

## [Transcript] Letters from Sing Sing / The Call

In the two decades since JJ's arrest, he's written hundreds of letters from his cell. Most were to his mom, Maria. He types a lot, but I told him I like them handwritten better. She's sitting at her kitchen table, holding one of them. Dearest my beloved heart, I wish you knew how sorry I am for all we've been through. Life has been so unfair to us, it haunts my every thought. I can't even escape it in my dreams. Thank God we have each other. The greatest blessing I ever received was a mother who loved so passionately. You said, Jay, they can lock up your body, but not your soul. Your mind is free. They can take everything else away from you, but as long as you control your mind, you can create your own destiny. Mommy, I absorb those words so deep in my core they pump through the blood in my veins. My life may have been stolen, but it will not be wasted. When I die, I don't want to be remembered as a convicted felon who gave up. I want to be remembered as an innocent man with conviction who refused to lose. Unconditionally yours, JJ. You know, it's been a long, long, hard road, but when I look at my son and I find him to be so strong. I say to him, how, how do you do that? I couldn't do it. I couldn't do it. And he says, Ma, I learned from you. I learned from you. That I have always prayed and asked to be alive the day that he comes walking out of those doors. I want to live to see that day. I want to live to see him free. That is what I live for. And I want to see that day. I'm Dan Slepian, and this is Letters from Sing Sing. Episode 7, The Call In 2017, JJ finally got some good news. After years of denials and setbacks, he'd appear before a judge for the first time since he was convicted. It had been 10 months since that envelope with all those police reports had arrived in my mailbox. Reports that JJ's lawyers never saw before his trial, because the prosecutor decided not to turn them over. Now, the information in one of those reports had persuaded a judge to hold the hearing. He would determine whether JJ's constitutional rights had been violated. On January 18, 2018, JJ was brought to a courthouse in downtown Manhattan. His mom, Maria, and his younger son, Jacob, were in the courtroom.

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His older son, John, couldn't be there.

He was in prison.

News cameras clicked as officers escorted JJ through a side door.

He wore a sharp blue suit.

His hands were shackled behind his back as he approached the defense table.

His lawyer, Bob Gottlieb, was waiting for him.

The court officers removed JJ's handcuffs.

Judge Abraham Klot opened the hearing.

All right, good afternoon, everyone.

We scheduled this matter for oral argument.

I have reviewed the papers.

My understanding is that the issue is the significance of a police report that everyone agrees was not turned over to the defense before trial, and the issues are whether or not that information was potentially exculpatory and material.

Exculpatory and material.

The judge was considering whether the information in that report would have been likely to change the jury's verdict.

If the answer was yes, then the prosecutor committed something called a Brady violation, and JJ would get a new trial.

Mr. Gottlieb, it's your petition, so you'll go first.

Thank you for agreeing to have Mr. Vlasquez brought here today for the oral argument.

The entire case against Mr. Vlasquez was based on eyewitness identification by people who did not know him.

Nothing more.

The heart and soul of this Brady motion is based on the fact that on the very day of the crime, and even the following day, when memories were the freshest, the eyewitnesses provided the police with their immediate description of the shooter.

It was a male, black, with braids.

Now this is where that police report, officially known as DD-593, becomes important.

It was an interview with the father of Derry Daniels, JJ's alleged accomplice.

In the report, the father told the detective that the evening before the murder, his son came to his apartment with a friend looking for money.

He described the friend as a light-skinned black man with braids, and said he could even identify him.

And what does the detective do?

Nothing.

Even though Daniels tells the detective that he believes he can identify the male black with braids, who is with his son.

Think what else he says in that DD-5 about the reason why that black male with the braids was with the admitted accomplice, Derry Daniels.

He was there looking for money, the motive of the robbery and the murder that takes place some 19 hours later.

But that report was never turned over to JJ's defense.

Your Honor, it is not too much to ask.

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How in heaven's name was DD-593, when specifically requested, not turned over?

How did the people not turn it over to the defense?

How did they not err on this side of caution?

This information and the people's withholding of it, Your Honor, strikes at the heart of the entire process, at the integrity of the trial and the verdict, a process that resulted in Mr. Velasquez's wrongful conviction and unjust imprisonment.

Your Honor, it's time.

It is justified, the law commands, that Mr. Velasquez's conviction must be vacated.

