

UNDISCLOSED, the State v. Willie Veasy

Episode 4 - Recantation

November 13, 2017

[00:21] Colin Miller: There's a famous legal maxim: "Falsus in uno, falsus in omnibus." Here's prosecutor Mark Gilson explaining this maxim in closing arguments at the Willie Veasy trial:

[00:32] Mark Gilson:

It means false in one, false in all. If the witness doesn't tell you the truth about one thing, how can you believe him about anything? They didn't want me to have the time cards, it was obvious and you know why now because you have seen them and you have seen the problems with these time cards. They didn't want me to have them, they weren't going to give them to me.

[00:51] Colin Miller: This was the strategy employed by the State at trial. It was the only strategy that the prosecution could have employed because the defense had a time card showing Willie Veasy clocking into work about four hours before the Jamaican was fatally shot and not clocking out until about four hours after that shooting. But if the prosecution could shoot the messenger and establish that the Houlihan's supervisors were circling the wagons to protect their former dishwasher and their employer, they could get a conviction...and they did.

The "falsus in uno" maxim, though, has an ignoble origin. It was first used during the Stuart Treason Trials of the 17th Century, which were plagued by accusations of prosecutorial misconduct, including allegations of suborned perjury. This takes us back to the conviction of Willie Veasy, which was largely based upon the eyewitness identification of Denise Mitchell. In the years since Willie Veasy's conviction, the question has become: What if we apply the "falsus in uno" maxim to both her identification and the State's own behavior?

[1:57] Rabia Chaudry: Hi, and welcome to Undisclosed: The State vs. Willie Veasy. This episode is Falsus In Uno. My name is Rabia Chaudry, I'm an attorney and author, and I'm here with my colleagues, Susan Simpson and Colin Miller.

[2:08] 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.

[2:15] Susan Simpson: Hi, this is Susan Simpson, I'm an attorney in Washington, D.C., and I blog at the ViewFromLL2, as well as podcast at The 45th along with Rabia.

[2:31] Rabia Chaudry: In Episode One, we noted that Denise Mitchell initially didn't pick Willie Veasy's picture out of a photo array. It wasn't until months later, when she was re-shown a single page of that photo array with Willie Veasy's smack dab in the middle and the photos of four darker skinned men surrounding it, that she made her identification.

We also noted that, at trial, defense counsel Jules Epstein cross-examined Mitchell about a phone call she made to him before the trial. The call was about Mitchell's glasses needing repair and Mitchell therefore not wearing them on the night of the shooting. Epstein tried to follow up with Mitchell to track down her eyeglass prescription, but Mitchell became uncooperative. As a result, Epstein was left to take her word at trial when she said her vision was 40/100.

But this wasn't the only phone call between Mitchell and Epstein. We asked Epstein about a second phone call, but his memory was a bit foggy:

[3:20] Colin Miller:

And then there was a second call where, if I'm reading the trial transcripts correctly, she called and told you that she could have made a mistake, that she saw a man who looked just like Pee-Wee - Willie Veasy...

Jules Epstein:

Oh yes, yeah, after he had been arrested..

Colin Miller:

Right, could you explain that call?

Jules Epstein:

I got, unfortunately, you just triggered the entirety of my memory of it, but I believe I cross-examined her on that.

Colin Miller:

Right.

[3:49] Rabia Chaudry: So, what was the exact nature of this call? Well, let's look at the trial transcript. Here's the exchange between Epstein and Mitchell:

[3:57] Colin Miller, as Epstein:

Question: All right, now do you also remember that when I spoke to you on the phone and I asked you some of these questions you said to me I could have made a mistake, yesterday I saw a man who looked just like Pee-Wee. Do you remember saying those words to me on July 29th of 1992 when I interviewed you on the phone?

Susan Simpson, as Mitchell:

I don't recall, but --I don't recall that, no, but if you said I did it, then maybe I did, but I don't recall.

Colin Miller, as Epstein:

Question: Well do you remember an incident at some time this July after my client had been arrested and locked up that you saw someone on the street who you thought looked like Pee-Wee?

