjury, the two face 10 years in prison. Both Bibbs and Purnell have been released on a \$20,000 bond.

Local legislators heard Loper's plea for reformed legislation.

According to Senator Lydia Chassaniol (R-Winona), she has charged the Senate Legal Services Department to research the possibility of the prosecution in cases such as these to request a change of venue. Presently, only the defense can make that request.

"We are looking for possibilities that will allow a change of venue in cases like these," Chassaniol said. "It can either be with a

change in statute or with a Constitutional amendment. I am also checking with the Attorney General's office to look at existing statutes where a solution might be found."

Chassaniol said after five trials, the logical conclusion is that something has to change.

"All interested in this case want a fair trial," Chassaniol said. "There appears to be problems with the jury pool if jurors are being indicted for perjury. Maybe we should go somewhere else."

She said she has spoken with family members on both sides of the case, and they have indicated to her that the process is exhausting.

"People's lives have been completely disrupted five times for this trial," she said. "All the families have to go through this again and again. Witnesses have to take off work and are losing income, not to mention the \$300,000 the five trials have cost the county."

Representative Bobby Howell (R-Kilmichael) said he is working on this issue in the House of Representatives.

"I am very much trying to solve this issue,"

Sponsors of “the Flowers bill” in the House and Senate are members of the Council of Conservative Citizens, a self-proclaimed “pro-white” organization. Trent Lott’s career was endangered by his close association with this group and the Southern Poverty Law Center has identified the CofCC as a hate group because it endorses a return to segregation and regards African Americans as inferior to whites.



State Senator, Lydia Chassaniol

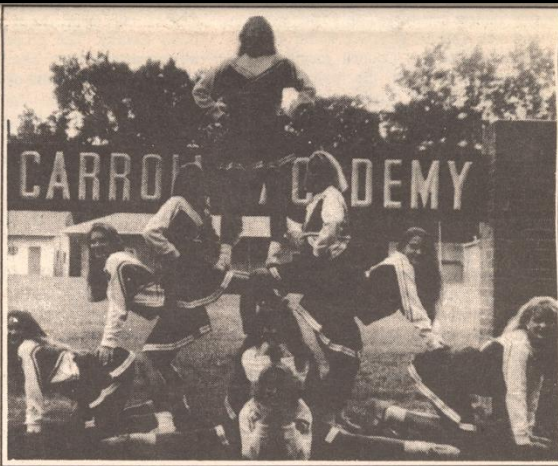


State Representative, Bobby Howell

We believe the United States is a European country and that Americans are part of the European people. We believe that the United States derives from and is an integral part of European civilization and the European people and that the American people and government should remain European in their composition and character. We therefore oppose the massive immigration of non-European and non-Western peoples into the United States that threatens to transform our nation into a non-European majority in our lifetime. . . . We also oppose all efforts to mix the races of mankind, to promote non-white races over the European-American people through so-called “affirmative action” and similar measures, to destroy or denigrate the European-American heritage, including the heritage of the Southern people, and to force the integration of the races.

An excerpt from the Council of Conservative Citizens’ Statement of Principles

In 1991, Doug Evans addressed the Council of Conservative Citizens while running for District Attorney. The following year Evans shared the podium at a CCC event with Robert Patterson, the father of the White Citizens' Council movement.



CARROLL ACADEMY CHEERLEADERS this year: (front) Delaney Downs (Captain); (middle) Kim Tedford; (Arch, left to right) Mandy Carver, Sheila Perry, Carlie Handwerker, Jessica Pope, Heather Hodges, Susanna Miskeely, Geney Sanders. Not pictured, Jill Farrish; Sponsor, Louanne Thompson.

DA Candidate Addresses Webster Chapter

The Webster County Council of Conservative Citizens met in August in Eupora, MS and heard Doug Evans, candidate for District Attorney in the 5th Circuit Court District speak in behalf of his candidacy.

President George Allday presided at the meeting and plans were made for a state candidate to speak at their next meeting.

A large attendance enjoyed the talk by Mr. Evans, who serves as Justice Court Judge in Grenada, MS.



