

[Transcript] Letters from Sing Sing / Integrity

It's October of 2012, more than 12 years since JJ first entered prison.
I'm back inside Sing Sing to check in with him.
We're in his housing block, standing on the second tier outside his cell.
There's a TV mounted behind him that everyone in the unit shares.
It's been eight months since NBC aired my investigation into his case.
I was able to see the show.
I watched it right here.
Right here on that TV.
And how did that feel?
I went through a mixed range of emotions, you know, like it was a purging process, but
I was able to get through it.
I was happy.
I was sad.
I was confused.
I went through a lot.
But it also gave you hope?
Definitely gave me hope.
I can say that based on the show, I received a lot of support.
I mean, I had junior high school kids writing me.
It was very touching.
A lot of people all over the United States writing me, letting me know that they support
me.
Finally, for one time in my life, I realized, you know, I'm not alone, you know, that I
wasn't the underdog anymore.
And that people believed in me.
It meant a lot to me.
But JJ tells me he's also frustrated that he's still locked up.
He thought my investigation had finally revealed the truth about his innocence, that someone
in authority would take action and he'd be free.
He says the other men on his cellblock felt the same way.
Believe it or not, a lot of them are pissed off, they're wondering what I'm still doing
here.
You know, if anybody was to have hope, it would be me and everybody had hope in me.
Give me half my cell away.
You know, thinking that my time has finally come, I'm still here.
I was on national television with a whole lot of people supporting me, and I'm still
not being heard.
But the Manhattan DA's office said they were paying attention.
Their conviction integrity unit began looking into JJ's case in 2011, a few months before
my special air.
They said they were conducting an objective and thorough reinvestigation.
Well, at least that's what they said.
I'm Dan Sleppian, and this is Letters from Singsing.
Episode 5 Integrity In 2010, the new Manhattan DA's Cyrus

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Vance created a conviction integrity unit, the CIU.
It's a group of prosecutors focused on investigating claims of innocence.
Bob Gottlieb, JJ's lawyer, had served on Vance's transition team, and Bob was confident that the CIU would be JJ's ticket out.
He held a press conference right after he submitted JJ's application.
They have just received our papers in support of Mr. Velasquez, and this is really the first step in the process to exonerate John Adrian Velasquez.
The entire development of this conviction integrity unit is such a positive step.
It allows us to go directly to the DA without spending time in court and legal machinations.
We have no reason to believe that the DA is going to do anything else other than conduct an objective, thorough, independent investigation.
Bob believed that once the CIU looked into JJ's case, they'd see they'd gotten it wrong, that JJ was innocent, and they'd ask a judge to vacate his conviction.
This way, JJ wouldn't have to file a formal appeal, a process that could take years.
Within days of filing their paperwork, Bob and his partner Celia Gordon heard from the CIU.
We received a call that they wanted to meet with us.
That was an awfully good sign.
I couldn't wait to have that first meeting.
So Bob and Celia went to meet with the CIU at the Manhattan DA's office.
Right from the beginning, I knew there was a problem.
When they walked in, they realized it wasn't just the members of the CIU at the meeting.
The prosecutor from JJ's trial was also there.
Common sense tells you that you can't have the prosecutor who vouched for the witnesses who had no credibility, who led the investigation, who told and worked with the detectives how to proceed with the investigation to have him present at the meeting was wrong.
JJ's lawyers began to worry the investigation would not be fair and objective.
Even so, Celia was convinced that if the CIU interviewed JJ, they would see for themselves he was telling the truth.
One of the things that we asked them to do was to please meet with Johnny Drin.
And we said, speak with him face to face because, you know, we're talking about a person like this is a living human being who we are telling you has been wrongfully convicted.
On October 3, 2012, two detectives picked JJ up at Sing Sing and drove him to the Manhattan DA's office.
They wore a white button down shirt and khakis.
It was the first time JJ had seen the streets of New York City in nearly 15 years.
I mean, besides seeing bars and barbed wire fences and walls, I was able to see cars and people that weren't dressed in green or blue.
It was an amazing experience because I felt freedom.
JJ arrived at the DA's offices and was led to a conference room.
His handcuffs were removed.
JJ sat at a table across from three prosecutors.
His lawyers, Bob and Celia, sat off to the side.
I wasn't there, but the DA's office videotaped the interview.

