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# The Case of Cleophus Ward: How to Investigate and Prosecute SAKI Cases with Significant Challenges

Fulton County District Attorney SAKI

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# Fulton County District Attorney's Office SAKI Unit Atlanta, Georgia

- First received SAKI grant in 2018.
- Received second SAKI grant in 2020.
- Received third SAKI grant in 2021.
- In 2015, thousands of unclaimed sexual assault kits (SAKs) were transferred from Grady Hospital in Atlanta to the Georgia Bureau of Investigation.
- By the end of 2018, the tested SAKs had resulted in nearly 200 CODIS matches.
- Initial backlog of kits have been tested and finalizing investigations from those DNA results
- Beginning testing process of over 2300 more SAKs



**Julianna Peterson**  
**SAKI Unit Director**

# Our Team



**Katie Reimer**

ADA



**Christina  
Robinson**

ADA



# Our Team



**James Spear**  
Senior Investigator



**Jamie Gore**  
Senior Investigator



# Our Team



**Meesun  
Thongkoth**

Victim-Witness Advocate



**Leenessa  
Landor**

Victim-Witness  
Advocate



**Kimberly  
Boyd**

Crime Analyst



# Our Team



**Robert  
Summerill**

Crime Analyst



**Raymond  
Carpenter**

Legal Assistant

STATE OF GEORGIA  
V.  
CLEOPHUS WARD

**MARCH 2000:**

CC was 19 years old.

She was living her dream.

A freshman at the college of her dreams.

She had friends, a job,  
studies she loved...  
at the school she had  
dreamed of since  
she was a girl.

She had grown up in a small town.

But now she was in college and  
she was dreaming of becoming  
a lawyer.

**UNTIL HER DREAMS  
MET THE NIGHTMARE OF  
CLEOPHUS WARD**

**March 7, 2000**

CC was walking along the street at night  
from her college to the  
train station to go see a friend.

**March 7, 2000**

A car stopped and offered a ride.  
She thought it was one of her  
guy friends from college.

**March 7, 2000**

Only realizing it was a stranger when she got in the car, and he drove off, not letting her get out.

**March 7, 2000**

She wasn't familiar with the Atlanta area and didn't know where was he taking her, only that he got on the freeway and kept driving...

**March 7, 2000**

He finally got off the freeway  
in a residential area.

She didn't see people.

She only saw houses in the distance.

They were in some kind of dead end...

**March 7, 2000**

He forced her to take her clothes off and he raped her in the parked car.

**March 7, 2000**

He told her he could tell she liked it...

that she should be grateful he didn't also  
make her perform oral sex on him.

**March 7, 2000**

After he was finished,  
he started driving again.  
He stopped at a gas station and  
made her go inside and  
pay but instructed her to not  
speak to the single clerk inside.

**March 7, 2000**

She tried to go behind the car to see the tag number, but he ordered her to go in front of the car.

**March 7, 2000**

He kept driving...

he had told her he'd let her go,  
but he wasn't letting her go.

**March 7, 2000**

She grabbed the steering wheel, and he finally dropped her off on the side of the road.

**March 7, 2000**

It was close to where a friend lived.

She made her way to them.

She didn't tell them anything  
or call the police.

**March 7, 2000**

She felt like it was her fault.

She felt shame.

She just wanted to get  
back to her dorm – where it was safe.

**March 8, 2000**

She got back to her dorm the next day.

**March 8, 2000**

When her roommate and friend,  
ML, saw her, she could immediately tell  
**something was wrong.**

**March 8, 2000**

CC told ML  
what happened.

**They went to Grady Hospital  
and Grady collected  
a sexual assault kit.**

CC's parents came from  
out of state.

They took her to report  
her attack to the police.

The police kept trying to figure out exactly where the rape occurred.

CC didn't know – it was dark, she was unfamiliar with the area.

She told her college's public safety department.

College public safety did not follow up with her.

Grady Hospital did not follow up with her.

She never heard from the police again.

