

***Willful Blindness* Presentation**
Congregation Beth Shalom – May 17, 2017

On screen Slide 1 – Willful Blindness cover

Good evening. As Chris mentioned, I'm David Bear, a writer and retired Post-Gazette editor. Recently, I've been working on this book, ***Willful Blindness, a Diligent Pursuit of Justice***, which looks into one of Pittsburgh's most famous homicides, and a sad chapter in the history of Congregation Beth Shalom.

Please silence your cell phones and hold your questions to the end.

(Slide 2 – Pittsburgh Press murder report)

On the snowy Monday evening of Feb. 9, 1976, just three weeks after the Steelers won Super Bowl X, George Wilhelm, a 42-year-old former armored truck driver, was stabbed 23 times on the rooftop level of the Smithfield/Liberty parking garage downtown and then thrown over the edge of the building.

Instead of falling eight stories to the ground, Wilhelm landed one floor below, on the roof of the pedestrian bridge that still spans Strawberry Way, connecting the garage to the Duquesne Club and what was then Gimbels Department Store.

Although mortally wounded, Wilhelm lived long enough to make a so-called dying declaration to the police officer that found him.

“Clarence — Clarence Miller did this to me.”

The police acted quickly. Within several hours and with the help of Wilhelm's family, homicide detectives had identified **the** Clarence Miller in question.

Taken into custody the next morning, Miller, 38, a city hall factotum who ran errands for politicians and lawyers, quickly fingered Charles J. “Zeke” Goldblum as Wilhelm's actual killer.

A tax lawyer at a prominent firm who also taught an accounting class at Pitt, Zeke, then 26, was also the second son of Moshe Goldblum, Congregation Beth Shalom's longtime rabbi.

Based on Miller's assertions, homicide detectives visited Zeke at his office that afternoon and, after an hour of questioning, took him into custody.

Eighteen months later, based almost entirely on Miller's testimony, a jury convicted Zeke Goldblum of first-degree murder, and he was sentenced to life in prison. Eight months after that, Miller was also convicted of the murder and given a life sentence.

Here, to provide some deeper background on the case, here is KDKA TV news anchor, Ken Rice.

(KD/PG Sunday Edition)

David

As Ken explained, his original story was filed back in 1996, nearly 20 years after Zeke had been convicted.

And Judge Ziegler, who tried and sentenced Zeke, wasn't the only participant in his case who was uneasy with the verdict or to recommend his release.

After Ken Rice's original story aired, the list grew and came to include the assistant district attorney who prosecuted him, and both the Allegheny County coroner and medical examiner at the time of Wilhelm's death.

All of them concluded that Zeke had been wrongfully convicted and sentenced.

Yet despite all of these experts recommending his release, another 20 years has now passed, and Zeke Goldblum is still in jail.

But before I get further into this alarming and cautionary tale, I'd like to acknowledge several individuals who are with us tonight, starting with Zeke's brother David, and sister Orah Miller. Jim Ramsey, Ernie Orsatti, Marc Simon, and John Truxal, all members of the Free Zeke Defense Team.

As some of you may remember, on August 31, 1977, despite the victim's dying declaration and the total lack of any physical evidence against him, a jury found Zeke Goldblum guilty for the first-degree murder of George Wilhelm. He was sentenced to life in prison, plus 15 to 30 years for the crimes of arson, solicitation to commit arson, and conspiracy to commit theft by deception. Zeke was 27 years old.

The community was shocked by the crime, to say the least. How could such a thing happen?

From the thumbnail sketch I gave earlier, Zeke certainly did not fit any profile of a murderer.

After graduating from W&J College and Duquesne University Law School, Zeke had passed the bar and landed a job at Arthur Young & Associates as a tax advisor.

Additionally, he was teaching night classes in tax accounting at Pitt. In his spare time, he taught Sunday school classes here at Beth Shalom and also tutored Bar Mitzvah candidates. One of whom, Marc Simon, is now helping the effort to free him. Zeke and his wife Rosalee were planning to start a family.

There were absolutely no stains or even blemishes on Zeke's reputation or his record, nothing that might indicate a violent nature or criminal disposition.

Although during his trial Zeke pleaded innocent to all charges brought against him, the murder, the land fraud, and the fire that destroyed his restaurant, many years later he did admit his involvement in the arson.

But apart from a degree of hubris, Zeke's true transgression, the one for which he has now paid for with more than 40 years of his life, was his ambition to succeed. He set himself a high bar to make his family proud.

While normally a virtue that propels people to successful careers and lives, Zeke's ambitions led him to make a series of poor decisions; decisions that ultimately entangled him in one of the most highly publicized murder cases in the city's history.

To identify these decisions, let's look into some deeper background of the case.

Zeke's first fateful decision was in January 1975, when with the help of his parents, he purchased the Fifth Avenue Inn, a restaurant in downtown Pittsburgh.