We did get some donuts and coffee.

I know it's probably an early start.

If you want something now, we're happy to, you guys can help yourselves.

Assistant DA, Evan Proutoy, began the meeting.

So what I want to do is just start by focusing really on the day itself, January 27, 1998, Tuesday, and the Monday before.

Just walk me through very, very slowly if you can.

Your recollection of how you spent the Monday before, through the evening, and then the 27th.

Well, I mean, it was a long time ago, so my memories-

JJ started to explain what he remembered from that day.

It was the same story he told me many times before, that he was at home in the Bronx with his kids and their mother, Vanessa, that he spent 74 minutes on the phone with his mom, Maria.

The prosecutors asked JJ about his alleged accomplice, Derry Daniels.

Describe the poor appearances with Derry Daniels and what conversations you had with him before he played out on the table.

I've never had a conversation with Derry Daniels, never in my life.

They wanted to know if JJ knew any of the eyewitnesses.

They also asked JJ about a family photo that had been shown at his trial.

It was taken weeks before his arrest, when his newborn son Jacob was sick and in the hospital.

Do you have any idea why everyone in the picture looks relatively happy?

That seemed like a strange question to me.

He was going home at that time, but I mean, you know, we're taught to smile for our pictures.

And the prosecutors asked other questions that didn't seem to have anything to do with the case.

At one point, one of them even asked about me.

This started with how you used to have to dance slob in.

And if I was paying JJ's legal fees.

So Dan's putting the bill for this whole thing, even with Bob and Celia?

Well, what do you mean?

Bob and Celia working pro bono.

To be clear, I absolutely wasn't footing any bill.

There was no bill.

Bob and Celia were representing JJ for free.

The meeting went on for three and a half hours.

What was your routine like during that time period?

During that time period, I mean, my day at that time was going to school in the morning and coming back and spending time with my family.

That was my day.

From time to time, I would go out, and if I did go out, I might go to Manhattan in the area where my father used to live at, that's 50 West 97th Street.

Did you meet people in that area that you became very friendly with?

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I met only people in that area.
So who do you say were your five closest friends?
The prosecutor wanted names.
Are you in touch with anyone from that neighborhood now?
When I watched this part of the interview, I remember thinking, why did it matter who JJ's friends were at the time?
And if he was in touch with them now, what did this have to do with the murder?
I'm just trying to get a sense of who your friends were, what were you doing?
If you're trying to ask if I've ever sold drugs out there, I did.
Where, okay, what area would you sell them?
95th Street in Amsterdam.
The prosecutor seemed really interested in this topic.
It has to get bagged up.
Someone gets the money.
There's a percentage gotten from that from the guys on the street.
So I want to understand a little bit about this period of time of your life, starting with when it started, who put you on to it, and how that operation, so to speak, unfolded.
You see, this is what I'm trying to explain.
It really wasn't an operation that I was a part of.
I wasn't a part of a big group.
I did things on my own.
The meeting wrapped.
This is a long time today.
So I absolutely appreciate your time.
Thank you.
JJ was placed in handcuffs and driven back to Sing Sing.
He remembers feeling angry and disgusted.
They had no interest in the truth.
They had no interest in whether I was innocent or guilty.
They started asking me questions about who did what in the 90s.
They wanted me to give them information about other crimes.
I came down here to talk about homicide that I've been a victim of for years, and all you're worried about is what happened 15 years ago that you can't even charge people for.
Is this a fucking joke?
It was an interrogation.
It was a three-hour interrogation.
Now I can understand that when we're asking you as the DA to do something drastic, I can understand you wanting to get to the bottom of what happened, the crime that took place.
But it was so far a field of what we believed we were there for.
It was just clear that they were not there in search of the truth.
I reached out to the Manhattan DA's office at the time to see if anyone would talk to me on the record about this interview or their reinvestigation.
All my requests were denied.
But this wasn't the end.

