Just start by telling me your first and last name and spelling.
My name is Ramon Aviles.
R-A-M-O-N Aviles A as in Apple, V as in Victor, I-L-E-S.
What juror number were you?
I was juror number six.
Juror number six.
He was the one who that 84-year-old witness, Dorothy Kennedy, picked out as the gunman.
To me, it was one of the strangest moments in JJ's trial.
I got in touch with Ramon in 2011, more than a decade after JJ's conviction, and he still remembered that moment.
She pointed me out, which was something I never expected, but it was laughter, like it was funny in a sense.
I caught on to it because I saw the other jurors looking at me, and when I realized I went, whoa, did she just pick me out?
It was like, now there's something wrong with that.
I mean, here she is, she's at the witness stand, and she's pointing at the jury box.
After that happens, and you're in a deliberation room, how do you vote guilty?
That's a tough one.
That's definitely a tough one.
He kept coming back to the girlfriend.
Ramon told me some of the jurors didn't believe JJ's girlfriend, Vanessa, when she testified that he'd been at home talking with his mother the morning of the murder.
They thought Vanessa was covering for JJ.
And once they doubted Vanessa's story, they had trouble believing JJ and his mom, too.
What was the first vote?
Do you remember the first vote?
It was pretty much split in the middle, almost, between guilty and innocent.
Actually, there was some emotions there.
They were pretty, you can see people feeling it, emotion-wise.
It got pretty heated after a while.
It got heated in the room.
Heated plenty of times.
In what way?
I mean, first we were bickering.
It was going back and forth, you know, back and forth between innocent and guilty.
Some people weren't sure.
For me, it was lack of evidence to state that he was at that location.
He says the jurors were stressed and worn out, especially because they had been sequestered.
They couldn't go home until they reached the verdict.
Remember, the jury got the case on a Wednesday and deliberated for three full days.
I think it was Friday, if I recall.
You know, a lot of the jurors were discussing about, oh, I'm going to lose out on my weekend.
I'm supposed, you know, some people say they have to work.
Some people, you know, a lot of, a lot of, you can see that it was getting to them.

We were all tired.
We were frustrated.
It got to a point that it was just, you can see the toll it was taking, especially on
some of the older jurors that were like, you can see, you know, people were talking about
they need to get back into their life.
But you knew what was on the line.
Yes, of course.
It's a man's life on the line.
That's something I've never done that before.
You know, you're about to put somebody away, but I didn't want to think that way.
But that was the case.
And then once we announced the verdict, it didn't feel good at all.
The only thing I can do is just look at the mother and turn away because I didn't know
what to do after that.
I thought I made a mistake.
I really think I didn't do the right thing.
I'd already had my own doubts about JJ's conviction.
But what this juror told me took it to a whole new level.
And it turns out he wasn't the only juror that felt that way.
I'm Dan Sleppian, and this is Letters from Sing Sing.
Episode four, peer pressure.
I am driving out to Long Island right now to see this juror, to hear what she has to
say.
So we'll see what she says.
I tracked down another juror from JJ's trial.
She agreed to meet with me as long as I didn't disclose her name.
When she sees me, she immediately starts to tear up.
So you walked into this room crying?
Yeah.
Why?
Because it just, I ruined somebody's life, that's how I feel, I feel, I was just, I don't
know how else to explain it.
It's just such a horrible feeling to have over your head.
This is the only, I'm so lucky because this is the only regret I've ever had about anything.
And I just feel so responsible because if I would have held my ground and said, no,
I don't care how long we're here for, because I never thought he was guilty.
I never thought he was guilty from the get go.
I never thought he was guilty.
So why did you defy the way you felt?
Because I felt the pressure, the immense pressure in that room, there were a few older people
and they were like, this is ridiculous, he killed a cop and this, like, he didn't kill
the cop, you don't know that.
Tell me about the deliberations.
Okay, after we got out, you know, the first day of trial, everyone was like exhausted

