

UNDISCLOSED, the State v. Willie Veasy
Episode 2 - The Confession
October 30, 2017

[0:22] Colin Miller: There's a famous Scottish proverb that dates back to at least the 18th Century: "Confession is good for the soul." The full proverb is actually "*Open confession is good for the soul,*" implying that a public confession is preferable to a private one. For centuries, a confession was thought to be the gold standard in criminal cases, with little care given to how the sausage was made. In a 1963 case involving an 18 year-old who had confessed to murdering a 15 year-old, a federal judge cited this proverb and the fact that "the duty to confess is ingrained in all of us" as giving "strong support to allowing law enforcement officers to question a suspect and to letting him know the case against him or the matters needing explanation, so that the witness or suspect may explain if he can."

It would be another three years before the Supreme Court would recognize the Miranda rights and another 26 years before the first exonerations based on false confessions. There were three false confession exonerees in 1989, including Benjamin Miller, who was convicted in connection with the deaths of several young black prostitutes in Connecticut from 1967 to 1971. Miller initially confessed but later said he made up that confession "because he was frightened and afraid of being beaten, and because the detectives told him that unless he confessed he would lose his job and his family would suffer." Sixteen years later, Miller's confessions were thrown out after it was revealed the State had withheld evidence of an alternate suspect, who it now seemed clear had committed the crimes.

But there's an ironic twist to Miller's case. When he was released, Miller was immediately committed to a mental institution after his lawyer said his long confinement had left Miller unprepared to live on his own. While a true confession may be good for the soul, a false confession can be torturous to those who remain behind bars and even to those who have been released, such as Miller.

Another famous quote comes from Daniel Webster: "There is no refuge from confession but suicide; and suicide is confession." People typically think of a suicide in the wake of criminal charges as a functional confession even if, as in the case of Aaron Hernandez, it means there can be no formal prosecution. Juries are also allowed to use a suspect's flight from police as a sort of implied confession, which would mean that in Willie

Veasy's case he made two confessions. But to paraphrase a judge in another case, "If confession is good for the soul, in this case, is there too much of a good thing?"

[2:38] Rabia Chaudry: Hi and welcome to Undisclosed: The State versus Willy Veasy. This episode is "The Confession." My name is Rabia Chaudry, I'm an attorney and author, and I'm here with my colleagues, Susan Simpson and Colin Miller. Hi guys!

[2:50] Colin Miller: Hi, this is Colin Miller, I'm an Associate Dean and professor at the University of South Carolina School of Law, and I blog at EvidenceProf Blog.

[2:56] Susan Simpson: Hi, this is Susan Simpson, I'm an attorney in Washington, D.C., and I blog, occasionally, at TheViewfromLL2

[3:06] Rabia Chaudry: As we noted on our first episode, on January 24, 1992, John Lewis a/k/a "The Jamaican" was fatally shot, and Efraim Gonzalez was non-fatally shot in the back, in North Philadelphia. Denise Mitchell identified the shooter as Pee Wee, and an anonymous witness later connected that nickname to Willie Veasy. And while Mitchell initially failed to pick Willie out of a photo array, the second time was the charm on May 23, 1992. On June 5, 1992, the Philadelphia Police got a warrant to arrest Willie Veasy, and they would execute it four days later.

At the time, Willie Veasy was living with his family, including his mother Bonnie, his stepfather Arnold, and his 12 year-old sister Ketra (Key-tra). Here's what Ketra remembers of her brother at the time of his arrest:

[3:48] Ketra Veasy:

He's a happy person. Ya know, he's, he'd never harm anybody. He was always a giver. He, he never sit there and lied. I mean, he had friends that he dealt with. He was never a person that hung out in the streets 'cause my brother always worked, and whatever time he got off of work -- sometimes he got off in the afternoon. Some days when he didn't go to work, my brother came to pick me up from school everyday! And every time he came, he always brought me a ice cream cone, and he'd help me with my homework. Like, there's nothin' bad I can say about him. He's a good person!

[4:26] Rabia Chaudry: Ketra has a pretty good memory of the early morning hours of June 9, 1992, when her brother was arrested:

[4:30] Ketra Veasy

It was the last day of school. My brother he had just came in not too long ago, maybe a little -- between 4 and 5 he had just came in. Um, he was drunk. He went straight to bed, and my mom, she was gettin' up goin' to work. She had to be at work, and I was about to get up so I could get ready for school. And it had to be maybe like 6:30 - 6:45, or something like that, and next thing I heard all these footsteps coming up the steps.

