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After 26 years, attorneys reveal killer's secret

Now that their client is dead, they are trying to help free innocent man

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CHICAGO — For nearly 26 years, the affidavit was sealed in an envelope and stored in a locked box, tucked away with the lawyer's passport and will. Sometimes he stashed the box in his bedroom closet, other times under his bed.

It stayed there — year after year, decade after decade.

Then, about two years ago, Dale Coventry, the box's owner, got a call from his former colleague, W. Jamie Kunz. Both were once public defenders. They hadn't talked in a decade.

"We're both getting on in years," Kunz said. "We ought to do something with that affidavit to make sure it's not wasted in case we both leave this good Earth."

Coventry assured him it was in a safe place. He found it in the fireproof metal box but didn't read it. He didn't need to. He was reminded of the case every time he heard that a wronged prisoner had been freed.

In January, Kunz called again. This time, he had news: A man both lawyers had represented long ago in the murder of two police officers, Andrew Wilson, had died in prison.

Kunz asked Coventry to get the affidavit.

"It's in a sealed envelope," Coventry said.

"Open it," Kunz said, impatiently.

And so, Coventry began reading aloud the five-line declaration the lawyers had written more than a quarter-century before:

An innocent man was behind bars. His name was Alton Logan. He did not kill a security guard in a McDonald's restaurant in January 1982.

"In fact," the document said, "another person was responsible."

Attorneys were powerless

They knew, because Andrew Wilson told them: He did it.

But that was the catch.

Lawyer-client privilege is not complete; most states allow attorneys to reveal confidences to prevent a death, serious bodily harm or criminal fraud. But this case didn't offer that kind of exception.

So when Andrew Wilson told his lawyers that he, and not Alton Logan, had killed the guard, they felt powerless — aware of information that could free a man they believed to be innocent, but unable to do anything with that knowledge. And for decades, they said nothing.

As they recall, Wilson — who was facing charges in the February 1982 murders of police officers William Fahey

and Richard O'Brien — was even a bit gleeful about the McDonald's shooting. To Kunz, he seemed like a child who had been caught doing something naughty.

"I was surprised at how unabashed he was in telling us," he says. "There was no sense of unease or embarrassment. . . . He smiled and kind of giggled. He hugged himself, and said, 'Yeah, it was me.'"

Alton Logan already had been charged with the McDonald's shooting that left one guard dead and another injured. Another man, Edgar Hope, also was arrested, and assigned a public defender, Marc Miller.

Miller says he was stunned when his client announced he didn't know Alton Logan and had never seen him before their arrests. According to Miller, Hope was persistent: "You need to tell his attorney he represents an innocent man."

Hope went a step further, Miller says: He told him Andrew Wilson was his right-hand man — "the guy who guards my back" — and urged the lawyer to confirm that with his street friends. He did.

Miller says he eventually did tell Logan's lawyer his client was innocent but offered no details.

First, though, he approached Kunz, his fellow public defender and former partner.

"You think your life's difficult now?" Miller recalls telling Kunz. "My understanding is that your client Andrew Wilson is the shooter in the McDonald's murder."

Coventry and Kunz brought Wilson to the jail law library and this, they say, was when they confronted him and he made his unapologetic confession. They didn't press for details. "None of us had any doubt," Coventry says.

And, he adds, it wasn't just Wilson's word. Firearms tests, according to court records, linked a shotgun shell found at McDonald's with a weapon that police found at the beauty parlor where Andrew Wilson lived. The slain police officers' guns also were discovered there.

Now the lawyers had two big worries: Another killing might be tied to their client, and "an innocent man had been charged with his murder and was very likely . . . to get the death penalty," Kunz says.

But bound by legal ethics, they kept quiet.

Instead, they wrote down what they'd been told. If the situation ever arose where they could help Logan, there would be a record — no one could say they had just made it up. They say they didn't name Wilson, fearing someone would hear about the document and subpoena it. They didn't even make a copy.

