

JULIET HATCHETT: So I'm Juliet Hatchett. I am the Associate Director here at the Innocence Project. We are joined today by two guests. Deirdre's only sort of a guest. [LAUGHS] So we've got Deirdre Enright, the founder of the Innocence Project. She founded the project in 2008 and just recently has moved into a new role here at the Law School but is still very involved with our clients like Emerson Stevens, who is the guest of honor today. Emerson has spoken here before, but this is Emerson's first time speaking since he was fully exonerated in August of this year. So this is Emerson's first public appearance as an exonerated man. So he's here to tell his-- yeah, let's--

[APPLAUSE]

So I'd like to just briefly give you the overview of Emerson's case so that everybody knows what we're talking about here. And then Deirdre and I are going to have a conversation with Emerson, walk through his case some, and thank you all for being here.

So Emerson's case came to the clinic in 2009. It was one of the first cases that Deirdre worked on here at the Project. So Emerson was finally exonerated in August, 2021, so obviously it took a lot of work to get to this point.

Emerson's case was the abduction and murder of a young woman in Lancaster, Virginia in 1985. He went to trial. His first trial ended in a mistrial, second trial ended in a conviction. Emerson served 32 years before he was released on parole in 2017. You might know that parole was abolished in Virginia in 1995, but because Emerson was convicted before the abolishment of parole, he was eligible. So he's been out since 2017 on parole, which is why he's been able to come here and do talks in the past, but only this past August was he fully exonerated.

So the short story of the evidence against Emerson is that it was all circumstantial, and all of it has been completely debunked over the course of the 12 years that we investigated and litigated his case. So we can't go into every little detail, but high level, there was a hair that was found on a shirt of Emerson's that was supposedly a hair that belonged to the victim. The hair analysis that was used to make that determination has been completely debunked. It's called mitochondrial hair DNA. It is no longer remotely reliable. The FBI has put out statements as has the Department of Justice saying this can't be relied on.

In addition to that, there were knife marks on the victim's back that were linked to a knife that Mr. Stevens was alleged to have maybe owned at one point. A medical examiner said that these were knife wounds inflicted post-mortem-- or I'm sorry, knife wounds inflicted during the course of the homicide.

And years later, Deirdre connected with the medical examiner who re-examined the case, spoke to her colleagues, and signed a statement saying that in fact, she had been wrong. These were actually post-mortem propeller wounds because the victim's body had been dumped in a body of water. And in fact, they had no connection to the knife that Mr. Stevens supposedly had used.

Every bit of the Commonwealth's case fell apart over the course of years and years of investigation, one bit at a time. But Emerson's case is a complicated one that is a story of the perseverance of Deirdre's work. 12 years. It takes a while.

DEIRDRE Love ya.

ENRIGHT:

JULIET
HATCHETT: In 2016, Deirdre and Jenny filed a state habeas petition, and three days after the state habeas was filed, the town of Lancaster-- miraculously, the Sheriff found a box of materials that had not previously been shared with anyone during the course of these years of investigation and Freedom of Information Act requests. They turned over exculpatory evidence that we'd never seen before. We amended the habeas petition.

We found out one really important detail in particular, which was that the FBI'S task force had estimated that the victim's body was dumped about 500 to 600 yards from where she was eventually found, which was crucial because the allegations were that Emerson had dumped her body, which had then floated 10 miles upstream against the current. And the only way to place him at the crime was for that to have been true.

Ultimately, the habeas petition was amended. The habeas litigation then made its way through the courts over the course of years. We were unsuccessful in state court, but went on to federal court. And in federal court, the Fourth Circuit granted us authorization to file a successive habeas petition. We did so.

While the habeas petition was pending, both the Fourth Circuit Court of Appeals and the District Court issued opinions essentially saying, we can do this and it's going to take a long time. But what really should happen is the governor should intervene here and use his executive authority. So an opinion came down from the Fourth Circuit saying that on April 15, 2020. We got to work getting that pardon petition ready in the next week or two. Filed the pardon petition, and just over a year later, in the fastest turnaround we have had with a pardon petition, he was granted an absolute pardon. So those are just the broad strokes for context for all of you.

