

[Intro Music]

Nina Pullano: Welcome to Sidebar, a podcast from Courthouse News. We're back for another season, bringing you legal and political news from across the nation. I'm Nina Pullano, coming to you from Brooklyn with a special episode to kick off 2022. There's an idea in criminal law that goes back to the 18th century. It's called Blackstone's ratio, and it goes like this. It is better that 10 guilty persons escape than that one innocent suffers. When that principle fails, innocent people can lose years from their lives. On this episode, San Francisco reporter Nicholas Iovino delves into the experiences of two men who were exonerated after spending decades in prison. Now these men are grappling with what it means to rebuild their lives and the toll that their unjust incarceration has taken on their lives, their psyches and their families.

NP: The trauma from spending years locked away, often in horrific prison conditions is one that can't be abated by any amount of money, as you'll hear from Maurice Caldwell. He was recently granted a settlement in a lawsuit against the City of San Francisco after being wrongfully convicted of murder and spending 20 years in prison. Nicholas visited Caldwell at his home in Sacramento to learn more. Just a heads up, Caldwell describes police brutality in telling his story, and you'll also hear from the officer himself who denies accusations that he framed Caldwell and says everything he did was aboveboard.

[Music Break]

NI: It was June 30th, 1990. A man named Judy Acosta had just been shot dead in the Alemany Projects of San Francisco after a drug deal went bad. Over the next few weeks, police would close in on a suspect named Maurice Caldwell. No physical evidence linked him to the crime, but in 1991 a jury found him guilty of murder based on the testimony of one eyewitness. Caldwell would spend the next 20 years in prison before his conviction was overturned.

MC: For anybody that's in prison for a crime that they didn't do, and the people who sent you there know you didn't do it? That's so unbearable because you got to try to fit in your life that I'm here right now, and I got, I got to stop fighting a feeling and I got to just go with it because the thing is if I just fight it's going to have me more messed up.

NI: That's Maurice Caldwell. He spoke with me at his home near Sacramento after he settled a civil lawsuit against the city of San Francisco for \$8 million last year.

News Clip: A man wrongly convicted of murder will receive an \$8 million settlement.

NI: Caldwell grew up in the Alemany projects at a time when a crack cocaine epidemic was wreaking havoc on black communities across the United States.

Clip: Because of the violence that surrounds crack, a large proportion of Black families live in volatile and unsafe neighborhoods.

NI: Caldwell admits he engaged in some bad behavior as a kid. He served more than four years in a youth detention center for robbery and assault. He doesn't deny that he used to sell crack for money, but he also says he didn't feel like he had a lot of other options at the time.

MC: Everybody look at projects as drug dealers, drug dealers, bad drug dealers, they are killers, they are whatnot. But there's nobody to sit back and accept the fact that those are outlets. You know what I'm saying, like people from other neighborhoods had opportunities of going, getting good jobs or getting better, you know, education. But if you a person from the projects and you get into one encounter for, you know you get arrested for any little thing, that sits with you.

NI: On the night of the murder, Caldwell says he was in bed with his girlfriend at his aunt's house when he heard three loud booms.

MC: Boom, boom, boom.

[Gunshots]

NI: Caldwell says he then ran outside to see what was happening and if anyone needed help. According to Caldwell, he had nothing to do with the drug deal or the shooting that followed it. But once police zoomed in on him as a suspect, he says they never considered that someone else might be guilty of the crime.

MC: When I get arrested, they don't look for nobody else. You know what I'm saying? They don't care about nobody else.

NI: When police first interviewed Mary Cobb, the only witness willing to talk to police at the time, she told them she saw two shooters from her window and that both were people she didn't know from outside the neighborhood. She later changed her story and identified Caldwell, who lived right next door to her as the shooter. The district attorney who prosecuted Caldwell said Cobb didn't initially identify him because she feared retaliation. But Caldwell's lawyer, Terry Gross, says Cobb's statement shifted after police spoke with her in an unrecorded interview, something that violated department protocol at the time, requiring that those conversations be recorded.

TG: But it's only after they got her to identify Mr. Caldwell that they turn on the tape recorder and they do a reenactment of the procedure instead of tape recording originally. They should have, and it becomes clear that they made an offer to her. They've told her they're going to protect her. They'll relocate her from the projects if she makes that identification and testifies at trial.

