

POLITICS & GOVERNMENT

Gov. Cooper pardons Ronnie Long, four others who were wrongfully convicted

BY WILL DORAN AND MICHAEL GORDON

DECEMBER 17, 2020 01:54 PM, UPDATED DECEMBER 17, 2020 06:10 PM



On his eighth day of freedom, from a 44-year imprisonment for a crime he says he never committed, Ronnie Long spends the evening at home cooking dinner with his wife Ashleigh Long, on Friday, Sept. 4, 2020, in Durham, N.C. BY CASEY TOTH

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Nearly 20 years ago, as a new father and under pressure from Asheville law enforcement who withheld evidence that might have proven his innocence, Kenneth Kagonyera pleaded guilty to a murder he didn't commit.

And 44 years ago, following a trial with jury tampering, missing evidence and Concord police lying on the stand, Ronnie Long was sent to prison for a rape he didn't commit.

On Thursday Gov. Roy Cooper pardoned them both, along with three other men — Teddy Lamont Isbell, Sr., Damian Miguel Mills and Larry Jerome Williams, Jr. — who were also wrongfully convicted of the same murder as Kagonyera.

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“We must continue to work to reform our justice system and acknowledge when people have been wrongly convicted,” Cooper said in a statement announcing the

pardons. “I have carefully reviewed the facts in each of these cases and, while I cannot give these men back the time they served, I am granting them Pardons of Innocence in the hope that they might be better able to move forward in their lives.”

Long, who was freed in August after serving more than half of his 80-year sentence for a 1976 rape he says he didn’t commit, learned of his pardon around 1 p.m. Thursday while he and his wife, AshLeigh, were driving on the West Virginia Turnpike, on their way back to Durham.

“Man, it’s a blessing. God is good, all the time,” Long said by phone. “I’m overwhelmed. The fact is I can finally try to get on with my life. I’m just overjoyed. My family’s name has been exonerated. All I wanted was to clear my family’s name.”

AshLeigh Long, who met Long while he was in prison and became perhaps his most outspoken advocate, was more circumspect.

“It’s about time,” she said. “This is a man the state of North Carolina literally tried to kill. They made him disappear. They tried to bury him alive.”

RESTITUTION FOR BEING WRONGLY IMPRISONED

Unlike his predecessors, Cooper had yet to issue any pardons as governor. But for many wrongfully convicted people, a pardon is the only way they can be eligible for restitution. In fact, the legislature changed the law in 2012 — just after Kagonyera was declared innocent.

Abraham Rubert-Schewel, the Durham attorney for Kagonyera, said the Republican-led General Assembly clearly targeted Kagonyera with that change. They should undo it now, he said, so that anyone who has been wrongfully imprisoned can get restitution for the years taken from their lives, regardless of whether the governor decides to act.

“Fortunately, the governor did this today,” he said Thursday. “But it should not be this difficult.”

State law allows for the wrongfully imprisoned to receive \$50,000 for every year they spent behind bars, plus additional funding for job training, up to \$750,000 per

person. Rubert-Schewel said Kagonyera has already been running his own business, an Asheville janitorial company, but is obviously excited for the chance to be able to better take care of his family.

“He feels great,” Rubert-Schewel said. “He’s a very stoic, calm guy. And for him the really big thing happened 8 years ago when he was exonerated. That was his big win. But this is an important recognition by the governor’s office ... that he’s deserving of compensation. And also it’s an important recognition that innocent people plead guilty all the time.”

Long’s time served of [43 years, 10 months and 27 days](#) is the third longest in U.S. history for an exonerated defendant. He was 20 when he was convicted of raping a prominent white woman in his hometown of Concord, a crime he says he never committed.

The police investigation that led to his arrest and conviction was replete with corruption, including withheld or missing evidence and false testimony from detectives, leading Stephanie Thacker, a judge on the Fourth Circuit Court of Appeals, to excoriate both the state’s prosecution of Long and its continued defense of his conviction.

“In this case, the state did lie and withhold evidence,” Thacker wrote acidly in a January opinion. “But one would hope that is not the norm in North Carolina.”

