



INNOCENCE PROJECT OF FLORIDA

Unlock the Truth

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July 20, 2020

The Office of Executive Clemency
Florida Commission on Offender Review
4070 Esplanade Way
Tallahassee, FL 32399-2450

Re: Leo Schofield, Application for Commutation of Sentence

Dear Clemency Board Member:

Leo Schofield was convicted for the murder of his wife despite the evidence being entirely circumstantial. We now know, however, that another man and multi-time murderer, Jeremy Scott, has confessed multiple times to the crime, including once recorded and once under oath in court, with certain accurate details that only the true assailant could know. Jeremy Scott's confession is corroborated by his fingerprints being in the victim's car and other undisputed facts of the case. The victim's body was deposited in a canal in an area that Jeremy Scott took a former girlfriend for sexual trysts and that was near his grandmother's home. In light of the clarifying details provided in Jeremy Scott's confession, it is unlikely the testimony of key State witnesses was accurate.

Leo and Michelle Schofield were young and had a rocky relationship, but the evidence as it now stands points to another man now imprisoned for himself committing another murder and strongly points to Leo Schofield's innocence and wrongful incarceration. Mr. Schofield's continued incarceration for a murder committed by someone else only compounds the original tragedy of Michelle's death.

Despite experiencing the trauma of wrongful incarceration, Mr. Schofield has made the most of his time in prison. He earned a high school diploma and a college degree in Christian Ministry. He has taken part in significant self-betterment programming, including being a founding member of the Lifepath program at Hardee Correctional Institution. His commitment to being a productive member of the prison community is outlined later in this letter and in a more detailed release plan attached at Tab D. He has since remarried to a social worker and has an adopted daughter—a family with whom he can create a stable life if granted clemency. His experience since his original incarceration shows his maturation and growth and that he will be an asset to society if privileged to be granted clemency.

We respectfully submit this letter in support of Leo Schofield's Application for Commutation of Sentence pursuant to Rules 8 and 5(B) of the Rules of Executive Clemency. Mr.

Schofield is serving a life sentence with parole eligibility after 25 years for first-degree murder in Tenth Judicial Circuit Case No. 1988-CF-002346 stemming from the February 24, 1987 abduction and death his wife, Michelle Schofield.

Pursuant to Rule 8(A) of the Rules of Executive Clemency, applicants are eligible for commutation only after completing one-third of their sentence, or one-half of their sentence if there is a minimum mandatory sentence. Mr. Schofield has served more than 33 years in prison and exceeded the entire 25-year mandatory sentence before reaching eligibility for parole. As such, he is eligible under Rule 8(A). Further, as this case is of exceptional merit, we request expedited review pursuant to Rule 17.

This letter serves to provide a brief background and history of the case, as well as the evidence in support of Mr. Schofield's innocence. It will additionally outline the kind of person Mr. Schofield has become since the beginning of his incarceration that would make him a strong candidate for release into free society. A detailed transition plan to ensure a positive and successful reintegration back into free society is attached at Tab D. It is our hope that after your review, you will find his case worthy of clemency.

CASE FACTS

A. The Trial

Michelle Schofield worked at Tom's Drive-in restaurant in Lakeland, Florida. She clocked out at 8:15 p.m. on Tuesday, February 24, 1987 and never returned home. Her boss saw her walk across the street to Sparky's Exxon Gas Station. At the time, she was wearing red pants and a white shirt. (T. 763). Johnnie Monds testified that in February 1987, she worked at Sparky's and remembered two persons, Leo Schofield and his father Leo Schofield, Sr., came in asking about whether she saw Michelle Schofield the night before. They showed her some pictures and she remembered that she saw Michelle between 8:00 p.m. and 9:00 p.m. the night before. Michelle had gotten \$3.00 worth of gas and asked for a pay phone. She drove a little orange car. When she left, she headed toward Interstate 4. (T. 774-75). Mary Cook worked at Busy Bee Foods across the street from both Tom's restaurant and Sparky's Exxon. She saw Michelle outside her window using a pay phone, but this occurred between 5:30 and 6:00 p.m. on the day Michelle disappeared—two to three hours before she got off work. (T. 778-79).

Michelle and Leo spent the previous evening, Monday, at the home of Jim and Anita Anderson and their son Buddy. Leo played in a band with Buddy. Anita last saw Michelle when Michelle went to bed on Monday night. Anita got up at 5:30 a.m. on Tuesday morning and went to work. (T. 795-97). She got home from work after 3:00 p.m. on Tuesday and no one was at home. According to Anita, Jim got home from work at between 6:00 and 7:00 p.m. on Tuesday. (T. 800). Between 8:30 and 9:30 p.m. the phone rang in the Anderson home and Leo answered it. According to Anita, who heard Leo's side of the conversation, the person who called was Michelle. Leo seemed upset because Michelle was late. Leo told Michelle to meet him at Vince Rahner's house and they would go get a bite to eat. (T. 799). Anita said that Leo and her son Buddy left at approximately 10:00 p.m. to go to Vince's house. (T. 800).

Anita got up at approximately 4:30 a.m. the next morning and heard voices. She went into Buddy's room and Leo was there talking to Buddy. Leo told her that Michelle had not shown up the night before and that everyone was concerned about what had happened. (T. 800-01). When Anita left for work that morning, Leo was asleep on her couch. (T. 800).

Anita said that when she saw Leo the following day, he was concerned "that the worst had happened" to Michelle and that he thought "that she might be dead and hoped that they didn't find her in water." (T. 802-03). She said that in the week or so after Michelle's body was eventually found, Leo seemed very upset and sorrowful, but that within weeks following the funeral, he started seeing other women. (T. 803-04). She also testified that a couple weeks before Michelle died she heard Michelle tell Leo she wanted to go "back to Massachusetts" with him and that Leo told her she would have to stay in Florida with her father. (T. 804).

In February 1987, Jim Anderson and Leo Schofield were employed by Paramount Cable T.V. in Land-O-Lakes, Florida. (T. 953-54). On Monday, February 23, 1987, Leo worked with Jim, and that night Leo and Michelle spent the night at the Anderson house. On Tuesday morning, Jim and Leo drove the hour and a half trip to work and returned home that evening at, according to Jim, 5:30 or 6:00 p.m. (T. 954-55). Leo's father stopped at the Anderson house that Tuesday evening and stayed for about thirty minutes while Leo and Buddy played some songs in the garage. (T. 956). Jim said that at about 8:30 or 8:45 p.m., Leo received a phone call from Michelle and was "uptight" because Michelle was late. Sometime after the phone call, Leo and Buddy left to go to Vince's house. (T. 957-58). Jim testified that the next time he saw Leo was at 7:00 and 7:45 a.m. Wednesday morning. Leo was asleep on the couch. Jim said that Leo told him that they still had not been able to locate Michelle. (T. 957-58).

