

**JENNY:** This has been an extraordinary year for us at the Innocence Project. We have had nine clients within the past calendar year released and/or exonerated. And six of them have been completely exonerated. We've also helped to secure compensation for these six individuals.

[APPLAUSE]

We've also worked successfully to change the compensation laws in Virginia, though admittedly, we have a ways to go. But we're making progress. We are thrilled to have six clients with us at the table for our panel discussion this evening. And these six are men who were released or exonerated during this past year.

Importantly, though, we have several other release clients in our audience tonight. And the only reason they're not on stage with us this evening is we've got time constraints and space constraints. And we're going to focus on the newly released and exonerated. We'd like to acknowledge these men and their stories. And we'd like to encourage folks to engage in conversation, question answers with them afterwards. So I'd like to introduce Darnell Phillips. Could you stand up, Darnell?

[APPLAUSE]

Messiah Johnson

[APPLAUSE]

And Rojai Fentress

[APPLAUSE]

We're also grateful to have some other special guests with us this evening. We are honored that the former Secretary of the Commonwealth, Kelly Thomasson and Assistant Commonwealth Secretary Caroline Corl are with us this evening.

[APPLAUSE]

They work tirelessly, along with Governor Northam, to make it right for these men up here. And so we and they owe them a debt of gratitude. And we're so happy they're here.

**JERVON** Thank you.

**TILLMAN:**

[APPLAUSE]

**JENNY:** We also have with us some very important folks from the Virginia Parole Board. We have the new Parole Board Chair, Judge Chadwick Dotson with us, who has made it clear that investigating and righting wrongful convictions in Virginia is a priority for this parole board. And we are so thrilled and gratified to hear that.

[APPLAUSE]

We also have the Head Investigator with the Parole Board, Trudy Harris, with us this evening. And I can't tell you the number of hours and resources that Trudy put in to Bobby Morman's case and Joey Carter's case. Joey couldn't be with us this evening, but she is owed a great round of applause for all her work.

[APPLAUSE]

We also have with us Deirdre Enright, who is the Founding Director of the Innocence Project, and worked long and hard on so many of our cases. Deirdre has transitioned into her new role as director for the Project for Informed Reform and the director for the Center for wrongful-- I'm sorry-- for Criminal Justice. She wears many hats.

And we're so thrilled she could be with us tonight. She spent many years working on the cases of several men in this room, including Emerson Stevens, who was finally exonerated this past summer by Governor Northam.

[APPLAUSE]

Deirdre also spent countless hours and days and weeks and months and years working on Roger Fentress case and Messiah Johnson's case.

[APPLAUSE]

So I'm just going to tell you how this is going to work this evening. We're trying to get in-- we are fortunate enough to have a lot of clients out here who need to tell their story. We are less fortunate that we've got to do it within about an hour's time frame. So what we're going to do is give you a brief synopsis of our client's case, and then ask a few questions of each client.

And we hope to end the panel discussion in an hour so that there's time afterward for questions and mingling. And we may be able, depending on time, to take questions during the presentation. But we're going to move as fast as we can, but it's hard to tell these stories in a short amount of time. So like I said, I encourage you to follow up with these folks afterwards if you want to hear more.

I'm going to start by turning the program over to Deirdre, who's going to begin the panel discussion telling us a little bit about Emerson Stevens' case, and then having a few questions with him.

**DEIRDRE  
ENRIGHT:**

Thanks, Jenny. So Emerson came to our clinic almost when we opened the doors in 2009. And we spent the entire time working on his case. It had a lot of ups and downs. We talk all the time about the number of times we thought we were going to have to call in and say, we're done. We can't do anything more. There's nothing more to be done. But since no one can ever face that music, we would just pretend that everything was going to go fine.

He was accused, convicted of murdering a young woman in Lancaster County in 1986. Well, and there were two trials, yes. And it was a really, really close-knit community. And it was a very sensational murder.

And things like that do not happen in Lancaster. And that was part of what went wrong in his case. The community is very, very tight knit. There's-- everyone's related by some degree. In fact, one of his own cousins became a witness against him.

And it was still so sensational when we went there to start investigating, that we would start looking at records in the courthouse, and by the time we got to the first witness, they would say, oh, yeah, we knew you were here already. Someone already told us you were here. So word traveled fast.

What happened? She was found four days after she was murdered, in the river. She was naked. She had cuts on her back. And there was no hint of anyone who would have that kind of animosity toward her in the beginning.

A multi-task force formed. The FBI came into town. The state police came into town. The local police came into town.

But like most multi-jurisdictional task force, if you don't solve it quickly, they disband. They write a report. They leave town.

And in this case, when they left town, they left the case with a prosecutor who had just been elected and had never prosecuted a serious felony at all. And the lead detective had also never had a case that was serious. So the state police had somebody that stayed, and became the leader and the driver of the train of the investigation. And I'm going to let Emerson talk about him a little bit, because he became the reason why there probably was a conviction at all.

Emerson-- well, innocence cases have pretty much seven red flags for things to go wrong that we see a pattern, not just in Virginia, everywhere. Emerson had almost every red flag that there could be. He had junk science. There was prosecutorial misconduct. There was police misconduct. There was a number-- eyewitness identification.

But one problem that Emerson did not have was-- we thought, in the beginning-- was a bad lawyer. We read the transcripts. And we thought this guy fought for him. This guy really liked him. He believed in his innocence. But in the end, that kind of went wrong. And I want you to tell everybody why that went wrong.

**EMERSON  
STEVENS:**

Yes, well, because my trial attorney, they didn't like him because he was not from the area was one reason. And he was kind of cocky. And he let everybody know it.

So when they found me guilty in my last trial, he got so hyped up, he kicked the chair. And the judge was going to have him arrested. The judge told him, said, if he didn't calm down, that he would fine him in contempt of court and lock him up.

He said, well, he said, that was a \$100 fine. He said, well, I'll kick it again and you can charge me \$200. So that's the way my trial attorney was. He was cocky, and they didn't like that.

**DEIRDRE  
ENRIGHT:**

Yeah, when I first met him, he had me and the students at his house. And we told him what we were doing. And at the end, he did a Socratic-method interview of me. And he said, Miss Enright, why don't you tell me why you think Mr. Stevens was convicted? And I went on about bad prosecutors, bad police, bad detectives, bad everybody.