She initially went home with her parents. She managed to finish the semester at college.

She went back to college that fall,  
but she couldn't stay.

It didn't feel safe.

The dream was gone.

She moved home and became a nursing aide.

Traumatized, scared,  
and changed...

Her sexual assault kit went  
untested for **fifteen years...**

But the consequences of  
that untested SAK were not only  
felt by CC.

**3/26/2002: Attempts to rape  
Victim #1 – CW**

**CONVICTED: 9/16/2004**

- 1) Aggravated Assault Intent to Commit Rape**
- 2) Armed Robbery**
- 3) False Imprisonment**
- 4) Kidnapping**

**4/30/2002: Abducts and rapes  
Victim #2 – TL**

**CONVICTED: 9/16/2004**

- 1) Rape**
- 2) Aggravated Sodomy**

**4/30/2002: Abducts and rapes  
Victim #3 – CD**

**CONVICTED: 9/16/2004**

- 1) Aggravated Assault**
- 2) Kidnapping**
- 3) Aggravated Sodomy**
- 4) Rape**

**5/14/2002: Holds  
Victim #4 (IB) against her will, gropes  
her, tries to take her clothes off,  
she escapes.**

**CONVICTED: 9/16/2004**

- 1) Sexual battery**
- 2) False Imprisonment**
- 3) Robbery**

# Overview



**1**

What We  
Knew

**2**

Investigation

**3**

Victim  
Witness  
Advocacy

**4**

Trial

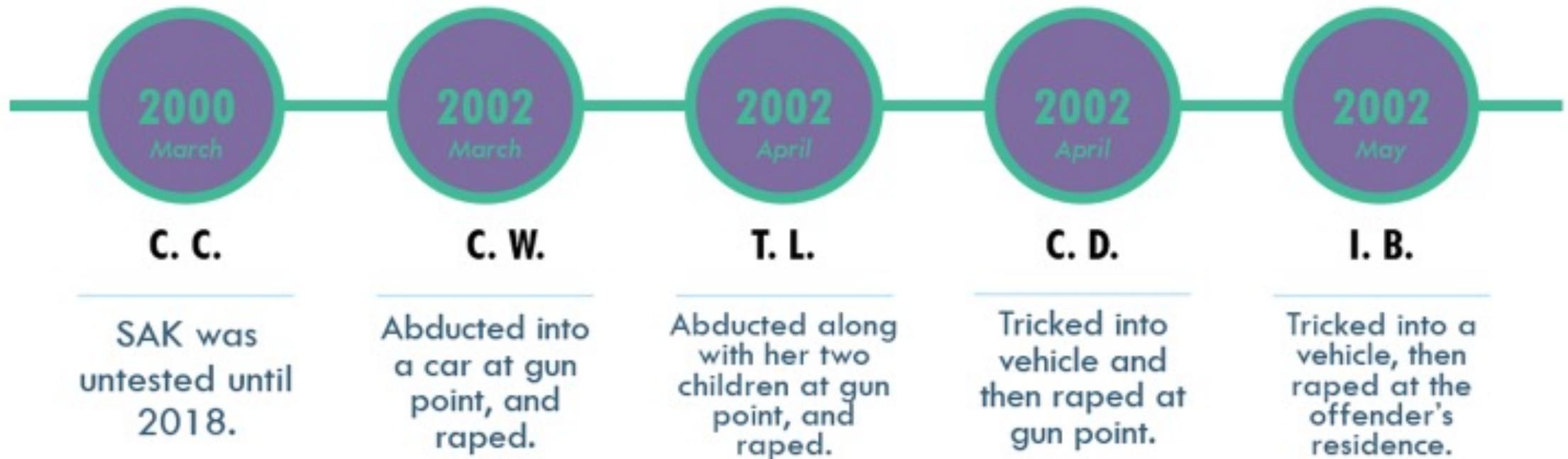
**5**

What  
Worked &  
Conclusion

# What We Knew

WARD'S PREVIOUS ASSAULTS

# Timeline of Assaults



# CW/Victim #1

- 11:00 on 3/26/2002
- Abducted outside a store in downtown Atlanta at gunpoint and forced into a car.
- Driven to an abandoned building in South Fulton and raped.
- After, the victim was tied up with a bedsheet and left inside the house, while the offender left with her clothes and purse.

