

PUBLIC RECORD BRIEF • THE CASBY FAMILY

PUZZLING PIECES

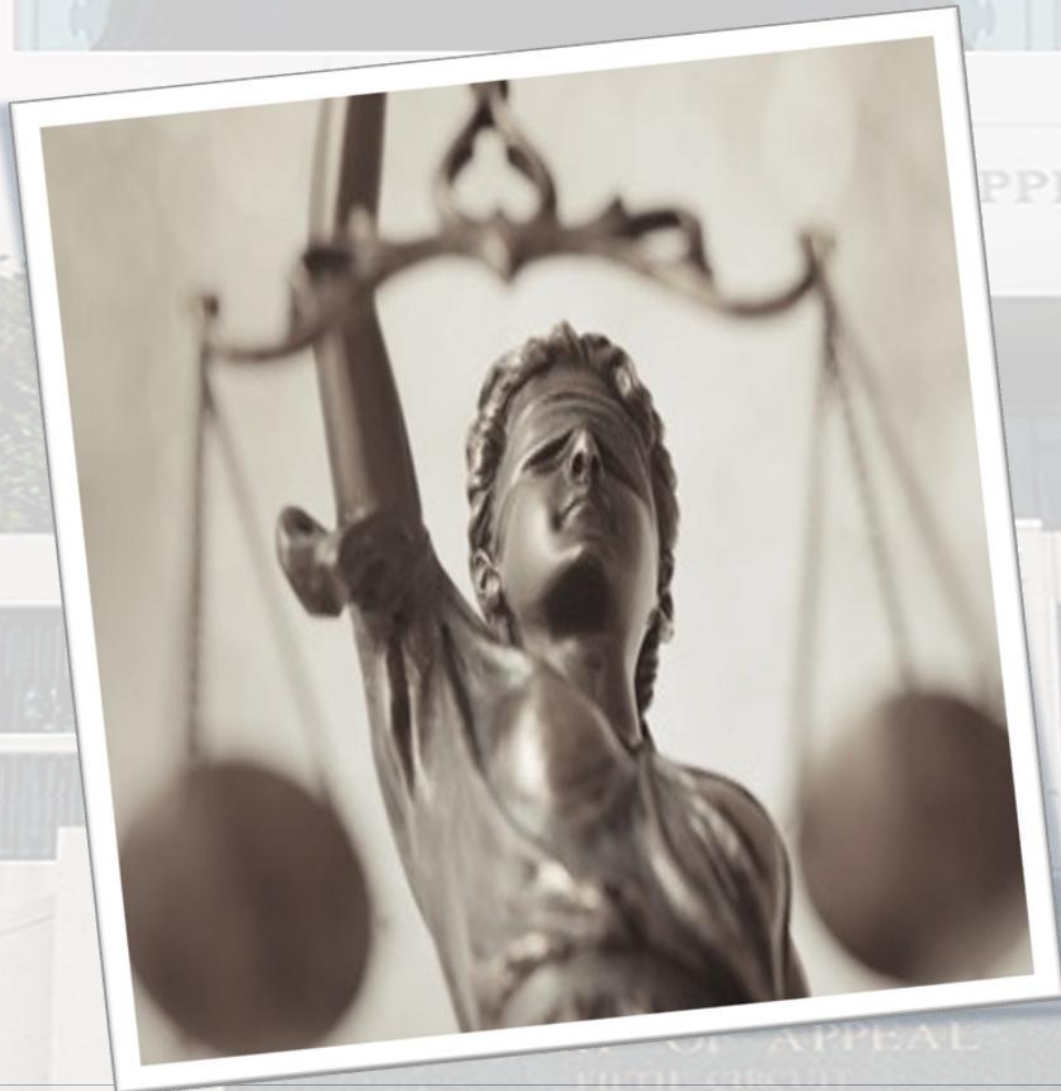
WHOSE DNA IS ON THE MURDER WEAPONS?

U.S. v. Cyrus Casby: Unidentified DNA, a Disputed Confession, and the Evidence Behind the Carto Family Quadruple Murder Case

PREPARED ON BEHALF OF Cyrus Casby

PREPARED BY the Casby Family

OBJECTIVE To ask important questions that the official record leaves unanswered about whether or not the Jefferson Parish Sheriff's Office (JPSO) helped to wrongly convict an innocent man for a crime he did not commit and whose DNA is on the murder weapons. The Casby family believes Cyrus Casby, originally acquitted of murder in state court in 2008, was wrongly convicted in federal court in 2013, and shares the evidence they believe points to the answers. This case deserves a thorough investigation also because of its notable combination of violent assault & arson, the death of the defendant's own daughter, the prospect of a questionable confession and a federal prosecution of a citizen over the same night, AFTER that same citizen has earned a prior state acquittal.



