

State of Florida  
County of Duval

St. Johns  
RJL

Affidavit of Robert J. Link

I, Robert J. Link, having been duly sworn or affirmed, do hereby depose and say:


1. My name is Robert J. Link. I am an attorney licensed to practice law in the State of Florida since 1975.
2. I was an assistant public defender in Miami from 1975-78 and in Jacksonville from 1978-1982. In Jacksonville, I was head of the "Special Defense" division, which had responsibility for all homicide cases that came into the office. In private practice in the 1980's I did mostly criminal defense work, including court appointments in murder cases. As a result, I have represented over 100 people charged with murder. The U.S. Eleventh Circuit Court of Appeals described me as "an expert in the field of capital defense" in *Magill v. Dugger*, 824 F.2d 879 (11<sup>th</sup> Cir. 1987). In 1990, I had the privilege of arguing a death penalty case before the U.S. Supreme Court, *Parker v. Dugger*, 498 U.S. 308 (1991).
3. In 1984, I assumed representation of Leo Alexander Jones, who had been convicted and sentenced to death for the May 23, 1981, shooting of police officer Thomas Szafranski. Mr. Jones was a black man convicted of shooting a white policeman by an all white jury. Mr. Jones' conviction and sentence had been affirmed by the Florida Supreme Court in 1983. See, *Jones v. State*, 440 So.2d 570 (Fla 1983). I represented Mr. Jones in post-conviction proceedings from 1984 through 1988. See, *Jones v. State*, 473 So.2d 1244 (Fla 1985) and *Jones v. State*, 528 So.2d 1171 (Fla 1988).
4. The State's theory of the case was that Mr. Jones was tired of police harassing him and so, decided to shoot a police officer. On the night of May 23, 1981, several police cars were leaving the scene of an unrelated incident. All had to stop at a stop sign across the street from the two story apartment building where Leo Jones rented an upstairs apartment. The State's theory was that Mr. Jones saw the police cars, grabbed a rifle and ran down the back stairs of the building, gained entry to the unoccupied apartment downstairs, and shot the police officer from the window of the downstairs apartment.
5. The State's theory was supported by the following evidence:
  - a. The testimony of Bobby Hammond, Mr. Jones' cousin, who stated that while in Mr. Jones' apartment, he saw Leo Jones take a rifle down the back stairs of the apartment, heard several shots, then saw Mr. Jones come back through the rear door with the rifle.
  - b. The testimony of Officer Mundy and Detective Eason that they arrested Mr. Hammond and Mr. Jones in the upstairs apartment and found several rifles there.
  - c. The testimony of Detective Eason that Jones signed a confession written by Eason, as follows: "I, Leo Jones, on 23 May 81, took a rifle out of the front room of my apartment and went down the back stairs and walked to the front empty apartment and shot the policeman through the front window of the apartment. I, then, ran back upstairs and hid the gun or rifle and then the police came".
  - d. A ballistics expert said that the bullet that killed Officer Szafranski could have come from either of two Marlin .30-.30 Winchester rifles that were found in Mr. Jones' apartment, but could not positively identify any weapon that fired it because the bullet was too badly damaged. Mr. Jones' fingerprints were found on one of the Marlin rifles.
2. In my mind, the reliability of their evidence is questionable, at best, as follows:
  - a. Bobby Hammond recanted his testimony at a suppression hearing in this case, testifying that he never saw Leon Jones with a gun that night. Mr. Hammond insisted he had been

beaten by police and only gave a statement implicating Mr. Jones because he was in fear for his life.