## TL/Victim #2

- 17:45 on 4/30/2002
- Walking to her mother's house in Atlanta with her two children.
- Ward approached in his car, offered them a ride, then abducted them at gunpoint when she turned him down.
- He drove down the local highway and took the victim to the same abandoned house he assaulted victim #1. He brought the victim into the house and assaulted her.
- After, he drove the victim and her kids to East Point and dropped them off.

## CD/Victim #3

- **TWO HOURS LATER:** 19:30 on 4/30/2002
- The victim was offered a ride by the offender as she was walking in downtown Atlanta.
- Once in the car, Ward pulled out a gun and forced the victim to perform oral sex.
- He drove to a dead-end street in North-East Atlanta and sexually assaulted her. Once the assault ended, he ordered her out of the car and drove away.

## IB/Victim #4

- 11:00 on 5/14/2002
- The victim was waiting for the bus in downtown Atlanta. The offender offered a ride and she accepted.
- He drove to his residence and pulled her inside. He trapped her in a bedroom and forcibly groped her.
- He then drove to the same abandoned house where he assaulted victims #1 and #2. However, the victim insisted on not exiting the vehicle and the offender was unable to sexually assault her.
- When Ward stopped at a gas station, two bystanders assisted the victim in escaping from the offender, six hours after he abducted her.

# Arrest

Ward was arrested in connection to all four incidents on May 22<sup>nd</sup> of 2002.

9/16/2004 – Ward makes a non-negotiated guilty plea to all charges.

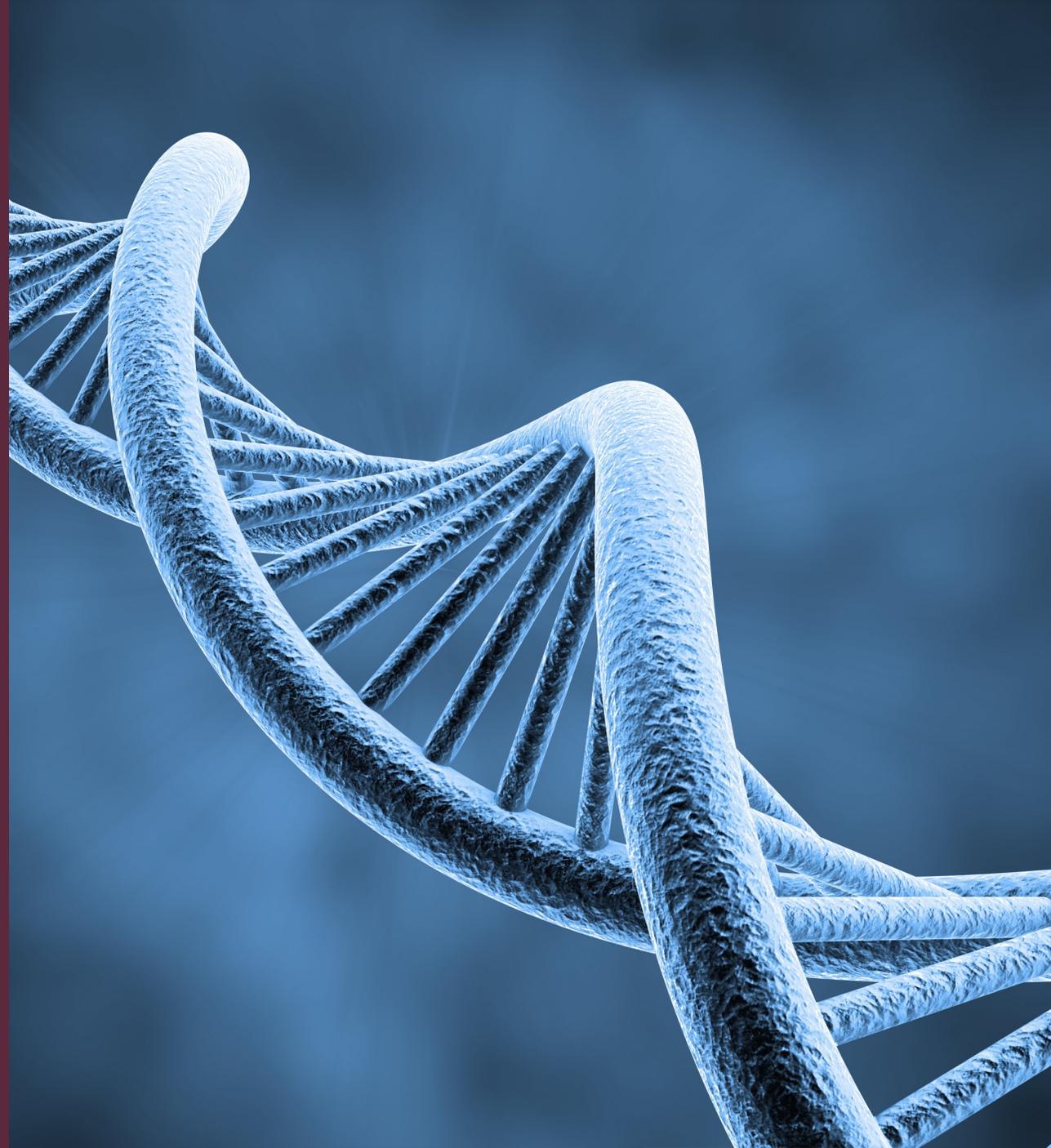
Sentenced to 15 years in prison, Ward is let out on probation in May of 2017.