Susan Simpson, as Mitchell:

Sure

[4:26] Rabia Chaudry: So, I guess that's pretty good testimony. It seems like Mitchell is saying she saw someone else who looked like Willie, which could mean that this was a case of mistaken identification. But Mitchell is also saying that she doesn't recall making this statement. And then we have this, from re-direct examination:

[4:41] Colin Miller as Mark Gilson:

Question: Miss Mitchell, Mr. Epstein asked you a question about a phone conversation that you had with him. Was there more than one time that he called you on the phone or just once?

Susan Simpson, as Mitchell:

No, plenty of times.

Colin Miller as Gilson:

Question: And do you recall telling him on the telephone that you could have made a mistake?

Susan Simpson, as Mitchell:

No. Okay, I might have --

Colin Miller as Gilson:

What did you tell him, and why did you tell him that?

Susan Simpson, as Mitchell:

I don't remember telling -- I tell -- I told him that my eyesight wasn't good and he was tricking me.

Colin Miller as Gilson:

Question: What did you mean by that?

Susan Simpson, as Mitchell

Because I thought he was a good guy.

Colin Miller as Gilson:

Question: Why did you say the things that you said to him?

Susan Simpson, as Mitchell

So he could stop bothering me.

Colin Miller as Gilson:

Question: Why didn't you want him to bother you anymore?

Susan Simpson, as Mitchell

Because he's on the opposite side from what I am -- from -- I'm on the defense -- the plaintiff's side and at least he shouldn't be calling me at all.

Colin Miller as Gilson:

Question: Did it bother you that he was calling you?

Susan Simpson, as Mitchell

Yeah, after a while, yeah.

[5:25] Rabia Chaudry: Yeah, so this was a pretty big win for the prosecution. At first, it looked like the defense had Denise Mitchell saying she had bad eyesight and might have mistaken Willie Veasy for someone else. But now, she's saying that she only

made these statements so that defense counsel would stop peppering her with calls, and get off her back. In the end, we doubt these phone calls undermined the State's case at all.

[5:45] Susan Simpson: That case, of course, ended in Willie Veasy's conviction in February of 1993. About seven years later, William Tyson, a professor at the University of Pennsylvania, began looking into the case with his students. We haven't been able to track Professor Tyson down, and the only two documents that remain from that investigation are a memo from a student which addressed the following issue: "Was the compensation Denise Mitchell received in exchange for her testimony an act of prosecutorial misconduct, or was it in accordance with the common law prerogative of an attorney offering compensation in exchange for witness testimony?"

Which is a pretty big WTF memo, and, no, we have nothing else in the records that suggest that Denise Mitchell was paid. We've reached out to the student with no response, so, we don't know what the origin of the memo was, if it was a hypothetical exercise, or if it suggests that their investigation found some evidence that we don't have record of.

[8:59] Susan Simpson: And the second document, the other one from Professor Tyson's investigation, is an affidavit by Denise Mitchell dated November 10, 2001. It states the following:

Denise Mitchell Affidavit:

I, Denise Mitchell, state that all of the following statements are true and correct to the best of my knowledge, information, and belief:

I testified at the trial of Willie Veasy (Pee-Wee) in February 1993. He was on trial for the homicide of John Lewis (Jamaica) and the shooting and robbery of Gonzales, a drug dealer, in January 1992. At this trial, I said that from my window at 714 Russell Street in Philadelphia I saw Pee-Wee shoot Gonzales. At the time, I honestly believed that Pee-Wee was there and that he was the shooter. Since that time, I realized that I made a mistake in saying that Pee-Wee was there and that he was the shooter. I knew Pee-Wee from the neighborhood, and I thought he was cute. The person that I saw shoot Gonzales was cute and looked like Pee-Wee. That is why I thought Pee-Wee was the shooter. My vision is very poor, and I am virtually legally blind. My vision was like this at the time of the crime. I have the paperwork to prove this. The crime occurred when it was dark, at a distance from my window and I did not have my glasses on. Several times

since the crime, I have seen, with my poor vision, several men that are cute that look like Pee-Wee. Before the trial, I told Pee-Wee's lawyer, Jules Epstein, that I could have made a mistake in telling the police that Pee-Wee was the shooter and that I had recently seen a man who looked just like Pee-Wee. Therefore, by this affidavit, I am recanting the testimony that I gave at Pee-Wee's trial that Pee-Wee shot Gonzales. Pee-Wee did not shoot Gonzales, and he was not at the crime scene. I have not been pressured in any way to make this affidavit.