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The DA's office was still reinvestigating JJ's case.
And as I'd soon learn, the case was still very much unfolding.
That same week, Celia called me with stunning news.
Remember Mustafa, the guy the police were looking for before JJ ever entered the case?
Their quote, primary target, a woman had called saying she'd found him.
These days, the news never stops.
The morning's headlines changed by afternoon.
And by the end of the day, it's all totally different.
So let's get into it.
What's happening right now, what it all means for you for an hour every day.
I get it.
I know that it can be hard to keep up.
So let's get started together and go from there.
Hey, I'm Hallie Jackson and we have a ton going on tonight.
Here's the deal.
Hallie Jackson Now, weekdays at 5PM Eastern on NBC News Now.
I'm Lester Holt with NBC Nightly News.
The past couple of years have been challenging and exhausting for so many.
And the headlines can often feel overwhelming.
We all want answers, we want to know what it all means for us and our families.
These are the questions we try to answer every night, making sense of the major stories and learning about the people and moments that inspire us.
I hope you'll join me every evening.
Watch NBC Nightly News with Lester Holt or listen wherever you get your podcasts.
Holt's lawyers, Bob and Celia, were on their way back from a court hearing in an unrelated case when Bob's phone rang.
I get a message from my secretary that an individual called from out of state wanting to talk about the John Adrian Velasquez case saying she had very important information to share with us.
That they knew the person who committed this crime, that the person's name was Mustafa, that the person had admitted to them on more than one occasion that they were responsible for this crime.
He had said that somebody else was serving time for a crime that he had committed.
This obviously was significant information.
When the lawyers got back to their office, they returned the call.
It was from a woman who lived in Seattle.
She said that she knew a man named Mustafa, that he was a drug dealer and he'd admitted to her that he killed Al Ward.
I asked that witness, are you willing to speak to the police?
Yes.
I hang up the phone.
I don't file papers in court.
I don't send a letter to the district attorney.
I pick up the phone and I call Cyrus Vance.

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Cyrus Vance, the Manhattan district attorney.

We thought, well, this is in essence an open murder investigation.

So we have to give this information to the district attorney's office and let them run with this.

I say, Mr. Vance, I just spoke to a witness out of state and this is what the individual tells me.

He assured me that somebody from the DA's office, from the wrongful conviction unit would give me a call.

Bob says two hours later, he got a call from the head of the conviction integrity unit, assistant DA, Bonnie Sartre.

I relay all of this information to the assistant and the assistant says, well, what do you want me to do?

Now, I as a former prosecutor and as a defense attorney for many years, I kind of knew what should be done and I said, get someone out to speak to the witness.

Well, the response came.

I don't know if I can immediately get people to do this.

And I said, wait a second.

We have somebody serving a life sentence for murder, a murder of a retired cop.

We have information that the person who was the primary target, Mustafa, confessed to the crime.

You're telling me there's not some other human being somewhere in the DA's office, somewhere in the New York police department who can run out and interview this witness?

And the answer was no.

It'll just have to wait unless you want to fly that witness to New York.

We were dumbfounded if they were really doing an independent investigation.

They would have been on a plane the next day.

And they weren't, but we were.

Bob and Celia flew out to Seattle to meet the witness.

It was a Sunday.

She told them her story, how she'd become friends with a man named Mustafa that he used to live in New York and had moved to Seattle in the late 1990s.

She also told them she wasn't the only person Mustafa had confessed to.

He'd also spoken to a friend of hers about the murder.

We interrogated the witness to test whether or not the witness was believable.

Did she have an axe to grind?

Was there a motive for her to set up this guy?

Based on what information we had and questioned the witness about, there was no motive for her to frame an innocent person.

The witness ultimately signed in affidavit, swearing that Mustafa told her that he committed the crime.

Bob says they were concerned the witness could be in danger if Mustafa learned she was talking to them.

Still, Bob says the witness was willing to wear a hidden microphone and meet Mustafa at a Seattle nightclub that very evening.