NI: After Cobb identified Caldwell as the shooter, Gross said police pretty much stopped investigating the crime and became laser focused on getting Caldwell convicted.

[Laser Sounds]

NI: In exchange for her testimony, Cobb was moved out of the projects, received \$1,000, got a key to the city, a new job and a trip to Disneyland.

Clip: We're going to Disneyland!

NI: Studies conducted after the trial showed Cobb couldn't have witnessed the shooting in the way she described it to jurors. She said Caldwell was standing under a streetlight about 24 feet from her window. But the streetlight was actually more than 70 feet away from her window, and part of a building was

blocking the streetlight from view. Paige Kaneb, a supervising attorney with the Northern California Innocence Project, helped get Caldwell's conviction overturned in 2010. She said it's understandable why Cobb agreed to go along with police pushing her to identify Caldwell as the shooter.

PK: She had two young kids and it was a really bad time in San Francisco projects and in San Francisco in general in terms of like the crack epidemic going on. And, you know, they offered her a better life for her kids. And what parent wouldn't take that?

NI: Police also never interviewed two men that other witnesses had identified as the shooters, even after one of those men, Marritte Funches, confessed to being the shooter years later.

PK: No one from the state ever even went to talk to him. I mean, like, he's in prison. It's not like it would have been hard.

News Clip: Marritte Funches signed a confession and said Caldwell wasn't involved. He is currently in prison in Nevada for another homicide.

NI: Caldwell says if police had arrested the real killer back then, another man's life may have been spared.

MC: I got one of them cases that society have always feared. Y'all got the wrong killer and let the real killer kill again.

NI: In 2010, a judge overturned Caldwell's murder conviction after finding his previous lawyer had been ineffective at trial. Kaneb said Caldwell's trial lawyer made little to no effort to investigate Mary Cobb's story or interview other witnesses.

PK: He now says that he went out in a suit and no one spoke to him, which totally makes sense and no decent investigator or even an attorney who knows how to do any kind of investigation would ever start an investigation that way and stop there, you know, with one try.

NI: Caldwell was released from prison in 2011 after the city declined to retry him for murder. The prosecution's only witness, Cobb, died 13 years earlier, leaving the city with scant evidence to present to a jury.

PK: The district attorney's office told me that they did want to proceed to a retrial, but the key witness has already passed away and the court has destroyed some of the evidence.

NI: Caldwell's present-day lawyer, Terry Gross, says when it came to investigating the murders of Black men in the projects, police were more interested in closing cases than obtaining justice.

TG: When cases involved crimes that took place, or particularly murders that took place in the projects where they are, you know, minority on minority murders, they just didn't care. They just didn't give as much attention as if when a victim was white, once they had a potential suspect, they ignored other evidence of innocence. They didn't care about looking at evidence of innocence, and all they did was to try and gather evidence of guilt.

NI: But according to Caldwell, institutional racism isn't the only reason he spent two decades behind bars. He also blames a Black narcotics officer named Kitt Crenshaw, who he says framed him for murder.

MC: Crenshaw was like the diamond in the rough in my life when it came to this crime, man. I wouldn't have been in prison if it wasn't for him.

NI: Caldwell says Officer Crenshaw used to repeatedly stop and search him on the street for no reason. He believes Crenshaw singled him out for harassment because he always protested the unfair treatment.

MC: When it come to me, he always looked at me as I was always rebellious against him that I was never, I would never fold. I would never give in. You know, I would never just bow down.

NI: In January 1990, six months before the Judy Acosta murder, police chased a group of young men suspected of shooting out streetlights in the projects.

[Police Sirens]

NI: Caldwell says Officer Crenshaw found him hiding in a vehicle, handcuffed him, threw him in the back of a squad car and drove him to a remote location after Caldwell refused to disclose the whereabouts of a gun police were looking for.

MC: They went in a dark area. Crenshaw got out the car, opened the backseat and got me out the car. I'm like, 'This ain't no police station. What the fuck is going on? This ain't police business right here, man. This is some goddamn mob shit.'

NI: It was in this secluded area where Caldwell says Crenshaw choked him, threw him against a wall, held his head to the ground and told his partner to drive over his head if he didn't reveal the location of a gun.

