

Miscarriage of Justice for the Norfolk Four

- Nov 11, 2010
- [Rupert Taylor](#)



Norfolk Four Free but not Exonerated. - *Victor Vizcaino*

A biased and sloppy police investigation led to four American sailors spending a decade in jail for a crime they did not commit.

On July 8, 1997, 18-year-old Michelle Moore-Bosko was found dead in her apartment. Her husband, sailor William Bosko, had just come ashore at the U.S. Naval Base in Norfolk, Virginia, from a mission. He discovered her body on the floor of the couple's bedroom; she had been raped and murdered.

Norfolk Police Arrest a Suspect in Moore-Bosko's Murder

Detective Maureen Evans was assigned to the case and began, in standard police practice, by questioning neighbours. According to the [PBS Frontline documentary](#) ("The Confessions," November 9, 2010), one of them, an acquaintance of the victim, told Evans she should look at Danial Williams who lived next door.

Detective Evans started to question Williams, a navy machinist. Within half an hour, Williams was asked to take a lie-detector test, which he passed. But, police told him he had failed the polygraph and that he had better make his confession.

Intensive Interrogation Leads to Confession

For the next 11 hours Williams underwent an intense, aggressive, and intimidating interrogation.

"Being in a small room," he told *PBS*, "and you have a person that's sitting across the table from that's getting your face, yelling at you, calling you a liar, poking you in the chest with their finger, and then turns around and says 'Well, I can help you, if you tell me the truth.' "

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The help being that a confession will save the subject from the death penalty.

After eight hours of questioning, Detective Robert Glenn Ford, a man with a reputation for getting confessions, was brought into the interview room. Williams describes Ford as being “like a bulldog; once he gets his teeth into you he doesn’t stop until he gets what he wants from you.”

In the end, Williams was worn down and gave Ford the confession he wanted. Another of the accused, Derek Tice, said that after nine hours of browbeating and execution threats he came to the conclusion his choice was to “Tell [Ford] what he wants to hear and live or keep telling the truth and die.”

New Evidence Exonerates Williams

A few months after the confession and being charged with rape and murder, results from DNA tests came back; the semen left in Michelle Moore-Bosko’s body did not match Williams’ DNA. So, Norfolk police decided to change the story; Williams must have been one of two or more assailants. Police kept the DNA result secret and went looking an accomplice; they picked Williams’ Navy roommate Joe Dick.

After another intensive round of interrogation by Detective Ford, Dick signed a confession and named others. Eventually, Ford would get confessions from two other Navy men named by Dick.

However, among the four men there was no DNA match, all had passed polygraph tests, and all had recanted their confessions. In addition, crime scene evidence made it clear a gang rape had not occurred. But, none of this stopped the State of Virginia from putting the men on trial.

Trial of the Norfolk Four

Prior to the trials, reports Ian Urbana in the [New York Times](#) (“Retired F.B.I. Agents Join Cause of 4 Sailors,” November 10, 2008) “another man, Omar Ballard, confessed that he committed the crimes. His DNA matched evidence from the scene...

“Mr. Ballard had a history of violence against women in the Norfolk neighbourhood where the victim, Michelle Moore-Bosko lived.” He was convicted and the prosecution theory changed again to say that the other four had acted with Ballard.

By this time, Williams had entered a guilty plea. Another of the accused, Eric C. Wilson went to trial in June 1999 and his confession trumped all evidence pointing to his innocence. He received an eight-and-a-half-year sentence for rape. The other three men were convicted of the murder in addition to the rape and received life sentences.

Campaign for Release

There were so many holes in the State of Virginia's case that concerned people began to apply for the men to be released and exonerated.

[The Norfolk Four campaign](#) points out that, "An objective, comprehensive review of this case by the nation's leading experts in the fields of forensic pathology, forensic DNA analysis, crime scene reconstruction, and false confessions leaves no doubt that [the men] were wrongly accused, falsely confessed, and are all innocent."

Eventually, [justicedenied.org](#) reports that in August 2009 out-going Virginia Governor "Tim Kaine granted partial pardons to Norfolk Four defendants, Derek Tice, Danial Williams, and Joseph Dick. The governor's pardon commuted the men's sentences of life in prison without parole to time served." Wilson had already been released having served his sentence.

However, the convictions of the four men remain on the books and they all are registered sex offenders. A campaign for complete exoneration continues, although the *PBS* documentary makes it abundantly clear the lives of the four men have been profoundly, negatively, and probably permanently affected by the experience.

Detective Ford Guilty of Extortion

The man most responsible for putting the Norfolk Four behind bars, Detective Robert Glenn Ford is now in serious trouble with the law he swore to uphold.

According to Margaret Edds ("The Crumbling Case against the 'Norfolk Four,' " November 6, 2010) in [The Washington Post](#), "On October 27, a federal jury convicted Robert Glenn Ford of two counts of extortion and one of lying to the FBI... "he...was shaking down...criminal defendants for thousands of dollars in return for falsely identifying them as informants who had helped solve homicides." He is to be sentenced in 2011.

And, [JusticeDenied.org](#) adds that, "Detective Ford has a history of coercing confessions. He was suspended from the detective force in 1990 for coercing a confession from three teenagers. In 1997, Detective Ford coerced a confession from a mentally disabled person. A court sealed the records of that incident."