[5:05] Susan Simpson: Those footsteps Ketra heard were coming from the Police Apprehension Team, and if we go by their own estimates, they arrived there at the Veasy residence about 6:25 A.M., or a little before, which is when they arrested Willie. As Ketra describes it, the Team's first contact was with their mother Bonnie, who was leaving the house that she had lived in since 1971, to head to her job as a psychiatric aide at Norristown State Hospital. Here's Bonnie's recollection of the arrest:

[5:30] Bonnie Veasy:

Oh, wow, it was so long ago. I was getting ready to go to work that morning, and uh, I went to them, uh, front door, me and my husband, and we was getting ready to go out and I seen all of these policemen outside, up and down the street, and they came to my house. And they told me to get on the floor. I'm saying, what for? You know, I didn't know what was going on. It was like six o'clock in the morning. And they made me get down on my knees. They made my husband get down on my knees, and they ran in my house and ran all the way upstairs and looked around. He asked me where's Willy Veasy at? Yeah, he's here. He's in that damn bed.

[6:10] Susan Simpson: At trial, when the events were fresher in her mind, Bonnie would give the following account of these same events:

Rabia Chaudry (quoting Bonnie Veasy's trial testimony):

"I walked down the stairs. I went out the front, stepped outside the door, and I see all these police cars and policemen around in the street, and there's a group of them running down my side, like helmets, the shields, the vests, guns out, so they was running down and counting numbers. I can hear them counting numbers, forty, thirty-eight, thirty-six, this is it, and they stormed up on my porch, and one of them told me, get down, get it down, and that scared me half to death, and I didn't know what was going on early in the morning with the police, so I got down on the porch, on the floor, on my knees, and the rest of the policemen with

guns, ran from my house, just stormed in, so I looked up, and I looked up into the barrel of a gun at my head."

[6:50] Susan Simpson: Willie's stepfather, Arnold, remembers something similar:

[6:53] Arnold:

Anyway, I came down, I came downstairs with my wife -- she getting ready to go to work. And I looked up the street, and I seen all these cops in, in military style comin' down the street. Boom, boom, boom, boom, boom, comin' down, and came up on the porch, and told my wife, get down, lay down on the porch. I came to the door, she said, uh, he said, uh you lay down in the vestibule, and put, and put the pistol to my head and told me don't move. Said we lookin' for Willie Veasy. So one of the other cops ran upstairs looking for him. My, my two grandkids were in the bedroom and they were laying down, they were sleepin'.

[9:28] Susan Simpson: So after detaining Willie's mother and stepfather, members of the Police Apprehension Team headed upstairs. Here's Ketra again:

[9:36] Ketra Veasy:

Next thing you know, they was bustin' into the bathroom, pullin' my brother out the bathroom, and they brung him in the hallway. He was, I think he was in boxers and a t-shirt? And he was locked up! I mean, there were handcuffs on him.

[9:51] Susan Simpson: The police that day, and the State at trial, would make a very specific claim about their apprehension of Willie Veasy:

[9:57] Arnold:

All of a sudden they said going downstairs, that he was tryin' to hide in the bathroom. How the hell you gonna hide in the, in the three by five / seven bathroom?

[10:04] Susan Simpson: The State's claim was actually more specific even than Willie's stepfather Arnold remembers. The State said that Willie was lying down in the bathtub to avoid detection, and this claim allowed the prosecution to claim that his behavior was evidence of flight from police and consciousness of his guilt. In his closing arguments, District Attorney Mark Gilson would argue the following:

Colin Miller (quoting D.A. Mark Gilson's closing argument):

"I heard the testimony that on June 9th of 1992, when Willie Veasy was arrested, when the police went into the house, he ran and hid in the bathroom in the bathtub. This type of evidence is known as [a] consciousness of guilt. It's a common sense principal. People who have done nothing wrong, people who are innocent have the mind of the innocent. People who have done something wrong have the mind of the guilty.

Let me give you an example. I have a little girl at home. She is a year and a half old. In my front room I have a plant with dirt and for some reason she likes to play with it. She knows she's not supposed to play with it, but she does it anyway. And sometimes I'll be in another room and it will be quiet, and parents know that when it's quiet, with a 1 ½ year old, something is going on. I will get up and I will go to the other room. I will yell her name and invariably she will run from that plant to a corner and try to hide behind the couch and a table. She is a year and a half old. I didn't teach her this. Where did she get it from? It is instinctive. You don't even think about it.

They say that conduct or actions speaks louder than words. On June 9th of 1992, Willie Veasy's guilty mind and his conduct and his actions betrayed him. They have the show on T.V. It is called Cops and they have a song, like bad boys, bad boys, what you going to do when they come for you, and invariably what they do is they run, and that is exactly what he did. He ran and he hid in the bathtub."

