

CIVIL RIGHTS DIVISION

Notice to Close File<sup>1</sup>

File No. 144-40-2150

Date: November 30, 2012

To: Section Chief, Criminal Section

Re: Unknown - Subject,  
Sturgis, Mississippi;  
Jimmie Lee Griffith (Deceased) – Victim;  
CIVIL RIGHTS

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

1. Date of the Incident: September 24, 1965
2. Synopsis of the Facts and Reasons for Closing:

The Federal Bureau of Investigation (FBI) re-opened an investigation into this matter after receiving a referral from the Southern Poverty Law Center (SPLC) regarding the unusual circumstances surrounding the death of twenty-eight-year-old Jimmie Lee Griffith (“Griffith”).

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Christine M. Siscaretti, Trial Attorney

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To: Records Section  
Office of Legal Administration

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

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Date

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Section Chief, Criminal Section

FORMERLY CVR-3 FORM CL-3

cc: USA, Oxford, MS  
Unit Chief (FBI)  
FBI Jackson Field Office  
Chrono  
Siscaretti  
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<sup>1</sup> Memo amended on June 11, 2021.

On the evening of September 24, 1965, Griffith left a friend's house near Sturgis, Mississippi, and began to walk home. Less than an hour later, he was found lying on a local highway, the victim of an apparent hit-and-run automobile accident. Skid marks and burns on his chest indicated that a car had been backed over his body. In addition, Griffith's body was badly mangled, and he had a five-inch-long cut to the bone near his genital region. A very small amount of blood was found in the area around Griffith's body, while his clothing was scattered some distance away.

The Oktibbeha County Sheriff's Office (OCSO) immediately opened an investigation into Griffith's death. In addition, the FBI's Jackson field office reported the circumstances of Griffith's death to the Department of Justice's Civil Rights Division. In early 1966, at the specific request of then-Assistant Attorney General for Civil Rights John Doar, the FBI reviewed the results of the state investigation and conducted additional investigation.

The initial state and federal investigations both indicated that Griffith may have been the victim of an intentional hit-and-run car accident, based upon the nature of his injuries and upon several possible motives for his death. Investigators confirmed that Griffith was not involved with any known civil rights activities. However, Griffith was a key witness in a case involving a fatal car accident, which was expected to go to trial shortly after his death. In addition, Griffith may have been involved in a love triangle. Despite finding evidence of these possible motives, neither the OCSO nor the FBI identified any eyewitnesses to or suspects in Griffith's death.

### **Federal Review**

In the fall of 2008, the FBI re-opened the investigation into Griffith'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 obtained a redacted version of its initial investigation from the SPLC, and attempted to obtain the original file without redactions. The FBI interviewed members of Griffith's family; people who were in local law enforcement at the time of Griffith's death; people who may have seen or spoken to Griffith on the day that he died; and other community members who may have had information about Griffith's death. The FBI also verified the deaths of several people who may have had key information about Griffith's death, including: a person who claimed to have accidentally hit Griffith's body with his vehicle; the sheriff who originally investigated the case; the doctor who examined Griffith's body; and the two men who may have been responsible for the fatal car accident, to which Griffith was a witness. The FBI contacted various Mississippi law enforcement and government officials and requested searches of records from the Mississippi Attorney General's Office, the Oktibbeha County Sheriff's Office, Mississippi Bureau of Investigations, and the Mississippi Department of

Public Safety. Finally, the FBI requested any relevant information from the SPLC and the National Association for the Advancement of Colored People; conducted a search of the Mississippi Department of Archives and History; and searched for materials on the internet.<sup>2</sup>

### **The 1965 OCSO Investigation**

The FBI attempted to obtain the file from the OCSO investigation into Griffith's death and to contact the officials who conducted the local investigation. However, current Sheriff Dolph Bryan confirmed that the OSCO does not have any records prior to 1975. Further, Sheriff Bryan, who first joined the office as a deputy in 1973, was not familiar with the circumstances surrounding Griffith's death. He confirmed that former Sheriff Bill Harpole, who oversaw the Griffith investigation, and Deputy Badbury, the OSCO's only other law enforcement officer in 1965, are both deceased.

