



JOHN
GRISHAM

FRAMED

ASTONISHING TRUE STORIES
OF WRONGFUL CONVICTIONS

JIM
McCLOSKEY

ALSO BY JOHN GRISHAM

A Time to Kill
The Firm
The Pelican Brief
The Client
The Chamber
The Rainmaker
The Runaway Jury
The Partner
The Street Lawyer
The Testament
The Brethren
A Painted House
Skipping Christmas
The Summons
The King of Torts
Bleachers
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Playing for Pizza
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The Guardians
A Time for Mercy

Sooley

The Judge's List

Sparring Partners

The Boys from Biloxi

The Exchange

Camino Books

Camino Island

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Camino Ghosts

The Theodore Boone Books

Theodore Boone: Kid Lawyer

Theodore Boone: The Abduction

Theodore Boone: The Accused

Theodore Boone: The Activist

Theodore Boone: The Fugitive

Theodore Boone: The Scandal

Theodore Boone: The Accomplice

ALSO BY JIM McCLOSKEY

When Truth Is All You Have

JOHN
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WRONGFUL CONVICTIONS

JIM
McCLOSKEY



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ABOUT THE AUTHORS

TO KATE GERMOND AND PAUL CASTELEIRO:

For the last forty-plus years and counting, your steadfast devotion to Centurion and those we work to free is unequalled in persistence and achievement. Centurion owes its life to your unparalleled service to the wrongly convicted.

—JIM McCLOSKEY

TO PETER NEUFELD AND BARRY SCHECK,

cofounders of the Innocence Project; and to the warriors who labor there

—JOHN GRISHAM

PREFACE

JOHN GRISHAM

In 2006, I published *The Innocent Man*, a true story about the wrongful conviction and near execution of Ron Williamson. Before then, I had never considered nonfiction—I was having too much fun with the novels—but Ron’s story captivated me. From a pure storytelling point of view, it was irresistible. Filled with tragedy, suffering, corruption, loss, near death, a measure of redemption, and an ending that could not be considered happy but could have been much worse, the story was just waiting for an author. I soon learned that every wrongful conviction deserves its own book.

Since then I’ve met many exonerees, along with their families, lawyers, advocates, and old cellmates. As a group, they are amazing because they somehow survived nightmares that the rest of us cannot begin to comprehend. Most enjoy telling their stories. All are determined to change a broken judicial system and prevent more wrongful convictions. Dozens have written about their ordeals. More than a few have asked me to do the writing.

For a long time I’ve thought about a collection of some of the best stories, but the research got in the way. It is daunting. Thousands of pages of trial transcripts, police reports, witness statements that always seem to vary from one stage to the next, prison records, forensic tests, and petitions, motions, pleadings, and orders written by lawyers and judges and filed, seemingly, by the pound. Novelists can be lazy because we simply make up stuff. Nonfiction is brutal because the research has to be meticulous. You can’t afford to make mistakes.

I met Jim McCloskey about fifteen years ago when he asked me to speak at a Centurion Ministries annual gala at Princeton. Within ten minutes

of first shaking hands we were telling war stories of the wrongfully convicted. Jim's stories are always better, because he lived them. He is part of them. He made the exonerations happen by pounding the streets from coast to coast in search of the truth. Centurion has been involved in about seventy exonerations, and Jim was usually there, outside the prisons, when his innocent clients walked out and into the arms of their loved ones. He was there when they tasted freedom, and he was the reason for it.

At some point a few years back, we began talking about this collection. The idea was simple. I would select five of my favorite stories, and so would Jim. The first challenge was to pick only ten, because there are so many. The second challenge was to limit each story to about 10,000 words. Since each story could fill a library, we knew the task would be formidable. We agreed that each would do his own writing with limited input from the other.

And so we wrote.

Our goal with this book is to raise awareness of wrongful convictions and in some small way help to prevent more of them. It is an effort to shine light on some of the terrible and abusive tactics used by the authorities to convict innocent people.

If we as a society had the political gumption to change unfair laws, practices, and procedures, we could avoid virtually all wrongful convictions.

JIM McCLOSKEY

As John points out, our association and friendship go back fifteen years. We were drawn together by our mutual concern and compassion for those men and women across America who fell victim to a deeply flawed criminal justice system and were falsely convicted and sentenced to a life sentence or to death. John generously volunteered to write the foreword to my memoir, *When Truth Is All You Have*, published by Doubleday in 2020. That book recounts the forty-year history of Centurion Ministries'

encounters with our nation's judicial system on behalf of the convicted innocent as well as the personal journey that led me into this work.