And now we're going to get started and ask Mr. Stevens some questions. And as I said, please be thinking about what else you all want to know because we are going to have time for questions at the end. So I think to start, Emerson, could you just tell them about what it was like getting caught up as a suspect in this case and how your story started?

EMERSON
STEVENS: Yes, my name is Emerson Stevens. I was, like she said, I was convicted and sentenced to prison for murder and abduction, and I served 32 years in prison for a crime that someone else committed. And I would just-- it's just a sad thing because I lost my family, my marriage, and I was away from all my children and my family for all those years and lost best years of my life in prison.

And I just hope and pray that the law will realize that when you got a case like this, that all evidence should be presented in the court and not withhold evidence. It's hard to get a fair trial when main part of evidence was withheld.

Being in prison, it was rough because I know I was innocent of the crime. And being in prison with other inmates that I knew that was guilty of their crimes, and I see this and that going on in prison. And you know, stabbings, beatings, and whatever. Drugs or whatever. It's in prison systems.

And I just picked the people, the crowd, people to hang out with in prison and got involved in church. And went to church most of the time that I was in prison. And I went back to school and got my GED. And just tried to stay focused on some day of walking out of prison as a free man. And which it did happen with Deirdre and Jennifer Givens, and I owe it all to them. And they were great.

Deirdre told me, said that she wouldn't give up until she overturned the last rock. And she found that rock. And she overturned it. And she her and Jennifer Givens, they were great. They investigated. I bet they probably went to that county hundreds of times to investigate. And they took students with them.

And I really appreciate what each and every one of you in this room, and the ones who helped to get this investigation going for me. I really appreciate it. And I hope that each and every one of you will become great attorneys and just continue with school and hopefully you'll be able to represent somebody like me that's been imprisoned or whatever. And just basically, just study and do what you have to do to be the best you can be. So anybody have any questions? Or Deirdre?

**DEIRDRE
ENRIGHT:**

Well, I want you to-- or you and I-- to talk about how you got to us, because there's a story here, right? So there's another woman, Beverly Monroe, who was in prison as well. And what they had in common was the same police officer, a state police officer, who did unbelievable things to get convictions. And the Fourth Circuit wrote about it, which was good because that helped us when we went back to be able to say, we're talking about it. But once she, Beverly, got out of prison, she went and found every case that cop had worked on, and went and found the lawyers to say, here's my opinion that says he's dirty. Go do something about it. And now you two have been friends.

**EMERSON
STEVENS:**

Yes.

**DEIRDRE
ENRIGHT:**

And she-- I got to say something. Emerson would call and ask about his case, and say like things that like, it just seems like it's been kind of a long time that I've been in here. 30 years. But like he nagged that way about what's going on.

Beverly was worse. She's like this little 80 pound, blue-eyed, twinkly pain in the ass. And she would show up. And she would have ideas. And she would say, well, if that isn't working, then you should try this. And if-- Her daughter got her out of prison. Went to law school here and got her out of prison, and then opened her own Innocence Project. And her mother became her Justice Warrior.

**EMERSON
STEVENS:**

Beverly is one of my number one fans. Yeah, she's a number one fan, and she has been great. She told me not to give up hope. Just believe, and keep on, and do what Deirdre and them, give them all the information that I could feed them and tell them. So that's what I did, and--

**DEIRDRE
ENRIGHT:**

She was definitely-- so Emerson's case, and I feel like it's already been described, but a lot of our cases, we get them and we focus on them. And in several of them, we figure out who actually did the crime. We go find them. They admit it. We sign an affidavit. Not that that's game over, you still have to corroborate everything.

But this went on for years and years and years. And we would find-- like we found the hair. And they say we have the hair that David Riley said is going to link to the victim. And we go argue a motion to test. And then the judge says, yeah, if you want to test, go ahead. And then we wait for the lab, and they call back and say, the hair is too old. We can't get any DNA. And then we're tanked again. And we say, there's nothing we can do.