Although Leo later disputed it, Jim testified that he and Leo went to Land-O-Lakes to work that Wednesday morning. (T. 959). Jim said that on the way, Leo told him he had strange feelings that Michelle would be found dead. (T. 960-61). Jim said that a few minutes after they got to Land-O-Lakes, Leo insisted on going home so that he could look for Michelle. Jim said Leo told him that if Jim did not take him back to Lakeland, he would walk; in fact, Leo started to walk but headed in the wrong direction. (T. 960-61). Jim said he was furious but took the day off. He took Leo back to Lakeland. (T. 956-68). Jim said that at one point, Leo stated he hoped that if Michelle were found dead, she would not be found in water. (T. 963). Jim said that on Thursday of that week, Leo told him that if Michelle were found dead, they would probably put the blame on him because he was her husband. Jim said that Leo asked him if he would contact a good lawyer for him. (T. 964-65). On cross-examination, Jim at first denied and then admitted that he fired Leo within a week after Michelle's car was found. (T. 976-77).

Buddy Anderson testified that he returned home from work on Tuesday at 6:00 p.m. and said Leo and his dad arrived between 8:00 and 8:30 p.m. (T. 874-75). Buddy confirmed that Leo got a phone call from Michelle and that he and Leo went to Vince Rahner's house to wait for her. Buddy and Leo left the Anderson house at 9:45 p.m.; the trip to Vince's took about 3 minutes. (T. 875-76). Buddy testified that he stayed at Vince's for approximately an hour, and that after about 20 minutes, Leo called his dad to tell him that Michelle had not arrived. (T. 877). Buddy said he left an hour later and returned home. He next saw Leo at 4:30 or 4:45 a.m. the next morning knocking on his window. Leo was very upset and crying. They sat and talked for about an hour

while Buddy tried to calm Leo down. But he said that Leo looked worried that someone was going to hurt or kill Michelle. Leo told Buddy that Leo and his father had been out looking for Michelle, that they had run out of gas, and that Leo returned to the Anderson house. (T. 877-78). On cross-examination, Buddy indicated that when Leo came to his home that morning, he appeared to be wearing the same clothes he wore the night before. (T. 879-80). **He did not see any blood on Leo or on his clothes.** (T. 884). Buddy said Leo was very upset and that he did not mention going to David Saum's, Michelle's father's house, or talking to police officers at Gate service station. (T. 880-81). Buddy also testified that he was with Leo "until almost midnight on Tuesday night." (T. 883).

Jude Rahner was the teenage brother of Vince Rahner and lived with Vince. (T. 831-32). He testified that Buddy and Leo arrived at his house at about 10:30 p.m. the night Michelle disappeared. Vince was not home at the time, and Vince's girlfriend was asleep. (T. 833). Jude said that Leo told him Michelle was supposed to pick him up and take him to McDonald's to get something to eat. (T. 833-34). According to Jude, Leo stayed up to two hours. About 15 or 20 minutes after he had a conversation with his dad, Leo left the house. Jude did not see Leo's dad that night. (T. 834). On cross, Jude indicated that while Leo was there, he expressed concern about where Michelle was, and Jude believed that Leo called the Sheriff's department and also called his father twice. (T. 837-38).

Vince Rahner testified that he got home from school in Tampa at 10:30 p.m. that Tuesday night. (T. 843). When he arrived, Jude, Buddy, and Leo were in the living room. Vince's wife Lynn was in bed asleep. (R. 843-44). According to Vince, Leo stayed there for about 45-60 minutes after he arrived. During that time, Leo called his dad asking for a ride to go look for Michelle. (T. 844-45). After Leo left, he returned at 12:15 or 12:30 a.m. and asked if Michelle had been there. Vince suggested Leo call the police and the hospital. While Vince stood nearby, Leo called the Sheriff's office. While he was on the phone, Leo appeared "excited," "ruffled," "at wits end," and "nervous." Leo stayed at Vince's for approximately half an hour. (T. 846-47). Vince did not see Leo's dad, but Leo said his dad had arrived, and Leo walked outside.

The telephone call Leo made to the Polk County Sheriff's Office at 12:40 a.m. from Vince's house was recorded and recited to the jury as follows:

Undoubtedly she's just out fucking around somewhere. If she is, God help her. I mean I know you talk to me Vince and everything else, but God, you just don't know what she's like. She does this to me all the time. I can't stand it. Remember that time you laid on the couch, I'm feeling that right now really hard, really extreme because I can't afford to fucking worry about this kind of bullshit. The slightest little problem fucking trips me out. I don't know why, but they just man, I hate this feeling. I fucking hate it. (T. 2278).

Michelle McClusky Truax ("Ms. Truax") testified that Michelle Schofield was her best friend. (T. 1033). She said that about one to two months before Michelle Schofield died, Leo told her he would give Michele Schofield anything if she would just leave. (T. 1036). Ms. Truax said that on the day following Michelle Schofield's failure to return home from work, Leo and his father came to the Food World store where she worked, told her that Michelle Schofield had not

shown up the night before, and asked her if she had seen her. (T. 1037). Ms. Truax testified that after Michelle Schofield's funeral, Leo lived with her and her husband for a time. She said at one point, Leo said, "I could have done it and I would never even know. . . . I could have blacked out and done it and I would never even remember." She said that on another occasion after Michelle Schofield's body had been discovered, Leo showed her where her body had been found. She indicated that on the day the body was found, she was with Leo and law enforcement did not allow them into the area where the body was located. (T. 1038-39). She said he told her not to tell his father that he had taken her to that location. (T. 1039). Ms. Truax testified on cross-examination that on Thursday night, after the car had been found, "we looked all night on Combee Road. Then that morning we went to Michelle Schofield's grandmother's house and Leo fell asleep, so I went to sleep." (T. 1047). When she woke up, Leo had left in her truck, but a few minutes later he called her and told her that "they" were planning to go out searching on Highway 33. She told him to come get her, and he did. By the time they got out to 33, the body had already been found.

Thurman Tuel was a vacationer from Ohio. (T. 991). He described an incident that occurred about 8:30 or 9:00 p.m. on an unspecified day in February 1987, as he left I-4 and headed into town on State Road 33. He described the incident as follows:

I headed in toward town. . . like a mile or something like here sat this little blue, light in color, and I can't you now whether it was like a little Love truck or a courier or a Ford Ranger, you know what I'm talking about, sitting along the road, and your natural curiosity, you know, you're going down an interstate or whatever you see somebody sitting along the road you give them a second look, you know. And here come these two guys up out of the wilderness, or whatever you would call that area right there, and they were dressed too nice to be there. You know, they weren't fishing. They were dressed like any of these male jurors here, you know, okay? And I told my wife, I says isn't funny, I wonder what them guys was doing. They were, in appearance, to be under thirty years old. (T. 993-94).

Tuel went on to say that the next afternoon he went to Tampa to visit a friend. As he was leaving town, "we're going out the road and here is police cars and everything that you could name on both sides of the road, you know. And I told my wife, I says right there's the spot where we seen them two guys last night, that exact same spot." (T. 996). It is not clear from Tuel's testimony whether he returned to Polk County that same day, but when he did, he saw in a newspaper that a girl's body had been found so he contacted the police. (T. 995-96).

Ricky Scott, who lived across the street from Leo and Michelle, testified that at some unspecified time "just prior" to his finding out that Michelle was missing, his wife had awakened him in the middle of the night to tell him that something was wrong "over there." He told her to shut up and go to sleep. (T. 1018).