He bought the place thinking it would be a good way for his parents to generate some income, but it only took a few months for him to realize he'd made a big mistake.

Working full time at his job downtown and teaching at night left him stretched thin, and he had neither the time nor, in truth, the experience to run the restaurant. It began losing money.

The problem was that he had put his parent's house and a big chunk of their savings at risk. They had taken a \$100,000 mortgage against their home to finance the purchase of the building and had loaned Zeke another \$70,000 to buy the business.

By late summer, Zeke had decided to sell the restaurant, but after months passed with no sign of a buyer, he began to panic. He couldn't let his failing restaurant to cause his parents to lose their home to foreclosure.

Under this mounting stress, Zeke made the second decision that ultimately cost him his freedom.

Clarence Miller, a restaurant acquaintance of Zeke's, suggested he could burn the place down. That way his parents could recoup their investment from the insurance they had on the building.

Furthermore, Miller said, he could do the deed.

(Slide 3 – Pittsburgh Press fire coverage)

The fire took place in the early evening of November 30, 1975 after the restaurant closed. Although the building was a total loss, there were neither injuries nor any determination of arson.

Zeke never envisioned these two decisions would land him in the middle of a murder barely two months later.

The attack on Wilhelm happened the evening of Monday, February 9, 1976. Using his dying declaration, homicide detectives were able to arrest Clarence Miller the following morning. Miller pointed the finger at Zeke Goldblum.

Over the ensuing months, Pittsburgh homicide detectives built a case against Zeke using the arson of his restaurant and a land fraud perpetrated against Wilhelm in 1974 by Miller and two other men as motives for his murder. By the time of his trial in August 1977, Zeke had also been charged with an attempted solicitation to murder, which greatly damaged his character when presented to the jury by the prosecution.

Zeke, a law student at the time of the land fraud, had absolutely no knowledge of or anything to do with that scheme. Furthermore, He was only a startled, unwitting witness to Miller's spontaneous and brutal assault on Wilhelm.

Yet Miller, the only person Wilhelm named in his dying declaration, the same person Zeke had hired to torch his restaurant, was the prosecution's primary witness against him.

Let's go back to the evening of the assault. Wilhelm had met with Miller and Zeke at the McDonald's then on the corner of Smithfield and Seventh Avenue. Both Wilhelm and Zeke were under the impression that Miller was going to repay the money he had swindled, some \$25,000.

In the weeks following the fire, Miller called Zeke several times to solicit his opinion about how to deal with Wilhelm, because "he knew the law."

When he finally heard the full details of the fraud, Zeke advised Miller his only course was to return the money to Wilhelm. Miller agreed but prevailed on Zeke to come to the meeting to be a referee.

When the meeting went longer than expected, Wilhelm left to re-park his car in the nearby garage. Miller and Zeke followed. Wilhelm drove, Miller sat in the passenger seat, and Zeke in the back.

As the car circled higher in the garage, Miller and Wilhelm began to argue about the money. When they got to the top floor, Miller said he didn't know when he could repay it.

Wilhelm pulled into an open space, and swung a punch at Miller. Miller reacted in blind rage, and suddenly began to stab Wilhelm with a long blade that Wilhelm had in the car.

Wilhelm tumbled out the driver's door and tried to get away, but Miller jumped out and continued to stab him.

Zeke also got out, but instead of trying to stop the assault, he backed away in horror.

When Wilhelm reached the edge of the building, he pulled himself up on the waist-high, block wall. Miller grabbed Wilhelm's ankles and tumbled him over the edge.

But instead of falling down to Strawberry Way, Wilhelm landed on the roof of the pedestrian bridge one floor below.

During those brief minutes, Zeke was immediately confronted by a third life-altering decision, one he had only an instant to make.

He could do something to help Wilhelm, who likely was already dead, or to at least report the assault to the police.

But in that moment of shock and panic, he made a third fateful decision.

At Miller's frantic pleading, Zeke regrettably agreed to drive him home and help him with an alibi.

Zeke had no notion that the somewhat mentally muddled Miller would be able to dupe the police into believing that it was Zeke had committed the murder.

But not only did Miller fool the police and prosecutors, who apparently were willing to believe a flawed and compromised witness, his assertions played the major role in convincing the jury, who found Zeke guilty of First-degree murder.

Equally prejudicial to Zeke was the charge of solicitation to commit murder that was presented against him at trial.

Although the murder solicitation charge was dismissed within months after his conviction, the damage had been done.

But did the police and prosecutor only accept Miller's testimony?

Or were they knowingly complicit in both its creation and the questionable prosecution of Zeke, an investigation which proceeded based almost entirely on Miller's testimony, with scant other evidence or corroboration?

Was the solicitation to murder with which he was charged created entirely by the police to entrap him?

Slide 4 – Willful Blindness cover

Willful Blindness clearly answers these questions.