[11:40] Susan Simpson: But the Pennsylvania Innocence Project has questions about the reliability and import of this narrative of the arrest:

[11:46] Jim Figorski:

Well if it's true that he was hiding in the bathtub, and that's subject to question, as Marissa would be able to tell you better than I would, you know, the actual dimensions of that bathtub. But if he's hiding in a bath-- why is does a person hide in a bathtub? He's afraid he's going to get shot. That's why he's hiding in the bathtub. He's not hiding because he doesn't want to be found, because all you have to do is look in the bathroom and you're gonna see him in the bathtub. But in those neighborhoods a person goes to the bathroom and, you know, hides in the bathtub 'cause there's gonna be shots fired and, you know, he's in a metal tub and he's trying to protect himself. That's my impression of what's going on. Aside from the fact that he was also drinking as well.

Marissa Bluestine:

Yeah. And frankly I think the whole notion of him hiding there is really ludicrous. This was a very typical Philadelphia row home, it wasn't huge, they had a bathtub that maybe would fit my 14 year-old son, certainly not a 6-foot 3 grown man. And the notion that he could even possibly hide, it makes absolutely no sense. And I know for Jules that was one of the biggest points to him, was that he was really trying to demonstrate that they just lied about finding him there, that he was hiding, that no such thing happened at all. That he had been roused from his sleep and brought into the bathroom, either pushed in there or just through mutual engagement kind of ends up in there. But to take that extra step and classify it as hiding just really seemed unfair.

[13:11] Colin Miller As Marissa Bluestine, the Director of the Pennsylvania Innocence Project, noted in this clip, defense counsel Jules Epstein went to great lengths to discredit this bathtub narrative at trial. Here's what he recalled when I talked to him about it:

[13:22] Jules Epstein

This is the stupid story from within the trial, which is the bathtub, right. So the cops were lying about everything here. Willie is a good 6', 6'2", or whatever he is, and the police put in their reports, they're wont to do this, they go out at 6 in the morning to serve arrest warrants. I guess their theory is that you catch everybody just when they're waking up, nobody has their guns nearby. It's a really oppressive and intrusive thing. But they go in this house and they say Willie ran and hid in the bathtub. So when I went to the house I said, can I see the bathtub? This is an old old house, where the bathtub was kinda tiny. If Willie was lying down in it, it would only work if he was about 4 foot tall. And of course the cops are gilding the lily here. "Oh we went in and he's obviously guilty" because what, he's hiding in the bathtub. So I brought in his father and a picture of the bathtub, and I laid down on the floor in the courtroom if I remember, This is what they were doing.

[14:50] Colin Miller: In any event, regardless of what happened in the bathroom, after handcuffing Willie, the police took him downstairs in just his boxers and t-shirt. His mother had to ask permission to get her son a pair of shoes. Here's what Ketra recalls about the rest of Willie's arrest and its aftermath:

[15:05] Ketra Veasy

And they brought him in the hallway, I think he was in his boxers and t-shirt, and he was locked up, I mean, they had handcuffs on him. I think they had my mom on the porch, and my dad was like in the vestibule of the door, and the next thing you know, um, they was taking him outside like he was, and I think my mom was like, "Well can I at least put some clothes on him, give him some shoes, some sneakers or whatever" And they took him out the house and I ended up getting dressed, after, you know, after the cops left, and I went to school and I came home from school and my mom, she was in the bed cryin' and I kept asking her what's wrong but she wasn't sayin' nothin'. And then I asked my other brother what happened, he was sayin' they [indecipherable] kill somebody. And I was like what do you mean he killed somebody?

[16:10] Rabia Chaudry: Willie was taken to the homicide division of the Philadelphia Police Department. His Investigation Interview Record indicates that he was brought in at 6:35 A.M. and read his Miranda warnings at 8:01AM, an hour and 26 minutes later before being interviewed by Detective Paul Worrell and Martin Devlin starting at 8:15 A.M. The first page of that Interview Record states the following:

[16:30] Susan Simpson (reading from the record as Detective Devlin):

Willie, Detective Worrell and myself have just had a conversation with you concerning your participation in the murder of John Lewis, which occurred on January 24th, 1992, at 7th and Russell Street. I'm now going to write down in this paper everything you would like to tell me concerning this murder. I'm going to write down word for word everything you want to say, do you understand me?

