

Good in Practice Ep 1 – ft. Bilaal (pt. 1)

Caroline Heller:

Hi, this is Caroline Heller, chair of Greenberg Traurig's Global Pro Bono program. I'd like to welcome you today to Greenberg Traurig pro bono podcast, Good In Practice, because everyone has a story.

Caroline Heller:

In the course of my duties as chair of the Pro Bono program, I have learned about some of the incredible pro bono work our attorneys are doing in the United States and around the world. And that's not easy, because we have over 2,000 attorneys at our firm with 41 offices in the U.S., and offices in Latin America, Europe, Asia, and the Middle East. I got the idea to do this pro bono podcast because as I spoke to attorneys around our different offices, I realized that not everyone knew about the great work their colleagues were doing. And I also realized that it was really difficult to convey to our clients, our friends, colleagues in other firms, the great work that we were doing simply through an email or a press release.

Caroline Heller:

So I decided to do a pro bono podcast, during which we're going to share stories about some of the great pro bono work our attorneys are doing, how our staff gets involved in pro bono, and hopefully through this podcast you'll get to learn about the extraordinary way in which Greenberg Traurig has changed the lives of people in its community for the better. I hope that you enjoy this first episode and all of the episodes to come. This first episode is a particularly difficult one to listen to, and we've broken it up into three parts because it's a long story, but it's story that needs to be told. I hope by the third episode, you'll feel inspired about the outcome.

Bilaal Wilson:

It was scary. My life is on the line, they was calling for the death penalty. So they picked a young, death-qualified jury, so I was real scared. Because they have qualified juries, they used to call them "hang them high juries." It was difficult sitting there, listening to these things. People don't know me. I mean, it was difficult. It was difficult, because my life hung in the balance.

Caroline Heller:

The United States is the only country in the world that permits juveniles to be sentenced to life without parole. However, between 2005 and 2016, the United States Supreme Court issued several decisions that banned the most extreme version of these sentences. In 2005, in *Roper v. Simmons*, the court banned the juvenile death penalty. In 2009, in *Graham v. Florida*, the court banned life without parole sentences for youth convicted of non-homicide crimes. In 2012, in *Miller v. Alabama*, the court banned mandatory sentences of life without parole for juveniles convicted of homicide crimes. And then in 2016, in *Montgomery v. Louisiana*, the Supreme Court made its decision in *Miller* retroactive. In other words, any juvenile that had a mandatory life sentence prior to the *Miller* decision, could have that sentence overturned and they were entitled to a new sentence.

Caroline Heller:

The Supreme Court based these decisions on scientific research that concluded that even juveniles who commit the most heinous crimes have the capacity for change. It looked at, essentially, three different elements. The first is that children lack maturity and have an underdeveloped sense of responsibility that leads to recklessness, impulsivity, and heedless risk-taking. The second is that children are more vulnerable to negative influences and outside pressures, including from their family and peers. They also

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have limited control over their own environment and lack the ability to extricate themselves from crime producing settings. And third, a child's character is not as well formed as an adult's, and therefore they have the capacity to change and the capacity to be rehabilitated.

Caroline Heller:

After these decisions from the Supreme Court, organizations around the country began to identify inmates in prison who had been juveniles at the time that they committed crimes, but had been sentenced to mandatory life sentences without parole. And the purpose of identifying these individuals, was to try to pair them up with pro bono counsel or local counsel in their area who could help them in the re-sentencing process. One such individual is a man named Theophilus Wilson. He goes by the name Bilaal. Bilaal was just 17 at the time that the murders were committed in 1989. In 1992, he and his co-defendant Christopher Williams went on trial for their participation in the murders. They were convicted primarily on the testimony of a man named James White, who had confessed to six murders.

Bilaal Wilson:

Everybody either calls me Bilaal or Binky Bilaal.

Caroline Heller:

Where are you living right now?

Bilaal Wilson:

In the Germantown section of Philadelphia.

Caroline Heller:

Is that where you grew up?

Bilaal Wilson:

Yes.

Caroline Heller:

And how long have you been living in Germantown?

Bilaal Wilson:

Well, I've been living here basically all my life, but I've just moved back in with my mother after spending 28 years being incarcerated.

Caroline Heller:

So you grew up in Germantown. Can you tell us a little bit about what your childhood was like?

Bilaal Wilson:

I lived in a single parent home. A lot of sports. My grandmother was around and my grandmother helped raise us. My mother has one son, another son, and he passed away now 2015. So it was a modest upbringing.

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Caroline Heller:

And you have other brothers and sisters?

Bilaal Wilson:

Yes, my father, he has 17. Well really, he has 17 kids. I make the 17th. I'm the oldest of all my siblings on that side, on my father's side of the family. But it's about 17 of us.

Caroline Heller:

Wow, that's a lot of siblings. Were you in touch with them when you were growing up?

