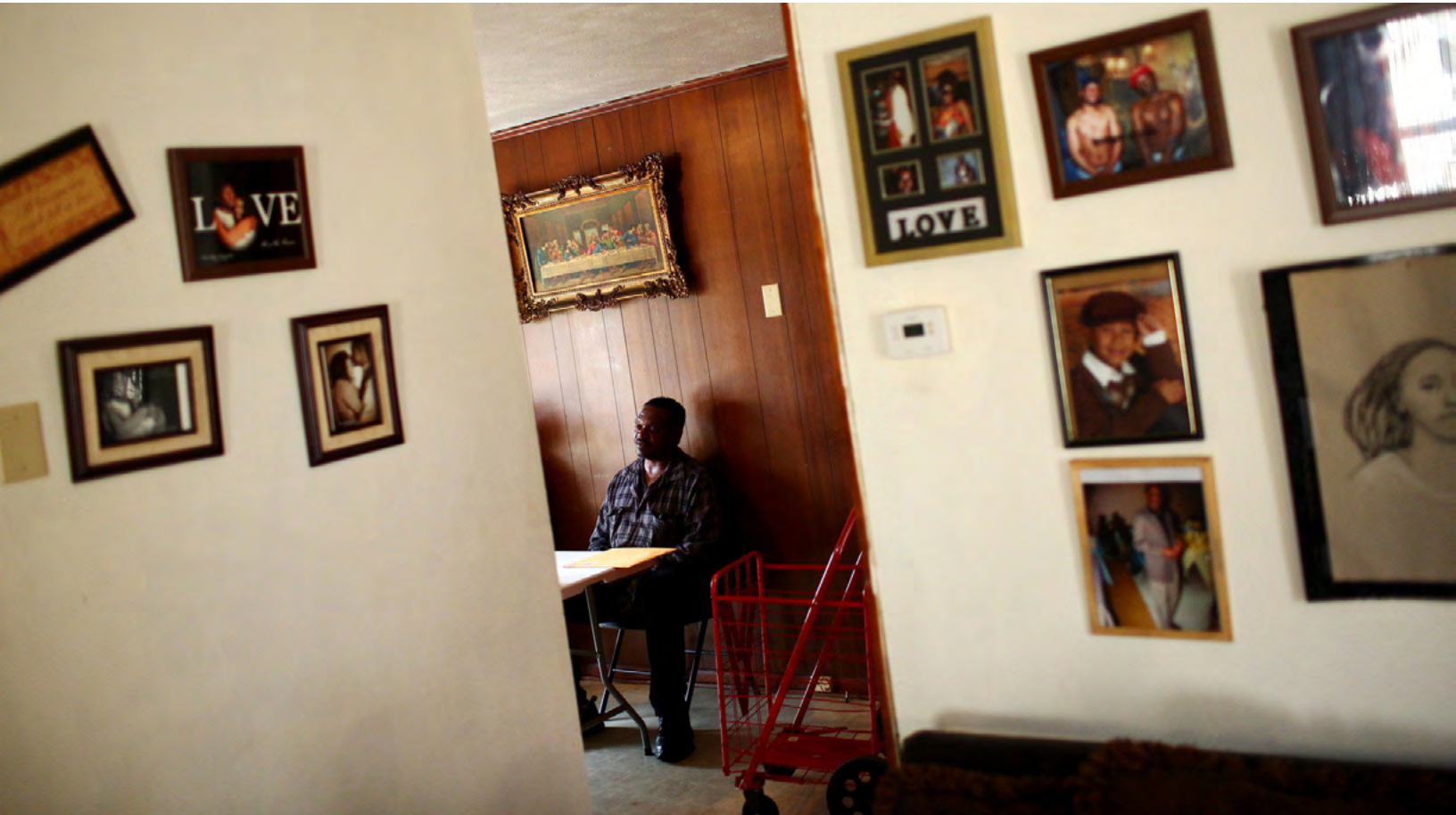


The Price of Innocence

*Two brothers did 31 years for someone else's crime.
Then things went bad.*



Henry Lee McCollum, seated, and his half-brother, Leon Brown, were released from prison after DNA evidence exonerated them in the 1983 rape and murder of an 11-year-old girl. TRAVIS DOVE FOR THE NEW YORK TIMES

