

The 'Norfolk Four' Convicted of Brutal Rape And Murder Committed By Lone Assailant

By Larry Tice



Danial Williams, Derek Tice and Joseph Dick (left to right) Eric Wilson not shown.

Michelle Moore and William (Billy) Bosko were married on April 4, 1997. Billy was in the Navy stationed in Norfolk, Virginia where they had an apartment. Less than 24-hours before Billy was due back from a Naval cruise, eighteen-year-old Michelle Moore-Bosko was raped, then choked and stabbed to death between the late hours of July 7, 1997, and the early morning hours of July 8, 1997. Over the next twenty months eight suspects were arrested. The five suspects that confessed were prosecuted and convicted of crimes related to her rape and murder. The other three were released and never prosecuted. However, there is compelling evidence that four of the prosecuted men – Danial Williams, Eric C. Wilson, Derek Tice and Joseph J. Dick, Jr. – falsely confessed and were wrongly convicted. Williams, Dick and Tice were sentenced to life without parole, and Wilson to 8-1/2 years imprisonment. The fifth man, Omar Ballard, has confessed at least five separate times, and has not only repeatedly told authorities that he acted alone, but his were the only confessions with details mirroring the crime scene and physical evidence. Three of Ballard's confessions were to police (two orally and one in writing), one was in a letter to an acquaintance, and one was in a March 2005 sworn affidavit. The truthfulness of Ballard's claim of sole responsibility and

his accurate confessions are corroborated by DNA tests of crime scene evidence that excludes the other four defendants, but not him. The following chronology explains how each of the eight men fit into the Moore-Bosko case:

June 24, 1997: Ballard wounds a young woman living in Moore-Bosko's apartment complex by maliciously beating her with a baseball bat. An angry mob chases Ballard to the Bosko's apartment where William Bosko lets him in and refuses to turn him over to the crowd.

July 7, 1997: Between 11:00 pm on July 7, 1997 and 7:30 am on July 8, Moore-Bosko is raped and murdered in her apartment.

July 8, 1997: Moore-Bosko is found dead by her husband in their apartment. She has been stabbed, strangled and raped. He places a blanket over her body before the police arrive.

July 9, 1997: Norfolk police arrest Williams, who lives in the same apartment complex as Moore-Bosko. After an intense interrogation he confesses and is charged with her rape and murder.

July 18, 1997: Ballard rapes a 14-year-old girl near Moore-Bosko's apartment complex.

December 1997: Report provided to Norfolk police that DNA test result excludes Williams.

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Crime Scene Analysis and Reconstruction of the July 8, 1997 Sexual Assault and Murder of Michelle Moore-Bosko

Excerpts of the 60-page Report by Academy Group, Inc.

Executive Summary

Mrs. Michelle Moore-Bosko was sexually assaulted and murdered by Omar Ballard on July 8, 1997, in her Norfolk, Virginia, apartment. Ballard was alone with Moore-Bosko when he killed her. He confessed to this homicide, and solely his DNA was found under her fingernails and in her vagina. Statements made by Ballard to police investigators were consistent with the physical evidence found at the crime scene and found during the victims autopsy.

There was no evidence of any nature linking Danial Williams, Joseph J. Dick Jr., Eric C. Wilson, or Derek Tice to this crime. Statements they made were not consistent with the physical evidence, victim's wounds, or behavioral evidence. They had nothing to do with this matter and were charged only because they confessed to the crimes. (p. 3)

Why the Evidence Does Not Support This as a Multiple-Offender Crime

If eight healthy young men were in a tiny (approximately 700 sq. ft.) apartment taking turns restraining and sexually assaulting a kicking and violently fighting female, it can be presumed that their vigorous activity, anxiety, nervousness and testosterone would lead to a far greater amount of physical, biological, and behavioral evidence being present than was found at this scene.

The greater the number of people present, the greater the chance for leaving fingerprints, hairs, fibers, footwear impressions, and semen, and the greater chance of breaking, stealing, or disturbing something in the small apartment. There was not enough physical evidence present to support this as being a multiple-offender crime. (p. 21)

Physical Evidence

If this were a multiple-offender crime one would expect:

- More fingerprints throughout the apartment
- More fingerprints on the polished surface of bedroom floor

Analysis cont. on page 30

Norfolk Four — Williams, Tice, Dick and Wilson — Seek Pardons From VA Governor

Petitions requesting executive clemency and pardons were filed with Virginia Governor Mark Warner by lawyers for Derek Tice, Joseph Dick and Danial Williams on November 10, 2005. The three men had been convicted of the rape and murder of Michelle Moore-Bosko in July 1997 based on their confessions. They were sentenced to life in prison. Eric Wilson was also convicted of rape, but not murder, after confessing. Wilson completed his prison sentence in September 2005, and has also filed a pardon petition.

All four men have retracted their confessions as being coerced under intense pressure by Norfolk, Virginia detectives and claimed their innocence.