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So he immediately called Bonnie Sard, the head of the CIU.
And I say to her, you've got to send somebody over here to question the witness now.
The witness is willing to do anything tonight.
The witness knows where Mustafa hangs out.
We can end all of this tonight.
I need somebody here.
And the response was, why are you calling me on a Sunday?
Bob says Sard told him that if there was an immediate safety concern, he should call 911.
And it's worth noting it would have been hard to get legal authorization for a wire tap in such a short period of time given the laws in Washington state.
And Sard did take action.
Less than a week after Bob and Celia went to Seattle, the DA's office made arrangements to fly the witness to New York for an interview.
She brought along the friend who said Mustafa had confessed to her too.
Bob and Celia took the woman to the DA's office.
Then prosecutors from the CIU questioned the first witness.
It was not, thank you very much for coming in.
Please share with us what you have, just to see what she had.
And from the beginning, it was an interrogation where when we took a break after some two hours, the witness turns to me and says, it's clear they don't believe me.
Why are they treating me like I'm a guilty person?
She was treated like she had done something wrong.
And there was never, ever, ever a moment when we were under the impression that they were going to do anything but discount everything that she had to say.
And that's exactly what happened.
In fact, the women said they felt so uneasy about that interview with the CIU that Bob recommended they get their own lawyer in case the DA's office contacted them again.
So a few weeks later, he connected them with Ron Kuby, a well-known New York defense attorney. I'd known Ron for years from other stories, so I went down to his office to talk to him.
Tell me how you got here involved with this case.
I get an email a weekend from my longtime colleague and friend, Robert Gottlieb, and he just wanted
to run something by me.
Tells me the story of the Velazquez case and our discussion, most proximally focused on what I will characterize as the utter lack of interest of the so-called Conviction Integrity Unit of DA Vance's office.
They were treated in extremely unprofessional fashion, and it seemed they at least came away feeling that the primary purpose of their trip was to talk to people whose primary interest was in discrediting them.
So I wrote what I thought, at least for me, was a reasonable letter saying, look, these women feel very uncomfortable with a tone that was taken, but they do want to cooperate, so just make sure that any contact you have with them in the future is done through me, and I'll be happy to arrange the next meeting.
And instead, I find out today that a detective called to interrogate her about me.

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Really, you know you're not supposed to do that.

Ron says when the CIU was created, he had hoped that it would operate openly and aggressively to review convictions to see if they were valid or not.

That was the expectation.

None of that has come to pass.

They're not open.

They're not transparent.

They're completely adversarial, and they view wrongful conviction cases that are brought to them through the most skeptical prism imaginable.

If you're going to look for the flaws in everybody else's arguments, the flaws in every potential witness, then you're never going to get to the truth, because, you know, you can always find something to doubt.

And that's exactly what Ron and JJ's lawyers think was happening in this case, with JJ and with the two witnesses from Seattle.

Of course, I was hearing all of this from defense attorneys who clearly had an issue with the Manhattan DA's CIU.

I wanted to speak with the two witnesses.

I wanted to hear their story and judge for myself if they seemed credible.

So I decided to fly to Seattle.

And maybe while I was there, I would even track down Mustafa.

I arrived in Seattle on November 14, 2012, and rented a hotel room near the airport.

That's where I interviewed the witnesses.

They agreed to speak with me, as long as I didn't share their names.

Tell me what brings us here.

Because I have information on who is a real killer.

The first witness moved to the U.S. as a teenager.

She told me that she'd known this guy Mustafa for a few years, and that he'd moved from New York to Seattle in the late 1990s.

She says she remembers one night in 2009, when Mustafa started talking about missing his son in New York.

And I kept on asking him, why don't you go see your son, New York is not that far.

He started talking about how he can go to New York, that he have killed the police officer, and he was scared to go back.

So I asked him, are you unwanted?

He said no, he wasn't wanted, because somebody else was doing his time.

And so you didn't talk about it again?

No, not really.

Until when?

Until March of 2012.

March 2012, one month after my date line special aired.

It had mentioned the name Mustafa.

We went to his house for a party, and it was a lot of people in the house.

Everybody was either drinking or doing drugs, and Mustafa happened to be sitting on the couch, didn't seem to be having fun, and I noticed that he was actually crying.