And he said, no, do you want to try again? And I said, sure, OK, it was a bad judge. It was-- and finally he said, Miss Enright, he was convicted because I'm an asshole. And I said, OK, well, students, start writing. Let's write this down right now.

And he said, I was young. I was new. And I knew I was really good. And I thought I was better than everybody.

And he said, and I thought I would show them. I would school this community about how to defend somebody. And he said, and I didn't think at all about what would-- they would hate me and they would hate my client too. And when we did go to interview jurors, that was precisely what had happened. And it was something he learned later in his career, too late, although he never left his side. For years, he stayed vigilant about this case.

Another reason why you're here is because of a pesky little old white lady named Beverly Monroe, who-- I want you to tell them who she is and why she became your justice warrior.

**EMERSON  
STEVENS:**

Yes, Beverly Monroe is one of my number-one fans. She was also convicted and sent to prison by David Riley, the state investigator, who made up evidence and told lies on her. And she served time in prison also, by David Riley, which he is a dirty cop.

And we don't deserve to be sent to prison because of what they do or how they do. You could tell him one thing. And he didn't want to hear that. He wanted to do everything his way.

So but Beverly Monroe, she's been a great friend to me. She is still a great friend. Like I say, she's one of my number one fans. And she's kind of helped [INAUDIBLE] along. And when they were doing an investigation on my case, she would not let them give up.

**DEIRDRE  
ENRIGHT:**

That's true. And her daughter also helped get her mother out of prison. Beverly's daughter became a lawyer and later started her own Innocence Project to exonerate people. So she's another person that we should just have a whole event around.

She also-- one of the things that Dave Riley would do was plant ideas during the interrogation, to plant ideas into the people into talking to, try and force them to say things that they wanted them to say. And so since Emerson wouldn't confess, he thought, well, the best thing I'm probably going to be able to do is get him to change his story somehow.

So he said to Emerson, well, maybe you stopped on the road near the victim's house. Maybe you were in the area. And he said, no. Why would I stop on the road? And he said, maybe you stopped to urinate. Maybe you just pulled over and stopped to urinate.

And when he wouldn't stop interrogating him, and come to his work, and come to his [? home, ?] finally, one day, Emerson said, if somebody saw me there, you're telling me someone saw me there, maybe it's because I stopped to urinate on the road near that. And that became, he's a liar, he was here.

The brilliance of that was-- I can't take credit for it, because there was a woman who covered this case for the *Washingtonian Magazine*, which you should go read because it's really well done. But David Riley wouldn't talk to me when I went to investigate Emerson's case. He said that he'd heard about me and he heard that I twist people's words, which I thought was really funny and ironic.

But anyhow, but [? Marisa ?] went to talk to him. And somehow, she had magic forces that I did not have. And he told her, on the record, that-- he said, oh, that idea of him on the road, urinating, I planted that idea, I gave him that idea, as though, proudly, he had done he'd done his job. So the truth comes out in many different ways in Emerson's case.

So Michael Hash, who's another exoneree, once told me that one of the biggest problems for him was that because everyone was so sure he would be found innocent, no one had ever told him about what prison would be like. And I don't know if that was true for you or if that happened, but I wonder if anyone gave you any information or advice about going to prison?

**EMERSON** No.

**STEVENS:**

**DEIRDRE** Tell them about how much time you ended up serving for the crime.

**ENRIGHT:**

**EMERSON** I served 31 years 10 months and one week for a crime that I had nothing to do with. My time in prison was-- no  
**STEVENS:** one told me what prison life was like. It was rough.

Being in prison with other people that I know that had committed their crimes, it's just very hard to deal with. Being in the same rooms with them, the same cell with them, sleeping with them, [? in ?] [? the ?] [? different ?] double bunks.

But it was terrible. It was rough. It was something I do not want to experience ever again. And like I say, it's rough. And being out of prison is great. And I could thank the Innocence Project. They are great people--

[APPLAUSE]

They do their job. And we are all examples, right down the line. We are all examples of what went wrong in our cases. And the Innocence Project worked hard to get us out. And I thank God. And I think these people, Innocence people, Innocence Project, the UVA. They're the best.

[APPLAUSE]

**DEIRDRE** Emerson's free afterwards to entertain questions. He's got millions of answers.

**ENRIGHT:**

**JULIET** Thanks, Emerson. And thank you, Deirdre. So I'm Juliet Hatchett. And I'm going to talk to Lamar Barnes next,  
**HATCHETT:** who's seated two seats to my left and appears to be filming me.

[LAUGHTER]

So, Lamar-- and Bobby, could you hand him a microphone?

**LAMAR** Thank you, sir.

**BARNES:**

**JULIET** So Lamar was convicted of a Portsmouth, Virginia murder in 2002. It was a devastatingly brutal crime. A  
**HATCHETT:** pregnant woman was shot in the head and killed. And her partner, the father of her child, was also shot in the head, and miraculously survived.

There were two juveniles who were also at the house when this happened. And one of them was stabbed and the other was injured. So the two juveniles survived.

And the crime was definitely committed by two people. And one of them was pretty immediately identified. And it was a man named Michael Artis, who is Lamar's cousin. It was pretty clear from the start that Michael Artis was the man who had interacted with the two juveniles who'd been stabbed, and that a different person had been the shooter.

And Lamar was identified as the shooter. We now, by just a mistake of fate, largely because Lamar spent a lot of time with his cousin, Michael Artis, we've now reviewed-- had the opportunity to review the files in the case. And we can see that Lamar's name was first mentioned because someone who had been to the house before said, I've seen Michael at the house with Lamar before. And that became Lamar was the guy who was with Michael that day. The train got out of the station and never stopped from there.

At trial, the two juveniles who were 14 and 15, and were threatened with possession of marijuana charges, both testified against Lamar. They both identified him, although with varying degrees of certainty. They have both subsequently said that they acted under severe threats and pressure. They were obviously extraordinarily young and had been through something extremely traumatic.

The surviving man, who was shot, also identified Lamar. But we now that before trial, he had expressed quite a bit of doubt about that identification. And the prosecution was aware of that at the time.

He was also facing charges at the time. And what we now, from the years of investigation that we've done, is that the charges against him were being manipulated. A special prosecutor had been brought in to come and prosecute the case against him.