Even though the OCSO records cannot be located, the FBI has been able to piece together the scope and results of the state investigation by reviewing a September 28, 1965, *Starkville Daily News* article, and by reviewing the redacted copy of the original FBI file, which includes the results of the forensic examination of evidence found at the scene, and a 302 report detailing an interview of Sheriff Harpole. According to these sources, on the day that Griffith's body was discovered, OSCO officials responded to the scene, where they took photographs and gathered evidence. Sheriff Harpole sent the evidence, which included Griffith's clothing, to the FBI Laboratory for analysis. Within the first few days after Griffith's body was discovered, the OCSO interviewed approximately thirty individuals. In addition, local investigators conducted polygraph examinations of several possible suspects. An autopsy was not performed. However, Dr. Douglas L. Conner was called to the scene, and he examined the condition of Griffith's body.

Sheriff Harpole informed the FBI that, according to his investigation, Griffith was a twenty-eight-year-old employee of the Sturgis Lumber Company. He was married, but separated, and had a young daughter. On the night that his body was found, Griffith went with a friend to a home in Starkville, Mississippi. There, he participated in a crap game and drank alcohol. Griffith asked an individual (whose name is redacted in the FBI 302) to drive him from the crap game in Starkville to Sturgis, Mississippi. There, he paid a short visit to another friend. Griffith left his friend's house – intoxicated, alone, and on foot – at approximately 8:00 that night. It was the last time that Griffith was seen alive.

A short time later, Griffith's body was found lying on a local highway approximately a mile and a half away from his friend's house. Based on what is known from the OSCO investigation, it is not clear who initially discovered Griffith's body. However, investigators responding to the scene saw skid marks and burns on Griffith's chest and left side. In addition,

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<sup>2</sup> The FBI was originally hampered in its investigation by confusion over the victim's name. When the case was originally opened in 1966, Griffith's name was incorrectly listed as "Griffin," which is the last name of his brother. The victim's name was later corrected. When the case was re-opened, the victim's name was again listed as "Griffin," and searches for old files, articles, and surviving family members were initially done using the incorrect name. The FBI requested information from the public about Griffith's case, as well as about other cold cases, in an article in the local newspaper. XXXXXX, who is the victim's XXXXXX, called the FBI and identified his surviving XXXXXX and XXXXXX, who confirmed that the victim's last name was indeed "Griffith." All queries and searches for records and documents were then done for "Jimmie Lee Griffith."

Griffith's body was badly mangled, and among his injuries were a broken jaw, a severed tongue, and a fractured leg. There was an approximately five-inch-long cut to the bone on the left thigh near Griffith's genital region, which appeared to have been made by a sharp instrument. A very small amount of blood was found in the surrounding area, while Griffith's clothing, including a coat that appeared untouched, was scattered some distance away from his body.

As noted above, an autopsy was not performed. However, Dr. Conner examined Griffith's body, and he concluded that Griffith died from a head injury that was caused by a vehicle. However, Dr. Conner opined that Griffith's injuries were not consistent with a "usual" (presumably, unintentional) hit-and-run accident. In particular, the skid marks and burns on Griffith's chest indicated that a car had been backed over his body. Dr. Conner also noted that the small amount of blood in the area around Griffith's body was consistent with his injuries, as he had bled internally.

Sheriff Harpole sent Griffith's clothing and other evidence from the scene to the FBI Laboratory for examination, but the results of the examination were inconclusive and did not provide further clues. No paint chips or deposits that could be associated with a car were found on Griffith's clothing. The examination results further indicated that the only blood on the victim's clothing was type "O" and that no hairs other than "Negroid hairs" were found on the clothing. During the examination, foreign fibers of various types and colors were removed from Griffith's clothing and stored in pillboxes for future comparison, as was one fragment of glass. The FBI returned all of the evidence to Sheriff Harpole in October 1965. However, as noted above, the OSCO no longer has any of the records of the investigation into Griffith's death.

Sheriff Harpole's investigation indicated that Griffith had been involved in a physical altercation before arriving at his friend's house in Sturgis. The individual who drove Griffith from Starkville to Sturgis (whose name was redacted in the FBI 302) told the sheriff that there had been a fight in the backseat of the car, which led to a "knifing." The sheriff also observed blood in the car's backseat. The individual submitted to a polygraph examination, which indicated that he was telling the truth about the fight in his car. No further detail was given about the reason for or the nature of the fight. However, the evidence of a "knifing" may explain how Griffith received the approximately five-inch-long cut to the bone on his left thigh.

In addition, during the course of his investigation, Sheriff Harpole learned about a possible motive for Griffith's killing. Specifically, members of Griffith's family told Harpole that Griffith had been a witness to a fatal car accident that had occurred in January 1965 and that had involved a white man (whose name was redacted in the FBI 302). The sheriff spoke with the man, who told Sheriff Harpole that he was home on the night that Griffith was killed, and that he had nothing to do with Griffith's death.