MC: That man snatched my neck, I'm talking about snatched my neck, you know and was squeezing my neck man. Man, my eyes is like the movie, like them funny movies where your eyes and shit coming out and your tongue. Man, that's how I remember it was. I'm just so hurt, man. The man doing me bad, man. He threw me down on the ground, man, I ain't fighting him, I'm in handcuffs, man. This man is beating me up he threw me to the ground, man, and he put my head behind the back, the tire. All this time the uniformed police are still in the front seat in the passenger driver's seat. He told police, he said, man, if you don't tell me what I want to know, right now you run his motherfucking head over. And that's when I was like, man, I'll tell you, I tell you, man, I'll tell you. I was tore up, man.

NI: Caldwell filed a complaint against Crenshaw with the city's police watchdog agency. Six months later, while that complaint was still pending, Crenshaw stopped and questioned Caldwell about the Judy Acosta murder. A homicide detective would later tell Caldwell's lawyer that he never would have let Crenshaw be involved in the investigation had he known about the pending complaint against him. Caldwell claims Crenshaw falsified a statement in which Caldwell said he was involved in a drug deal before the murder, even though Caldwell previously told investigators he had no involvement. Caldwell's lawyer said it was this false report that made his client the number one suspect in the murder investigation.

TG: The homicide inspectors in their depositions, they said that's what made us focus on Mr. Caldwell because he was telling us something different than what Officer Crenshaw written down.

NI: According to Caldwell's lawsuit, Crenshaw also handcuffed Caldwell, walked him up to the witness Mary Cobb's front door while she was speaking to a detective, and announced, 'This is the guy I was telling you, Twone,' using Caldwell's nickname. Caldwell's lawyer said that's the kind of improper police tactic that contained a witness's identification of a suspect.

TG: It's improper to do what Officer Crenshaw did, which it's called the show up, and you never bring a suspect in front of a witness just by themselves without a randomized situation, like a line up or something like that.

NI: Caldwell believes he never would have been convicted of murder had it not been for Officer Crenshaw.

MC: I'm here to say and I will say it 'til the day I die — Crenshaw was the most crookedest officer in the world, and I'm talking about dangerous, man. You know? It was no playing with him. He wanted to be the man of all the mans. They used to call him 'Kitt The Man.' That's what they called him, you know, and he was out to break me. It was three things he was gonna do. He wanted to break me, or he wanted to kill me, or he wanted to send me to prison. He couldn't break me. He couldn't kill me. But he sent me to prison.

NI: But Officer Crenshaw, who was promoted to police commander before retiring from the department in 2011, tells a different story.

KC: My name is Kitt Edwin Crenshaw Jr. I'm a retired member of San Francisco Police Department, retired as commander.

[Music Break]

NI: Crenshaw denies that he routinely stopped, searched and harassed Caldwell prior to January 24, 1990, the night Caldwell claims Crenshaw beat and choked him.

KC: Mr. Caldwell's lying. Before the incident of him shooting a gun at night, I personally have never had any other contact with Caldwell other than maybe approving a police report or maybe overseeing a report that he possessed a weapon and was discharging a weapon in the city and county.

NI: I asked Crenshaw if he assaulted and strangled Caldwell in a dark, secluded area that night. He adamantly denied the charges.

KC: Nicholas, for that to occur, there would be some physical evidence. There would be strangulation marks, there would be wounds to the face. There would be marks on the body. Look at Mr. Caldwell's booking photo.

NI: Photographs of Caldwell from that night are under seal and couldn't be viewed, but Caldwell's lawyer saw the photos and acknowledged that they don't show obvious signs of assault or strangulation. Caldwell says Officer Crenshaw knew how to hurt and intimidate someone like him without leaving

clearly visible marks. Evidence presented in Caldwell's civil suit showed Officer Crenshaw had more than 60 complaints filed against him during his career and that the investigating Office of Citizen Complaints recommended sustaining claims against him in several cases. But Crenshaw never faced disciplinary action. Crenshaw told me the number of complaints filed against him was not abnormal when compared to the amount of time he spent on the street making arrests and interacting with the public.

KC: More active officers are going to have more complaints because you have more exposure. If I was sitting behind a desk, I wouldn't have a zero complaint, I wouldn't have a complaint at all.

NI: While he denies having assaulted Caldwell in January 1990, Crenshaw admits he exchanged words with Caldwell in a jail cell that night. Caldwell claims Crenshaw threatened to kill him. Crenshaw says he was simply giving Caldwell some friendly advice.

