

Wrongfully Convicted Almost Fifty Years Ago and Still in a Pennsylvania Prison

If Ezra Bozeman were to be exonerated today, he would hold the U.S. record for the innocent person who served the most time behind bars, according to the National Registry of Exonerations which tracks time served for wrongful convictions.

As a specialist in Russian politics, I have written widely about the repressive legal system in Russia, where individual rights are routinely abused by Vladimir Putin's autocratic regime. But the case of Ezra Bozeman, a 68-year-old Black inmate at the state correctional institution in Chester, Pennsylvania, has reminded me of the shocking abuses that persist in our own system of justice.

Bozeman, whom I visited this spring at Chester SCI, is a highly intelligent, articulate, and kindly man, respected by the staff and other inmates. He has been incarcerated since May 1975, when at age nineteen he was arrested in Pittsburgh for a murder and robbery that had occurred there four months earlier, on January 3. The victim was Morris Weitz, co-proprietor of Highland Cleaners, who was shot as he stood behind the cash register. Contrary to Bozeman's constitutional rights, he was not brought before a magistrate for arraignment or informed of the evidence and charges against him. And he did not see a copy of the criminal complaint until three years had passed. No wonder. The complaint was found unissued, without the required probable cause affidavits and falsely stating that he had been arrested "on view," meaning that the arresting officer had witnessed him committing the crime. None of the investigating officers testified and so were not required to address the missing affidavits of probable cause made by the alleged witnesses and how the officer could claim the arrest that took place four months after the crime was "on view".

Convicted by an all-white jury of second-degree murder and robbery in October 1975, Bozeman, has been adamant about his innocence and that he was nowhere near the scene of the crime. He was sentenced to life imprisonment without the possibility of parole. The only eyewitness against him, Thomas Durrett, had been detained briefly in January as a suspect in the Weitz murder and in April was arrested and charged with the crime. But the evidence against Durrett was weak, and prosecutors needed a conviction for the crime. So in early May they arranged Durrett's release on only \$5000 bail, and, although he never mentioned Bozeman to investigators during his twelve days in custody, Durrett then claimed that he saw Bozeman commit the murder and asked his two close friends to go to the police and say that they heard Bozeman admit to the crime. Several months later, just as Bozeman's trial began, prosecutors convinced the judge to dismiss the charges against Durrett.

The trial was a stark example of judicial malfeasance. At the prosecution's behest, the judge, Albert Fiok, refused to allow discussion before the jury of Mr. Durrett's release on bail—clearly because it would make Durrett a less credible witness. Mr. Bozeman's trial attorney,

John Pope, in his own testimony at Mr. Bozeman's appeal, *describes himself as a "personal friend" of the prosecutor, Jeffrey Manning*. Mr. Pope filed no pre-trial motions and neglected to request discovery or call defense witnesses. He failed to challenge the glaring inconsistencies in the testimonies of Durrett and his friends and did not object when Judge Fiok falsely told the jury before deliberation that Mr. Bozeman had actually confessed to the crime (not that the friends of Durrett claimed he had confessed).

Bozeman, who studied law in prison, would cite these violations of his legal rights in the numerous petitions for post-conviction relief and habeas corpus that he filed over the years. But all were denied, usually because they did not meet the "timeliness" criteria.

Then, in 2017, Thomas Durrett recanted key elements of his testimony in an interview with the Pennsylvania Innocence Project. Durrett denied that Mr. Bozeman told him he planned to rob the cleaners and said he never saw Bozeman with a gun. Durrett also insisted that neither he nor his friends ever heard Bozeman say he had killed Weitz. But Mr. Bozeman's subsequent petition for post-conviction relief was unsuccessful: the court [concluded](#) in 2019 that the verdict against him "did not rest solely on the testimony of Durrett." Never mind that the *only* other evidence against Bozeman came from Durrett's close friends, who were recruited by Durrett to testify.

According to a 2022 [report](#) by the National Registry of Exonerations, misconduct by law enforcement officers and prosecutors led to wrongful convictions in 78 percent of the 638 murder exonerations of Black defendants since 1989. The most common types of such misconduct were concealing exculpatory evidence and witness tampering. Mr. Bozeman, as well as the Pennsylvania Innocence Project, are convinced that access to the homicide files in Bozeman's case would contain other important evidence that would prove Bozeman's innocence, even showing that prosecutors made a secret deal with Mr. Durrett. But my request to the Allegheny County District Attorney's Office for copies of those files was denied, despite the fact that the case has been closed for decades. Apparently, no one there wants to open a Pandora's box, even if it condemns Mr. Bozeman, incarcerated for almost fifty years, since he was 19 years old and now badly crippled from untreated nerve damage to his spine, to spend the remaining years of his life behind bars.

Is sentencing a nineteen-year-old to life imprisonment by gravely violating his legal rights any different than shipping a young Russian off to the GULAG with no requirement for formal charges, no independent legal representation, and no access to the evidence against him?