Since he was the primary witness in a murder, the prosecution in Portsmouth had a conflict of interest when it came to his case. So they brought in a prosecutor from another jurisdiction. What we know, we've seen internal emails showing that there was coordination between the two offices to make sure that when Mr Barnes was at trial, this main witness, whose name was Mark King, would have charges hanging over his head, and would do what the prosecution wanted him to do, identify the correct person.

And then the charges would be dropped afterward. And in fact, the charges were dropped before the trial. And when Mark King started to express some discomfort with the idea that he had to testify against Lamar, Mark King was reindicted.

We ultimately were able to get access to all of the prosecution's files in this a couple of years ago, because the Commonwealth's attorney in the city of Portsmouth let us into her office and was willing to hear us out. And she said, this sounds like a terrible case. I want you to have access to everything you need.

At the time, she was not legally required to give us access to her files. She is now because of a law that we actually worked on a couple of years ago that changed the Freedom of Information Act in Virginia. But we were able to get access to a lot of information that at the time was not required. And it's an example of when prosecutors want to right wrongs, what can happen.

So we, with the help of a former student who's here now, [? Simone ?] [? Rousseau, ?] who was obsessed with this case and would not let it go, we decided to file a petition for writ of habeas corpus, in addition to a petition for writ of actual innocence in Lamar's case. Around the same time, the former attorney general, Attorney General Herring, formed a Conviction Integrity Unit in Virginia, which was designed to look into cases where we thought there was a faulty conviction, and to investigate them, and determine whether or not they could move forward and try to get someone exonerated.

So we took this case to the Conviction Integrity Unit and said, here's a gift. Please, please work on this. And we have one of the attorneys from the CIU here, Emilee Hasbrouck, who worked very hard on this case. Ultimately, the attorney general agreed that this man was obviously innocent, and agreed to join in the litigation, meaning that when we took his case into court, no one was opposing us. The state was saying we agree, he should be exonerated.

So we filed in court. And then some other people who are here were also doing a lot of hard work on this and reviewing the absolute pardon petition that was also pending. And on-- was it January 4, Lamar? On January 4, Lamar received an absolute pardon and walked out of prison after 20 years.

[APPLAUSE]

So Lamar, I want to talk about-- one of the extraordinary things about Lamar's case is that one of the victims in the case, this man, Mark King, who'd been shot in the head, felt awful about what had happened and the role that he had played in Lamar's conviction. And for years, he was writing to anyone who would listen, and asking for help.

So Mark King wrote to senators. He wrote to us. He wrote to everyone he could. That's not really something that we see very frequently. He specifically told us he'd go to prison if he had to, to help.

And so, Lamar, I wanted to ask you-- that's a very unique thing about your case. And how did it feel for you when you found out that one of the victims was on your side and wanted to make sure that you got justice?

**LAMAR**  
**BARNES:**

Good question. How y'all ladies and gentlemen doing today? Well, I wasn't surprised, because I had received a letter from him in the mail. And he was telling me all the organizations that he reached out to, even how the prosecutor told him that, if you testify on him, we will drop your charges and that he did it because he didn't want to go back to prison.

So to me, it was kind of understandable, because the first law of nature self-preservation. Anybody is going to take care of themselves in any situation. But there are certain codes and things that you shouldn't do. So I guess he felt as though he was wrong, even though his daughter may have disabilities, and maybe even though his wife may have passed away. But he knew he was wrong in the process. So at the end of the day, I respect him for that.

So was I surprised? No. But was I relieved? Yeah. So I just I appreciate him for that.

He could have-- when you're shot in the head and you're dealing with disability too, you might want to feel revenge against somebody, whoever it may be. So he could have felt like that, but he didn't. He took the right road and I appreciate it. So that's how I feel about that.

**JULIET HATCHETT:** Mark King has unfortunately passed away in 2020. But we were able to get his statements on video. And he gave sworn declarations.

And one of the really devastating things about this is that we weren't able to get Lamar out in time for him to meet Mark King. I would love for Mark to be here today, telling his story. Lamar, could you also talk about-- I know when we took your case to the Conviction Integrity Unit, we were talking to you all the time, keeping you updated. And when you found out that the CIU saw your case, agreed with it, was going to join in, what was that like? Was that a weight off your shoulders?

**LAMAR BARNES:** Mm-hmm, I felt like I could hug my mama again.

**JULIET HATCHETT:** Yeah, I think at that time, we knew that if we could go into court, and there's no one opposing us, that was the best-case scenario. So there is a lot of pressure around that and a lot of back and forth about what was going to happen. But that was a big, big moment in the journey that was your exoneration.

**LAMAR BARNES:** It was. Y'all pardon me if I get emotional. I do every time.

**AUDIENCE:** It's all right, bro

**JULIET HATCHETT:** That's OK. All right, I don't want to make you cry, but--

**LAMAR BARNES:** You already did.

[JULIET LAUGHS]

It's joy.

**JULIET HATCHETT:** Could you talk a little bit about your relationships with the students here at UVA and what it was like working with students who were volunteering their time for your case? Lamar's case, the first year that it was investigated was with our academic clinic. And the second year that it was investigated, it was with our volunteer pro-bono clinic, which is the one that we're fundraising for tonight.

And some students-- two of the students who were on Lamar's case were so invested in it that-- you can't take the academic clinic twice in a row. The American Bar Association won't allow us to do that. So these two students took the case to the pro-bono clinic their third year of law school and said, we're going to see this out.

And then we didn't quite finish it that year. And so one of the students then went to a law firm and said I'm going to continue working on this pro bono at a law firm, and ultimately was able to do that. So could you talk about that a little bit?

**LAMAR BARNES:** I really don't want to talk about it, but I do want to do a standing ovation, though.

**JULIET HATCHETT:** OK. [LAUGHS]



[APPLAUSE]

**LAMAR** She knows she's special. I don't want to, because I'm crying already. But she's a dynamic woman.

**BARNES:**

**JULIET** You said she was scary the first time you met her.

**HATCHETT:**

**LAMAR** I ain't going to say she was scary. She just had a determined look, that she ain't want to look back. I appreciated that. I told her from the first day I'd seen her. She just looked very determined. I liked that about her.

**BARNES:**

But she's a very nice woman. She stayed down. She could have went to work for anybody, but she stayed here.

**JULIET** I think I recall you saying you kind of wish she was your lawyer because she was more intimidating than I was.