Naturally, I was honored when John invited me to cowrite *Framed* with him. We quickly agreed that each of us would write five stories of real-life cases in which innocent defendants, much to their shock and disbelief, were found guilty of crimes they had absolutely nothing to do with. The five written by me are cases I personally worked on as case manager and lead investigator. Selecting these five from among the seventy or so individuals Centurion successfully freed was a challenge worthy of Solomon. I was fortunate in writing to be able to draw upon Centurion's voluminous in-house archival records collected during the many years of work on each case. These source materials include, but are not limited to, trial transcripts, police reports, legal briefs, judicial opinions, court records, and Centurion investigative reports.

The subtitle of *Framed* is *Astonishing True Stories of Wrongful Convictions*. I can assure readers, no matter what their background, that their response after reading each of these stories will be, "Did this really happen?" To which we the authors answer, "Yes, it did, and it happens far more often than you can imagine." It is our intention and hope that these stories are not only a compelling read but at the same time serve as a microcosm of what is occurring throughout our nation's halls of justice. It is our attempt to bring to light systemic flaws in the justice system's infrastructure that cause untold tens of thousands of innocent souls to interminably languish in prison.

The twenty-three defendants caught in the web of these ten wrongful convictions needlessly spent decades in prison until the truth of their innocence finally emerged and set them free. Four landed on death row, two of whom came within days of execution, while one was tragically executed. Perhaps it will surprise readers that the racial makeup of the twenty-three is almost evenly split, ten white and thirteen black, demonstrating that this kind of injustice easily occurs across racial lines.

Often the real killers were under the nose of the police from the outset of the crime, and in two cases they were the star witnesses for the

prosecution. DNA played an important role in several cases but not in most. Perjury by police and civilian witnesses was pervasive in these stories. These convictions were not caused by unintentional mistakes by local law enforcement or misidentification by well-meaning eyewitnesses or honest but erroneous forensic analysis.

No, they were rooted in law enforcement misconduct and chicanery, men and women hell-bent on clearing cases or gaining a conviction through a wide variety of illicit means—subornation of perjury, secret deals with criminals in exchange for their fabricated testimony, coercing witnesses into false testimony or suspects to falsely confess, use of discredited or inept forensic analysts, suppression of exculpatory evidence from the defense, or other acts that obstructed justice and resulted in the ruination of innocent lives to the relief of the actual perpetrators.

Each of the stories takes the reader on a roller-coaster ride, most of which end with truth and justice ultimately prevailing, although at great and unimaginable personal cost to the exonerees and their loved ones. Once freed, the released face the formidable challenge of starting life all over again. It is a testament to the human spirit that so many of them have the will and capability to do so, unburdened with the anger and hate of years past, now filled with a forgiving heart, an enhanced appreciation for the everyday things of life that most of us take for granted, and a desire for a peaceful and quiet existence.

Our hope is that you find this book to be both interesting and informative, and that it provides you with a new perspective on the fallibility of our criminal justice system—a perspective that perhaps you didn't have prior to reading *Framed*.

THE NORFOLK FOUR

JOHN GRISHAM



Omar Ballard's mother was a black prostitute and drug addict who worked the mean streets of Newark, New Jersey. He never knew his father, who was white. His mother showed little interest in things maternal and almost no interest in the kid. He went from one foster home to another and naturally gravitated to the streets from whence he came. He was an angry kid who blamed his mother for his problems. His temper was explosive and often aimed at women. He found the life of a street thug appealing and quickly became part of the crime and violence of his neighborhood. He loved it all: the drugs and drug dealing, drinking, guns, sex, robberies, shootings, beatings, murders, gang fights, the thrill of running from the police. He got busted a few times for drugs and drunkenness, but nothing serious.

Ballard dropped out of school, and at the age of nineteen left New Jersey. He was broke, unemployed, and, as always, looking for trouble. He eventually took up with an old friend from home, Tamika Taylor, an eighteen-year-old unwed mother of two who lived in a low-rent section of Norfolk, Virginia. The neighborhood was favored by thousands of young sailors stationed at the nearby naval base and was not considered unreasonably dangerous. That changed dramatically with the arrival of Omar Ballard.

His first known victim in Norfolk was a young white woman named Melissa Morse. He assaulted her, beat her with a baseball bat, and when her screams got the attention of others, a mob formed and gave chase. Ballard fled and sought refuge in the nearby apartment of Billy and Michelle Bosko, a young navy couple from Pittsburgh. The Boskos had been married for six weeks and just recently had met Omar through friends. They welcomed Omar, offered him a drink, and were having a pleasant visit when the mob appeared outside their apartment. The Boskos could not believe that their new friend Omar would assault anyone, and Billy bravely refused to hand over his guest. The mob dispersed, and Billy later told the police that Omar was not guilty.