# CODIS Match

6/29/2018 – one of the first SAKs tested with SAKI grant funding reveals a match to Cleophus Ward.

Fulton County SAKI begins to investigate.



# Significant Challenges

When we started this case, all we had was a sexual assault kit, DNA reports and a suspect name from CODIS.

# Significant Challenges

- **NO** police report.
- **NO** medical records.
- **NO** records from the rape crisis center.
- **NO** law enforcement witnesses at all from this incident to testify.

# Overcoming Challenges

## **POLICE REPORTS:**

- Inv. Spear conducted a massive project for all of our SAKI cases reaching out to a total of 18 agencies in Fulton County to determine whether there were any initial reports for our SAKI cases.
- More than 60% of our cases do not have initial police reports.
- Cleophus Ward's case is one of those cases and an example of how to move forward without a report.

# Overcoming Challenges

## **POLICE REPORTS:**

- While Inv. Spear conducted the initial project, he then went back and reached out to other individuals at the Atlanta Police Department as well as the college police departments to further confirm there were no reports.
- When he testified during the trial, he was able to demonstrate to the jury that not only had the search been thorough but was able to show that this was a common issue with SAKI cases.

# Overcoming Challenges

## **MEDICAL RECORDS:**

- Grady Hospital has a 10-year retention policy, and then they typically destroy records.
- They house any records older than 10 years at a warehouse.
- The Fulton SAKI Unit was able to travel to Grady Hospital and Grady Hospital Off-Site Docustore Locations to confirm that no records existed for CC, even watching the records keeper searching for the records, which they were then able to testify to.
- Inv. Spear also was able to testify to the fact that this a systematic issue, and not unique to this case.

# The Investigation

- **We started with the sexual assault kit (SAK).**
- We only knew CC's name because it was on the front of the SAK.
- We knew the incident date from the SAK.
- We knew that CC did not know the suspect from the SAK.
- We knew the doctor's name from the SAK.