And then every time a new Commonwealth's attorney was elected, or a new Sheriff, we would go and say to them, hi, we're the Innocence Project. We think there might be a box of documents that were withheld. Do you happen to have that? And every time that happened, they would go, I'll go look for it. And then they come back and say, we don't have it.

So I mean, it was just-- it went on. We found jurors who were like, wait, what? The hair isn't real? That was the only thing we convicted him on. And then they would sign affidavits. And then we'd go back to court and say, look the jurors don't even stand by the verdict.

It was just-- literally over and over again, we gave up. We would give up. We would say, Beverly, we can't. There's nothing more to do. And she would go, that's not possible. You are justice warriors. You have to keep going. And I'd be like, I'm going to kill her.

But it's also true that once you know somebody, and are working for somebody, writing the letter that says we're closing your case is impossible. Especially when you know for a fact that this is the wrong person. So that part of it really helps.

But Emerson was such a-- you were so less annoying than Beverly. I want to thank you for that. But anyhow, one of the things that Juliet referred to that was amazing in this case was there was an expert. They put on a cop, somebody from the Marine wildlife--

EMERSON

Yeah, marine scientist.

STEVENS:

DEIRDRE

ENRIGHT:

--to come in and say, yes, it's possible for a body that weighs 105 pounds with a cinder block and a chain tied around her neck to go to float 10 miles upriver in four days. That's possible because of all of these estuary currents and blah, blah, blah. It was like, Katie Ledecy couldn't have gotten up the river faster than this dead body, right? And it seemed-- when you read the testimony, you would go, I'm reading it. I'm reading it out loud. But I still don't really understand what he's saying about currents above, and currents below, and whatever.

And then we find in the Commonwealth's file-- because one of the Commonwealth's attorneys did open the file and say we could look at it-- a letter from that guy, from this doctor. When they go to the second trial-- he's testified at the first trial-- and it's a letter saying, I just got this subpoena. Please don't make me do this again. You and I know that my testimony is-- and the word was "eyewash"-- which he said that's what the cop called it. The dirty cop called it eyewash. My testimony is eyewash. Really don't want to do this. I don't see how this could be helpful to a jury. It doesn't make any sense. I mean, he's begging to get out of this.

And what does the Commonwealth do? They go to the court and say this witness is unavailable. May we read in his testimony from the first trial? That's what they did with it, right? So that was another one of those things where that was never turned over. A witness who basically was critical, and saying, I'm lying. I'm lying and you all know it. So these were the things we discovered in a box.

JULIET

HATCHETT:

In addition, one of the individuals who testified against Emerson ultimately took a guilty plea because he was charged with obstruction of justice for having given false testimony at Emerson's trial. So there were just any number of markers that this was a wrongful conviction, and that it wasn't a reliable one. But this is a case where, despite the fact that you have all of these things lining up that are clearly indicating that this is a wrongful conviction, it's still very difficult to get any relief. And so it was 2016 that you filed the first state habeas, right? And a judge found that there was no relief merited there.

DEIRDRE

ENRIGHT:

Even in that claim about the doctor saying that, just didn't merit any attention.

JULIET HATCHETT: And so can you talk a little bit, Deirdre, about the strategic decisions you had to make as you were developing more information about whether to move forward and how to move forward?

DEIRDRE ENRIGHT: So, I guess in the beginning, we did what we always do even though the case had been with Troutman Sanders for a while in Richmond. And they had worked-- so there's layers of different individuals that looked at his case. And so when it came to us, it came from a partner. And they had done the basic things. They'd gone to find the hair, see if there's a hair. Yes, the cinder block is still here. And so, our first thing is always, is there a forensic angle? Because if there's that, it's not that we won't do the other stuff, but that's going to change the game. So if that hadn't been her hair, which it wasn't going to be. So that was our first move.

Meanwhile, we're going around talking to everybody who ever testified to see if anybody has anything different to say. We started to learn that Lancaster, because it's such a small insular community, everybody knows everybody, or is related to everybody. And this was a sensational case in 1985 when this woman disappeared and was murdered. And when you go there 30 years later, it's almost as though it happened yesterday. Everyone has an opinion. Everyone knows somebody who was involved in this. And everyone knew this law enforcement officer, and they'd put out a reward for the victim. For information about the victim.