Ricky Scott's wife, Alice, was the State's most important witness. And perhaps the most critical passage of her testimony was as follows:

- Q. . . .when's the last time you had seen Michelle?
A. The day before she come up missing.

- Q. And what time of day or night did you last see her?
- A. It was during—I don't remember the exact during the day before my children came home from school. It was around—I'm pretty sure it was around—just right after my husband went home at 1:00 o'clock.
- Q. Did you ever see her in Leo's company before she died?
- A. Yes sir.
- Q. Tell me about that.
- A. Well, the last time I saw them together they were—I can't sleep at night so I'm up and down. I heard a noise and I got up and Leo and her were going into the trailer. (T. 1114-15).

She went on to describe the first time she saw Leo and Michelle together as occurring at 1:00 or 1:30 a.m. (T. 1116). She said they went into the house and closed the door and she could hear arguing and screaming and “it sounded like he was pushing her up against walls.” She said about twenty minutes after they arrived, Leo got in the car alone and left. (T. 1117). At that point, she woke up her husband and told him something was going on across the street; he told her to stop being nosey. Later, she heard a car, so she got out of bed again and saw Leo back up his car to the porch, lift the hatchback, and go into the house. She said Leo then came out of the house carrying something in his arms but she could not see what it was. It appeared to be heavy and he put it in the back of the car. (T. 1118-19). **She told the police this occurred at 2:30 to 3:00 a.m.** (T. 1127). **At this same time, Michelle's father, David Saum, saw Leo at the Saum trailer (2:20 a.m.) and three Polk County Sheriff's deputies saw Leo at a gas station reporting his wife missing at 3:00 a.m.** (T. 1009, 1892). She told the prosecutor that she was about ten to twenty feet away when she saw this occur. (T. 1111). **In direct contradiction to her trial testimony, State Attorney Investigator Tom Andrews determined that the Scotts' trailer was 160 feet away from the Schofields' trailer and there was a line of trees in between the Schofield and Scott trailers.** (H. 331).¹ At that point, she noticed her sister-in-law drive up, so she went outside to talk to her. (T. 1120).

Alice indicated that she saw someone around the trailer in the last couple of days. (T. 1118). She said she saw Leo the next morning standing in his front door wearing a leather jacket but no shirt at around 10:00 a.m. (T. 1118). When the prosecutor asked for clarification whether it was “the same actual day as the 1:00 o'clock in the morning?” Alice answered, “No sir. . . . It was the same day of the week, but it was the next morning, the next day.” (T. 1119-20). She said that Leo was driving a little truck she had never seen before and he was taking a carpet cleaner into the house where he cleaned the carpet. (T. 1119). She also indicated that a few days after the police first contacted her, Leo told her that “the law's trying to pin the murder” on him. (T. 1120).

On cross-examination, defense counsel said to Alice, “you said that this was 1:30 when Leo got home with Michelle on Wednesday morning?”, and Alice responded, “Yes, sir.” (T. 1130-31). Defense counsel later asked her if she was sure it was Wednesday morning, and she said yes. (T. 1131). But she went on to say, “*I can't remember dates anyway.*” She said that Leo was in the house for 15 to 20 minutes before he left and was gone 20 minutes. (T. 1132-33). She said when he returned, he was in the house for approximately 10 minutes. (T. 1132). She said that Leo was carrying whatever he had like a person would carry a sleeping child. (T. 1150). Contrary to her

¹ (H. XX) citations refer to the transcript of the postconviction evidentiary hearing held in this case on October 12, 2017.

direct testimony, Alice Scott said that there had been a lot of screaming including, “No, Leo, don’t, stop” after Leo came back alone. (T. 1153). She said the screaming went on possibly ten minutes and that it was possibly ten more minutes before Leo came out of the house. (T. 1153-54). She also acknowledged that she had previously told the police that at 9:00 p.m. on Tuesday evening she saw a light blue truck with a white camper at Leo’s. She said she thought the man driving was Danny Knicks but from behind, he looked like Leo Sr. (T. 1157-58).

Linda Sells testified that she was Alice Scott's sister-in-law and lived next door to her in February 1987. (T. 1177). She worked from 4:00 in the afternoon until she finished her duties cleaning banks. Usually she got off at 2:00 or 3:00 in the morning. (T. 1178). When asked the last time prior to Michelle’s death she saw Leo, she responded, “I don't know if she was missing or gone already, but one particular night when I got off work I got off early and it was around— between 1:00 and 1:30, and as I come around the corner I could see their trailer you know, my light shined over there. (T. 1180). She said that, as she drove by, she saw Leo carrying something out of his house in his hands, but she could not tell what it was. (T. 1181). When she got out of her car, she talked to her sister-in-law, Alice Scott. (T. 1182).

Contrary to Alice Scott, who said she saw Leo carrying something the night before Michelle went missing, Ms. Sells testified they did not know the night of the week that she observed that incident, but that it was a week or two before the police officers interviewed her on the Saturday following Michelle's death. (T. 1183-84). When asked specifically whether she was telling the jury that the night she saw Leo was the night Michelle disappeared, Ms. Sells responded, “No, I’m not saying it.” (T. 1187).

David Saum testified that the last time he saw his daughter Michelle was around noon on February 24. (T. 1009). At 2:30 the next morning, Leo woke him up by knocking on his window and telling him Michelle was missing. (T. 1009). Saum said Leo did not ask if Saum had seen Michelle or if he knew where she was. (T. 1009-10). He said Leo told him that his mother brought him there, and he noticed a car in the driveway. Leo was at his house for eight to ten minutes. (T. 1009-10).

Mary Laffoon and her husband lived around the corner from Linda Sells. (T. 1196, 1198). Mary knew both Leo and Michelle, but had never met them in person. (T. 1201). Ms. Laffoon, a paper carrier, was picking up and delivering papers between 1:00 and 5:30 in the morning. (T. 1197). She testified that it was *very foggy* one morning late in February when she was coming home from making her deliveries from Polk City. While on State Road 33, within half a mile of Alternate 33, she saw a car she identified as the Schofield car alongside the road. There was a “bluish” pick-up truck stopped near it. She did not recognize any of the people she saw. (T. 1201-03). She said there was someone sitting at the passenger side and at least one, probably two people standing at the passenger side. Her husband Randy testified that the Schofields had a small orange station wagon and that he had also seen a small blue pick-up at their house. (T. 1208). He testified that one unspecified day in February, he saw the Schofields’ “little orange car” and a pick-up truck on Highway 33 south of Interstate 4. He said the pick-up “looked like the one that was around— that would come in the neighborhood and go over to the people’s house over there where the orange car was.” (R-1209-10).

Deputy Gregory Brunner testified that on February 26, he was dispatched to a place on I-4 near 59 to investigate the vehicle of a person who had been reported missing. He said he arrived before the wrecker service and the car door was unlocked. (T. 1235).

Leo's father, called as a State witness, found Michelle Schofield's body and the State elicited testimony that Leo, Sr. allegedly said that God led him to it. (T. 929).