Two weeks after he assaulted Melissa Morse, and while Billy was deployed at sea for a week aboard the USS *Simpson*, Omar Ballard stopped by the Bosko apartment for another visit. It was around midnight, July 7, 1997. By his own admission he was drunk, stoned, and looking for sex. He knocked on the door and said he needed to use the phone. Michelle, wearing only a T-shirt and underwear, let him in, offered the phone, and said there was beer in the refrigerator. It was late and she was going to bed. Omar followed her, attacked her, choked her, and when she was subdued, he raped her. He ejaculated and wiped his penis on a blanket. Then something snapped and Omar realized he was in serious trouble. To keep her quiet, he decided to kill her. He found a steak knife in the kitchen, and as he was returning to the bedroom, Michelle was regaining consciousness. He stabbed her three times in the chest, then left her on the floor to die. He washed his hands in the bathroom, rubbed the doorknobs with his shirt to remove fingerprints, placed the knife by her body, and on the way out went through her purse on the kitchen table and took the cash.

Most of the small, 700-square-foot apartment was undisturbed during the attack. Michelle, who was working at a McDonald's, had been a meticulous housekeeper. Billy was expected home the next day and everything was in order. When he found her body around 5:00 P.M. the following afternoon, their apartment was as neat and tidy as always.

A thorough analysis of the crime scene was undertaken and all evidence, including the victim's vaginal injuries, pointed to a sole assailant who had entered the apartment without force. There were no fingerprints other than a few from Billy and Michelle. Investigators spent more than nine hours in the Bosko apartment after the body was found and before it was removed. They inspected every inch, took videos and dozens of still photographs, collected every piece of possible evidence, even went so far as to build a tent over the body for a cyanoacrylate (superglue) fuming and powder test—an attempt to identify latent fingerprints on her skin. The investigation was exhaustive and left no doubt that Michelle's murderer had acted alone.

Almost two years after the rape and murder, the state crime lab finally tested Omar Ballard's DNA. The semen found on the blanket was 21 billion times more likely to have originated with Ballard than with any white man, and 4.6 billion times more likely than with any black man. The semen collected from the victim's vagina was 23 million times more likely to be Ballard's than any white man's, and 20 million times more likely than any other black man's. The blood found under Michelle's fingernails matched Ballard's DNA.

The only DNA samples recovered at the scene were from Michelle and her killer, Omar Ballard.

His third known sexual assault occurred ten days after he murdered Michelle. The third victim was able to identify Ballard and he was eventually convicted and sent to prison. He was not, however, suspected in the rape and murder of Michelle Bosko. His crime spree—at least two other sexual assaults against white women in less than a month, and in the same part of town—did not raise suspicions among the Norfolk police working the Bosko case.

Almost two years would pass before the detectives learned that Ballard was involved, and then he came to their attention only after he confessed from prison. Only then was his DNA tested.

To overlook such an obvious suspect was inexcusable, but the Norfolk police were far too busy to worry about Omar Ballard. They were working

feverishly to pin the Bosko murder on an entire boatload of innocent men. What should have been a clear-cut DNA case quickly became a knee-jerk investigation so riddled with incompetence as to seem, at times, unbelievable. The Bosko case ranks as one of the greatest train wrecks in the history of American criminal justice. While breathtaking in its arrogance and incompetence, it is far more heartbreaking in its outcome.

When the state crime lab got a hit on Omar Ballard's DNA on March 3, 1999, twenty months after the murder, the Norfolk police and prosecutors had a total of *seven* current or former U.S. sailors in jail, all charged with the capital rape and murder of Michelle Bosko. All seven had been excluded by DNA evidence. All seven had been excluded by the physical evidence. And with the exception of a DUI, none of the sailors had criminal records.

Like many police investigations that go wrong, this one began with a hunch. Often, a homicide detective will scan the crime scene, form a half-baked opinion based on a gut reaction and clouded by the tension of the moment, maybe even pick out a suspect, and before long the police are marching off in the wrong direction.

In the case of Michelle Bosko, the misguided hunch was made while the body was still being photographed. An officer by the name of Judy Gray was the first homicide detective on the scene. She quickly determined that, since there was obviously no break-in, the murderer was someone known to Michelle. She and her partner secured the area. When the crime scene investigators arrived, neighbors gathered nearby and watched in disbelief. Gray stepped outside and began the usual routine of fishing for leads. She talked at length with Tamika Taylor, Ballard's friend, and asked Tamika if she had any idea who could have murdered Michelle. Tamika was reluctant to venture a guess, but Gray pressed her.