The petitions for Tice, Dick and Williams incorporate the crime scene reconstruction analysis conducted by Academy Group,

Inc., a Virginia based forensic consulting firm. AGI released its a 60-page report on

November 3, 2005. The report examines the condition of the crime scene, the physical and DNA evidence recovered, and the consistency of the men's confessions with the crime scene and evidence. AGI's summarizes its report as conclusively establishing that none of the four men was involved in Moore-Bosko's rape and murder.

The Norfolk Four's pardon requests have attracted national attention to their case, including a feature article in *Time* magazine (Dec. 12, 2005) and a segment on ABC's *Nightline* program (Dec. 29, 2005).

Governor Warner has granted a pardon to three wrongly convicted men, Marvin L. Anderson, Julius Earl Ruffin and Troy D. Hopkins, and he has announced he will pardon two others. It is unknown when he will make a decision about the Norfolk Four's applications.

Complicity cont. from p. 29

thought was life threatening voltage to an innocent person strapped to a chair simply because they were instructed to do so by an authority figure in a white coat. Judges wearing a black robe instead of a white technician's smock confirm the validity of Professor Milgram's experiments every day in courtrooms all across the country. So what has subtly gone on in courtrooms for over a hundred years, since the Supreme Court's decision in *Sparf v. United States*, is nothing less than a sophisticated form of psychological manipulation of the jurors to produce the judge's desired verdict.

Of course, once a conviction is obtained, whether solely by psychologically torturing the jurors or a combination of multiple juror manipulation techniques, it is extraordinarily difficult for a defendant's conviction to be reversed on appeal to a higher court. Even when a higher court rebukes a trial judge, it often has no effect on the judge's conduct or rulings. In some cases a judge will simply ignore the order of the higher court that has no real power to force compliance with their edict.

The fact based documentary-drama, *Without Evidence*, about the trial and conviction of Frank Gable for the 1989 murder of Oregon Department of Corrections Director Michael Franke, graphically demonstrates how blatantly a trial judge can, to all appearances, successfully fix the conviction of what may be an innocent man, and how difficult it is for a defendant to have those prejudicial actions undone on appeal. Judges are literally able to do this with near impunity because of the discretion they are given to determine the ebb and flow of a trial by appellate courts reluctant to reverse lower court rulings. A skilled judge can use the latitude they are granted to express their preferences about a defendant while superficially appearing to the casual observer to be primarily concerned with protecting the dignity of the proceedings. It is also important to consider that even when a judge does not have a pre-judgment about a defendant, their typical prosecutorial bias can express itself in the form of a conscious or unconscious leaning toward the defendant's guilt. Although judges vary in the obviousness of expressing their preference for a defendant's conviction, they are all able to effectively do so whenever it suits them.

Part 7 will be in the next issue of *Justice:Denied*. **To order** the complete 27,000 word article, mail \$10 (check or money order) with a request for - **Vol. 30, No. 4, Symposium Issue** - to:

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Analysis cont. from page 6

- Footwear impressions on the polished wooden floor of the apartment and bedroom
- More sign of struggle or fight
- More debris tracked in by multiple offenders
- More hair and fibers in the scene
- Hair and fibers on the victim's shirt
- Greater disturbance to apartment
- Damage to apartment
- More theft
- Furniture movement in apartment
- There is no sign that anyone cleaned up in the bathroom or kitchen
- A mixture of semen and different DNA's found upon analysis

Wounds

If multiple offenders had committed this crime, it is expected that far more damage would have been inflicted upon the victim and that damage would have been evident at autopsy.

- The victim had blood under her fingernails from defending herself; if she were fighting several offenders it is expected that she would have "restraint injuries" (e.g., bruises to wrists, ankles, arms, legs)
- Victim managed to scratch one assailant; if there were multiple assailants present, she would have had the opportunity to scratch or bite more; however, the DNA of only one offender was under her fingernails and oral swabs did not reveal any DNA other than the victim's.
- With multiple offenders restraining a victim blunt force trauma is often found to the victim's face (e.g., black eye(s), facial bruising, lacerated lips, inner lip cuts, damaged nose); none was present in this case.
- If multiple offenders had stabbed the victim, it is expected that there would be a greater variation in wound location, direction, size, and depth.

Behavioral Evidence

- Noise
 - ✓ Multiple offenders involved in a gang rape may have generated enough noise that the neighbors would have immediately noticed and reported the noise to police, or to authorities, during their neighborhood canvas
 - ✓ If multiple offenders did not make much noise during the crime, they may have done so during their exit from the apartment, from the building, or from the apartment complex
- Notice of presence
 - ✓ While one person traveling about an apartment complex may go unnoticed, multiple people are a crowd; and a crowd of only males is a suspicious crowd that would

probably have not gone unnoticed to the neighbors and would have been reported to the police during their neighborhood canvas [JD Note: The resident's of Moore-Bosko's apartment complex were very watchful over their living environment and proactive in protecting it. Just two weeks prior to Moore-Bosko's rape and murder, an angry mob of apartment dwellers chased Ballard to their apartment after he had beaten a young girl with a baseball bat, and her husband, William Bosko, let him in and refused to turn him over to the crowd.]