And it's time for Mr. Velasquez to be a witness to justice right here in the New York County courthouse, finally, after 18 years.

Thank you.

All right, thank you.

Next, the prosecutor assigned to defend the Manhattan DA's position stepped up to the podium.

His name is Joel Siderman.

May it please the court.

We too are interested in justice.

We're interested to see that the right person is convicted, and we're interested to see that the person who shot Al Ward at point blank range in the head is where he should be.

Joel Siderman has been a prosecutor in the Manhattan DA's office for four decades.

I actually knew him from that other case I'd worked on, the one about the two men convicted of killing a bouncer at the Palladium nightclub.

Both of those men were clearly innocent.

Remember, the real shooter confessed, and a judge vacated their convictions.

But even after all of that, the DA's office still retried one of those innocent men.

And the prosecutor on that retrial, Joel Siderman.

Now a decade later, I watched as Siderman argued to keep JJ in prison.

The issue really is, is DD-593 doesn't contain Brady material?

If the court determines that the statement that Daniel's made is not Brady, that ends the inquiry.

That was the only issue, which is why I was so surprised to hear what Siderman said next.

In addition, there was a curious unfolding.

We provided a copy of DD-593 to Dan Sleppy, and prior to August of 2011, so he had that document, and it now appears that Mr. Gottlieb and his reply after David has claimed that he got that document from Dan Sleppy in March of 2017.

Sitting in the courtroom, hearing him mention my name, I thought, here we go again.

Six years earlier, the DA's office had also brought up my name during their interview with JJ.

This started with how you reached out to Dan Sleppy.

Back then, they suggested I was paying JJ's legal bills.

So Dan's putting the bill for this whole thing?

Now the DA's office was bringing up my name again.

How that happened is Sleppy had the document six years later, and then turned it over.

It was just unusual.

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I had no idea what Siderman was talking about.  
I felt certain I'd never seen that report until 2017.  
But just to be absolutely sure, I later checked.  
I had received a handful of documents from the DA's office in 2011 after filing a Freedom of Information request.  
I didn't see this report in my files.  
Even if they had sent me the report, why would it matter?  
I wasn't part of JJ's legal team.  
And they'd admitted they'd withheld it before JJ's trial anyway.  
Ultimately, that was the issue.  
Whether the withholding of that report meant JJ didn't get a fair trial.  
Now let me go to the issue at hand.  
In broad strokes, the description given by Daniels generally fits a whole bunch of people if it turns out that this is referring to another person than so what?  
So what, that 19 hours before the court defendant was in the company of someone else at his father's apartment, we respectfully asked the court to deny the defendant's motion to set aside the verdict.  
The hearing lasted an hour and a half, and the prosecutor had argued forcefully to keep JJ in prison.  
Still for the first time in many years, I felt some hope that JJ's nightmare would finally be coming to an end.  
After the court hearing, JJ was taken back to Sing Sing to wait for the judge's decision.  
It came three months later, and the news was devastating.  
Once again, JJ's request had been denied.  
His conviction would stand, JJ would remain in prison.  
In his ruling, Judge Klot wrote, although the prosecution did not turn over the police report, the information in it, quote, does not cast doubt on petitioner's guilt and was not material because there's no reasonable possibility that it would have led to a different verdict.  
I could hardly believe it.  
It was crushing to me that JJ had been denied yet again, and this time, it felt like the courthouse doors had been slammed shut in a way they hadn't been before.  
When I sat down with JJ to talk about it all a few months later, he told me it was hard to think about how hopeful he'd felt that day.  
I mean, I sat in a cell in Manhattan Court with a suit on, thinking that there may be a possibility that I may be able to actually wear this suit and walk out one day, one day soon.  
But once again, I've been shot down.  
The system that we're up against is, I don't even know how to explain that, man, but it's dark, it's ugly, but it's powerful.  
They don't even care for us to be able to have done what we've done and have been able to reveal what we revealed and for them to say, I don't care.  
I can withhold evidence from you.  
I can violate the law.