As Ken Rice explained, Judge Donald Ziegler, who presided over Zeke's trial, eventually came to question his conviction. He wrote unsolicited letters to the Board of Pardons in support of two of Zeke's applications for clemency, and he also made a direct appeal to the governor to have him released.

But as I mentioned earlier, Judge Ziegler wasn't the only trial participant who came to believe that Zeke had been falsely convicted.

F. Peter Dixon, the Assistant District Attorney who prosecuted the case against both Zeke and Miller, personally and emphatically pled before the Board of Pardons that Zeke had not received a fair trial.

As did the coroner, Dr. Cyril Wecht, the medical examiner, Dr. Joshua Perper, as well as half a dozen other forensic experts.

Retractions like these made by so many of the principal and principled participants of a murder case are unheard of.

Yet despite all of these testimonies of support and 20 additional years of Zeke seeking redress for the miscarriage of justice perpetrated against him, he remains in prison.

So exactly how was this miscarriage of justice perpetrated and perpetuated?

And what new evidence has arisen since 1996 that conclusively proves that Zeke's prosecution was not only a miscarriage of justice, but that his "wrongful conviction" was

purposefully motivated.

The next phase in Zeke's diligent pursuit of justice started in 2006, when the Goldblum family asked private investigator Jim Ramsey to look at Zeke's case.

Jim had spent 24 years in law enforcement, as a detective for the Pittsburgh Police, the FBI, and the DEA, before he became a private investigator who now works for several prominent area law firms.

Though initially skeptical of Zeke's claims, he agreed to look into the case. He was quickly amazed by questions that had already been raised, especially that both the trial judge and prosecutor had repudiated the jury's verdict.

As it turned out, Jim was a great choice. In addition to his investigatory skills and familiarity with police procedures, he personally knew many of the key players in the case.

He began a freshly focused inquiry into the details and documents of the land fraud, the arson, and the murder itself. Over a decade, he reviewed more than 50,000 pages of case-related documents, conducted numerous interviews with case participants, deposed several key players, and consulted with lawyers and forensic experts.

Slowly, he identified and documented a broad array of dots, questionable investigative and prosecutorial actions that had taken place. Then, with patience and persistence, Jim put those dots together into a coherent timeline.

As detailed in **Willful Blindness**, he uncovered a disturbing pattern of official criminality, including sloppy police work; police misconduct; perjury and suborned perjury; witness intimidation; suppression of evidence; entrapment; numerous Brady-law violations; and much, much more.

Furthermore, he proves these unlawful tactics were employed to wrongfully convict and incarcerate Zeke for a murder he did not commit, an unwarranted consequence that has already cost him 40 years in a maximum-security prison.

The details of the case are so numerous, so complex, so interwoven, and so spread over time to test the patience of a forum such as this.

They could fill a book, and, in fact, they already have.

We have a limited number of copies for sale here tonight, but they can also be purchased online at Amazon and other E-sellers, both in soft cover and E-book versions. All profits go to the Free Zeke Defense Fund.

For the moment, suffice it to say that had George Wilhelm's death been investigated and prosecuted fairly, based on actual fact, rather than engineered evidence, perjured testimony, and procedural machinations, had it been motivated by the pure conviction to achieve justice, the outcomes would have been very different.

Miller, the person the victim named as his killer, still would have been convicted of murder, as he was, although probably for a lesser degree than first. That might have spared him a life sentence and dying in prison.

Zeke would also have been found guilty, not for participating in the land fraud or the murder, but for the arson and for providing Miller with an alibi. Had he been more forthcoming about the arson, Zeke might have been given a prison sentence measured in years, rather than in decades or a lifetime.

However, as troubling as Zeke's original conviction and sentencing were 40 years ago, perhaps more alarming has been the evolution of Pennsylvania's judicial and penal systems that have kept him and many others needlessly incarcerated.

Willful Blindness only tangentially covers this larger issue.

But before I get into this part of tonight's presentation, I'd like to introduce Ernie Orsatti, a law school classmate of Zeke's, who has been his friend and active supporter for 45 years.

Ernie Orsatti

As a lawyer, law school classmate, and personal friend of Zeke Goldblum, as someone who was not only present in the courtroom during most of his trial, but who actually testified, I would like to weigh in on the discussion.

I felt that I knew more about the case than the jury, because I knew more than what was admissible evidence.

At the time, I didn't know that Zeke hired Miller to burn down his restaurant or even that he was responsible for the arson, but I knew that Wilhelm had nothing to do with it.

I was absolutely convinced that Zeke was innocent of the land fraud and the murder, because he told me about it when I visited him in jail on the day of his arrest.

That was before he was charged with the land fraud. At the time, the police were pursuing arson as the motive. I am not a criminal lawyer, and I was not Zeke's lawyer. They didn't charge Zeke with land fraud until after Rothman asked for the FBI report in discovery. The police asked Miller about the land fraud, and Miller told them that Zeke was the mastermind behind it.