**HATCHETT:**

[LAUGHTER]

**LAMAR** Why do you do that? But I really don't have nothing to complain about. I had 628 years.

**BARNES:**

**LAMONT** Dang.

**MADISON:**

**LAMAR** That was my reality. (CHOKING UP) I ain't never think I'd be sitting in front of y'all, for free. I didn't pay nobody.

**BARNES:**

You got people out here paying for lawyers who can't even get out. These people did it for free, dedicated their time. I appreciate them. If it wasn't for them, I wouldn't even be here at all, y'all. So I appreciate all y'all. I really do.

(CHOKING UP) So Ms. Juliet, your university, everybody that contributed to sustain us all here, I appreciate y'all. I really do.

**[? LAMONT** ?] Amen.

**MADISON:**

**LAMAR** That's all I've got to say [INAUDIBLE].

**BARNES:**

**JULIET** Thank you.

**HATCHETT:**

**LAMAR** I can't keep talking.

**BARNES:**

**JULIET** I'm going to stop making you cry now.

**HATCHETT:**

[APPLAUSE]

**LAMAR**  
**BARNES:** But these are tears of joy though. These are tears of joy. Look, I ain't boo-hooing to nobody. These are tears of joy because I appreciate you all. And I don't cry from the people. I never cried, not one time, in prison, not one time.

But since I've been home, I can't name not one thing that ain't cried. But it's pain that you have for 20 years.

You don't get a chance to express that in prison. You can't do it. So now it's just like I'm a fountain. I just be running.

But I don't care, though. I laugh. I smile at it. I don't look at it as being negative or nothing like that.

I just look at it as joy. I just appreciate-- I feel like I've been born again.

I was 19 when I got incarcerated. I'm 40 now. So I spent half of my life in prison, half my life on the street.

So what I'm at, 20? That's what I feel like. I ain't seen no 20s or 30s in society. I've seen it in prison.

So I made prison my university. I learned everything I could learn in there. Said, this is where I'm going to be? I might as well learn [? everything ?] [? I ?] [? could ?] learn.

I've got my own business now. I haven't been compensated yet. I've got my driver's license. I've never had a driver's license in my life. I feel good when I ride past the police, let's be honest.

**JULIET**  
**HATCHETT:** All right, Lamar, I'm going to stop making you cry now.

**LAMAR**  
**BARNES:** But I know y'all gotta go. [INAUDIBLE]. But that's my story. I appreciate y'all for listening.

[APPLAUSE]

[INAUDIBLE].

**JULIET**  
**HATCHETT:** Lamar, now you made everybody cry. All right, Gilbert, I'm going to do my best not to make you cry. So this is Gilbert Merritt. Gilbert is from Norfolk, Virginia, where he was convicted, in 2001, of a murder that he did not commit.

Gilbert was investigated by an officer who has subsequently been exposed as having been corrupt for many years. His name is Robert Glenn Ford. He was a Norfolk detective on the homicide squad for decades. It came out in the early 2000s that Detective Ford had been taking bribes in exchange for making charges go away against people.

He would take bribes and then show up in court and testify, and say that the person had served as an informant in a case, and in exchange, they should grant leniency, when that had not happened. He was ultimately found guilty of several different felonies and sentenced to, I believe, 12 and 1/2 years in prison, and recently completed that sentence.

So we have investigated a number of cases involving this officer, including the case of Arsean Hicks, who is still in prison. And I hope very much that at one of these events in coming years, he will be here to tell his story.

Ford was the detective who investigated Gilbert's case. There was only one thing connecting Gilbert to the case, which was the word of a woman who said that Gilbert had confessed to her. She had an extraordinary amount of detail about the crime. She also was facing 80 years in Norfolk on drug charges.

She was also facing a probation violation in Virginia Beach. So this woman had a lot to gain by testifying against Mr Merritt. There's no physical evidence. There were no eyewitnesses who put him at the scene.

There was no other witness. It was solely a confession case. And this witness's testimony was both bolstered solely by Detective Ford. That was the entire case against Gilbert.

The first time I read the transcript, I kept thinking, OK, so now there's going to be evidence, when I turned the next page. And it wasn't there. It never came.

So many years later, the woman who testified against Gilbert came forward and said that she had lied. She said that Robert Glenn Ford had fed her this story, and that she was terrified of dying in prison. She was a mentally-ill addict who had served time before, but not serious time, and was facing 80 years.

So she came forward, met with us, gave a statement, and swore that the whole story had been false. So we ultimately filed a petition for writ of habeas corpus in Norfolk Circuit Court. And we were granted discovery.

And at that point we were very fortunate that McGuire Woods came on to help with the case. I some folks from McGuire Woods are here tonight. They have been absolutely invaluable in this case, and also in Mr Hicks' case in Norfolk.

So Gilbert's case is still pending. But while we've been litigating it, we were also advocating for Gilbert to receive a conditional pardon or an absolute pardon while this litigation was ongoing. And in January of this year, Gilbert was granted a conditional pardon.

So what that means is that Gilbert is released, but he is not exonerated. The murder conviction is still on his record. If we are successful in the habeas petition that is pending now, his conviction would be vacated. So Gilbert's case is a little different than these others because it is still very much live, very much pending.

We were just in court, having an evidentiary hearing, last month. And we're briefing that post-hearing briefing now. So Gilbert served 20 years? 20 years, and was released in January.

And Gilbert, I'm wondering if you could talk about-- something we hear a lot is how difficult it is to fight your case when you're in prison versus when you're out of prison. And you're one of the lucky few who is now getting to fight while you're out of prison. So I'm wondering if you could talk a little bit about how different it is now that you're out, to be able to meet with us in person, and not schedule a jail call that lasts-- prison call that lasts for 20 minutes and then gets cut off.

**GILBERT**  
**MERRITT:**

It's extremely different. One thing I learned, when I first got incarcerated, my main thing was, OK, I was uneducated to the law. So when you're uneducated to the law, coming from where I come from, it's easy to be misled or-- so I'm reading, I'm reading, I'm reading, I'm reading, I'm reading. And one thing I learned in the Black Law Dictionary, it says ignorance to the law is no excuse. So right then and there, it tells you, regardless of what's going on, either you know your surroundings or you don't [? prove ?] [? your ?] point blank.

And in the Commonwealth, you break the word down, it's exactly what it is-- either you're common or you've got to be wealthy. That's how I look at it, you know what I'm saying.