and we were all trying to figure out like a timeline that would make sense because we
got all this information, but none of it made sense.
For the people who were saying that he was guilty and they were so certain about that,
what was, do you remember what their argument was?
Between me and you, I think some of those people, and I don't know if I'm correct in
saying this, I think some of the people in that room might have been racist because all
they knew, all they had in their head was, there's a cop that's dead, we have to defend
the police.
That's it.
I remember saying, this is a 20, I don't know, 23-year-old kid, that's what I said, he's
a young boy, we're going to put someone in prison for the rest of their life and we're
not 100% sure, they were totally reasonable down.
That's why I have such high emotion because in my heart of hearts, I knew he was innocent,
but I could not, I could not get enough people to see that point.
Now you're sequestered, do you remember being sequestered?
Yep, we were taken in that little van, I don't know, to some place in Queens, I think by
LaGuardia Airport, that's where we went, and we were all in our separate rooms and it
was horrible.
It was horrible.
Horrible.
Who could sleep?
I couldn't even sleep.
Who would take me to this moment now on Friday afternoon at that final vote?
Friday afternoon, I think there was just two of us left that said, he's innocent, we believe
he's innocent.
It's like everyone was leaning in, looking like, come on, come on, we want to go home,
basically, that's what it was, it's like a life against we want to go home.
And I just said, all right.
What is going through your mind when everyone is staring at you at that moment?
Complete peer pressure.
People would be mad because then it would have meant going back to be sequestered for
Saturday.
You didn't want to hang in long enough to make it a hung jury?
I guess I don't think I understood that I could do that, because if I thought I could,
I would have done that.
What you're essentially saying to me is that JJ was convicted, not necessarily because
of the facts or the evidence, but because the jury was tired and wanted to go home.
Is that true?
I'd have to say yes, I think that's the truth, yes.
When the jury headed back into the courtroom to deliver the verdict, she says she felt
horrible.
Everyone looked at us and I remember he was looking at us and I kept my head down a lot
of times and they went around and asked us each what we thought with each charge.
And then they said, thank you very much for your service.

We got up.
Did you look at him?
Oh my God, I couldn't know.
I couldn't look at him.
I walked out and as soon as I got, I guess, in the hallway right beyond the courtroom, very close to the judge's chamber, I just lost it.
I just started crying and he pulled me in.
He goes, sit down.
He goes, calm down, calm down.
He goes, you did a service.
You did the right thing.
I was like, I don't think I did the right thing.
How long did it sit with you?
A while, no.
I mean...
I mean, it looks like it still is.
It is, because it's a terrible thing.
You know, we have a house upstairs.
We would drive by.
Like I knew Asinine and a new Sing Sing and then when I connected everything, my husband's like watching me like look out the window and he's like, what's up?
Because I haven't really.
I spoke to him about this a little, but he has no idea how upset I was about it.
It's just a horrible, a horrible feeling that I carry around because I've ruined somebody's life.
You feel like you did the wrong thing.
Totally did the wrong thing.
From the beginning.
From the beginning.
It was hard for me to process what I'd just heard.
On the one hand, I felt enormous empathy for this juror.
She seemed honest and vulnerable and she didn't have to talk to me, but said this had been weighing on her conscience, that she'd been haunted by her decision to convict JJ since the day of the verdict.
But on the other hand, she believed he was innocent and still voted to convict because of peer pressure.
That fact alone made me wonder if the jury hadn't been sequestered.
Would JJ have been convicted?
We'll obviously never know the answer to that question.
But here's something interesting.
In 2001, 19 months after JJ was found guilty, New York State changed the law.
It's no longer standard practice to sequester juries in criminal cases.
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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.
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By the time I'd gotten in touch with those jurors, I'd been digging into JJ's case for nearly a decade.
I'd spoken to eyewitnesses, interviewed dozens of people, read thousands of pages of documents.
I finally felt like I had enough to produce an hour of TV for Dateline.
But there was still one big thing that had been bothering me from the very beginning.
Two men had entered the number spot that day.
The shooter had an accomplice, the man with the duct tape, Derry Daniels.
JJ swore he didn't know Daniels, had never even said a word to him.
So what if anything connected them?
Here's what I knew from my investigation.
Derry Daniels had a long criminal record, including convictions for drug possession, assault, and robbery.
He never brought up JJ in his statement to the police.
The Manhattan DA offered Daniels a deal, 12 years if he pleaded guilty to the crime.
He took it.
When Daniels appeared in front of a judge, he gave what's called a plea allocution to establish the facts of what happened the day of the crime.
The prosecutor asked him, can you tell us what was your role and what was Mr. Velasquez's role?
Daniels said, my role, I was duct taping.
Then the prosecutor said, what was Mr. Velasquez doing?
And Daniels said, his role was the gunman.
That's basically it.
Daniels never even said JJ's name, and neither the judge nor the prosecutor asked for any more details.
Like how did you know JJ?
How was this plan hatched?
Nothing.
And then Daniels disappeared from the case.
He never testified at JJ's trial.
By 2011, Daniels had done his time and was out of prison.
It wasn't easy to track him down, but I finally found out he was living in Newark, New Jersey.
I drove to his place and knocked on the door.
No one answered.