FEATURE | FILED 12:10 p.m. 04.07.2018

By **JOSEPH NEFF**

In 2015, the state of North Carolina paid \$750,000 to Henry McCollum to compensate for the 30 years the innocent man spent on death row.

Seven months later, he was broke. McCollum, who is intellectually disabled, then began borrowing money at 38 percent interest. He kept his financial plight hidden from friends and supporters from his death row years.

But in the fall of 2017, he briefly and wearily opened up when he was handed documents showing he owed \$130,000 on \$65,000 in recent loans.

“Sometimes I feel like I shouldn’t be out here,” he said.

McCollum and his half brother, Leon Brown, who is also intellectually disabled, were

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Leon Brown walks behind his sister, Geraldine Brown, outside of a home they shared with several family members in Fayetteville, N.C., after his release from prison. TRAVIS DOVE FOR THE NEW YORK TIMES

demonized and convicted in one of the state's most notorious rape and murder cases. Their decades in prison and disabilities would have made for a difficult return to society under the best circumstances.

What happened to them after their release proved even more problematic. As exonerees, they emerged with big dollar signs on their backs. Most states compensate the wrongfully imprisoned in amounts that can reach millions of dollars, and exonerees can also win settlements from police agencies — awards that can attract predators.

McCollum, 54, and Brown, 50, proved virtually helpless as hundreds of thousands of dollars of state compensation were siphoned off by their supposed protectors: a sister back home; a lawyer from Orlando, Fla.; a self-proclaimed advocate from Atlanta, and her so-called business partner, a college instructor from Brooklyn, according to documents and interviews by The Marshall Project.

By the time a federal judge intervened in the spring of 2017, no trust had been set up for the brothers but money intended for their care had been spent on predatory loans, exorbitant legal fees, multiple cars, women's jewelry and children's toys.

Jeffrey Deskovic, an exoneree who established a foundation to help the wrongfully convicted, said he has advised about 60 other exonerees on how to manage compensation and the unwanted attention it brings. The experiences of McCollum and Brown are extreme, he said, but the underlying dynamics are common.

“All were hit up for money by family and friends or were targets of scammers,” Deskovic said.

The brothers’ tragic saga began decades earlier. Schools had identified Henry McCollum and Leon Brown as mentally challenged: McCollum read at a second-grade level when he dropped out of high school; his younger brother could barely read or write.

In 1983, the body of 11-year-old Sabrina Buie was found in a soybean field in Red Springs. The killer had jammed her underwear down her throat with a stick.

A schoolgirl’s rumor prompted detectives to interrogate the brothers, then 19 and 15, who confessed to the crime.

Both soon recanted, saying they were coerced, but to no avail. They became two more convictions for District Attorney Joe Freeman Britt, listed as the deadliest prosecutor in the Guinness Book of World Records.

A jury sentenced both to be executed, and Brown became the youngest person on death row at age 16. After the state Supreme Court ordered separate retrials, McCollum returned to death row and Brown was sentenced to life in prison with the label of child rapist.

Then, in 2014, the North Carolina Innocence Inquiry Commission announced that new DNA testing of a cigarette butt found at the crime scene matched the DNA of a sexual predator, Roscoe Artis, who had lived next door.

While the brothers were in jail awaiting trial, Artis raped and strangled an 18-year-old woman one mile from where Sabrina Buie was killed. The district attorney tried and convicted Artis for that crime before he put McCollum and Brown on trial. Police investigated Artis as a suspect in Sabrina Buie’s murder, but never told defense lawyers.

