

## Alton Logan Case

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SIMON: This is a story about an innocent man who has been in prison for 26 years, while two attorneys who knew he was innocent stayed silent. They did so because they felt they had no choice. See what you think.

Alton Logan was convicted of killing a security guard at a McDonald's in Chicago way back in 1982. Police arrested him after a tip, and got three eyewitnesses to identify him. Logan, his mother and his brother all testified he was at home asleep when the murder occurred. But a jury found him guilty of first- degree murder.

Now, new evidence reveals that Logan did not commit that murder. But the evidence was not new to those two attorneys, who knew it all along, but say they couldn't speak out until now.

Alton Logan's story cuts to the core of America's justice system.

(BEGIN VIDEOTAPE)

SIMON (voice-over): We met Alton Logan in prison.

(on camera): Mr. Logan.

ALTON LOGAN: How are you doing?

SIMON (voice-over): He spent half of his life here.

(on camera): Do you still count the months and the days?

LOGAN: There's no need to count the months and the days. Just count the years.

SIMON: You must have been angry a lot during this time.

LOGAN: I say the first five, six years, I was consumed by anger. Then I come to the realization that why be angry over something you can't control?

SIMON: Did you commit that murder?

LOGAN: No, I did not.

SIMON: What did you think when you were arrested for that murder?

LOGAN: I thought they was crazy.

SIMON (voice-over): These two attorneys, Dale Coventry and Jamie Kunz, knew Logan had good reason to think that. Why? Because they knew he was innocent. And they knew that because their client, Andrew Wilson, who they were defending for killing two policemen, confessed to them that he had also killed the security guard at McDonalds. That's the crime that Logan was charged with.

JAMIE KUNZ, ATTORNEY: We got information that Wilson was the guy and not Alton Logan. This was just a month after Wilson had been arrested. So, we went over to the jail immediately almost and said, is that true? Was that you? And he said, yep, it was me.

SIMON (on camera): just as casually as you just said it?

KUNZ: Yeah, he sort -- he just about hugged himself and smiled. I mean, he was kind of gleeful about it. It was a very strange response.

SIMON: How did you interpret that response?

KUNZ: It was true and that he was tickled pink.

DALE COVENTRY, ATTORNEY: He was pleased that the wrong guy had been charged. It was like a game, that he'd -- and he had gotten away with something. But there was just no doubt whatsoever that it was true. I mean, I said, it was you with the shotgun. You

killed the guy? And he said, yes, and then he giggled.

SIMON (voice-over): Problem was the killer was their client, so legally they had to keep his secret even though an innocent man was about to be tried for murder.

(on camera): I know a lot of people who would say, hey, if the guy's innocent, you've got to say so. You can't let him rot because of that.

COVENTRY: The vast majority of the public apparently believes that. But if you check with attorneys or ethics committees or, you know, anybody who has, knows the rules of conduct for attorneys, it's very, very clear. It's not morally clear, but we're in a position to where we have to maintain client confidentiality just as a priest would or a doctor would. It's just a requirement of the law. The system wouldn't work without it.

SIMON (voice-over): So that was the dilemma. They couldn't speak out, they felt, but how could they remain silent?

(on camera): Well, did you contemplate doing something about it?

COVENTRY: We wrote out an affidavit. We made an affidavit that we had gotten information through privileged sources that Alton Logan was not, in fact, guilty of killing the officer; that, in fact, somebody else did it.

KUNZ: But we wanted to put in writing, to memorialize, you know, to get a notarized record of the fact that we had this information back then, so that if, you know, 20 years later, ten years later, what, if something allowed us to talk, as we are now, we could at least -- we'd at least have an answer to someone who said, you're just making this up now.

SIMON (voice-over): They sealed the affidavit in an envelope and put the envelope in a lock box to keep it safe under Dale Coventry's bed.

(on camera): While the attorneys kept silent about Logan's innocence, a jury in this courthouse convicted him of murder. Then the jurors had to decide whether to sentence him to death.

