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THE WRONG GUYS

by Jeffrey Toobin

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Richard Leo had never heard of the Norfolk Four when he received an interview request on the subject from a television producer in 2001. Leo, a law professor at the University of San Francisco, is an expert on false confessions—the puzzling phenomenon of suspects who admit to crimes they did not commit. Troubled by what he heard from the producer, Leo wound up devoting much of the next seven years of his life to the case.

The story began on July 8, 1997, when Billy Bosko, a nineteen-year-old Navy sailor, returned from an assignment to find his eighteen-year-old wife, Michelle, stabbed and strangled to death on the floor of the apartment they shared in Norfolk, Virginia. An autopsy showed that Michelle had also been raped. Police immediately brought in a neighbor, Danial Williams, also a Navy man, for questioning, and after a nine-hour interrogation he confessed to the crimes. Three others from the Navy—Joseph Dick, Jr., Derek Tice, and Eric Wilson—were subjected to separate, lengthy interrogations by the same detective, and each man confessed. (Wilson admitted only to raping Michelle Bosko, not to killing her.) The abundant DNA evidence at the crime scene, including semen and the blood of Michelle’s presumed attacker, which had been found under her fingernails, pointed to another man, Omar Ballard, an acquaintance of the victim who had a long history of violence against women. Ballard, too, confessed—and said that he had acted alone. (None of the others had criminal records.)

In light of the confessions, and despite the lack of physical evidence tying the four Navy men to the crime, the police charged them in a murder conspiracy. Faced with the prospect of the death penalty if they went to trial, Williams and Dick pleaded guilty; Tice was convicted in a trial, and all three were sentenced to life in prison without the possibility of parole. (Wilson received a lesser sentence.) To Leo, the confessions by all the men except Ballard seemed clearly to be false. “They were coerced, yelled at, told they failed a polygraph when they didn’t—and, most important, threatened with the death penalty when they didn’t confess,” he said. “The forensic evidence all pointed to a single attacker.” Leo linked the defendants up with the Innocence Project, which helped them find pro-bono counsel, and then he set out, with a journalist friend, Tom Wells, to write a book about the case.

Progress came glacially. All four men had recanted their confessions, but there were few options for an appeal to a higher court. The lawyers made voluminous submissions to the governor’s office for a pardon, but Mark Warner and his successor, Tim Kaine, showed little interest. Leo and Wells found a publisher for what became “The Wrong Guys,” but still the Norfolk Four languished in prison.

The turning point may have come in 2008, when Leo, through a mutual friend, slipped the unpublished manuscript to John Grisham, who lives in Charlottesville. “They put together a very convincing story,” Grisham said the other day. Grisham decided to make his own appeal on behalf of the four men. “The Governor is an old ally of mine, and I know he does not discuss clemency with anyone,” he said. “Still, several months ago, we had a glass of wine. . . . Let’s put it that way. I feel sure he read the book.”

The book came out late last year, and on August 6th Governor Kaine gave the men—and the authors—a kind of vindication. Kaine awarded conditional pardons to Williams, Dick, and Tice, which meant that they could be released from prison immediately. (Wilson was already free; he had completed his sentence.) Nevertheless, the Norfolk Four remain under parole supervision and, according to the terms of the pardon, must register in their communities as sex offenders.

“We are thrilled, but it’s bittersweet, because we know they’re innocent,” Leo said. “The Wrong Guys” didn’t attract many reviews, but to Leo and Wells some notices matter more than their Amazon ranking. “For guys like that to take an interest in someone like me is astounding,” said Derek Tice, who is currently living with his parents in North Carolina. “I’m not Brad Pitt, I’m not some superstar or super athlete, but these guys saw something wrong and wanted to help make it right. And for that I am eternally grateful. I think they did a great job. I was inside for eleven years, one month, and eighteen days. I’m still not sure that it’s real.” ♦

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