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## Estate of Buffalo 5 member Darryl Boyd awarded \$80 million in wrongful conviction case

**Dan Herbeck , Sandra Tan**

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A federal jury in Rochester has awarded \$80 million to the family of the late Darryl Boyd, a Buffalo man who spent 27 years in state prisons for a 1976 murder that he swore he did not commit.



**Complete coverage: The wrongful convictions of Darryl Boyd and John Walker**

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The jury late Wednesday awarded the money to Boyd's estate to compensate him for the wrongful actions of prosecutors in the Erie County District Attorney's Office, said one of Boyd's attorneys, Joel B. Rudin.



Darryl A. Boyd served a 20-plus year prison sentence for a murder he says he did not commit.

Derek Gee / Buffalo News file photo

“Our team asked the jury to award an enormous amount of money for an enormous wrongdoing, and they did,” Rudin told The Buffalo News on Thursday. “From our research, this is the largest jury award for a wrongful conviction case in American history.”

Erie County plans to appeal the verdict, which could result in a settlement for a lesser amount of money.

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The county is already appealing a \$28 million jury award that was granted to Boyd’s friend and co-defendant, John Walker, after another federal trial in Rochester last April.

And last November, the City of Buffalo gave Boyd and Walker \$4.35 million each to settle their lawsuits against Buffalo police in connection with the same murder case.

## **Darryl Boyd dies; Buffalo man spent 28 years in prison for a murder conviction later overturned**

Erie County Attorney Jeremy Toth said Thursday the county will definitely be seeking to have the \$80 million award lowered, pointing to the much smaller \$28 million judgment a jury awarded in the Walker case in April.

"They were convicted of the same crime, essentially the same set of circumstances, same trial, almost entirely," he said.

The county also is expected to appeal the legal grounds of the case. Toth called the Walker and Boyd cases difficult to address because they're so old.

"Almost everybody is deceased that has any firsthand knowledge," Toth said. "All the jury really gets to see is an elderly defendant whose conviction was overturned. It's not DNA evidence exonerated them. A judge reviewing documents that are 40 to 50 years old decides that the process 40 or 50 years ago was not appropriate."

The Boyd case is one of a number of high-profile cases that the county is defending, all of which have serious, long-term implications for the county's finances and future debt.

The county has actively fought and appealed a number of them, including other costly judgments in which the county was found to be at fault.

In 2021, a state judge overturned the murder convictions of both Boyd and Walker in the Jan. 2, 1976, slaying of William Crawford, 62. Boyd and Walker were both teenagers when they were convicted of murder in 1977. Both were 16 at the time of the murder.

Walker spent 22 years in state prisons before the case was overturned.

Boyd, 65, **died of pancreatic cancer in February**. The money from the verdicts in his wrongful conviction cases will go to his family.

## Boyd's videotaped testimony

“Darryl so desperately wanted to stay alive long enough to be at his trial, but he didn’t make it,” said Rudin. “Daryl’s videotaped testimony was very important in the trial. The jury heard him speak about the incredibly painful years he spent in prisons.

“He testified about some horrifying things he witnessed, including seeing a fellow prisoner burned to death in his cell, seeing another prisoner killed over a piece of chicken and hearing the screams of fellow prisoners who were being sexually assaulted.”

Even though he died months before the trial, Boyd wound up “being one of the most important witnesses there,” Rudin said, speaking of the videotape shown to the jury.

## **Wrongly imprisoned Buffalo man awarded \$28 million; Erie County vows appeal**

In addition to Rudin, Boyd's legal team included attorneys Ross Firszenbaum, David E. Rudin and Spencer Durland. The case was tried before U.S. District Judge Meredith Vacca.

Attorneys J.P. Blenk, Thomas Southard and Kirstie Means were hired to represent Erie County in the case.

Timothy J. Drury, who was one of the assistant district attorneys who prosecuted the case, testified as a witness. Now retired, Drury later became a state judge.

According to Rudin, the county's attorneys took the position during the trial that "all the wrongdoing in the case was entirely the fault of Buffalo Police."

"I believe the jury award was so high because jurors were shocked that the county completely failed to take any responsibility for destroying Darryl's life," Rudin said.

# **Police accused of withholding evidence**

The lawsuits accused former Buffalo homicide detectives of withholding evidence about an adult suspect in the murder and instead using scare tactics and false information to pin the crime on Walker, Boyd and three other innocent teenagers.

The lawsuits also accused the Erie County District Attorney's office of wrongdoing.

Attorneys for Boyd and Walker said last year that they settled their cases with the city because both men were 65 and suffered from multiple health issues.

In past interviews with The News, both men insisted they had nothing to do with Crawford's slaying and said their years in prison were long and painful.

"We've already done our time, but I swear to you, we didn't kill Mr. Crawford," Walker told The News in 2020. "We want our kids and our friends to know we are innocent men. ... We're not giving up until we clear our names."

"I want my family to know, I'm no murderer," Boyd said at the time.

Their childhood friend, Darryn Gibson, was also convicted of murdering Crawford. Gibson died in 2009 after serving 32 years in prison. Another teenager who was charged in the case was acquitted at trial, and a fifth teenager who was investigated was never charged because he agreed to become a witness.

According to the lawsuits, detectives harassed and threatened two teenagers until they agreed to provide testimony that Crawford was beaten to death by their friends.

## **Lawsuit points to another suspect**

The lawsuit accuses prosecutors of failing to provide defense attorneys for more than four decades with important evidence that pointed to another suspect – the murder victim's neighbor.

Police said the inebriated Crawford was beaten to death outside his Fillmore Avenue home after drinking at the nearby Golden Nugget bar late on the night of Jan. 2, 1976. Crawford was seen in the bar with a large wad of cash, buying drinks for friends, police said.

According to the lawsuits, detectives had witness statements and other evidence pointing to a neighbor of Crawford's who left the bar with him that night. The evidence included a statement from a bartender who told police she suspected Crawford's neighbor and drinking companion, of "harming" Crawford.

Drury told The News last year that, in his view, the prosecutions were legitimate.

"I would never take lightly sending teenagers to prison for murder, and I believe that we prosecuted this case properly," Drury said. "No way the city should settle this thing."

The late Edward C. Cosgrove was the district attorney when the teens, whom supporters called the "Buffalo 5," were tried for murder. He denied any wrongdoing by his office or Buffalo police during a 2022 interview with The News.

A key prosecution witness against Walker and Boyd – Tyrone Woodruff, now 64 – told The News in 2022 that homicide detectives threatened and scared him into implicating his friends by claiming they had other witnesses who linked him to the murder.

Woodruff told The News he was a "scared 17-year-old" who had been told by detectives that "if I didn't point my finger at somebody, they would bring someone else in who would point their finger at me."

He said he regrets testifying falsely against Boyd and Walker. Woodruff said he was given immunity from prosecution in exchange for his testimony.