KC: I was trying to give him a face to face, a man to man, heart to heart talk, saying basically, son, basically kid, you're going to get killed because of what you're doing is going to cause me to have to take some action next time. I basically tried to give him some insight, saying next time he was not going to be so lucky.

NI: Crenshaw also denies having falsified Caldwell's statement about what he was doing the night of the murder, and he denies bringing Caldwell to the witness Mary Cobb's front door before she identified him as the shooter.

KC: If I were trying to set Mr. Caldwell up, why wouldn't I, you know, produce a gun or produce some other evidence to put Mr. Caldwell at the murder scene? The day I stopped him, if I were trying to set him up, why wouldn't I plant a gun on him? None of that occurred because none of this is true.

NI: Do you think it was appropriate to take a statement from someone who had a complaint pending against you?

KC: Of course. I mean, it was a case that was being investigated, and it was an active case. If someone files a complaint, which you said many people have made a complaint, what am I supposed to just totally disregard him?

NI: Have you heard that someone else confessed to this murder?

KC: Yes. Allegedly, some guy that knows Mr. Caldwell said that he was there and Mr. Caldwell wasn't. OK. And then in Mr. Caldwell's trial, why weren't those people present at his hearing?

NI: Caldwell says his trial lawyer failed to put up an effective defense. Crenshaw says Caldwell blames everyone other than himself for the bad things that happened to him. I had a few more questions for Officer Crenshaw. Do you believe Maurice Caldwell is innocent?

KC: No, I do not. No, Mr. Caldwell was involved with that murder. He was identified by the witness. The evidence, that homicide, either by witness accounts or by their own work proved that Mr. Caldwell was one of the shooters.

NI: Why do you think the city decided to settle this lawsuit?

KC: Look at the state of policing now. Fortunately for Mr. Caldwell, you know, the Floyd case happened, the police brutality cases happened. The police incidents of shooting innocent, unarmed individuals has happened. That's why. And why did Mr. Caldwell settle for the term he settled for? Why wouldn't he have, why wouldn't he have taken it to trial? Why not go ahead and pursue it and make \$100 million? Wouldn't you? If someone had done you wrong, convicts you, you had done time for a murder you didn't commit. Wouldn't you see it to the end? I would, I would. I was willing to go to trial.

NI: Caldwell's lawyer thinks the city chose to settle, in part because evidence emerged that a tape recording was altered. A recording from the night Crenshaw is accused of assaulting Caldwell.

TG: There was 20-minute segments of this tape recording that was missing, and it was the exact segments where Mr. Caldwell said that he was taken to this remote location, and it was just, it was pretty amazing that someone had obviously tampered with this tape recording.

NI: Crenshaw insists that the tape was never altered.

KC: They're lying. How's it altered? Altered by whom? By the city? I mean, you know, the real reason why this case settled is because of the length of time. I think that homicide office ended up changing offices multiple times. There was some degradation in the file itself. I believe all the parts of the file was not there.

NI: Crenshaw acknowledges that the criminal justice system can be unfair to young Black men in the projects, but he doesn't think that's what happened in the case of Maurice Caldwell.

KC: There's institutional racism. America is not perfect. Justice isn't perfect. But sometimes they get it right. In the Caldwell case, they got it right.

NI: Caldwell says \$8 million won't make up for the 20 years he lost in prison or the people he lost, like his mother and grandmother who passed away while he was incarcerated. But he hopes the settlement can provide some measure of justice and help him provide a better life for his family.

MC: No amount of money can compensate me for what I've been through, but it can sure make me feel better. You know, the knowing that I got vindication, you know, for what they did wrong. No amount of money, you know, can replace the time I lost and the people I lost, man. But it could help my kids, man, I could make they life secure. Like I say, it's never a fairy tale ending. You know, I don't want a fairy tale ending, I just want a righteous ending, you know, everything just be righteous with me.

[Music Break]

NP: California laws allowed a 19-year-old to be charged for a murder he didn't commit. He was essentially in the wrong place at the wrong time. But more than that, failures of the justice system and his court-appointed legal counsel led to his wrongful conviction. Those laws have since changed, but the relief came too late for Zachary Vanderhorst, who spent decades in prison before his conviction was overturned.

NI: In February 2020, Zachary Vanderhorst walked out of prison, a free man for the first time in over 45 years. At age 19, he pleaded guilty to murder and rape crimes he did not commit after his public defenders pressured him to take a plea deal.