But I tried to fight it from the inside. And trying to understand the language but the law is-- it was beyond my comprehension at the time. You're talking about somebody who never graduated from high school.

So I had to go back and go to school first, just to understand reading, per se. Like you could read, but you've got to comprehend reading. So I had to go back to school just to learn how to read and comprehend. So it wasn't working for me. And by the time I ended up learning everything I learned, the time had expired. So me fighting my case was hard. So I had to reach out for help. I had to put my pride in my back pocket. So when I put my pride in my back pocket, I reached out to the Innocence Project.

And it was a process. I'm always scratching. I always say this. I say, I'm not that lucky.

I always said I'm not that lucky, it's not going to happen. That letter come through the door, I'm like [SCOFFS] oh, somebody loves me.

[LAUGHS]

I always say this-- remember, I said this, you know what I'm saying-- somebody loves me. Yeah, since I filled the paper. I sent it back.

I'll never forget it. I come off Wallens Ridge, they send me Nottoway. I get to Nottoway, and Juliet come see me. And she sat down with me, and it was like a sense of relief. Because every day in the institution, it's like my chest is tight, my stomach's tight. You're just plain pissed off for you being in a situation you have no business being in.

But God gives you ease. After difficulty comes ease. And that ease walked through the door when I seen her. And she sat there and she comforted me. And she told me, look, we're going to do all we can.

I said, that's all I ask you to do. At the end of the day, somebody believed in me other than my family. And that's all I look for, somebody else to believe in me other than my family. My family's going to be there whether it's hard times or good times, but somebody outside of that to actually show love, genuine love for you-- and it wasn't just her. It was a whole team.

So from then on, regardless of what happened, I was comfortable at that situation. But we were trying to figure out how to navigate it behind it, while I was locked-- incarcerated, which was incredibly hard, because the gadgets you all got out here compared to what's in there, it's *Flintstones* to *Jetsons*.

[LAUGHTER]

So I come out here. And he tried to give me a phone. And I can't even-- I just want a flip phone. Everybody tells me I'm outdated. but it's different.

So when I came out here, and we started to strategize and fight the case, I look at the world. It's totally different now.

I'm more educated with the law out here than I was in there. And I thought I was good in there. I was even nowhere near it. All I was good at with the rule handbook said. So yeah, it's extremely well.

**JULIET** And Gilbert, one of the extraordinary things about your case is that it involves an officer who we to be quite  
**HATCHETT:** corrupt, who has served prison time. And I'm wondering, what's it like for you to that someone went to prison for the things that he did in cases like yours, but also that he's already out?

**GILBERT** [SIGHS]  
**MERRITT:**

See, that's the problem about us being human. We're prone for error. And they say the divine thing about what God instilled in us is forgiveness. But for an individual to take an oath and commit atrocities the way he'd done, and allow him to escape unscathed the way he did, there's still no real penalty for what he's done. I don't what else to say about that one.

**JULIET** Fair enough. All right, I'm going to throw you a softball. And then I'm going to leave you alone. What's been the  
**HATCHETT:** most surprising thing about reentry after 20 years, besides flip phones now being little screens?

**GILBERT** I've got an iPhone now.  
**MERRITT:**

[LAUGHTER]

No, just getting the whole adjustment to being in society as a citizen, as they say, Medicaid, job, 401, all these things I never thought about in my life, driving, home, all these things. It's coming. It's coming in a slow process.

It's hard. It's extremely hard. But I've got a good support system with the family, telling me stick it in and stay focused, keep your head up, chin out. But it's all right. I ain't complaining. I'd rather have these problems than them problems.

**JULIET** All right, thank you, Gilbert.  
**HATCHETT:**

[APPLAUSE]

All right, I'm going to turn to Jervon Tillman before I hand it over to Jenny. And I'm sure we're running over time, but I'm doing the best I can. So Jervon is from Richmond, Virginia. And Jervon was convicted of the armed robbery of a pizza deliveryman in Henrico.

And something that we know, because we have DNA evidence in innocence cases, is that in 70% of wrongful convictions in which there's DNA proving, beyond any question in the world, that the person is innocent, in 70% of those cases, there's a mistaken eyewitness identification. Mistaken eyewitness identifications are, by far and away, the most common factor that leads to wrongful convictions. And one of the difficult things about them is that there's often absolutely no bad intent. There's just a mistake that's made. And it's very difficult to undo a mistake.

If someone commits perjury intentionally, they might have a crisis of conscience years later. But someone who's made a mistake and believes that they did the right thing can't have that sort of change. So we see mistaken identifications in quite a few of our cases, including Jervon's.

But Jervon's case, I think, has the most startling mistaken eyewitness identification I've ever seen. Jervon, will you stand up for me? So Jervon is 6' 3". And he's a trim man. You can sit back down now.

The individual, the victim of the robbery, described his attacker as 5' 10" and a stocky build, which I think is pretty clearly not Jervon. And the perpetrator of the crime that Jervon was convicted of was carrying a gun and was partially masked. So his face was partially obscured. You couldn't really make an identification of this person. And the presence of the gun is significant because guns create what's called the weapon-focus effect, which makes it much more difficult for individuals to recognize and accurately perceive the person who's actually holding the gun.

The victim in this case said that he could recognize Jervon because of his eyes. So most of this perpetrator's face had been covered, but the eyes were visible. And he said that Jervon's eyes looked like Mike Singletary's eyes. And I had to Google who Mike Singletary was, but apparently he was a somewhat famous football player at some point in time.

So when we saw this case, I thought it was just nutty. I couldn't believe that this was the whole thing. It was one eyewitness. That was the entire case.

The person had also-- the victim and also identified Jervon in a highly suggestive way. He had found him on a list of wanted individuals. Jervon has no problem with admitting there are things he has done, But this was a crime he did not commit.

So we got involved in the case, saw that it was just a wildly inaccurate and problematic eyewitness identification, with pretty much every red flag that you can have. And so started working on it. And eventually decided that the best way to advocate for Jervon was through an absolute pardon, because the legal mechanisms available to him on this kind of scant evidence, without a witness who understood that he'd made a mistake, was going to be very difficult.