And I guess maybe sometimes rewards work, but in this case, it resulted in all these witnesses wanting to testify. And according to the witnesses, the cop was going around dangling the reward and saying, you won't get it unless you testify so you have to come to court and testify. But he was telling each person, you're going to get \$20,000. So that's what was the motivating factor.

But the other thing we learned in investigating was one of the people who testified against Emerson and put him at the dock at a time that mattered was Tom Stevens, a relative.

EMERSON STEVENS: Well, he's not. His wife.

DEIRDRE ENRIGHT: His wife. OK, I lied. And so I went with students, and we found him, and he was outside his seafood store with a lantern, a huge lantern. Anyhow, he came out. And I was like, hi, I'm Deirdre. He's like, oh, I know, I know. I've already heard you're here today. It was like 9AM, and he was like, no, we already know you're in town. And I thought like, here I am, I'm saying-- basically, I'm interviewing you and saying, I think you might have lied. And I was like, so you still say that you think Emerson Stevens-- and he was like, oh yeah, oh he did it. He did it. He totally did it. Then he talked about the victim and saying she was a beautiful girl. So therefore, he would kill her. Who wouldn't? It's a beautiful girl. That's what you're going to do. And then finally I said, all right, so you're sure? You have no doubts about what you testified? And he goes, no. And then he goes-- two seconds later, he goes, I'll tell you what, though. If he didn't do it, I'll tell you the person who actually did.

[LAUGHTER]

And he had a name. And so I started to learn that was the level of commitment people had to the things that-- and a lot of people would say, yeah, yeah, I know that. I know that. And then I would say, how did you know that? And they'd say, Sheila told me that. So they would represent that they knew things, but they were actually things that people had heard. So a lot of things just fell apart because you could document that it wasn't direct evidence.

And that's the thing about these cases, is when you dig, and that's the whole goal, you find out that there's very little that's tangible. So a lot of people will say they're sure, or say they're confident, and say they're accurate. And they're just wrong. And it's very hard to get anyone to say that. So a lot of the witnesses in this case were that, I thought.

EMERSON STEVENS: Yeah, yeah. And Dave Riley, like she said, he promised a lot of people that they would get the reward money if they came to court and testified. And you had a lot of people signing up for it, coming to court. And a lot of them didn't even know what they were talking about. But people do anything for money. Back then, \$25,000 in the '80s, mid '80s, was a lot of money. They had never seen that kind of money before.

And the one she was just talking about, he built a seafood business with the money. But he didn't pay his taxes, and they came along and took his house and his business, and he died. And they lost everything. So this is a karma. I believe what comes around, goes around.

JULIET HATCHETT: So can you talk about what Dave Riley did to you, and how-- so Dave Riley is the Virginia State trooper who was involved in Beverly Monroe's case and Emerson's case.

EMERSON STEVENS: And mine. And few others. And yeah, I mean, just because he couldn't manipulate me into some things, he would get aggravated and angry with me and fuss and cuss with me. And not only me. Different witnesses that he thought that-- the guy that I sold my hard crabs to that year, he couldn't find a crab ticket where I crabbled that day. And he said that so he subpoenaed him to come to court. And then after that, the guy found the ticket where I did crab that day. So he took it to him at the courthouse and he got angry with him, and cussed him, and told him that he didn't need him. Go home. But that's the kind of things that he did, the investigator. He'd go around and tell people this and that, and make up lies. And that's part of why they came up and put me in prison you know.

DEIRDRE ENRIGHT: There was a part of this story I think was-- these are other things that you learn when you're just of hanging out in Lancaster for long periods of time. The prosecutor was recently elected. And so he has this dumped on him as the first year he's in office. And the Sheriff was new. And the guy-- there were very few people who investigated serious felonies because there weren't any, right? They were all these crabbing violations, fishing violations. There's not a lot to worry about in Lancaster until this happened.