AT A GLANCE

Two cases, two juries, two outcomes.

A Louisiana state jury acquitted Cyrus Casby of four counts of second-degree murder in May 2008. A federal jury subsequently convicted him over the same night, on a different charge [arson affecting interstate commerce] in 2013, and he was sentenced to life in prison in December 2014.

The DNA.

None of Cyrus's DNA was found on the knife-blade samples or anywhere inside the apartment. Those samples carried DNA from an unidentified male, and one piece of evidence carried DNA from an unidentified female.

The confession.

After more than five hours in custody, Cyrus gave a third statement that contradicted his first two. He says it was coerced. The fire lab's findings contradict its key details.

Public record: [U.S. v. Casby, No. 2:11-cr-00130 \(E.D. La.\)](#)

Acquitted of Murder. Convicted of Arson. Same Night. Different Charge.

In 2008, a [Louisiana jury acquitted Cyrus Casby of murdering four members of the Carto family](#). Five years later, a federal jury convicted him over the same night, after prosecutors charged him with arson affecting interstate commerce. He was sentenced to life. The family says the second jury never heard some of the strongest evidence in the case.

The night in question. At 3:43 a.m. on November 10, 2004, Keyira Gable, a 17-year-old friend of the family who was in the apartment, called 911 to report a fire at 1005 Tallow Tree Lane, Apartment C, in Harvey, Louisiana. Four people died. Ten-year-old Jarvis Carto survived with permanent brain damage. Keyira was the only person in the apartment who was unharmed, and she told police she saw Cyrus running away. Cyrus, then 19, from Marrero, with no prior criminal record and a job at a Pepsi plant, says he had delivered baby supplies to the apartment hours earlier, was robbed outside it, and was back home asleep when a neighbor woke his family about the fire.

Deceased	Cause of death	Relation to Cynthia Carto
Janice Carto	Multiple stab wounds	Mother (33)
Cynthia Carto	Multiple stab wounds	Cyrus's ex-girlfriend and the mother of his only child (17)
Cleveland McGinnis	Carbon monoxide poisoning	Brother (11)
Cyanna Carto	Carbon monoxide poisoning	Daughter of Cynthia and Cyrus (1 year, 7 months)
Survivors		
Jarvis Carto	Permanent brain damage	Brother (10)
Keyira Gable	Unharmed	Friend (17)

The confession. Cyrus was taken into custody that morning and denied involvement twice. After more than five hours, he confessed. He says it was coerced. (Page 5 has the details.)

The second trial. After the acquittal, federal prosecutors charged arson. The ATF fire-lab analysis was requested in May 2009, a year after the acquittal. The family says the federal trial leaned heavily on the third statement and on evidence about the stabbings, with no direct evidence that Cyrus started the fire.

When	What happened
Nov. 9–10, 2004, Approx. 11 p.m. to 1 a.m.	Cyrus visits the apartment, is robbed outside, and returns home (his account)
3:00–3:15 a.m.	The window in which the District Attorney, David Wolfe, said the murders occurred
3:43 a.m.	Keyira Gable calls 911
About 4:48 a.m.	Cyrus arrives with his parents and is taken into custody
5:58 and 7:20 a.m.	First & Second statements denying involvement
10:24 a.m.	Third statement, a confession
May 2008	State jury acquits him of four counts of second-degree murder
May 2009	ATF fire-lab analysis requested
2011	Federal indictment for arson affecting interstate commerce
2013	Federal jury finds him guilty
December 2014	Sentenced to life in prison

What the government says: *A federal grand jury indicted Casby in 2011 under 18 U.S.C. § 844(i) for arson causing death and injury.*

Exhibits: Full timeline ([link](#)) |



How Was Cyrus Convicted When None of the DNA Inside the Apartment Is His?

Two knives were recovered from the apartment.

None of Cyrus Casby's DNA was found on the knife-blade samples or anywhere inside the apartment.