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DEPT. OF JUSTICE

THE WRONG GUYS

by [Jeffrey Toobin](#) August 24, 2009

Richard Leo had never heard of the Norfolk Four when he received an interview request on the subject from a television producer in 2001. Leo, a law professor at the University of San Francisco, is an expert on false confessions—the puzzling phenomenon of suspects who admit to crimes they did not commit. Troubled by what he heard from the producer, Leo wound up devoting much of the next seven years of his life to the case.

The story began on July 8, 1997, when Billy Bosko, a nineteen-year-old Navy sailor, returned from an assignment to find his eighteen-year-old wife, Michelle, stabbed and strangled to death on the floor of the apartment they shared in Norfolk, Virginia. An autopsy showed that Michelle had also been raped. Police immediately brought in a neighbor, Danial Williams, also a Navy man, for questioning, and after a nine-hour interrogation he confessed to the crimes. Three others from the Navy—Joseph Dick, Jr., Derek Tice, and Eric Wilson—were subjected to separate, lengthy interrogations by the same detective, and each man confessed. (Wilson admitted only to raping Michelle Bosko, not to killing her.) The abundant DNA evidence at the crime scene, including semen and the blood of Michelle’s presumed attacker, which had been found under her fingernails, pointed to another man, Omar Ballard, an acquaintance of the victim who had a long history of violence against women. Ballard, too, confessed—and said that he had acted alone. (None of the others had criminal records.)

In light of the confessions, and despite the lack of physical evidence tying the four Navy men to the crime, the police charged them in a murder conspiracy. Faced with the prospect of the death penalty if they went to trial, Williams and Dick pleaded guilty; Tice was convicted in a trial, and all three were sentenced to life in prison without the possibility of parole. (Wilson received a lesser sentence.) To Leo, the confessions by all the men except Ballard seemed clearly to be false. “They were coerced, yelled at, told they failed a polygraph when they didn’t—

and, most important, threatened with the death penalty when they didn't confess," he said. "The forensic evidence all pointed to a single attacker." Leo linked the defendants up with the Innocence Project, which helped them find pro-bono counsel, and then he set out, with a journalist friend, Tom Wells, to write a book about the case.

Progress came glacially. All four men had recanted their confessions, but there were few options for an appeal to a higher court. The lawyers made voluminous submissions to the governor's office for a pardon, but Mark Warner and his successor, Tim Kaine, showed little interest. Leo and Wells found a publisher for what became "The Wrong Guys," but still the Norfolk Four languished in prison.

The turning point may have come in 2008, when Leo, through a mutual friend, slipped the unpublished manuscript to John Grisham, who lives in Charlottesville. "They put together a very convincing story," Grisham said the other day. Grisham decided to make his own appeal on behalf of the four men. "The Governor is an old ally of mine, and I know he does not discuss clemency with anyone," he said. "Still, several months ago, we had a glass of wine. . . . Let's put it that way. I feel sure he read the book."

The book came out late last year, and on August 6th Governor Kaine gave the men—and the authors—a kind of vindication. Kaine awarded conditional pardons to Williams, Dick, and Tice, which meant that they could be released from prison immediately. (Wilson was already free; he had completed his sentence.) Nevertheless, the Norfolk Four remain under parole supervision and, according to the terms of the pardon, must register in their communities as sex offenders.

"We are thrilled, but it's bittersweet, because we know they're innocent," Leo said. "The Wrong Guys" didn't attract many reviews, but to Leo and Wells some notices matter more than their Amazon ranking. "For guys like that to take an interest in someone like me is astounding," said Derek Tice, who is currently living with his parents in North Carolina. "I'm not Brad Pitt, I'm not some superstar or super athlete, but these guys saw something wrong and wanted to help make it right. And for that I am eternally grateful. I think they did a great job. I was inside for eleven years, one month, and eighteen days. I'm still not sure that it's real." ♦

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August 19, 2007

What Happened in Norfolk

By ALAN BERLOW

At the Keen Mountain Correctional Center, a gray complex of poured concrete in rural southwest Virginia, Joseph Jesse Dick Jr. sits behind the thick glass pane of a prison interview booth like a specimen in an oversize shadow box. A man of delicate bearing with receding reddish brown hair, a sparse mustache and rectangular prison-issue glasses a bit wide on his long, gaunt face, Dick is here because he pleaded guilty to the 1997 rape and murder of his neighbor Michelle Moore-Bosko — a crime he now says he didn't commit. And maybe he didn't. Such proclamations of innocence are no longer surprising. The imprisoned man exonerated by DNA evidence or a belated confession by the actual killer or the emergence of a credible alibi witness is a narrative of increasing familiarity. But even in the upside-down world of wrongful convictions, the extravagant case of Joseph Dick and his supposed partners in crime is in a class of its own.

To conclude that Joseph Dick is innocent, you must first believe that the tape-recorded confession he gave to the police was untrue and, second, that three other men who said they committed the brutal crime with Dick also falsely confessed. In addition, you must believe that Dick perjured himself when he helped convict two of those co-defendants by testifying against them at their trials for rape and murder, lied when he named five other accomplices and lied moments before a judge gave him a double life sentence when he apologized to the parents of Michelle Moore-Bosko, declaring, "I know I shouldn't have done it; I have got no idea what went through my mind that night, and my soul."

This is a lot to accept. But perhaps the most astonishing aspect of this case is that these may be the most logical conclusions to draw. When I met Dick, who is now 31, at Keen Mountain in January, he told me he

had proclaimed to investigators his innocence of any involvement in the crime for more than seven hours. During that interrogation, he claimed in an affidavit, Robert Glenn Ford, a Norfolk police detective, taunted him incessantly, told him he was lying, shouted at him, threatened him with the “hoses” and told him he would get the death penalty unless he cooperated. Dick told me that he finally gave Ford the confession he demanded, “to avoid the death penalty.”