A crime scene technician responded to the scene of Michelle's body. He found a jacket approximately nine feet from the body, and the body was face down in the water under a piece of plywood. (T. 1387). There were blood spots on the ground approximately twenty-seven feet from the canal where the body was found. (T. 1397-99). There were drag marks approximately nine feet long leading from the bloodstains, but they did not adjoin the blood. (T. 1388). Loose change was found in the roadway near the apparent blood. (T. 1388). Michelle was wearing a white t-shirt and red pants. (T. 1393). Michelle had two rings on her fingers. (T. 1393). She did not have on any shoes, wallet, or any other personal effects. (R-1437). Michelle's jacket was "virtually soaked in blood." (T. 1400). He conceded that the body probably had to be carried from the point of the blood stains to the point where the drag marks started and that scrapes and scratches on Michelle's back were a good indication that the body had been dragged. (T. 1419). The plywood had been cut on at least two sides and possibly three. The tech conceded that it would likely leave splinters or some kind of residue if it had been transported in a vehicle. (T. 1413). No such wood residue was found in Michelle Schofield's abandoned car.

The medical examiner testified that Michelle died from twenty-six stab wounds caused by a knife. (T. 1061). More than one of the wounds would have been fatal and she would have died within a matter of seconds. (T. 1076-77). **There was extensive bleeding, probably two or three pints outside the body and another two or three pints internally.** (T. 1081). She had multiple stab wounds on the right side of her neck, she had three stab wounds on the left side of her back. (T. 1070-71). The medical examiner opined that wounds in the back probably occurred first (T. 1089), and that the wounds on the front were more consistent with the victim lying down than standing up when they were inflicted. (T. 1087).

Ed Guenther, an FDLE crime lab analyst, testified about doing screening testing for possible blood in the trailer occupied by Leo Schofield. In direct contradiction to Alice Scott's testimony, Guenther said that when he examined the carpeting at the trailer there was **nothing about the carpeting that indicated it was recently cleaned.** (T. 1297). In the areas where there was possible blood, he found no indication of blood beneath the carpeting. (T. 1302). A serology expert confirmed that there was only a small portion of the carpet from the Schofield trailer that may have had human blood on it, but it also could have been vegetable matter or vodka. (T. 1379-80, 1351). Leroy Parker, FDLE crime lab analyst, processed the Schofields' orange Mazda station wagon for hairs, fibers, blood, and latent prints. Among other items, he found a Downey bottle with suspected blood and a piece of carpet with a blood stain in the back. (T. 1240). A fingerprint near this bottle would later be identified to a convicted murderer, Jeremy Scott.

Detective Robert Weeks, the lead investigator, stated that the carpet in the Schofields' trailer did not smell or appear to be freshly cleaned and he even said there did not appear to have been a fight in the trailer. (T. 1555-56). When initially interviewed, Alice Scott and Linda Sells

did not mention Leo moving a heavy object. (T. 1525-26). Importantly, Detective Weeks confirmed that the timeline Leo provided for his whereabouts on the evening of Michelle's disappearance was consistent and fits. That timeline was as follows, starting at 1:30-2:00 a.m. on February 25, 1987:

- A. Drove to the Saum's – 25 minutes
- B. Stayed at the Saum's – 15 minutes
- C. Drove from the Saum's back to his trailer – 25 minutes
- D. Time at his trailer before leaving again – 10 minutes
- E. Time talking to Deputies Dyess and Fennelly – 10 minutes, ending about 3:00-3:30 a.m.

(T. 1540-42).

Leo called two Polk County Sheriff's Deputies as defense witnesses. Deputy Nona Dyess was on duty the night of February 24, 1987 and into the morning of Wednesday, February 25, 1987. (T. 1879). In the early hours of Wednesday morning, she and another officer were parked at an intersection alongside another patrol car. She was the passenger in the first patrol car—the driver was Sergeant Michael D'Alto. Deputy Patrick Fennelly drove the second patrol car. (T. 1881). Around 3:00 a.m. on Wednesday morning, they heard a BOLO over the radio. (T. 1882). Around the same time, a young man came up between the cars; in later conversations with Detective Weeks, she learned it had been Leo. (T. 1882). After listening to the conversation Leo had with the other officers, she concluded that he was speaking with them because his wife was missing. (T. 1885). Leo informed them that his wife, Michelle Schofield, was supposed to have returned home at a certain time and had not; he was out looking for her. (T. 1893). Shortly after he left the scene, a BOLO came over the radio referencing a missing person named Michelle Schofield.

During closing arguments, the State highlighted significant improper character evidence that it offered in its case-in-chief. The defense essentially argued someone other than Leo Schofield committed the murder and told the jury "Wouldn't you like to know, for example, if someone else's fingerprints were in that . . . Mazda? Wouldn't you like to know if there was a strange fingerprint in that automobile?" (T. 2318). Without any definitive evidence to answer these critical questions, the jury convicted Leo Schofield and sentenced him to life in prison.

B. Initial Investigation into Jeremy Scott and the Prior Newly Discovered Evidence Claim

The answer to the questions posed by Leo's trial counsel in the closing argument at trial came more than fifteen years later when the unknown, exculpatory fingerprints found in Michelle Schofield's abandoned vehicle matched to a convicted first-degree murderer who has now admitted to killing Michelle Schofield.

In December 2004, the Florida Department of Law Enforcement tested the fingerprints found in Mrs. Schofield's Mazda and matched them to Jeremy Lynn Scott ("Scott"). His prints were located inside of the driver's side window and on a document recovered from the cargo area,

near a detergent bottle with a bloody smudge that had the same blood type as Mrs. Schofield's. (T. 1274, 1326, 1335). In addition to other violent felonies, Scott was charged with two murders in Polk County and convicted of one, for which he is presently serving a life sentence.

Detective Louis Giampavolo ("Det. G") of the Polk County Sheriff's Office was assigned to reinvestigate Leo's case in 2004 after previously unidentified fingerprints located in Mrs. Schofield's vehicle matched convicted murderer Scott. (P. 24)². Det. G testified that he interviewed Scott on January 11, 2005 at Washington Correctional Institution. (P. 29). **Det. G. could not rule out Mr. Scott as a suspect in Mrs. Schofield's murder.** (P. 36). Shortly thereafter, Scott made a telephone call to his grandmother saying he had spoken with an inmate who told him he could get the death penalty. (P. 117, 140). In February 1987, when Mrs. Schofield was murdered, Scott lived with his grandmother in a trailer 1.7 miles from the canal where Mrs. Schofield's body was dumped. (P. 34-36). The trailer park where Scott resided was off the same road Mrs. Schofield would have taken to pick up Leo at band practice.