# Investigation

**Our investigators began searching for a possible CC.**

Our normal process in searching for any individual:

1. Begin with any identifiers for individual to see what is known: We had a name and a year of birth on the SAK.
2. Look in local court database to see if there are any local cases with identifying information.
3. Search TLO and then narrow by correct names, correct year of birth, and whether they are local to Atlanta during the incident: **how we found CC.**
4. We also search in Accurint: Addresses, phone numbers, aliases (can be critical for suspects), look up license plate numbers.
5. In this case, once we believed we had located CC via TLO, also obtained drivers license information to further confirm her information.

# Victim Contact

- We have a Victim Notification Protocol that is based upon the national recommendations.
- Part of the notification process is that first victim contact is made by a victim witness advocate on the phone, NOT by an investigator.
- When we called CC for the first time, our investigator was nearby in case CC began disclosing critical case information that an advocate should not have to testify to.
- CC answered the phone, and the advocate informed her there was an update in her case. She also confirmed that she had lived in Atlanta and had a SAK performed at Grady on that date.

# Victim Contact

- CC was shocked, but very much wanted to know more information and wanted to meet with the team.
- We always give victims the chance to process the initial information before asking if we can meet with them.
- If they need time to process and think, the victim advocate makes contact a few days later to talk more about meeting in person and whether that's something they're comfortable doing. CC wanted to meet quickly.

# Investigation

- Simultaneously, our team was investigating Cleophus Ward, running his criminal history and discovering his past crimes.
- While we knew almost nothing about CC's case, we knew that Ward had a MO.
- We began combing through his case files so that we could better understand him, his ties to Atlanta, and any possible witnesses we could use.
- In Georgia, we can seek to introduce evidence of other sexual assaults.
- We would be walking into our interview with CC absolutely cold – no idea what happened in her case. But having reviewed Ward's later crimes, gave us some information about what he MIGHT have done.

# Victim Interview

- If you can, it is CRITICAL to make the initial SAKI victim notification regarding the sexual assault kit backlog and DNA hit and interview in person.
- She was hearing both devastating and life changing news: anyone could be calling her over the phone. It's also one of the initial steps to building trust.
- We travelled out of state to meet with CC and notify her.
- We also made sure what she was comfortable with in terms of a meeting place: she did not want her family to be aware of this yet, so she wanted it in a neutral location.
- Part of that notification that was vital was apologizing to her on behalf of the criminal justice system that had failed her.

# CC Interview

- The meeting was deeply emotional – but it also confirmed our hypothesis, that the MO would be similar, but possibly less escalated as it was two years prior.
- He was not using a weapon yet.
- But he started by offering a ride.
- Then drove to an area she did not know, away from people.
- He actually told her she should be grateful he didn't also force her to perform oral: an act he would always force on the later victims.

# Investigation

- We had to take her statement and build almost every part of the case out from that.
- Based upon CC's statement, we specifically asked for other individuals she spoke to after the incident so we could interview them for corroboration.
- This is important in any sexual assault case but is particularly helpful where you do not have a law enforcement officer or medical personnel to talk about the impact of the assault.
- Roommate and parents were able to confirm she significantly changed after the assault.

# Investigation

- When we initially interviewed CC, we asked questions about what she remembered seeing while being abducted.
- We used Google maps to narrow down a general location.
- CC came from out of town for a court date. We drove the route with her and were able to determine an approximate area of incident location.
- Because Inv. Spear drove that route with her, he was able to testify to the general location, as well as how that area had developed in the past.

# Investigation

- Our normal procedure in every case is to seek an interview with the suspect as the last step before indictment.
- Our investigators normally begin every interaction very generally, trying to draw out as much information as possible about their location and activities at the time of the incident.
- They don't expect the suspect to admit to the incident – but key goals are placing in Atlanta and if possible, getting suspect to say he never had sex with the victim.
- In this case, investigators did not interview Ward, but typically we have had a lot of success in getting suspects to talk to us.

# Victim Witness Advocate Role

- The advocate is typically the first person to reach out to the victim.
- The advocate also always travels with the team and is present at any interview or meeting.
- They aim to make a connection and build a relationship on being genuine and authentic.
- They meet with them, listen, and empathize.
- Simply being present is critical: be available and understand each individual has different needs, different personalities and different backgrounds.