"You see that guy over there," Tamika said, nodding at a sailor named Dan Williams (#1), also a neighbor. "I think he did it."

"Why?" Gray asked.

"Well, he's kind of obsessed with her."

And with that, Dan Williams became the prime suspect in the murder of Michelle Bosko. Tamika backtracked and said she wasn't sure. There are a lot of crazy people out there, and so on, and she also mentioned Omar Ballard as someone the police should check out. For some reason, they chose not to do so.

Dan Williams and his wife, Nicole, lived in a small apartment next door to the Boskos. Billy, after finding his wife's body, ran screaming and banged on the Williamses' door. Dan called 911 and went to find Michelle. The two couples were friendly, both navy, both childless. Nicole was dying of ovarian cancer. When Michelle was murdered, Dan was in bed asleep with his wife.

Detective Gray approached Dan and asked if he would mind driving down to the police station and answering some routine questions. Gray had a hunch that he was the killer, regardless of any evidence, motive, or anything other than Tamika's wariness of him. When he readily agreed to be interviewed, Gray was even more suspicious. By the time Dan Williams arrived at the police station, the police were convinced they'd found their man.

Inside the apartment, the investigators were meticulously gathering evidence that would eventually, hopefully, lead them to the killer. Outside, the homicide team was setting in motion a disastrous chain of events that would lead them far away from the wide trail left by Omar Ballard.

The next blunder in a wrongful conviction is often tunnel vision, which usually occurs just after the hunch. Police grab a suspect, convince themselves they've got the right guy, congratulate themselves for being so clever, then ignore conflicting evidence while embracing anything that will support their hunch. If they can verbally beat a confession out of their suspect, then their case is much stronger and they can avoid a lengthy investigation. Interrogation is often the lazy cop's way of solving a case. If evidence undermining their theory surfaces, they simply discount it. If clear evidence of innocence (DNA) is presented after their man is convicted, they refuse to believe it and stubbornly maintain his guilt.

Dan Williams entered the Norfolk police building around 6:30 on the evening of July 7, less than two hours after the body had been discovered and long before the crime scene work was finished. He had no idea he was a suspect. He was twenty-five years old, a high school graduate, a former Boy Scout who'd been raised by strict parents and taught to obey and respect those in authority. He was quiet, easy to lead, the last kid in class to start trouble. He had no criminal record and had never been subjected to a police interrogation. With his passive, unassuming personality, he was thoroughly unprepared for the ambush just around the corner.

The interrogation began at 8:00 P.M., and, not surprisingly, it was not recorded by audio or video. Cameras and recorders were close by, as in every police department, and they would be used when the time was right. But not yet; some parts of the interrogation should not be seen. Williams waived his Miranda rights, a careless mistake made by between 80 and 90 percent of all innocent people. Guilty criminals are far more likely to clam up or demand a lawyer.

Williams began answering preliminary questions from Detective Gray, while Detective Jack Horton took notes. No one else was in the room. Before long, Williams realized that the police suspected him, and he couldn't believe it. The detectives asked if he would voluntarily supply samples of his blood, pubic hair, and scalp hair, and hand over his underwear. Williams readily agreed. He had nothing to hide. He agreed to a polygraph test, another mistake. Innocent people often say yes to this test because they are eager to prove their innocence. They trust the police. Remarkably, the law allows the police to lie about the results of the polygraph test, which happens frequently. Indeed, the law allows the police to lie at will during interrogations of suspects. The polygraph ruse is a favorite.

At 9:45, Williams was strapped in and answered questions from the examiner. The questions centered on his activities of the day before, and whether he had been in the Bosko apartment recently. Williams answered truthfully and passed the polygraph test. As usual, though, he was told he had flunked the test, and the cops now had proof that he was lying. By

midnight, both detectives were unloading accusations faster than Williams could deny them. The language deteriorated. Tempers erupted. Williams insisted he knew nothing about the murder, that he had been next door in bed with his wife when it happened. Gray lied and said they had a witness who had seen him in the Bosko apartment. The police insisted he was obsessed with Michelle and they had witnesses to prove it. Williams had been taught by his parents to respect the police, and he was stunned to have them throwing accusations at him. They really believed he did it! He became confused and found it hard to think clearly.

Williams's wife, Nicole, grew more and more concerned as the night wore on. She called the police station and tried to find out what was happening, what was wrong. When she couldn't get an answer, she went to the police station. Early in the interrogation, Detective Gray stepped out of the room and talked to Nicole. She asked her what the couple had done the night before. The cops thought that perhaps Dan had sneaked out of their apartment during the night and pulled off the murder, but Nicole assured Gray that her husband had slept all night and never left. At that point, the police knew that Dan had a solid alibi. But it didn't matter.