Each trial has left the loved ones of the victims and the defendant emotionally drained. The racially divided community is desperate for closure, but a resolution that silences half the community is unacceptable.



Friends and family of Curtis Flowers

Trial will be packed with painful memories

Families forced to relive brutal murders as Flowers is tried for fifth time

By WILLIAM J. BROWNING
News Editor

WINONA — When Curtis Flowers' fifth murder trial begins Sept. 22, the seats inside the Montgomery County courthouse will be packed with painful memories.

"It's like reliving the entire thing over in my mind even 12 years after it happened," Kathy Permenter said this morning. "It brings July 16, 1996, back to life for all of us."

Permenter's 16-year-old son, Derrick "Bobo" Stewart, was one of four people brutally murdered inside Tardy Furniture in Winona in 1996. All four of the victims — store owner Bertha Tardy, 59, Robert Golden, 42, Carmen Rigby, 45, and Stewart — were working in the downtown store when the shooting occurred. Each was shot in the head with a .380-caliber handgun.



Flowers

Flowers, 38, has stood trial for the gruesome murders four times. The first three saw him found guilty and sentenced to death. After each conviction, however, he won a new trial on appeal. The fourth trial took place in Montgomery Circuit Court last December and ended in a mistrial with a deadlocked jury.

"There's been no closure for the family," said Frank Ballard, Tardy's son-in-law. "At every trial the emotions from that time come right back. It's all brought back."

Flowers has maintained his innocence for the past 12 years.

See **FLOWERS**, Back Page

Winona, the county seat of Montgomery County, is 50% white and 50% black. Yet in the third trial, only one African juror was seated on Curtis Flowers' jury.





Fannie Lou Hamer

When Hamer and her fellow activists filed charges, not a single District Attorney in Mississippi would prosecute. The case was tried in federal court in 1964, but an all-white, all-male jury acquitted the officers despite clear evidence of guilt.

In 1963, Fannie Lou Hamer and several other civil rights activists were brutally beaten by police officers in Winona when they attempted to eat at a white-only cafe.





"The past is never dead.
It's not even past."
William Faulkner, 1951

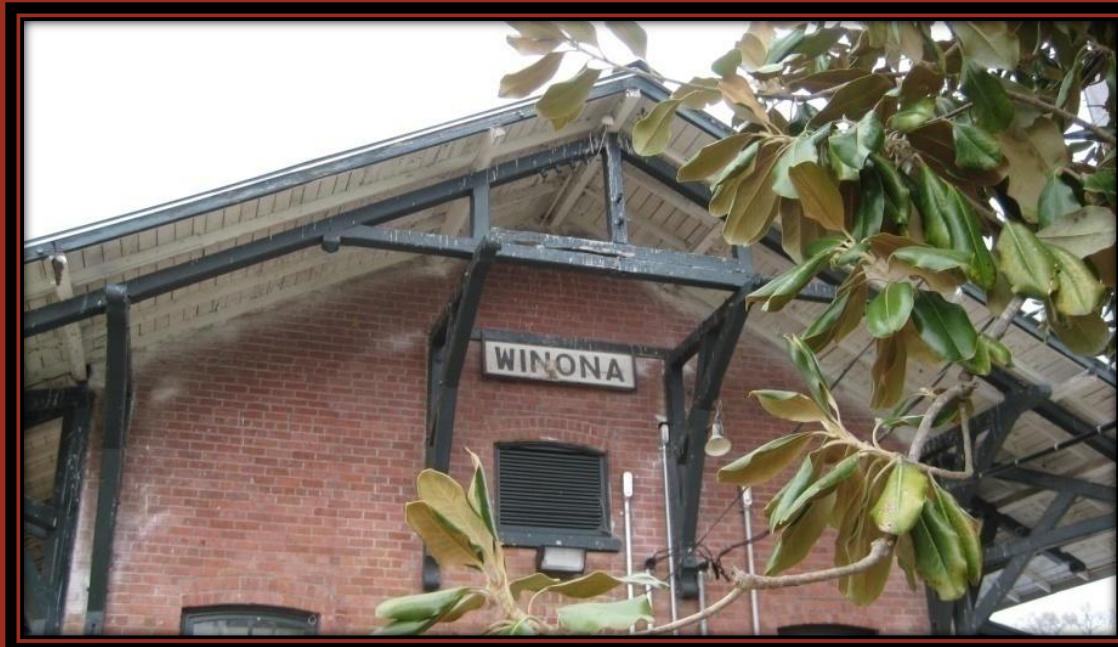
In 1964, the criminal justice system was as closed to African Americans as any all-white restaurant. How much had changed when Curtis Flowers was arrested thirty-two years later? When a district attorney with close ties to a notorious hate group works overtime to seat an all-white jury, legitimate questions arise. When politicians who flaunt their membership in the same organization introduce legislation designed to move the Flowers trial into a whiter region of the state, concern grows. When the media refuses to ask the hard questions someone else has to step up. That is why Friends of Justice is doing everything in our power to bring this case to public attention. We are issuing a call to friends of justice across the nation to join us in Winona, in person or in spirit.

