

The Man Who Didn't Do It

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As we scurry through our high-tech lives, we seldom allow ourselves time enough to sit back and reflect upon the things we have done, or those we should have done, or even some we dreaded having done. It is almost as if our rush to stay busy is calculated to relieve us of our painful responsibility to self-reflect. But, despite our efforts to occupy every single waking moment of our lives with one crisis after another, every now and then an event occurs that forces us to stop dead in our tracks – to in fact consider what we have done and what kind of people we have become. In answering such questions, our lives become changed, and we are forever altered in the way we live our lives, or at minimum, the way we view our lives.

A few months ago, I was having a discussion with a friend. Both of us, being incarcerated at the time, were talking 'prison stuff' but with a twist. We wanted, in some dramatic way, to demonstrate to the world that the criminal justice system had abandoned its promise of fairness. We reasoned that the best and most convincing way to demonstrate this was to find the proverbial 'innocent man' in prison. After all, if the system were as unfair as we claimed, our jailhouse home of 2,000-plus inmates would certainly have to include at least one innocent man or else, how unfair could the system be?

So we searched for that innocent man, or even for someone who just might be innocent. But honestly, neither of us thought we would ever find that man, primarily, because we knew it would be almost impossible for us to determine anyone's actual innocence; but, also because we really did not believe one existed. After all, cynicism is as alive in prisons today as it is out in the real world.

One day, my friend came to my cell and excitedly announced that he had found someone who claimed to be an innocent man and who might in fact be innocent. He was speaking about William (Bill) Kelly, a young man my friend and I had played handball with in the prison yard.

William Kelly's story started like this. On Monday, January 8, 1990, there was a single white man in an all-black bar in Harrisburg, Pennsylvania. The man stood out like a sore thumb, as it was a Monday night and the bar did not have many patrons.

Since the white guy was sitting with a friend of hers, Angela Nicholson eased over toward her friend, hoping in fact to meet the white guy who was wearing the denim jacket and the baseball cap. Just as she expected, the man introduced himself and bought Angela a drink. He said his name was Keith.

At 8:30 PM, Jeanette Thomas and her friend Stephanie entered the quiet bar, and like Angela, they were met with the odd sight of Keith drinking at the bar. Like Angela, Jeanette eased over toward a friend while probably hoping Keith would buy her a drink. Keith didn't let her down.

By 9:30 PM, Angela wanted to go home to see a movie, so she asked a friend for a ride. Her friend said he had been driven to the bar by Keith. Angela then asked her new friend Keith for a ride.

Keith excused himself before answering, went to the phone and made two calls. When he returned, he said he was going to Steelton, Pennsylvania, and he would drive Angela home. Jeanette, who lived close to Angela, said she also wanted to go home. So the two black women and Keith all got into Keith's car. Angela got in the front seat, Jeanette got in the back seat, and Keith did the driving.

By the time Keith had pulled up in front of Angela's home, Jeanette had decided to go to Steelton with him. So Angela got out of the car, Jeanette got into the front seat, and Keith then drove away.

The next day, Jeanette didn't show up for work. By January 11, Jeanette's sister filed a missing persons report with the police.

On February 4, while walking through a landfill dump, three men stumbled upon the badly beaten body of a black woman. In life, Jeanette Thomas was young, black, and beautiful. But now, as she lay face down in the dump, she was just plain dead.

Detective Dean Foster and Detective James C. Baldwin were assigned to investigate the Jeanette Thomas murder. On February 8, Detectives Foster and Baldwin went to 2452 Duke Street in Harrisburg, Pennsylvania, to question William M. Kelly, Jr. about the murder of Jeanette Thomas.

It was about noon when William Kelly (Bill) was driven to the Swatara Township Police Station and it was only about four hours later that Bill confessed to the murder of Jeanette Thomas. The confession was detailed and managed to neatly coincide with all the physical evidence the police had at the time. It was an open and shut case.

The next day, Detectives Foster and Baldwin took Bill out of county lockup and brought him back to the Swatara Township Police Station. They took another confession from Bill, which they hoped would clear up some of the discrepancies found in the previous confession. This time the detectives tape-recorded Bill's confession, and as they expected, Bill did clear up the discrepancies in a detailed and convincing manner.

They began taping the confession at 12:45 PM and ended at 2:11 PM. The following outlines the facts the police had about the murder at the time, accompanied by excerpts from Bill's seven-page taped confession.

FACT: Angela Nicholson had stated that the white guy she met in the bar who said his name was Keith was the last person to see Jeanette Thomas alive.