So in the beginning, a task force happens. The feds come in, and state police comes in, and all the local people, which is common in a murder. And then if they don't solve it quickly, everybody leaves town, and it depends on who grabs it as their case. And Dave Riley, I think, saw the vacuum. He saw the new prosecutor. He saw the new Sheriff. And he saw a police department that doesn't really investigate homicides. And he went right for it, and very much directed what all that happened after that. And it was one of those cases where I think the prosecutor thought, I just have to make a case. So whatever you got, bring it to me. And then they Band-Aid this thing together that everybody wanted to believe, because nobody wanted to think that whoever murdered Mary Harding is out wandering around.

And the other-- I'm not going to talk the whole time. But one thing we learned, too, was that the defense attorney in his case, Jimmy Parker, James Parker, he believed him. He totally believed him. He thought this was a nonsensical prosecution. And he was from out of town. There were people in town who wouldn't take the case. The good criminal defense lawyers wouldn't take the case. So in comes Jimmy Parker from Richmond, who is himself a former police officer.

EMERSON From Hampton.

STEVENS:

DEIRDRE Then he becomes a lawyer. And he basically treats everybody like this is nonsense. This whole case is silly.
ENRIGHT: Nonsense. He thinks Dave Riley is a bully. He knows it because he was a cop so he knows what he did.

And when I went to interview James Parker, I had students with me, and it was very formal. And he said, come sit in my living room. And we talk for a while. And the same thing. He's like, this case was ridiculous. I hope you can do something. This is what I have left of my file. I have nothing. I tried, I tried, I tried. Which he did. His Appeals, his complaints to the state police, complaints to the bar.

Anyhow, finally, in the middle of it, he interrupted me and he said, Mrs. Enright, can I ask you a question? And I said, sure. And he said, what do you think? Why do you think that Emerson got convicted? And I said, oh, all of what you're saying. Shoddy police work, blah, blah, blah. And he goes, no no, that's not why. And I said, OK, well, maybe you should tell me. Like, that would help.

And he goes, we lost that case because I was an asshole. And he said, I was mean to them. I derided them. I acted like they were stupid. And he said, and they hated me. The juries hated me. The cops hated me. And he said, I thought I was doing the best case ever and being the most fierce litigator. And he said, I was younger. And he said, I should have never done that. I had to play ball with these people, because I was in their hometown. And he said, and I didn't do that. And he was like, if you want me to sign an affidavit saying all of that, I will.

And I thought, it was such a telling-- like all of a sudden, I thought, oh my God, that's right. I read the transcript as, God, this guy is going for it. Like he really cares. And it's true. But he did use-- he made fun of them in their hometown. And he was like, that was never going to work, and I did it.

EMERSON I remember the night that they pronounced it, that the verdict came back. Mr. Parker got mad and kicked the
STEVENS: chair up into the table, and a judge told him that he would fine him \$50. So he pulled his wallet out and laid \$50 on the table. And he said-- and the judge said, well I could lock you up. He said, well put me in jail, then. So that's the way he did. You know, that's the way he looked at things.

But getting back to David Riley and his tactics, the way he'd done things. He went to the store owner that I used to deal with to buy gas and things from him. He asked him to come to court and testify, to say that I came to his home that night and woke him up to buy gas, which was a lie. And the guy that ran the convenience store ran him out the store. He said he was not going to court and testify to that lie. That's the kind of things that he did to get people to testify.

DEIRDRE It was really a study in how-- I mean, this is I guess just true in all cases, but what you can bully people into doing
ENRIGHT: or saying, even small things. So like when Emerson wouldn't confess, he offered him the, well maybe you pulled over by the side-- maybe the reason somebody saw your car right there in front of the house was because you just pulled over to take a leak. Maybe that's what you did. And so he was like, OK, well if that's all I have to say, like I'm not admitting to murder. I'm just saying, yeah, if someone saw me, I might have been taking a leak because I was-- and then that becomes, oh, well you've been lying all along, and now you're lying. You know.

And you should go read this. There was a Washingtonian two piece story about all of this. And the writer, the investigative journalist, went to him to talk to him. He wouldn't talk to me. He said that he had heard I twist people's words. I said, that's funny from you.