So I sat outside for hours waiting for him to come home.
When he finally did, I approached him on his front steps.
Daniels was hostile.
He made it very clear he didn't want to talk.
And then he slammed the door in my face.
That was a dead end.
But I did try for months to find any connection between Derry Daniels and JJ.
I looked up all of their addresses as well as their relatives to see if they had ever
lived in the same neighborhood.
I spoke with dozens of people.
I tried to find anything, anything that could link the two of them.
But I found nothing.
And by the way, neither did the police or prosecutors.
They did interviews.
They checked prison visitor records and call logs.
But they couldn't find any connection either.
Other than Daniels plea allocution, there was absolutely no evidence that these two men
who had been accused of committing a murder together had ever even met each other.
It seemed obvious to me that John Adrian Velasquez did not get a fair trial.
There was so much the jury hadn't heard.
And so much of the evidence that did convict JJ no longer held up.
But I'm not a lawyer.
So I wanted to talk it through with someone who is someone I've known for years.
Someone who knows a lot about wrongful convictions.
I'm Barry Shek.
I'm co-founder and special counsel of the Innocence Project and a professor of law at
the Benjamin N. Cardozo School of Law.
Barry is basically the godfather of the American innocence movement.
In 1992, he and Peter Neufeld co-founded the Innocence Project.
It's dedicated to freeing innocent people and preventing wrongful convictions.
I recently met up with him.
So let's start from the beginning and I'm just going to give you some details about
his case and then you tell me what you think factors would play into that.
So this murder happened at the end of January 1998 at an illegal numbers parlor in Harlem,
a retired police officer ran that illegal numbers parlor and it was in the confines
of the precinct in which he used to work.
So when these two guys come in and they rob the place and a retired officer is down, a
huge presence shows up.
Two command units, they start arresting people right away.
Well, in the literature of wrongful convictions, which goes way back before the Innocence
Project, this was known in the trade as a quote unquote, heater case.
A heater case is one that attracts a lot of media attention.
Barry says in these cases, there's often a rush to make an arrest and that could lead
to mistakes.

I can show you in the annals of wrongful convictions that you are in big trouble if it involves the death of a police officer on the force who are retired.
All stops are pulled out.
There is going to be a focus on solving that case and all the formalities are pushed aside and you're going to try to get that done.
So the reason JJ became a suspect was because one of the eyewitnesses who took off after the murder was found two days later on the street selling heroin and the police bring him to the precinct.
He admittedly has 10 bags of heroin in his underwear.
They put it on the table in front of him and then he proceeds to look at mug shots, mug shots, mug shots, more than 230 pages.
Just that scene alone, what does that tell you?
Well, first of all, he has an enormous incentive to make an identification because he's going to want to help the police.
He has a natural incentive to get a deal.
I mean, he's sitting there with the bags of heroin.
They're going to ignore the bags of heroin or they're going to help him out with the case if he can identify somebody.
What do you make of the fact, though, that he looks at hundreds and hundreds and hundreds of mug shots?
Is that a good way of identifying a suspect?
Well, we all know that it isn't.
It is extraordinarily dangerous to do what we call trawling.
What all the studies show is that this trawling method is asking for a wrongful conviction.
Trawling.
That's exactly what happened when the key eyewitness, Augustus Brown, was shown all those mug shots.
Think of it as searching for a needle in a haystack if the needle is even in there.
Trawling is considered so error prone, it's no longer widely used.
There's lots of studies that show that before you show a photo array to a witness, you would get more accurate identifications if you had some evidence that the person who is the suspect in that array has something to do with the crime.
In other words, Barry says this process should be about confirming a potential suspect, not finding one.
If you were to witness a crime or somebody, anybody were to witness a crime, and a couple days later you take that person and show them hundreds of pictures, do you think they would get it right more often or wrong more often?
We actually have numbers on this, Dan, that eyewitnesses make a mistake about a third of the time.
This comes from both data in the laboratories where we conduct eyewitness experiments and also archival footage.
How can I be so sure of that number of a third?
Because they go in and they select what's known as a filler.
It is to say the person in the photo array or the live lineup who you know is not the suspect,