Dick did not have Detective Ford or any other detective breathing down his neck when he testified for the state against his two Navy colleagues. When I asked him what it was like to sit on the witness stand, knowingly fabricating a story that could have resulted in their executions, Dick let out an audible sigh that seemed to say, “I know you’re not going to believe this,” and, after an extended silence, replied, “It didn’t cross my mind that I was lying; I believed what I was saying was true.” By the time he became a witness for the state, Dick explained, he had convinced himself he was guilty. Police officers, prosecutors and even his own lawyer insisted that he had committed the crime. “They messed up my mind and made me believe something that wasn’t true,” he said. Michael Fasanaro, Dick’s defense attorney at the time, says he still believes Dick is guilty. “I’ve seen nothing to convince me otherwise,” Fasanaro said in an interview. He no longer represents Dick.

Three other men now say, as Joe Dick does, that they falsely confessed to involvement in the rape and murder of Moore-Bosko under pressure from Ford. Damian J. Hansen, one of three assistant commonwealth’s attorneys who prosecuted the so-called Norfolk Four and four other men for the murder, says their claims are nothing more than “sound bites” invented by “hired gun” experts and what he calls the “clemency gang,” a team of high-powered New York and Washington attorneys who have asked Gov. Tim Kaine to grant the Norfolk Four an absolute pardon. “There is no new evidence” of innocence, Hansen says. “There are no unanswered questions.”

Nevertheless, the Norfolk Four count a growing list of supporters, including four former Virginia attorneys general, one of them [a](#)

[Republican](#), who have no obvious motive for suggesting that the state perpetrated a major miscarriage of justice. Richard Cullen, who was appointed a U.S. attorney under President [George H. W. Bush](#) and attorney general by former Gov. [George Allen](#), said the “totality of the scientific evidence” and “the crime scene being inconsistent with the prosecution theory” convinced him that the four are innocent. Governor Kaine, a Democrat, will be under enormous pressure to reject clemency for the three defendants serving life sentences and a fourth who was released after more than eight years in prison. Two of the defendants were convicted by juries, which governors are loath to second-guess (Dick and a second defendant pleaded guilty and were never tried), and the victim’s family is adamantly opposed to a pardon. Moreover, a pardon would probably be seen as a tacit repudiation of the police and prosecutors. Cullen, who advised Governor Allen on clemency matters, said he decided to speak out in part because he believes that Kaine should be free to grant clemency without being attacked by Republicans.

Assuming Kaine can set politics aside and focus solely on the voluminous evidence, he is likely to find that the controversy turns on two complex and interrelated questions. First, did four grown men, three on active duty in the U.S. Navy and one recently retired, falsely confess to a horrible crime? Because the state had no outside witnesses and no physical evidence linking any of the four to the crime — no blood, saliva, hair, fibers, fingerprints or DNA — the case rested almost entirely on the defendants’ own confessions, all given in the absence of attorneys. Second, Kaine will have to decide whether the crime was committed by eight men, as the state maintains, or by one man, as is argued by Cullen and other defenders of the Norfolk Four.

Kaine might begin by looking not at the end result — the incontrovertible fact that the four men confessed to a crime — but at the investigative process that led to those confessions. More specifically, he might want to examine how the state’s theory evolved from a crime committed by a single perpetrator to one involving two assailants, then three, six, seven and finally eight men who the state says took turns raping and stabbing the 18-year-old victim. The man behind that

tortuous investigative odyssey was Joe Dick's interrogator, Detective Robert Glenn Ford.

Two Confessions, Two Versions of The Crime

The Gates of West Bay apartments are a modest collection of tidy, two-story red-brick buildings located only a short walk from Gate 4 of the Norfolk naval station. They are a popular residence for Navy enlisted men and others with limited means — people like Michelle Moore-Bosko and Bill Bosko, the man she secretly married two months before the murder. According to Bill's testimony at the trials of two defendants, he and Michelle were planning to have a "really big wedding" for their families in Pittsburgh in October, but they eloped both because they wanted to be together and because he was going to be spending a lot of time at sea and wanted Michelle to have his insurance "in case anything were to happen." He said they settled on the apartment on West Bay Avenue because it looked like "a safe place" and was affordable.

On July 8, 1997, Bill returned from a week at sea aboard the U.S.S. Simpson, a guided-missile frigate, took a taxi home, opened the door and went inside. He would later testify, "I got into the house, and the house was nice and clean," a point that police investigators also noted in their reports and that would take on increasing significance as the number of men charged grew from one to eight. "I didn't figure she was home," Bill testified, "so I decided I was going to shower and shave and get all cleaned up and go to her work and surprise her, and I walked into my bedroom and I found my wife butchered on my bedroom floor." Unable to find the couple's portable phone, Bosko ran across the hall and banged on the door of apartment F113, shouting: "My wife is dead. My wife is dead." The door was opened by Danial Williams, who lived with his wife, Nicole, and a roommate — Joe Dick. Williams called 911. A few hours later, Williams was asked to answer questions at the police station after the victim's best friend, Tamika Taylor, told the police that Williams was "obsessed with Michelle."