COVENTRY: I was in court the day they were dealing with the death penalty.

SIMON: Why did you go to court?

COVENTRY: Because I had this information that this innocent guy was up there and the jury was deciding whether they're going to kill him or not.

SIMON: How did you feel when you went into the courtroom? Was your heart racing?

COVENTRY: Oh, yeah. It was -- it was just creepy. I was looking at the jurors, thinking, my God, they're going to decide to kill the wrong guy.

SIMON: And the jury decided?

COVENTRY: They decided not to kill him.

LOGAN: It was a 10-2 vote, ten for, two against. Two individuals saved my life.

SIMON (voice-over): And saved Kunz and Coventry from coming forward.

COVENTRY: We thought that somehow we would stop, at least, the execution. We weren't going to let that go.

SIMON (on camera): But instead he was sentenced to life in prison and you did not do anything.

KUNZ: Right.

SIMON: So it's okay to prevent his execution, if necessary, but it was not okay to prevent his going to prison for the rest of his life?

COVENTRY: Morally, there's very little difference, and we were torn about that. But in terms of the canons of ethics, there is a difference, you can prevent a death.

SIMON: But the minute he was not sentenced to death, the minute he was sentenced to life in prison, you decided to do nothing?

KUNZ: Yes.

COVENTRY: You explain it.

KUNZ: I can't explain it. I don't know why that made the difference, but I know it did.

LOGAN: There is no difference between life in prison and a death penalty, none whatsoever. Both are a sentence of death.

SIMON: The two attorneys say they couldn't speak up because they couldn't betray their client.

LOGAN: Right.

SIMON: Can you sympathize with that?

LOGAN: Yes. Sympathize with it, yes. Understand it, no. You see, because if you know this is an innocent person, why would you allow this person to be prosecuted, convicted, sent to prison for all these years.

SIMON: What did you do to see if there might be some loophole to get everyone out of this fix?

COVENTRY: I researched the ethics of the client -- attorney-client privilege as much as I could. I contacted people who are involved with making those determinations. I know Jamie did the same thing.

KUNZ: I could not figure out a way and still cannot figure out a way how we could have done anything to help Alton Logan that would not have put Andrew Wilson in jeopardy of another capital case.

SIMON: Couldn't you have leaked it to somebody -- to a reporter, to an administrator, to the governor, to somebody?

KUNZ: The only thing we could have leaked is that Andrew Wilson confessed to us. And how could we leak that to anybody without putting him in jeopardy? It may cause us to lose some sleep, but I'd lose more sleep if I had put Andrew Wilson's neck in the noose.

SIMON: He was guilty and Logan was not. So, yes, his head should be in the noose, and Logan should go free. It's perfectly obvious to somebody who isn't a lawyer. Andrew Wilson was guilty, was he not?

KUNZ: Yes. And that's up to the system to decide. It's not up to me as his lawyer to decide that he was guilty and so he should be punished and Logan should go free.

SIMON: Do you think you might have been disbarred for doing that, for violating attorney-client privilege?

COVENTRY: I don't think I considered that as much as I considered my responsibility to my client. I was very concerned to protect him.

SIMON: But here was a case where two men, you two were caught up in this bind and chose to let a man rot away in jail.

COVENTRY: It seems that way. But had we come forward right away, aside from violating our own client's privilege and putting him in jeopardy, would the information that we had have been valued? Would anybody have done anything?

SIMON (voice-over): Probably not, they say, because as a violation of attorney-client privilege, it never would have been allowed in court. They insist that, for them, there was no way out.

COVENTRY: In terms of my conscience, my conscience is that I did the right thing. Do I feel bad about Logan? Absolutely, I feel bad about Logan.

SIMON (on camera): The two attorneys say they were so tormented over Logan's imprisonment that they convinced Wilson to let them reveal that Wilson was the real killer after Wilson's death. Late last year, Wilson died. The two attorneys finally took that affidavit out of the lock box and contacted Logan's lawyer.

