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December 8, 2005

The Honorable Mark R. Warner  
Executive Office Building, 3<sup>rd</sup> Floor  
1111 East Broad Street  
Richmond, VA 23219

Dear Governor Warner:

We are former judges and prosecutors. We write to urge you to grant clemency for Joseph Dick, Derek Tice, Danial Williams, and Eric Wilson. Three of these young men, Dick, Tice, and Williams, are in Virginia prisons serving life sentences for a rape and murder they did not commit. We are confident that upon reviewing the evidence in its entirety, you will come to the same conclusion that we each did and order their release.

We write this letter from the perspective of individuals with a strong interest in ensuring the reliability of the criminal justice system. As former judges and prosecutors, we understand the importance of holding people accountable for their actions. We have spent the better part of our careers serving our communities as advocates for justice, victims, and the community. We understand the importance of maintaining the criminal justice system as a fair and effective means of punishing the guilty. It is equally important that the innocent are freed.

Let us explain why we are urging you to grant clemency. Each of us has independently reviewed the facts of this case and have come to the conclusion that these men are innocent and should be freed. Our review has persuaded us of the following:

*This crime was committed by only one person.* This was the conclusion of the investigating officers in the days and month after the crime. The condition of the crime scene and injuries to the victim all point in this direction. We are fortified in our belief by the comprehensive review given this issue by Larry McCann, a twenty-six year old veteran of the Virginia State Police and an expert on crime scene reconstruction and profiling. His firm conclusion that

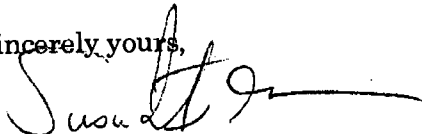
Omar Ballard and only Ballard committed this crime strikes us as entirely correct. This view is supported by the absence of any forensic evidence linking any individual other than Ballard, and by the persuasive opinion of Dr. Werner Spitz, one of our country's most experienced forensic pathologists, who concluded that the victim's injuries are consistent with only one assailant.

*Only one of the confessions is reliable.* The contrast in the circumstances concerning the statements made by Williams, Dick, Tice, and Wilson on the one hand, and Ballard on the other, could not be more extreme. The four sailors repeatedly insisted on their innocence *for hours*, and relented and gave incriminating statements that failed to match the known crime scene evidence only after vigorous interrogation, and only after being confronted with untruths and threats about the death penalty. Ballard, on the other hand, confessed not long after being confronted with the highly incriminating DNA match evidence, and was never threatened. We find that Dr. Richard Ofshe's analysis of the statement evidence is correct, and that only Ballard's confession is credible.

*No court has or will review all the relevant facts.* Executive clemency is particularly appropriate in this matter because no court has or will consider all of the facts that have now come to light. When these cases were pending in the trial court, they were treated separately. Only Tice and Wilson had trials, and in both, some of the evidence suggesting Ballard and only Ballard committed this crime was not considered. Dick and Williams entered guilty pleas due to fear of the death penalty, and have no judicial remedies remaining.

We urge you to use your executive power because our review has persuaded us that these men are innocent. We know who committed this crime. He is appropriately locked away serving a life sentence without parole. It is in the interests of all of the citizens in Virginia that the clemency requests of Joseph Dick Jr., Derek Tice, Danial Williams, and Eric Wilson be granted. The cause of justice will not be fully and finally served in this case until they are released from incarceration and their convictions are overturned.

Sincerely yours,



Susan Getzendanner

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December 14, 2005

The Honorable Mark R. Warner  
Executive Office Building, 3<sup>rd</sup> Floor  
1111 East Broad Street  
Richmond, VA 23219

Dear Governor Warner:

I am a former judge who has served at every level of New York's court system, including the Civil Court, Supreme Court, Appellate Division and the Court of Appeals. I am now counsel at Skadden, Arps, Slate, Meagher & Flom LLP, but write only in my individual capacity to urge you to grant clemency for Joseph Dick, Derek Tice, Danial Williams and Eric Wilson. Three of these young men, Dick, Tice and Williams, are in Virginia prisons serving life sentences for a rape and murder they did not commit. Wilson, convicted only of the rape, which he also did not commit, was recently released after serving his full sentence. You have before you clemency petitions from all four young men. I am confident that upon reviewing the evidence in its entirety, you will come to the same conclusion that I did and order the release of Dice, Tice, and Williams.

I write this letter from the perspective of someone with a strong interest in ensuring the reliability of the criminal justice system. As a former judge, I understand the absolute importance of holding people accountable for their actions. I have spent the better part of my career serving my community as an advocate for justice, victims and the community. I understand the importance of maintaining the criminal justice system as a fair and effective means of punishing the guilty. It is equally important that the innocent be freed.