who you just pulled off the street, right, had nothing to do with the crime.
A third of the time they'll pick a filler.
In fact, he says eyewitness misidentification is the leading cause of wrongful convictions.
We're just not very good at accurately remembering what we saw, especially as more time passes.
That's why the initial description a witness gives to police is so important.
In this case, all the eyewitnesses initially described the shooter as a light-skinned black man.
But three days later, JJ, who's not a black man, was picked out.
And that raises another issue with JJ's case.
He's in a photo array and he should not be in that photo array.
And I'll tell you exactly why.
The person should be selected based on the description given by the witness.
So you don't put in the photo array a light-skinned Hispanic.
You would want to get six people in addition to the suspect that matched the initial description.
So JJ's case, there should have been light-skinned black men with braids.
That's what they should have had, absolutely.
And he should never have been exposed or anybody that looked like him should have been exposed.
Under any scenario.
Under any scenario.
So from day one of JJ's case, literally the day one he gets involved, if I understand you correctly, because the detective knew the description was a light-skinned black man with braids, as soon as Augustus Brown picked him out after hundreds of pictures, there should have been a high level of skepticism.
Well, not a high level of skepticism.
It shouldn't have happened in the first place.
The act of making an identification is cognitively difficult.
And there are many, many factors that have to be accounted for in order to increase reliability.
You want to give a warning to a witness.
I'm going to show you a series of people or photographs.
And if you don't see anybody that's familiar to you, don't worry.
The process will continue.
That warning will cut down the number of misidentifications by 25%.
Why?
Because people want to help.
That's one.
Number two, whoever is in that photo lineup or live lineup has to match the description given of the assailant, right?
And that was not done in this case.
That was not done in this case.
And I should emphasize most important of all, the identification procedure should be double blind.
That is to say that the person who is showing the photos or arranging the live lineup should not know who the suspect is.
Because they might subliminally suggest in some way.

It's not even an issue.
It's cognitive bias.
It's human nature.
People will have facial expressions, right?
Especially when you're engaged in the competitive enterprise of trying to catch the bad guy, right?
If somebody comes in and points to the person that you've spent all this time investigating and believed committed the crime, you know, you're going to betray something.
So the fact that the lead detective knew JJ was a suspect and conducted the live lineup was a problem.
Of course it's a problem.
It's a huge problem.
It's one of the key factors in leading to wrongful misidentifications.
I also asked Barry about JJ's alleged accomplice, Derry Daniels.
JJ says he doesn't even know the guy.
How does that work?
Like I really don't understand how these two people who have never met each other before that the detectives who are responsible for putting these people in prison have no theory about how they committed the crime.
Well, just as an ordinary investigative step, if you have a two-person crime and they appear to be acting in concert, you would figure that the people have some connection or knew each other in some way, right?
But if there's no connection between these two guys, any trained investigator would say that's a problem.
But if you're a guardian of the law and justice, how do you prosecute a guy if you don't know how his accomplice knows him?
With difficulty.
You want to know how?
You want to know where did you meet him?
When did you meet him?
When did you guys go out and get the gun?
Where did you meet beforehand?
Everybody should know it.
So why isn't anybody asking?
That part is troubling.
When you look at the blades of grass of this case, what troubles me about it now, more than anything, is that I don't understand how they could possibly believe JJ was guilty because there's no theory of the crime.
Look, we keep on talking about this as an eyewitness case, all right?
But this is an alibi case.
First and foremost, the problem that juries always have is alibi witnesses are notoriously difficult for jurors to believe in because invariably you are with your loved ones, right?
People will have the reaction that a lot of the jurors did, which is how am I going to believe his mother?

