

**Before the House Committee on the Judiciary
Subcommittee on Crime, Terrorism and Homeland Security
Room 2141 Rayburn House Office Building
June 4, 2009, 9:30 A.M.**

Prepared Remarks of Alan J. Crotzer

Good morning and thank you to this esteemed Committee for inviting me to speak about an extremely important issue that has profoundly affected my life in unimaginable ways. My name is Alan Jerome Crotzer and on July 10, 1981, at the young age of twenty, my life changed forever. At around 5:30 A.M., law enforcement officers in St. Petersburg, Florida, came to my girlfriend's mother's house where I had spent the night. They came to arrest me and accuse me of a horrifying crime. They were looking for three black men who invaded a home, kidnapped a thirty-year-old white female and twelve-year-old white female, placed them in a trunk of a car, drove them to a secluded in the Florida summer heat, and then raped them. They were looking for me because the adult female victim made a tentative photo identification of me as the ring leader.

I was taken to the county jail and charged with three counts of armed robbery, 1 count of attempted robbery, 2 counts of kidnapping, 2 counts of sexual battery, 1 count of armed burglary, and 1 count of aggravated battery with a deadly weapon. Ten months later, I was convicted by an all white jury and sentenced to 130 years in prison. When they announced the sentence in court, my mother crawled out of the court room on her hands and knees as she wailed, lamenting that her son would likely die in prison as a rapist.

But my faith in God and in my innocence brought a different outcome. On January 23, 2006, at 9:30 A.M. and after 24 years, 6 months, 13 days, and 4 hours of wrongful incarceration, I was released from custody an innocent man, as new DNA results proved once and for all that I did not commit this crime. I was not the monster they made me into.

I would still be in a deep south Florida prison today for crimes I didn't commit but for the legal help I received from 1,200 miles away in New York from David Menschel and Sam Roberts. For three years, they put their lives on hold, making numerous trips to Florida and spending thousands of dollars to free one innocent person.

These efforts, particularly the time, energy, and money spent to free me, are in stark contrast to the efforts made by my court-appointed attorney to keep me from being convicted in the first place. I was just a kid; a minority, poor, uneducated in the law, and very convenient. I needed professional legal help and expected to get it when the judge appointed me an attorney. It is generous, however, to say that my public defender at trial was ineffective. Frankly he hardly showed up. The first time I even saw him was 90 days after I was arraigned. In one of our very few meetings I had with him, he ignored

my claim of innocence and instead tried to force me to plead guilty and accept 25 years imprisonment. He reasoned that I would probably only do 12.5 years.

His cavalier attitude towards my innocence carried over to how he handled trial preparation and the actual trial. I alerted him that I had an alibi—I was watching TV at my girlfriend's mother's house in a different county at the time of the crime—and that witnesses could truthfully explain to the jury that I was more than twenty miles away from the crime when it happened. My lawyer never even interviewed these witnesses. My lawyer failed to subpoena these witnesses for depositions or trial, so I had to do these subpoenas myself. The State even came to my jail cell to collect physical evidence from me. I asked the prosecutor where my attorney was and he replied that my public defender was literally on vacation.

But his unwillingness to put on even a minimal defense at trial made my wrongful conviction not just possible, but probable. He did not vigorously demonstrate my solid alibi defense. He didn't challenge the obviously suggestive photo identification used to mistakenly connect me to this crime. And, most importantly, he failed to sever my trial from that of one of the actual perpetrators of this horrendous crime. Instead, the jury got to blame me as I sat there listening to the actual rapist, representing himself and cross-examining his own victim, even arguing that because she didn't fight back it must have been consensual.

When the jury read its verdict, I came to the realization that I would probably die an innocence man in prison, at least in part because my lawyer was too lazy, too busy, or just didn't care enough to provide me with the effective representation I was constitutionally guaranteed. Despite his gross ineffectiveness, my attorney was rewarded with a circuit court judgeship, where he still sits today.

I lost so much during my wrongful incarceration. The crack-cocaine epidemic ravaged my working-class St. Petersburg, Florida neighborhood and many of my family and friends became woefully addicted. I never fulfilled my dream of serving my country in the coast guard and getting an education in the process. I lost the prime years of my life to start a family, build a career, and gain the life skills and experience that most people take for granted. Most of all, my mother never experienced my vindication in her lifetime, as she died of cancer less than five years before I was exonerated.

Many in my position would be bitter and burdened by all that was taken during the wrongful incarceration. But I don't have time for that. I spend my days working as Intervention Specialist at the Florida Department of Juvenile Justice, encouraging at-risk kids to get their lives on a positive path. I work with the Innocence Project of Florida to speak out and raise awareness about my wrongful conviction and incarceration and ways we can prevent such injustice in the future. I also try every day to be a good husband to my new wife and positive role model to her two kids.

I am here today, however, as a member of the National Right to Counsel Committee to tell you about my experience as an indigent defendant who was left behind

by a broken criminal justice system. I hope that my story of ineffective assistance of counsel can be a lesson that if we are going to continually incarcerate more and more people every year in this country, then we have to do better to make good on our constitutional promise of adequate representation. It is my wish that my words here today are the beginning of real interest by this Committee and this Congress in reforming our indigent defense system so what happened to me will be infrequent rather than a constant refrain.

I thank you for your invitation to come here to tell my story and I look forward to answering any questions you may have.