

Drew Whitley Freed After 18 Years

By Bill Moushey

Taking in freedom after 18 years of incarceration for a murder he didn't commit, Drew Whitley gazed longingly towards his mother Hattie, thanked her for not only helping him fight his personal war for exoneration but for consoling him in his darkest hours.

"I got a little weary at times, and I would call mom, she was always there, keeping me focused throughout this nightmare," he said just moments after a judge dismissed charges that he killed Noreen Malloy, 22, a McDonald's restaurant night manager near Kennywood Park in 1988 after DNA tests proved he was not the killer.

"Mom, you stood by me through thick and thin, we went through this war together, and we won," said Mr. Whitley, as he embraced the teary-eyed woman.

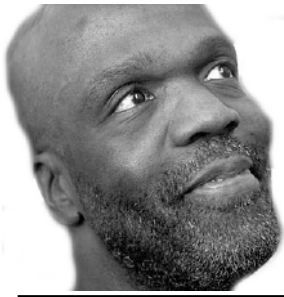
"It don't get no better than this," was all Mrs. Whitley could say as they walked out of the courtroom of Allegheny County Common Pleas Judge Anthony Mariani, then strolled on the sun-splashed day to the county jail to complete paperwork on his trek to freedom.

Mr. Whitley, now 50, has spent nearly two decades and hundreds of courtroom hours trying to overturn his conviction in the brutal slaying of Ms. Malloy, who was shot twice and left to die in the restaurant parking lot during a botched robbery attempt.

At an emotional hearing on May 1, 2006, it took Judge Anthony Mariani only five minutes to set him free after the Allegheny County District Attorneys office requested a dismissal of all charges against Mr. Whitley due to extreme reasonable doubt of his guilt.

With the judge listening, Mr. Whitley thanked his mother and Scott Coffey, his lawyer, then singled out the work of students at the Innocence Institute of Point Park University, which investigated his claims of innocence for five years. "Bill Moushey, you are my hero, thank you," he said about the investigative journalism program where students probe into and write about claims of wrongful convictions.

During his imprisonment, Mr. Whitley — who has steadfastly maintained his innocence — said he felt as if someone put him into "a room



Drew Whitley a day after his release.
Andy Starnes, *Pittsburgh Post-Gazette*

with a million doors and there is only one door that you can open, and they blindfold you and over the years you got to keep on trying to find those doors when you're blindfolded...its crazy," he said.

His son, Marcus Whitley, now 31, said, "He's been gone since I was 14; this is like Christmas." Asked what he was going to do with his father, the younger Mr. Whitley smiled and said: "Chill, just chill."

Another interested attendee was Thomas Doswell, who was exonerated after serving almost 19 years in prison on a rape conviction through DNA testing last August. The two became friends in prison and helped each other on their cases.

"I believed in his situation. I'm thankful to live to see this day that another man has been found innocent," Mr. Doswell said.

No members of Noreen Malloy's family attended the hearing, and none have commented on the case since Allegheny County District Attorney Stephen A. Zappala Jr. announced last week that DNA tests showed that hairs found in the nylon mask worn by the man who shot Ms. Malloy did not belong to Mr. Whitley.

It was the second set of DNA tests on physical evidence from the case that indicated Mr. Whitley did not commit the crime, and along with the case involving Mr. Doswell was the second time that post-conviction DNA tests have cleared someone in Allegheny County.

Mr. Whitley was convicted in 1989 on physical evidence and the word of two controversial witnesses. Mr. Zappala last week called the case "another example of how science has contradicted the testimony of witnesses." Other than to say the case is now "open and active," a spokesman for Mr. Zappala had no comment yesterday.

Mr. Coffey said it was difficult to get to the truth because evidence was lost for years and it was mired in procedural delays.

"It shows the system does work, the system ultimately did work," he said.

Mr. Coffey also was stunned by the turnaround. Just two weeks ago Mr. Zappala's

office had filed a motion suggesting the prosecutor would oppose his request for a new trial based on the first round of DNA tests that excluded Mr. Whitley earlier this year.

For years, prosecutors had fought Mr. Whitley's efforts to conduct DNA tests on more than 40 hairs that had been found in clothing worn by the man who beat and shot Ms. Malloy to death. Last summer, after DNA testing exonerated Mr. Doswell of Homewood, Mr. Zappala said he would reconsider his interpretation of a 2003 state law that authorizes DNA tests for people convicted of major crimes.

On the fact that others who were wrongfully convicted remain incarcerated, Mr. Whitley praised the new law: "Me and Tommy are just fortunate. We had the DNA evidence. If I didn't have it, I'd still be in there (prison)," he said.

On his release, Mr. Whitley was anxious to go to his mother's home to rekindle relationships that for almost two decades were limited to prison visits, letters and occasional telephone conversations.

Reflecting on the ordeal, he remained stoic: "In difficult times, I get better, not bitter. Don't get me wrong, I got upset at times, angry, but not bitter," he said.

That is because he was able to remain hopeful.

"Keep hope alive, don't ever give up on hope, always remember tough times don't last, tough people do," he said, while smiling about his new-found freedom, adding, "It's a beautiful thing."

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Prisoners in Western Pennsylvania and West Virginia *only* who are claiming innocence can write:
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