When I watched the prosecutor, ADA Peter Dixon, masterfully and methodically present his case before that jury, I could see that the jury was buying it. I also saw that the jury was put off by Zeke's arrogant attitude when he testified. Zeke's lawyer, David Rothman, was out-matched, less prepared, didn't like his client and didn't seem to have his heart in it. Rothman was convinced that Zeke was lying to him (which he was about the arson), so evidently he believed that Zeke was guilty. What lawyer in a murder case doesn't go to the crime scene and doesn't hire an investigator?

Even though I was 100% certain that Zeke was innocent of the murder and the land fraud because it made absolutely no logical sense to me—I thought that the jury was going to find him guilty. I thought Zeke was innocent of the arson, but I could not say with the same certainty that it was something that he was incapable of doing. In my mind, I thought it was possible, but I believed him when he said he didn't do it.

I have kept in close contact with Zeke over the years by telephone and by visiting him as often as I can. I am more convinced than ever of his innocence.

After considering all the points that have been raised about the case, it is impossible for any logical, fair-minded person to deny that Zeke is an innocent man falsely convicted of murder.

His case is a classic example of the flaws in the jury system and in the appellate process that emphasize finality over fairness. The judicial system is more concerned over ending appeals through technical rules, such as waiver of issues not previously raised unless the lawyer was incompetent, that defendants are caught in a Catch 22.

Zeke had a competent lawyer at trial, and his failure to raise issues at the time of trial are considered to have been waived, because the courts ruled them to be tactical decisions on his lawyers part. There is something wrong with a judicial system that says to a person wrongly convicted: "We don't care whether or not you are innocent—you got a fair trial. Now, shut up and leave us alone." But, that is essentially what the appellate courts have been telling Zeke for years.

I wish I knew what to do to get Zeke out of prison. I would hope that the more people understand about this injustice the better the chance of correcting it.

It seems so simple:

- The victim's dying declaration named another person as the murderer
- The prosecutor testified to the Board of Pardons that he did not believe that Zeke was guilty
- The trial judge wrote three letters to the Board of Pardons and two the governor saying that he did not believe Zeke was guilty
- Half a dozen forensic experts have testified that Zeke could not have been the murderer, including both the coroner and the medical examiner at the time of the murder
- The forensic evidence shows that Zeke was not the murderer

And yet the law says that Zeke must stay in prison for life.

"Then" to quote William Shakespeare, "the law is an ass."

David Bear

Thanks Ernie for offering your unique and heartfelt perspective on Zeke and his situation.

As I mentioned earlier, from the day Zeke was convicted, he has kept up a steady, diligent effort to have his wrongful conviction corrected.

At least three dozen different appeals, motions, petitions, and other legal actions have been filed on his behalf, both in state and federal judicial systems.

While a few rulings on procedural matters have gone in his favor, by and large his efforts to gain freedom or even a new trial have eventually been denied, and often for relatively trivial clerical reasons rather than pertinent legal issues.

The most recent of these efforts was a Habeas Corpus petition that was filed this past February 3rd with the U.S. Third Circuit Court of Appeals.

The product of very significant time and work, this petition asked that Zeke be granted a new trial, based on recently discovered evidence, the report by Dr. Perper, corroboration that a police detective had attacked a witness, and revelations from a copy of the 1974 FBI report on the land fraud, which had finally been obtained with a filing under the Freedom of Information Act.

Earlier FOIA requests for that document had resulted in heavily redacted copies that revealed little information.

This later FOIA request, made many years after the previous one, was based on the fact that all of the named participants in the report had since died. Much less redacted, the newer version revealed several facts which, had they been shared with the defense prior to trial, would have cleared Zeke of any involvement in the land fraud. That would have destroyed both of the motives the prosecution asserted had led Zeke to assault Wilhelm.

Yet, despite a complicated, detailed, 70-page filing, accompanied by 930 pages of supporting documents, the three-judge panel denied the petition three weeks later, on a two to one decision. There was only a brief explanation of why the majority voted the way they did. It is important to note that one of the judges did side with Zeke.

At this point, I'd like to introduce Jim Ramsey, who has reflections on that decision.

Jim Ramsey

Thank you, David. And good evening to everyone here tonight.

Without getting too deep in the legal weeds, I'd like to take this opportunity to comment on the decision on the recent Habeas Corpus Petition.

The petition was clearly designed as an ACTUAL INNOCENCE plea, which requires judges to examine the entire case, including the old claims and new claims, before coming to a decision.

While there is no mention of Actual Innocence in the judges' decision or of the reasoning they

followed, they do open themselves up for criticism, and there are consequences.

First, this is not a case of conservative or liberal. Circuit Judge Kent Jordan was a BUSH appointee. Judge Theodore McKee was a CLINTON appointee. The dissenting Judge L. Felipe Restrepo was an Obama appointee.

It is clear from their decisions that Judges McKee and Jordan chose to ignore the facts that the police and prosecutor in this case both engaged in willful **criminal misconduct** to convict Goldblum of first-degree murder.