[16:49] Rabia Chaudry: and Veasy answered, "Yeah, I do." Philadelphia didn't record interviews back in 1992, let alone pre-interviews, so we don't know exactly what happened during those first 90-ish minutes. According to the Detectives, they simply laid out the evidence they had against Willie, and he immediately agreed to give a confession. This version of events is problematic to Richard Leo, a law professor at the University of San Francisco School of Law and an expert on false confessions:

[17:13] Richard Leo:

I'm looking at the police department reports, and in this police department report they write out this confession, and then at some point they say, we're going to verbatim question and answer, and they, they write out what they claim is verbatim question and answer, and I've seen that in some other Philadelphia

cases from the '70s and the '80s and the '90s that are very suspicious and where the person is or may almost certainly be innocent. Now the one that comes to mind is a guy named Walter Ograd, who is on death row and has been for many years in Pennsylvania, and it was a high-profile Philadelphia case, disappearance, it may have been a rape, and the murder of a very young girl, 4, 5, 6, maybe a little older. And there's a lot of innocence in that case. I know I've seen it in some other cases that have concerned me, post conviction cases, where if you view the record, written a report ** I'm not sure if they've been innocence cases as opposed to, you know, procedural cases, but the Philadelphia Police Department, you know, was dirty. They were corrupt, they were aggressive, you know, they were like Chicago. So you know, I could look through my files and probably come up with 3 to 6 cases, Philadelphia cases that I've worked on where I've seen, I've seen police reports like this that report spontaneous narrative confessions that are verbatim documented in police reports that are contrary to everything we know about how police interrogation usually works, and where there's problems raised by post conviction counsel, you know, problems in the record, that suggest it didn't occur that way.

[19:10] Rabia Chaudry: There's a reason why Leo thought that the interview report in the Walter Ograd case looked like the report in the Willie Veasy case. Both interrogations were done by Detectives Devlin and Worrell. A Philadelphia City Paper article on the Ograd case, currently being handled by the Pennsylvania Innocence Project, refers to Devlin as

“short and cocky, he sported a handlebar mustache, colorful, Hawaiian-style shirts, and was known to refer to himself as ‘The Golden Marty.’ [Meanwhile], Worrell was tall, soft-spoken, more likely to wear a gray suit than anything flashy.”

About a month before they interrogated Willie Veasy, these detectives questioned a sleep deprived Ograd in connection with the rape and murder of four year-old Barbara Jean Horn. According to Ograd, he repeatedly told Devlin and Worrell that he was innocent, and when he asked to make a phone call, they told him they'd put him in a holding cell and tell the niggers what he'd done. Finally, after 8-10 hours of interrogation, six cups of coffee, showing Ograd photos of Horn's body, and telling Ograd details about the crime, Ograd confessed, actually believing that he had suppressed the crime from his memory. If, as the Innocence Project claims, Ograd is innocent, this is one type of false confession, the “persuaded” or “internalized” false confession. Here's Professor Leo again:

[20:18] Richard Leo:

This is ah, a confession, typically the product of many hours of interrogation, where the suspect comes to believe that he or she may have committed the crime, despite having no memory of having done so. It is this type of false confession, you really have to understand how the interrogation destabilized the person's confidence in their memory, and caused them to think they may have been involved in a crime that they don't have a memory to, and if they search their mind hard enough they will find the memory.

[20:54] Colin Miller: Jim Trainum, a former homicide detective and expert on false confessions has also worked cases coming out of Philadelphia in the '90s, and he has similar problems with the interview record in this case:

[21:06] Jim Trainum:

Willie's interrogation was not videotaped. Basically back then what they were doing was that a lot of departments is that they would go in and they would interrogate someone for however long they were going to interrogate them. They would then get their final version, and in this case what they did, what the detectives did, was they set down there and they had Willie give them the final version, and they wrote it out. The detectives who were involved in taking Willies confession, basically said that, you know, they just went in there and said, 'hey, look, we got witnesses that say you did it. Willie goes 'Well yeah you got me, and this is what happened'. That pattern of the suspect just being simply confronted with 'hey, we got witnesses' and just caving in, seems to repeat itself a lot with these detectives. And these detectives have been involved in some controversial interrogations in other cases in the past. But I find it funny that, you know, this scenario where the detective goes in and just says 'hey, here's the evidence, we got you', and the suspect throws his hands up - that was a common thing that appeared to happen a lot before they started videotaping. After they started videotaping you seldom saw that happen. So, you gotta wonder, you know, what was really going on, back during those interrogations.

[22:40] Colin Miller: After I talked with Trainum, he sent me a 1994 article from the Philadelphia City Paper, entitled "The Wacker Squad." The title refers to the name of a unit of 17 homicide detectives in Philadelphia based on their wacky personalities. The unit's purpose was to come in when the line detectives couldn't crack cases, which is what Wacker Squad members Devlin and Worrell did in this Willie Veasy case. These

paragraphs from the article about the pair's trip to track down a suspect give you a pretty good idea of their MO:

As Worrell drives, Devlin sits next to him, the shotgun cradled in his lap, five red shells clutched tightly in his left hand.

"The sun always shines on the hunt," says Devlin, despite the drops of rain that splatter against the Gran Fury's windshield. "It don't get no better than this."

These were guys who wanted to close cases by any means necessary, and they were successful. The article notes the 55.8% clearance rate for homicides in the nation's eighth most populous cities and then marvels at the 80% clearance rate of the Wacker Squad, "a remarkable figure considering the difficulty of solving a murder after the first 48 hours."