Zachary Vanderhorst: I'm not angry, but I'm, I'm suffering when I try to relive it. And, not suffering because I done something wrong, suffering because they've done something wrong to me and I haven't figured out how to heal it up yet, but I ain't gonna let it break me.

NI: Zachary grew up in the Fillmore projects of San Francisco with dreams of becoming a drummer or watch repair expert, but he never got the chance to pursue those dreams. Like other young men growing up in the projects in the 60s and 70s, Zachary got involved with the wrong crowd, started doing drugs and got hooked on heroin.

Clip: Heroin being one of the most insidious drugs known to man. It only seems like days until you're hooked, you're not turned on...

ZV: ...I accidentally stumbled upon one day snorting some heroin. One friend was not knowing exactly what I was doing with just trying to be, you know, hanging out with a bed. And from that point on, I was, you know, I was addicted to heroin.

NI: On September 12th, 1974, Zachary was having a hard time finding a fix to stave off the symptoms of heroin withdrawal. His friend, David Carter, told him if he wanted money for heroin, he'd have to help him rob a house.

Clip: Now you're driven to things you would never have considered heretofore by your insatiable need for the drug.

NI: Zachary agreed to help Carter rob a home on Bell Street in San Francisco. While Zachary was in the front living room, wrapping up a TV set, his friend was on the back porch where he shot and killed a man, 39-year-old Allan McArthur.

[Gun Shot]

NI: Zachary, who was unarmed, didn't hear the gunshot and didn't believe Carter when he told him he'd just shot someone until he saw it on the news the next day.

News Clip: This is Channel 4's News Watch. The Bay Area's most complete up to the minute presentation of...

NI: Police later arrested Zachary and charged him with murder. A California law at the time allowed anyone who took part in a crime like robbery, where a killing occurred, to be prosecuted for murder, even if they didn't personally kill or intend to kill anyone.

Rebecca Young: Zachary was not only charged with the felony murder, but he was charged with special circumstances, and the district attorney said that they were going to seek a death penalty, and that is basically what set the train in motion for this horrific guilty plea.

[Music Break]

NI: That's Rebecca Young, who helped get Zachary's convictions overturned when she worked as an attorney for the public defender's office. Young now investigates police shootings and police misconduct for the San Francisco District Attorney's Office. In 2018, Young served on a committee that helped change California's felony murder rule so that defendants like Zachary can no longer be charged with murder based solely on the actions of an accomplice. Here's California State Senator Nancy Skinner speaking about the law Senate Bill 1437 before it was passed in 2018.

NS: In California, you can literally be charged with murder and convicted of murder, and then sentenced for life without committing murder and without even being present at the time of the crime.

NI: Young first learned of Zachary's case when he asked her office for help filing a petition for resentencing under the new law. He told Young how frustrated he was that his request for parole kept getting denied while other inmates who had committed multiple murders were getting out on parole.

RY: And so I responded and I said, well, I said perhaps part of your difficulty in obtaining parole was due to the fact that you had these other robberies and a rape that you pled guilty to. And he said, but I didn't do those crimes and I said, but you pled guilty to them. And he said yes, my lawyer told me it was part of the package and then I had to plead to them and I just thought, this can't possibly be right.

NI: Zachary was not only charged for taking part in the September 12th robbery, where a man was shot dead. A grand jury also accused him of robbing two homes in July of that year, including one in which a 19-year-old woman was raped.

Clip: The grand jury returned indictments against...

NI: Zachary didn't match the description of suspects in either case, but witnesses picked him out in a line up after he was told to wear a bright yellow jacket that his lawyer says made him stick out like a sore thumb.

RB: It took me actually a while of studying the pictures of the live lineup, which are all in black and white, to piece together that the only time he was picked out was when he was wearing this very long, ill-fitting, light-colored jacket.

NI: Beyond improper witness ID procedures, Young said police botched the investigation in myriad other ways. A few weeks after the July 3rd robbery and rape, police arrested a man for illegal possession of a Billy club. The man matched the description of a suspect in the July 3rd robbery. He was also found wearing silver rings just like the ones reported stolen by the rape victim. After two witnesses failed to pick the suspect out in a lineup, police cut the man loose without bringing in the rape victim to try to identify him or the rings on his fingers.

RY: The police not only released this man, but they returned the rings to him that the police thought were stolen property. So, this is just a massive lapse in police procedure that is unexplainable.