Then 25 and on his second tour with the Navy, Williams married Nicole 11 days earlier, after learning that she had ovarian cancer. Williams proclaimed his innocence to police investigators for more than eight hours before Detective Ford entered the four-by-seven-foot interrogation room at around 5 a.m. Less than one hour later, Williams began his confession. Now 35 and serving a life sentence at the Sussex II State Prison in Waverly, Va., Williams, like the other Norfolk Four defendants, had no prior criminal record. But he said in an interview (and in an affidavit) that Ford treated him like a criminal from the outset, poking him in the chest, yelling in his face, calling him a liar and telling him, falsely, that he'd failed a polygraph test and that a witness saw him go into the apartment. The police got him to "second-guess" his memory, Williams said. "They wear you down to the point that you're exhausted. I just wanted the questioning to end."

Ford has testified on several occasions that he has never coerced or threatened witnesses, fed them information or otherwise encouraged a false confession. Numerous requests to interview Ford, a 29-year police veteran, were declined by Chris Amos, the Norfolk Police spokesman. Two Freedom of Information requests for police records on the Norfolk Four case were turned down by Norfolk's assistant city attorney, Andrew R. Fox, who also represented Ford at a deposition for one of the Norfolk Four defendants. Ford retired on Aug. 1.

It seems clear that Ford and the other investigators concluded that they had solved the crime. The Norfolk Four's new lawyers say they have found no record that the police searched Williams's apartment for evidence — blood from the crime scene, Williams's own blood, the victim's DNA on a towel or an item of Williams's clothing. Instead, the investigation was effectively dropped for the next five months. It resumed on Dec. 11, 1997, when Ford's office learned that DNA recovered from Michelle Moore-Bosko did not belong to Williams.

Ford seemed to conclude that Williams had an accomplice and turned his attention to Joe Dick, Williams's roommate. Dick says he told his interrogators that he was on board the U.S.S. Saipan at the time of the

crime. And Dick's immediate supervisor, Senior Chief Michael Ziegler, says that he has "no doubt" Dick was on duty the night of the murder. A decorated chief petty officer, Ziegler took a special interest in Dick because of what he described as his "diminished mental capacity." When Dick was questioned by the police, Ziegler says he double-checked the Saipan's records to confirm that Dick was assigned to the ship. Given the ship's rigorous security, Ziegler says it would have been virtually impossible for Dick to sneak off, commit the crime and sneak back on board. "The Joseph Dick I knew couldn't chew bubble gum and tie his shoes at the same time," Ziegler told me. "There's no way in hell anyone can convince me Joseph Dick could pull that off."

Ziegler says that his superiors told him that the murder investigation was a "civil matter" and that the police would contact him if he was needed. Ziegler spent the next two years in Norfolk but says he never heard from the police, the prosecutors or Dick's attorneys, and that no one asked to view the ship's "muster," or attendance records, which he says would have proved Dick was on board. Cmdr. Scott Rettie, who was Ziegler's superior at the time, told me that no police officers or defense attorneys interviewed him either, though he says he doesn't know if other Navy officers were interviewed. Fasanaro, Dick's lawyer, and Hansen, the prosecutor, both insist Dick was not on board the ship. "It was clear he was not on duty," Fasanaro said in an interview. It "was confirmed through the Navy," and "Hansen had the same information."

For his part, Hansen said he never personally investigated Dick's alibi. "We don't go out and research people's alibis and where they possibly could have been," he told me, adding that he was "certain Dick's lawyer . . . would certainly have investigated that." Because Dick was never tried, the state was never forced to produce documentation to support the claim that Dick was not assigned to the ship at the time of the murder. The ship's records have since been destroyed.

Based on their statements to the police, Dick and Williams might seem an odd pair of accomplices. Each said, "I did it," but their confessions were inconsistent with the evidence and with each other's confessions.

Williams said he committed the crime alone; Dick said they did it together. Dick said they entered between 9 p.m. and 11 p.m. But Michelle's friend Tamika Taylor had already told Ford and a second investigator that she and Michelle were out together from noon until 11:30 p.m. Williams knew the body was in the bedroom either because he was involved in the crime or because he saw it there when he entered the apartment with Bill Bosko just after calling 911. Dick said the body was in the living room. Williams said he beat Michelle's head with a shoe and hit her in the face three times. No shoe was found, and the autopsy showed no sign of a beating. Williams denied choking her and said he didn't use a weapon. But when the autopsy showed Moore-Bosko had been stabbed and strangled, Williams obligingly amended his confession, saying he may have grabbed Michelle's neck and that he had used a knife he found in the bedroom to kill her. Dick, meanwhile, said Michelle retrieved the knife from the kitchen while he and Williams were arguing, and that she was attacking him, Dick, when he stabbed her. Neither Dick nor Williams could accurately describe the knife. Williams said he was wearing the same underwear at the time of his arrest as he wore before the rape, but none of the victim's DNA was found on it. Dick said he ejaculated in the victim's mouth, but no semen was found there. He said he threw a blanket over the victim's legs before he left, but Bill Bosko had already told police he found his wife naked from the waist down and that he covered her with the blanket.

None of this seemed to trouble Ford or the prosecutors. The state argued that the defendants' accounts of what happened were consistent "at their core," and that guilty people often lie or change their stories before telling the truth confessing. But Richard J. Ofshe, an expert on police interrogations who was hired by lawyers for the Norfolk Four, says the Williams and Dick misstatements and others that would follow are typical of a "classic false confession" and are evidence of the defendants' innocence. "On virtually every important detail," Ofshe wrote in his evaluation for the defense attorneys, Williams and Dick "got the facts of the crime wrong."