The local investigation gathered important information about Griffith's activities during the last day of his life, as well as a possible motive for his death. However, the OCSO failed to locate any eyewitnesses to the accident that caused Griffith's death or to identify any subjects.

### **The 1966 FBI Investigation**

Soon after Griffith's mysterious death, the FBI notified the Department of Justice's Civil Rights Division and conducted its own investigation. At the time that the FBI investigation was re-opened in 2008, the SPLC provided the FBI with a copy of the redacted version of the original FBI file that it had received in response to a Freedom of Information Act request. In addition, the FBI has tried, unsuccessfully, to locate its original file, without the redactions.<sup>3</sup>

In early 1966, at the request of then-Assistant Attorney General John Doar, the FBI reviewed the findings of the state investigation. In addition, the FBI conducted some further investigation. Specifically, the FBI interviewed Griffith's family members to verify the details of any threats that were made against Griffith, and to find out the names of people who may have discussed their involvement in Griffith's death. The FBI also interviewed Dr. Conner, as well as an individual who was involved in the January 1965 car accident that Griffith witnessed.

The individual involved in the January 1965 accident – who according to the 2008 FBI investigation appears to have been George Rhodes – was a white man who told the FBI that he had known Griffith his whole life, and considered Griffith to be a good neighbor in the community. Rhodes admitted to the FBI that he was at fault in the January 1965 car accident, which caused the death of the African-American man who was riding in a vehicle with Griffith. Because Rhodes knew that the accident would be litigated in court, he acknowledged trying to speak with Griffith after the accident in order to find out what Griffith would say if he were to testify. However, Rhodes told the FBI that at no time did he threaten Griffith or attempt to get Griffith to change his testimony. Curiously, Rhodes told the FBI that when he learned about Griffith's death, he commented to his wife that he was pleased that he had been at home at the time of Griffith's accident and that she and his family could testify that he had been there, as he was certain that someone would suspect him of being involved in Griffith's death.

The FBI also interviewed Griffith's XXXXXX and two XXXXXX. All three XXXXXX, whose names were redacted but whose relationship to Griffith was identified in the FBI 302s, informed the FBI that Griffith was not involved in any civil rights activities. Instead, all three XXXXXX suggested that Griffith may have been killed because of his role as a witness to the fatal car accident that occurred in January 1965. Griffith's XXXXXX noted that Griffith was due to testify in court about the accident. One of Griffith's XXXXXX further informed the FBI that the white man involved in the January 1965 accident had contacted Griffith several times and asked him to testify on his behalf. However, she was not aware of any threats that were ever made against XXXXXX's life, and she does not think that the white man involved in the January 1965 accident, whom she knew her whole life, would have threatened Griffith. Griffith's XXXXXX believed that it was more likely that Griffith was killed by one of the jealous lovers of a woman with whom Griffith was involved. While Griffith's XXXXXX did not know the identities of the other lovers of the woman (whose name was redacted but who recent investigation has identified as XXXXXX), she noted that the woman left the area several weeks after Griffith's death and was believed to be in the Chicago area.

The 1966 FBI investigation thus confirmed that Griffith was not involved in civil rights

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<sup>3</sup> In the version of the original FBI file provided by the SPLC, the names of some of the individuals who were interviewed or identified during the course of the investigation have been redacted. However, as noted below, the FBI has been able to identify most of these individuals since re-opening the investigation in 2008.

activities. In addition, the initial federal investigation further explored the possibility that Griffith's role as a witness to the 1965 accident was a motive for his murder, and found evidence that Griffith might, alternatively, have been killed as a result of his involvement in a love triangle. However, like the state investigation, the 1966 FBI investigation failed to identify any eyewitnesses or subjects.

### **2008 - 2012 FBI Investigation**

When the investigation was re-opened in 2008, the FBI learned additional information regarding the two motives identified in the earlier investigations, as well as rumors about a third possible motive. Specifically, the FBI learned about rumors that Griffith may have been killed over a gambling debt. In addition, the FBI uncovered new information that night watchman Bully Brown had told Griffith's XXXXXX that he accidentally hit Griffith's body with his vehicle.