So I went up to him, I said, Mustafa, are you okay?
He's like, no, I'm so tired, I'm so tired living in fear, because I don't understand.
I was like, what's wrong, what's wrong, what happened, what happened, Mustafa, tell me.
He's like, I told you I killed the police officer, and I'm so tired living in fear,
one day they're going to catch me, I'm not trying to go to jail.
I said, is it actually true?
He's like, yeah, what, do you think I'm lying?
I said, yeah, I think you're lying.
Oh really, give me that phone.
So he grabbed my phone, and he went to the website, Free John Adrian Velasquez.
That's a website a friend of JJ's made to help publicize his case.
And he started scrolling down, showing me everything, explaining every little detail to me.
She says he showed her the original police sketch of the shooter that was posted on the website.
He's like, he showed me the scratch of him, he's like, you don't think that looks like me?
I was like, no, really, because this guy has dreadlocks, you have cornrows.
So I used to have dreadlocks, do you think I'm stupid?
I had to cut it.
So then what did you do?
I stayed away from him.
She told me she found the contact information for JJ's lawyers on the website Mustafa had showed her.
I wondered if she had an agenda for telling this story.
Maybe she had a problem with Mustafa.
You have nothing against Mustafa?
I have nothing against Mustafa.
Don't know John Adrian Velasquez.
I don't know John Adrian Velasquez.
Then I spoke with her friend, the second witness.
She told me she was scared, but still thought it was important to talk to me.
Why are you so afraid?
Because it's not a joke, because it's something serious.
It's a situation I've never been through before.
It turns out she'd had a similar conversation with Mustafa a few years earlier.
Well, me and Mustafa are drinking buddies.
So we're just having a normal conversation, talked about his son, because I know he used to live in New York, and I'm like, why don't you go see your son, or at least visit her?
I haven't seen you go down there.
And he kind of hesitated a little bit, and I just seen a look in his face, I said, what's wrong?
He's like, I didn't mean it, I can't go back, I didn't mean it for it to happen.
I did something wrong, I killed somebody, and I can't go back.
Did he live with that, or did he say who he killed?

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No, he didn't get into details.

I was more in shock, because I've known him for a while.

I don't see him the type person like that, so I just tried to avoid talking about the situation.

And when he said it to you, did you believe him?

I mean, the face, yeah.

It was sincere.

Both witnesses told me that their only motive for contacting JJ's lawyers was to help JJ, a man they'd never even met.

I mean, what reason do you have to gain by coming forward now?

A poor guy.

There's no other reason.

No.

I knew I couldn't leave Seattle without at least trying to talk to Mustafa.

I wanted his side of the story.

I'd already gotten information about him from JJ's lawyers in New York, and the witnesses confirmed his address, so I headed over to his house.

So we don't know if Mustafa's home, and you go check it out, and thank you from there.

He's left on WA509 South.

I'm in a car with two other people, a camera man to record whatever happens, and an armed security guard that I've hired just in case.

We find Mustafa's house and park across the street.

We watch the place for a while and make a plan.

We get out of the car and start walking up Mustafa's driveway.

He lives in a pale yellow ranch with an overgrown yard.

There's a sliding glass door with a sheet hanging like curtain.

The armed security guard and the camera man are behind me.

I knock several times.

Soon I see someone peeking out from one side of the sheet.

He doesn't open the door, so I call out to him.

What are you doing?

My name is Dan.

Mustafa, I want to talk to you about something.

You might want to talk to me.

I can't hear you.

What?

I can barely hear him behind the glass.

Can you open the door a little crack so I can hear you?

I wanted to talk to you about something that happened in New York.

I'm from NBC News, Dateline.

Are you aware that we did a show about a shooting in Manhattan?

In Harlem.

Just come and talk to me.

I come to you in peace, man.