Item	What DNA testing identified
<u>Knife blade piece</u> “Master Cut” (#3291)	<u>Unidentified female</u> ; Janice Carto
<u>Broken knife</u> blade (#3290)	<u>Unidentified male</u> ; Cynthia Carto and Cleveland McGinnis
<u>Knife blade</u> swab (#3285)	<u>Unidentified male</u> ; Cynthia Carto
<u>Burned partial glove</u> (#3153)	<u>Unidentified male</u> ; Cynthia Carto
Closet wall, rear bedroom (#5121)	<u>Unidentified female</u> ; Janice Carto
<u>Right shoe</u> (#3074)	<u>Unidentified male</u> ; Janice Carto
<u>T-shirt</u> (#3079)	<u>Unidentified male</u> ; Janice Carto
Sweatshorts cutting (#3077)	<u>Cyrus Casby</u> and Janice Carto

Where Cyrus's DNA was found. The only DNA of his at the scene was blood on the *outside* of the apartment door handle. DNA of Cyrus found “NOT” at the scene was found in a storage bin in a backyard adjacent to his parents' home. He told police in his first statement that he injured his hand in a robbery earlier that night. Cyrus believes police used that information, removed his clothing from the scene, and relocated it to the backyard near his parents' home.

A hair no one has explained. A dreadlock, pulled from the scalp rather than cut, was recovered at the scene. Neither Cyrus nor any victim wore dreadlocks.

QUESTIONS THE RECORD LEAVES OPEN

- Was the unidentified female profile ever compared to Keyira Gable, or to anyone else known to have been in the apartment?
- Was the unidentified male profile ever run through a DNA database?
- Was the dreadlock ever tested?
- The family's chart says the lab analyst did not report the female DNA.
- Did the federal jury hear about the unidentified DNA on the glove, shirt, and shoes?

At trial: *According to the family, the unidentified DNA was never discussed.*

Exhibit C: DNA reports by person ([link](#))

Three Statements, One Confession

Over about five and a half hours, Cyrus gave police three recorded statements. In the first two, he denied involvement and described the robbery. In the third, he confessed; he says officers assaulted and tasered him and fed him details to include.

He says it was coerced. He says officers told him no one would believe him and that confessing was his only way to make a deal. He also says he knowingly put false details into the statement, believing they would be proven wrong in court and eventually prove his innocence.

The fire lab later tested those details against the physical evidence:

Detail in the third statement	What the record shows
His hand was cut by the knives	None of his DNA was on the knife-blade samples.
A candle was knocked over and started the fire	No candles were recovered. The ATF found a candle could not have ignited the carpet.
The fire started in Cynthia's room	The ATF found the fire began on the stairwell landing , using an accelerant. No open flame reached Cynthia's room.
A bottle of gas he brought was used	No gasoline container was recovered. The family says Cynthia's family had no car, so he had no reason to bring gasoline.
His black sweatpants caught fire	No burned sweatpants were ever recovered.

A lawyer turned away. At about 8:20 a.m., a lawyer retained by Cyrus's father arrived at the sheriff's office and signed the [visitation log](#) (8:40). The family says he was told Cyrus had already confessed, though the third statement was not completed until 10:24 a.m.

A parallel case: Damon Thibodeaux. Thibodeaux was convicted in October 1997 on the strength of a confession he gave after a nine-hour interrogation by the Jefferson Parish Sheriff's Office, of which only 54 minutes were recorded. He was exonerated by DNA on September 28, 2012. He said then-Sgt. Dennis Thornton and then-Maj. Walter Gorman fed him details of the crime. [Cyrus names Gorman](#) as the officer who spoke with him before his third statement.

QUESTIONS THE RECORD LEAVES OPEN

- Was the entire interrogation recorded, or only the final statements?
- Did the federal jury hear anything about Thibodeaux? The family says it did not.

Legal context: *Under Moran v. Burbine (1986), police deceiving a family-hired lawyer does not by itself void a waiver.*

Exhibits: [1st](#), [2nd](#) & [3rd](#) statements | [Thibodeaux coverage, ACLU.org \(link\)](#)

A Marrero man who spent 15 years on Louisiana's death row for his wrongful conviction of raping and strangling to death 14-year-old Crystal Champagne under the Huey P. Long Bridge in 1996 walked out of the Angola prison a free man Friday. (Photo by Scott Threlkeld, The Times-Picayune)

Two Witnesses, Two Different Men

Two people said they saw a man running from the apartment. Their descriptions differ on almost every detail.