But anyhow, she got him to talk to her. And in the course of talking, at first he said no, I'm not talking to you. I know what you people do. And then she's charming, and so--

EMERSON STEVENS: By her being a beautiful young lady, he-- I guess he probably had a few mixed drinks and he went on and talked to her, you know?

DEIRDRE ENRIGHT: And for the first time, admitted in that conversation, he said, you know what? I even got him to say that he pulled over and urinated. And he said, he just took the idea that I planted. So that came out. Like things came out in those kind of ways until we finally just had a kitchen sink full of nonsense. But--

EMERSON STEVENS: Yeah.

DEIRDRE ENRIGHT: So he even admitted that he had done that. And Lawrence Taft is the person that was the store owner. And I met him too. And he and his wife were saying, he came in our house, and he was yelling at us. And he was telling us that-- and they were just people who are like, that just happen. But a lot of people did what Dave Riley said to do, including the local officer who I got to know really well. He just admitted. He said, I was new. He took over. And he said, after years later, I came to know that all these things that he was doing in this case were nonsense. But I was a new cop, and he was state police. And so he went along. Everybody went along.

EMERSON STEVENS: Yeah. They just fell right in there with it, and rolled with what he was saying as he made it up, you know? So the law is not perfect. Not by far.

DEIRDRE ENRIGHT: Do something about that, please.

EMERSON STEVENS: Yeah. [LAUGHS]

JULIET HATCHETT: Emerson, can you talk about what it was like to wait all those years? Did you hold on a hook? Did you think Deirdre would be able to pull it off?

EMERSON STEVENS: Well, there was a time that when I first got locked up, I wrote to this place, and I wrote to that place. I wrote to different lawyers trying to get them to take my case. Everybody that I talked to, they either didn't have the money, or they didn't have the time, or they were booked up with other cases. They didn't have the time to fool with it.

And then I saw Beverly Munroe the day she and her daughter-- and Steve Northup was helping with her case. I saw them on national TV. And I said to myself, I said, that's the lawyers that I need to work on my case. So I sat down that night, thought about it, and I called my daughter and asked her to send me-- go online and find Steven A. Northup's address. And she went online and found it, and sent it to me.

I sat down and wrote a letter, and he came to see me when I was at Brunswick Correctional Center. And he sat down, him and Beverly's daughter, Katie Monroe. They came to see me, and we talked about my case and everything. And he said that he couldn't make any promises, but he would look into it. And so he got the transcripts. He read over the transcripts, and he decided to take my case.

And shortly after that, he came back to see me again and decided that he would look into it, investigate it. He would take my case pro bono. He wouldn't charge anything for his fees, but we had to pay for this investigator to investigate. So that was like \$18,000 more out of our pockets, family's pockets, to pay for this lawyer's fee. I mean for this for investigation. And it led to much of nothing. And I said, well we're out of money.

And then, 2009, Mr. Northrup came back to see me at Greensville after they had closed Brunswick Correctional Center. And he told me, said, did you know that the Innocence Project from UVA was working my case? I said, no, I did not. I said then, I said that was the best thing. And he said, well, we've done everything that I could do for you. He said, I'm going to turn the transcripts over to the Innocence Project in Charlottesville. I said, well do that, and let's see what they can come up with.

And then shortly after that, Deirdre and Matthew Engel that used to be with her came to visit me at Greensville. And they sat down and talked, and they said they had read my transcripts and everything. And I said, well, what can you find out? And they said, well, we will find out. And Deirdre told me that she would do everything she could to try to get me out. And she did. And I really appreciate everything.

**DEIRDRE
ENRIGHT:**

Thank you. So I mean, I'm listening to this and wanting to cry sort of. Because I'm so glad you're here, but also when you look at what had to happen to get this guy out of prison, this was a ridiculous amount of effort on a ridiculous case. And most people don't get what he got.

We have a client who-- we got him out because somebody walked into a police station and said, I can't live with this crime that I did 10 years ago and admitted to it. And the cop said, don't be silly. Somebody's in prison for that. And he didn't know that. And he was like, oh my God, someone's in prison for what I did? And he was like, lock me up, lock me up, and they thought he was crazy. And he said, if you do not lock me up now, I'm here to get done with this, then I'm going to just leave here and go somewhere and commit a bank robbery just like I did the other two. And so then you'll lock me up. So do you want to do this now? Or you want to do this later? And they lock him up.