Q William, we are investigating the disappearance of one Jeanette Thomas, a black female, whose body was discovered in Swatara Township Landfill on 4 February '90. Do you know who we are talking about?

A Yes.

Q Did you know Jeanette Thomas?

A Not until the 8 of January when I met her.

Q Where did you meet her?

A It was at Dinger's at 12 and Evergreen.

Q What time did you get to Dinger's?

A I got to Dinger's at 4 in the afternoon.

Q What time did Jeanette get to Dinger's?

A It was 8:30 going on 9:00 p.m.

Q Who else was in Dinger's that you knew at that time?

A There was a guy by the name of Jim, Angie, and there was three other girls I knew by seeing them, I didn't know their names.

FACT: Keith, the man who drove Angela home, had a car, but Bill didn't own a car.

Q What time did you leave the bar?

A Between midnight and 12:30.

Q Did you leave alone?

A Left with two girls, Jeanette and Angela.

Q Where did you go with them?

A Dropped Angie off at home and drove around with Jeanette.

Q Were you driving a car?

A Yes.

Q Whose car was it?

A Offhand, I don't know whose car it was, it was just one I got at the bar.

Q Who did you get the car from?

A It was one of the gentlemen in the bar.

Q What kind of car was it?

A It was a late model sedan, like a beige color, four-door, I'd say it was around a '72-'74.

FACT: Jeanette was murdered in a landfill dump outside Harrisburg, Pennsylvania.

Q Where did you go after you started heading for the Mall?

A Went up into that landfill area.

Q Where did you go in?

A The part off Harrisburg Street, I think it was across from Woodside.

Q How far in did you go?

A It was back in the area where they did some dumping at.

FACT: Jeanette had sex before she died, but there was no physical evidence to support that she was raped.

Q What did you do once you and Jeanette got back there?

A Got out of the car, went and laid down in the flat area and started having sex.

FACT: Jeanette was a prostitute.

Q When did you decide to have sex?

A When we were driving around in the car.

Q How did the conversation start?

A I was talking to her about what she liked to do. That's when it led to talking about making out. She kind of popped the question to me and I asked her the same thing back.

Q What did she ask you?

A If I wanted to have sex.

Q What did you say to that?

A I told her it was all right.

Q Was there ever any mention of money for sex?

A Not, not until it was over with.

FACT: There was snow and ice on the ground in the landfill area the day of the murder.

Q What was the weather like that night?

A A bunch of snow laying on the ground.

Q Was there ice on the road?

A In certain areas we were driving.

Q Was it icy back in the landfill?

A There was some snow and ice when you first went in. Then going back – the road – there was patches of ice laying around.

FACT: Jeanette's coat was found on the ground a short distance away from where her body was found.

Q Once you were inside the landfill, where did you have sex?

A It was up on a hill part, a flat area.

Q Were you outside the car?

A Yes.

Q Did you do any necking inside the car?

A No. We were walking up the hill, we were holding hands and petting and stuff. When we got to this one part of the hill, she put her coat out on this area.

Q Did you have sex on the coat?

A We were laying on top of the coat.

FACT: Jeanette's body had her dress pulled up with her panties on.

Q Did you remove all your clothing?

A She had her underwear off and her dress up. I had my pants unzipped and halfway down.

FACT: While semen was found in Jeanette's body, it was not Bill's.

Q Did you have a coat on?

A No, my coat was in the car.

Q Did you ejaculate while you were having sex?

A Off to the side, not in her.

Q Did that go on her coat or on the ground?

A On the ground.

Q Why didn't you ejaculate inside her?

A She asked me not to. I asked her why when she was the type of girl that done something like this, turning tricks and stuff. That's when she got up and started running and I started chasing after her.

FACT: Jeanette's body had one black shoe on it.

Q Did you catch up to her?

A After she had lost her one shoe.

Q How far did she run before she lost her shoe?

A It was about two-three yards down from me.

Q How much after that did you catch her?

A It was about two yards after that.

Q What did you do when you caught her?

A I hit her with a stick.

FACT: Jeanette's black pocketbook was found away from the body and it did not appear that theft was a factor in the crime.

Q How much money did she have?

A \$65.00.

Q Did you give her the money?

A Yes.

Q What did she do with it?

A She put it in her purse.

Q What kind of purse was that?

A Black one with a shoulder strap.

Q You said that you hit her with a stick, where did you get that stick?

A Picked up from a pile that was laying off to the right when I was running.