I feel bad that I have not come forward sooner, but I never wanted to be involved in this. I was confused, poor, and did not know what to do. I was afraid to go to the police or to the DA. I have told several people in the neighborhood that I made a mistake in saying Pee-Wee was the shooter. Recently, Mike Veasy, Pee-Wee's nephew, ran into me. He had just gotten out of jail. He knew I had testified against Pee-Wee and that I had told people that I had made a mistake in saying Pee-Wee was involved in the shooting of Gonzales. He asked me if I would be willing to talk to a lawyer about the matter. I said yes. William Tyson, who is a full-time professor at the University of Pennsylvania and a lawyer, eventually contacted me. He runs a prison clinic at the Law School and has been working with his students on Pee-Wee's Case. He said he had also spoken with Jules Epstein. Mr. Tyson told me that Mr. Epstein thinks that Pee-Wee is absolutely innocent and that he wakes up at night thinking about the fact that an innocent man is in jail for life. The same thing often happens to me. I told Mr. Tyson about my mistake and he prepared this affidavit for my signature.

[12:00] Colin Miller:

Yeah, I mean this is, when you read it, something you might expect to see in a movie or a TV show, and this is the climax of the episode or the movie, and this is what leads to Willie Veasy being released. And, I mean you look at it, this is the only eye-witness who has identified Veasy, and she is recanting and saying, "I'm legally blind... I made a mistake." I -- what did you two think when you first saw this document?

Rabia Chaudry:

I'm, by the way, legally blind. I was like around 17 years old when I was told that I am legally blind, and yeah, if I look at somebody at 40 feet, I cannot at all make out -- I know it's a person, I can tell you very general things like height, and obviously like kinda maybe skin tone, but I could not at all distinguish a single feature on their face, at all. So it is a big, big difference, um, in the vision she

testified to having versus what she actually, uh, has -- legal blindness. There's no way she could have identified Willie Veasy from, from that distance.

Susan Simpson:

I hate that I'm so cynical now, but a witness recanting is meaningless. And I'll clarify -- not meaningless in that it doesn't mean anything, but in terms of the legal system and in terms of appellate and postconviction motions, they don't care!

Rabia Chaudry:

We're seeing this really interesting thing where, I mean, in a lot of courts when a witness recants, they... the court finds that as another strike against your credibility. Well you lied before, so maybe you're lying now. And, you would think in a case like this, especially where there is *literally* no other evidence against this poor man, including actual evidence of innocence like his time card, this would weigh heavily in his favor -- and this was like 2001 -- that's a long time ago, um, but it's pretty shocking to the conscience, but like Susan said, that it's not a surprise anymore.

Colin Miller:

Yeah and to that point, Rabia, that is sort of the title of this episode, this maxim *falsus in uno*, which you often see a prosecutor at trial saying, usually to attack defense witnesses, and say, "well they lied about one thing, they must be lying about everything." And it's odd because we get to the point where the person is being convicted, and this witness who incriminated the defendant is now saying, "I lied," and the court's saying, "we can't trust that!" But then why don't we apply that same maxim to their trial testimony, their identification, and say, "well we also couldn't trust that, and if that's what the conviction was based upon, we have to throw it out?"

Susan Simpson:

Well think of the jailhouse snitches in Joey's case! They, before trial, recanted and said, "no, I made it up when I told the people at the jail that Joey confessed to me." And that was used as proof that they're lying about lying about the confession. But the confession itself, that they reported? That part's clearly true still...

