

Sterling Heights man charged in Suave Senior case sues 6 metro police departments

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James Legenzoff doesn't consider himself particularly suave.

But in 2007-09, six suburban police departments tagged Legenzoff, a 75-year-old successful businessman from Sterling Heights, as the Suave Senior, a man who ripped off elderly people by sweet-talking his way into their homes.

He was arrested based on a shaky photo lineup. But charges were dropped after Legenzoff passed four polygraph tests, his fingerprints ruled him out and a GPS tether he was wearing showed he was in different locations as the crimes continued after he was charged.

The whole ordeal turned his life upside down, he said. But now Legenzoff is turning the tables. Last month, he filed a federal lawsuit accusing police of manipulating photo lineups to charge him.

"They could have done a better job,"

Legenzoff said Thursday about how he was treated.

But a lawyer for the Canton detectives whom Legenzoff accused of rigging the lineup, insists they got the right man.

"Absolutely," attorney James Acho said. "Just because the case isn't being prosecuted, doesn't change the belief of the officers."

Police went overboard in Suave Senior photo lineup, suit charges

Gerald Evelyn said he's dealt with hundreds of photo lineups during three decades as a top criminal lawyer, but few as bad as the one Canton police used to arrest James Legenzoff as the Suave Senior in 2008.

"If you look at all the research law enforcement has learned in the area of mistaken identity, they did just about



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James Legenzoff, who was once accused of being the Suave Senior, looks on at his lawyers' offices in Royal Oak on Thursday. / Photos by ANDRE J. JACKSON/Detroit Free Press

everything wrong," Evelyn said Thursday.

First, Evelyn said, the detectives used a full-color photo of Legenzoff in a six-panel photo array that contained grayish photos of five other men.

In the photo, Legenzoff, who was accused of being the well-dressed crook who ripped off elderly victims, wore a dress shirt. The other five filler suspects were dressed in T-shirts, were disheveled and hadn't shaved in days -- one man wasn't even wearing a shirt.

"He stuck out like a sore thumb," said Legenzoff's civil lawyer, Kevin Carlson, who sued the Canton police and five other suburban departments for using highly suggestive photo arrays.

Carlson said the detectives' decision to use Legenzoff's photo in such a manner was like pressing their thumb on the scales of justice.

Lawyers for the police departments insist detectives did nothing wrong.

"It's bogus," said James Acho, who represents the Canton detectives in the suit. He said detectives had to use Legenzoff's full-color driver's license photo "because that's all that was available."

But experts offered a different view, saying the episode again points to the need for police departments nationwide to adopt strict standards for conducting photo and in-person lineups.

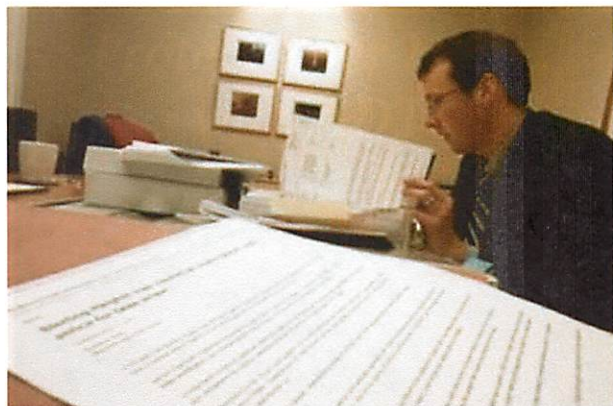
"Mistaken identification is a huge problem -- it's the biggest problem in wrongful convictions," said Gary Wells, an Iowa State University psychology professor who has spent 35 years studying the issue.

He said witnesses routinely get it wrong, pointing out that 75% of the convictions overturned by DNA testing involved witness misidentification.

"But it doesn't have to be this bad," Wells said, adding that states such as New Jersey, North Carolina and Ohio require police to use more reliable methods -- similar-looking suspects in similar clothing, with a warning to witnesses that the lineup may or may not include the suspect.

"It's not just about protecting the innocent, but about catching the real perpetrator," Wells said.

Legenzoff's problems began after Warren police received a rash of complaints in mid-2007 about a well-dressed, gray-haired man in his 70s who approached



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Kevin Carlson has sued six police departments in the case.

senior citizens at supermarkets and malls, struck up conversations with them and later showed up unannounced at their homes, asking to be invited in for coffee.

Once inside, the man engaged in conversation, asked to use the restroom, helped himself to their cash, jewelry and other valuables and fled.

Legenzoff, 75, who owns a coffee distribution and vending company in Detroit, became a suspect that August when a Warren police officer saw him shopping after hours at a car dealership, thought he looked like the suspect and asked him for ID.

The police got his driver's license photo, but when shown, victims in Warren and St. Clair Shores couldn't identify Legenzoff as the suspect.

Eventually, police put out an area-wide alert and Legenzoff became a suspect in a similar Canton larceny.

Carlson said Canton detectives created a photo array that made Legenzoff's photo stand out.

After he was charged and his photo appeared on TV, in newspapers and on the Internet, more victims called police to identify him as the suspect.

In the end, he was charged with seven thefts in Canton, Fraser, Harper Woods, Redford Township, Roseville and St. Clair Shores.

But the charges were dropped after Evelyn arranged four polygraph tests administered by former Michigan State Police examiners -- and Legenzoff passed all of them. In addition, Legenzoff's fingerprints failed to match those found at one of the crime scenes and the GPS tether he was wearing put him at different locations when the crime spree continued.

Evelyn said it took a lot of persuading to convince authorities that they had the wrong man. Legenzoff is suing over his ordeal.

Carlson said Evelyn agreed that Legenzoff likely would not have been charged had the police used an objective photo array.

"What he went through was unbelievable," Evelyn said.

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