Long’s wait for a pardon was by far the shortest of the four handed down Thursday by Cooper.

“It speaks to the magnitude of injustice in his case,” said Long’s attorney, Duke Law professor Jamie Lau. “It’s a wonderful Christmas present from the governor to officially recognize his innocence.”

Long qualifies to get \$750,000 from the state, a sum he should receive during the first quarter of the new year. Lau says his client wants to buy a home, his first.

Back in West Virginia, the Longs could be heard arguing about AshLeigh driving while she was talking to a reporter. “If we don’t get home safely, we get nothing,” Ronnie Long said in a mock scold.

Ronnie Long told the Observer he was surrounded by snow, and that he couldn’t remember the last time he had seen it.

Asked about how he and Ashleigh planned to celebrate Cooper's pardon once they reached Durham, Long laughed.

"I don't know," he said, "but we'll figure something out."

MURDER, POLICE MISCONDUCT IN ASHEVILLE

Like Long, Kagonyera was 20 when he went to prison. He pleaded guilty in 2001 to killing a man in a robbery gone bad in Fairview — a small town just outside Asheville.

Despite receiving an early tip that the murder was committed by a man named Robert Rutherford and two associates, the Buncombe County Sheriff's Office decided to focus in on a group of different men in their teens and early 20s — Kagonyera, Mills, Isbell and Williams, all of whom Cooper pardoned Thursday, as well as a man named Robert Wilcoxson, who has already been exonerated and paid restitution.

Deputies threatened Kagonyera and the others with the death penalty by dangling written statements from their alleged co-conspirators that later turned out to have been written by the deputies themselves, [according to the National Registry of Exonerations](#). A key piece of video footage that may have shown the real killers was mysteriously taped over while in police custody. And law enforcement refused to release DNA evidence that Kagonyera claimed would've proven his innocence — and which would later do just that.

Facing those obstacles, and with an infant child at home and another baby on the way, he entered a guilty plea in exchange for a lighter sentence of 12 to 15 years.

But two years later in 2003, [the N.C. Innocence Inquiry Commission would later learn](#), the man who the tipster had pegged as the killer, Rutherford, confessed to federal agents. Then in 2007, DNA evidence would further implicate one of Rutherford's associates who was also named by the original tipster.

It took four more years for Kagonyera to be freed. And now he has waited nearly another decade after being declared innocent to finally be able to get restitution.

In a press release, the North Carolina ACLU said Cooper can and should do more for people like Kagonyera and Long, to work on "dismantling the racist criminal legal system, a system that he has played a role in creating during the past three decades that he has held elected office."

Prior to becoming governor, Cooper was the attorney general from 2001 until 2017 and was a leading state lawmaker before then.

“With more than 30,000 people currently incarcerated in state prisons, we urge the Governor to use his executive powers further to allow redemption for those who deserve another chance and to redeem a system that continues to have a disparate impact on people of color,” the ACLU said.

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After 44 years fighting his conviction, Ronnie Long hugs his wife Ashleigh Long outside Albemarle Correctional Institute following his release from prison Thursday, August 27, 2020. JESSICA KOSCIELNIAK
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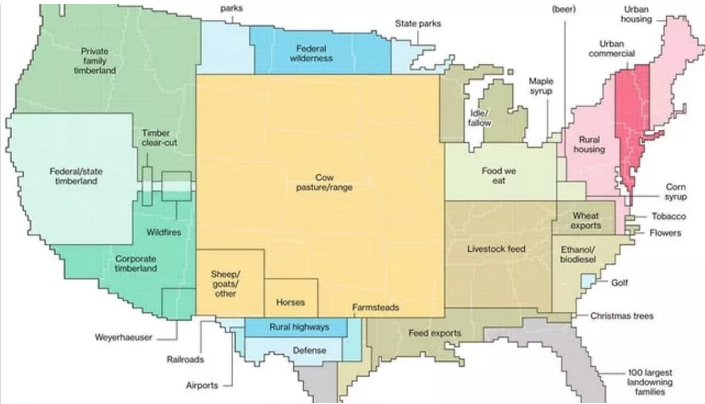
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