[14:27] Colin Miller: Yeah, so let's go ahead and sort of break down the specifics of that affidavit. So the first point, obviously is at trial, we know Denise Mitchell claimed her

vision was 40/100, and again, that means that if an object or a person is 40 feet away, that appears to the person with the nearsightedness to be 100 feet away. Well, legally blind, the definition of that is, it starts at 40/400, that means the objects or people that are 40 feet away actually appear to be 400 or more feet away. And that's a pretty huge difference because, at 40/100, you know, you might conceive that Denise Mitchell could have seen Willie Veasy and somehow made out his facial features even though it's dark. It's a tough sell, but it's a sell. But at 40/400, that's basically Denise Mitchell seeing a blob, and having no idea who this person is.

And the second take-home from this affidavit is, as Jim Figorski of the Pennsylvania Innocence Project noted, this affidavit kind of lines up with the testimony given at trial by Denise's brother, Chuckie King.

[15:27] Jim Figorski

It was, more or less a recantation. It was where, ya know, Denise agreed that she had poor vision and that she really couldn't see, and she said that she's legally blind and that she now believes that she made the wrong choice in saying that it was Pee Wee, it was Willie Veasy. Um, and her own brother seems to back that up at trial! Uh, her brother's Chuckie King, and Chuckie King testified for Mr. Veasy, as a defense witness at trial, and told the court that, um, in so many words, that it there was another Pee Wee who did it -- it wasn't *that* Pee Wee.

[16:01] Colin Miller: So, legally speaking, what happened with Denise Mitchell's affidavit? Well, if you listened to our series on the Jamar Huggins case, you might recall that most courts don't look too kindly at recantations, as we just discussed. And here's Jules Epstein again:

[16:13] Jules Epstein:

Unfortunately, in Pennsylvania, and it may be true elsewhere, um, witness recantation, even though sometimes they're true, uh, they're tremendously disfavored by our courts.

Colin Miller:

Right...

Jules Epstein:

Obviously any particular judge could say, "I believe it." Um, but the law says it's entirely up to the judge, and the truth is, that look, what happens is most judges say, "nah -- why didn't you say that back then?"

Colin Miller:

Right...

Jules Epstein:

Ya know? "Probably some member of the defendant's family got to you." That's at least, if you will, a prevailing belief.

[16:59] Rabia Chaudry: Beyond Epstein's point, though, it's important to note that Willie Veasy's appeal didn't really turn on this legal inertia. Like in the Jamar Huggins appeal, it turned on whether the recantation of the State's star witness constituted "new" or "after discovered" evidence. And here's what the Superior Court of Pennsylvania had to say about this issue:

"Indeed, Mitchell alleges in the statement that: 'Before the trial, I told Veasy' lawyer, Jules Epstein, that I could have made a mistake in telling the police that Veasy was the shooter and that I had recently seen a man who looked just like Veasy.'

Veasy had ample opportunity to explore Mitchell's alleged misgivings before trial and cross-examine her concerning her during [the] trial. Accordingly, we find that the after-discovered evidence exception does not apply, and therefore Veasy's second PCRA petition was untimely."

The court is of course correct that the defense had notice of Denise Mitchell's misgivings and the chance to explore those misgivings both before and at trial. But you've heard from Jules Epstein about this. Denise Mitchell told him about her vision issues but then blew him off when he tried to get information about her eye doctor. And as a result, he had to rely on her claim that her vision was 40/100 at trial, when the truth now seems that it was much, much worse.

[18:16] Susan Simpson: And Epstein did get Mitchell to reluctantly admit that she called him and said she saw someone who looked just like Pee Wee, but she later testified on redirect that she only said this to placate him and stop his pestering; to get him to leave her alone. But Mitchell's post-trial affidavit indicates that, on her own, she

started telling people that she felt bad about her testimony at Veasy's trial and that she knew that she had identified the wrong man. This seems like fundamentally new evidence that Epstein couldn't have coaxed out of her at trial.

Here's how Willie sees it:

[18:45] Colin Miller:

Do you have any thoughts on why Denise Mitchell testified against you? Do you think it was an honest mistake?