Bilaal Wilson:

Early on before I was incarcerated, I was in touch. They were younger than me, so we didn't have an opportunity to spend a lot of time together. But at the time, it would have been about six siblings that I knew about, or maybe five or six siblings I knew about. And early on in my incarceration, I didn't have any contact with them. I made attempts and I tried through my father, but that didn't work out. Though, around 2017, one of my brothers actually, unfortunately, came to prison. And he contacted me and that's how I got back in touch after losing touch with many of my siblings on my father's side of the family. A lot of them I haven't met yet, they're relatively scattered about. I'm in touch with a large number of them now due to my brother, me and my brother unfortunately, reuniting in jail. We now continue a consistent pattern of communication.

Caroline Heller:

So who were you close to when you were growing up? It sounds like you were close to your mom and your grandma.

Bilaal Wilson:

Yes. I was close with my mother and my grandmother. I have two uncles, my mother's brothers that are relatively, not too much older than I am, so they were around. My little brother.

Caroline Heller:

And you mentioned that you were into sports. What kind of sports were you interested in?

Bilaal Wilson:

I played basketball, football. That basically was my main two sports.

Caroline Heller:

So Bilaal, we're talking to you now because you had been incarcerated for 28 years, and we're going to get to how you were eventually released and all of that. But why don't we talk a little bit about the background. You were incarcerated for the murder of three men, and do you remember when you were first questioned about that crime?

Bilaal Wilson:

Yes. Me and my little brother and a friend of mine, we were sitting in my mother's apartment and we got a knock on the door. And it was two detectives. And then I forgot their names at this point, and I

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don't want to confuse names, but they came in asked could I come down to homicide. They identified themselves as homicide detectives.

Caroline Heller:

Bilaal, just before you continue, how old were you when that knock came on your door?

Bilaal Wilson:

I think I was, if I'm not mistaken, 19? I was 19 at the time when that knock came to my door.

Caroline Heller:

And your brother?

Bilaal Wilson:

He was about 14. 14 or 13, because I was older by about four years. 14 or 13, yeah about 14.

Caroline Heller:

They were homicide detectives, they asked you to come down to the precinct. What happened after that?

Bilaal Wilson:

I mean, they asked me to come down so I voluntarily went down. They wanted to question me about a particular homicide. I went down. In a room they start questioning me about, asking me did I know certain individuals, individuals I knew from the neighborhood. I said, "Yes, I knew him. Yeah, I knew him. I don't know him." Then they started questioning me about a particular homicide. So I told them I didn't know anything about that. After they wouldn't get anything out of me that they wanted to get out of me, or thought I knew, they brought up that I was actually being accused of participating in the particular three homicides that I was eventually incarcerated, locked up for.

Bilaal Wilson:

So after that meeting, I told them, I said, "I don't know anything about that. And I don't know anything about this. And I don't know anything about that." They asked me would I go see the district attorney the following day, or like, "If he was present tomorrow, would you go talk to the district attorney?" I told them I had no problem with that. So they let me go. The next morning me and my mother, and the girl that I was actually, a girlfriend of mine, we actually went down to the district attorney's office.

Bilaal Wilson:

One of the detectives was there, the district attorney, assistant district attorney. They told my mother and my girlfriend at the time to, "Wait here," and we went into the, I'm assuming that it was the district attorney, the ADA's specific office. And they began to question me about the same things they questioned me about the day before. And I said, "I don't know any, like I mentioned to you," there was one of the detectives not both of them this time. "And like I mentioned to you today, yesterday, that I don't know nothing about none of these affairs. I have no information to provide for you, I actually don't know nothing about any of this."

Bilaal Wilson:

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So then what they do, they went back and forth and, explaining to me what they're going to do to me. The ADA mentioned that, "I know you don't have nothing to do with the crime, but you're going to spend some time in jail if you don't help us get Christopher Williams." I told him, I said, "Well, I don't know nothing." And he said, "Okay." And he let me go. And it's funny, because the same things that they alleged or same evidence that they had at the time of these two questioning sessions, is the same evidence that they locked me up for.

Bilaal Wilson:

And that morning at the time, one of the things I wanted to say, if they really had or if they really could, because I'm telling you I'm naive about the law, the details of it, I said they would've locked me up, had they believed this individual. And what we found out later on, I don't think that's just a mistaken, just some guy trying to, this lie just for the sake of it or for whatever motives he had.

Caroline Heller:

So Bilaal, can we go back to that first time that you were questioned by the police when they came to your house and took you down to the precinct? Was there anyone who came with you?

Bilaal Wilson:

No, no one came with me. I was never read my Miranda rights, nothing. They took me down to question me about another homicide, and then they turned it into the three homicides that they actually came and charged me with. That's the trickery of the detectives, the tactic that they used. And nobody was with me, I was by myself.

Caroline Heller:

Did you ever think about talking to a friend, talking to an attorney when they first came to question you?

Bilaal Wilson:

I didn't feel the need to. I didn't feel the need to. I know now after studies and things like that. I'm learning a little bit about the law and of tactics and things like that, that an individual in dealing with the, unfortunately, in dealing with the police or specifically homicide, that my advice is that, if you're innocent, you should really, don't be naive and think that you, you know, everything's okay. Everything's not okay. And don't fall for the trick, "Why you need a lawyer if you ain't did nothing?"