FACT: Jeanette's body had defensive blows on the arms and markings of about four blows to the front and four blows to the back of her head. The size of the marks left on her body indicated the weapon could have been a crowbar or two by four

Q How many times did you hit her?

A Four times in the front and four times in the back of the head.

Q Where did you hit her first?

A In the front part.

Q Was that in her head also?

A Front part of her face.

Q What did she do when you hit her?

A After the fourth time I hit her in the front, I caught her above her right eyebrow and she fell flat on her face.

Q When did you hit her in the back of her head?

A When she was falling forward.

Q How many times did you hit her in the back of the head?

A Four.

FACT: Jeanette was dragged to the area where she was found and buried under rubble and debris.

Q After you hit her in the back of the head, what did she do?

A She was laying unconscious.

Q What did you do then?

A That's when I started dragging her.

Q Where did you drag her to?

A To like a level ground down in the wooded area.

Q What did you do once you got her there?

A Covered her up with some leaves and branches.

FACT: Jeanette's body only had a little blood on the front of her face.

Q Did she bleed at all?

A Front part of her face was.

FACT: Concealing the crime is evidence to establish murder.

Q What were you thinking when you were hitting her with the stick?

A Why was I doing this.

Q What did you do with the stick when you were done hitting her?

A Pitched it off in some wooded area.

FACT: Jeanette's pocketbook was found with some money and valuables in it.

Q Did you do anything with her pocketbook?

A Got my money back out of it, took a little bit of what she had, then that's when I was starting the car and pulling out. Put the purse in my left hand, pitched it out over the car when I was driving out.

FACT: The night Jeanette disappeared, nobody in the bar remembered giving Bill their car to use.

Q How did you get the car when you were at the bar?

A The car keys were laying inside on the floorboard. Angie and one of the girls told me where the car was parked. That I could go and start it up and brush the snow off and get it warmed up.

FACT: Jeanette's panties were found where they suspected the two had sex and her coat was found a few feet away, down a hill.

Q You said that she had her underwear off. What happened to her underwear when she ran away?

A When she jumped up, they were laying on her coat. They dropped off on the ground and were right there where she had her coat laying.

Q What happened to her coat?

A She was running down a hill. That fell off the back of her. That fell to the ground.

Q Did you do anything with her coat and underwear?

A Nope.

FACT: The first confession contradicted some physical evidence they had uncovered.

Q Did you want to talk with us here today?

A Yes.

Q Why?

A To get more of it cleared up.

Q What was wrong with what you told us yesterday?

A There were a few things that Dean asked me about the situation that when I answered it they were wrong.

Q Do you remember what things they were?

- A One's about the time when I left Dinger's, when Jeanette asked me for taxi money, the part about having sex with her, the part about snatching the money out of my hand and taking off, that's not true.

Bill had given me a transcribed copy of his taped confession and after reading it, I felt it was too detailed to be fabricated. My reasoning was simple. Since the confession was taped, the police could not have just inserted false written statements. All the facts and details must have come from Bill's mouth and it was unlikely that the police could prep anybody well enough to remember all those false and minute details. Besides, anyone who knew Bill, knew he was a bit slow and couldn't possibly remember anything with such detail, unless of course he was speaking from experience.

Bill also gave me copies of his Preliminary Court Hearing notes, which revealed how Angela Nicholson pointed to Bill in the courtroom and said: 'He is the man who introduced himself as Keith.' It seemed pretty clear to me, Bill was guilty and suffering from a bad case of denial, probably aggravated by the medication he was taking (daily doses of Lithium, which is a mind-altering drug). My friend and I both agreed that Bill was lucky he wasn't on death row.

Nevertheless, Bill asserted he was innocent, and that he was with his girlfriend C.J. on the night of Jeanette's disappearance. He said he had never met Angela or Jeanette. When asked why he pleaded guilty, he said because his lawyer, whom his parents and C.J. had hired and paid more than \$13,000, told him that, if he didn't plead guilty, he would probably be found guilty and given a life sentence without parole. He was scared, and at the time it seemed like the right thing to do.

In return for pleading guilty to the murder of Jeanette Thomas, Bill was sentenced to ten to twenty years in prison.

Then, as if affirming the long held belief that God protects fools and children, on August 6, 1992, police raided the home of Joseph D. Miller. Apparently Miller, who is white, had picked up a 39-year-old black woman in a bar and promised her money for sex. The woman went with Miller to a remote wooded area on railroad property. He then bound the woman with duct tape, raped her, beat her, and told her he was going to kill her – 'like the others.' A railroad security officer happened to be patrolling the area and Miller was forced to run away before he could kill the woman. So on August 6, Miller knew he was in deep trouble.