Willie Veasy:

That's exactly what I think it was, an honest mistake. There's, there's no other reason. There could be no other reason but she made an honest mistake, ya know. And the thing is she knew she made an honest mistake why would she, ya know, stay with that, ya know? She wasn't 100% sure, and you can't be 100% right that it was me, ya know? Um, I don't know why she would stick with that -- with that statement.

[21:26] Susan Simpson: And Denise Mitchell apparently isn't the only person who now claims to know that Willie Veasy is innocent.

Colin Miller: In Episode Three, I talked to Seth Schram, the back-of-the house manager at the Houlihan's where Willie Veasy worked as a dishwasher in January 1992. After we talked about Willie's alibi, Schram dropped a bombshell on me.

As we noted last episode, a number of the kitchen employees at Houlihan's, including Willie Veasy, lived in the same part of North Philadelphia and would take the 55 bus to and from work:

[21:53] Seth Schram:

There were a bunch of them that knew that Willie didn't do it. But, they were all saying that they were afraid to say anything, because of what could happen to them. Because they did know who did it.

Colin Miller:

Oh, wow. Do you remember any of the names of them?

Seth Schram: Yeah, I don't know where they are, though. I could tell you one

name. Uh, a guy named James Miller. Jimmy Miller. They-we called him “Jim the Lover.” I don’t know where he is or anything. He knew. Um. I can get some other names as well.

Colin Miller:

Yeah, that’d be great.

Seth Schram:

I actually, one of my teachers here worked with me at Houlihan’s back in the 80s. In the early 90s, and was around during that time, as well.

Colin Miller:

Okay.

Seth Schram:

You could talk to him about what I’m saying- he was an assistant chef there.

Colin Miller:

Ok. Sure.

Seth Schram:

But, uh, Timmy, uh, I can’t remember Timmy’s last name, but I can get you his name, he knew. Um. Gump- Mark Gump Griffin. Gump is his street name, or his nickname. And I believe Richard Lee knew as well. Jim Miller I definitely know.

[22:55] Colin Miller: So, that’s James Miller a/k/a “Jimmy the Lover,” Richard Lee, Mark Griffin a/k/a “Gump, and Timmy, last name unknown. They all worked at the Jenkintown Houlihan’s in the early ‘90s, and they might have the information that can set Willie Veasy free. I asked Willie about these men:

[23:11] Colin Miller:

Yeah, well, when I talked to Seth Schram, he said that after you were arrested there were a number of guys in the kitchen who sort of lived in the general area, who knew you didn’t do it, and knew the person who did it, but who were afraid to talk. Uh-

Willie Veasy:

Oh, really.

Colin Miller:

Yeah, I'm trying--

Willie Veasy:

That's a shocker to me. Yeah, that is a TOTAL shocker to me. You knew who did it-- and, I mean, you-- {sighs} I don't know, I guess guys still live by that code, man, you know. Don't tell? I mean, I don't get that. I didn't come from that world.

Colin Miller:

Yeah.

Willie Veasy:

You knew someone else that didn't do it, and you knew WHO did it?? Why would you let an innocent man go to prison, you know?

Colin Miller:

Yeah. Some of the names he mentioned- I don't know if any of these ring a bell... One was James Miller, who he said went by 'Jim the Lover,' there was another guy, Mark Griffith, who went by 'Gump.' And another guy named Richard Lee, do any of those names ring a bell?

Willie Veasy:

Um... The name Gump do. That's about it, the name Gump do. Yeah, that kinda ring a bell.

[24:26] Colin Miller: Needless to say, we've been following up on this information and trying to track down these men, but we haven't been successful...at least at this point. But this isn't Willie's only possible avenue for relief.

[24:37] Rabia Chaudry: Our journey to Willie's case is an interesting one. We started talking to the Pennsylvania Innocence Project last fall when they brought us the Shaurn Thomas case, which I reported on in September. That case ended both with the Conviction Review Unit throwing out Shaurn's conviction and with some previously undisclosed files being turned over. Apparently, those files had information that wasn't only important to Shaurn's case; the files also contained vital information in the Willie Veasy case.