Jami Nelams, Scott's girlfriend at the time, provided further corroboration of Scott's familiarity with the Lakeland area on foot and by car, and that Scott knew "short cuts for anything." (P. 49). **Scott did not have a car so he frequently hitchhiked and bummed rides.** (P. 49). She testified that Scott was an extremely violent individual who frequently beat her and choked her until she was unconscious. (P. 55-60). Nelams recalled picking Scott up at the North Combee Road trailer 1.7 miles from the canal on many occasions, beginning in early 1987. (P. 49, 52-54). Nelams gave a detailed account of being taken twice by Scott to a canal area, within one and two months of the Schofield murder respectively, late at night and/or in the early morning hours to have sex in this remote place. (P. 32, 52-54). This was a mere "few hundred yards" from where Mrs. Schofield's body was found. (P. 40). She recalled Scott's extreme familiarity with the canal area's location, despite its desolate nature, and his complete lack of hesitation in driving to, finding, and navigating his way through and around this dark unlit location. (P. 52-54). Because this evidence established that Scott knew this area so intimately within one month of Mrs. Schofield's homicide, Scott's extremely strong knowledge and familiarity with this area certainly had to exist at or before Mrs. Schofield's death. (P. 52-54).

The murders of Michelle Schofield and Donald Morehead, Mr. Scott's victim for which he is serving life, are similar. Mrs. Schofield's body was found fully clothed, with all her jewelry, dumped in the canal Scott used as "his lair." The only thing she was missing was the \$13.00 she made in tips from work. When Scott was eighteen years old, again in Polk County, he bludgeoned 37-year-old Donald Moorehead over the head with a bottle while he slept in a lounge chair. (P. 131). Scott then strangled him with a telephone cord. He stole about \$20.00 and Moorehead's Chevrolet sedan.

On May 5-6, 2010, the postconviction court conducted an evidentiary hearing on Leo's first motion for postconviction relief alleging this newly discovered evidence of the fingerprint match to Jeremy Scott. Scott testified for the State. He admitted he had seven felony convictions and he allegedly stole the car stereo from Mrs. Schofield's vehicle, despite photos of the inside of the vehicle showing the car stereo still present in the vehicle. (P. 116). At the hearing, he claimed he recognized Mrs. Schofield's car, despite telling his grandmother in January 2005 that he did not

² (P. XX) refers to the transcript of the May 5-6, 2010 postconviction evidentiary hearing.

recognize the photos of her vehicle. (P. 116-17). Indeed, Scott affirmed that, on two occasions, he had been in the area where Mrs. Schofield's body was found. (P. 120-21). Scott confirmed that the detective who came to see him in 2005 **did not give him any details about the case or any details about the blood.** (P. 125).

C. Jeremy Scott's Multiple, Detailed Confessions

On July 29, 2016 at approximately 1:30 p.m., counsel for Leo, Andrew Crawford, spoke to Jeremy Scott via telephone from Colombia Correctional Institution. Scott advised that Leo Schofield, Jr. was an innocent man and that, on the day of Mrs. Schofield's murder, in February 1987, it was raining and Scott saw Mrs. Schofield using the phone at a gas station. He approached Mrs. Schofield and asked for a ride since it was wet and Scott did not have a car. Scott said that Mrs. Schofield gave him a ride and he asked her to drive to a hidden lake that he knew of off Combee Road. Scott advised that he was taking pills and heavily under the influence. When they arrived at the lake off Combee Road, Scott said that he stabbed Mrs. Schofield and killed her. He further advised that no blood was found in her vehicle because of the knife he used. He also stated that her jewelry was still on her. Scott told Mr. Crawford to tell Leo that he was sorry and that he would be willing to take a polygraph examination. According to Scott, prior to his testimony in the 2010 postconviction evidentiary hearing, the prosecutor John Aguero promised to speak for Scott at his parole hearing in exchange for his testimony denying the killing. There was no dispute that this telephone call between Mr. Crawford and Jeremy Scott took place.

Although prior to the telephone call, Scott asked via letter "what's it in" for him and he refused to sign an affidavit, Scott confirmed that he spoke with defense counsel on July 29, 2016, that defense counsel never offered him anything, and Scott additionally verified that defense counsel told him he could not get anything in exchange for his testimony. (H. 326-27).

Mr. Crawford then obtained and reviewed twenty-seven years' worth of Scott's prison records, more than 2,000 pages. He identified inmates who either associated with Scott or were Scott's cellmates and sent letters to them asking if they had any information related to Leo's case.

Paul Kline ("Mr. Kline") responded and confirmed that he knew Jeremy Scott while they were housed together at Washington Correctional Institution located in Chipley, Florida. (H. 189). They became friends. After law enforcement interviewed him in connection with his fingerprints being found in Mrs. Schofield's car, Scott approached Mr. Kline. (H. 190). Scott was scared, said he left footprints at the crime scene, too, and then told Mr. Kline he killed Mrs. Schofield. Mr. Kline told Scott that he could get the death penalty if he was convicted of Mrs. Schofield's murder. (H. 193). Records from the Department of Corrections confirm Scott was housed near or with Mr. Kline. Furthermore, Scott's call to his grandmother after law enforcement interviewed him substantiates Mr. Kline's statement because Scott says another inmate told him he could get the death penalty.

On September 27, 2017, Scott voluntarily sent Mr. Crawford a letter confessing to the murder of Michelle Schofield. The letter³ states:

³ The letter is included as written, without edits.

I would like to make a statement. I, Jeremy Lynn Scott, write this on my own free will. Mr. Schofield did not kill Mrs. Schofield. He didn't have anything to do with it! I, Jeremy Lynn Scott, killed Mrs. Schofield that night. I can tell you every thing what kinda knife it was and how the cops picked me up, but let me go. I can tell you stuff were they found Mrs. Schofield only the person who killed her would know. It time to end all this. I won't talk to the State. They have made me promise to me, but at the end it was all lies. You can hook me to that lie that will tell you if you are lieing or not. Everything I tell you will be the truth. Mr. Crawford this is my statement in my own hand writing spelling ant to good. Hope to hear from you soon.

A few days later, Scott sent a letter to the court and to the State confessing to all murders in Polk County in 1987 and 1988. On October 3, 2017, pursuant to Scott's request, he provided a detailed, taped confession to a defense investigator, in which he concluded:

I've been holding this confession for a long time. I don't know what Leo is guilty of. Whatever the state said he did in other cases I don't know but I do know he didn't murder his wife. He might have did other things to her but her didn't kill her. I'm willing to take a lie detector on this. And this is my statement and I will say it again in the live courtroom.

On October 12, 2017, the defense called Jeremy Scott as their first witness at an evidentiary hearing on Leo's motion for postconviction relief. Scott confirmed that what he said "on record" to the defense investigator was true. (H. 63). In court, Scott confirmed he sent Andrew Crawford a letter confessing to Mrs. Schofield's murder, and he confessed to a defense investigator. (H. 64-66). Scott acknowledged that the investigator said he only wanted the truth. (H. 66). Scott acknowledged that in February 1987, he approached Mrs. Schofield at a gas station where she was using a payphone. (H. 66). He was drunk on Thunderbird wine, which makes him violent. (H. 66). Mrs. Schofield asked Scott if she knew him and Scott asked for a ride. (H. 66-67). Scott asked Mrs. Schofield to take him to some trailers nearby. (H. 67). Scott directed Mrs. Schofield to a different place past the trailers, to a "make-out lake" where he had been before, she said she was married, and Scott pulled out a joint. (H. 67-68).