In September 2014, a judge declared McCollum and Brown innocent, sending a packed courtroom into pandemonium.

The brothers knew the wrongs done to convict them. It’s less clear they understand the wrongs they have suffered since their exonerations.

Nobody was more elated by the turn of events than Ken Rose, McCollum’s lawyer. Rose had been visiting his client on death row for 20 years: “Every time I saw him, he’d say, ‘I don’t belong here, I’m innocent, when can I go home?’”

Before the brothers could qualify for the maximum \$750,000 in state reparations, Rose needed to obtain an official pardon from the governor.

In the meantime, the brothers went home to the care of Geraldine Brown, Brown’s sister and McCollum’s half sister. In the 30 years the men were in prison, she had visited Brown once; she never went to see McCollum.

She had no job or car, and relied on funds raised by Rose’s nonprofit law center for rent and utilities. Sometimes social workers took the men shopping. They said they learned that if they entrusted the sister with cash, the bills went unpaid.

Months passed with no pardon and no compensation. A cousin mentioned the brothers' plight to Kimberly Weekes, an Atlanta woman who describes herself as an advocate who works on voter registration, food drives and recycling campaigns.

After speaking with Geraldine Brown, Weekes contacted an instructor at Metropolitan College in New York whom she refers to as her business partner. Weekes and the partner, Deborah Pointer, then drafted a contract for "advocacy and civil rights." The brothers would owe Pointer & Weekes Inc. a cut of any reparation: 10 percent of loans, 5 percent of state compensation and 1 percent of civil lawsuit settlements.

Geraldine Brown signed and Weekes began searching for a lawyer to take over the case.

Rose soon received a fax from Geraldine Brown stating that he should step aside and that Weekes represented the family "in all or any of the Civil/Litigation."

Rose viewed the fax as nonsense. But he didn't view the women as cranks: "I think they were very serious in taking whatever they could from my clients."



From left, Leon Brown, David Brown, Geraldine Brown and Henry McCollum explore a rental home they were able to secure with a bank loan. TRAVIS DOVE FOR THE NEW YORK TIMES

On Feb. 27, Geraldine Brown and her brothers finalized a contract with Patrick Megaro, a lawyer based in Orlando, Fla., to take over from Rose and additional lawyers suing the police. Leon Brown signed with an "X". The contract specified that the family owed Megaro 33 percent of awards, even if they fired him. Legal experts said the contingency clause probably violated state bar rules.

Weekes and Pointer secured money for the brothers — and for themselves — from a firm that lends to plaintiffs in anticipation of a settlement or jury award.

Megaro approved two \$100,000 loans, one for each brother, with an annual interest rate of 41.6 percent and a \$5,000 fee wrapped into the principal. The loan documents show that Megaro authorized the payment of \$20,000 to Pointer and Weekes.

Megaro sent a letter to Rose and the other lawyers, demanding their files and stating his intent to solely represent the brothers. The coup stunned the lawyers, but they could see no way to challenge the contract.

After her \$10,000 payout arrived, Weekes made one trip to North Carolina. She said she helped the family with shopping and found a nicer rental home. Pointer never met the brothers. She set up a Facebook page and a change.org petition, and had her students at Metropolitan College call the governor's office to demand a pardon.

In June 2015, the governor pardoned the men. A publicist for Pointer and Weekes touted them as “the two female power execs” behind the men's freedom.

In September 2015, an administrative law judge approved the \$750,000 payouts to each brother. Brown did not attend the hearing. He had been admitted to a psychiatric facility, his seventh since his release.

Brown had suffered psychotic breaks in prison, which now grew worse. His sister could not get him to take his antipsychotic medications. She said he talked about being raped by inmates and tied to his bunk by guards. He worried that God wouldn't forgive him. He rocked in place and refused to eat or drink for days.