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I can change what you're described as.  
I can change your race.  
I can change any fact.  
I can change whatever I want, and then when I put it on paper, it's the truth.  
That type of power is very dangerous, and it's the power of the prosecutor, and the judges roll right with it, and it's disgusting, but it's real.  
J.J. wasn't getting relief in the courts, but people on the outside were noticing him and publicizing his case, influential people.  
The actor Martin Sheen traveled to Sing Sing to visit J.J. twice.  
He even held a press conference calling for his release.  
His heart and his spirit is so infectious.  
You have only to look in his eyes, and you can see the fire.  
Here's a man that is in love with justice, in love with life, his family, and he will never give up.  
And I introduced J.J. to Jason Flam, a record executive and justice advocate.  
Jason went to Sing Sing to interview J.J. for his podcast, Wrongful Conviction.  
Our guest today is J.J. Velazquez.  
It's a pleasure being here.  
It's an honor to be able to have this opportunity to share this time and space with you.  
My hope is that in bringing more exposure and light to your situation, that this will be another part of the process of getting you out.  
Jason got to know J.J.  
He believed in his innocence, so he helped J.J. launch a campaign to try and win freedom in another way.  
Executive clemency, getting the governor to sign a paper authorizing his release.  
For a lot of people who are serving life sentences, the only available place to turn is clemency.  
That's Steve Zeidman.  
He's arguably the authority on clemency in the state of New York.  
He's a professor at CUNY Law School, where he runs the Second Look Project.  
It helps incarcerated people with their clemency petitions.  
So J.J. is here at the end of his legal road, right?  
He's been denied hearings.  
He's been denied appeals.  
This is exactly where clemency comes in.  
It's where people have run out of options.  
And it's this vast, unfettered power that the governor in New York has tomorrow.  
Consign a clemency application, send someone home.  
So the governor of New York can say, I wipe away the conviction, or I don't wipe away the conviction, but you can go home today.  
Correct.  
There's a misunderstanding about clemency because the term, the word people are most familiar with is a pardon.  
What a pardon does is it says, okay, we're going to erase your conviction.  
What I focus on is the other part of clemency, which is called a sentence commutation.

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Historically, clemency has been cast as an act of mercy.

That's why it's typically granted around the end of the year, the holiday, the spirit of a new year, the spirit of Christmas, et cetera, all that, which frankly has always struck me as somewhat ridiculous.

But over time, my effort is to get governors to think it's not just an act of mercy.

It's an act of rectification.

Steve's known about JJ's case for years, and he's actually spoken with the governor's office about him several times.

He calls JJ the poster child for clemency.

The innocence case jumps off the page, putting that aside, look at the achievements.

And I said this to the governor's people, frankly, even if he were guilty beyond a reasonable doubt, he is a prime candidate for clemency given all he has accomplished while behind bars.

What else could he have possibly done to position himself for clemency?

And I think the answer is nothing.

How hard is it for someone to get clemency in New York state?

It's like winning the lottery.

Unless you have someone, something, some group advocating to keep your name on the radar screen, to kind of push your application forward, your chances of actually receiving clemency are just so remote.

Someone filing their own clemency application who's done everything, are they, are their chances as good as someone who has Dan Sleppy and Jason Flam, Martin Sheen behind them?

It's of course not, not even close.

And even that might not be enough.

JJ had petitioned for clemency in 2017, and nothing happened.

The same thing in 2018 and 2019, then in 2020, the world stopped.

This is Superintendent Capra.

I wanted to use Channel 22 at SinkSync Correctional Facility to give you some information about COVID-19, or otherwise known as the coronavirus.

It's April of 2020.

I haven't seen JJ in several months.

Like the rest of the country, SinkSync is locked down.

All visits have been canceled indefinitely, and so are all the prison programs that have kept JJ so busy.

The entire population is isolated in their cells.

But for now, JJ is still allowed to make phone calls.

Inmate at New York State Department of Corrections and Community Supervision.

This call is subject to recording and monitoring.

Thank you for using Securus.

You may start the conversation now.

Hey man, how are you?

I'm surviving day to day, you know?

So what's going on in there right now?

A lot of fear, a lot of anxiety.

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It's really crazy.

I think the closest that I've ever seen to a moment like this as far as what I see when I look in the next incarcerated person's eyes was probably 9-11.

You know, when people heard that the Twin Towers had gotten struck and that we were in a state of emergency, there was this panic not knowing what's next.

Now one month into the pandemic, JJ is worried, because he knows there's no such thing as social distancing in prison.