# Victim Witness Advocate Role

- **Keep your word:** their trust system has been broken, when you make a promise, follow through... critical role in showing the justice system.
- **Continuous follow up:** we ask each victim how often they are comfortable being contacted, and their preferred contact method. Ideally, advocates check in at least once per month, right after notification, it's more like once per week. Again, whatever the victim wants, and needs determines level of contact.
- Advocates check in with them leading up to the case, during the case, and **after** the case.
- Make sure they're comfortable with you following up afterwards – but if they view you as part of their support system, don't just tear that away once the trial is finished.

# Victim Witness Advocate Role

- **Meet all victims where they are: what are the significant struggles they're facing? Because your case is probably item #103 on their priority list.**
- This is not just for victim witness advocates: we start every conversation, every interview, by asking what is going in their life so we can better understand all their life factors.
- When a victim mentions a life obstacle, make it clear you are going to work with them to solve it to the best of your ability.

# Victim Witness Advocate Role

- In Atlanta, a majority of our victims are dealing with serious life challenges: homelessness, substance abuse issues, mental health issues, and their own challenges with the criminal justice system.
- Starting from a place of compassion and lack of judgment, while aiming to walk alongside them in those challenges is both critical to changing how they have been treated in the past while also being foundational to success in the case.
- This does not mean you are paying for their rent – but advocates understand the resources that are available in a way that most victims do not have a knowledge base. Even connecting a victim with a job fair, where to get interview clothes, and how to get transport there can change their life and establish trust.

# Victim Witness Advocate Role

## EXAMPLES OF THIS IN OUR CASE:

- CC's father had severe health issues and we ideally wanted him to testify but it caused severe stress for CC and her mother. We discussed it and identified a way to get around him testifying. That built trust and helped them realize we were not only concerned about the case.
- For CD, one of our similar transaction victims, she had a job interview during this process, but no clothes for the interview so we arranged for clothes. This helped build trust by showing she was not just a cog in the trial.
- And of course, connecting with counseling and therapy resources.

# Prosecution and Preparation for Trial

## MOTIONS:

- **Constitutional Speedy motion: very common in SAKI trials**

Remember: “To find a due process violation where a delay precedes arrest and indictment, courts must find:

- 1) That the delay caused actual prejudice to the defense AND
  - 2) That the delay was the product of deliberate action by the prosecution designed to gain a tactical advantage” US v. Marion, 404 U.S. 307 (1971).
- **Plea in bar motion arguing statute of limitations violation:** In Georgia, we have an actual knowledge requirement for the suspect’s identity, not what we SHOULD or COULD have known.

# Prosecution and Preparation for Trial

## **CHAIN OF CUSTODY: It's an issue of building trust with the jury**

What do you do when these SAKs have been sitting for years?

**Our answer? Be PAINFULLY thorough**

- 1) Located the director of the Grady Rape Crisis Center in March 2000 and interviewed her so we understood how sexual assault kits were collected and stored in 2000. She testified.
- 2) We brought in two more directors of the Grady Rape Crisis Center so that every year that CC's SAK sat at Grady was testified to.
- 3) Called the administrator from Grady Hospital who had pulled CC's SAK in 2015.
- 4) Called the Fulton County DA Investigator who was part of the initial SAKI task force to testify to the process of how the kits were handled, organized, and then testified to actually transporting CC's kit to the state crime lab.
- 5) Got records from the state crime lab as to who delivered CC's kit.

# Prosecution and Preparation for Trial

## **SIMILAR TRANSACTION VICTIMS – CHALLENGES AND SUCCESSES**

- **2 of our 4** victims from 2002 were **deceased** by the time of trial.
- Only TL and CD were still alive. But we had proactively met with them months before trial and built trust.
- Both TL and CD felt they had been failed by the criminal justice system. Both had actually testified at trial, because Ward only pled guilty after they testified. This would be the second time they had to face him.