But in recent years, we've gotten some insights into how the Wacker Squad's sausage was made. We covered some of this in our episodes on the Shaurn Thomas case. Beyond that, a 2015 article discusses the DNA exoneration of 43 year-old Tony Wright for a murder he had allegedly committed in 1991, at age 20. According to Wright, when he was taken to the police station, he protested his innocence and claimed he had an alibi, which the detectives didn't record. Instead, he claims he was handcuffed to a chair, and, according to the article:

"They presented him with a nine-page statement written out in neat longhand by Detective Martin Devlin and demanded that he sign it...."

When Tony refused, one of the detectives crouched before him and pressed his nose against Tony's, telling him that he'd pull his eyes out and skullfuck him. The other detective stood behind him, hands pressed against Tony's neck. Panicked, Tony signed or initialed where they told him, though they wouldn't let him read what was on those pages."

[24:44] Susan Simpson: So, what was the nature of the interrogation of Willie Veasy in this case? Jim Trainum was able to meet with and interview Willie, and here's what he has to say about Willie's accounting of the interrogation:

[24:53] Jim Trainum:

Willie's account, was that he was woken up out of a dead sleep, he had been up all night partying, he was dragged down to the station, under arrest, the detectives yelled at him, screamed at him, threatened him, banged their fists on

the table, pretty much intimidated him, and he just said, look. They're not going to convict me because there's really no evidence out there. I just wanna get out of here. And, that's kind of a standard thing that you hear from people who have given confirmed false confessions, as well. All of those things are red flags that really struck us when we were going through this case.

[25:30] Susan Simpson: What's being described here is the first and primary type of false confession, and, according to Professor Leo, the same result can be produced regardless of the severity of the interrogation tactics used:

[25:41] Richard Leo:

So, the first type of false confession that you mention, that you're referring to, is called a "compliant" false confession. And, this is just a social, psychological term to denote that somebody has been moved from denial to admission, usually because the interrogation has been very stressful, or aversive, or they just want to put an end to it, or there's some inducement, whether it's a promise, or just wanting to put an end to it, that motivates them to admit, and falsely, in the false confessions cases. So, the person who makes a compliant, sometimes called a coerced compliant false confession, knows they are innocent, and falsely confesses to please the interrogators, just to put an end to the interrogation. When I give talks about this, I sometimes refer to John McCain's torture in North Vietnam. And you might say, well, that's ridiculous, why are you talking about that? Um, John McCain was physically tortured, surely, uh, the false confessions in America are not the product, for the most part, of physical torture, absolutely. But, it's the same psychological process. John McCain's will was broken. He, when asked to provide the details, gave them the name of the front line of the Green Bay Packers at the time, he just wanted to please his interrogators, put an end to the stress and the pressure and the punishment of the interrogation.

[27:02] Susan Simpson: And then, there's the other side of the equation: the risk factors related to a suspect that can contribute to a false confession. Two big ones are intoxication and lack of sleep, and what Willie told Jim Trainum corroborates what his sister told Colin:

[27:13] Jim Trainum:

He said that he had been drinking most of the night. That he'd only had like an hour's worth of sleep before he was picked up, and that's something else, too, to look at, too, what is a person's mental state, their physical state, have they been sleep deprived, for whatever reason, if they're still hungover, I mean, all of these

things, can influence how they respond in an interrogation. In some countries, like the UK, there's a growing faction here in the US, that is doing this as well, I mean, if you have someone there like that, they're considered to be vulnerable, and special precautions are put in place to make sure that the information that they're giving during their interview is not going to be influenced by these outside factors.

[28:08] Susan Simpson: And, there's another risk factor at play here, too, possibly. Colin talked with Allison Redlich, a SUNY Albany Professor of Criminology with a background in psychology, about the effect of a compliant personality on false confessions.

[28:20] Allison Redlich:

I think a compliant personality is exactly what it sounds like. It's somebody who uh, gives in easily to others. One of the leading scholars in this field is Gisli Gudjonsson, and he came up with a concept and a scale about interrogative suggestibility as well as his own compliance scale, and you know, when somebody is suggestible or compliant, they give in to what the other, what the requester is requesting, more or less. They tend to give in easily. They may be more impulsive. Things of that nature, and in his research, in professor Gudjonsson's research, he found using these scales that people who have given false confessions are more suggestible and more compliant in their personalities.

[29:15] Susan Simpson: And, according to Jim Trainum, Willie Veasy has the type of compliant personality that could facilitate a false confession:

[29:20] Jim Trainum:

I just got the impression, not only from him, but from other people who knew him, that he was the type of person that would just kind of agree, especially to authority figures. Uh, he was, he kind of portrayed himself as a tough guy, but if push came to shove, it was an authority figure, he would just kind of give in with whatever they wanted him to do or say.