How am I going to leave the mother of his children, right?
They have every incentive to lie.
And that's what makes alibi testimony so difficult for a defense lawyer to put on persuasively a case.
Barry had told me that JJ's case was riddled with problems from the investigation all the way through the prosecution.
But what I kept coming back to was how it all began.
The whole case against JJ led back to a single moment.
The moment Augustus Brown picked out his mugshot.
Barry had told me that JJ's picture should have never been shown to him.
But I learned it went beyond that.
JJ's mugshot shouldn't have been in the police database in the first place.
Here's why.
In the year before his arrest for the murder of Al Ward, JJ was shopping at the Gap in New York.
He says as he was getting into his car, a police officer stopped him and accused him of shoplifting.
He wasn't.
He had receipts for everything, but the officer searched his car anyway.
And in the glove compartment, he found some drugs.
JJ was arrested, his mugshot was taken, but a judge later determined that it had been an illegal search.
The case was thrown out and the record sealed.
And that mugshot, it was supposed to be removed from the police database, but it wasn't.
And that was the mugshot that Augustus Brown picked out.
Hi, I'm Tom Yamas, and for me, the news is so much more than a headline.
It informs, it inspires, and it still matters.
To cover it, you have to be in it.
We'll take you to the front lines of the story, where it's actually happening, with NBC News journalist on the ground from all over the world.
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What if your daughter disappeared?
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So what I want to do is kind of get a moment in time of where we are.
Here we are April 2, 2011.
What's going on?

Why are we here?
What's been happening, you know, in the family?
I'm with JJ's mom, Maria.
We're going to see JJ's older son, John.
How old is he now?
He's 16.
He's going to be 17 in August.
It's been almost two years since John told me about the time he was chased by an undercover police officer.
Nothing happened then, but now he's gotten into some trouble.
He got involved with the wrong crowd in the street and just kept becoming one big problem after another.
And although he's very smart and when he applies himself in school, he does well.
He wasn't, you know, going to school.
He wasn't doing what he needed to do and, you know, the family court got involved and then he got into a situation with another kid and the cops were involved.
And that's why he's here at the Phoenix Academy trying to get his life together and understanding that, you know, you have to learn how to cope with your problems in different ways.
The Phoenix House Academy is a residential program for kids who have gotten into trouble with the law.
A judge ordered John to spend six months here.
How much do you think his dad's incarceration has to do with what he's going through now?
It was sad because it was sort of like he wanted to be his father.
Like he told me one day I'm gangster and I said, you're not gangster.
And if you're saying you're gangster because you think your father is gangster, your father is not gangster.
You know that your father, you know, didn't do what they say that he did.
And, you know, if you want to be your father, then you be your father.
Your father is a decent human being who's trying to make his life better.
It's not about being in the street.
We jump into her car and head to the Phoenix Academy.
John's been given permission to leave for the weekend to spend time with his grandma.
He's probably anxious, but I'm a little late.
When he comes out, I can't believe how much he's changed.
Wow, do you look like your father?
Yeah.
He's almost as big as you.
Seriously, he's changed.
No, I know.
The braces are off.
He head to a small coffee shop.
It's noisy inside.
John tells me what it's been like for him at the Phoenix Academy.
So I had to take this Ingram Management course.

And when I first came in, like, I'm not going to lie, I've been having anger since I was young.
Like, sometimes I don't know how to control it.
Sometimes it's just something that happens and I black out.
So in here, like, they have told me something called coping skills.
A coping skill is basically, like, when I'm mad, I just go to my room and ding or play cards or read letters, like, something that's going to keep my mind off what just happened.
Not like to keep it inside me, but to let it out in a way that's positive, not to retaliate in a negative way.
Have you ever thought about why you get so mad?
Sometimes I like to blame it on my father, but then, like, I don't want to because, again, it's, like, my life, like, it's my choice is why I get mad, like, I don't like the fact that he's locked up, like, certain things get me mad, like, when I see people with their father, like, kind of doing things I can't do, like, knowing school when they have, like, parent-teacher conference, you know, when there's a lot of school, they always ask you about your parents and you got to tell them where your father's at.
They got me mad, but I got over it and I really believe my father's innocent.
That's why I don't bug you too much.
I'd first met John and his brother, Jacob, when they were just little kids.
I'd watch them grow and over the years, I'd seen the toll JJ's incarceration had taken on them, especially John.
Now he was almost 17, old enough to visit his father and his own.
He'd never done this before.
On the day of John's visit, I wanted to know how JJ was feeling about all this.
I was allowed to stop by his cell before his son showed up.
Let's talk about this visit today.
What is different?
What's different about today is this.
I've been incarcerated over 12 years.
I've never had the opportunity to just spend a few hours with just him.
He's never had an individual time where it was just father and son.
He doesn't know what that is.
I don't know what that is.
And today, we're going to find out what that's about, where the time is just me and him.
The focus is just me and him.
There's a lot that I would like to say, that I've never been able to say.
And part of it is, I really want to know how my incarceration has affected him.
I got permission from both JJ and the prison to tape the visit.
In the prison's visiting room, JJ sneaks up on his son from behind.
He wraps his arms around John and gives him a kiss.
I love you, I love you too.
How you been?
Just made five months today in my program.
Five months?