So we advocated for an absolute pardon. And Jervon received an absolute pardon in January 2022. And so--

[APPLAUSE]

--so Jervon, one of the questions I have for you is, when you were going into court, and you knew the only evidence against you was one eyewitness identification-- oh, and I should add that the initial description of the perpetrator, it appears, was not actually turned over to the defense at the time of trial, so losing the ability to cross-examine on that. But Jervon, did you think there is any way you'd be convicted on that evidence?

**JERVON**

**TILLMAN:**

I was so sure I wouldn't be convicted, I told my family not to even come, seriously. I told them not even come. I'm like, when I go in this courtroom, whoever this guy is, when he sees me, even with a mask on-- I didn't know what he said the guy looked like before me or nothing. I was like, man, when this man sees me, he's guaranteed he's going to be like, man, I don't think-- something against saying that it's me.

And that man was looking at me like he had seen me his whole life. And I had never seen the man before in my life. So I'm like-- now I'm thinking, I never put a defense up because I didn't think about even putting a defense, even though I asked my mom did she remember where I was at the time, because they finally gave me a date when they say it happened.

So my mom was like, yeah, you remember you were at the house? I had to keep you at the house. You had to get your daughter off the bus for those days. Oh, yeah, I remember I was in house. I said me, you, my sister, and my mom, we were sleeping downstairs. I remember. She's like, yeah, and you left and got on the bus the next day. So, boom.

I'm telling my lawyer, I'm like, man, I know where I was at at the time. But he was like, you don't need that. You're good. They don't got nothing. They're saying--

Go in there, the judge started speaking Japanese. I ain't know how much time he gave me. I'm like, man, what did he say? The lawyer, he's like, I'm going to [? tell ?] [? you ?] [? everything ?] in the back. They take me-- you know?

**JULIET** So Jervon had a bench trial and was sentenced to 25 years

**HATCHETT:**

But it was an extraordinarily long sentence for the crime. And Jervon, you served, I believe we calculated about 8 and 1/2 of those years, before your release. Jervon, did you ever consider taking a plea deal in that case?

**JERVON** Never.

**TILLMAN:**

**JULIET** Why is that?

**HATCHETT:**

**JERVON** Not once. Even if they had said I went home that day, I wouldn't-- my mind would have never-- the way I am inside, I never would take no-- why would I do that? Y'all need to find out who did that. I ain't got nothing to do with it.

The law said if I do a hundred crimes, then I'm convicted of 100 crimes. If 101 crimes get committed, I don't get convicted of that extra crime. But that's not what happened. These people convicted me of all the crimes. They didn't care.

Like I said, I don't ever claim to be this type of man that never did anything. Yeah, I've done things that I'm not proud of. But I didn't commit this crime. So that's what I'm telling you. But they didn't care.

**JULIET** Yeah, and one of the problems in Jervon's case, that we see in a lot of cases, is that when a person gets wrapped up in the criminal justice system, they become more likely to be wrongfully convicted. Once you're in the system, once your mug shots in the system, once you're known to officers, you're much more likely to be suspected of a crime that you didn't commit.

And in this case, that's exactly what happened. And I think that, Jervon, your case illustrates the importance of recognizing that to be innocent of one crime, you don't have to be perfect from your whole life. Everyone who is wrongfully convicted of something they didn't do is deserving of justice and release.

And in fact, I think we need to be paying attention to the fact that we are more likely to wrongfully convict people who are wrapped up in the criminal justice system. Jervon, how's it been since you got out?

**JERVON**

Great.

**TILLMAN:**

[LAUGHTER]

I am serious. I'm talking about like-- sometimes I'll be alone a lot, because the transition from being in prison to being out here, you start to learn that place really messed your psych up. So you have to learn how to adapt to, I could say, "normal," you know what I mean.

So a lot of times, now, I'm still alone, but I'm happy. I'm very, very happy. And it [? seems ?] like-- and this is the beginning. I don't know. It's just, like what I say sometimes, I might just get up in the morning, 4 o'clock in the morning. I can't go back to sleep, but I'm just so excited. And I go walk down the street and might be crying. But I ain't crying because I'm sad. And I ain't crying-- I ain't hiding it either.

I don't really want anybody to see me, but at the same time, I'm happy. I'm free. Those people finally gave me a second chance when I shouldn't even have had to ask for a second chance. But I got it [? and I'm out ?] [? here. ?] So but I ain't got no complaints. I'm just glad that the world made a Juliet and a Serena. I'm just blessed for that, for real.

And the co-founder down there, thank you all, everybody. Even the people that's not got out yet, they're going to need y'all, because it's more people in there. It's not a lot. There's a whole lot of people in there, lying, saying they ain't did nothing, but there's some people in there that didn't do it. And they need to get out here too. They need to feel this.

**[? LAMAR  
BARNES:**

[?] [INAUDIBLE]

**JULIET  
HATCHETT:**

All right, thank you, Jervon.

[APPLAUSE]

**JENNY:**

All right, we're going to talk with Bobby Morman next. How are you doing, Bobby? Get the mic in front of you.

So Bobby was convicted of a drive-by shooting in Norfolk in the 1990s. Fortunately, no one was injured. No one was hit. And Bobby was convicted based on the testimony from the three witnesses who were supposedly targets of the drive by.

Bobby's case is pretty extraordinary because at Bobby's trial, the actual shooter, and every other person in the car that night, testified and said I was the one that fired the gun. And we were the ones in the car. And Bobby was not with us. Bobby had nothing to do with this.

Bobby also presented his alibi. He was playing video games at the 7-Eleven nearby. Nonetheless, he was convicted and he was sentenced to 48 years in prison. Bobby served over 20 years in prison before he was released on parole in 2016.



So Bobby has been out, I think, longer than anyone else up here this evening, for about six years. And Bobby, I want to go back. I imagine that it was pretty darn shocking that you were convicted based on evidence at your trial, when the actual shooter testified that he did it and you had nothing to do with it. Can you even begin to answer the question of how or why you were convicted of this crime?

**BOBBY** No, no, I can't answer the question. I don't know.

**MORMAN:**

**JENNY:** And when the judge sentenced you, after you were convicted, you continued to profess your innocence. And at the sentencing, the judge took offense to that. Do you remember what he said?

**BOBBY** What did he say, Ma? I don't remember, somebody bring the ceiling down or something? I don't know. He said somebody about a ceiling.

**MORMAN:**

**MARY** [INAUDIBLE].

**MORMAN:**

**BOBBY** Oh, Mama's crying. That's why I don't like talking about it. But anyway, He said he would bring the courthouse down on me or something. I don't know.

