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Charlotte settles wrongful conviction suit for $9.5M

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After spending 25 years in prison for a rape he did not commit, Tim Bridges has negotiated a $9.5 million settlement with the city of Charlotte, which is reaching into a coffer of taxpayer money to cover the payment.

Bridges sued the city and several now-retired members of its police department in 2016, after DNA testing excluded him as the perpetrator of the rape and beating of 83-year-old Modine Wise on Mother's Day in 1989. He'd been serving a life sentence.

Bridges, who received a pardon from former Gov. Pat McCrory, alleged in his federal complaint that investigators bungled the inquiry into Wise's rape, fabricated critical forensic evidence that was used against him and failed to share information with prosecutors that could have proven his innocence. He initially demanded a $25 million settlement.

"There was a complete failure of training and policy with regard to exculpatory evidence," said David Rudolf of Rudolf Widenhouse in Charlotte. He and law partner Sonya Pfeiffer represent Bridges.

They argued that Charlotte police officials failed to tell prosecutors that investigators in nearby Gaston County had alerted them about a man who matched the description of Wise's attacker and was sitting in jail, accused of raping two women. He'd also previously raped three other elderly women, according to Bridges' suit.

Two hairs found at the scene accounted for the only physical evidence that prosecutors had to link Bridges to the crime. Elinos Whitlock, an FBI-trained forensic specialist who worked in the Charlotte Mecklenburg Police Department's Crime Lab, testified that it was "likely" that the hairs came from Bridges.

But Bridges' forensic hair expert, Skip Palenik, founder of the Microtrace analytical laboratory in Elgin, Illinois, determined that Whitlock's conclusion was "beyond the accepted limits of science."

Whitlock also reportedly testified that the the odds of two white people (Bridges is white) having indistinguishable head hair were 1-1,000 — a claim that has been debunked.

In 2015, a national review of the FBI's forensic evidence practices found that the agency's examiners routinely overstated hair comparison matches to bolster prosecutors' cases. The revelation resulted in an admission from the FBI that its forensic techs had been giving flawed testimony for decades, which marked "a watershed in one of the country's largest forensic scandals," The Washington Post reported. The scandal also spurred prosecutors to review Bridges' conviction.

Charlotte city attorney Bob Hagemann declined an interview request. But he acknowledged in a news release that the city was "unaware at this time of any scientifically sound physical evidence connecting Mr. Bridges to the crime, and in consideration of the former governor's pardon and the possibility of a significantly larger jury verdict, the Charlotte City Council agreed to settle Mr. Bridges' lawsuit for $9.5 million."

Conspicuously absent from the city's statement was an apology to Bridges, who was raped in prison and now copes with post-traumatic stress disorder while trying to understand and adapt to all the changes that occurred in the outside world during the quarter century that he was incarcerated, said Pfeiffer and Rudolf.

"When the city is agreeing to pay someone $9.5 million you would think it would be accompanied by an apology and a recognition that what happened is at least unfortunate," Rudolf said. "Instead, there was no apology and a standard paragraph saying, 'We're denying the claims and this is not to be construed as any acceptance of responsibility.'"

Pfeiffer added that Charlotte residents "would want to know that if their taxpayer money is being used to pay a settlement like this, that it's not going to happen again and that there's an acknowledgement that something went wrong."

"But the message [that the city is sending] to officers on the street is, 'Don't worry about making mistakes because we'll cover for you,'" she said.

SETTLEMENT REPORT

WRONGFUL CONVICTION

Amount: $9.5 million

Injuries alleged: Civil rights violation

Case name: *Timothy Bridges v. City of Charlotte, et al.*

Court: U.S. District Court in Charlotte

Case number: 3:16-cv-564

Mediator: Raymond Owens Jr. of Higgins & Owens in Charlotte

Judge: Graham Mullin

Date of settlement: Dec. 1

Most helpful experts: James Trainum of Washington, former homicide detective turned police practices expert; W.D. "Dan" Libby of Ellijay, Georgia, police procedures expert; and Skip Palenik of Elgin, Illinois, hair and fiber expert

Attorneys for plaintiff: David Rudolf and Sonya Pfeiffer of Rudolf Widenhouse in Charlotte

Attorneys for defendants: Daniel Peterson and Mark Newbold, both of Charlotte

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