Having read the petition and ignoring the criminal misconduct it clearly outlined, Judges McKee and Jordan effectively stated they have no problem with police and prosecutors engaging in criminal behavior.

Presumably they believe that the American judicial system condones:

- **Knowingly Permitting False Testimony** to a jury and **Suborning Perjury** by the trial Assistant District Attorney
- **Knowingly Denying Constitutional Rights to a Defendant (Due Process)**
- **Sanctioning Perjury** by the trial Assistant District Attorney
- **Withholding Brady Material** from the Defense
- **Withholding Exculpatory Information and Photographs** from the Defense
- **Withholding Plea Bargains** made by Assistant District Attorney from the Defense
- **Police and prosecutor assisting a Co-Defendant in a murder case to obtain bail**
- **Police intimidating and physically assaulting a Defense witness into silence**
- **Multiple Police Entrapments of a co-defendant**
- **Police Detectives Engaging in Obstruction of Case Administration**
- **Police Detectives Bringing False Charges** against a defendant

As far as the brief response that accompanied the verdict, Judge Jordan wrote:

“Goldblum has failed to make a prima facie showing that:

(1) The claim relies on a new rule of constitutional law, or

(2) The factual predicate for the claim could not have been discovered previously through the exercise of **DUE DILIGENCE** and the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish clear and convincing evidence that, but for constitutional error, no reasonable fact finder would have found him guilty of the underlying offense.”

The Habeas Corpus petition clearly addresses both of these issues, as well as the matters of Dr. Perper’s Report, Ernest Orsatti’s affidavit, and the FBI report.

First in his comment, Judge Jordan implied that the period for **Due Diligence** had expired.

In any complex murder investigation, there are no time limits placed on prosecutors to bring charges against defendants. Homicide investigations often go cold, are placed into hibernation. If new leads are discovered, the investigation resumes.

Nor should any time restraints be imposed upon a defendant who is conducting his **Due Diligence**.

Zeke’s **Due Diligence** began in 1976 at the time of his arrest. It continues to this date, and will continue until his release from prison.

Consider the 2013 Report by Dr. Joshua Perper. The **Due Diligence** in Perper’s reevaluation was a timely matter, because the investigation never ended.

Dr. Perper was the Allegheny County Medical Examiner at the time of Wilhelm’s death and conducted his autopsy. At Zeke’s trial, his opinion was that had been Wilhelm’s attacker. Decades later, Dr. Perper stated that he had never been given the documents necessary to make that determination.

At that point, Goldblum’s **Due Diligence** investigation came out of hibernation.

We were able to provide Dr. Perper with the case records we had un-earthed. He did a detailed analysis of all the evidence and came to the opposite conclusion, that Goldblum could **not** have been the murderer.

Judge Jordan also cited the **FBI report regarding the Land Fraud**.

Here’s the back-story that our **Due Diligence** discovered.

Despite the fact that the FBI gave Pittsburgh police a complete, un-redacted copy of its 1974 land fraud report just three days after Wilhelm’s murder, its existence was never shared with Zeke’s defense, nor discovered until well after he had been convicted. That is a violation of Brady rules.

Even after the report’s existence was revealed, it took a second FOIA application in 1996 asking the FBI for “any and all information they had about the George Wilhelm Land Fraud

investigation.” That application was another part of the careful, meticulous, on-going **Due Diligence** of this investigation.

Eventually, the FBI did provide a heavily redacted copy of the file created in response to Wilhelm’s complaint. Part of the readable information mentioned interviews following the murder with Fred Orlosky, one of the fraud participants, but the details were redacted.

It was not until June 2015, on learning all participants named in the case file had died, that Zeke filed a third FOIA application. Last summer, one year later, we finally received a less redacted copy of the report.

After examining the file, we first learned that one fraud participant, Fred Orlosky, had done more than be interviewed by the FBI. The less-redacted file shows the FBI gave Orlosky two polygraph tests by the FBI following the murder and passed both. We also learned that the Pittsburgh Police knew about these tests, but never shared them with Zeke’s defense.

Although neither the questions asked to Orlosky nor his answers were included with the report, presumably their answers would exonerate Zeke from any involvement in the land fraud, eliminating the first motive for murder the prosecution presented.

This presumption is supported by the fact that on two subsequent occasions, Orlosky said Zeke was never involved in the land fraud. Orlosky also stated that he was not present at a meeting with Dedo, Miller, and Goldblum on the day his restaurant burned.

Other statements corroborate Dedo’s assertions and cast further doubt on Miller’s assertions that Wilhelm was the arsonist. If Wilhelm was not involved with the arson, this eliminated the prosecution’s second motive for Zeke to murder Wilhelm.

That left them with no motive for Zeke to want to either scare or kill Wilhelm.

Zeke’s **Due Diligence** investigation continues, and an additional FOIA request is underway seeking the questions and answers to Orlosky’s polygraphs.