**MORMAN:**

**JENNY:** The judge seemed to be offended that you continued to profess your ignorance, and sentenced you to an extraordinary sentence, particularly for a crime in which no one was injured. So Bobby, like I said, you've been out for about six years now. Can you talk a little bit about what the struggles were when you first were released and what your life has been like since your release?

**BOBBY** Yeah, well, I feel like I'm rapping or something with this microphone. But I don't know. I'm a rapper. I'm joking. But anyway, you've got to laugh.

**MORMAN:**

But when I first came home, it was-- you can't really-- it's hard explain to people that have never done time. I went in 18. I came out 41.

So coming home, I came home to a new world. And prison messes you up mentally. So I've got like PTSD, but I don't take medicine for it.

So it was hard. I say it's great, thanks to my family, because my parents, they were there the whole time. Innocence Project, the parole board, Trudy, all them, they helped me out a lot. But you know it's hard, but that's the past.

I'm here now. I'm in front of you all. I love the Innocence Project. I'm forever in debt to them.

And it's about-- right now, I'm good. I'm working. You what I'm saying? I ain't been in no trouble.

Been home over six years. Went in at 18, came out 41. I'm sitting in front of you all now. So I'm good.

[APPLAUSE]

**JENNY:** Bobby, In January and February of this year, you were part of a group of folks who had to advocate for your compensation before the General Assembly, in order to get compensation for your wrongful conviction. Can you talk a little bit about what it was like to have to argue that you should be compensated?

**BOBBY MORMAN:** Well, it was a new world. It was like, I don't know. I'm not going to say-- it was-- put it this way. It was different.

It was-- I'm in front of Republicans, Democrats, liberals, whatever. But no disrespect, I don't know if there's no Republicans in the audience, but the Republicans weren't that cool, but the Democrats were all right. That's all I'm going to say.

Some Republicans were cool, though. It was cool, though. I had a good time. It was cool. I'm sorry if I offended anybody.

[LAUGHTER]

**JENNY:** And Bobby, you were finally exonerated last summer. Can you talk a little bit about how you feel, or hope, or think your life's going to change since the exoneration?

**BOBBY MORMAN:** Ah, you know, it was good. And I'm glad they recognized that I was in there for something I didn't do. But money is not going to replace the time I was gone from my family or the almost 23 years I spent in prison. It's going to help, but what people don't get, it really doesn't change nothing.

It's going to help me and my family, but it's cool. It's good. I feel good that the governor did that. I salute him for that. But above all, I salute my family, the Innocence Project, and Virginia Parole Board, and News Channel 3, and whoever else was really down for me. You what I mean?

That's what it's about.

**MARY** What about Trudy?

**MORMAN:**

**BOBBY MORMAN:** Yeah, I said Trudy. Well, Ma, you can't-- I'm going to get Trudy in trouble. You cannot say "Trudy," you got to say "parole board." The boss is here.

[LAUGHTER]

My mama let everybody know, it's Trudy.

[JULIET LAUGHS]

**JENNY:** All right, thank you, Bobby.

[APPLAUSE]

**BOBBY** OK.

**MORMAN:**

**JENNY:** Lamont.

[APPLAUSE]

Lamont, pull on up to the mic.

**LAMONT** Yeah.

**MADISON:**

**JENNY:** I want to next introduce Lamont Madison, who is our most recently-released client. He has been out for just about two months now. And he was released on parole. Lamont was convicted of a 1997 robbery in Norfolk and Virginia-- I'm sorry, Virginia Beach. And he was sentenced to 28 years in prison.

We worked on Lamont's case for a good while before we actually filed anything in court. And when we decided to file, we decided to file a petition for writ of actual innocence, because we thought we had sufficient evidence that he was innocent. That evidence included repeated confessions from the actual perpetrator of this robbery, a man who was, and is, in federal prison for other crimes, including murder.

He confessed on three separate occasions, to lawyers and to detectives, that he had committed this robbery. He also said he had never heard of James Lamont Madison, and that Mr. Madison had nothing to do with this robbery. So we thought, OK, that's a nice confession to have.

We also had statements from the victims in the robbery, one of whom said there was nobody as short as Mr. Madison involved in this crime. And the other person, who identified Mr. Madison at the time of trial, said my identification was basically coerced by the officer that was working with me in this case, and that he was never sure of his identification of Mr. Madison, and that the officer gave him information to make him believe that Mr. Madison was, in fact, the perpetrator.

So we had statements from both victims saying I don't that guy. And we had statements from the actual perpetrator saying, I did this. I did this with other people. I've never met this guy. He had nothing to do with this crime.

We filed our petition for writ of actual innocence in the Virginia Court of Appeals. We lost. We appealed to the Virginia Supreme Court and we lost. I have to say I was genuinely shocked.

And I'm used to losing. I lose most of my cases in my career. Hopefully that's not a comment on my competence, but just my career choices.

But I want to start with, Lamont, how you managed the losses when we were in prison-- when you were in prison and we were fighting this battle unsuccessfully, and how you managed to stay strong. You were often the cheerleader for me. And so I want you to talk a little bit about how you managed that.

**LAMONT** Well, you know me. I come from Norfolk, so I come from the projects. Whoever doesn't know about the projects, that's what they call the lowest of the lowest. So we always grew up in a struggle. So that kind of strengthened me for life ahead.

I never knew it was going to be prison, but it all is building strength up on the inside that nobody can take from, you understand? So when they locked me up, wrongfully convicted, there was a loss right there.

But I was like him-- I just got to get it out. Somebody's got to hear it, you understand? Because my family believed me, but I need somebody who is not joined to my family to believe it.

So I was right in the right. And I was getting turned down. But it was nothing. I'm used to. It I'm used to getting pushed to the wayside, you understand? So I had that inner strength in me.

So finally, when they came to me with the news about-- well, let me show you this. In my life, everything-- like I say, I come from a struggle. So everything I get, it be a blessing. Stuff that go good for me, it doesn't just come regular. God makes sure he's shored in a blessing for him.

So the judge, he won't believe me, because it would have been too easy, so I had to come through them, you understand? So that way, when I have my story to tell, I can show how it came from a blessing.