Mrs. Schofield said she did not smoke, and, as he was reaching for his smoke, a knife fell out. (H. 68). Mrs. Schofield panicked, started hitting Scott, and he "lost it." (H. 68). The knife was a small hunting knife with a compass on the end, which he took from his uncle. (H. 69). After Scott stabbed Mrs. Schofield, he took her body out of the car and put her body in a canal. (H. 70-71). He then drove the Schofields' car on I-4, the car "stalled out," he went up a ramp, and he disposed of the knife in a store trash can. (H. 71). He went back to the car and stole the stereo out of it. (H. 71). Scott confirmed that he had been holding in these confessions for a long time and he just wanted to get it "off his chest." (H. 71-72). He further added that "the man over (Defendant) there didn't do it. I'll take a polygraph test on that." (H. 70). Scott confirmed that Mr. Kline was his roommate for two to three weeks at Washington Correctional Institute in 2005, and, although he denied confessing to Mr. Kline, **Scott admitted to speaking with Mr. Kline "about the cops coming to see him."** (H. 72-73, 129). According to Scott, in 2010, John Aguero, an assistant state attorney, said he had influence with the parole board and could make things happen if Scott

continued with his story. (H. 73). While the prosecutor yelled at Scott, and after having two badgering the witness objections sustained, Scott, in response to seeing a picture of Mrs. Schofield's body, said he did not do that. (H. 141, 159). However, on redirect examination, Scott affirmatively said he was ashamed, he did not want to look at the picture, and he killed Mrs. Schofield. (H. 170).

Scott confirmed he received a legal call from Andrew Crawford on July 29, 2016. (H. 74). Mr. Crawford told Scott he could not promise him anything and only wanted the truth. (H. 74). Scott acknowledged he told Mr. Crawford that Leo was innocent, he snapped, he killed Mrs. Schofield, and he was drunk when it happened. (H. 75). Scott said he was telling the truth in court and no one had offered him anything. (H. 75). He said he sent the letter to the State and to the judge so that he would get the death penalty, which he knew he would not get but deserved for Mrs. Schofield's murder. (H. 76-77).

During cross-examination, Scott said that he killed Mrs. Schofield. (H. 80). However, Scott conceded that he previously denied killing Mrs. Schofield multiple times to multiple people, including prosecutors, investigators, and defense attorneys. (H. 82-83). An hour before the defense investigator spoke to Scott, Scott sent two letters, one to the State and one to the Court, confessing to all the murders in Polk County in 1987 and 1988. (H. 86-87). He again confirmed that defense counsel told him that he could do nothing for him and the defense investigator offered him nothing before his taped confession. (H. 102).

Mr. Kline met Scott at Washington Correctional Institute in 2004 or 2005. (H. 189). He met Scott through another inmate, Anthony Sawyer, a.k.a. Cold Juice. (H. 189). After Scott returned from some outside proceeding, he told Mr. Kline that the police questioned him about a murder where they found his fingerprints in the victim's vehicle and a foot print in the vicinity. (H. 190). Scott said his prints were in the car because he used to "rob" cars, the police did not charge him with anything, and Mr. Kline told him not to worry about it. (H. 190-191). A week to a week and a half later while working in the laundry together, Scott said, "what if I was to tell you that I had something to worry about?" (H. 192). Upon further clarification, Scott told Mr. Kline that he stabbed a female three times in the chest. (H. 193). Scott seemed scared or "spooked" and, if someone walked by, he would immediately quit talking. (H. 194). In 2016, Mr. Kline received a letter from defense counsel Andrew Crawford and spoke with him on the phone three or four times. (H. 195). Mr. Kline did not know Leo and has never spoken with him. (H. 196). No one promised Mr. Kline anything in exchange for his testimony, no one coerced him, and he actually did not even want to come to court. (H. 196-197).

Sean Costis, Esquire, an attorney practicing for seventeen years, listened to the telephone call between Andrew Crawford and Scott on July 29, 2016 at 1:30 p.m. (H. 249-50). He took contemporaneous notes during the telephone conversation and emailed them to defense counsel. (H. 250-51). During the telephone call, Scott admitted to killing Mrs. Schofield. (H. 251). Scott said it was raining that night, he saw Mrs. Schofield using a pay phone at a gas station, and he asked her for a ride. (H. 252). Scott ended up in the car with Mrs. Schofield and asked her to take him to a hidden lake, he was drugged up bad, and he killed her with a compass knife. (H. 252). He said Mrs. Schofield still had jewelry on her and he stole the stereo. (H. 252). Scott also said that the prosecutor lied and he was supposed to speak on Scott's behalf at a parole hearing. (H. 253).

Scott insisted that he was sorry and they got the wrong guy. (H. 254). According to Mr. Costis, Scott seemed like he was trying to get something off his chest, he seemed remorseful, and he was apologetic about someone being in jail for a crime he committed. (H. 256). Mr. Costis indicated that Mr. Crawford never offered Scott anything in exchange for this information and made it clear that Scott could not get anything out of it. (H. 256). During this interview, defense counsel did not ask Scott any leading questions and did not provide Scott any details of the case or circumstances of the crime. (H. 257).

PROCEDURAL HISTORY

On June 9, 1988, Leo Schofield, Jr. was indicted for the cutting or stabbing death of his wife, Michelle Schofield. He pled not guilty. A ten-person jury convicted Leo of first-degree murder and, on March 23, 1989, he was sentenced to life in prison without eligibility for parole for 25 years. On direct appeal, the Second District Court of Appeal affirmed Leo's conviction and sentence.

On December 4, 2006, Leo filed a Motion for Postconviction Relief alleging newly discovered evidence based primarily on the matching of unknown fingerprints in Michelle Schofield's vehicle to first-degree murderer Jeremy Scott. The circuit court first denied this Motion without a hearing, but that decision was reversed on appeal. *See Schofield v. State*, 32 So. 3d 90 (Fla. 2d DCA 2009). After an evidentiary hearing on May 5-6, 2010, the circuit court denied the Motion, finding Jeremy Scott's explanation for how his fingerprints got into the vehicle of a murdered woman—that he simply stole the stereo from the vehicle—to be credible, despite photographic evidence that the stereo was still in the abandoned vehicle. The Second District Court of Appeal affirmed that denial. *See Schofield v. State*, 67 So. 3d 1066 (Fla. 2d DCA 2011).

On December 8, 2016, Leo filed another Motion for Postconviction Relief raising a claim of newly discovered evidence based on Jeremy Scott's multiple confessions to the murder and a due process claim based on the State's withholding of information that demonstrated Jeremy Scott was incentivized by the prosecutor to deny the killing during the 2010 postconviction evidentiary hearing. After an evidentiary hearing held on October 12, 2017, the circuit court again denied postconviction relief, this time finding Jeremy Scott, who had confessed multiple times, once recorded and another time under oath at the evidentiary hearing, not to be credible. Leo appealed this decision and the Second District Court of Appeal held oral argument on September 25, 2019. On May 27, 2020, the Second District affirmed the denial of postconviction relief and Leo has since filed a Motion for Rehearing *En Banc* and to Certify Issues to the Florida Supreme Court. That Motion is still pending.

