

CIVIL RIGHTS DIVISION

Notice to Close File

File No. 144-1-3412

04/05/2011  
Date \_\_\_\_\_

To: Chief, Criminal Section

Re: Robert Haynes (Deceased),  
Jacksonville, Alabama - Subject;  
Thad Christian (Deceased) - Victim  
CIVIL RIGHTS

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

**Case Synopsis**

On August 30, 1965, victim Thad Christian, a 54-year-old African-American man, was fatally shot by the subject, Robert Haynes, a 41-year-old white man. According to an FBI investigative report from 1965, the victim and a friend were fishing beside a creek in the rural community of Central City, west of Anniston. The subject came by and told the men to leave, but did not say whether or not he owned the property. The subject later returned to the area as the men were putting their fishing gear in the car.

\_\_\_\_\_  
Shelly Ward  
Attorney

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To: Records Section  
Office of Legal Administration

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

\_\_\_\_\_  
Date

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



The subject pointed a 16-gauge shotgun out the window of his car at the victim and fired a round, striking the victim in the abdomen. The victim died shortly thereafter of a gunshot wound to the abdomen.

The subject pleaded guilty to first-degree manslaughter and was sentenced to five years in prison. The subject's death certificate revealed that he was killed in an automobile accident in December 1968.

### **Federal Investigation**

The Federal Bureau of Investigation (FBI) initiated a review of the circumstances surrounding the victim's death on February 17, 2009, based on media coverage of the incident. The investigation was opened pursuant to the Department of Justice's "Cold Case" initiative, which focuses on civil rights era homicides that occurred not later than December 31, 1969. As part of its investigation, the FBI attempted to obtain the results of the local investigation into the matter from the Anniston Police Department, the Calhoun County District Attorney's Office, the Calhoun County Circuit Clerk's Office, the Dekalb County Jail, and the Alabama Bureau of Investigation. However, the few records that had been retained were damaged by water and illegible.

The agents found a brief FBI investigative file from 1965 pertaining to this incident. It states that on the evening of the shooting, Sheriff Roy Snead of Anniston, Alabama received a call to go to the scene of a shooting near Jacksonville, Alabama. Snead's investigation revealed that the victim and several other African-American men had been fishing on a creek bank that afternoon. The subject came by and told the men to leave, but did not say whether or not he was the owner of the property.<sup>1</sup> At approximately 7:00 p.m., the subject returned to the creek bank. The men were now at their cars putting away their fishing gear. The subject stuck a shotgun out of his car window and fired a close-range shot at the victim, striking him in the abdomen and fatally wounding him. Less than an hour after the shooting, the subject was taken into custody at his home in Jacksonville. Witnesses identified the subject as the man who had shot the victim. The subject was charged with murder and placed in the Calhoun County Jail in Anniston.

As part of its current investigation, the FBI located and interviewed the victim's XXXX, XXXX and XXXX. They recalled that their XXX went fishing on the day of the incident with his friend, Shelly Kirby,<sup>2</sup> at a nearby creek. While the XXX were not told the details of the incident, they stated that the subject did not actually own the land on which their XXX was fishing. They stated further that they had heard rumors that the subject told people that he had always wanted to "kill a nigger." The XXX confirmed that the subject was arrested and plead guilty to manslaughter. None of the Christian family members attended the trial, but they learned that the

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<sup>1</sup> Due to the destruction of the local records, it remains unclear as to whether the subject was the owner of the property on which the victim was fishing.

<sup>2</sup> The XXX stated that Kirby died five years ago of natural causes.



subject was sentenced to serve five years at a work camp in Fort Payne, Alabama. There were rumors that the subject had escaped from the work camp, but was later captured and returned. The XXX also heard a rumor that the subject committed suicide following his release from the work camp.<sup>3</sup>

### **Legal Analysis**

This matter does not constitute a prosecutable violation of the federal criminal civil rights statutes. The FBI investigation revealed that the subject is deceased and that no other persons were directly involved in the shooting. Therefore, there are no prosecutable subjects in the present case.

Even if the subject were alive, the applicable statute of limitations would preclude his prosecution under the federal criminal civil rights statutes for the killing of Thad Christian. 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 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 kidnapping resulting in death, the facts of the present case do not lend themselves to prosecution under other statutes.

Accordingly, this matter lacks prosecutive merit and should be closed. AUSA Frank Salter of the Northern District of Alabama concurs in this recommendation.

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<sup>3</sup> This rumor appears to be unfounded, as the subject’s death certificate indicates that he was killed in an automobile accident.