### **Interview of Griffith's Family Members**

The FBI interviewed XXXXXX ("XXXXXX"), who is Griffith's XXXXXX, on three different occasions. XXXXXX informed the FBI that, after going to a baseball game on the evening of September 24, 1965, XXXXXX, XXXXXX, and XXXXXX were all returning to the home that they shared with Griffith and other XXXXXX. They were traveling on Louisville Road in Sturgis, when they saw police car lights on the road. XXXXXX could not see what was going on, and they were ushered by the scene by a sheriff's deputy. XXXXXX continued driving to their home, which was approximately two miles away from the police cars. When they arrived at the house, Sheriff Harpole was there with XXXXXX, XXXXXX. The sheriff said that Griffith had been involved in an accident, and that he would return in the morning to give XXX the details because he wanted to give the family a chance to calm down. Several people came by the house that night, and told the family that Griffith had been found dead on the road near the United Methodist Church. However, nobody could tell the family what lead to Griffith's death. When Sheriff Harpole returned the next day, he said that Griffith had apparently been run over by a vehicle, and that an investigation had been initiated. He asked XXXXXX to let him know if XXX learned any relevant information. XXXXXX was never allowed to view Griffith's body prior to his burial. However, the undertaker, who is now deceased, told XXX that Griffith was shot several times prior to being hit by a car.

When the FBI asked XXXXXX about a possible motive for Griffith's death, XXXXXX gave the FBI more details about the car accident that Griffith had witnessed. Specifically, approximately five months before his death, Griffith had been involved in a car accident with his friend, Leonard Terry. Terry and Griffith were driving in Sturgis, Mississippi, when they were hit head-on by a logging truck, which was occupied by Bill Haymes ("Haymes") and George Rhodes ("Rhodes"). Terry was killed in the accident; a neighbor, XXXXXX, brought Griffith to the hospital to be treated for minor injuries. During the investigation of the logging truck accident, Rhodes would routinely come to the XXXXXX house to talk to Griffith and XXXXXX about the accident. Griffith's XXXXXX would not talk to Rhodes, and he told Griffith not to talk to him, either. Rhodes also attempted to intercept them at the market on a couple of occasions. Griffith was killed shortly before the logging truck accident was scheduled to go to

trial. However, XXXXXX was not aware of any threats that either Haymes or Rhodes made against Griffith or another family member. XXXXXX informed the FBI that both Haymes and Rhodes were deceased.

XXXXXX also told the FBI about what XXX had learned from other people about Griffith's whereabouts on the night that he died and, in particular, about his quick visit to the XXXXXX house to see a woman that was staying there. XXXXXX said that Griffith had been gambling in Starkville, Mississippi, and had paid an unknown individual to drive him back to his home in Sturgis. XXXXXX said that the person who drove Griffith home, whom XXX did not identify, told XXX that Griffith asked not to be dropped off at his house, as XXXXXX and Griffith's other XXXXXX would not let him go back out that night because of his intoxicated state. Instead, Griffith asked the driver to drop him off at a home where a woman from Chicago was staying with her mother, XXXXXX. The driver told XXXXXX that, when they arrived at the XXXXXX home, sometime around 8:00 p.m., multiple vehicles were there. According to XXXXXX, XXXXXX, the husband of XXXXXX, said that Griffith left the residence with other people, but would not say who those other people were. XXXXXX advised that Rhodes, the white man who had been involved in the earlier logging truck accident, was also at the XXXXXX residence that night, along with other white men, and that Rhodes was interested in the woman from Chicago, as, apparently, was Griffith. XXXXXX heard that Griffith got into a car with Rhodes and that was the last time that he was seen alive. His body was found lying between the XXXXXX residence and Griffith's home. XXXXXX told the FBI that there had been rumors that some members of the XXXXXX family were overheard bragging about their involvement in Griffith's murder. The XXXXXX, who were African-American, were said to have been friendly with Rhodes.

In addition, when interviewed in April 2011, XXXXXX told the FBI, apparently for the first time, that a night watchman at the Sturgis Lumber Company (identified by Griffith's XXXXXX, XXXXXX, as Bully Brown) told XXXXXX that he ran over Griffith's body while traveling on the Louisville-Sturgis road. Brown told XXXXXX that he was driving at a high rate of speed and ran over what he thought was a cow that had been hit and was lying in the road. Brown got out of his car, realized that he had hit Griffith, and left to contact the Sheriff. However, it is not clear if Griffith was, in fact, still alive at the time that Brown struck him. XXXXXX advised that Brown died shortly after the incident. As discussed below, XXXXXX also informed that FBI that he discovered Griffith's body in the road.