And the Commonwealth's attorney talks to him and thinks this sounds credible, and calls us like on a Friday night. And so I was like, OK, well-- she was like, I don't know what to do. The Commonwealth's attorney and I was like, yeah, well this is kind of novel. And so we called the parole board, and I had by now looked him up and said, this guy's 67 and he has tons of health issues. And I said to the parole board, I don't know what you want to do here, but if he dies while he's incarcerated there's a growing fabulous lawsuit here. So you guys better work on that. And they got him out within a week, and then exonerated much later. But that doesn't happen very much, right? And we had a sympathetic parole board that we were--

This, when you think of like 2009-- well it started before 2009-- we did it from 2009 till to 2021. When I first met you, your hair wasn't gray, and mine wasn't dyed.

[LAUGHTER]

That's too long. And so I hope my new clinic will be part of doing something about that, because it's so easy to get some people convicted. Not you, but it's so easy. And then it's impossible to get-- the resources that went into getting this man home. No one has those resources, you know? And so I'm hearing it, but I'm also thinking, God, we've got to get this-- this has got to stop. We have to keep doing this because innocent people shouldn't be in prison. And a lot of other people probably shouldn't either, but that's a whole other issue. But I just hope all of you find ways to solve that because it's just a huge problem. Doing one at a time, you look at the efforts of all these students and all these people, and it's like, you're glad about it. But you also think this cannot be-- like this should not be what happens.

EMERSON STEVENS: Mr. Northrup told me one time when he came to see me. He said it was very easy to convict an innocent person, but it's hard to prove innocent man to get him out.

DEIRDRE ENRIGHT: That's true. We usually think, too, we often think that one of the unfair things that we have to do in our cases is solve them, because just getting stuff, showing the conviction is ridiculous and unreliable and all that, often just isn't enough. It shouldn't be that way. We shouldn't have to solve it, but we do. But that was a huge problem in Emerson's case, that we had some ideas about who might have done this, but nothing that we could absolutely point at somebody and say. And so that's another part of the law in post-conviction litigation is the procedural hurdles and the evidence required.

One of our cases Rojai Fentress. He met the person who committed his crime in prison. The guy was boasting about how he had shot a white guy and gotten away with it. And Rojai asked some more questions, and all of a sudden he's like, that's my crime. I'm in here for that. And the guy was like, oh my God. I didn't-- and he had shot somebody who ran back to their car. So he was like, I didn't know he was even dead. And so he writes this long affidavit about I did this. And he's like, I know I'm exposing myself to liability for murder. I was 15 years old, I was a juvenile, I was a drug dealer. But I did that. And he describes it for whom, and why, and how.

And a federal district court judge gets that, doesn't hold a hearing and says, I know what goes on in prison. I know what these people do. They get together and take credit for each other's crimes. And I was like, first of all, dude, you're a federal district judge. You don't know what goes on in prison. I doubt you know anything about what goes on in prison. And second of all, even if you doubt all that, you hold a hearing, right? You bring everybody in and find out whether-- but he just said, meh, I know. I got this one. So even a confession, a detailed confession that's credible and reliable. Not in Virginia. I'm getting kind of bitter. I should shut up.

JULIET HATCHETT: Well, to make it happier, Emerson, can you talk about how it felt to get out after 32 years?

EMERSON STEVENS: Oh, wow. It was amazing. I worked the whole time I was in prison. I worked for Virginia Correctional Enterprise for 25, 26 years. And we were making, building furniture. Matter of fact, these chairs that each one of you are sitting in. I probably had a hand in doing these chairs.

DEIRDRE ENRIGHT: How much did you get paid?

EMERSON STEVENS: \$0.80 an hour. A lot less than what I'm making now. [LAUGHS] Yeah. And matter of fact, I got a \$2 raise yesterday.

DEIRDRE ENRIGHT: Tell them about the morning. What we did when we all were there waiting for you for 7,000 hours to get out.