Let me explain why I am respectfully urging you to grant clemency. I have independently reviewed the facts of this case and have come to the conclusion that these men are innocent and should be freed. My review has persuaded me of the following:

*This crime was committed by only one person.* This was also the conclusion of the investigating officers in the days and month after the crime. The condition of the crime scene and injuries to the victim all point in this direction. I am fortified in my belief by the comprehensive review given this issue by Larry McCann, a twenty-six year old veteran of the Virginia State Police and an expert on crime scene reconstruction and profiling. His firm opinion that Omar Ballard and only Ballard committed this crime strikes me as entirely correct. This view is supported by the absence of any forensic evidence linking any individual other than Ballard and by the persuasive views of Dr.

Werner Spitz, one of our country's most experienced forensic pathologists, who concluded that the victim's injuries are consistent with only one assailant.

*Only one of the confessions is unquestionably reliable.* The contrast in the circumstances concerning the statements made by Williams, Dick, Tice and Wilson on the one hand and Ballard on the other, could not be more extreme. The four sailors repeatedly insisted on their innocence for hours and finally relented, giving incriminating statements that failed to match the known crime scene evidence. This was only after vigorous interrogation and after being confronted with lies and threats about the death penalty. Ballard, on the other hand, confessed not long after being confronted with the highly incriminating DNA match evidence and was never threatened. Also, I find that Dr. Richard Ofshe's analysis of the statement evidence is correct and that only Ballard's confession is credible.

*At this point, no court has or will review all the relevant facts.* Executive clemency is particularly appropriate in this matter because no court has or will consider all of the facts that have now come to light. When these cases were pending in the trial court, they were treated separately. Only Tice and Wilson had trials and in both, some of the critical evidence suggesting Ballard and only Ballard committed this crime was not considered. Dick and Williams entered guilty pleas due to fear of the death penalty and they have no judicial remedies remaining.

I urge you to use your executive power because my review has persuaded me that these men are innocent. The man who confessed to committing this crime alone is appropriately locked away serving a life sentence without parole in this case. It is in the interests of all of the citizens in Virginia that the clemency requests of Joseph Dick Jr., Derek Tice, Danial Williams and Eric Wilson be granted. The cause of justice will not be fully and finally served in this case until Dick, Tice, and Wilson are released from incarceration and all four men's convictions overturned.

Respectfully submitted,

  
Judge Bentley Kassal

December 14, 2005

The Honorable Mark R. Warner  
Executive Office Building, 3<sup>rd</sup> Floor  
1111 East Broad Street  
Richmond, VA 23219

Dear Governor Warner:

As former federal prosecutors, we urge you to grant clemency to Joseph Dick, Derek Tice, Danial Williams, and Eric Wilson. Based on our review of this case, it appears that a miscarriage of justice has occurred and that clemency is the appropriate remedy for these young men. We hope that upon reviewing the evidence in its entirety, you will come to the same conclusion.

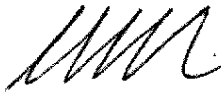
As former prosecutors we have a strong and continuing interest in ensuring the reliability of the criminal justice system. It is essential to hold people accountable for their actions through the criminal justice system. It is equally essential that, when the criminal justice system makes a mistake and prosecutes the wrong people, the innocent should be freed promptly. Failure to do so will cast the criminal justice system into disrepute; the resulting loss of public confidence will render the criminal justice system a less fair and effective means of punishing the guilty.

Our review of the facts has persuaded us that these men are innocent and had nothing to do with the murder of Michelle Bosko. Rather, they appear to have been the victims of overzealous investigation and coerced confessions. Studies have shown that a defendant's confession, which many lay people intuitively believe should be the most reliable form of evidence, is often the most unreliable; this case appears to be one of many in which innocent defendants confessed under pressure to crimes they did not commit. The lack of physical evidence tying these defendants to the crime, the nature of the interrogations, and the many inconsistencies among their confessions are sufficient by themselves to cast the convictions into serious doubt. The fact that Omar Ballard has confessed to committing the crime by himself, and that DNA evidence supports that confession, solidifies that doubt.

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The real killer has been identified, prosecuted, convicted, and sentenced to life in prison, yet these innocent defendants are also serving life sentences. It appears that they have no avenue of relief remaining except executive clemency. This case, therefore, appears to be one of the rare ones in which the power of executive clemency should be exercised. We urge you, in the interest of justice, to grant clemency to Joseph Dick, Jr. , Derek Tice, Danial Williams and Eric Wilson.

Sincerely yours,



Robert S. Litt



Julie R. O'Sullivan