### **Further Investigation Into the Logging Truck Accident**

In order to learn more about the logging truck accident that Griffith witnessed, the FBI interviewed XXXXXX ("XXXXXX"), a white man who brought Griffith to the hospital to be treated for his minor injuries following the logging truck accident that killed Terry. XXXXXX, who is not related to XXXXXX and XXXXXX, informed the FBI that on the night of the logging truck accident, XXXXXX was inside XXX home when XXX heard a loud noise that sounded like thunder. Moments later, XXXXXX brother ran into the house, saying that something bad had happened. XXXXXX and XXX brother arrived at the accident scene, which was approximately 200 yards away from XXX driveway. XXXXXX saw Terry under the steering wheel, and he appeared to be dead. Griffith was at the scene, and he told XXXXXX that

they had been hit head-on by a logging truck. XXXXXX recalled seeing Haymes at the accident site, but did not recall seeing Rhodes. He apparently did not have any discussions with Haymes or Rhodes after the accident. XXXXXX further informed the FBI that XXX never heard anything to suggest that either Rhodes or Haymes was involved in Griffith's death.

In addition, XXXXXX also told the FBI that XXX had discovered Griffith's body on the night that he died. According to XXXXXX, XXX was driving on the Louisville-Sturgis Road between 8:00 pm and 9:00 pm on September 24, 1965, when XXX observed a body in the road that appeared to have been hit by a vehicle. The body, which was just south of the United Methodist Church, was on the right-hand side of the road, lying perpendicular to the road, with the head closest to the ditch on the side of the road. XXXXXX stated XXX got out of the car and recognized Griffith's body. XXX does not recall if XXX contacted someone or if XXX stayed with Griffith's body until someone else arrived.

With regard to the logging truck accident, the FBI also interviewed two of Rhodes's XXXXXX, as well as his XXXXXX. Rhodes's XXXXXX, XXXXXX and XXXXXX, had not heard of Rhodes's involvement in the accident that killed Leonard Terry. In addition, neither XXXXXX heard Rhodes ever mention anything about having any involvement in or knowledge of the circumstances surrounding Griffith's death. XXXXXX was familiar with the logging truck accident, but indicated that the logging truck belonged to Haymes, and that Haymes would have been at fault. XXXXXX further stated that if Rhodes had contacted Griffith about the accident, he would have done so to intercede on Haymes's behalf. Rhodes's family members confirmed that Rhodes died in 1974. The FBI tried, unsuccessfully, to locate any surviving family members of Haymes, who, according to Griffith's family, is also deceased.

### **Further Investigation Into Alleged Love Triangle**

In order to discern the viability of the possibility that Griffith was killed by one of XXXXXX's jealous lovers, the FBI interviewed XXXXXX ("XXXXXX") and XXXXXX ("XXXXXX"), both of whom are African-American, on two different occasions. XXXXXX ultimately admitted that Griffith came to the house and spoke with XXXXXX, Arthur "Jack" Jackson ("Jack"), who is now deceased, and asked to speak with XXXXXX, XXXXXX. XXXXXX, who lived in Chicago but was visiting XXXXXX at the time, did not speak to Griffith, as XXX was in bed with a man (William Mosely, who has since died). XXXXXX stated that XXX was unaware of any interest that Griffith might have had in XXX, although XXX vaguely recalled XXXXXX, XXXXXX, saying that Griffith had an interest in XXX. After speaking to Jack, Griffith left the residence. Neither XXXXXX nor XXXXXX knew how Griffith got to their house, or how he left. However, XXXXXX said that he must have arrived and left on foot, as XXX did not hear a vehicle approach the house. XXXXXX further said that Griffith would regularly visit XXX home to talk to Jack on almost a monthly basis. Rhodes, Haymes, and other white men from the area would also regularly visit Jack, due to his association with the Sturgis Lumber Company and the fact that Rhodes was a logger. Both XXXXXX and XXXXXX denied that Rhodes or anyone else was at the Jackson residence on the night of Griffith's death. XXXXXX further advised that deputies from the OCSO came to the Jackson home to look around on the night of Griffith's death, and may have searched some of the chicken coops. XXXXXX and XXXXXX both stated that Rhodes, who was a family friend, did



not have any interest in XXXXXX. Both XXXXXX and XXXXXX said that they did not have any firsthand knowledge of who killed Griffith. According to XXXXXX, XXXXXX, who was Griffith's XXXXXX, told XXXXXX that some men killed Griffith because he owed them money for tires.

