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30 Years Later, Freedom in a Case With Tragedy for All Involved

By CAMPBELL ROBERTSON

HATTIESBURG, Miss. — A little after 10 o'clock on Thursday morning, it was all up to Phillip Bivens. Just like that. The judge adjourned the hearing and Mr. Bivens, standing in a red jumpsuit in the corner of the courtroom, could all of a sudden do anything he wanted. After 30 years in prison, he was not sure what that was.

“Take it easy, I guess,” he said. “Try to ease my mind.”

Mr. Bivens, 59, and Bobby Ray Dixon, 53, two men who were serving life sentences, were exonerated by a judge on Thursday morning, their guilty pleas to the charge of murder erased. The judge said it was likely that another man, Larry Ruffin, would soon be cleared for the same murder.

There was no special hurry in his case. Mr. Ruffin died in prison eight years ago.

The expected ruling would be one of only a handful of posthumous exonerations nationwide, and taken with Thursday's events, a rare triple exoneration.

Nonetheless, said Emily Maw, the director of the Innocence Project of New Orleans, the law center that pressed for the men's release, the case has been nothing but a series of tragedies.

On a warm night in early May 1979, a man broke into the home of Eva Gail Patterson, raped her and cut her throat in front of her 4-year-old son. Ms. Patterson, whose 2-year-old was sleeping in the next room and whose husband was working offshore on an oil platform, stumbled to her neighbor's carport, where she collapsed and died. The 4-year-old, Luke, told the police that a single man, “a bad boy,” had killed his mother.

Larry Ruffin, 19 at the time, was picked up a few days later. The night of the murder he had been on leave from a halfway house, where he was sent after stealing some beer from a store. Over the next few weeks, he gave several statements, contradictory on many points but all conforming to the same basic storyline: He had raped and killed Ms. Patterson, and he had acted alone.

Mr. Ruffin soon recanted, however, saying that he had been physically coerced by law enforcement officials into confessing, and maintained his innocence. Over a year later, just before Mr. Ruffin's trial was set to begin, the police interviewed Mr. Dixon, who had been with Mr. Ruffin at the halfway house at the same time. Mr. Dixon told them that Mr. Ruffin had killed Ms. Patterson, but said that he had been with him that night. Mr. Dixon, who pleaded guilty to murder, apparently said Mr. Bivens was with them as well, though no records exist of that first interview.

Mr. Bivens, who had returned to his home in California several months earlier, was arrested by police officers who showed up at his door one night.

“I’d never been on a airplane before,” he said on a car ride out of Mississippi after the hearing. “I thought they were going to kill me. I thought they were going to get me up there and push me out.”

Back in Hattiesburg, he was told he could be facing the death penalty unless he pleaded guilty. Law enforcement officials showed him pictures of the crime scene and asked what he remembered, he said. He had never met Mr. Dixon before, he said, but, fearing for his life, he backed up Mr. Dixon’s account.

“All of these things, it’s hard to push them out of my mind,” he said on the car ride, staring out the window. “I don’t like to think about it. I feel like I should have been stronger than that.”

The trial, in the winter of 1980, was based almost exclusively on the three statements.

On the stand, Mr. Dixon, who described himself as a “hard learner” who could barely read, began to contradict his own testimony. Finally, he said that he had not been with the other two that night and that he did not even know what Ms. Patterson looked like. He said that he had been kicked in the head by a horse as a child and ever since had suffered seizures.

“I don’t have the right mind,” he said on the witness stand. “My mind comes and goes, and I don’t like to see nobody took away for nothing they ain’t done.”

Mr. Ruffin was convicted, though a hung jury prevented a death sentence. He was sentenced to life in prison and died of a heart attack in 2002.

Mr. Dixon, whose seizures were so frequent in prison that guards gave him a baseball batting helmet, developed lung cancer last year, which has since spread to his brain.

A couple of years earlier, lawyers for the Innocence Project had received an application for help from Mr. Dixon through a corrections officer. The lawyers, pointing to studies that show the frequency of false confessions, requested a DNA test of the evidence from the rape kit.

In July, the results came back. They implicated a man named Andrew Harris, who had lived just up the road from Ms. Patterson. In 1982, he was convicted of a rape outside Hattiesburg and is now serving a life sentence.

Law enforcement officials are now investigating his connection to the Patterson case.

Mr. Dixon was granted medical parole after the test results came in and has been out of prison since. Only Mr. Bivens remained.

The courtroom on Thursday was full of people who last came together 30 years ago. Mr. Ruffin's family members wore "Free at Last" T-shirts, maintaining that freedom is a state that can be still achieved by the dead.

Mr. Dixon was there, smiling and leaning on a cane carved by his brother. The Patterson family, including Luke, now in his 30s, was sitting the front row. The district attorney, the same man who had been in the post in 1979, represented the state.

After the hearing, Mr. Dixon was taken by his brother a few dozen miles out of town to a sun-dappled clearing among pine trees, the site of Mr. Ruffin's grave. The Ruffin family prayed, sang hymns and released balloons, and Mr. Dixon broke into sobs.

Earlier, Mr. Bivens stood across the street from the courthouse, in brand-new clothes still bearing the creases of the display shelf. He carried his belongings in a pillowcase: two Bibles, a pair of flip-flops, some shampoo, some socks. The lawyers took him to lunch and then drove him to New Orleans.

He was planning to stay in housing there that was set up especially for exonerated prisoners. Maybe, he said, he could find a job gardening. And he was thinking about looking up his old girlfriend, the one he was about to marry before the police arrived at his door that night.

It is important to have people around you, he said. They keep you from thinking about things too much. And they serve as an alibi, just in case.