But there was a more fundamental evidentiary problem that should have leapt out at investigators as soon as the state's theory on the number of perpetrators rose from one to two. Or so says Dr. Werner U. Spitz, a medical doctor and professor of forensic pathology at Wayne State University School of Medicine who has worked on nearly 60,000 autopsies over 50 years. Spitz, who was hired by the Norfolk Four attorneys, says a careful examination of the victim's wounds make it "extraordinarily unlikely that more than one person" wielded the knife and "even less likely that several people" stabbed her to death. When I interviewed Spitz in Richmond, he thumbed through the gruesome autopsy photos, pointing out that all of the knife wounds were clustered in an area two and three-quarters inches by two inches and that the three fatal wounds were all five inches deep and perfectly parallel to one another. Assuming the state's final theory, that eight men took turns stabbing the victim through her black T-shirt, Spitz wondered out loud, "How does the next guy know where to stab her?" to get this concentrated pattern with wounds at precisely the same angle.

The state's medical examiner testified in the cases that went to trial that the wounds were consistent with a single assailant, although it was "possible" more than one person was involved. This ambiguous conclusion was never challenged at trial by an outside expert like Spitz. I asked Dr. John E. Adams, a Maryland forensic pathologist who has testified in more than 500 cases but not in the Norfolk Four case, to look at the autopsy and knife-wound evidence. He said that the wounds appeared to have been "made in rapid succession by one person." He added, "It's the only way you get a tight pattern like that."

Hansen, the prosecutor, is not swayed by the arguments raised by the new lawyers and experts. He points out that the wound evidence, the appearance of the apartment and the inconsistencies in the defendants' statements were all thoroughly aired. "The juries heard everything," he told me, and they still voted unanimously to convict two of the defendants. (The other two pleaded guilty.) What the juries also heard, most convincingly, was the one thing that is almost impossible to rebut

— a defendant’s recorded confession. A confession, one legal scholar wrote, “makes the other aspects of a trial in court superfluous.”

The List of Conspirators Multiplies

Eleven weeks after Dick’s confession, his DNA analysis came back negative. At that point, Ford had to question the reliability of his confessions or look for another suspect. Once again, he chose the latter course. His notes indicate he returned to Dick, who “agreed to tell us the truth” about who was involved. This time, Dick made a new claim, wholly unsupported by the evidence, that the men decided to dump the body and moved it from the bedroom to the living room and, when they heard a noise outside, back to the bedroom. Dick also named a new assailant, Eric Wilson, a 20-year-old sailor and former Eagle Scout and friend of Williams’s, who he said washed blood from the knife in Danial Williams’s unsearched apartment.

There is no indication in Ford’s notes that he asked Dick how they moved the blood-soaked body without leaving a trace on the floor, or how the knife got back into the Bosko apartment, where the police found it. Ford focused instead on Wilson, who was arrested and, after 10 hours of questioning, recorded a confession. Wilson would later testify that Ford hit him several times and showed him photos of the crime scene and the victim and gave him details about the crime to include in his confession. At his trial in 1999, Wilson testified that he couldn’t withstand Ford’s pressure: “If they had told me that I killed J.F.K., I would have told them I handed Oswald the gun.” A jury found Wilson guilty of only the rape, and he served eight and a half years in prison.

Wilson’s DNA was tested, of course, but it, too, failed to match the crime-scene samples, so Ford returned to Joe Dick, who offered yet another version of events. This time Dick said there were three others involved but that he could only remember a guy named George, whom he later identified in a Navy photograph. The man’s name, however, was not George but Derek Tice. Ford personally went to Orlando, Fla., to pick up Tice. After 14 hours in custody, Tice also confessed.

Now incarcerated in the same facility as Williams, Tice is a slight, soft-spoken 37-year-old who describes the same sort of belligerent, accusatory and threatening style claimed by the others. He has testified that Ford fed him details that went into his confession. Although Ford recorded confessions from all of the Norfolk Four defendants, he recorded none of the lengthy interrogations, making it unlikely that the truth about what happened in those sessions will ever be known.

As was the case with the earlier confessions, Tice introduced several glaring new inconsistencies, like his assertion that the men used a claw hammer to pry open the apartment door, despite no evidence of a forced entry. But the most explosive claim made by Tice was that seven men participated, including three new accomplices whose names he provided and whom the state subsequently indicted.

As this universe of conspirators expanded, so did the contradictions. Prosecutors had no choice but to concede that none of the seven indictees matched the DNA samples, but they argued, “the lack of DNA doesn’t prove” that a defendant wasn’t there, a claim that went largely unchallenged in court. More recently, the DNA and all other evidence in the case came in for a new level of scrutiny.

In the fall of 2004, after both Tice and Wilson were convicted and the other two men had pleaded guilty, the case of the Norfolk Four came to the attention of Peter J. Neufeld, a director of the Innocence Project at Cardozo Law School in New York. Neufeld contacted George Kendall, one of the country’s pre-eminent death-penalty lawyers, who examined the evidence and secured a commitment from his firm, Holland & Knight, to represent Dick pro bono. Kendall then asked two other firms — Skadden, Arps, Slate, Meagher & Flom and Hogan & Hartson — to examine the cases of Williams and Tice. Their lawyers also concluded the men were probably innocent and agreed to represent them at no cost. Wilson continued to be represented by his original trial lawyer.

The legal team, consisting of 13 lawyers in all, in turn hired several outside experts to examine the crime-scene evidence and the DNA. For

the latter they brought in Todd W. Bille, a forensic DNA analyst who developed a DNA-extraction method used to identify remains from the World Trade Center disaster. Bille concluded that given the number of men the state claimed were involved in the rape, it was “extremely unlikely” that DNA from at least one of the Norfolk Four would not have been found. Moreover, the DNA recovered at the crime scene — from a vaginal swab, fingernails and a blanket — all came from only one source, which Bille suggested would be highly unlikely under the state’s logic.

