

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 144-41-3566

04/12/2010  
Date \_\_\_\_\_

To: Chief, Criminal Section

Re: Deputy E.O. Sanderford (Deceased),  
Hinds County Sheriff's Department,  
Jackson, Mississippi - Subject;  
Ollie Shelby, Jr. (Deceased) - Victim  
CIVIL RIGHTS

It is recommended that the above case be closed for the following reasons:

**Case Synopsis**

According to contemporaneous articles in the Jackson, Mississippi *Clarion Ledger* newspaper, on January 22, 1965, Ollie Shelby, Jr., the 18-year-old African-American victim, was shot and killed by Hinds County Sheriff's Department (HCSD) Deputy E.O. Sanderford, the subject, at the Hinds County Jail. The victim had been transferred to the jail after being charged with making an obscene gesture at a white woman. At a local Coroner's Inquest, Jackson Police Department (JPD) XXXXXXXX testified that, on the day of the shooting, he and XXXXXXXX were transferring the victim and six other inmates from the city to the county jail. According to XXXXXX, the victim first tried to escape by pushing XXXXXX out of the jail elevator.

\_\_\_\_\_  
Cristina Gamondi  
Attorney

To: Records Section  
Office of Legal Administration

The above numbered file has been closed as of this date.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief, Criminal Section

FORMERLY CVR-3

FORM CL-3

XXXX was able to regain control of the victim, who was then booked. The victim then reportedly tried to grab XXXX's gun but was unsuccessful. The victim fled into the jailer's bedroom. The victim then grabbed Jailer XXXXXX, threw him onto the floor, got on top of him and started "clawing at" XXXXX's empty gun holster. At that point, the subject fired three shots at the victim, striking him with two. Sanderford reportedly gave a statement at some point that he fired a warning shot first.<sup>1</sup> The Coroner's Jury returned a verdict of justifiable homicide.

Sanderford died on June 11, 1968.

### **Federal Review**<sup>2</sup>

In the fall of 2008, the Federal Bureau of Investigation (FBI) initiated a review of the circumstances surrounding the victim's death, pursuant to the Department of Justice's "Cold Case" initiative and the "Emmett Till Unsolved Civil Rights Crime Act of 2007," which charges the Department of Justice to investigate "violations of criminal civil rights statutes . . . result[ing] in death" that "occurred not later than December 31, 1969." The FBI contacted various Mississippi law enforcement and government officials; conducted searches of the FBI HQ and Jackson records, Mississippi Department of Archives and History (MDAH), the University of Southern Mississippi library, and the internet for relevant references and media articles; sent letters to both the Southern Poverty Law Center (SPLC) and the NAACP requesting information; and solicited information about the case via a press release that was published in local newspapers and broadcast on local television and radio stations.

The FBI contacted officials at the **Mississippi Department of Public Safety, the Mississippi Attorney General's Office, and the HCSD** and determined that none of those agencies had any records pertaining to the matter.

---

<sup>1</sup> It is unclear from the articles whether the subject testified in the Coroner's Inquest. The article that contains the greatest discussion and details of the inquest states specifically that XXXXX, XXXXX, and XXXXX testified but otherwise refers only to "witnesses" and "officers." It seems unlikely that the article would fail to mention or discuss Sanderford's testimony had it occurred. On the other hand, another article states that "Sanderford said that he fired a warning shot first," followed immediately by a statement that the Coroner's Jury returned a verdict of justifiable homicide.

<sup>2</sup> According to a January 29, 1965 United Press International article, an NAACP delegation met with representatives of the HCSD, who "told them FBI agents were at that time interviewing officers in connection with the death. 'We have given permission for the agents to take statements from our officers as well as submitting our investigation to them.'" The FBI conducted searches of both their HQ and Jackson records and located a negative response to a 2003 FOIPA request submitted by the SPLC, but no other records relating to the case.

The FBI obtained the **subject's death certificate** from the Mississippi Department of Vital Statistics, indicating that he died on June 11, 1968, in Jackson, Mississippi, as a result of a heart attack.

The FBI also determined that the victim's father, Hiram Shelby, died in June 1972, and the victim's mother, Dora Shelby, died on November 2, 1992.

An FBI search of **SPLC** records found a number of documents including contemporaneous newspaper articles and MDAH records. A separate search of the MDAH, revealed three articles.

The **press release** requesting information received no response. As of the date of this memorandum, the **letter to the NAACP** has also yielded no information.

### **Legal Analysis**

This matter does not constitute a prosecutable violation of the federal criminal civil rights statutes. First, the federal government cannot prosecute the subject because he is deceased.

Second, prior to 1994, federal criminal civil rights violations were not capital offenses, thereby subjecting them to a five-year statute of limitations. See 18 U.S.C. § 3282(a). In 1994, some of these civil rights statutes, including 18 U.S.C. § 242, were amended to provide the death penalty for violations resulting in death, thereby eliminating the statute of limitations. See 18 U.S.C. § 3281 ("An indictment for any offense punishable by death may be found at any time without limitation."). However, the *Ex Post Facto* Clause prohibits the retroactive application of the 1994 increase in penalties and the resultant change in the statute of limitations to the detriment of criminal defendants. Stogner v. California, 539 U.S. 607, 611 (2003). While the Civil Rights Division has used non-civil rights statutes to overcome the statute of limitations challenge in certain cases, such as those occurring on federal land and kidnaping resulting in death, the facts of the present case do not lend themselves to prosecution under other statutes.

Based on the foregoing, this matter lacks prosecutive merit and should be closed. Additionally, because the subject is deceased, this matter will not be forwarded to the state for prosecutive review. AUSA Glenda Haynes, Southern District of Mississippi, concurs in this recommendation.