The day before the administrative hearing, Megaro requested that Geraldine Brown be named Leon's guardian, despite her inability to manage his mental illness or her finances. Creditors have filed at least 19 liens against her; she has been evicted three times. Nevertheless, the guardianship was granted.

In October, North Carolina wrote Megaro a check for \$1.5 million, half intended for each client, tax-free. Megaro took more than one-third of each brother's compensation, according to Brown's court files and McCollum. Payment on the high-interest loan took another \$110,000. Each brother was left with less than half of his award.

Megaro refused to discuss his fees, the loans, the payments to the advocates or making Geraldine Brown guardian.

In an April 2017 interview, he denied taking advantage of his clients. “I like these guys,” Megaro said.

“They are nice people, even if they are mentally disabled. It doesn't matter.”

Rose, who worked pro bono on the pardons, had planned to protect the brothers' money in trusts that guaranteed fixed payments for life, about \$3,000 a month each based on the \$750,000 awards.

That has been the practice in North Carolina: exonerees keep their entire compensation. Lawyers are typically paid by taking a cut of settlements with the police.



Patrick Megaro, left, Leon Brown's attorney, approved two \$100,000 loans with an annual interest rate of 41.6 percent. Brown's legal guardian, Duane Gilliam, right, stands outside the federal courthouse in Raleigh, N.C., in 2017. TRAVIS DOVE FOR THE MARSHALL PROJECT

For his part, Megaro did not set up trusts, even after admitting in court that his clients needed protection from “fraudsters and frivolous spending.” After taking his cut, Megaro directly distributed the remainder to Geraldine Brown, as Leon's guardian, and to McCollum.

McCollum was soon broke and borrowing with Megaro's approval. He would not discuss where the money went.

His brother's finances, supervised by the court, have more of a paper trail. Although guardians can legally spend money only on their wards, Geraldine Brown bought women's jewelry and shoes, diapers and toys.

Motor vehicle records show she also acquired a Dodge van, 2010 Mustang, 2004 BMW and 1995 Lexus.

The court ultimately stripped her of the guardianship and cut off access to her brother's money. At a hearing, Geraldine Brown admitted she had also asked McCollum for thousands of dollars and taken out a \$25,000 high-interest loan in Leon's name, also with Megaro's approval.

The judge found her in contempt of court and ordered her jailed.

“Why you would take advantage of a poor soul like that, I don't know,” the judge said.

Geraldine Brown replied: “I'm sorry you feel that way.”



Henry McCollum spent three decades on death row in North Carolina for a crime he did not commit. TRAVIS DOVE FOR THE NEW YORK TIMES

She conceded in an interview that she should have never been made guardian. When it comes to lawyers, loans and contracts, she said, "I'm incompetent too. I ain't gonna lie."

In the spring of 2017, Megaro filed court papers saying he had reached a settlement with the Red Springs police. Each client would be awarded \$500,000.

U.S. District Court Judge Terrence Boyle announced he would not approve any settlement before determining whether McCollum was competent to sign the contract with Megaro. Boyle appointed a guardian to investigate.

The guardian discovered the predatory loans. He learned Megaro had not set up a trust or estimated his clients' future medical needs. After Megaro's fees and loan payments, McCollum would net \$178,000 and Brown \$308,000 from the police settlement.

At the next hearing, Megaro angered the judge by repeatedly refusing to reveal his fees for the earlier state compensation.

When McCollum testified, his yearning for independence was palpable. He had learned to pay bills and use a computer and iPhone. He had five Facebook accounts.

He said he trusted Megaro, yet he knew little about legal matters or how Megaro entered the case.

Megaro insisted that McCollum was competent to hire his own lawyer.

Boyle zeroed in on this claim when Rose took the stand: "Is it your impression that the same vulnerability that subjected him to a false confession and 31 years of death row imprisonment is now operating on his claims for recovery, that he's subject to manipulation and control?"

Rose responded: "There's no question in my mind, your honor, that's true."