A second problem with the seven- or eight-man theory was the crime scene. The Police Department reported finding the tiny 700-square-foot apartment immaculate and almost totally undisturbed. Was this really possible if seven or eight men were involved? Relying on Tice’s confession, Hansen argued at trial that “this gang, this pack, this crew pushed their way” into the apartment, carried the struggling young woman down a narrow 34-inch hallway and “ravished” and stabbed her. Yet there was no evidence of a struggle. This “pack” didn’t disturb papers that were jutting precariously into the hallway, didn’t leave a single shoe print on the recently polished floor or any other evidence of their rampage.

The third problem raised by Tice was that the three men he named all denied any involvement, two with nearly airtight alibis. John Danser, an air-conditioning technician, recently retired from the Navy, had a worksheet showing he’d just finished a job at precisely the time Tice claimed the men entered Moore-Bosko’s apartment, as well as an A.T.M. receipt from a bank near his home in Warminster, Pa. — 300 miles north of Norfolk — showing a withdrawal 10 minutes after Tice said they left the apartment.

A second defendant fingered by Tice, Richard Pauley, was represented by Jon Babineau and John R. Doyle, who now heads the Norfolk state attorney’s office, which indicted the Norfolk Four. Babineau said he and Doyle found computer, Internet and phone records proving that their client was talking and e-mailing with his girlfriend in Australia for more

than three hours, starting at 11 p.m., shortly before Michelle's friend Tamika Taylor said she left her alone at her apartment.

Although charges against the three men named by Tice were eventually dropped, Ford and Hansen continue to insist that they were involved. "Charging it and proving it are two different things," Hansen says. But his continued insistence on the guilt of Danser and Pauley has raised more than a few questions about the credibility of the rest of the case against the Norfolk Four. Commonwealth's Attorney Doyle wouldn't comment on the case, but last November he personally ordered the Norfolk Police to tape-record all homicide interrogations, in part because of his experience in the Pauley case. Eight states and more than 500 police departments nationwide record interrogations, a reform many experts say is the best way to ensure against false confessions.

Why Would Someone Falsely Confess?

Because most suspects who confess to a crime are in fact guilty, it is not surprising that most of us have a hard time accepting the idea that someone would falsely confess. Yes, there are torture victims and malleable children and publicity seekers. (Two hundred people said they kidnapped and murdered [Charles Lindbergh's](#) baby.) But grown men in the U.S. military? "People just do not confess," Hansen told jurors in Tice's second trial, "to something of this magnitude, this heinous, this vicious, without having participated in it. It's just not natural; it's just not reasonable."

That is certainly the conventional wisdom. But consider, for example, the case of Billy Gene Davis, who, after twice failing a polygraph test, confessed to killing his girlfriend in Austin, Tex., in 1990. She later turned up alive in Tucson. According to the Innocence Project, 49 people whose convictions relied on false confessions have been proved innocent and released from prison based on DNA evidence. Last September, Jeffrey Deskovic — who, now 32, spent half his life in a New York prison for raping and killing a classmate in 1989 — was freed after DNA found on the victim was matched to an incarcerated murderer.

Deskovic, like many false confessors, said he believed his life was in danger and that his interrogation wouldn't stop unless he told the police what they wanted to hear. In Virginia, Earl Washington Jr., a mentally retarded man, spent 17 years in prison after falsely confessing to the rape and murder of a 19-year-old mother of three. He was pardoned after DNA established his innocence.

In connection with the state's review of the Norfolk Four case, the Virginia parole board recently heard from Christopher Ochoa, who confessed to a rape and murder in Austin in 1988 and implicated his roommate, Richard Danziger. Ochoa, then 22 and with no criminal record, said the police threatened him with physical violence and the death penalty if he didn't confess, claims also made by the Norfolk Four. Ochoa's case became a cause célèbre after it was revealed that the office of Gov. [George W. Bush](#) received a letter from the actual murderer confessing to the crime but failed to contact the police. Ochoa's DNA was tested again, and his innocence was established. He was released in 2001 after 12 years in prison; he now practices law in Wisconsin. Danziger, who suffered brain damage from a beating while in prison, was also freed.

But why do some people confess when others don't? Ochoa confessed; Danziger didn't. The Norfolk Four confessed, but three others did not. Along the continuum from mild questioning to torture, it is difficult to predict when, if ever, any particular individual will break down and confess, truthfully or not. Nevertheless, studies of proved false confessions suggest a number of recurring markers including actual violence, threats of violence, threats of harsh sentences like execution and extreme duress brought about by isolation, sleeplessness and lengthy, high-pressure interrogation. Police interrogation is designed to be stressful and disorienting and to keep the suspect off-balance. Guilt is frequently presumed. Police may legally pressure suspects using fabricated evidence, phony witnesses and lies about DNA or polygraph results.

Many of those pressures were claimed by the Norfolk Four. But it's also the case that all of these men had served in the military. Dick and Tice are sons of veterans. All four were used to taking orders. All said they trusted the police and agreed to talk because they wanted to be helpful. Because they trusted the police, they said they never even thought of asking for a lawyer until it was too late. (One study found that approximately 80 percent of suspects waive the right to counsel, and people with no prior felony record are more likely to do so.) Tice tried to stop his interrogation. One detective's notes indicate that Tice told him he had decided "not to say anything more," and in November last year, a judge ruled that Tice's confession had thus been obtained in violation of his right to remain silent. The judge, who asserted that without Tice's confession, "there is a reasonable probability the jury would have acquitted," overturned his conviction and ordered a new trial.