NI: In 2020, Young interviewed the rape victim and her date from that night, who now lives in Corfu, Greece. Those conversations revealed even more problems with the police investigation.

RY: They both said that the assailants were masked and that they couldn't have picked anybody out, and that fact that the assailants were masked is not in the police report. And I asked them, did you tell the police that? And they both said, of course.

NI: Even more troubling than any mistakes made by police was the legal representation Zachary received at the time. According to his present-day lawyers, Zachary told his public defenders in 1974 that he had nothing to do with the robberies and rape that occurred in July of that year. But they told him that he needed to plead guilty to those crimes anyway if he wanted to avoid execution.

Patrick Murray: What Zachary was told is that if he went to trial, he was certain to receive the death penalty. We know that that's wrong.

NI: That's Patrick Murray, an attorney with Keker Van Nest, who worked pro-bono with Young and the public defender's office to get Zachary's convictions overturned. In 1972, the California Supreme Court ruled capital punishment unconstitutional two years before Zachary was indicted. And although that ruling would later be reversed, Murray said Zachary's lawyers should have told him there was nothing certain about the status of capital punishment in California at the time.

Clip: Those opposed to capital punishment call it a tragic failure, a symbol of terror, cruelty and irreverence for life. Those in favor see it mainly as a deterrent to crime.

NI: Murray also faults Zachary's former public defenders for making no effort to build a defense for their client.

PM: They did little else other than glance at the police report and then process him through to tell him that he needed to plead guilty. It doesn't seem like they did sufficient legal research. They did not do any factual investigation.

NI: In 2020, Young was at Zachary's sister's house when she found photos of her clients at the Alameda County Fair on July 4th, 1974. Those pictures supported Zachary's story that he couldn't have been involved in the Ellis Street rape and robbery on July 3rd because he spent the whole night getting his hair curled at his mother's house.

Ladonna Vanderhorst: I had to roll his hair. I had to perm his hair, roll his hair because he wanted a curly afro, but his hair was down to here.

NI: Zachary's sister, Ladonna, had agreed to style her brother's hair in exchange for him driving family and friends to the fair the next day. Ladonna remembers the night vividly.

LV: He was at my momma's house with me and my girlfriends getting his hair done, playing cards, drinking.

Clip: The idea is to take out all the kinks in the hair and give it a permanent straightener.

NI: Ladonna says it took five hours to straighten and curl up her brother's hair. Zachary went to bed at midnight and drove the family to the fair at around 7 the next morning. Young says Zachary's public

defenders would likely have found more evidence to support his innocence had they put in the effort to look.

RY: I'm sure that if they had done their work in 1974, Zachary would have been able to produce an alibi for both of these robberies.

NI: Zachary's present-day lawyers also interviewed two suspects who are believed to have committed the robberies that Zachary pleaded guilty to. One of the suspects wouldn't admit he committed a crime but confirmed over three interviews that he was at the Ellis Street home on the night of July 3rd, 1974, and that Zachary was never there.

RY: What he said was I never at any time committed a home invasion, robbery, etc. He was never with me. And the second thing he said was, I was there. He said that multiple times, in the apartment where my crime partner messed with the woman.

NI: In 1974, Zachary's public defenders also let an outside private attorney with a clear conflict of interest get involved in Zachary's case. The attorney, Edward Bell, represented David Carter, the 16-year-old minor who Zachary claims shot and killed Allan McArthur during the Fell Street robbery. That was the same crime for which Zachary was being prosecuted for murder. Despite Bell's obvious conflict in the case, he told Zachary's public defenders that he was a family friend that wanted to help, and he attended private meetings with Zachary and his lawyers.

PM: When Zachary started saying, 'Well, I don't know if I want to take this deal,' the private attorney started berating him and using very ugly language, told him that he had to be a man, he had to accept this deal, that he was putting great stress on his mother.

NI: Patrick Murray interviewed one of Zachary's former public defenders, who said he wouldn't soon forget the extraordinarily intense exchange.

PM: The public defender who went on to have a great career as a public defender, said that this memory was burned into his mind, that he has always thought of this and would never speak to another human being like this. He remembers the effect that had had on Zachary, that Zachary put his head down and didn't say anything until he later pled guilty.

NI: Bell was also present when Zachary entered his guilty plea in Judge Claude Perasso's chambers in December 1974. Young said Bell never should have been allowed to be in that room.

