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Gov. Perdue issues pardon of innocence for Wilmington 10

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By: **WECT Staff** [CONNECT](#)

NEW HANOVER COUNTY, NC (WECT) – Members of the Wilmington 10 Pardon for Innocence Project gathered at a press conference only hours after outgoing Governor Beverly Perdue signed off on the innocence of nine men and a woman.

Monday's gathering at Shiloh Baptist Ministry Church in Wilmington included friends and family of the Wilmington 10, with two of the six living members there as well.

Marvin Patrick and Willie Earl Vereen said they would thank Perdue had she been in the room. The state no longer considers the ten people convicted of arson and conspiracy 40 years ago to be guilty, but it does not change the affect the conviction had on their lives.

"A job didn't last me six months," said Patrick. "It's been trying times."

Those tough times were felt by family members as well. Ophelia Tindall Dixon, sister of the late Connie Tindall, said Monday that she was harassed for simply being related to a member of the Wilmington 10.

"Folks would follow me when I left the house, they would corner me," she said.

The stories may be painful to tell, but those in the church Monday afternoon reveled in the public knowing what they've believed all along – the Wilmington 10 is innocent.

Recently, claims of jury tampering and racial discrimination resulted in the North Carolina NAACP revealing what it called evidence that the district attorney at the time was trying to select jurors who were KKK members.

Current District Attorney Ben David released a statement Monday. It reads, in part, as follows:

"As prosecutors, the truth is our only client. For guilty defendants, the truth hurts. For the innocent, the truth will set them free. Sometimes the truth remains elusive. Where, as here, the process that was in place to search for the truth is determined to be so fundamentally flawed that we cannot know it, the verdict cannot stand the test of time. My job, as District Attorney, is to make sure that this does not happen again."

David's statement included a reminder that none of the current employees with the DA's office were on staff when the Wilmington 10 case first went to trial.

Governor Perdue's complete statement on Monday's pardon reads as follows:

"I have spent a great deal of time over the past seven months reviewing the pardon of innocence requests of the persons collectively known as the Wilmington Ten. This topic evokes strong opinions from many North Carolinians as it hearkens back to a very difficult time in our state's past, a period of racial tensions and violence that represents a dark chapter in North Carolina's history. These cases generate a great deal of emotion from people who lived through these traumatic events.

In evaluating these petitions for clemency, it is important to separate fact from rumor and innuendo. I have decided to grant these pardons because the more facts I have learned about the Wilmington Ten, the more appalled I have become about the manner in which their convictions were obtained.

In 1980, a federal appeals court overturned the convictions in a written decision that highlighted the gross improprieties that occurred during the trial. The federal court determined

as a matter of law that numerous instances of prosecutorial misconduct and other constitutional violations took place. Among other things, the court ruled that with regard to the testimony of the prosecution's key witness – upon whose credibility the case depended entirely – "the conclusion is inescapable that [he] perjured himself" and that "this fact was bound to be known to the prosecutor . . ." The court also declared that it was undisputed that key documents had repeatedly been withheld from defense lawyers. It also found numerous errors by the trial judge that had the effect of unconstitutionally prejudicing the defendants' ability to receive a fair trial.

Since the trial ended, the prosecution's key witness and two supporting witnesses all independently recanted their testimony incriminating the defendants. Furthermore, last month, new evidence was made available to me in the form of handwritten notes from the prosecutor who picked the jury at trial. These notes show with disturbing clarity the dominant role that racism played in jury selection. The notes reveal that certain white jurors believed to be Ku Klux Klan members were described by the prosecutor as "good" and that at least one African American juror was noted to be an "Uncle Tom type."

This conduct is disgraceful. It is utterly incompatible with basic notions of fairness and with every ideal that North Carolina holds dear. The legitimacy of our criminal justice system hinges on it operating in a fair and equitable manner with justice being dispensed based on innocence or guilt – not based on race or other forms of prejudice. That did not happen here. Instead, these convictions were tainted by naked racism and represent an ugly stain on North Carolina's criminal justice system that cannot be allowed to stand any longer.

Justice demands that this stain finally be removed. The process in which this case was tried was fundamentally flawed. Therefore, as Governor, I am issuing these pardons of innocence to right this longstanding wrong."

The NAACP released the following statement regarding the pardon:

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epiphany.

In this season, NC has finally had a revelation and with this revelation comes a continued need for redemption and repentance from the stain of injustice. Not only will the civil rights and human rights communities honor this act, but history itself will record this day as groundbreaking. On the eve of the 150th anniversary of the Emancipation Proclamation, Governor Perdue has proclaimed a contemporary emancipation for these freedom fighters, Benjamin Chavis, Connie Tindall, Marvin Patrick, Wayne Moore, Reginald Epps, Jerry Jacobs, James McKoy, Willie Earl Vereen, William Wright, Jr., and Ann Shepard, whose fight for justice will never be forgotten. These pardons are not only for North Carolina but also for the nation and for the world. We honor the Governor's noble, courageous and righteous decision today and we commend her heart's steadfast commitment to justice.

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