Two law professors who study the false-confession phenomenon, Steven Drizin and Richard Leo, claim that police detectives "typically close" an investigation once they obtain any confession, "even if the confession is internally inconsistent, contradicted by external evidence or the result of coercive interrogation." After all, it seems so unreasonable to think that someone would confess to a crime he didn't commit. Likewise, the authors wrote, prosecutors "rarely consider the possibility that an entirely innocent suspect has been made to confess falsely through the use of psychologically coercive and/or improper interrogation methods."

Ford certainly knew false confessions were possible. In 1990, the detective and two other officers were transferred out of the homicide division after three teenagers they interrogated confessed falsely to a murder. Ford has acknowledged that the three falsely confessed to being at the scene of the murder but insisted that they helped to plan the crime.

When the issue of Ford's earlier false confessions came up at Tice's second trial, Judge Charles E. Poston ruled that the evidence was inadmissible. Whether Ford "obtained a false confession or not seems to me to be relatively benign," Poston said, "because I suspect that many

police officers have done that, because we have all seen people who confess to anything.” Poston opined that it was neither “unusual” nor “rare” for people to confess to crimes “totally imagined.”

But three jurors I interviewed from Tice’s first trial were anything but blasé about his 18-minute taped confession. If I listened to it, they insisted, I’d understand why they felt compelled to convict him. The tape is, indeed, chilling. Tice describes calmly and methodically how seven men took turns raping Michelle Moore-Bosko, how one of them retrieved a knife from the kitchen and how Tice told him, “Just go ahead and stab the bitch.”

“Just listen to his tone of voice,” Prosecutor Valerie Bowen implored these jurors in her closing arguments. “Does that sound like someone who is being pressured into making a statement?” According to Randall McFarlane, the jury foreman, “Nothing could blunt the force of that taped confession.”

Finally, A DNA Match

By December 1998, 18 months after the murder, the state had seven men imprisoned but still no DNA match. Then, in February 1999, a woman named Karen Stover handed over to the Norfolk Police Department a letter from a Virginia prison inmate, Omar Abdul Ballard, in which Ballard not only threatened to have Stover murdered unless she sent him money and “nasty pictures” of herself but also confessed to the murder of Michelle Moore-Bosko. “And one last thing,” Ballard wrote, “you remember that night I went to mommies house and the next morning Michelle got killed guess who did that, Me HA, HA.”

Ballard, it turns out, was a childhood friend of Tamika Taylor’s. Taylor introduced Ballard to the Boskos, and they had all socialized. It was Taylor who pointed police to Danial Williams the day Michelle was found dead and told police Michelle was afraid of him. But Taylor now claims she also told the police to “check out Omar Ballard.” Taylor knew that Ballard had beaten a young woman with a baseball bat not long before the murder just down the street from the apartments where she

and the Boskos lived and had been protected by the Boskos. Bill Bosko testified that Ballard had been pursued by 30 or 35 men who “said they were going to kill” him, and that he and Michelle gave Ballard refuge in their apartment. Ten days after Michelle’s murder, Ballard raped and beat a teenage girl one mile from the Boskos’; the girl survived, and Ballard was sent to prison for 40 years. Curiously, a warrant for Ballard’s arrest for the baseball-bat assault was issued the same evening the police were grilling their first suspect, Danial Williams, putting Ballard squarely on the police radar for a crime committed only a few hundred feet from the murder scene. Two weeks later, they arrested him for the rape of the teenager. By then, Ford had Williams’s confession.

Once Ballard’s DNA was tested and Detective Ford learned that it matched the samples recovered from the crime scene, he confronted Ballard. Unlike the four others, who confessed after 7 to 14 hours in custody, Ballard confessed in 20 minutes. He also accurately described the knife and the crime scene without prompting, gave details none of the others had mentioned and provided a time frame for the murder consistent with Tamika Taylor’s testimony. The only problem — from Ford’s point of view — was that Ballard said he acted alone. At the end of his recorded confession, Ford asked Ballard, “Is there anything you wish to add to this statement?” Ballard replied, “No, just them four people that opened their mouths is stupid.”

Ballard’s confession complicated the state’s case yet again. Under the new theory, Ballard, who has an extensive criminal record and a history of assaulting women, protected seven men he didn’t know. According to the state, he did so because he was at the time serving a life sentence and feared being labeled a “snitch.” Moreover, prosecutors argued, Ballard, who is black, was afraid people would know he’d committed a crime with “white boys.” At the same time, the state’s theory would mean that the white defendants, who didn’t have criminal records, resolutely refused to name Ballard under grueling interrogations even though three of them were willing to incriminate other accomplices, simply because they were afraid of Ballard.

Lawyers for the Norfolk Four say the obvious reason Ballard didn't identify the seven whites was that he didn't know them, they didn't know him and he committed the crime alone. He was trusted by Michelle; she let him in; he followed her to the bedroom and killed her. That's why the apartment is largely undisturbed, the knife wounds are in a tight pattern and the DNA matches only Ballard's. Nevertheless, the state persuaded three separate juries to accept a different version: the seven whites went to Moore-Bosko's apartment, were told to go away and gathered outside in the parking lot, where they chanced upon Ballard, whom Michelle trusted (but whom they didn't know). Ballard provided them "their ticket in," as Hansen put it.