And this has led to a new appeal being filed for Willie, but it's been filed under seal. And what this means is that we're now in the same position that you're all in regarding the bombshells in Adnan's case: in the dark. What we know is that the State failed to disclose some key information about who might have killed the Jamaican, and we know

that there's some evidence that further calls into question Denise Mitchell's testimony. But that's it. We had hoped the seal would have been lifted before the end of our series on Willie's case, and maybe it will be by the time we record next week's Addendum. But as of right now...we don't know.

What we were finally able to do was talk to Willie, and you've heard a few parts of the call in the last two episodes. But, here's a bit more. We started by asking Willie to describe a typical day in prison:

[25:45] Willie Veasy:

Um, well, it's uh, pretty much, I get up every, uh on the block that I live on, go to breakfast, I normally go on daily day passes, during the afternoons I go to class, school. And, uh, pretty much after that, after school is over, I come back, and be in the cell probably read, or a little painting, you know, doing things like that, and pretty much that's about it, that's really like a day to day basis, seven days a week.

[26:17] Rabia Chaudry:

Specifically, Willie told us he's close to getting his GED:

Willie Veasy:

Uh, well, right now, I'm in GED class. And I think I just have 2 left, I have science to do and uh, History. And that's normally, that's 5 days a week from 2:30 - 3:45. So, normally I'll come back from there, study for maybe an hour or so, until maybe about 5:00. Count's usually at 5, and then they start the evening meal. They run that till about maybe, 5:30-5:35, we lock back up until 6:00, until line movement, from line movement, they start running passes to other programs and activities and things of that nature. After that is over, then normally the blocks have like, a "block-out," where everybody get to come out and get on the phone, use the kiosk machines or play games, or whatever they normally do, until about 9:00. 9:00 is lockup, and everybody's in for the night, until the next morning.

[27:20] Rabia Chaudry: But art is Willie's true passion. We played this clip before, but here's Marissa Bluestine, the director of the Pennsylvania Innocence Project:

Marisa Bluestine: He is earnest and thoughtful. He is a marvelous artist. We actually have quite a little war going on in our office over his artwork, because I refuse to bring it from home to the office, where it's supposed to be, but, I like it where it is.

Rabia Chaudry: According to Willie, his passion for painting is largely something he picked up in prison:

[27:47] Willie Veasy: I start- I picked up painting about 3 years ago. I was doing artwork, as far as like, greeting cards, and stuff like that, like maybe- 10 years ago. So I pretty much stopped doing that, and I pretty much you know, focused more on doing paintings and things like that.

[28:03] Rabia Chaudry: We took Willie back to 1992 and his life a quarter of a century ago. And, as we noted in the last episode, things were going well for him before his arrest. He was hired at Houlihan's as a dishwasher, but quickly gained a promotion to expediter:

[28:16] Colin Miller:

What did that job entail?

Willie Veasy:

That job included me, uh, I would come in, in the mornings sometimes, I would come in the mornings. I would set up the line, I would set up the whole line, uh, I would take the wheel, and I would call in all the orders from the prompter machine to all the cooks, and like most of the time when it get really crowded, I would call the manager to the line, and I would go back there and help the cooks prepare the food. But it was my job to set the line up, to keep the line set up, and keep it full with everything, because, like I said, on the weekends it really really gets crowded in there. So, that was mainly my job right there, as expediter.

[29:01] Rabia Chaudry: And things were also going well in Willie's family life. In Episode Two, we played some audio from our interview with Willie's sister Ketra, who talked about her special bond with her brother. And Willie felt the same way:

Willie Veasy:

She was my little sister, I only have 2 sisters; I have an older sister and I have her. So, my mom pretty much counted on me to take her to school 5 days a week. I would take her to school in the morning. I actually would ride my bike to take her to school and I would pick her up again around 3-4 o'clock. You know, so a lot of time, you know-and mostly- I changed her diaper a lot. My older sister she did the cooking for us, you know, and I did the cleaning and taking care of her- my little sister. That's why we're so close. I pretty much did everything for

her, just about. It's just like... the first time, you always wanted a little brother? I always wanted a little sister. And I got that.