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I come to you for truth.
We go back and forth for about five minutes.
He finally agrees to come outside as soon as he gets dressed.
He closes the curtain and disappears, which makes me a bit nervous.
I'm not sure what's going to happen next.
My security guard keeps his hand on his weapon.
He doesn't come out, but keep your hand close.
A few minutes later, Mustafa walks out with a lit cigarette in his hand.
He's black in his early 40s.
He's wearing a green wool hat and there's a scar on the left side of his face, running from his eyebrow to the middle of his cheek.
It's hard to tell after all these years if he resembles the police sketch in JJ's files.
I tell him about the murder of Al Ward in Harlem on January 27, 1998, how one of the robbers shot and killed him.
What you're telling me right now is something I never knew about.
I never don't know shooting.
But you have mentioned to people that you did do that?
Me?
No.
See, this is, let's be honest with each other.
I swear to God, no, you're talking to me, right?
Yeah.
Me personally, me Mustafa, no.
Yeah, let's be honest.
Yeah, I swear to God, I say no, I never talk.
You never mentioned to anybody that you were involved with shooting a former police officer in New York?
I never should.
I never.
No, I never talked to anybody about that, I never shoot.
Why would I talk about shooting, I never done about shooting?
I know this is the Mustafa the women were talking about, but I have no clue if he's the gunman or if he's even the same Mustafa that the NYPD had listed as their first primary target.
But I want to test if he's being honest with me.
So I start asking him questions I already know the answers to.
And you're not a drug dealer?
I'm not a drug dealer, I never do no shooting, I swear to God.
You've never sold drugs to anybody?
No, no, I swear to God.
You never robbed anywhere?
I never robbed anyone.
Never robbed anyone in your life?
Anyone in my life.

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And you've never sold drugs any time in your life?

I never sell.

In Harlem, I never lived in Harlem, I swear to God wasn't me.

If they say Mustafa gonna be different, Mustafa wasn't me, I swear to God my life.

I know he's not telling me the truth about his criminal history.

I show him a printout of a background check I'd done on him.

This is you.

These are your former addresses, correct?

Mm-hmm.

Am I right?

Yeah.

Okay, look, look, look, look.

Robert, second degree, assault, fourth degree, felony, controlled substance, resisting arrest.

So basically you lied to me about all that?

Assault, fourth degree?

You lied to me, you told me that you didn't know?

I'm talking about in New York.

No, no, this is all here, in Seattle.

Yeah, okay, I'm talking about in New York.

I swear to God, honestly, on everything I believe.

I never opened gunfire, I never lived in Harlem, I never shoot somebody, I never involved no shooting in my life.

And you swear you've never told anybody that?

I swear to God, I never, because I never did it, why would I tell somebody like that?

Why did you move here?

Why I moved here from New York?

Yeah.

I came here to go fishing.

Yeah, my uncle lives here, I came here, they say he's a fishing job, they make good money because I used to drive tax in New York.

Why would anybody say that you said that that's what you did?

No, I swear to God, nobody ever tell you that's it.

If somebody tell you that's it's me, they lie.

You never heard of the name John Adrian Velazquez?

No, on my life, you just now tell me.

That's the first time you heard John Adrian Velazquez?

I swear to God, on my life.

Why would anybody say that you said that somebody else is doing time for a cop that you shot in New York?

No.

Why would anybody say that?

No, I never say that.

Why would anybody say that you said that?

I swear to God, maybe they say wrong, I swear to God on my life, on everything I love,

on God.

Well, I appreciate the time you've taken to talk to us.

Yeah, thank you.

After speaking with Mustafa, I wasn't sure what to think.

He did lie about his arrest record, but his denials about the shooting were constant.

And something else stood out to me.

He had an accent.

The eyewitnesses to Al Ward's murder had heard the shooter's voice.

I double checked the police reports.

None of them ever mentioned an accent.

I called the two women again and told them about Mustafa's denials.

Once again, they insisted that Mustafa had told them he committed the murder.

They seemed credible, but obviously, someone was lying.

I just didn't know who.

It was a pitch black night in the high desert.

Sheriff Deputy Billy Cox drove over to the park and ride in Palmdale, something very wrong around that bright blue Mustang.

A woman's left leg and bare foot were hanging out of the door.

L.A. County homicide detective Richard Longshore was sound asleep when he got the call.

There are cases that you will take home with you at night and that will last until the end of your life.

I'm Keith Morrison, and this is The Girl in the Blue Mustang, a podcast from Dateline.

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I'm back in New York.

