



CONVICTED

A CROOKED COP, AN INNOCENT MAN,
AND AN UNLIKELY JOURNEY
OF FORGIVENESS AND FRIENDSHIP

JAMEEL MCGEE & ANDREW COLLINS
WITH MARK TABB

Praise for
Convicted

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and other teams

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WATERBROOK

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AUTHOR'S NOTE

One hundred years ago, Benton Harbor was a growing town on Michigan's sunset coast. The city boasted a trolley system, college, and opera house, along with an amusement park and semipro baseball team, both sponsored by the religious commune the House of David. Benton Harbor was originally founded in 1860 as a lake port that specialized in exporting fruit. In the 1920s factories began sprouting and brought rapid growth. The landmark Hotel Vincent was built in 1926 with the eighth floor designed to accommodate its most infamous guest, Chicago gangster Al Capone. Mansions sprang up along Pipestone Avenue, which runs through the center of town. Benton Harbor continued to grow through the 1930s and 1940s as black families moved from the southern states to work in local factories.

By the 1960s the boom days were over. While Whirlpool kept its headquarters in Benton Harbor, most of the high-paying manufacturing jobs that had built the area simply disappeared. Racial tension grew. Most white residents moved to the other side of the St. Joseph River to the town bearing the same name. Some still refer to Benton Harbor and St. Joseph as twin cities, but they could not be more different. Today, Benton Harbor's population is over 90 percent black, while St. Joseph's is over 90 percent white. The median income in Benton Harbor is barely 30 percent that of St. Joseph and slightly more than one-third the national average. Nearly 40 percent of Benton Harbor households get by on less than \$15,000 a year.

The streets and city services reflect the state of the city. Potholes cover most of the roads away from Main Street. Taxes are some of the highest in the state, even though most residents struggle to pay them.

The first racially charged riots hit Benton Harbor on August 30, 1966, following the shooting death of an eighteen-year-old black man, Cecil Hunt, by a white man. After three consecutive nights of rioting, Mayor Wilbert Smith

asked Governor George Romney to send in the National Guard. Even with more than seventeen hundred troops converging on the city, full order was not restored until September 5.

The gulf between predominantly black Benton Harbor and white St. Joseph grew even wider over the next few decades. As more and more factories shut their doors and poverty gripped the city, drugs and gang violence spread. Even today, Benton Harbor has one of the highest murder rates per capita in the United States.

Racial tension and violence erupted again in 1991 when the body of a young black man, Eric McGinnis, was fished out of Lake Michigan. He had last been seen at a St. Joseph club where weeks before he had met and started dating a white girl. (Eric's case was chronicled in Alex Kotlowitz's 1998 book *The Other Side of the River*.*) The night Eric disappeared, a white man claimed he saw Eric breaking into his car. The man chased him away and toward an off-duty white deputy sheriff. Even today, many in the town are convinced Eric was murdered.

Benton Harbor exploded once again in 2003 following the death of twenty-seven-year-old Terrance Shurn. A black man, Shurn died after crashing his motorcycle during a high-speed chase with white police officers who sought to cite him for not having current license plates. Two months earlier another black man, Arthur Partee, had died in a struggle when police attempted to arrest him for an outstanding traffic warrant.

The two cases brought to the surface nearly forty years of racial tension. After two nights of rioting, several homes and businesses were burned down. Rioters also targeted the fire trucks that attempted to extinguish the blazes. More than two hundred state police officers restored order, but the tensions never went away.

Nor did the presence of the state police. Members of the community believe the police unfairly target them. The riots also exposed the sense of hope-

* Alex Kotlowitz, *The Other Side of the River: A Story of Two Towns, a Death, and America's Dilemma* (New York: Anchor, 1998).

lessness and despair of a city racked by high unemployment, poverty, violence, and drugs. Politicians have long vowed to resolve the problems, but on the tenth anniversary of the 2003 riots, reporters found the problems that had sparked the riots still remained. Nothing of substance had changed for those who lived in Benton Harbor.

There are real attempts being made even today to improve the city. Not long after the 2003 riots, a Jack Nicklaus signature golf course, Harbor Shores, was built on the south end of the city near Lake Michigan. A resort hotel and spa soon followed, with an upscale housing edition planned as well. A December 15, 2011, *New York Times Magazine* story heralded the building of the golf course as a new day for Benton Harbor.* Civic leaders claimed the building of the course and hotel would bring in needed tourist dollars and increase the tax base of the city.

Perhaps that will someday be true. But to truly understand Benton Harbor, you need only drive to the corner of Broadway and Weld to Broadway Park. At first glance the park appears encouraging. A bright-green-roofed gazebo sits in the middle of the park with what appears to be fairly new playground equipment nearby. Basketball courts sit on one end of the park, with swing sets directly across. When you look closer, however, you notice the swing sets are missing swings and trash is scattered across the ground.

But that's not what sets Broadway Park apart.

