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FOR IMMEDIATE RELEASE

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UPDATED 12/14 Judge signs order vacating conviction in first exoneration initiated by Broward State Attorney's Office Conviction Review Unit

Broward Circuit Judge John J. Murphy III today signed an agreed order vacating the conviction and sentence of Leonard Cure – the first exoneration initiated by the Broward State Attorney's Office's Conviction Review Unit.

Broward State Attorney Mike Satz and Assistant State Attorney Arielle Demby Berger, who heads the independent conviction review unit for the office, also dropped all charges against Cure.

A jury had convicted Cure of a 2003 armed robbery in Broward County and he was sentenced to life in prison. Cure was released from state prison eight months ago (on April 14) after the State Attorney's Office recommended that he should go free while prosecutors completed a more extensive re-examination of the evidence in the case.

This is the first exoneration initiated by the Broward State Attorney's Office Conviction Review Unit, which was established last year. The unit formalized and continues the office's long-term practice of reviewing and investigating claims of innocence.

The investigation and review were conducted by Demby Berger, who asked the Innocence Project of Florida to assist Cure while she completed her investigation. She later presented her findings to the Independent Review Panel of local attorneys, which assists the unit. That panel voted to recommend the case against Cure gives rise to a reasonable doubt as to his culpability, and that he is most likely innocent. The decision to recommend Cure's exoneration was made by Satz, following that process.

Requests for interviews with Mr. Cure can be made through his attorneys, Krista Dolan and Seth Miller:

kdolan@floridainnocenceproject.org and smiller@floridainnocenceproject.org

Further details below from the prior Dec. 10 media release.

December 10, 2020

Broward State Attorney Mike Satz and Conviction Review Unit move to vacate conviction and drop charges

Eight months after freeing an incarcerated man from prison, Broward State Attorney Mike Satz and the office's Conviction Review Unit filed court documents today to vacate Leonard Cure's conviction and prison sentence and drop the charges against him.

A complete review of the evidence presented at trial and during the course of the 2003 case, as well as further investigation of that evidence, demonstrates that the case against Cure gives rise to a reasonable doubt as to his culpability, and that he is most likely innocent. The decision to exonerate Cure was made by Satz after an investigation by the office's independent Conviction Review Unit (CRU) and a recommendation from an Independent Review Panel (IRP) of local legal experts that assists the unit.

The office's independent Conviction Review Unit opened in August of 2019 to continue and formalize the Broward State Attorney's Office's long-term practice of reviewing and investigating claims of innocence. Led by Assistant State Attorney Arielle Demby Berger, it is the first such unit established in South Florida and the fourth in Florida. Cure's case is the first exoneration initiated by the unit.

The purpose of the CRU is to ensure that people who believe they were convicted of a crime they did not commit receive an additional chance – after exhausting their rights to appeal – to seek a further review of their case.

Cure, now 51, was released from state prison on April 14 after the State Attorney's Office recommended that he should go free while prosecutors completed a more extensive re-examination of the evidence. Broward Circuit Judge John J. Murphy, III agreed to the joint request from the prosecution and defense. The CRU reassessment of the case considered all possible remedies up to and including exoneration on one or both charges.

Cure was serving a life sentence for a Nov. 10, 2003 armed robbery and armed aggravated assault at a Walgreen's store in Dania Beach. The robber, who had a gun, stole about \$1,700 in cash from two store employees.

A Broward Circuit Court jury found him guilty of robbery with a firearm and aggravated assault with a firearm. Because he was classified as a [habitual felony offender and prisoner releasee reoffender](#), he was sentenced to life in state prison on Nov. 3, 2004. The case was affirmed on appeal four times and all post-conviction relief was denied by the courts.

Assistant State Attorney Arielle Demby Berger received a petition from Cure on Dec. 3, 2019 and immediately began a review of the case. After her initial review, the prosecutor contacted the Innocence Project of Florida to ask the organization to assist Cure. Attorneys Krista Dolan and Seth Miller, with legal intern Marc Simmons, from the Innocence Project of Florida, were retained by Cure on Feb. 10, 2020.

Following the initial review of the case, the State Attorney's Office had serious concerns about Cure's guilt and continued incarceration. Prosecutors made the decision to release Cure from prison on April 14, 2020. After his release, prosecutors continued to investigate the case and presented their findings to the Independent Review Panel.

"After we thoroughly re-investigated the case and presented the facts to the Independent Review Panel, it is our conclusion that it is in the best interest of justice that Leonard Cure's conviction should be overturned," said Assistant State Attorney Arielle Demby Berger. "These cases are rare and take a lot of time. This is exactly why conviction review units and the opportunity for an exoneration are so crucial to ensuring justice."

"This is the right thing to do," said Broward State Attorney Mike Satz.

The Independent Review Panel (IRP) that reviewed the CRU's findings on this case for the State Attorney's Office is comprised of five local attorneys: Penny Brill, Ashley Gantt, Jeff Harris, Cynthia Lauriston, and Mila Schwartzreich. The panel voted unanimously to recommend that Cure's conviction should be overturned.

Prosecutors filed court documents today and the judge is expected to rule on the matter. If a hearing is scheduled or an order is issued, we will notify media promptly.

The Conviction Review Unit memo, including the Independent Review Panel's findings, is attached to this media release. Also attached is an earlier media release that explains how the CRU works and how to seek review of a Broward conviction. Further details of Cure's case 03019405CF10A may be viewed at www.browardclerk.org

The conclusion of the CRU's updated memo, which was authored by Assistant State Attorney Arielle Demby Berger and reviewed by Chief Assistant State Attorney Jeff Marcus and includes the Independent Review Panel's findings, reads in part:

"The facts in evidence that we have reviewed under contemporary standards of evidence are troubling.

The issues we find most troublesome are those surrounding how Cure became a suspect in the first place. Seemingly, a man who had no connection to a Walgreens robbery became the main suspect after someone reviewed photos of well-dressed/neat appearing African-American males. That was it. There was no physical evidence, no witnesses who knew him, nothing but an alleged search in the questionable "TRAP" Program. The case became questionable at the very onset. If the identification was bad, then everything that comes after is bad as well.

The original prosecutor also saw the weaknesses in this case. Once one of the two victims had a difficult time identifying Cure in the lineup and after the first jury came back hung, he offered a below guidelines sentence of seven years. Cure ... served significantly more time than that, over 16 years. After the hung jury, he continued to maintain his innocence. A second jury convicted him and he was then sentenced by the judge [Fred Berman] to life in prison.

After considering all the facts and circumstances of this case, we concluded in April 2020 that it was in the best interest of justice to release Cure as soon as possible. We modified his sentence and gave time served for his 16-plus years in Florida state prison. This allowed him to be released while we thoroughly reviewed his case for a potential exoneration.

[...]

Conclusion: The IRP and the CRU Attorney strongly believe the only item tying Leonard Cure to the crime is the identification by victim ... Cure's alibi, including the ATM receipt, is well established. Moreover, factually, the only way for Cure to have possibly committed the crime was if a car was involved. Even then, he would not have had time to go to the ATM, backtrack to the Walgreens, change into work clothes, and arrive at work before 8 a.m. Therefore, a complete review of the evidence presented at trial and in discovery, as well as further investigation of that evidence demonstrates that the case against Mr. Cure gives rise to a reasonable doubt as to his culpability, and that he is most likely innocent."

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