[29:52] Susan Simpson: So, let's now turn to the substance of Willie's confession. According to the interview record, Willie told the officers that he was playing basketball with some friends on his block when his friend Lyndell drove up in a dark blue car with two other men in the back seat. Lyndell told Willie that he wanted to rob this dealer at 7th and Russell who had robbed him a couple of days before that, and he handed Willie a gun that he thinks was an automatic.

For Jim Figorski of the Pennsylvania Innocence Project, these early portions of Willie's statement raise red flags that are tantamount to Pee Wee learning there's no basement in the Alamo in Pee Wee's Big Adventure:

[30:24] Jim Figorski:

Well, I just don't believe that's... implausible... Willie tells a story that, first of all, is out of left field, as I said. Blue car, Lyndell, not Man, you know, he's got an automatic, not a revolver- none of it makes sense.

[30:37] Rabia Chaudry: Let's unpack all of that. As we noted in episode one, every eyewitness said the car involved in the shooting was red, with Denise Mitchell seeing both a red and a gold car. No one said that the car was blue. Denise Mitchell also said that Pee Wee drove the same car he got out of on the night of the shooting, but Willie is clearly saying that this blue car was Lyndell's car, not his. Sticking with Lyndell, Denise Mitchell said the shooting was done by Pee Wee and a guy who went by the name "Man," and while we're not going to say his real name, "Man" is not Lyndell and doesn't look at all like him. Finally, based on witness statements and forensics, it's clear that the Jamaican was shot by a handgun like a revolver and not an automatic weapon.

So, how do we make sense of all of this? Again, here's Jim Trainum:

[31:20] Jim Trainum:

Well, Willie said that the story about his friend coming and picking him up, that was something he made up out of the blue. The rest of the details, uh, were provided to him by the detectives during the interrogation process, and that is a very very common problem. Um, detectives, especially back then, they were under the false theory or the false belief that someone would never confess to a crime they didn't commit. Well, that's been proven wrong numerous times, so they weren't as careful with suspects about providing them with information about the crime scene. And, sometimes it was done though like, leading questions, sometimes, they were specifically told, we know this is what you did... you did this, right? Yeah, I did that. And so that's how suspects can get a lot of the detailed information. What a lot of people would say if they looked at Willie's confession, is yeah, well, there's a lot of stuff that's wrong, because a lot of stuff doesn't match what the witnesses say, and if the detectives intentionally set out to get a false confession, don't you think that they would have done a better job? The thing is, detectives, even detectives who have gotten problematic confessions in other cases, they don't set out to get a false confession. They

think that this is the right person, so they go in there with tunnel vision thinking that this is the right person, they don't have the faintest understanding of how contamination works, they know that there are certain things that they shouldn't say, or certain things that they shouldn't tell the person, and so they're trying to be careful and they slip up. And that's how come, in a lot of false confession cases, you'll see, some of the details are spot on. But there's a lot of stuff that isn't.

[33:17] Rabia Chaudry: Continuing on with Willie's confession, he says that they got to 7th and Russell, and Lyndell spotted the dealer who had robbed him a couple of days ago. Lyndell and he then got out of the car, and Lyndell started talking to the dealer before pulling out his gun and starting to shoot. Then, one of the other guys got out of the car and started shooting as well. Willie saw two men fall and says that he had his gun out, but didn't fire it.

Again, we have problems here. First, in Willie's story, the dealer who supposedly robbed Lyndell a couple of days earlier was teenager Efraim Gonzalez. And, as you might recall from episode one, Angel Martinez, the resident drug dealer at 7th and Russell, said that Gonzalez first came to him the night before the murder, saying that he was broke, and first started selling weed with him on the night the Jamaican was murdered. So, how could he have been the dealer that robbed Lyndell a couple of days ago at 7th and Russell?

Second, Willie says that a third man got out of the car and started shooting, but no eyewitness said that three men got out of the car, and Henry Montero even said the no one got out of the car.

[34:14] Colin Miller: Yeah, and continuing along with Willie's confession, he says that, after the shooting, they drove away and Lyndell gave him his share of the money he stole from the guy he shot: \$150. Lyndell then dropped Willie off at the intersection of Venago and 9th streets. Again, two points here.

First, Angel Martinez says that he chased the red car after the shooting and saw it disappear under a bridge that's just past the intersection of 8th and Ontario. This might be a minor point, but, by traveling under that bridge, the car would have been going in the opposite direction from Venago and 9th, and the driver would have needed to take a circuitous route to double back to what Willie says was the drop off point.