Definitely growing, man.
What's life like, man?
I don't know, man.
Man, now it's just boring.
Don't want to say anything every day.
Basically, like, someone tell what you're doing.
You do the same thing every day.
I do the same thing every day.
What do you think your biggest issue is that you need help with?
Be honest to yourself.
I'm not going to lie.
The only thing is anger.
We got a lot of anger pent up.
I'm not going to lie.
Have you figured out where that anger's coming from?
Everything that I grew up with.
That's the doing.
What happened with me, right?
Yeah.
A lot of it do.
I feel if you was there, it would be different.
I know I wouldn't be where I'm at right now if you was there.
I know that what's happened to you is a product of what happened to me.
And you have a right to be angry about that.
You have a right to be upset.
But we're going to have to find a way to deal with it together.
Because you being angry is leading to what?
It's not leading to anything positive.
I don't want you to live this life, Che.
I don't want you to live this life.
You have to choose your own path in life.
But you have to make that choice.
You're 16.
You're about to turn 17.
Do you know the seriousness of a 17-year-old committing a crime?
What's going to happen to you?
A 17-year-old ain't going to get over the way a 15-year-old did.
You're not going back to another program if you make the wrong choice again.
I always want to go to college.
I want to go on, I want to go on to business.
And I'm not going to show what else, but right now it's business.
All right.
You need to apply your vision and say that I'm going to take this and use this.
For me, you need to look for those opportunities.

The only difference between obstacles and opportunities is how we use them.
Prison is an obstacle for me.
But I've used it as an opportunity.
I'm going to get a bachelor's in behavioral science.
So I'm finally going to get a degree.
You know what I'm saying?
The only way to predict the future is by creating.
That's one of my favorite quotes.
What I'm trying to tell you is that look at how life is.
Because your choices, from this point on, when you get out of Phoenix House,
your choices will predict where you rest your head.
Don't automatically assume, because your father's incarcerated for a crime,
he didn't commit that that's going to happen to you.
That is not your future, Jay.
That is not your future.
JJ likes to say the only way to predict the future is by creating it.
That's what he did all those years ago when he wrote me that first letter.
He challenged me to look into his case to find the truth.
I finally felt like I had.
And now millions of others would know his story, too.
Welcome to Dateline, everyone.
I'm Lester Holt.
It was one of the first murders of the year.
On February 12th, 2012, at 7 p.m. Eastern,
my hour about JJ aired nationally on Dateline.
The young man who was convicted of that murder has now spent almost half his life behind bars.
Yet many say he shouldn't have spent a single day.
That night, people all across the country learned about JJ
and his fight to overturn his conviction.
A fight that was about to enter a new phase.
Dear Dan, one thing I can honestly say is that I have never felt so close to freedom before.
I understand the odds, and I know what we're up against.
But I also know my heart.
We are almost there.
Next time.
Right from the beginning, I knew there was a problem.
It was an interrogation. It was a three-hour interrogation.
They had no interest in the truth.
They had no interest in whether I was innocent or guilty.
We can end all of this tonight.
I need somebody here.
And the response was, why are you calling me on a Sunday?
Letters from Sing Sing was written and produced by Preeti Varathon, Rob Allen, and me.
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New episodes run every Monday.
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