[30:03] Rabia Chaudry: But everything that Willie had been building in early 1992 was quickly torn down on the morning of June 9th.

[30:09] Willie Veasy:

Uh, I had just came in the house about, between 4 and 4:30 that morning, 'cause I was out with a friend, and we was doing a lot of drinking because it was boy's birthday, um... I remember coming in the house and I went to go find something to eat and I sat down, tried to play video games during that time but that wasn't happening, so I left and went upstairs, took my shoes off and I pretty much flopped right into bed, because I was like, heavy intoxicated. Uh... I remember getting up to go to the bathroom... and uh, I guess it was about maybe... somethin' around 6:00, and I heard all this noise and all this commotion going on, so by the time I finished I stepped out of the bathroom and I looked to the right down the steps and I seen a whole lot of uh... officers in tactical gear comin' up the steps, and uh, they asked me my name, and I said "Peewee" and they said, "That's him," so I started backing up, I backed into the bathroom, and one of the officers pushed me down in the bathtub, turned me over, put the handcuffs on me, pulled me out of there, walked me down the steps. My little sister came out of the room and she had her little night clothes on and she was just standing there lookin' at me. And I just, they took me, they escorted me down the stairs and once they went outside, I uh, I seen my mother and my stepfather, they had both of them on their knees, facing each other, with handcuffs on. And my mother asked me, what did I do? I said, "I don't know." And they escorted me down the street into a van, she called down and asked them, "Can he put his shoes on?" He put me in the van, back in there, a couple minutes they came back with a pair of shoes, and from there they took me down to 8th and Race.

[34:19] Colin Miller: Now, we didn't talk with Willie about his interrogation and his confession in this case. Of course, you might say this was the most important part of his case. But Willie had an extreme reaction after Jim Trainum revisited that part of the case with Willie, and the Pennsylvania Innocence Project and we agreed that it wasn't in Willie's best interest, both short term and long term, to reopen those old wounds. But we did talk with Willie about the victim in this case, John Lewis:

[34:44] Willie Veasy:

John, the Jamaican, I knew him. We hung out a lot. We hung out a lot during the week, him and a couple of other guys that live around in that area.

Colin Miller:

So you were friendly with him?

Willie Veasy:

Yeah. Yes I was.

Colin Miller:

What was he like?

Willie Veasy:

He was a real cool guy. He was, he was sort of like me, you know laid back person, we did a lot of fun things you know, as far as we shot pool, we went out to little parties and stuff like that. You know, we hung out and had fun. That's basically what it was.

[35:14] Colin Miller: Given this, we asked how shocked he was when he was convicted at trial for killing a friend, especially in light of the alibi that he had:

[35:22] Willie Veasy:

(Laugh) I was totally shocked when that happened, when they came back with a second degree conviction. I was totally shocked at that. I didn't know what to do. Didn't know what to do, didn't know what to say. It was unbelievable, you know. I mean, like after the trial was over, I was thinkin' maybe... if I would have took the stand, to explain my situation, what happened that morning in the investigation room, maybe that might have been a different outcome, I don't know, you know. I don't know how much of the law they actually knew at the time, what type of instruction they was given, you know what I'm saying. I really didn't know anything about the law during that time.

Colin Miller:

Right.

Rabia Chaudry:

Can I, can we ask, why you didn't take the stand? Was that that your own decision? Was that something you were advised not to do?

Willie Veasy:

That was, I was advised not to do that by my attorney. He didn't want me to take the stand. He felt as though I wasn't ready to take the stand, you know. I took his advice.

[36:28] Colin Miller: And then there's the question that you'd probably want to ask of anyone who you feel has been wrongfully convicted:

[36:34] Colin Miller:

I mean, how difficult has it been for you, I mean it's been 25 years now, knowing that you're in prison for a crime you didn't commit?

Willie Veasy:

I mean, it's been hard, you know. Every day I find a reason to wake up and, you know, go on with life you know, and hope and pray that, you know, something comes up and happens where I can get out of here, you know. But uh, you know, it's a lot of good guys in here that I surround myself with, you know, that's positive, that's in the same position I'm in, with doin' a life sentence, so. That helps a lot.