# Prosecution and Preparation for Trial

## **SIMILAR TRANSACTION VICTIMS CHALLENGES AND SUCCESSES**

- We did not know until after we had selected the jury and immediately before opening statements whether the judge would allow us to introduce evidence of similar transactions.
- Once we were able to do that, we were also able to bring in the detective from each case.
- When TL testified, she testified that as Ward raped her, he told her if she did not comply her little girl that he had left in the car when he took TL into an abandoned house would “have her day” – jurors faces visibly changed when they heard that.

# Prosecution and Preparation for Trial

## WHAT ABOUT FINDING DOCTORS?

- Remember we had no medical records?
- Just the name of who performed the exam written in cursive.
- It looked like “Sarah Ferguson”.
- We found one nurse that Grady had in their HR system that met that spelling.
- She was convinced it was not her: we let her look at the SAK, and she told us people misspelled her name all the time as “Ferguson”.
- Within one hour, Crime Analyst Kimberly Boyd went to the Georgia Composite Medical Board’s website, which allowed her to search every medical professional, and we found one Dr. Sarah Ferguson who was a resident at Grady at that time, now living in California.
- We had no medical records to refresh her memory.
- She was able to testify to her routine practice, and it was her signature on the SAK.

# Prosecution and Preparation for Trial

## **WHAT ABOUT NO MEDICAL RECORDS?**

- The legal counsel to Grady testified to Grady's retention policy.
- Investigator Spear testified to actually requesting the records, going to the warehouse where records were kept and confirmed they did not have them.
- Also made it clear to the jury this was in keeping with policy, and not a suspicious fact.

# Prosecution and Preparation for Trial

## **WHAT ABOUT NO POLICE REPORTS?**

- Brought in Atlanta Police Department sergeants to explain the current record keeping and that their electronic search systems would mostly not predate 2007.
- Also brought in a current APD sergeant who was able to testify that back in 2000, it was a common practice if they could not pinpoint an actual address confirming APD jurisdiction they would not even write a report.
- That is not current policy, and APD is committed to SAKI.
- This corroborated CC's testimony that the officer who took her report was frustrated she didn't know exactly where it happened and asked her what she expected him to do.

# Prosecution and Preparation for Trial

## **WHAT ABOUT NO POLICE REPORTS?**

- We also brought in the chief of police from the college PD to testify to record keeping, that they would be unlikely still have a report from 2000 and that the primary investigating agency of a rape case would have been the local police not the college.
- One of the jurors afterwards said when they first heard in the opening statement there was no police report, they thought to themselves, why are we even here? But that after every person that testified on this, they were no longer concerned.

# Prosecution and Preparation for Trial

## JURY TRUST

- One of the jurors afterwards said when they first heard in the opening statement there was no police report, they thought to themselves, why are we even here? But after every person testified on this issue, they were no longer concerned.
- THIS IS THE ISSUE: What are you doing on every level, to build the trust of the jury in your case?
  - One juror also told us that after every person testified to chain of custody, they started getting bored – it was so clear to them this was not an issue. But defense was making it a critical argument.

# Prosecution and Preparation for Trial

## JURY TRUST

- What was the result of building all that jury trust?
- The jury deliberated for 17 minutes before returning a guilty verdict.

