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## **Four Innocent Navy Men Granted Conditional Pardons by Virginia Governor**

### **After More Than 11 Years, Justice Still Eludes the Norfolk Four**

(Richmond, VA) Today, after spending more than 11 harsh years in prison for a crime they did not commit, Joseph J. Dick, Jr., Derek E. Tice, and Danial J. Williams, are free men. Governor Timothy M. Kaine of Virginia granted conditional pardons to the Navy veterans but fell short of granting absolute pardons based on innocence. A fourth innocent sailor, Eric C. Wilson, was released in 2005 after serving 8 ½ years in prison. His clemency request was denied today by Governor Kaine.

“While we are glad that Joe, Derek and Danial will finally be coming home to their families, we are gravely disappointed that Governor Kaine has disregarded the overwhelming evidence of innocence, which proves only one man was responsible for this tragic crime,” said attorney Des Hogan, who represents Derek Tice. Added Don Salzman, Danial Williams' attorney, "Governor Kaine has set an impossible standard for the grant of an absolute pardon. The Norfolk Four case is no different than the other 40 or so false confession cases that led to complete exonerations based on DNA evidence."

"The Governor's decision is illogical. He agrees that there was absolutely no physical trace at the crime scene of any of the innocent sailors and that their conflicting confessions create substantial doubt. His pardon statement today never asserts that the Norfolk Four were involved in this terrible crime in any way," said George Kendall, Joe Dick's attorney. "Instead, all he has said is that our clients have failed to conclusively prove that they are innocent. Governor Kaine's failure to grant absolute pardons based on innocence to these innocent Navy men further compounds the many mistakes of the Norfolk police and prosecutors that led to their wrongful imprisonment."

Danial Williams, Joseph Dick, Jr., Derek Tice, and Eric Wilson had absolutely no prior criminal records and all four had honorably served their country in the military.

Frank Stokes, a former special agent of the FBI, noted that "the Norfolk Four were wrongfully convicted based only on wildly inconsistent and uncorroborated false confessions each made to the police after lengthy, high-pressured interrogations. No DNA or physical evidence of any kind tied them to the crime, and when examined together, the confessions are actually powerful evidence of their innocence."

Larry McCann, a 27 year veteran of the Virginia State Police and crime scene expert, added that: "the crime scene and forensic evidence overwhelmingly showed that only one person committed the crime. That person, Omar Ballard, has repeatedly said that he committed the crime alone and is serving a double-life sentence for the rape and murder. Only Ballard's DNA was recovered from the crime scene and autopsy, and only Ballard's confession matches the physical evidence in every respect. Ballard had been involved in a 3-week crime spree against women in the same neighborhood when he killed Ms. Moore-Bosko."

Des Hogan said that: "after nearly four years of review, Governor Kaine has finally allowed our clients to return to their families. But this grave miscarriage of justice will not fully end until the Commonwealth of Virginia officially recognizes that all four men are innocent and their good names have been cleared. We are saddened that Governor Kaine, who was the only person who ever had all of the evidence of the Norfolk Four's innocence before him, did not grant our clients an absolute pardon because the evidence of their innocence is overwhelming. Every independent law enforcement expert who has studied the evidence is convinced they are innocent."

A distinguished, bipartisan group of Virginians supported clemency for the Norfolk Four including: several former Attorneys General of the Commonwealth of Virginia; 31 former FBI Special Agents; a past president of The Virginia Bar Association; prominent state and federal law enforcement officers; former judges and prosecutors from around the country; and 13 jurors in two of the underlying criminal cases.

"There are many lessons we can learn about preventing wrongful convictions in the future from this case. We need reforms to ensure that innocent people do not go to prison for crimes they did not commit," said former Virginia Attorney General Richard Cullen. "The Norfolk Police Department and more than 500 other jurisdictions now videotape some custodial interrogations, but there is still much more work to do, including reforming the clemency process so that actual innocence cases are resolved promptly, and establishing innocence commissions to ensure that these mistakes do not happen again."

The families of the Norfolk Four, who stood by them throughout their more than 11-year ordeal, said that they are working to ensure that Joe, Derek, and Danial have a support system to help reintegrate them into their communities. They will be meeting with social workers, job counselors, and other trained professionals to make sure they get the support they need and deserve.

"Though we are overjoyed to finally have our sons back, we are saddened that Governor Kaine failed to recognize their actual innocence," said Larry Tice. "Our sons lost more than a decade of their lives. We must make sure that a tragedy like this one never strikes another family. We are looking forward to spending time with our sons and will continue to work to prove their innocence so this tragic mistake can finally be corrected."

"We're looking forward to spending time together and helping them rebuild their lives," said Rhea Williams, Danial Williams' mother. "Our sons lost more than a decade of their lives. It should not take 11 years for the criminal justice system to address a terrible mistake and we are outraged that the criminal justice system has failed to recognize their innocence."

Three law firms, Hogan & Hartson, Holland & Knight, and Skadden, Arps, Slate, Meagher & Flom, provided *pro bono* representation to the three men who were released today.

*Additional information is available at [www.norfolkfour.com](http://www.norfolkfour.com) or for additional requests please contact Laura Burstein at 202-669-3411 (c) or 202-457-7118 (o) or Tess Bolder at 401-369-2803.*

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