[37:17] Colin Miller: It's been tough on Willie's family, too. Here's his stepfather, Arnold Morrell:

[37:21] Arnold Morrell:

She's got up in age now, I mean, she'd like to have her son home.

Colin Miller:

Right.

Arnold Morrell:

She'd like to have her son home. What mother don't like to have her son home?

Colin Miller:

Right.

Arnold Morrell:

She suffers a lot.

Colin Miller:

Right.

Arnold Morrell:

She suffers a lot. I, [indecipherable] started to forget, forget a lot as she got older. She's worried about her son. You know, she already lost one son at an early age [because of] polio, I get upset talkin' about this but, Mr. Miller. I put my hand on the bible, and you put me before the judge, I'll swear before the judge, Peewee didn't do that. Peewee didn't do that. Peewee didn't do that. Uh uh.

[38:09] Colin Miller: And then, there's his baby sister Ketra, now a 37 year-old mother:

[38:11] Ketra Veasy:

It's very, it's always been good, he always told me, he said "Ketra, you my baby sister." He said "The only reason why I'm still livin' is because of you." And I never understood what he meant by that. And... he explained it to me, is, "The only reason is 'cause of you." And I just talked to him and I, you know, I try to keep his spirits up. In spite of everything that I'm goin' through, you know, he said, "if I ever come home, the first thing I want to do," he was like, "I want to go to get my blood checked," and I said, "Why?" and he was like, "Because I want to see if I'm a match for you, I want to donate my kidney to you," you know, that's my big brother. That's my heart. When he cry, I feel his cry. When he in pain, I feel his pain. And, it's like, he's like my, my other half of my ribs. Like... I don't... he's my brother.

[39:21] Colin Miller: And finally, his mother Bonnie:

[39:22] Bonnie Veasy:

Oh gosh, it's been so long since I just [indecipherable] my son and lookin' at him when I see him and feeling' bad because he's in there for somethin' I don't believe that he did. I really don't. You can't make me believe that, 'cause I don't think, 'cause he, you know he had a job. He used to go to work, and he'd get off late nights. And he'd come home, he might go see a girl he was talkin' to, but by him workin' so late he mostly came on home and just went out durin' the day and

see his girlfriend and different friends of his. So he was an outgoing guy. He loved people.

Colin Miller:

Right. Well thank you for taking the time to talk with me. We're working with the Innocence Project in Pennsylvania, we have some new evidence, and you know, we're hoping, you never know.

Bonnie Veasy:

Oh really?

Colin Miller:

Mhm.

Bonnie Veasy:

Oh yes. Yes. Yes, now that would be the best thing in the world.

Colin Miller:

Yeah, we'll see if it's enough, but we're still working on it, we're gonna do whatever we can, and you know, hopefully we'll be able to bring your son home. But we'll see.

Bonnie Veasy:

Thank you, thank you, thank you. Oh gosh. I really hope you can do this, 'cause he deserve to be home with this family.

Colin Miller:

Right.

Bonnie Veasy:

Oh, Lord. I'm just waiting 'til the day comes that he does come home. I... (chuckles). I just hold my breath.

[40:51] Susan Simpson: As Morgan Freeman said in *The Shawshank Redemption*, "Hope is a good thing, maybe the best of things, and no good thing ever dies." But hope can be dangerous too. For every Shaurn Thomas, there's a Jamar Huggins, with

evidence that seems to prove his innocence and a family that desperately wants him to return home, but no relief...at least not yet.

But, there is reason to hope. There's Willie's new appeal, which we promise to report on once the seal has been lifted. And the same Conviction Review Unit that threw out Shaurn Thomas's conviction based upon a strong alibi, is now reviewing Willie's case. And last week, Philadelphia elected progressive District Attorney Larry Krasner, a former guest on this show who has promised to look into Philadelphia cases of possible wrongful convictions. There's no telling where any of this will lead, but we can tell you that, wherever Willie's case goes, we will continue to follow it and report what happens to you.

[42:07] 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.