I've had people like they're taking a step towards me and I'm taking a step back.

And you're taking a step towards me and now I take another step back and I got a wall behind me.

I can't go back no further and I'm like, excuse me, I don't know if you realize what I've been doing.

You've been stepping closer to me and I've been stepping back.

I can't step back no more, so it's your turn to step back.

JJ tells me that a few dozen officers and some of the incarcerated men have already tested positive.

At least one prisoner has died.

He says he won't leave his cell without a spray bottle of bleach.

Right now, before I got on this phone, it probably took me 10 minutes to really bleach out this whole booth and then I had to let it air out, because if I would have been out of being choking right now.

He's washed his hands so many times, they're raw.

I can't even count.

But I can say that I wash my hands at least maybe six to eight times an hour and I'm not exaggerating at all.

My hands are discolored.

They're like, they have these patches that are purple and reddish.

The skin doesn't even feel the same anymore, almost like sandpaper.

And I constantly put lotion on, but the lotion only lasts for a few minutes and it's like every time I touch something, I feel like I have to wash my hands because this virus is so unforgiving.

I know JJ, I could hear the fear in his voice.

There wasn't a day that went by where I didn't think about him, stuck in a cell.

We all talked about lockdowns, but that had been JJ's life for more than 23 years.

He wouldn't get a shot at parole for another two years and there was no guarantee he would get it, especially because JJ refused to say he was guilty.

Sometimes the parole board doesn't want to hear the truth.

They want to hear that you're sorry for what you've done.

I can't understand how I could be sorry for something that I didn't do.

As the pandemic raged on, it was more urgent than ever for JJ to get out.

By the summer of 2021, I'd known JJ for almost 20 years.

I'd spent hundreds of hours with him.

I'd poured over thousands of pages in his case file over and over again.

I refused to give up, but at this point, I wasn't sure what else I could do.

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Then on the morning of August 17th, I was sitting in my home office when my phone rang. It was Sing Sing Superintendent Michael Capra. He said he had big news and that I'd better hurry over to Sing Sing. My heart was pounding. I grabbed my camera and rushed to the prison as fast as I could. I live about 25 minutes away. I think I got there at about 18. The superintendent was waiting for me. After so many years, we're going to tell JJ Velasquez that he got executive clemency today. We just were notified minutes ago, half an hour ago, where I called you. You're here. I have to say, in my 40 years of service, this is one of the more exciting times in my whole life. Why is it so? Why is it so? Because I know he doesn't belong here. Yeah. Because I know he doesn't belong here and he's going to do fantastic things. How does it feel to have the one that's going to do it? I'm overwhelmed. We start walking toward JJ's cell block. What are you going to do? Record this all the way up? I'm going to, why not, man? This is history. I don't know what we're going on. It's going to be, he's going to flip out. It's like a great freaking moment for me. He's been working with us for nine years with the voices from within. It's unbelievable. Oh my God. He asks an officer if word has started to leak out. Hey, is everybody still there? Did they know? No. Nobody knows, right? No. Good, good, good. Yeah, come on. Let's go. We enter the block and head to the second tier, JJ standing in the doorway of his cell. The other men in the block are gathering on the floor below. They can tell something big is about to happen.



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They watch as the superintendent delivers the news.  
You being transferred?  
Where?  
You don't know?  
No.  
You didn't know we have a show in New York?  
Absolutely.  
That's where you're going, bro.  
Thank you, man.  
I hope so.  
I appreciate it.  
I'm really proud of you, brother.  
God bless you.  
You deserve it.  
One by one, men come up to JJ and hug him.  
JJ's calm, taking it all in.  
He'd later tell me he was holding himself back, that it took a while for it to really sink in that he was leaving.  
I was sleepless for several nights.  
I don't really know how to explain it entirely, but it was like my body didn't want to get out of the bed.  
But when I finally did fall asleep and woke up, it was like, bro, what are you going to do?  
You're going home.  
It's over.  
It's time to start getting rid of stuff.  
And I went on a ripping frenzy.  
I just started tearing everything up.  
I'm like, my lawyer's got copies of this, Dan has copies of this, my mother has copies.  
I don't need nothing and I just started tearing everything up, tearing everything up, tearing everything up.  
And I tore so much that I had, literally, I had blisters on my index fingers.  
But JJ wouldn't be getting out for another three weeks.  
Why?  
Processing, paperwork, bureaucracy, because that's the way the system works.  
It's also because JJ was still convicted of murder.  
Governor Andrew Cuomo had commuted his sentence, but he hadn't exonerated him.  
JJ's freedom had come down to the signature of a governor who just days later would leave office in a sex harassment scandal.  
It all seems so arbitrary.  
It's not how I thought it would happen.  
When I interviewed JJ in 2007, I said to him, if you're in this, I'll keep going.  
It might take 10 years, maybe 15 years, you know, it's a long journey.  
And that's exactly how long it had been since I'd said that, 15 years.