It's now April of 2013, 18 months have passed since the Conviction Integrity Unit began investigating JJ's case.

I get a call from JJ's lawyers Bob and Celia.

They tell me they've received a letter from the Manhattan DA's office.

They've arrived at a decision.

We learned that they were denying our petition, and it wasn't at all surprising by that point.

The head of the CIU, Bonnie Sard, laid out the details of the investigation in a 16-page letter.

She said her unit took JJ's claim of innocence seriously, quote, we have conducted an extensive reinvestigation, which has included interviews of numerous witnesses and an in-depth review of documentary evidence from a wide variety of sources.

She said they investigated Mustafa from Seattle, quote, our investigation indicated on the date of the crime he was not in New York City, and that he was, quote, not involved in the murder of Albert Ward.

She'd later say the DA's office found proof that Mustafa couldn't have been the killer, that there was, quote, documentary evidence that Mustafa was on a fishing boat off the Alaskan coast at the time.

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In the end, the CIU chief said, quote, this office has seriously considered your contention that Mr. Velazquez has been convicted for a crime that he did not commit, and, quote, we have not found evidence sufficient to demonstrate that Mr. Velazquez is actually innocent for the crimes for which he was tried and convicted.

It was just a confirmation of a sad reality that I had reached months and months before.

The conviction integrity unit was a sham.

People should know that.

And it was nothing more than a conviction protection racket.

Conviction protection racket.

This coming from an attorney who had served on the DA's transition team.

By now, it was clear to me that anyone with common sense would see that JJ had been wrongfully convicted.

Obviously, though, the DA disagreed, which surprised me.

I mean, Sard herself acknowledged that the DA's office sent their own investigator to interview the key eyewitness, Augustus Brown, the first person who linked JJ to the murder.

That investigator signed an affidavit saying Brown told him that he picked JJ out at random, that he had, quote, always been certain that JJ was not Albert Ward's killer.

And yet in that letter to JJ's attorneys, Bonnie Sard wrote, much of the information you have presented to us is essentially the same as the evidence that was presented to the jury that convicted your client.

The CIU maintained that they had conducted a fair and thorough investigation, but they never even interviewed JJ's alibi witnesses.

I've reached out to Bonnie Sard many times and we have spoken, but she's never agreed to go on the record about the details of this case.

She no longer works in the DA's office, but did say in a statement, quote, Mr. Velasquez had a fair trial and neither he nor we could prove his actual innocence.

Our goal has always been to find the truth.

I also reached out to her former boss, Cyrus Vance, the Manhattan DA at the time.

He declined to be interviewed for this podcast, but he has said that his conviction integrity unit would, quote, review every claim without fear or favor.

Anger and frustration from the family of a man doing 25 years to life for killing an ex-police officer.

They say the Manhattan district attorney is ignoring evidence that the man is innocent.

One month after receiving the news of the CIU's decision, JJ's lawyers held a press conference to announce they were filing a motion with the court.

We're here today to announce that we have filed a motion in the courthouse right behind me, a formal motion for the purpose of presenting evidence before a judge, so that we now can go to a real neutral arbiter, a judge.

The conviction integrity unit turned out to be a waste, a colossal waste of our time as attorneys, and much more significantly, a colossal waste of time for a man who sits in a jail cell waiting.

The conviction integrity unit turned out to be a joke.

JJ's mother, Maria, stepped up to the mic.

It's been a cruel joke what the DA has played on this family, because we trusted in him

to bring us justice, and he didn't bring us justice.

By now, I'd known Maria for years, and it was hard for me to watch her in so much pain, especially because I agreed with her.

This did not appear to be a fair investigation.

I wanted to understand why the DA's office would make a decision that seemed so contrary to the facts and evidence.

Again, no one from the DA's office would talk to me on the record.

But there was one person I was sure could provide some perspective, an insider's perspective, former Manhattan Assistant DA, Dan Bibb.

I was sworn in August 23, 1982, by Robert Morgenthau, who was DA at the time.

How many years were you in the Manhattan District?

Almost 24.

There's not many people who have lived through what you have lived through.

In that office, with your experience, with the wisdom you have, all of it.

Sorry.

