



Grant & Eisenhofer Files Federal Civil Rights Lawsuit on Behalf of Florida Man Jailed 14 Years for Double Murder He Did Not Commit

Suit alleges that Orlando resident Clemente Aguirre was victimized by the defendants' violations of his civil rights. He spent fourteen years wrongfully imprisoned, 10 years of which were on death row, despite repeated confessions by victims' daughter and granddaughter; after years of effort by post-conviction counsel and the Innocence Project, his conviction was overturned by the Florida Supreme Court, which labeled him a "scapegoat;" his suit seeks compensatory and punitive damages

ORLANDO, FL (January 7, 2020) – Leading plaintiffs' law firm **Grant & Eisenhofer P.A.** has filed a federal civil rights lawsuit on behalf of a Honduran immigrant from Orlando who spent 14 years in prison, 10 of them on death row, for a double murder he did not commit. The daughter and granddaughter of the victims repeatedly confessed while he remained wrongfully incarcerated.

The suit, filed in U.S. District Court for the Middle District of Florida, Orlando Division, names Seminole County, the Seminole County Sheriff's Office, as well as a crime scene analyst and a fingerprint examiner, as defendants. The complaint contends that bias against Central American immigrants and the authorities' failure to follow routine investigative procedures led to the wrongful arrest, trial, conviction, and wrongful incarceration of **Clemente Aguirre**.

Mr. Aguirre's legal team is led by Grant & Eisenhofer of counsel **Joshua Dubin** and senior counsel **Karyn Bass Ehler**, who heads the firm's Civil Rights practice group. This is the first lawsuit of its kind filed by the recently established group. Grant & Eisenhofer is one of the world's leading plaintiff advocates in business and commercial areas such as securities, M&A, antitrust, corporate governance, and consumer protection.

The Florida Supreme Court, which eventually overturned Mr. Aguirre's conviction in a unanimous decision, declared that he had been made a "scapegoat" for the two murders.

Also representing Mr. Aguirre in his lawsuit is nationally recognized criminal defense and civil rights attorney **David Rudolf**, whose work was profiled on the award-winning Netflix series "The Staircase."

Mr. Aguirre, 39, is seeking compensatory and punitive damages for his loss of 14 years of freedom, as well as for physical and emotional injury and trauma he suffered during his wrongful incarceration, which included beatings by prison guards due to his poor command of English at the time.

The Crime

Two women, mother and daughter Carol Bareis and Cheryl Williams, were savagely stabbed to death in June 2004 in their home in a northern suburb of Orlando, Fla. Ms. Williams was stabbed 129 times. Mr. Aguirre, who lived nearby and knew them, discovered the bodies one morning, hours after the crime had been committed.

Had Seminole County investigators tested blood found at the scene, they would have found that blood from Ms. Williams' own daughter, Samantha, was dropped within inches of her mother's blood at critical locations throughout the crime scene. The defendants have already admitted under oath that the purpose of collecting and testing the blood was to determine whether the perpetrator had bled during the attack. But the blood was not tested. Nor did investigators look into Mr. Aguirre's alibi, corroborated by others, for the time frame during which the murders occurred the evening before. "Instead," the lawsuit contends, "the defendants, motivated consciously or unconsciously by their bias against undocumented immigrants from countries in Central America," arrested and tried Mr. Aguirre for something that routine inquiries would have revealed he could not have done.

Only at the insistence of appointed post-conviction counsel and the Innocence Project, which took on the case in 2011, were blood samples taken at the murder scene tested, revealing deposits of Samantha Williams's blood.

Mr. Aguirre's lawsuit recounts Samantha Williams's disturbing history of repeated outbursts and threats of violence against others, as well as diagnoses of mood disorders, alcohol and drug abuse, and multiple involuntary committals to psychiatric hospitals. The complaint argues that these factors should have been taken into account and investigated by the Seminole County Sheriff's Dept., which had responded to numerous incidents at her home. The complaint also alleges that discrepancies in her statements to investigators about her whereabouts during the window of time in which the murders occurred should have been followed up on as well. Samantha Williams was known by the defendants to be prone to outbursts of extreme violence due to a condition known as Intermittent Explosive Disorder. She had also made repeated threats against her family and others, including a threat to kill her mother prior to the murders.

Following Mr. Aguirre's conviction, Samantha Williams told several people that she had killed her mother and grandmother. At a court-ordered deposition in the middle of jury selection for Mr. Aguirre's re-trial, Samantha conceded that she might have committed the crime and blocked it out.

Subsequent to this admission, the State's Attorney's Office abruptly dropped all charges against Mr. Aguirre.

Freedom

Mr. Aguirre now lives in Tampa in a small community that helps those wrongly imprisoned reintegrate themselves into society. He says he hesitates to walk in his neighborhood, much less on crowded city streets, for fear of being accused of doing something wrong.

His lawsuit lists Seminole County Deputy Sheriff Robert Hemmert, crime scene analyst Jacqueline Grossi, and latent print examiner Donna Birks by name, as well as additional members of the Seminole County Sheriff's Dept.

The allegations against these law enforcement officials include failure to:

- comprehensively examine and investigate the crime scene;
- examine and photograph Samantha Williams's body;
- search for evidence at the home she claimed to have slept in on the night of the murders;
- corroborate her alibi;
- take her known mental illness and violent episodes into account;
- adequately test evidence associated with people other than Mr. Aguirre;
- cross-reference his alibi with the known window for time of death;
- inform his defense counsel of exculpatory evidence.

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