- Rearrangement of furnishings
 - ✓ Only two chairs (of four) were pulled away from the dining table; if multiple offenders had been present, there should have been greater disruption of the furniture that would have been noticeable in the neat apartment

Why the Evidence Supports This as a Single-Offender Crime

Physical Evidence

The physical evidence, wounds, and behavioral evidence are consistent with a single offender having committed this crime. Additionally, only one DNA profile was found on and in the victim. (p. 25)

Wounds

The wounds found at this scene were consistent with what would be expected at a single-offender scene. There were no abrasions on victim's arms or legs, and no blunt force facial trauma as would be expected from multiple assailants. If multiple offenders had stabbed the victim, it is expected that there would be a greater variation in wound location, direction, size, and depth. In this case, the wounds indicate one offender that tormented/controlled, then tentatively stabbed, then resignedly stabbed.

Behavioral Evidence

The behavioral evidence found at this scene is consistent with what would be expected at a single-offender scene where the offender went to the residence for a sexual encounter. The victim was killed so she would not be able to testify that the sexual encounter became a violent sexual assault. Searching through the victim's purse was an afterthought to the crime.

Note: The **Assessment of Ballard's Statements** and the **Assessment of Williams, Dick, Wilson, and Tice's Statements** on page 31 are excerpted from "Crime Scene Analysis and Reconstruction of the July 8, 1997 Sexual Assault and Murder of Michelle Moore-Bosko."

Analysis cont. on p. 31

ASSESSMENT OF BALLARD'S STATEMENTS	
Statement	Evidence
He had known victim for two months and she knew him	Consistent with voluntary entry into apartment
Victim invited him into the apartment before her assault	Consistent with the evidence
He followed victim to the bedroom, where he raped her	Consistent with evidence, however, the evidence shows he <i>chased</i> her, not just <i>followed</i>
"And maybe [there was sex] on the floor"	Consistent with the evidence
She never fought or screamed."	Consistent with the evidence and injuries
Knife used to stab victim was from kitchen drawer; brown, ridged handle, 4-5 in. blade	This is true according to victim's husband. Accurate description of knife.
I turned around and choked her	Consistent with the evidence
... took \$35 from "on the table in the dining room. That's it. I know it was all \$10's and a \$5."	Consistent with purse contents dumped and searched on the dining table Consistent with other valuables not having been taken - victim's jewelry, CDs, electronics
He never hit her	Consistent with the evidence
He committed the crimes alone	Consistent with the evidence

ASSESSMENT OF WILLIAMS, DICK, WILSON, AND TICE'S STATEMENTS	
Statement	Evidence
Tice and Pauley went to Williams apartment and met with Wilson, Dick, Farris "I had one leg, Eric had the other leg, Joe had one arm, Jeff had one arm, and Rick Pauley was <u>trying to keep her from squirming.</u> " All six men raped the victim	This is a total of six men, and is inconsistent <u>with the evidence of a single-offender crime.</u> Inconsistent with victim's injuries; there are no abrasions and bruises that would have occurred with such restraint <ul style="list-style-type: none"> • Only DNA of one man (Ballard) found in victim • There was no mixture of DNA found • No DNA from any of the six men Tice named was found
We men rushed in and then carried her into the bedroom	Inconsistent with evidence for the following reasons: <ul style="list-style-type: none"> • The table directly in the path of the opening front door would have been dislodged and those items balanced on it (lamp and drinking glass) would have been askew or tumbled over • The 2'10" hallway is too narrow for people to navigate while side-by-side, much less while carrying a violently struggling victim • Chair protruded into hall, lessening the hallway width to 1'4" • The photograph on right side of hallway would have been dislodged, but there is no evidence this occurred • The mail, etc., on the kitchen/hallway shelves would have been dislodged from the shelves and strewn into the hallway and kitchen • The photograph on the hallway wall across from the bedroom door would have been dislodged • The hallway walls would show scratches, scrapes, and rub marks from such frantic passage down such a narrow corridor
"Jeff...stabbed her... then Dan stabbed her. I stabbed her, then Eric stabbed her, Joe stabbed her, and Pauley also stabbed her... After Rick had stabbed her, we released her [from a standing position], she fell to the ground..."	Inconsistent with: <ul style="list-style-type: none"> • Number of stab wounds This account relates six stabs There were actually four stab wounds and an additional five "knife point abrasions" • Victim's stab wounds being tightly clustered • Blood stains (indicate she was not standing when stabbed)
"...she did put up a struggle the whole time."	Inconsistent with evidence: <ul style="list-style-type: none"> • Lack of scrimmage and defensive injuries on victim • Lack of "restraint injuries"
Tice stated he ejaculated while raping victim	His DNA was not in the victim, nor found anywhere else in the apartment.
Eric hit victim a couple of times	No such injuries on victim
Covered victim with blanket from bed	No - husband did this upon finding victim