	Keyira Gable Description	Thomas Odom Description
Clothing	Dark clothing	No shirt, shorts
Hair	Braids; recognized Cyrus by the “clacking” of white beads	Dreadlocks, not braids
Gas can	None seen	Seen
Recognition	Said she knew him by his hair, and did not mention his face until the 2013 trial	Said he recognized one of the men who cut grass in the neighborhood

What does not line up. Cyrus did not wear beads in his hair and did not cut grass in the neighborhood. Odom told detectives in 2004 that he saw nothing, and his identification of Cyrus came years later. The family says Odom did not point out Cyrus in the courtroom until the judge ordered Cyrus to stand. Keyira Gable’s testimony in 2008 and 2013 also differs.

A 30-minute gap. In open court in 2008, the prosecutor said the murders happened “right around between 3:00 and 3:15 in the morning.” Keyira Gable called 911 at 3:43 a.m. She testified it took her one to two minutes to escape and reach a phone. That leaves 28 to 43 minutes between the start of the attacks and her call, and the record does not say what happened during that time frame.

A stolen phone that kept dialing. Cyrus told detectives in his first statement that his cellphone was stolen in the robbery. [Records show calls transmitted](#) from it starting around 5:06 a.m., while he was in custody, some to Leavenworth, Kansas. Cyrus says he knows no one there. The family says no one traced the calls.

Two views of the same kitchen. At 5:03 a.m., the arson investigator, [Detective Tom Lowe](#), recorded the stove burners as off and noted no glove. A later report by [Detective Donald Clogher](#) recorded three of four burners on and a [partially burned glove](#), which was collected at 6:30 p.m., hours after the rest of the evidence was collected.

The witness’s record. Keyira Gable’s account has two problems. First, the 30-minute gap described above, which does not fit the prosecutor’s own 3:00–3:15 a.m. window. Second, a prior case: in 2006 she was prosecuted for an armed robbery of her ex-boyfriend, David Enclarde. Her co-defendants received 5 and 10 years. The family’s records show weekend jail and a suspended sentence for her, after a JNOV motion was first denied and then granted. Whether the 2013 jury knew this is a question for the trial record.

Gorman’s account: *When asked why Casby’s 3rd statement was so different from his first two, Gorman said “I think it was the new face. As soon I went in there, Mr. Casby just opened up to me.”*

Exhibits: Witness testimony [excerpts](#) (link) | 911 timing [\(link\)](#) | Phone records [\(link\)](#) | Scene reports [\(link\)](#)

What We Are Asking

The Casby family believes Cyrus Casby was wrongly convicted. We are not asking you to take that on faith. We are asking you to look at three questions the public record leaves unanswered:

1

The DNA (page 4). Was either unidentified profile ever run through a database or compared to anyone known to have been in the apartment?

2

The confession (page 5). [Walter Gorman](#) spoke with Cyrus before his third statement. Damon Thibodeaux, exonerated by DNA in 2012, accused Gorman of helping to coerce his own false confession. What does the full interrogation record show?

3

The federal trial. Cyrus was acquitted of murder in 2008, then convicted of arson in 2013 over the same night. What did that jury hear, and what did it not hear?

What the government says: *"The trial evidence showed **CASBY** repeatedly stabbed Cynthia Carto, Cyanna Carto's mother, and Janice Carto in an upstairs bedroom of the apartment. Following the stabbings, **CASBY** then used an accelerant to start a fire at the top of the second floor stair landing, effectively trapping the remaining occupants in the second floor of the apartment. We thank the court for imposing a sentence of life"*

Where the case stands: Cyrus's conviction has not been overturned. A [2018 federal court order](#) denied most of his post-conviction claims and deferred his double-jeopardy claim until *Gamble v. United States* (2019), which reaffirmed that state and federal governments may each prosecute the same conduct. The family can provide the court orders on request.

PUBLIC RECORD

- [U.S. v. Casby, No. 2:11-cr-00130 \(E.D. La.\)](#)
- [U.S. Attorney's Office, E.D. La., press release \(Dec. 4, 2014\)](#)
- [UPI, "Man acquitted of 4 murder charges" \(June 1, 2008\)](#)
- [Damon Thibodeaux, exonerated Sept. 2012 \(Courthouse News\)](#)

The full transcripts, [lab reports](#), and exhibits behind every page are available on request.

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Four people died that night, including Cyrus's one-year-old daughter, Cyanna. The Casby family grieves with the Carto family, and believes the people responsible have never been identified.