### **Rumors That Griffith Was Killed Because of a Gambling Debt**

During the course of the FBI's recent investigation, several people stated that they heard rumors that Griffith was killed because of his gambling habit. The FBI interviewed Griffith's XXXXXX, XXXXXX ("XXXXXX"). In addition to identifying Bully Brown as the night watchman who had found Griffith's body, XXXXXX also informed the FBI that he had heard rumors that Griffith was killed for the money that he had won gambling on the night that he died. XXXXXX, whose interview is discussed above, also informed the FBI that he heard rumors that Griffith, who was known to be a gambler, was killed because he owed somebody money. XXXXXX told the FBI that XXX was aware that Griffith routinely gambled, but XXX did not know if he owed any gambling debts. However, the FBI was not able to identify anyone with firsthand knowledge of any gambling debts that Griffith may have owed at the time that he died.

### **Interviews of Other People Who Saw Griffith on the Night that He Died**

The FBI interviewed XXXXXX ("XXXXXX"), who was the XXXXXX of Griffith's close friend XXXXXX ("XXXXXX"). On the night that Griffith died, XXXXXX and Griffith came to the XXXXXX home to get dressed before going out for the evening. XXXXXX and Griffith left the residence around 5:00 that evening, but XXXXXX did not know where they were going. Sometime after midnight, Sheriff Harpole and another individual (presumably, a deputy) "broke into" the XXXXXX home, waking XXXXXX and the children. The Sheriff and the other individual searched the home, inspecting every knife there. After he finishing the search, Sheriff Harpole asked if XXXXXX left the home earlier that evening with Griffith, and told XXXXXX that Griffith had been killed earlier that night. XXXXXX returned home approximately two hours later, and he appeared genuinely shocked to hear about Griffith's death. XXXXXX and XXXXXX took the children to her mother's house, and went to be with the Griffith family. At some point, XXXXXX told XXXXXX that he and Griffith had gone to a house in Starkville, Mississippi, on the night that Griffith died. When XXXXXX got ready to leave, Griffith did not want to leave with him because he was gambling. XXXXXX left Starkville without Griffith, and he did not know how Griffith got to Sturgis from Starkville. XXXXXX did not know where XXXXXX went after he left Starkville and before he returned home at 2:00 in the morning. However, XXXXXX always denied to XXXXXX having anything to do with Griffith's death. According to XXXXXX, XXXXXX's XXXXXX Jack had told him that he knew who had dropped off Griffith at the Jackson home that night but that Jack would not tell anyone the identity of that person because Jack did not want to get involved. Jack said that Griffith left the Jackson home on foot, and that he did not know what happened to Griffith after he left. XXXXXX advised that XXXXXX was acquainted with Rhodes, but that they were not close friends. XXXXXX did not know Griffith to have any enemies.

### **Interviews of Law Enforcement Officers**

The FBI interviewed several current and former law enforcement officials, including current OCSO Sheriff Bryan and XXXXXX (“XXXXXX”), who was a constable at the time of Griffith’s death. XXXXXX vaguely recalled the incident; however, he could not provide additional details. Sheriff Bryan did not have any information about the circumstances of Griffith’s death.

### **Search of Databases**

As noted above, the FBI requested records from numerous government agencies and organizations. The OCSO did not maintain any case-related records prior to 1975. Searches of the files of the Mississippi Attorney General’s Office, the Mississippi Bureau of Investigations, the Mississippi Department of Public Safety, the University of Mississippi, and the National Association for the Advancement of Colored People all yielded negative results. The search of the electronic records of the Mississippi Department of Archives and History located the September 28, 1965 article in the *Starkville Daily News*.

### **Legal Analysis**

This matter does not constitute a prosecutable violation of the federal criminal civil rights statutes. First, while three different investigations into this matter uncovered evidence regarding several possible motives for Griffith’s death, no living subject or witness has been identified. Second, even if a living subject could be identified, there is insufficient evidence to prove that Griffith’s death violated a federal criminal civil rights statute that was in effect in 1965. For example, there is no evidence that a subject acted under color of law, pursuant to 18 U.S.C. § 242, or that a subject conspired with another person or persons to deprive Griffith of a federal right, as required by 18 U.S.C. § 241.

Additionally, even if it were possible to locate evidence indicating that the victim was murdered and his murderer were identified, 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). 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 those involving kidnapping resulting in death. However, 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 no subjects have been, or are likely to be identified, this matter will not be forwarded to the state for prosecutive review.