Then there’s the Affidavit of Ernest Orsatti, who spoke earlier.

As a young attorney, Ernie was an eyewitness to a criminal attack on a defense witness following Wilhelm’s autopsy by the chief police homicide detective, an incident that was never officially reported.

The victim of the attack, Ted Dedo, remarked on two separate occasions that he was afraid of the police because Acting Homicide Lieutenant, Charles Lenz, had attacked him.

As part of the overall **Due Diligence** investigation, attempts were made to corroborate Dedo’s claims. This phase of the investigation went into hibernation, but in May 2016, it was renewed.

David Bear, Marc Simon, Ernest Orsatti, and I visited Goldblum in SCI Mahanoy. While waiting to be admitted, we began discussing the assault on Dedo. At that moment, Orsatti remarked that he had actually witnessed the assault but, because he did not know Dedo by name at that time, he never put it together. He executed an affidavit to this effect.

Had Zeke's defense known this information, they would have attacked the entire credibility of the investigation, and that would have had an impact on the jury.

Although the chain of **Due Diligence** investigation has never been broken, it would have been **impossible** to corroborate Dedo's claims had it not been for the memory of the eyewitness.

This investigation is ongoing, and the information concerning the FBI report and the Orlosky interviews, as well as the intimidation of Dedo was **IMPOSSIBLE** to learn earlier. Judges McKee and Jordan offer no suggestion **HOW** it would have been possible to learn of the polygraphs earlier.

Had Zeke's jury been presented this more recently discovered information, they would have likely changed their minds concerning his guilt in Wilhelm's death.

We are heartened by the fact that Judge Restrepo voted to grant the motion for a hearing.

Presumably, he agreed with the petitioner that the police and prosecutor should not benefit from committing criminal acts against a defendant to acquire an unfair and illegal verdict.

Presumably, he agreed that **Due Diligence** investigations, like police cold case investigations, sometimes go into hibernation until new leads surface.

Presumably, he recognized that Zeke filed his Habeas Corpus as an **ACTUAL INNOCENCE** petition, which allows old and new claims to be merged. A decision should have been made based on all his claims, and not just the most recent ones.

Presumably, he recognized that the entire case brought against Zeke was a miscarriage of justice, and that, even after 40 years in prison, he deserves a fresh, fair, and impartial hearing.

In conclusion, I want to thank you for your time and attention.

I hope we have demonstrated that Zeke Goldblum was wrongfully convicted for a murder at which he was only an innocent witness, a miscarriage of justice for which he has now forfeited forty years of his life. If so, I hope you are outraged.

Zeke and his family were members of this Congregation, who were wronged by reckless and destructive forces.

They stand before you today in need of your help and support.

I pray that, with your assistance, we will stand together at the prison gates when Zeke

Goldblum is released.

David Bear

Thanks Jim

Please note that in addition to all of these dozens of court actions, Zeke Goldblum has now filed seven applications for clemency with the Board of Pardons.

Filing an application is complicated, lengthy procedure, particularly for the filer. The requirements are exacting and the necessary documents must be filed exactly and on original forms. Five additional copies, including exhibits, must also be included with the application.

The review process takes at least three years, assuming an application is considered worthy of a "public hearing." That is a review of the application and adjudication of the case by a designated, five-person panel that includes the state attorney general, the lieutenant governor, the head of the department of corrections, and a permanent victim's advocate. But just a tiny fraction of applications get to the public hearing stage.

Only a fixed number of petitions are considered in each of four sessions each year, and to qualify for a hearing, an application must be recommended for review by at least two panel members in the case of pardons.

The rules are even more stringent when a life sentence is involved and there are no pardons. In this case, three panel members must recommend a hearing, and the panel's final decision must be unanimous.

It's a high bar.

And apart from issues of innocence or wrongful conviction, the timing of the application can also be a factor.

Zeke has now filed a total of seven clemency applications. The first four, filed in 1985, 88, 89, and 93, were denied without explanation or a public hearing, as was the one filed in 2009.

In fact, his only application to rise to the level of a public hearing was filed in 1998.

In addition to the recommendations for his release by both the ADA who prosecuted him and the judge who presided over his trial, the detailed assessments about crime scene blood spatters from several renowned forensic experts, that 1998 application documented a strange discovery.

In the two decades since Zeke's original conviction, all three copies of the voluminous case file had vanished without explanation both from police archives and the coroner's office, including any potentially exculpatory photographs of the crime scene.

But before I tell you about the decision this estimable application received, it's also important

to understand the context of the times during which it was being considered and the Commonwealth's shifting attitude toward granting paroles and commutations.

For many decades, Pennsylvania governors had the option of granting both pardons and commutations for prisoners, even those with life sentences. For example, during his term Governor Shapp commuted 251 life sentences.

However, that leniency changed dramatically in the mid-1990s, in the wake of the Reginald McFadden murder scandal that torpedoed Mark Singel's bid to succeed Bob Casey as governor.