- b. Leo Jones recanted his confession at trial and always maintained his innocence to me. He said he had been beaten and was afraid for his life. At the time of his arrest, Mr. Jones was taken to a hospital for treatment of the injuries inflicted by the police, which included three stitches to close a bleeding head wound.
  - c. After his retirement, Officer Cleveland Smith testified at a subsequent post-conviction hearing that Officer Mundy had admitted to him that he had beaten Mr. Jones the night of this arrest. Mundy was eventually fired after a 1995 internal affairs investigation.
  - d. Detective Eason did not know whether Officer Szafranski had been shot with a handgun or a rifle at the time he wrote out Mr. Jones' confession that he hid the "gun or rifle" after the shooting. Eason was also fired from the Sheriff's Office after allegations arose that he was a rapist, extortionist and possible murderer, according to Officer Smith.
3. There exists compelling evidence that another individual, Glenn Schofield, shot and killed Officer Szafranski, as follows:
- a. Schofield was Leo Jones' roommate and owned the gun or guns used in the shooting. See, *Jones v. State*, 528 So.2d 1171, 1174 (Fla 1988).
  - b. Schofield had a history of violence, including a 1974 manslaughter conviction where a drug store employee was killed in a robbery, and being involved in a shootout with police in St. Johns County, a week after Officer Szafranski's death.
  - c. Officer Szafranski was shot with a .30-.30 Winchester Marlin rifle. Three shots were fired. The Winchester rifle requires a spent shell casing to be ejected before another round can be fired. No spent shell casings were found in the empty downstairs apartment from which the shooter was alleged to have fired.
  - d. Two eyewitnesses to the shooting, Homer Spivey and Phillip Anderson, testified at Mr. Jones' first post-conviction hearing that the gunshots came from the back of the vacant lot between Mr. Jones' apartment building and a local bar. Mr. Anderson further testified that he saw a man run from the area and get into a parked car that was then driven away by a woman. The running man was not Leo Jones, according to Mr. Anderson.
  - e. A girlfriend of Glenn Schofield's, Marion Manning, testified that a friend named Shorty told her to pick up Schofield on Davis Street. She drove her car there and Schofield ran up to it, jumped in and they left the scene.
  - f. While I never located Shorty, subsequent post-conviction counsel did so. His real name is Roy Williams, and he provided testimony in which he said he saw Glenn Schofield shoot Officer Szafranski, and that Schofield was driven from the scene by Marion Manning.
  - g. Two other witnesses, Daniel Cole and Sharon Denise Reed, testified at a later post-conviction hearing that they saw Glenn Schofield running from the murder scene with a rifle in his hands shortly after they heard the gunshots. This was not recent fabrication: Ms. Reed's mother testified that Ms. Reed told her what she had seen the day after the shooting.
  - h. Yet another witness, James Corbett, also testified that he had seen Schofield running from the scene after the shots were fired, with a rifle or a bat in his hands.
  - i. During the first post-conviction hearing, I presented the testimony of Paul Alan Marr, a prison inmate who had met Glenn Schofield in prison while Schofield was serving a sentence for attempted murder of a police officer as the result of the shootout in St. John's County. Mr. Marr testified that Schofield told him that he, not Leo Jones, had shot and killed the officer in Jacksonville.

- j. Subsequent post-conviction counsel found seven additional prison inmates to whom Schofield had confided that he, not Leo Jones, had killed Officer Szafranski: Frank Pittro, Franklin Delano Prince, Donald Perry, Louis Reed, Carnell Grayer, Jasper Ray Kirtsey, and Dwayne Hagans.
  - k. Also, presented by post-conviction counsel was the testimony of one of Schofield's ex-girlfriends, Patricia Owens. She testified that Schofield had told her that he killed the officer, as well.
4. As Justice Anstead wrote in his dissenting opinion: "The most important issue before us is the enormous amount of evidence that has been disclosed since Jones' trial indicating that Glenn Schofield actually committed the murder". Jones v. State, 709 So.2d 512,527 (Fla 1998). Justice Shaw said in his dissenting opinion: "The collateral process in Florida's capital sentencing scheme is a constitutional safety net designed above all to prevent the execution of an innocent man or woman. The present case is a classic example of that safety net working properly – up to the present point." Jones, supra, at 535.
5. This case is a haunting example of our legal system failing to prevent the execution of an innocent man.

Further affiant sayeth not.

  
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Robert J. Link

Sworn to or affirmed and subscribed before me this 29 day of December  
By Robert J. Link, ~~who is personally known to me~~ or has shown the following  
identification: FL DL

  
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Notary Public, State of Florida  
My commission expires: 8/22/26