Dan Bibb left the DA's office in 2006, four years before Cyrus Vance was elected and created the CIU.

Dan says he quit in protest over the way his office handled his reinvestigation of a murder conviction, a case I'd reported on and helped make public.

Two men had been locked up for the murder of a bouncer at the Palladium Night Club in Manhattan.

My investigation into that case revealed both men were innocent.

Dan Bibb's bosses at the DA's office assigned him to reinvestigate those convictions.

He did that for more than a year, and he determined both men were wrongfully convicted.

You become convinced that they're actually innocent.

Right.

You're in the DA's office as a prosecutor at the time.

Right.

And you were absolutely convinced through your own investigation for more than a year about this.

100%.

And you're telling this to your bosses at the DA's office.

Of course.

And what are they telling you?

Those are some of the things I can't get into.

But you can draw your own conclusions about what was happening in the DA's office when I would sit down with my boss, my boss's boss, and the boss.

Apparently, his bosses disagreed with his assessment.

The DA's office aggressively fought in court to keep those two men in prison.

Without talking about privileged conversations, can you explain to people who are hearing this, who are saying, here is a veteran district attorney who does an extensive investigation into a case of innocence and says, you know what?

We got the wrong guys.

There are two innocent guys in prison.

[Transcript] Letters from Sing Sing / Integrity

What is the culture inside that office that people are not listening to you when you know more than anybody else about it?

Resistance, arrogance, you know, earplugs, blinders, we got it right.

Do you think people in power at the DA's office did not want to know the truth?

No, I told them the truth.

They knew the truth.

Ultimately, the real shooter confessed and a judge vacated the convictions of both men.

And so the Manhattan DA retried one of those innocent men.

He was acquitted and later compensated.

I'd stayed in touch with Dan Bibb after he left the DA's office.

And over the years, I'd spoken with him about JJ's case and shared some of his paperwork.

How would you describe the conviction integrity unit that reinvestigated JJ's case?

A joke.

Do you think he got a fair shake?

No.

People in the DA's office often suffer from the we didn't get it wrong syndrome.

The obvious sits in front of them, but they're not looking at the obvious.

They're starting from the position of guilt and they're starting from the position of we got it right the first time.

And you've got to convince me otherwise.

That's not necessarily sinister, maybe dishonest, it may be stupid, but it's not what a conviction integrity unit should be doing.

And there's no doubt in your mind that that office had tunnel vision when it came to this?

Yes, without a doubt.

But there was still hope for JJ, his case was no longer in the hands of the Manhattan DA's office.

His lawyers had filed that motion asking a judge to hold a hearing so they could present evidence.

JJ would wait for that decision for more than a year.

It arrived in the first week of December 2014.

The judge's answer was no, there would not be a hearing.

In his decision, the judge agreed with the DA, saying that the new evidence was, quote, not sufficient to prove that JJ was innocent, or that the outcome of the trial would have been different.

Twelve years to the day after he sent me his first letter, JJ sat in his cell at his makeshift desk and began to write.

December 5th, 2014, 4.34 a.m.

Dear Dan, it is with great regret that I must sit here at this lonely hour and inform you that justice has no place in my life.

And that hope is just a cruel joke.

I am not simply innocent.

I am clearly innocent.

Everyone knows this.

I'm writing this letter suffocating in this tiny-ass cage.

[Transcript] Letters from Sing Sing / Integrity

I want to scream so loud, but it won't make any sense because I'm not being heard.
The craziest part of it all is that I may have to die before anyone really cares about what's actually happening.
Do I have to jump off a prison tear with a noose around my neck to get people to realize that wrongful convictions are a slow death?
Tell me, Dan, what's it going to take?
Next time.
Doing time in prison is doing nothing to give back to your community.
There is no reparations in that.
Who you were when you came here is not who you are when you're leaving.
And that's really the journey.
I get home last night and there's this big yellow envelope in my mailbox.
And inside are all of the police reports from JJ's case.
I spent half of my life in prison because people want to hold back information.
Because people want to continue to perpetuate lies.
Letters from Sing Sing was written and produced by Preethi Varathon, Rob Allen and me.
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