But on March 17, 1982, Kunz, Coventry and Miller signed the notarized affidavit: "I have obtained information through privileged sources that a man named Alton Logan . . . who was charged with the fatal shooting of Lloyd Wickliffe . . . is in fact not responsible for that shooting. . . ."

Looking for ways to help

Knowing the affidavit had to be secret, Wilson's lawyers looked for ways to help Logan without hurting their client. They consulted with legal scholars, ethics commissions, the bar association.

Kunz says he mentioned the case dozens of times over the years to lawyers, never divulging names but explaining that he knew a guy serving a life sentence for a crime committed by one of his clients.

There's nothing you can do, he was told.

Coventry had another idea. He figured Wilson probably would be executed for the police killings, so he visited him in prison and posed a question: Can I reveal what you told me, the lawyer asked, after your death?

"I managed to say it without being obnoxious," Coventry says. "He wasn't stupid. He understood exactly what I was asking. He knew he was going to get the death penalty and he agreed."

Coventry says he asked Wilson the same question years later — and got the same answer.

But ultimately, Wilson was sentenced to life in prison without parole.

His death penalty was reversed after he claimed Chicago police had electrically shocked, beaten and burned him with a radiator to secure his confession. (Decades later, a special prosecutor's report concluded police had tortured dozens of suspects over two decades.)

Logan's case was working its way through the courts, too. During the first of two trials in which he was convicted, Coventry walked in to hear part of the death-penalty phase. "It's pretty creepy watching people deciding if they're going to kill an innocent man," he says.

The lawyers had a plan if it came to that: They would appeal to the governor to stop the execution. But with a life sentence, they remained silent.

Still, there were whispers. When Logan changed lawyers before his second trial, Miller says the new lawyer approached him. He had heard that Miller knew something more.

Please, he asked, can you help?

Miller says he told him he could do nothing for him. But he says he repeated the words he had uttered to Logan's first lawyer, more than a decade earlier:

"You represent an innocent man."

In prison, Alton Logan heard the news: First, Andrew Wilson had died. Second, there was an affidavit in his case.

"I said finally, somebody has come (forward) and told the truth," Logan says. "I've been saying this for the past 26 years: It WASN'T me."

In January, the two lawyers, with a judge's permission, revealed their secret in court.

Two months later, Marc Miller testified about his client's declaration of Logan's innocence.

But an affidavit and sworn testimony do not guarantee freedom — or prove innocence.

And Alton Logan knows that. After spending almost half his 54 years as an inmate, this slight man seems resigned to the reality that his fate is beyond his control.

He insists he's not angry with Edgar Hope — the man who first said he was innocent — or even Andrew Wilson. He says he once approached Wilson in prison and asked him to "come clean. Tell the truth." Wilson just smiled and kept walking.

Nor is Logan angry with the lawyers who kept the secret. But he wonders if there wasn't some way they could have done more.

"What I can't understand is you know the truth, you held the truth and you know the consequences of that not coming forward?" he says of the lawyers. "Is (a) job more important than an individual's life?"

The lawyers say it was about their client — Wilson — not about their jobs, and they maintain that the prosecutors and police are at fault.

Kunz says he knows some people might find his actions outrageous. His obligation, though, was to Andrew Wilson.

"If I had ratted him out . . . then I could feel guilty, then I could not live with myself," he says.

On April 18, Logan will be in court as his lawyer, Harold Winston, pushes for a new trial. Along with the affidavit, Winston has accumulated new evidence, including an eyewitness who says Logan wasn't at McDonald's and a letter from an inmate who claims Wilson signed a statement while in prison implicating himself in the murder — and clearing Logan.

Logan keeps a copy of the 26-year-old affidavit in his cell. Every now and then, he reads the single paragraph, trying to divine what the lawyers were thinking and if this piece of paper will help unlock the prison doors. He's not banking on it.

"I'm not sold on it," he says. "The only time I'll be sold is when they tell me I can go."

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