In 1970, McFadden had been convicted and sentenced to life for a murder in Philadelphia. In 1992, on recommendation of prosecutors who wanted McFadden released after his jailhouse testimony helped to convict another man, the Board of Pardons voted to release him in a 4 to 1 decision. As Lt. Governor, Mark Singel served on the board, and he had voted for release.

But it wasn't until two year later in 1994, during the gubernatorial race, that Gov. Casey actually signed McFadden's commutation papers, and he was released. Within 90 days, McFadden had murdered two people and kidnapped and raped a third.

When news of the murders broke, Singel's underdog Republican opponent, Tom Ridge, turned his McFadden vote into a campaign issue and rode it to an upset victory.

In the ensuing crackdown against crime, the Commonwealth legislature was determined to prevent another McFadden from ever happening again. Not only did they vote to eliminate all possibility of parole for anyone serving a life sentence, they made commutations nearly impossible for lifers to get. To seal the deal, the regulations were put on the ballot and entered in the Commonwealth constitution.

Since 1997, a governor can only commute a life sentence if there is a unanimous recommendation to do so from the five-member Board of Pardons panel.

The reality has been that almost never happens.

Since 1997, any notion of leniency has been a political hot potato.

Since then, fewer than 20 lifers have received commutations for their sentences. Virtually all were so called "compassionate" commutations, end-of-life decisions, where prisoners were released into hospices to die. Not a single lifer was given a commutation that him set free.

That was period during which Zeke's most successful application was being considered. It wasn't until 1999 that he was informed his application would be granted a public hearing.

That meant a two-hour interview with Zeke by the Board of Pardons panel, which consisted of Lt. Governor Mark Schweiker, Attorney General Mike Fisher, Richard Gigliotti, head of the DoC, and Louise Williams the designated advocate for the victim. One seat on the panel was vacant at the time.

That interview was followed several weeks later on May 6, 1999 by a brief hearing, during which the panel listened to lawyers presenting Zeke's case, which included letters from Judge Ziegler, live testimony on his behalf by Peter Dixon, and numerous supporting documents.

After the hearing, the panel needed just 15 minutes of deliberation to unanimously decide against Zeke's application.

"It always boils down to credibility." Lt. Governor Schweiker was quoted in a Post-Gazette article. "And it just wasn't there. I didn't feel much compassion for him."

But 15 minutes of deliberation seems a suspiciously quick decision, especially for such a complicated case, one that the two principal judicial participants had called a "miscarriage of justice."

A job interview at a fast food restaurant takes longer.

And why should complicated, well-substantiated legal arguments always boil down to subjective issues like credibility and compassion?

Could it be that the decision had been made even before the hearing started?

If so, it was a statement on the implacable nature of the Commonwealth's judiciary/penal system?

Over the last 30 years in Pennsylvania, the incarceration mantra has been "Life means Life."

Of the 48,271 people in Commonwealth prisons at the end of April, nearly 5,500 are serving life sentences.

By comparison, in 1977, the year Zeke was convicted and the death sentence was abolished in Pennsylvania, the Commonwealth had only 11,000 prisoners, and fewer than 1,000 lifers.

Of today's prison population, 5,300 prisoners are considered "geriatric," aged 55 or older. Of that group, some 1,500 are lifers.

Both groups are almost guaranteed to continue growing.

Under present Pennsylvania statutes, anyone convicted of first or second-degree murder automatically gets a life sentence, even if they were only present at the incident and not the person who "pulled the trigger."

Life sentences can also be imposed for a range of other crimes.

Since sentencing guidelines are also mandatory, judges have no discretion in the sentences they impose, Nor can they take any other mitigating circumstances into consideration.

The reality is that life without parole or commutation is sentencing someone to die in prison.

That's why many call it "Death by Incarceration."

Life without parole is also very expensive.

It costs the Commonwealth an average of \$42,000 a year to incarcerate a prisoner, and even more in maximum-security prisons, where lifers are generally held.

Due primarily to higher medical costs, it's even more expensive to incarcerate a geriatric prisoner, around \$66,000 a year.

Doing the numbers, we see the Commonwealth now spends something like \$100 million a year to incarcerate people who, at 55 and older, are highly unlikely to ever present any risk to society.

The prison system is among the Commonwealth's most expensive departments, with something like 9,000 employees and costing \$2 billion each year.

This doesn't include the enormous costs of the legal system, either funding actions on the part of prisoners and their families, or the expense to the Commonwealth to respond and adjudicate them.

Nor does this consider the costs to prisoners' families and communities that lose the economic and emotional support of loved ones forced to grow old and die in prison.

Many studies show these sentences do not provide any deterrent to future crime.

Indeed, they are most effective when used as bargaining chip by police and prosecutors to win cooperation from people they have arrested.

This brings us back to Zeke's most recent clemency application.