EVIDENCE OF INNOCENCE

While Leo's efforts to overturn his conviction have been continually met with resistance in a postconviction system designed to preserve his wrongful conviction, the fact remains that there is significant evidence demonstrating his innocence of the murder of Michelle Schofield. This body can rely on that evidence to determine, notwithstanding the previous legal proceedings, Leo's sentence should nonetheless be commuted.

The evidence at the time of his trial was purely circumstantial and there were significant inconsistencies with the State's key witness Alice Scott. The jury was left with the open question of who left their fingerprints in Michelle Schofield's vehicle, because that unknown person was likely the perpetrator. The evidence, as it stands today, answers that question and points clearly to Jeremy Scott as the individual who abducted and murdered Michelle Schofield. We believe that had the authorities known this information in 1987 at the time of the criminal investigation, they would have focused that investigation on Jeremy Scott. In other words, Leo Schofield would never have been investigated, charged, prosecuted or convicted for this crime.

The evidence of innocence is as follows:

- **Jeremy Scott's Detailed Confession:** Jeremy Scott has confessed on five different occasions to the murder of Michelle Scofield, including to fellow prisoner Paul Kline in 2004, in a 2016 phone call to Leo's attorney Andrew Crawford that was witnessed by another attorney Sean Costis, in a subsequent letter to Mr. Crawford that created significant detail about how the crime occurred, in a 2017 recorded statement to a defense investigator and then, under oath, at the 2017 postconviction evidentiary hearing. Among these confessions, including in his sworn testimony, there is consistent detail of facts that are supported known, undisputed facts of the criminal investigation, that only the perpetrator would know:
 1. Jeremy Scott testified that he first interacted with Michelle at a pay phone at a gas station—the last place she was seen alive and near the time she got off work. It is undisputed that Leo was at the Anderson home at that time and the Andersons testified that they saw and heard Leo on the phone with Michelle. He could not have abducted and killed Michelle if he was in a completely different place when she was abducted by Jeremy Scott;
 2. He stated it was raining when he first interacted with Michelle at the pay phone, which is consistent with the weather at the time of her disappearance;
 3. Trial witnesses placed Michelle driving toward I-4, the direction of the canal and where the car was eventually found, which is consistent with where Jeremy Scott states he told Michelle to drive after she agreed to give him a ride;
 4. Scott was specific about the knife used, and the description was consistent with Michelle's wounds. Scott stated he disposed of the knife immediately after the crime, which is corroborated by the knife not being recovered at all;
 5. The number of wounds was consistent with Scott's statement that he was drunk and "lost it";
 6. Scott said he dragged the victim from the car to the canal, which is consistent with drag marks and blood evidence near the car and the canal;
 7. Scott lived near the canal where Michelle's body was dumped, and this location was a few hundred yards from where Scott took a former girlfriend for sexual trysts. Thus, he was familiar with the area that ended up being the scene of the crime and this corroborates him directing where Michelle should drive; and
 8. Scott's residence was off the same road Michelle traveled to pick up Leo at band practice.

9. The location where Jeremy Scott stated he abandoned the car is consistent with where Thurman Tuel and Randy and Mary Laffoon testified they saw Michelle's vehicle on an unspecified night in February 1987.
- **Jeremy Scott Does Not Know Leo Schofield:** He has never spoken to Leo Schofield and does not know him other than the fact that Leo is convicted for a murder that Scott committed. Scott testified that he did not learn the facts detailed in his confession from law enforcement during his previous interactions. He also stated that he omitted his confession from his previous postconviction testimony where he explained away the presence of his fingerprints in Michelle's vehicle because the prosecutor at that time offered to help Scott with his parole in exchange for denying the murder and providing an explanation for the fingerprints. This allegation remains un rebutted. Despite Jeremy Scott not presenting well as a witness, himself having attempted to receive money for his confession and saying that he hoped to get the death penalty for what he had done, he ultimately gave a detailed, corroborated confession outside of court and under oath in court without receiving anything for that testimony and with the knowledge that the prosecutor did not believe him and would not prosecute him for this crime. Thus, the substance of his confessions has sufficient reliability to support Leo's innocence.
 - **Jeremy Scott's Fingerprints Were Found in Michelle's Abandoned Vehicle:** Law enforcement recovered two fingerprints in the vehicle that were later matched to Jeremy Scott—one located inside of the driver's side window and the other on a document recovered from the rear cargo area, near a detergent bottle with a bloody smudge, which was the same blood type as Mrs. Schofield's blood. This is strong, undisputed physical evidence that further corroborates his detailed confessions, particularly because he stated that after he disposed of the knife, he returned to the vehicle and entered into the rear of the vehicle to steal equipment.
 - **Jeremy Scott's Recent Confessions are Further Corroborated by his Confession to Paul Kline:** Paul Kline testified that Jeremy Scott confessed to him the killing of Michelle Schofield in 2004 when the two were housed together at Washington Correctional Institution. The confession occurred after law enforcement interviewed Scott about his fingerprints being discovered in Michelle Schofield's abandoned vehicle. Scott was spooked and worried about getting convicted and receiving a death sentence, which lends credit to his confession because he made it when he believed it was against his penal interest. Scott's call to his grandmother after law enforcement interviewed him substantiates Kline's statement because Scott says in that call that another inmate told him that he could get the death penalty. Paul Kline has never met or spoken with Leo Schofield or anyone connected to Leo, except his attorneys. He received nothing for his testimony and stated under oath that he did not want to come to the evidentiary hearing. He had no way of knowing about anything related to the killing of Michelle Schofield but for Jeremy Scott confessing to him in 2004. Thus, Kline's testimony is reliable and further supports the reliability of Jeremy Scott's more recent confessions.
 - **There is No Physical Evidence Connecting Leo Schofield to the Crime:** There were no fingerprints, nor was there any blood or other DNA of Mr. Schofield found at any of the

relevant locations in this case. Moreover, given the nature of the crime, one would expect to find blood at the scene and on the perpetrator that repeatedly stabbed and then dragged the victim to a canal. There was no blood found in the Schofield trailer, which according to Alice Scott was the purported place the killing occurred, and law enforcement testified there was no evidence of the carpet in the trailer having been cleaned, contrary to Alice Scott's insinuation in her trial testimony. Moreover, other than a smudge on a detergent bottle, there was no blood in the rear hatch area of Michelle Schofield's vehicle, which undercuts the State's theory that Michelle was killed at the trailer, her body was put in the rear of the vehicle and then taken to the location where it was deposited in the canal. Buddy Anderson testified that he was with Leo until well into the evening on February 24, 1987 and observed his clothing. When Buddy saw Leo sleeping on his couch the following morning, he was wearing the same clothes and Buddy did not see any blood on Leo or his clothing. Moreover, Michelle's father David Saum and law enforcement officers interacted with Leo in the early morning hours of February 25, 1987 and none reported seeing blood on Leo. The location of the blood evidence is more consistent with and corroborates Jeremy Scott's version of the crime detailed in his confessions.

