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Spann paroled

25 years after rape, strangling death, Spann will be released

By Andrew Dys The Herald - Updated 05/04/06 - 7:05 AM

COLUMBIA -- Sterling
Spann is going to be free.

Almost 25 years after he was arrested and charged with the rape and strangling death of an 81-year-old Clover woman-- a crime he still claims he didn't commit -- Spann was paroled Wednesday morning when the S.C. Parole Board voted 5-1 in his favor.

After 17 years on death row, three years of temporary freedom on bond, then another four years in prison awaiting parole after pleading guilty, the 43-year-old Spann could be released in as little as a week, parole officials said.

A business magnate from Connecticut who is convinced of Spann's innocence in the death of Melva Niell paid for his parole lawyers and has agreed to bankroll Spann's new life. Spann will live in Connecticut, his lawyers said.

For Spann's supporters, Wednesday was a day of joy and vindication.

"Justice is finally done!" exclaimed John Blume, the lawyer who worked with private investigator Pete Skidmore for more than 10 years to get Spann a new trial and still maintains Spann is innocent.

For law enforcement and the family of Melva Niell, found covered in blood and water in her bathtub 25 years ago, Wednesday started with hope and ended with despair, anger and powerlessness.

"I don't know what I am going to tell my family," said Niell's nephew, Andy Thompson, who asked the parole board to keep Spann in jail forever. "My grandchildren go by that house where my aunt died every day on their way to school. How am I going to tell them that the man who killed Aunt Mel is going to get out?"

York County Sheriff Bruce Bryant said, "A guilty man will be walking free," after the hearing, just minutes after he told the parole board bluntly: "I am convinced that if this man is released, he will kill again. I have no doubt."

But Spann's lead lawyer, Lionel Lofton, said Spann is innocent.

Spann was arrested shortly after Niell was killed. In 1982, he was convicted and sentenced to die. But a new trial was ordered by the S.C. Supreme Court in 1999 when his lawyers claimed a serial killer killed Niell. But before that trial could happen in 2002, Spann pleaded guilty under what is called an Alford plea. He accepted a 20-year to life sentence, but did not admit guilt.

On Wednesday, Spann had his third appearance in as many years before the board. About 80 percent of all violent offenders never get paroled, parole statistics show.

The other two lawyers of Spann's high-powered legal team, S.C. House of Representatives members Doug Jennings and Murrell Smith, told the parole board Spann showed while out on bond from 1999 to 2002 he was

not dangerous to the public.

But Bryant, Clover Police Chief Chip Guerry, a State Law Enforcement Division agent, and two of Niell's nephews said Spann was a killer who should die in prison.

The board met in Columbia where Jennings and Smith spoke first for release, then later Bryant, Niell's family and others opposed. Spann, Lofton and supporters appeared by teleconference from a Columbia prison.

Spann broke down in tears when he asked the board to give him freedom. "I'm just ready to go home," he said.

A few minutes later after composing himself, Spann told the board, "I would surely like to go to Connecticut to begin a new life."

Blume said Spann should leave South Carolina and not return to York County to avoid any potential law enforcement harassment. Lofton agreed, saying, "Sterling is going to get out of South Carolina and not have any potential problems being in or near York County."

Good riddance, said both Bryant and Solicitor Tommy Pope, who made the plea deal in 2002 after he planned to again seek the death penalty in a trial.

"That's unfortunate for Connecticut but good for York County," Pope said.

As part of the plea deal, Pope agreed not to take any position on parole other than his normal position that Spann, like any defendant, should serve his entire sentence.

But Pope reiterated his belief Spann is "absolutely" guilty of killing Niell. The serial killer theory of the defense was just a "charade," Pope said. Bryant told the board that Spann was suspected in another Clover death around the same time. Pope agreed not to prosecute the case as part of the plea deal.

Prosecutors had a gold coin of Niell's found in Spann's pocket, a print from Spann found on a recipe card, and other evidence. But the plea deal was made because some evidence was lost and the case was so old, Pope said.

"It remains abundantly clear he is not innocent," Pope said of Spann.

Yet the nature of the crime was so gruesome, Pope said, that he did not expect the parole board to ever release Spann.

"If we had any idea he'd see the light of day, we would have been better off trying it," Pope said. "I respect the parole board's decision. I'm not going to dwell on it and hope that our community doesn't either."

Spann must have electronic monitoring for six months. It remains unclear what will happen with a criminal domestic violence charge Spann still has pending from 2000 when he was free on bond. Guerry, the Clover police chief, said at the parole hearing the case is still pending, but Spann's lawyers said in the hearing the charge was baseless.

Diane and Neil Mellen, who own tire businesses in Connecticut, saw Spann's case on television and embraced his cause claiming innocence.

Diane Mellen told the board she and her husband would give Spann a home, car, job and \$6,000 in start-up money in Connecticut.

All Spann and his wife, Jackie, want now is peace and chance to start a new life, Lofton said.

"To say the least, Sterling was overwhelmed when he found out," Lofton said. "It is his intention to relocate to Connecticut for the rest of his life."

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