

Philip Vance: Freedom is Calling

David R. Weiss - June 15, 2023

After twenty years in prison, it's time for Philip Vance to be free.

Actually, *almost two decades ago* it was time for Philip Vance to be free. He's in prison for a murder he had nothing to do with. He shouldn't have been arrested for it, tried for it, sentenced for it, let alone imprisoned for it. The whole thing has been a grotesque miscarriage of justice—except even those words fall short of describing what it's meant for Philip to have been torn from his family and freedom for all those years. “Miscarriage of justice” doesn't even come close.

Worse, despite its name, the “justice system” is set-up to protect *convictions*—even if wrongly decided—rather than pursue justice for human beings. Occasionally wrongful convictions do get overturned, but only with great effort and good fortune. So far, despite the great efforts of many (not least Philip himself!), good fortune hasn't yet visited Philip Vance. That's not entirely true. Philip would tell you he's been blessed in many ways. *But those blessings don't yet include freedom.* This is his story.

Shortly before Christmas 2002, a South St. Paul store clerk, Khaled Al-Bakri, was shot and killed during an apparent robbery. That much is clear. And criminal. *Someone killed Al-Bakri.* Witnesses reported seeing two persons fleeing the scene, but they were wearing masks; neither their faces, nor even their skin color was seen.

Soon after this Philip Vance was identified as a primary suspect in the case by the Minnesota Gang Strike Force. He was subsequently charged with murder in March 2004, found guilty by a jury in September 2004, and sentenced to life in prison in October 2004. Today, he's serving that sentence at the Stillwater Minnesota Correctional Facility.

Philip has asserted his innocence vigorously from Day One ... and for the next 7400+ days since then. *Unwaveringly.* He was so much innocent that he actively cooperated when police initially questioned him. Why wouldn't he? He had nothing to hide. Indeed, he had an alibi: he was with a friend at her place that evening—a fact she confirmed to police during the investigation. (More recently, cell phone records have proven that she used Philip's phone to call her sister that night.) *And unflinchingly.* He was so much innocent that he refused to accept any plea deal. Why would he plead to a lesser charge? That would be to acknowledge even a lesser guilt that was never his—at all. Indeed, at the trial there was no physical evidence that linked him to the crime. No gun. No fingerprints. No footprints. No DNA. No tire tracks. No eyewitness identification. *No physical evidence at all.*

But somehow neither his innocence nor his persistent assertion of it, neither his alibi nor the complete absence of physical evidence carried the day. How did an “enthusiastically” innocent young man wind up sentenced to life in prison for a crime that he swears—for seven-thousand-four-hundred days and counting—he had nothing to do with?

The uncomfortably short answer is that Philip Vance found himself caught in a tangle of lies—*none of them his own*—all of them orchestrated by the Minnesota Gang Strike Force (renamed the Metro Gang Strike Force in 2005), a police unit comprised of officers from across the metro area. If the name of that unit rings a bell, it's likely because it was *disbanded in disgrace* in 2008, after a state panel found it was riddled with corruption and misconduct. But in 2003-2004, during the investigation of Al-Bakri's murder and the subsequent prosecution of Philip Vance, the Strike Force was still in full-out rogue mode, featuring “high-performing” officers determined to get results by any means necessary.

In Philip's case, the Strike Force first pressured an outside informant to set up Philip so they could arrest him on an unrelated gun charge (the gun he sold was *not* the weapon used to kill Al-Bakri). Police had this informant wear a wire; then claimed she had elicited a confession from Philip. But that recording was later described by police as having such poor audio that it was unintelligible; in fact, it was never produced—perhaps it was never even made. In any case, that informant later recanted her testimony, alleging she was *told by police to make false statements* about Philip, which she did to avoid being brought up on charges herself related to her own chemical dependency.

Then, once he was in jail, the Strike Force bribed and threatened six jailhouse informants to testify against Philip. Some were offered reduced sentences of their own, others financial rewards; in at least one case officers threatened to go after an informant's brother if he refused to cooperate. Ultimately, all six implicated Philip in the murder.