Filed this past January, the 100-page application is still in the early stage of the process. As far as we know, no determination has been made regarding whether or not it should be given a public hearing.

This application reiterates arguments and documents that were presented in a previous application, but were not considered by the court.

In addition, it introduces newly discovered evidence of how the web around Zeke was falsely woven and by whom.

It also presents both the book **Willful Blindness** and the website freezeke.com, where the evidence is documented and archived in even more detail than the book.

This clemency application may be Zeke's best chance to gain freedom.

We hope it's his Lucky 7.

All around the Commonwealth, legislators, elected officials, and even prosecutors are recognizing the need both reduce prison populations and to correct wrongful convictions.

This initiative may be extended to those with life sentences.

At a meeting here in Pittsburgh two weeks ago, Lt. Governor Mike Stack confirmed that Governor Wolf has recently commuted the sentences of two lifers, and two more are awaiting his signature.

So who knows, perhaps the times are changing.

We'll close this presentation with a few words from Zeke himself.

While we did try to arrange for him to deliver them either by video or a voice recording, but Department of Corrections regulations do not permit either.

So to read the words he sent is his sister, Orah Miller, who's come from Israel.

Side 5 – Zeke's standing photo

"First, thank you all for coming tonight. I appreciate your presence, your patience, and your attention. What a lot of facts and details, It's a complicated history, with so many details.

I also want to thank my family and friends who have unselfishly supported me for more than 40 years. They have sacrificed a lot, in some cases, a whole lot.

I have very fond memories of Beth Shalom. My late father served here for 23 years. I sang in the choir and taught Sunday school classes. My wife and I were married here. At the time of my arrest, several congregation members started a defense fund for me. The congregation and many members extended many kindnesses for which I have and always will appreciate. We still have many close friends here, even after all these years.

My experiences at Beth Shalom reinforced my close affinity for Judaism and Jewish culture. Although I lost my freedom, I have not lost my faith. It has been a great source of comfort to me over the decades and has reinforced my sense of identity.

I am very sorry for the mistakes I made and the anguish I caused my family, close friends, and the community. I would give anything to undo their pain, loss, and embarrassment.

At my trial I foolishly denied culpability for the arson. Because of that, I could not explain why I covered up for Miller and attempted to give him an alibi. I un-realistically tried to clear myself of that charge and prevent my disbarment.

While I played no part in the assault on George Wilhelm, and I did not participate in any way in the land fraud against him, I acted foolishly and put myself, and my parents, in a vulnerable

position. That is no one's fault but my own. I was guilty of arson, and I was an accessory after-the-fact because of my attempt to cover for Miller.

On the other hand, as you have heard tonight, there were many problems with how my case was handled. While I made mistakes that I deeply regret, the police and prosecutor cut many corners in their case against me, acted dishonestly, ignored or covered up important evidence, and then hid or destroyed critical records and evidence. All police and coroner records have turned up missing under suspicious circumstances, and no explanation has been given.

Miller and I gave conflicting accounts of what happened. His account was not consistent with the evidence, while mine was. He failed at least three polygraph tests that we are aware of. On top of this, years later, after reviewing evidence and trial record, both the judge and the prosecutor in my case eventually concluded I was not responsible for the killing. Judge Ziegler came to this conclusion without the benefit of the forensic experts Dave has mentioned. In a sworn affidavit, the trial prosecutor opined that a miscarriage of justice had occurred

As I said, I made mistakes and put myself in a bad position. But while I didn't come clean at trial, I had nothing to gain by hurting or killing George Wilhelm, nor was it ever in my nature to be violent. I took no part in defrauding him and did not hire him as an arsonist. Please look at the whole picture and the undisputed facts. The assault was caused by the heated argument between Miller and Wilhelm that got out of control. The argument was over the land fraud money that Miller owed Wilhelm and could not re-pay.

I have now served more than 40 years of my life, a very long time for the crimes I actually committed. Please read *Willful Blindness* or spend some time on the website freezeke.com.

Then I hope you'll see that while I made mistakes of judgment, I played no part in the death of George Wilhelm.

Thanks again for coming.

Slide 6 – Goldblum family photo

We can only hope Zeke's active clemency application will be more favorably received than his previous six ones.

If that comes to be, I know he would love the chance to come thank you in person.

Thanks again for coming this evening.

If you have any questions for me, Jim Ramsey, Ernie Orsatti or other members of Zeke's Defense Team. David Goldblum and Orah Miller. We'd be glad to take them now.

If you'd like copy of **Willful Blindness**, we brought some books for sale, along with some nice tee-shirts. Books and e-books can also be ordered via Amazon, Barnes & Noble, and other

on-line outlets or at www.freezeke.com.

If you'd like to help support Zeke's clemency application, we have a petition you can sign.

If you are interested in helping or joining the Free Zeke Team, please see us.

And of course contributions to the Free Zeke Defense Fund are always welcome.

Slide 7 – www.freezeke.com