- **The State's Theory How the Crime Occurred Was Implausible:** The State's star witness, Alice Scott, testified that at 1:30 a.m., she saw Leo and Michelle enter their trailer, at which point she heard arguing and screaming; Leo came out 20 minutes later alone; he left; he returned back 20 minutes after leaving; then 10 minutes later he looked like he was carrying a baby and put something heavy in the victim's vehicle. She stated that she saw Leo leave around 2:30-3:00 a.m. This timeline, however, makes no sense. Michelle's father, David Saum, provided un rebutted testimony that Leo came, with his mother, to David's house at 2:30 a.m. Moreover, three Polk County Sheriff's deputies saw Leo at a gas station reporting his wife missing at 3:00 a.m. It would have been impossible for Leo to be seen by Alice Scott purportedly committing the crime at his trailer while David Saum and these deputies saw Leo in completely different locations around the same time, much less have enough time to dispose of a body in the canal and abandon the vehicle on I-4. Alice Scott herself was unsure of which day the events she saw occurred (if they occurred at all), and Linda Sells suggested in her trial testimony that these events might have occurred on an earlier date unrelated to this crime. State Attorney Investigator Tom Andrews testified at the postconviction evidentiary hearing that Alice Scott's vantage point was actually understated by 145 feet and visually obscured by trees, making it unlikely she saw what she testified to at trial. Moreover, as stated above, there was no confirmed blood in the trailer and no evidence of cleaning, making it unlikely that Michelle was murdered in the trailer as suggested by Alice Scott's testimony. All of this points strongly to the reliability of Jeremy Scott's confessions and the substance of those confessions similarly undermines Alice Scott's testimony, as Michelle's vehicle would have already been abandoned on I-4, and thus could not have been seen by Alice Scott at the Schofield trailer many hours later.
- **While Thurman Tuel and Randy and Mary Lafoon Testified That They Saw Michelle's Car and/or Unknown Individuals on the Side SR33, They Could Not Pinpoint the Date:** Thurman Tuel testified that on unspecified night in February 1987, he saw two men in a truck on the side of the road on SR 33 near I-4 and the next morning saw police cars at that same spot. The Laffoons testified that on an unspecified morning in

February 1987 at around 3:30-4:30 a.m., they saw what they thought was Michelle's car on SR 33 with a blue truck and unknown people next to it. The State presented this evidence to suggest Leo was among these people, possibly with his father, to undercut his alibi and suggest they were disposing of the body. But none of these witnesses were sure whether this was the night Michelle disappeared or some other night. Jeremy Scott's detailed confession suggests that Tuel and the Laffoons might have seen what they testified to, but it may have been unrelated to the crime or on a different day. This is especially likely because the Laffoons knew Leo, yet they could not identify him as one of the people they saw.

- **Leo Frantically Searched for His Wife and Twice Reported Her Missing to Law Enforcement:** At 12:15 or 12:30 a.m. at the Rahner house, Vince Rahner witnessed Leo call the Sheriff's office to report Michelle missing. Leo also located sheriff deputies at around 3:00 a.m. and reported to them that his wife was missing and he was looking for her. This strongly suggests his innocence and no effort to evade law enforcement or conceal the disappearance of his wife.
- **While Leo Had a History of Being Easily Angered and Often Got in Heated Arguments with His Wife, This is Not Evidence that He Killed Michelle Schofield:** The State case at trial focused centrally on significant character evidence of Leo's penchant for anger and his rocky and sometimes physical relationship with Michelle to show that he had the propensity to kill. However, this is not, by itself, evidence of anything except Leo's personality as a very young man. It has no nexus to the crime and is not evidence of guilt in light of the significant evidence pointing to Leo's innocence.

POSITIVE PROGNOSIS IF RELEASED

During his 33 years in prison for this crime, Leo has not wallowed in self-pity as a wrongfully-incarcerated person. Rather, he has used the time to better himself while serving others and seeking to better the prison communities in which he has lived.

Leo has achieved educational attainment to better himself. He completed his high school diploma, obtained an Associate's Degree in Religion, and most recently obtained a Bachelor's Degree in Christian Ministry. He also has consistently participated in and completed programming designed to make him a better person. Among these many programs, he takes part in the Gavel Club; he has taken victim impact courses to help build empathy; and he completed the DIRECT program, which teaches the causes of feelings that cause anger, irresponsible behavior, and violence, and helps individuals gain the tools for responsible living. He also took part in the LIFEPATH Group Project, a multi-year program to foster responsible living for the participants.

But Leo did not seek only to better himself; he also wanted to be a leader to better others in the prison community. He was a founding member of the aforementioned LIFEPATH program at Hardee Correctional Institution. He was also a peer educator and counselor in the HIV/AIDS Program at South Bay Correctional Facility, where he helped the large affected population there and all prisoners to learn about communicable STDs and infectious diseases in order to stem the spread in the prison. He participated in God Behind Bars – Malachi Dads, which is a group faith-

based program for fathers to discuss issues in their lives and the impact of their incarceration on their children. In this program, he was an inmate liaison for pre-release inmates teaching life skills to assist in their integration back into society. This program had a zero recidivism rate. While not an addict himself, Leo participated in Alcoholics Anonymous to support a friend in sobriety. He currently teaches music theory and plays in a band that was allowed to record an album that is being sold to raise funds for the Peyton Tuthill Foundation, supporting families of murder victims. Leo also currently pastors to more than 100 prisoners in weekly church services. Should Leo be released, he plans to continue this service to others by taking a job as a pastor in a congregation in central Florida or as an electrician in Massachusetts.

Leo also has taken personal responsibility for his own conduct while incarcerated. In addition to seeking out the aforementioned and other programs to be responsible for his own growth as a person, he has had only five disciplinary reports in 33 years and no such reports since 2006. Due to all his positive activities and institutional conduct, the prison took the unusual step for a person convicted of first-degree murder to drop his custody to medium.

It is the hope that those who do go to prison, for whatever reason and for however long, learn the skills while incarcerated to be law-abiding productive members of free society if and when they are released. Leo has demonstrated over the last 33 years that he has done that and will be the kind of person that can succeed if released by taking care of his family, serving others and serving God.

CONCLUSION

Leo has made significant strides to become the best version of himself during his 33 years of incarceration, showing a commitment to self-betterment and betterment of others. He has exhibited leadership in founding life skills programs and supporting others in their journey of faith. Ultimately, the evidence in his case now points to Jeremy Scott as the perpetrator of this crime and leaves what was already a weak case in tatters. Leo Schofield understands how difficult it is for this body to overturn a murder conviction and he is not asking for that. He is merely stating that 33 years in prison for a crime that evidence shows was committed by someone else is enough and asking this body to grant him mercy by commuting his sentence and allowing him to join his wife and daughter.

RELIEF REQUESTED

We respectfully request you commute Mr. Schofield's life sentence for murder, and, alternatively, should you believe it is warranted, grant a full pardon.

Respectfully submitted,



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Appendix

Certified copy of indictment..... Tab A

Certified copy of judgment and sentence Tab B

Certified copy of Department of Corrections classification file..... Tab C

Transition Plan..... Tab D

Certificates of Completed Programs Tab E

Letters of Support..... Tab F