It should have been a red flag from the start. By now it's well-documented that using jailhouse informants to secure convictions is so problematic as to be immoral. As of 2020, at least 197 wrongful convictions (nationwide)

have been overturned because of issues with such testimony. In fact, a report by a Harvard professor specializing in this area concludes that the use of *multiple* jailhouse informants (as in Philip's case) ought to immediately *call into question* their reliability. Unlike corroborating testimony from multiple "disinterested witness," jailhouse informants have an inherent incentive to bargain their words against another inmate to secure better deals for themselves. Moreover, they're likely to collaborate (align their stories) in jail to make their testimony as "valuable" to police as possible, *regardless of its connection to the truth*.

However—lest we presume this suggests jailhouse informants lack a moral compass, it's important to remember incarcerated persons exist in a *matrix of oppression*, usually with roots running deep into their past, present, and future. The choices they make are shaped by forces unknown to many of us but driven also by their own desire to be free. Although these persons are hardly saints, the real villains in this scenario are the officers who leverage power and vulnerability to achieve goals quite disconnected from justice.

As a result, between pressure from Strike Force officers and informants' own self-interest, a whole series of *crafted falsehoods* were joined to a set of innuendos (circumstantial evidence suggestive of nothing except when framed by lies) to convince a jury of Philip's guilt.

How do we know this? One of the truths about lies is that they inevitably unravel. Unfortunately for Philip, that unraveling didn't begin until after he was sent to prison. But all told, *at least eight of those whose testimony was used to convict Philip Vance have since signed affidavits recanting that testimony*—admitting that it was false and made at the behest of Strike Force officers intent on securing a conviction regardless of guilt—or, in Philip's case, innocence.

That alibi Philip provided? It was never shared with the jury; Philip's friend was never called to testify. In fact, the prosecutor told the jury that Philip could not account for his whereabouts the night of the murder—*despite police having confirmed his alibi*. And the only witness who was (momentarily) in the store at the time of the shooting—she had just entered the store and backed out when she realized a robbery was in progress—besides seeing two persons, fully masked, of unknown skin color, fleeing—*also* described hearing the person who shot Al-Bakri shouting to his accomplice in a language she knew was *not* English and believed was Spanish. This also was *never shared* with the jury.

Other witness testimony has also been called into question. And the credibility of the Strike Force's integrity has been shattered. More to the point, because a human life is at stake, *the credibility of Philip Vance's conviction is in shreds*. So, of course, the system is quick to correct itself in such cases, right? WRONG. We want to believe that courts administer justice. And I suppose sometimes they do. (Although in an adversarial- and punitive-based legal system, whatever justice is rendered is *thin* at best.) But when they administer *injustice*, they are loathe to acknowledge that. The system is designed to cover its own mistakes whenever possible, by prizing procedure above all else. Including truth.

Despite filing multiple appeals seeking to have his conviction reversed, each appeal has been denied, largely for procedural reasons. Meaning that none of these courts has seriously engaged Philip's claim of a wrongful conviction. None of them has asked the question, "Was justice done to this man?" They've been content to inquire only, "Were the i's properly dotted? Were the t's correctly crossed?" Never mind whether those dotted i's and crossed t's ... *put an innocent man away—for life*.

Finally, how innocent is Philip Vance? Well, character doesn't "prove" innocence; it really only proves character. But Philip Vance's character is, by now, beyond question. Sent away from children, other family, and friends for life, Philip had *every reason* to grant rage and despair free reign in his soul. Instead, he's chosen education, exercise, personal improvement, and service to others (mentoring fellow inmates) as his purpose while behind bars—some of the blessings he acknowledges. For a man 7400+ days into proclaiming his innocence, Philip Vance's character adds one more bit of compelling evidence. If it doesn't prove his innocence, it ought at least to compel someone to hear him out.

In 2004 an innocent man was put away—for life. But today freedom is calling. Sometimes, in the still of the night in his prison cell, Philip Vance can *almost* hear it calling his name. Let's hope that one day soon, it *does*.

David R. Weiss is a Twin Cities-based writer and activist (www.davidrweiss.com). This essay relies heavily—and gratefully—on the "Vance Research Narrative" drafted by the University of St. Thomas Legal Services Clinic and revised June 21, 2021; authors: Kathryn Quinlan, Sophia Maietta, Christiane Dos Santos, Sara Hunemiller.