RY: That man should have been kicked out of there. What are you doing here? Why are you even here? Why are you talking to Zachary Vanderhorst? Your client is the suspect in each of these offenses. How is it that three sworn members of the bar could sit there and think no problem?

NI: A different judge dropped the murder charges against Bell's real client, 16-year-old David Carter. Carter would go on to commit three more murders over the next eight years, for which he served 10 years in prison and two years in juvenile detention. Meanwhile, Zachary, who killed no one, spent more than 45 years behind bars. Zachary said he didn't realize until after he pleaded guilty how badly his public defenders had wronged him.

ZV: I didn't figure it out till I was in prison (crying), you know, everything that had happened, and they just walked me through it, like they just fed me to the wolves so to speak ... They called it railroading, they railroaded me and sent me to prison, telling me 'Oh, he'll be out in no time,' ... gave me seven years to life, said, 'Oh, he'll be out on parole in seven years.' Forty-six years went by.

NI: Zachary endured inhumane conditions during his time in prison in the early 1980s. He was serving time at a state prison in Tracy when a levee broke, flooding the prison with storm water and leaving inmates without running water or electricity for months.

ZV: You couldn't use the bathroom. It was vile. They had you dumping in a bag and throwing a bag out the window, I've been through some bad stuff. And it'd be freezing cold and even the blankets and stuff that you got on yourself trying to warm yourself, they wet. They just as wet as the environment that's around you. The water was like black ... it was like either drink it or you get to the point where you will drink it. You can smell it as well as see it. So, you just got to boil it a little bit, hold your breath and take a drink and push it on down.

NI: Zachary says he never gave up hope that he would get out of prison one day. He went through 17 parole board hearings, each time hoping he might win his freedom. But because he maintained his innocence, his requests for parole were denied each time.

RY: In reading Zachary's parole board hearing transcripts, you just go through basically what I can only describe as a Kafkaesque nightmare. Zachary was so consistent over the course of 17 board hearings that he was not present at these other two robberies and was not involved. And no matter how consistent he was, they would just repeatedly say to him, 'We're not here to retry the facts of your case. You pled guilty, and your denial of involvement shows that you lack insight to your commitment offenses and lack remorse.'

NI: After California's felony murder rule was changed in 2018, Zachary asked the public defender's office to help him apply for resentencing under the new law. That's how he connected with Rebecca Young and Patrick Murray, the first lawyers to make him feel like they really believed in him and were on his side.

ZV: When Rebecca and Young come into my life, it was entirely different. They could see what I'm trying to say, you know, and it was like, ah you just turned into my dream team. Everything was like, right?

NI: Zachary's petition was granted in 2020, and at age 64 he was finally released. This past December, a judge overturned the last of Zachary's wrongful convictions for robbery and rape. I asked Zachary what it was like when he finally walked out of prison as a free man. He said it felt strange because he'd grown so used to people telling him what to do. He had difficulty accepting that he can now make his own choices.

ZV: It was a good cold feeling, but also I wasn't quite sure ... They say, 'You act like you're scared to move.' I said, 'I didn't know what to do.' (crying) I didn't know what to do.

NI: When Zachary walked out of prison, his sister Ladonna was there to remind him that he doesn't need to be afraid anymore.

LV: He was scared. He walked. I will tell you the truth because it was at nighttime. We got him on inside that door. He said, 'I'm scared.' I said, 'What you scared of you got us.' He said, 'No, the atmosphere is just weird, it's scary to be walking out free in this air.' I say, 'Well, brother, you free. Thank God almighty, you free.'

[Music Break]

NP: In the United States, nearly 3,000 people have been exonerated since 1989, according to the University of Michigan Law School's National Registry of Exonerations. That adds up to more than 25,600 years lost from people's lives. When we think about keeping an eye on courts around the country, arrests, indictments, trials and convictions are often top of mind. But following the legal system means continuing to track those stories even years after they've disappeared from the headlines. We'll keep working to uncover these important stories about our legal system, and we thank you for listening. Please make sure to subscribe to Sidebar wherever you get your podcasts, so you don't miss an episode. To read and hear more reporting from Nicholas Iovino and all your Sidebar hosts, visit us at courthousenews.com and follow us on Twitter @SidebarCNS. We'll be back soon with a new episode.

[Outro Music]