

# Why is Rojai Fentress still in prison?

By Joseph D. Morrissey

Morrissey is a state senator from Richmond. He is a Democrat.

On April 13, 1996, at 2:45 am, Thomas W. Foley was shot in a breezeway of an apartment building on Midlothian Turnpike while trying to purchase crack cocaine. Foley died later that morning at Chippenham Hospital. For reasons that would later confound legal experts (see below), 16-year-old Rojai Fentress was charged and convicted of first-degree murder and given a 53-year sentence. He has served almost 24 years in prison.

Here are the undisputed facts. At approximately 1:30 a.m. on April 13, 1996, Thomas Foley and his friend, Julie Howard, were riding around Richmond looking to purchase crack cocaine. Finally, with Howard driving, they both arrived at the Midlothian Village Apartment Complex at 2:45 am. Howard would subsequently testify in court that the man she identified as Fentress approached the car several times in an attempt to sell Foley some crack cocaine. Howard would also testify that there were "six or seven other



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men around Fentress who were also dealing cocaine." Howard testified that Fentress told Foley to "walk with me into the breezeway so we can make the deal." Howard would also testify that once the two were out of her sight, she heard a gunshot whereupon Foley ran back to the car and stated, "I've been shot." Howard took Foley to Chippenham where he subsequently died.

Despite extensive police grilling, Howard did not immediately identify Fentress as the shooter. Indeed, Howard did not identify Fentress as the shooter until he was literally escorted into the courtroom in handcuffs at his preliminary hearing six months later! Howard, who would later admit that she was "pretty well lit" on the night in question was the only witness to implicate



The University of Virginia Law School Innocence Project

Rojai Fentress.

Fentress at his trial. There was no DNA evidence, no ballistics, no serology, no hair fiber or trace evidence, no confession, no other eyewitnesses — nothing except the testimony of Julie Howard. In fact, the prosecutor said in his closing argument to the jury: "This case hinges on whether or not you believe Julie Howard...it all boils down to [that]."

The case against Fentress was so weak that just prior to trial, the Commonwealth offered Fentress a 5-year plea if he would plead guilty. Fentress rejected the deal and stated unequivocally: "I'm not guilty; I was never there." Thereafter, and based solely on the testimony of Julie Howard, 17-year-old Fentress was convicted and sentenced to 53-years in prison.

Nineteen years after Fentress was convicted, the Commonwealth's case began to unravel stitch by stitch. First, the Innocence Project at the University of Virginia School of Law got involved and it was discovered that there was a recorded conversation between Julie Howard and the lead detective of the case, James Hickman, that was conducted back in 1996 and never turned over to the defense. During this recorded conversation, which took place within two weeks of the slaying, Howard was shown two photo spreads by the police and she identified an individual other than Fentress as the shooter! Contrary to the Rules of Discovery, this tape was never turned over to the defense prior to trial. Julie Howard would later

take her own life.

Second, it was determined that the only reason that Fentress' name even came to the attention of the police was because Detective Hickman questioned two of the seven men who were indeed present at Midlothian Village at the time of the crime — Leonard "Teon" Hayden and Peter Jones. Hickman threatened both men that they would be charged with the first-degree murder of Foley if they did not provide him information about the slaying. Thereafter, both men pointed the finger at 16-year-old Fentress. Neither Hayden nor Jones ever testified at Fentress' murder trial nor were their recorded interviews with detective Hickman provided to the defense prior to trial. Detective Hickman would later take his own life.

Third, on Aug. 6, 2014, another individual, DeAnthony Doane, came forward and signed a sworn affidavit confessing to the murder of Thomas Foley. In the sworn affidavit, Doane stated, "he [Foley] snatched my drug sack. Dude was strong as hell, we tussled...I had my right hand down and reached for the burner. I got the gun loose from my left pocket, pop! He [Foley] ran, I ran the opposite way." Doane is currently incarcerated in the Department of Corrections for unrelated convictions of murder and robbery.

Despite overwhelming evidence that exonerates Fentress, Attorney General Mark Herring has refused to acknowledge the evidence of Fentress's innocence and has fought lawyers with the Innocence Project every step of the way. Additionally, a Petition for a Conditional Pardon has been filed by the Innocence Project with the Secretary of the Commonwealth, but this Petition has languished in that office for approximately three years.

The tragic plight of Rojai Fentress underscores why parole needs to be re-established in Virginia for everyone. Pardon request (which Fentress deserves) are rare. Parole may be his only option. The 2021 General Assembly must act decisively to pass legislation reinstating parole in Virginia.