So when they came to me and told me about it, they even brought me more news that the dude, out of everything in the world, every place in the world, the guy saw the dude that did it in a club at nighttime. And he was just so happened with his cousin or his family member, and said, look, that looks like the dude that robbed me, yo. And it just so happened how God's so good, the dude knew the dude's name that did it, you understand? So that's how we got the ball rolling. And that's how we found the dude's name.

And again, it doesn't happen for me. The dude admitted to everything. I used to have a mouth full of gold [? that ?] [? were ?] [? on ?] my teeth [? regularly ?]

So dude said, oh, they might got him mixed up with my homeboy with that gold in his mouth. You understand? So the little small stuff like that, that's how I overcame. So that's how I kept my strength through, small stuff, not big stuff, small stuff.

And that's how I survived. So that's why I had the strength to help them, you understand? When she was fighting, she'd go hard too. They go hard.

What's that other lady that was with you?

**JENNY:** Huh?

**LAMONT** Who was that, Juliet?

**MADISON:**

**[? DEIRDRE** ?] Yes.

**ENRIGHT:**

**LAMONT** Juliet, there.

**MADISON:**

**JENNY:** Juliet.

**LAMONT** Yeah, she was behind her, helping out, look, look, go attack them people. They were attacking.

**MADISON:**

[LAUGHTER]

They were fighting hard, you understand? And like me and him, we said in the back room, I ain't never had nobody fight hard for me like that.

**JERVON** [INAUDIBLE]. They go hard.

**TILLMAN:**

**LAMONT** I ain't never had nobody fight hard for me like that. So that also added on to my strength. So I'm like, oh, so I'm a  
**MADISON:** fighter naturally, with on the inside, but now I see somebody out there that's not connected to my family that's going hard. And they hear me. And they believe me. You understand? So that's how I hold my strength together through the whole thing. You feel me?

[APPLAUSE]

**JENNY:** Lamont, do you-- when you think about your case and your trial, do you identify any one or anything that is to blame for that wrongful conviction?

**LAMONT** Yeah, the system. The system's wicked. That's why I give thanks for all of y'all that's fighting for criminal justice,  
**MADISON:** because the system is wicked. We need y'all.

**LAMAR** That's right.

**BARNES:**

**LAMONT** Because people ain't going to listen to us. Now, they got us up here now for y'all to hear us. But besides this, we  
**MADISON:** would have been hidden in the back, you understand? So this is a glorious thing that they've got us up here so our voices can be heard.

The young lady that was bringing me up here, she was on the phone with somebody, called me from prison. And their voice can't be heard, but she was right there to hear the man's voice heard. He's an innocent person. But he can't-- where we come from, even if you don't do it, you can't tell on the one that did do it. So you still got to get the repercussions, you understand?

This man's crying from prison, behind prison walls, right now, on our way up here, talking on the phone like, yo, can you talk to Jennifer when you get there? You understand?

So that's how it is, man. We have to be heard. We have to be heard. So whoever could help, man, I urge you all. And like the brother said down there, thank God for people like y'all. You understand? Whatever you went through in life that gave you that strength or whatever, that want to fight for criminal justice, we give you thanks for that, you understand? Whatever happens.

**JERVON** For real.

**TILLMAN:**

[APPLAUSE]

**LAMONT** But we need y'all. We need y'all. We do.

**MADISON:**

**JENNY:** All right. Lamont, this is the last question. You're going to wrap up the program. No pressure. You ready?

**LAMONT** All right, OK.

**MADISON:**

**JENNY:** Lamont, how have you found life on the outside in the past two months?

**LAMONT** Well, first and foremost, give thanks to God because I'm free. So that supersedes everything. That supersedes everything. So what I'm about to say, I still give thanks for my freedom.

**MADISON:**

But since I've been out, it's been a struggle, because I was straight in prison. But now I come out here in this real world, with real stuff going on, you understand? So I always had to take a step back and then look at life again.

So every day, I've got to keep revamping myself to get according to what's going on out here. Right now-- look, I was born in 1975. Somebody had my Social Security number in 1965, so 10 years before I was born. But I was a illegal dude on the street. So I never knew that. I never had no job or nothing.

Now I come out of prison, I can never use that. They took that Social Security number from me. So I'm an alien walk around. I don't have no number, no nothing. And I still have to stay focused and remember I'm free.

Free is better than anything. So that's how I have to live right now. So with their help, I'm trying to get my Social Security situation straight. I can never get a real job. I'll do a little \$35 job, working in the barbershop. And again, I got blessed, because the man doesn't know me from nowhere, and he just gave me the job.

He gave me a test run, one head. He's like, oh, you got it. And he gave me the keys, the next day, to the barber shop. Trust, only God alone can do that.

**LAMAR** Peace.

**BARNES:**

**LAMONT** You see me? So we y'all. Help us, please. And it's still voices that need to be heard too, because we aren't going to be the first or the last. Y'all going to be like, damn, that many people? Because there are going to be some after this too, and some after that too. But with y'all ears and our voice, it could get done.

**MADISON:**

**LAMAR** Peace.

**BARNES:**

**LAMONT** You see me? Blessed.

**MADISON:**

**JENNY:** Thank you, Lamont.

**JULIET** I want to thank you all for being here. We're very grateful. It is a really extraordinary thing to have all of these clients, nine clients here, to tell their stories. It's pretty extraordinary to look across this room and see all these faces.

**HATCHETT:**

I want to thank our sponsors, some law firms who very generously donated, Reed Smith, Baker Botts, Troutman Pepper, Debevoise & Plimpton, White and Case, and Themis Bar Review.

[APPLAUSE]

We are very, very grateful for them for sponsoring this event. And I want to thank McGuire Woods as well, which has donated hundreds if not thousands of pro-bono hours to Gilbert Merritt and Arsean Hicks's case.

So I'm going to let you all go. Please notice there are QR codes if you would like to donate through Cash App. It's very easy. I believe there are a couple of shoe boxes back there, waving women with shoe boxes, and some men. So they can help you out with writing checks or giving cash.

We take all forms of currency here. We're very appreciative. I just want to add that we have 14 students in our academic clinic and about 70 students volunteering for our pro-bono clinic. The pro-bono clinic is what we're raising funds for. Serena has been the attorney overseeing that this past year.

[APPLAUSE]

I was in Serena's job for the two years before her. We wouldn't have an attorney to oversee those 70 students who want to volunteer their time if not for donations. So we are enormously grateful. And thank you all for being here.

[APPLAUSE]