Second, the far more important point is that Willie Veasy said his share of the robbery money was \$150. As we noted last episode, we don't have Efraim Gonzalez's full witness statement yet, but it seems clear from other evidence in the record that Gonzalez told police that his shooter had only stolen \$10 or \$15.

[35:10] Jim Trainum:

But that inconsistency as well, I mean, only 10 bucks is stolen, but suddenly he is given \$150 - that's a hell of a bonus. [laughs] You know, that came out of somebody's pocket. Just..those are huge red flags that should be screaming at anybody who's looking to do an independent critical analysis of the reliability of this confession.

[35:36] Colin Miller: The first part of Willie's confession ends with his description of getting his cut of the robbery and being dropped off. At the top of the next page of his confession, there's the following notation: "Statement resumes 10:30 A.M. by Detective Edward Rocks." According to the interview record, Rocks then asks Willie *first* if he understands his Constitutional rights, *second* if he's willing to continue with the interrogation, *third* whether he checked to see if the gun that Lyndell gave him was loaded, and then *fourth* what Willie did when Lyndell shot and robbed the victim.

According to the interview record, Willie again says that he had the gun by his side and then, Quote "The other guys got out like professional hit men. I looked down the street, and I saw two guys at the corner on 7th and Russell. I heard a bullet hit the car and I thought one of the guys was firing. I fired once at the two corner on the corner. I am paranoid". And in that statement 'I fired once at the two corner on the corner.' the word corner is crossed out, and at the ends it's replaced with the word 'Guys' with the initials WV for Willie Veasy.

Now again, unpacking this, there are a few things to note. First, now Willie has all four people getting out of the car even though no eyewitness saw more than two people get out of the car. Second, Willie has seemingly spontaneously escalated his culpability by admitting to firing his gun. And, at trial, Detective Rocks would testify that the interview record was accurate; he claimed that he didn't question Willie's prior narrative or otherwise threaten or incentivize him.

I asked Jim Trainum about the credibility of this accounting:

[37:14] Colin Miller:

And according to this second detective who comes in, he says I didn't call into question the reliability of his first confession. I didn't threaten him, I didn't make any promises. Just on his own, sort of spontaneously he admitted to firing a gun...[Trainum laughs] how credible does that accounting sound?

Jim Trainum:

[laughs] Since we started videotaping we very seldom ever see that happen It just doesn't happen. You know, um, before we were videotaping, detectives would say that happened all the time. But you just don't see it, um, not when the actual interrogations are being recorded right there.

[37:42] Susan Simpson: And third, Willie says he fired his gun because he heard a bullet hit a car, but every eyewitness in the case said that the only bullets being fired came from the man or men from the car, and that no one from the street was firing back.

And then, fourth, we have the final part of the statement. The prosecutor made a great deal of hay of this as trial, but as we noted, Detective Rocks supposedly wrote that Willie shot at the two *corner* on the corner, with Willie supposedly correcting *corner* to say *men* while reviewing the statement. And according to the prosecutor, this proved that Willie's confession was a true confession. I asked Marissa and Jim at the Pennsylvania Innocence Project about what they thought about this, and this was their response:

[38:21] Marissa Bluestine:

And then frankly that's a pretty well known tactic within that police department and many others will, they will, misspell a word, or make a sentence that doesn't make any sense, and then have the individual that they are interrogating kind of cross it out and write it again to make it look as though they are actually trying to fix it and make it right, as opposed to just kind of fixing what may be an obvious error. So to me that's just consistent with basically every, you know, written statement, handwritten statement from the police department I've ever seen.

Jim Figorski:

That's true, it's a well known tactic.

[39:05] Susan Simpson: Now, at this point, you might be thinking one of two things. On the one hand, you might think that this seems like a case of an obvious false confession. And what we can also say now is that you've heard all of the evidence

presented against Willie Veasy at his trial: One, Denise Mitchell identified him as the shooter after initially failing to identify him; two, Willie Veasy hid in the bathtub when the Police Apprehension Team came to his rowhouse; and three, he confessed. So, if this is an obvious false confession, how did the jury ever convict? As Richard Leo notes, we looked at confessions very differently a quarter of a century ago than we do today.

[39:41] Richard Leo:

So in 1992 there was very little of that. And I know at that time there were a handful of experts - I was still in graduate school so I was not one of them - but there were a handful of experts who were working on cases, but the social science was not as well developed, you know, really the modern social science was really in its infancy. So I think this case would have been handled much differently today, certainly if there was a recording, than it was 25 years ago. Ah, I think 25 years makes a world of difference, and of course the key development in the world, as you know, was the DNA exonerations, because, as you said earlier, people just didn't believe that false confessions occurred. They were highly counterintuitive, and they were thought to be not only freakish and rare, but more freakish and rare the more serious the crime. Which is the opposite of what we think now. I mean it may be that false confessions are rampant in misdemeanor plea cases, but most of the documented false confessions are in homicide and serious felony cases, um, so, you know, we're talking about the difference between a premodern and a postmodern era in the space of 25 years.