For six hours he held police at bay while he was on the roof of his house threatening to jump off. Miller finally surrendered to police and soon after confessed to raping, beating and killing:

- 1 Selina M. Franklin, age 18, who was discovered missing on May 15, 1987. Her body was dumped in the Swatara Township Landfill.
- 2 Stephanie McDuffy, age 23, eight months pregnant, who was discov-

ered missing on November 13, 1989. Her body was also dumped in the same Swatara Township Landfill.

3 Jeanette Thomas, age 25, whose body was dumped in the same Swatara Township Landfill.

4 Katy Novena Shenck (Phoenix Bell), found dead on February 27, 1990, in a roadside dump in Penn Township.

Miller also admitted to having picked up a 27-year-old woman on June 30, 1992, raping her and stabbing her 25 times with a screwdriver. Miraculously the woman survived and crawled one-half mile to safety. The police knew they had a serial killer in Mr. Miller and suspected him of more murders in another state. Police also knew that Bill Kelly did not kill Jeanette Thomas.

The police began reinvestigating the Jeanette Thomas murder. They tested Miller and discovered that the semen found in Jeanette Thomas's body (which did not match with Bill Kelly's) did in fact match with Joseph Miller.

Shortly after Miller's arrest, the police (1) had a confession from Miller that he raped and killed Jeanette Thomas; (2) knew Miller had killed many other black women the same way Jeanette Thomas was killed; (3) knew Miller's semen was found in Jeanette's body, and; (4) knew Angela Nicholson had changed her story and now identified Miller as the man who called himself Keith.

Four and one-half months later, on Christmas Eve of 1992, the Harrisburg Patriot Newspaper ran a picture of Bill on the front page with large captions above it reading: *Wrong Man Is in Jail, DA.Says, Miller Admits 1990 Slaying.*

I was amazed. I got out of my cell and hollered Bill Kelly's name up the cell block tiers toward Cell C-17 of the East Wing of the Rockview State Prison. Soon Bill Kelly was staring down at me and asking what I wanted. A real innocent man who had been framed and knowingly placed in prison for a crime he didn't commit was soon to have Christmas dinner with me in the Rockview State Prison inmate dining hall.

We talked for several days after, about his childhood, about the days before and after his arrest, and about why he confessed to a crime he had not committed. But throughout those days with him, I kept asking myself, why am I still able to talk to this innocent man in a prison, meant to hold only the guilty?

On January 8, 1993, Bill was transferred to another state prison. Several days later, I read in the newspaper that a judge had released Bill on January 10, 1993 and dismissed all charges against him.

The lawyer which had convinced Bill to plead guilty, was quoted in the article as saying he was considering seeking 'retribution' for his

client. I wondered if he meant he would return the money he took from Bill's folks and girlfriend for convincing him to plead guilty to a murder he didn't commit.

The paper also announced that Bill's IQ was tested at 69, and that a court-appointed psychiatrist had determined Bill had pleaded guilty to the slaying because he wanted to please Detectives Baldwin and Foster, who were interrogating him. There was even a line in the article where the judge had commented that the conduct of the District Attorney and the police officers reflected the highest standards of prosecutorial ethics.

But nowhere in the article did the press, the judge, or even Bill's lawyer ask the obvious questions: Who gave Bill, a man with a 69 IQ, all the minute details to a crime he never committed? If Miller confessed on August 6, 1992, to Thomas' killing, why did it take until January 10, 1993 to release Bill? And why weren't the two detectives, Foster and Baldwin, fired and charged with coercing and fabricating a false confession? Think about it, every detail of the confession the police had taped was a fabricated lie. Bill had never even met Jeanette Thomas or Angela Nicholson.

So why is this event so disturbing to me? Because like the rest of the country, I have become willing to accept as true anything people in authority claim to be true.

Our system has evolved into one where guilt or innocence is so unimportant that the police have become experts at getting confessions out of simple-minded people who have committed no crime. And worse yet, our system has become unwilling to release people from prison even when it is clear they are innocent.

What hope is left when lawyers who are paid thousands of dollars to defend their clients are willing to let these clients plead guilty to a crime they did not commit, simply because it is easier to get a good deal from the DA than it is to prove their innocence.

So the William Kelly story tells us not to take rides from strangers, not to believe detailed confessions recorded by police, and that there really are innocent men in prison.

Now, Let's Talk about What's Right or Wrong about the Death Penalty!