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The thing is, I hadn't really meant it, I just didn't want to get JJ's hopes up back then.

I never thought it would take this long, but it did.

On the day of his release, JJ and I talked in his cell one last time, today I will finally step foot out of a prison.

I practically grew up in prison.

You know, I've been answering to a number 008 2303.

That was my identity for the last 24 years.

That meant more than my name.

You know, I've witnessed this with you.

I've lived as much as I could through this with you.

You've suffered a lot, tremendously.

In the moments when you're in this cage by yourself for two decades, more than two decades, have you come to believe that your suffering has been for some higher purpose?

I've gone beyond belief.

I realized that that's the only thing that makes sense, is to say that this was my training grounds.

This was things that I needed to realize for myself, to know was to experience.

So I had to experience this so that I can try to work on changing this, right?

I'm not glad that I've had the experience, but the insight that I've acquired is priceless.

Can I, I want to tell you something before we leave, you know, I met my, you before I met my daughter, the year before she was born, and I took her to college two weeks ago.

Yeah.

And now she's gone.

And there's a certain irony to that for me.

It's like the end of a chapter and the beginning of a new one.

And it's one of that most important relationships in my life.

Absolutely.

I just want to say goodbye to everybody, you want to go home?

Yes.

I want to go home.

Let's go home.

Let's go home.

All right.

I'm with JJ as he leaves the block.

As he walks through the halls of Sing Sing, he says goodbye to the men he's leaving behind.

Wow, man.

Love you, man.

Yeah.

Exhilarating?

No, I ain't exhilarating yet, but we're working on it.

Before JJ is able to leave, he needs to return his uniform, get his fingerprints scanned.

There's a process to leaving prison.

All right.

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The index finger goes on, digits scanned, he returns red.

Go ahead.

Okay, pick it up.

Bring him in.

And we have the right man.

Let's get out of here.

Let's go.

Coming in.

How you doing, D?

How you doing, man?

Thank you.

Name and then?

Name is Johnny Adrian Velazquez, Den 008 2303.

All right.

Let's go.

JJ starts walking toward an enormous gate made of solid steel.

He has a mesh bag slung over his shoulder with all of his belongings, some books, pictures, and letters.

He stops and gazes out across the Hudson River toward his mom's house in Havistra.

The objective has always been to go on that side.

And tonight we'll be there.

It's really over.

Ms. Parker, you take care.

The gate slides open.

This is it.

Maria and JJ's sons are waiting for him.

They've been waiting for so long.

I watch as Maria and the boys surround JJ, wrapping their arms around him.

They're holding him so tightly I can hardly see him.

I ain't letting you go.

Maria's whale is a sound I will never forget.

It's good to be free, I tell you that.

And it's good to be with my family.

It's what it's all been about, family.

It's what helped me survive.

This is what helped me get through this.

And now we're here.

It's all I want.

It's to be with my family together on this day.

I'm blessed, grateful.

This is the first day of forever.

After living in a cell for 23 years, 7 months, and 8 days,

JJ was finally free.

But the world he was rejoining was dramatically different from the one he'd left behind.

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There was going to be a lot to learn, a lot to overcome.

But JJ, being JJ, came out sprinting.

Next time.

Let me tell you about a time when the world didn't believe in me.

Oh, I'm proud of him.

Like, he's trying to make something happen in this world.

I was offered a job right away.

Within the first three weeks to a month, I was offered a job.

And it was a dream job.

JJ, your questions for the president.

Thank you.

Good afternoon, President Biden.

Letters from Sing Sing was written and produced by Preeti Varathon, Rob Allen, and me.

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