(voice-over): Public Defender Harold Winston had already been trying to get Logan a new trial. He'd found two eyewitnesses who swore Logan was not the killer. Now, with Kunz and Coventry's affidavit, he thinks Logan will finally go free.

HAROLD WINSTON, PUBLIC DEFENDER: I know the Attorney General's Office of Illinois is considering this. I have a lot of respect for that office, and I'm hoping they will come to the right conclusion that a mistake has been made. And if they do that, he would go free.

SIMON: And even though Harold Winston represents Alton Logan, he agrees the two attorneys had to remain silent until Wilson died.

WINSTON: I wish there had been a way this could have come out earlier under the...

SIMON (on camera): Could it have?

WINSTON: ... Illinois Ethics Code, I think the only way would have been if Andrew Wilson had released his lawyers earlier.

KUNZ: There may be other attorneys who have similar secrets that they're keeping. I don't want to be too defensive about this, but what makes this case so different is that Dale and I came forward, and that Dale had the good sense to talk to Wilson before his death and said -- and get his permission: if you die, can we talk? Without that, we wouldn't be here today.

LOGAN: See, I never stopped giving up hope. I've always believed that one day somebody's going to come forth and tell the truth. But I didn't know when.

SIMON (on camera): If you were to meet up with Logan, if you were visiting him in his cell, what would you say to him?

COVENTRY: There's nothing you can say. I mean, we -- it's been difficult for us. But there's no comparison whatsoever to what it's been for this poor guy.

LOGAN: How has it been difficult for them?

KUNZ: Alton, whether or not you can understand it, we've been hurting for you for 26 years.

SIMON: How much does it hurt?

KUNZ: How often did I think about it? Probably, 250 times a year. I mean, I thought about it regularly.

LOGAN: Everything that was dear to me is gone.

SIMON: You missed the funeral of your mother.

LOGAN: Yes.

SIMON (voice-over): His brothers, Eugene and Tony, told us they've shared Alton's pain, and they always knew that he was no killer.

TONY LOGAN, ALTON LOGAN'S BROTHER: My brother ain't got the nature to do nothing like that in his soul. He ain't going to take nobody else's life. We weren't raised like that.

SIMON (on camera): You knew that right away, that it couldn't be your brother?

T. LOGAN: Yeah, I knew. He was with me. I knew it wasn't my brother. I always know it wasn't my brother.

SIMON: Your brother is 54 now. Can he start again at the age of 54?

EUGENE LOGAN, ALTON LOGAN'S BROTHER: Well, I think we going to make it. If he can get from behind them bars, I'm going to turn him back on to life, and we are going to live it together. We're going to live it together.

SIMON: But you're still here.

A. LOGAN: Yep. But you've got to understand the system.

SIMON: And the system works slowly.

A. LOGAN: They are quick to convict, but they are slow to correct their mistakes.

SIMON: If you get out of prison, when you get out of prison, what do you want to do?

A. LOGAN: To leave this state on the quickest thing that I can.

SIMON: It's the state of Illinois that...

A. LOGAN: I want nothing more to do with the state of Illinois.

SIMON: Where are you going to go?

A. LOGAN: Going to live with my little brother out in Oregon.

SIMON (voice-over): But that could take some time. A judge must decide whether Alton will get a new trial, and Illinois' Attorney General must decide whether to let him out without one. It's all rather complicated, whereas what Alton wants is deadly simple.

A. LOGAN: All I wanted was the truth. All I want is the truth.

SIMON (on camera): And the truth shall set you free.

A. LOGAN: Yes, it will.

SIMON: After 26 years.

A. LOGAN: After 26 years.

(END VIDEOTAPE)

SIMON: Tomorrow, in a Chicago courtroom, a judge will hear arguments about whether to grant Alton Logan a new trial.

(COMMERCIAL BREAK)

END

• Memo: Two lawyers who, bound by the client-attorney privilege, kept the secret that their client had committed a murder while an innocent man went to jail for the crime and remains there after 26 years.

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