Bilaal Wilson:

At the first sign of trouble, you have to lawyer up just to protect yourself. Because innocent people put themselves in vulnerable situations. I didn't take nobody there because I didn't, I didn't have a whole lot of experience with the criminal justice system. Where I knew what they do and their tactics, so I didn't lawyer up. I didn't call nobody, I didn't, you know, initially. I didn't call, I didn't talk to my mother, I didn't talk to nobody. I just was like, "I have no problem with it."

Caroline Heller:

At 19 when they came to your house that first time, was that the first time that you had ever been involved in any conversations with cops about any wrongdoing? Had you ever been arrested before? Had you ever gotten into any trouble as a kid?

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Bilaal Wilson:

Yes. Yeah, I got in trouble as a kid. Truancy, receiving stolen property, things like that. There was a drug case. So yeah, I have been down to precinct twice, maybe about three times. Never convicted of anything though, but I was down there. I had probation one time as a juvenile. Maybe about three times I ran into law enforcement, but not in this level here.

Caroline Heller:

The crime that you were accused of being a part of, or that they were questioning you about being a part of, how old were you when those three men were murdered?

Bilaal Wilson:

17 years old. Yeah, 1989.

Caroline Heller:

So the first time you were questioned about it was a couple of years later?

Bilaal Wilson:

Yes.

Caroline Heller:

And did they tell you why they were asking you questions about the crime?

Bilaal Wilson:

Well, they mentioned that an individual had implicated me in these crimes. I mentioned to them that he's lying and I don't know of criminal activity on his part, I don't know criminal activity on Christopher William's part. These things you're asking me, I don't know nothing about this stuff. They said, "Well, he's implicating you in these crimes." I said, "Okay."

Caroline Heller:

So after that second day when you went down again voluntarily and talked to the assistant district attorney, they threatened you with a bunch of stuff but you walked out a free man. Did you ever hear from them again? What happened next?

Bilaal Wilson:

Well, I just know after that I started basically trying to figure out what was going on. And I went on with my life. And then about maybe three months later, detectives came to my house and arrested me.

Caroline Heller:

And were you incarcerated from that day on until the day that you were eventually released sometime last year or a couple of months ago?

Bilaal Wilson:

Yes, 28 years. Yep. On that day they came and arrested me and charged me with the crimes. They took me down, they sent my mother and her boyfriend, and they just, tell them what you know. I said, "You

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know mama, I don't know nothing. And I'm not lying to myself or nobody else. It's just that, there's nothing I can tell them."

Caroline Heller:

And eventually there was a trial and you had a co-defendant, you mentioned him earlier, Christopher Williams. Is that right?

Bilaal Wilson:

Yes.

Caroline Heller:

Do you remember anything about the trial, the evidence? I mean, I'm sure you remember a lot about the trial, but why don't you tell us the things that stand out to you? What do you remember about that proceeding?

Bilaal Wilson:

It was scary. My life was on the line, they was going for the death penalty. So they picked a young, death-qualified jury. And by this time pretrial, I start studying the law. I made it my business, I'll never unpack. Never going to get comfortable. I'm going to turn jail into Yale and prison to Princeton and the big house into Harvard. So at this time, by the time we got to trial I started to learn about the law and death-qualified jury, so I was really scared. Because death-qualified juries, they used to call them hang them high juries. And I was afraid. It was difficult sitting there, listening to these things. People don't know me, they don't know nothing about me, and actually accusing me of participating in these three murders. I mean, it was very difficult. It was difficult, because my life hung in the balance.

Caroline Heller:

And eventually you and your codependent were both convicted, and he did get the death penalty but you got a sentence.

Bilaal Wilson:

To explain that, I got found guilty and they, I had my death penalty hearing. I had my death penalty hearing. My co-defendant had his, well, Christopher Williams had his death penalty hearing first. I had my death penalty hearing last, and I presented 18 character witnesses. So my mitigating factors outweighed my aggravating factors, which was a good thing. One of the mitigating factors was that I was 17 at the time of the alleged, my alleged participation in the crime, no real extensive prison, real extensive arrest record. And the character witnesses that came played a pivotal role in me not going on death row.

Caroline Heller:

Eventually your co-dependent's convicted and sentenced to death and you're convicted and then sentenced to life in prison. What do you remember about the first days, weeks, months after you were convicted and sentenced and believed you were going to spend the rest of your life in prison?

Bilaal Wilson:

It was horrifying. It was horrifying.

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Caroline Heller:

That's it for episode one. During episode two, we're going to hear from Bilaal about what his life was like during those years of incarceration. We're also going to learn about how he met Greenberg Traurig's Shareholders Brian Feeney and Kelly Bunting, and how everything changed after that moment. Thanks for joining us and I hope you tune in next week for another pro bono story.