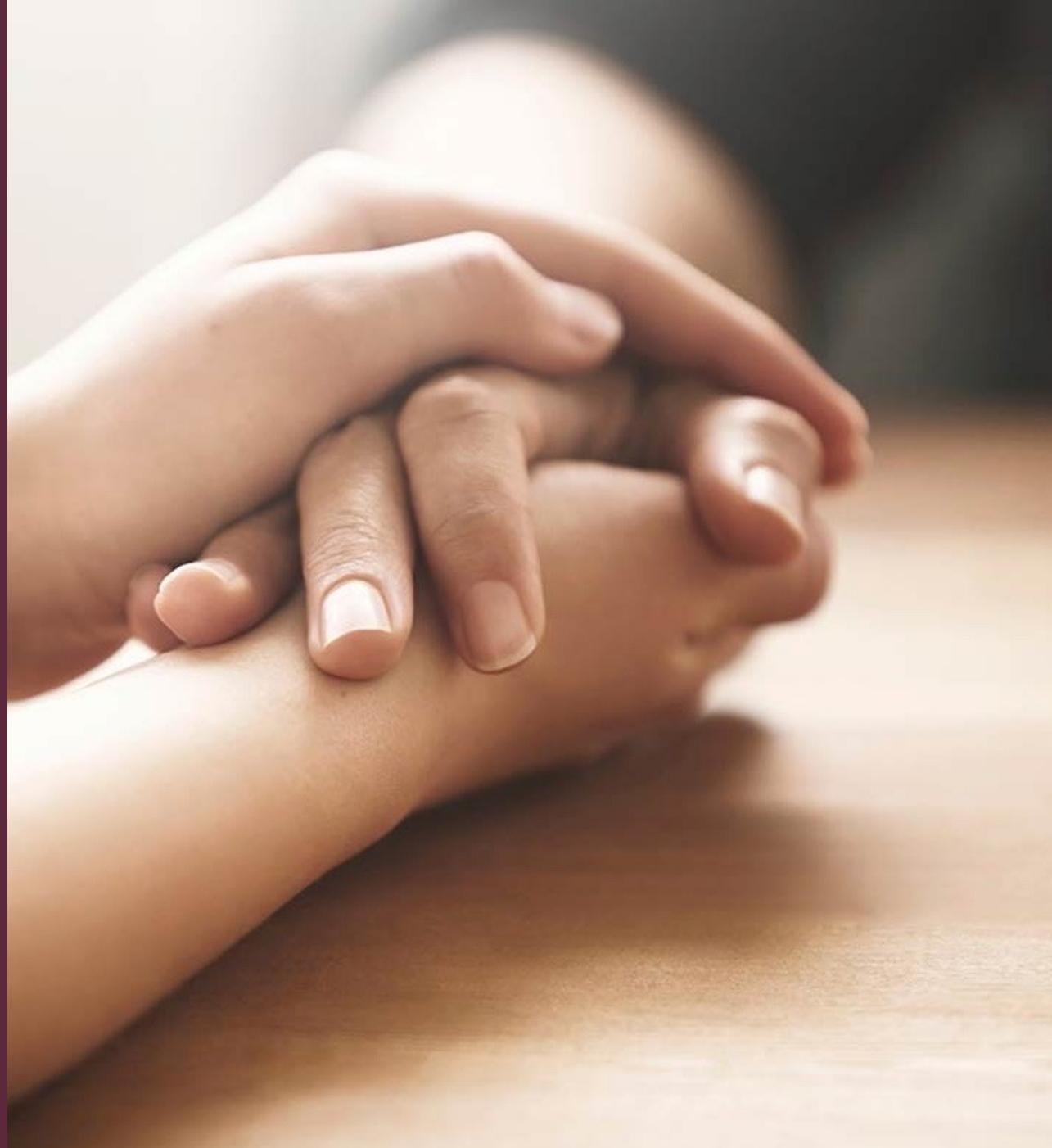
# The Impact:

“I spent many years in what I now know is depression. Just really not able to move forward with my life. I felt like I had been confined by my own fear, my own nervousness and I felt like I got let out of prison. It was a wonderful day [the day he was convicted.] I had my day to tell my story and you know, the team gave me that.” - CC



# The Impact:

We didn't just get justice for CC. We got justice for his other victims. Both CD and TL felt failed by the system as well. The day Ward was convicted, was TL's birthday. We got to call her, and let her know that even though it was 18 years later, she had finally gotten justice.



# Justice

Cleophus Ward was sentenced to Life plus 20 years, the maximum he could receive.

Had he not been prosecuted, at the age of 42, he would have gotten out of prison after a mere 15 years after sexually assaulting 4 known women, free to commit more rapes.



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