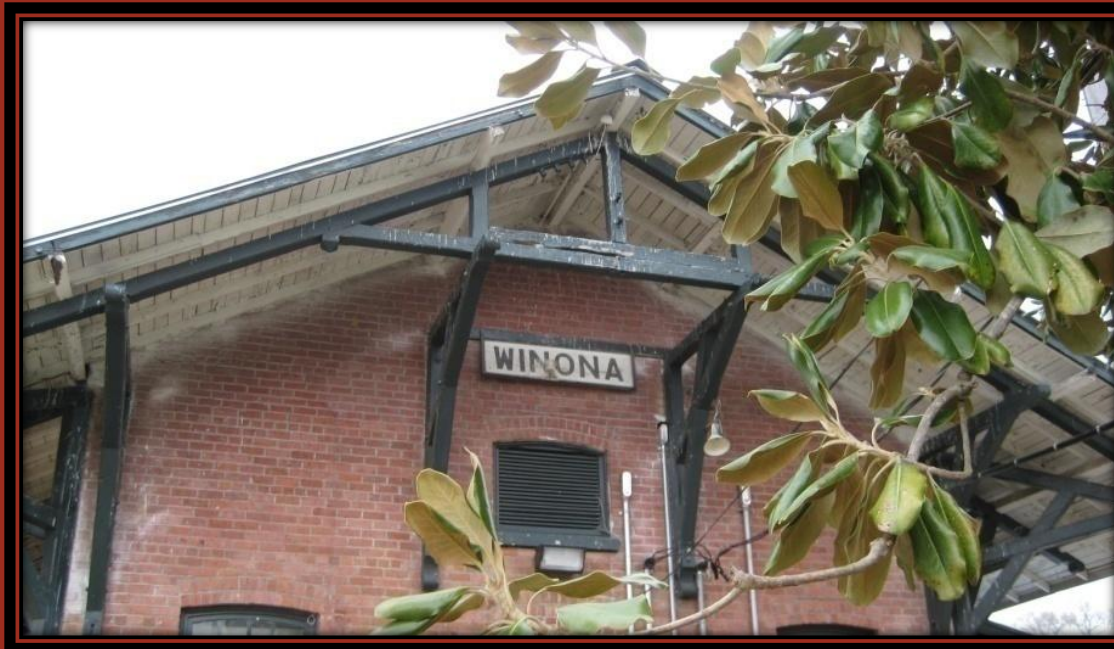


The outcome of the Curtis Flowers trial is uncertain. It may prove impossible to seat a jury. More likely, the trial will end in another racially divided verdict. If enough black residents are excluded from the jury, a conviction is not out of the question.



Ultimately, this case will only be resolved when it is taken out of the hands of Doug Evans and turned over to a special prosecutor with the Mississippi Attorney General's Office. Should a man who has already been found guilty of prosecutorial misconduct three times be allowed to try the same case indefinitely?





Friends of Justice is confident that if any other prosecutor takes a fresh look at the evidence the charges against Curtis Flowers will be dropped.



“To understand the world,
you must first understand a
place like Mississippi.”