

**JUSTICE  
DENIED**

The Magazine for the  
Wrongly Convicted

**The Justice Institute  
PO Box 68911  
Seattle, WA 98168**

November 17, 2008

Governor Timothy M. Kaine  
Office of the Governor  
Patrick Henry Building, 3rd Floor  
1111 East Broad Street  
Richmond, Virginia 23219

RE: Pardon petitions of Derek Tice, Danial Williams, Eric C. Wilson, and Joseph J. Dick, Jr.

The Honorable Governor Kaine,

In November 2000 *Justice:Denied* magazine published an article about the case of four young men convicted and imprisoned for the July 1997 rape and murder of Michelle Moore-Bosko in Norfolk, Virginia. That was the first media article that examined the soundness of the prosecution's case, and questioned the guilt of those four men: Derek Tice, Danial Williams, Eric C. Wilson, and Joseph J. Dick Jr. Those four men have come to be known as the Norfolk Four.

Since 2000 the case of the Norfolk Four has been widely publicized, they have obtained first-class *pro bono* legal assistance, and a number of respected legal professionals have publicly expressed their opinion that the four men are innocent of having anything to do with Mrs. Moore-Bosko's murder. The latest persons to do so are thirty former FBI agents. As reported in *The New York Times* on November 11, 2008, the agents stated, "After careful review of the evidence we have arrived at one unequivocal conclusion: The Norfolk Four are innocent." What hasn't changed during the past eight years is no physical, forensic or eyewitness evidence has been produced by the State of Virginia implicating any of the Norfolk Four in the crime.

World-renowned false confession expert Professor Richard Leo has thoroughly examined their case and the circumstances of their confessions. Professor Leo is so convinced of their innocence and that they were pressured to falsely confess that he co-wrote the book, *The Wrong Guys: Murder, False Confessions, and the Norfolk Four*, that was published on November 3, 2008.

That the four men falsely confessed explains why the crime scene's physical evidence and DNA testing only implicates one person – Omar Bradford – who has made several accurate confessions to solely committing the crime, and who also committed other assaults in the area. The forensic and confession evidence establishing Mr. Bradford as Mrs. Moore-Bosko's lone assailant is also consistent with an extensive crime scene analysis and reconstruction paid for by the Norfolk Four's lawyers, that concluded:

“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 victim’s autopsy.

There was no evidence of any nature linking Williams, Dick, Wilson, or 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.” (“Crime Scene Analysis and Reconstruction of the July 8, 1997 Sexual Assault and Murder of Michelle Moore-Bosko,” Report by Academy Group, Inc., November 3, 2005, p.3.)

The only evidence against the Norfolk Four that can be characterized as possibly substantive are their inconsistent confessions that they retracted, which Professor Leo has determined are false, and for years they have asserted they only confessed after police interrogators threatened them with the death penalty if they didn’t cooperate by confessing.

The case of the Norfolk Four is eerily similar to that of six young people convicted of participating in the 1985 murder of Helen Wilson in Beatrice, Nebraska. Four of those people confessed and took plea bargains after being threatened by the prosecutor and police interrogators with the death penalty if they were convicted of first-degree murder after a trial. One man refused to confess and went to trial. He was convicted of first-degree murder and sentenced to life in prison without parole in 1990. That man, Joseph White, continued professing his innocence, and he and a co-defendant who pled no contest were successful in obtaining a court order to DNA test blood and semen left by the assailant at the crime scene. On August 1, 2008 the tests identified the DNA was from a male other than any of the six people convicted of Ms. Wilson’s murder.

Based on the exculpatory DNA evidence Mr. White’s conviction was overturned on October 15, 2008 and he was immediately released from prison. His co-defendant who pled no contest was released two days later for time served based on the same exculpatory DNA evidence. Both men had been in custody for more than 19 years.

On November 7, 2008 Nebraska Attorney General John Bruning announced that the DNA identified Bruce Allen Smith as Ms. Wilson’s assailant. The announcement was made after a three-month joint state and local reinvestigation of the case determined that Mr. Smith, who died of AIDS in 1992, committed the crime alone. The only one of the six defendants that remained in prison was JoAnn Taylor, and AG Bruning asked for a special parole hearing because it was the fastest way to secure her release from prison. Ms. Taylor was granted parole and released on November 10, 2008. AG Bruning is committed to helping obtain pardons for the five defendants who took plea bargains to minimize their sentence, including the four that falsely confessed.

There is even less evidence that the Norfolk Four were involved in Mrs. Moore-Bosko’s murder, than there is that the six defendants in Nebraska were involved in that terrible crime – because consistent with the crime scene evidence Mr. Bradford has accurately and without prompting confessed to being the lone perpetrator in Mrs. Moore-Bosko’s murder.

As a human institution the legal system at its best is not perfect and is subject to error. Many decades of research has demonstrated that the conviction of innocent persons can be the result of a variety of circumstances. The Justice Institute was created in 1999 to increase awareness of wrongful convictions, and one of the means to accomplish that is *Justice:Denied* magazine that reports on issues related to wrongful convictions.

We know that you have an acute awareness that extreme injustices can occur. On July 10, 2006 you properly and compassionately exercised your executive prerogative by informally pardoning Grace Sherwood and restoring her good name on the 300<sup>th</sup> anniversary of her wrongful conviction of witchcraft in what is now Virginia Beach.

There is simply no credible evidence that Derek Tice, Danial Williams, Eric C. Wilson, and Joseph J. Dick Jr. were involved in Mrs. Moore-Bosko's murder. Consequently, The Justice Institute is requesting that you exercise your authority as governor of the State of Virginia and grant the petitions for an Absolute Pardon of those four individuals so their good names can be restored, and so that Mr. Tice, Mr. Williams and Mr. Dick can be immediately released from any further imprisonment for a crime committed by another person.

Sincerely,

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