Unlike the Norfolk Four, who claimed Ford gave them a Hobson's choice — confess or die — Ballard confessed without any threat. But Ballard, like the others, changed his story when, he says, Ford threatened him with a death sentence. A year after confessing and telling Ford he acted alone, Ballard was brought to the Norfolk Police interrogation room, where he claims Ford told him that in order to "escape the death penalty," he would have to sign off on "a version of the story that I never heard of before." Ballard says he agreed to incriminate the Norfolk Four in exchange for two life sentences. He now says the statement he signed was "totally false."

Ballard never testified before a jury against any of the Norfolk Four defendants. More important, he never testified for them.

Prison Regrets

In the end, five men went to prison. To avoid a possible death sentence at trial, Williams pleaded guilty and signed the state's "stipulation of facts," naming six accomplices. Although he tried to withdraw his plea when Ballard came forward, the courts turned him down. Ballard agreed to a similar plea but named only four accomplices. Dick's lawyer, Fasanaro, had him stick with his life-sentence deal despite Ballard's confession, and Dick became the state's star witness against Wilson and Tice.

In his little booth on the top of Keen Mountain, Joe Dick says he never should have named Eric Wilson and Derek Tice. He says he'd like to apologize to Wilson and that he was going to tell the truth at Tice's second trial but that Ford told him he would face the death penalty if he changed his testimony. For his part, Derek Tice, whose conviction was overturned but who remains in prison awaiting a third trial, says he feels "horrible" that in "trying to save my own life" he brought "three innocent people" into the case. "If I could talk to them, I would ask their forgiveness and hope that they would understand." Senior Chief Michael Ziegler, now based in Nevada, says he regrets he didn't do more to save Joe Dick. "I wish I'd gone and forced someone to listen to me — Joe's lawyer, the police, the D.A. — to say something's wrong here." Ziegler says: "My biggest mistake was I trusted that the justice system was going to do the right thing. I couldn't conceive that someone who was obviously innocent was going to go to jail. That's where I was wrong."

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<http://www.urbanlegendnews.org/news/2011/02/06/norfolk-four-case-expert-richard-leo-speaks-to-urban-school-constitutional-law-class-about-problems-in-justice-system/>

Norfolk four case expert Richard Leo speaks to Urban School constitutional law class about problems in justice system

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Filed under News

It was a horrible scene: a woman lay raped and killed in her Norfolk, Va., apartment.

Within weeks, suspicion settled on four Navy men. They all confessed to the crime.

The reaction from the community was one of relief. There was just one problem: The men were not guilty.

What should have been a short investigation process became a decade-long fight for justice that continues today.

The Norfolk case was the focus of a visit on Jan. 7 by Richard Leo, a leading national authority on false confessions and interrogation and co-author of the book, *The Wrong Guys: Murder, False Confessions, and the Norfolk Four* (New Press: 2008). The case is also the subject of a Frontline documentary that aired last November.

Leo discussed how the case highlights a key flaw in the criminal justice system: Although false confessions and psychological abuse during interrogation are rampant, this remains a taboo topic. Juries and judges do not consider these factors very heavily due to the common opinion that if defendants have confessed, they must be guilty. However, this is not always the case.

According to Leo and Frontline, Danial Williams, Joe Dick, Derek Tice, and Eric Wilson were all severely psychologically manipulated into confessing to the rape and murder of Michelle Bosko. Interrogations lasted as long as 14 hours.

Detective Robert Glenn Ford of the Norfolk police department, who was known for his unorthodox tactics and ability to break even the most hardened criminal, spat accusations and vile phrases at the men, saying they had all failed lie detector tests when in reality all four men had passed.

However, none of this can be fully proven because the interrogations were not recorded until the last few minutes, when the men were forced to read their confessions, which had been carefully crafted by Ford to reflect the known facts of the case and then given to the men to read aloud.

Leo explained that in the 1990s, the relatively new method of using DNA as evidence, now taken for granted by younger generations, proved many falsely-incarcerated people innocent and changed the face of the justice system. This point is crucial in the Norfolk case because the DNA found on Bosko did not match any of the four men.

"There's something very surreal about this case," Leo told Urban students, speaking of how the police essentially ignored the DNA mismatches. Facts included in the confessions were later proven false also, giving greater reason to doubt the accusations against the four men. However, the police did not investigate further and rather had Ford force the men to amend their confessions to mirror the new facts of the case.

All four men attribute their compliance to the overwhelming psychological pressure they experienced and desire to have this situation end. Also, everyone surrounding the men was convinced they were guilty, including their lawyers and parents, so they were put at a greater disadvantage by this lack of support.

When a DNA match was finally found, the man, Omar Ballard, stated he committed the crime alone and knew facts to which only the perpetrator could have access. Even then the police did not rethink their approach; the four innocent men remain charged with the crime and are fighting to free themselves.

Ballard was offered the opportunity to lessen his sentence if he testified against the four men. He did so, although today he maintains that he committed the crime alone and that the Navy men are innocent.

The Frontline documentary describes the facts of the case in full and includes interviews with the wrongly convicted men. It is a valuable insight into the problem with unsupervised interrogation. Readers can find a link to *The Confessions* at urbanlegendnews.org.

Had the interrogations of these four men been documented in full, this situation would never have escalated to the point of ruining the lives of innocent men. Partly in response to this case and

partly due to evolving ideas about justice, “the movement of the nation is really towards full electronic recordings” said Leo.

“There are high ideals of how the legal system should work,” Leo said, “but then there is legal realism — how the law works on the ground.”