[41:02] Rabia Chaudry: On the other hand, you might be thinking that Willie Veasy's confession was pretty solid, despite its obvious flaws. After all, his accounting bore a general resemblance to the State's evidence, but there was no evidence he was abused, and the record doesn't indicate a large passage of time before he confessed. On this latter point, here's Jim Trainum's thinking:

[41:19] Jim Trainum:

According to the detectives it really wasn't that, that long. One of the things people bring up is that, well, you know, most false confessions are confessions that take place after very long interrogations. That's, that's true, in a lot of cases, however I've seen confessions, you know, false confessions take place in as short a time as 30 minutes. I mean, it all depends: the right person with the right buttons. It doesn't take that long.

[41:52] Rabia Chaudry: One thing is clear, though. Whether Willie Veasy's confession was a true confession or a false confession, it continues to haunt him to this day.

[42:00] Jim Trainum:

I mean he was just a very gentle person, I felt he had a very gentle way of talking. At one point..because I'm asking him very pointed questions about what happened, and what the detective said vs what he said and all of that, and.. he started crying. And I just didn't expect that. It was like I brought all of this stuff back, and he just started sobbing, saying "If I had only said I wanted an attorney. If I had only said that I didn't want to talk. I don't know why I said these things. You know, my life would be so different right now".

[42:40] Rabia Chaudry: Marissa Bluestine, who was there for the interview, had a very similar takeaway, and it's why we yet haven't interviewed Willie about his confession for the podcast:

[42:47] Marissa Bluestine:

I mean honestly, Colin, when Jim and I talked to him about it, um, he was very re-traumatized by it, and he had a very emotional reaction to talking about what happened in that room. And I understand of course that's a focal point, and why on earth would anybody confess to a crime they didn't commit, especially when he was not in there for days, I mean he was not in there for a very long time. Um, so I just, I have some concerns about how he would respond to that, and the fact that I can't be with him during that conversation and can't kind of help him through that, I'd have some concerns for him as a human being, to kind of... since Jim and I, Jim Trainum and I spent a long time with him afterward kind of talking him back down and every day he just blames himself, he just asks himself the same question: "Why did I sign that? Why did I sign that?" and he blames himself for being where he is. And I think that every time it kind of comes up again there's somewhat of a...you know, that just hits him again.

[43:56] Colin Miller: Near the end of my interview with Jim Trainum, I asked him a question attorneys usually aren't allowed to ask experts like him at trial: Do you think that Willie Veasy's confession was a false confession? Here was his response:

[44:09] Jim Trainum:

Since I'm indeed asked..ah, I'm allowed to say so. Most times I'm not allowed to make that sort..or draw that sort of conclusion - that's up to the judge, and that's

up to the jury. But in this case I would definitely...I've got to say it's extremely probable, if not...more probably than not, that it's a false confession.

[44:34] Colin Miller: And then, this was the end of the interview:

[44:36] Colin Miller:

And is there anything else you recall that you haven't shared yet about your interaction in person with Willie Veasy?

Jim Trainum:

No, not really. And you know, the thing is, I was kind of being wishy-washy there, honestly, because like I said I am so often cautioned I'm not supposed to say certain things. But looking at this case, the totality of it, I have no doubt in my mind that this is a false confession and a wrongful conviction.

[45:15] Colin Miller: Now, in fairness, in making this conclusion, Jim Trainum was also relying upon one final piece of evidence that we haven't yet revealed. But this isn't a case of us being unreliable narrators...because this is a piece of evidence that the detectives say Willie Veasy didn't mention during his confession...despite the fact that they were investigating it soon thereafter. "The Alibi," next time on Undisclosed.

[45:50] Rabia Chaudry: A big, big thank you to everybody who made this very important series possible. I have to begin by thanking the folks at the Pennsylvania Innocence Project, Marissa, Riley, Jim, you guys do amazing work, your entire teams. Thank you to Mital Telhan, as our executive producer, thanks for keeping us going, Baluki, thank you so much for designing our logo. A big thanks to Patrick Cortez and Ramiro Marquez, for our theme music, thank you to all of our sponsors for making it possible for us to come back week after week. Audio production is done by Rebecca LaVoie, of Partners In Crime Media, and she is the host of one of my favorite podcasts, by the way, Crime Writers On, and a new podcast called HGTV and Me, definitely check it out. Don't forget to send any questions you have to us over Twitter, and use the hashtag #udaddendum, and don't forget to follow us online on all our social media. Our handle is @undisclosedpod - that's Instagram, Facebook, and Twitter. Thanks so much for listening.