EMERSON STEVENS: Yeah. Heh. Yeah, but I'm going to go back a little bit. The day that-- I was in the back working, stapling chairs, fabric on the chairs. The correctional officer came back and told me, said they need to see you in the office. I said, oh Lord, what have I done now? And I walked up there.

And when I went in the office, there was my counselor, the Unit Manager, and four correctional officers in there. I said, OK, what have I done? And they said, well, there's nothing that you have done. He said, how long have you been down? I said, 32 years. He said, well congratulations. You made parole. I said, do what? He said, parole. I said, oh Lord. I looked up, I said, thank you God. The first thing I said. And man, the hair just stood right up on the back of my neck and my arms. Standing up. And I said, oh Lord, that's a great feeling.

And so I went back out and all them other guys that was there, they were hollering and cheering on the other guys that was in there, in the prison, in the shop where I work at.

And then I told my boss. Went in the office and told her, I said, well I won't be here much longer. I said, I made parole. I'm going to give you a certain day I'm going to work up to. And then I'm going to quit. So she said, well congratulations. So that was the greatest feeling, knowing that I had made parole.

And the day that I walked out of Greenville with my bags in my hand with my clothes in it, we was on lockdown. And there were no golf carts were carrying. And Greenville is a very large place. And that was a long walk carrying two heavy bags of clothes.

And when I got up to the front, signing papers, I got it. And they told me that I could leave. They showed me the way out the front gate. And there was Deirdre and Jennifer Givens, Mr. Brown, all of my brothers and sisters, my ex-wife was there. My two children was there. And I just dropped the bags and took off running to them. That was great.

And just to walk out that place, it was a blessing. And I am very grateful and proud for having Deirdre and Jennifer Givens, and everybody that worked so hard on my case. It's been great for me.

JULIET HATCHETT: And then you went the Cracker Barrel.

DEIRDRE ENRIGHT: Then we said, hey Emerson, where would you like to go for your first meal? Anywhere is good.

EMERSON STEVENS: Yeah, Cracker Barrel. And Deirdre says, I bet you I know what you want to order. Seafood. And so I think I did order a seafood platter.

DEIRDRE ENRIGHT: It was 9:00 in the morning, seafood platter.

EMERSON STEVENS: Seafood platter, 9 o'clock in the morning. That was my first meal outside. And it was like, what? 25 of us?

DEIRDRE Cracker Barrel had to do some arranging.

ENRIGHT:

EMERSON STEVENS: Yeah, they had to. Nicolas was there. And like I said, it was a lot of us. Like 25 people there. I didn't know what to expect. I walked in Cracker Barrel. That was the first time I've ever been in because when I got locked up, I don't even think there was a Cracker Barrel. And that was a new place for me. So I just ordered, and we all sat down, eat and talked. And took pictures.

And like I say, ever since then, it's been great to be free from prison, and now I'm free from all charges against me. And the governor has given me a full pardon. I can maybe vote again soon.

DEIRDRE We'll talk about that later.

ENRIGHT:

EMERSON Yeah. Yeah.

STEVENS:

JULIET HATCHETT: Emerson is also eligible to be compensated now that he's been absolutely pardoned, so this coming session in the General Assembly, we hope there will be legislation passed granting him the statutory compensation for each year that he was incarcerated. So we're working toward that. And obviously, that doesn't bring back anything but we hope that can be some measure of repayment.

EMERSON STEVENS: Yeah. Well, I spent 32 years of my life in prison for somebody else's crime. And I missed all of the best years of my life being in prison. While I was in prison, my mom and dad passed away. I lost my oldest sister, and my oldest daughter passed away.

JULIET HATCHETT: Well Deirdre, is there anything else you want to talk about before we turn it over to

DEIRDRE ENRIGHT: No, I think we should get questions. I'm afraid there's good questions and we're not going to answer them. So ask questions, you guys.

JULIET HATCHETT: I just want to thank Emerson for being here again.

[APPLAUSE]

EMERSON STEVENS: And I think each and every one of you for coming out today. And like I said, being out of prison has been really great. And I have found new love in my life, and she's sitting right over there.

[APPLAUSE]