After the hearing, when Rose went to shake McCollum's hand, his client of 20 years turned and walked away.

At the next hearing, Boyle declared that the brothers were incompetent and that their contracts with Megaro were void.

The judge said he would approve the police settlement, \$500,000 for each brother, and would determine Megaro's fees. Court-appointed guardians would put the money in trust and the brothers would not be obliged to repay their loans out of the settlement.

"Take it or leave it," Boyle said.

Megaro stammered out a yes.

The case is far from over. The State Bureau of Investigation and the Robeson County Sheriff still face lawsuits.

McCollum lives in Virginia with his fiancée. On Monday, a judge there appointed a guardian to protect McCollum's finances and recover any misappropriated money.

Brown lives in a North Carolina group home, where his sister visits regularly and sometimes takes him home on weekends. In a phone call, Brown said he didn't belong in a group home. "A judge put me here," he said. "I want my freedom."

As for Pointer and Weekes, they said they were still owed \$75,000 from the state compensation and may sue Megaro. Asked if she had any regrets, Pointer said she was offended by the question.

"We came into this with pure hearts to help two brothers who had suffered," she said.

Lawyer Accused of Preying on Vulnerable Clients

The North Carolina bar says he fleeced two mentally disabled brothers.



Patrick Megaro, an attorney, outside the federal courthouse in Raleigh, N.C., after a 2017 hearing about his legal fees for representing Leon Brown and Henry McCollum. TRAVIS DOVE FOR THE MARSHALL PROJECT

NEWS | UPDATED 3:21 p.m. 09.26.2018

By JOSEPH NEFF

A Florida lawyer defrauded, deceived and embezzled funds from two mentally disabled clients who were declared innocent after spending 31 years in prison, according to a complaint filed Wednesday by the North Carolina State Bar.

Henry McCollum and his half-brother, Leon Brown, were exonerated in 2014 after serving decades in prison for the notorious rape and murder of an 11-year-old girl. They received \$750,000 each from the state in compensation.

The State Bar charged that Orlando lawyer Patrick Megaro took excessive fees when he pocketed a third of each award despite having done virtually no work on their exonerations or compensation cases.

The complaint portrays two vulnerable men—“McCollum and Brown have IQs in the 50s,” the bar wrote—who were exploited by a lawyer required to act in their best interest. The complaint lists 16 separate ethical violations. Megaro allegedly lied to federal and state judges, double-billed his clients and misused trust funds. The complaint says he engaged in fraud by signing off on loans at 42 percent interest and shared legal fees with a non-lawyer. And, the bar alleged, Megaro failed to act with competence as a lawyer by failing to determine a police department’s insurance policy limits before reaching \$500,000 settlements.

Reached by telephone Wednesday, McCollum said he’s unhappy with his former lawyer. “He took money that he should have never took,” McCollum said. “I could have that money right now.”

The Marshall Project detailed the brothers’ plight in a story published in partnership with The New York Times.

Megaro did not respond to requests for comment Wednesday. His law partner, Jaime Halscott, derided the complaint as meritless. He accused the State Bar, a state agency, of protecting North Carolina from lawsuits that Megaro filed on behalf of McCollum and Brown. Halscott said a settlement or jury verdict in those cases could reach \$100 million.

“This is a political prosecution, absolutely,” said Halscott.

The bar complaint actually supports the brothers’ lawsuit by acknowledging that the men are innocent and were wrongly convicted.

Wednesday’s complaint begins a legal process similar to a civil lawsuit that will likely culminate in a public trial of the charges, with three members of the state’s Disciplinary Hearing Commission sitting as judge and jury. The most serious consequence would be disbarment, the likely end of a career for a lawyer. The North Carolina State Bar is required to report any disciplinary results to the other states where Megaro is also licensed to practice law: Florida, New York, New Jersey, Texas and Washington.

An earlier version of this story incorrectly described the three-person panel of the state bar’s Disciplinary Hearing Commission.