At 12:30, Detective Gray left the room and Horton, talking man-to-man now, tried to induce Williams into admitting everything. *Just get it off your chest. Do it now because it will look better than if you wait six weeks for the DNA results to come back.* Williams held firm and said he was tired and wanted to go home. At 12:55, according to Horton's notes, Williams admitted that he thought Michelle was attractive. This led to a relentless barrage of insinuations that he was infatuated with her and wanted to have sex.

Finally, the interrogation was getting somewhere. Gray returned to the room and both detectives hammered away at Williams's "obsession" with the victim. They said they could prove he had been in the Bosko apartment the night before Michelle was murdered. Williams was confused, exhausted, and needed sleep. He continually laid his head on the table, and each time the detectives instructed him to lift it back up. Williams, punch-drunk and on the ropes, clung to the truth and denied knowing anything

about the murder. The detectives began to question his memory, and suggested amnesia and blacking out. Maybe he'd been sleepwalking when he committed the crime.

This tactic is not unusual in protracted interrogations. Police often suggest amnesia, or blacking out, or sleepwalking, all ploys designed to put doubt in a suspect's mind. Then the police posture themselves as the good guys who are there to help straighten things out.

Finally, it worked. By 3:00 A.M., with the detectives still hammering away, Williams began to question his own memory. Maybe he had blacked out. Maybe he had been sleepwalking. The detectives pressed on, back and forth, with more suggestions following more accusations.

At 4:35, Horton left the room, and Gray began to appeal to Williams's conscience, another tactic. Did he feel any remorse? Michelle is no longer with us. Think of her family. And so on. This worked, too, because Williams suddenly broke down and cried.

At 4:51, the situation changed dramatically when Detective Glenn Ford entered the room. Ford was a veteran cop, a tough character, a hardened interrogator who'd mastered all the tricks. His tactics were harsh, brutal, relentless, and designed to crush the will of any suspect. He had a history of obtaining false confessions.

It was long past time for a confession from Dan Williams, and Glenn Ford was there to get one. With Horton watching and taking notes, Ford placed his chair directly in front of Williams and said he was ready for the truth. He knew Williams was lying and he could prove it. There were witnesses. He badgered Williams nonstop for an hour. He threatened him with a long prison sentence, but promised him leniency if he would come clean and confess. (Ford and Horton later denied this, under oath.) He poked him in the chest repeatedly and cursed him. (Also later denied.)

Williams was terrified and his ability to think clearly was long gone. After nine hours of this ordeal he was ready to crack. The police were convinced he was guilty, and the only way out of the room was to give them what they wanted. He had to cooperate to save himself.

Ford smelled victory, and when they took a break at 5:41 A.M., Ford told Horton, “He’s ready to confess.” Williams had been under interrogation for almost ten hours, but he was far from finished.

Years later, in prison, he tried to explain why he confessed. “I was confused, upset. I really didn’t know right from wrong at that time. I was tired. I wasn’t feeling well. I felt helpless and really couldn’t take it anymore. So I told them what they wanted to hear. I just made up details. I knew what I was telling Detective Ford was not the truth, but I just wanted the questioning to end.”

At 7:00 A.M., eleven hours into the interrogation, the detectives finally turned on the tape recorders. Williams, frightened, drained, and thoroughly confused, gave them what they wanted, and in doing so included many of the details they had suggested throughout the night. His muddled version of the attack also included elements that were obviously not true.

The (first) confession included these details: He had walked across the hall to Michelle’s front door. He might have been sleepwalking. He was barefoot, though no bare footprints were found. She let him in. He attacked her. She was screaming, though no one heard screams. He did not ejaculate, though semen was found in the victim and on the blanket. When he left her, she was still screaming. He did not choke her, though the autopsy would reveal strangulation. He did not stab her, though the autopsy would reveal the four knife wounds, any one of which would have been fatal. There was no blood. He was alone, no one helped him. At first he didn’t remember how he killed her, but then remembered maybe hitting her in the head with a shoe, though the autopsy revealed no such injuries. He could not describe the shoe.

Using the shoe was a nice touch. This particular murder weapon had been suggested hours earlier by Detective Gray, who later admitted, “We put a lot of these things in his head. He admitted to things that me and Jack (Detective Horton) basically made up.”

At 7:15, the tape recorders were turned off and the detectives left the room. Williams was not allowed to leave, so he stretched out on the floor