Before you walk across the park from the corner of Broadway and Weld to the gazebo or slides or swing sets or basketball courts, you first pass a three-foot-tall water hydrant standing not far from the sidewalk. Officially known as a bury hydrant designed to keep from freezing up during the cold Michigan winters, the hydrant leans noticeably to one side. And in the middle of the hydrant, perhaps a foot below the handle, a steady stream of water shoots out of a hole in the side. Long ago someone tried to plug the hole with tape, but it didn't

* Jonathan Mahler, "Now That the Factories Are Closed, It's Tee Time in Benton Harbor, Mich.," *New York Times Magazine*, December 15, 2011, www.nytimes.com/2011/12/18/magazine/benton-harbor.html.

work. Now the tape pushes the water downward, where it collects at the bottom of the hydrant. In the summer the ground around the hydrant resembles a wetland. In the winter it becomes a skating rink. But no matter the time of year, the water continues to shoot out the side of the hydrant, just as it has for years.

Residents used to complain to city hall about the hydrant. After all, the homeowners around the park help pay the water bill, and they do not want to pay for water running out on the ground year-round. But the city has claimed it does not have the money to fix the leak or replace the hydrant, which would cost around fifty dollars at any home improvement store. Eventually people quit asking the city to do anything. Now the water runs and runs and runs, and people accept it because that's just the way things are in Benton Harbor.

To understand Benton Harbor and the hopelessness that seems to pervade the city, you need only visit the forgotten leaking hydrant in Broadway Park. The people in the community feel just as forgotten.

Convicted is only one story of life in Benton Harbor. Maybe its hopeful ending is just what this town—and all of us—needs.

—Mark Tabb
Spring 2017

PROLOGUE

Andrew

The crowd parted like the Red Sea. At first I could not see what was happening or why the hundreds gathered in Benton Harbor's Broadway Park for our church's Hoops, Hotdogs, and Hip-Hop Festival moved aside so quickly. But then I saw him. I recognized the face but I had trouble putting a name to it. Whoever he was, he was angry, angry enough that the crowd instinctively cleared a path for him. And he was heading straight toward me.

To be honest, I had expected someone like him, in an apparent rage, to come and find me. This was, after all, the first time I'd shown my face in the heart of Benton Harbor since my release from federal prison. A couple of people I'd arrested back when I was a policeman had already found me. I ran into one guy at a mall right before I went to prison. He thanked me for coming clean about what I'd done because it got him out of jail. The rest of these reunions had come after my release. I ran into people at the grocery store and at gas stations and anywhere I went in the area. Some tried to act tough when they first saw me, but they ended up just smiling and laughing because they'd gone free while I

went to prison. A couple others had cussed me out for ruining their lives. One guy threatened to get even.

And now this.

I glanced around the park, looking for my five-year-old daughter. Bringing her to the park with me had seemed like a good idea when I left my house. *What can go wrong at a block party?* I thought. When my daughter asked if she could play on the swings with some other kids, I told her sure, have fun. Who wants to spend a day at the park watching her dad hand out snow cones? Now, as I watched this angry man march through the crowd, a little boy and another man struggling to keep up with him, I wished she were right next to me. Perhaps he might think twice about doing anything in front of a five-year-old girl.

The man walked straight up to me, stopped, and stuck out his hand. I took it. "Remember me?" he asked in a tone that sounded more like a threat than a question.

Somehow a name came to me. "Jameel McGee," I replied. His grip on my hand tightened when I said his name. I tugged back a little, which only made him grip down that much harder, to the point of pain. I half expected to hear my bones crunch.

I looked closely at Jameel to try to get a read on what he was about to do. While I was a cop I was pretty good at reading people. What I read in Jameel made me even more nervous. His jaw was clinched, the muscles pulsating on the side. I glanced over to the man who had come up behind him. He looked terrified, not of me, but of what was about to happen. Then there was the little boy, who seemed more interested in the snow cones than anything else. He was a little older than my daughter. *I hope she doesn't come over here right now*, I thought.

My mind raced. I had to do something to diffuse the growing tension, so I did what I had planned to do in exactly this situation: I apologized. "Jameel, man, I am so sorry for what I did to you. I, er, I was an addict back then, not to drugs, but to my own ego and making a name for myself. That caused me to do a lot of stuff I'm ashamed of now. I was a real messed-up person back then, and unfortunately, people like you paid the price for that. I am so sorry."

Jameel's expression did not change. His grip stayed tight on my hand. I couldn't feel my fingers.

"But I've got to tell you," I continued, "that I'm a new person today. That guy you're mad at, I'm mad at him too, because, you know, he threw away his career and he left his wife and daughter behind when he went to prison. But that guy's dead now. He was crucified with Christ. Today, I'm a new creation in Christ. I am a different man, one who is very, very sorry for what I did to you back then."

The whole time I was talking, I was staring at Jameel, looking for some sort of reaction, either good or bad. But there was nothing. His expression never changed and his grip never loosened.

When I finished my little speech, Jameel huffed a couple of times and sort of shook his head. He bit his lip and looked over toward the little boy, then back at me. Finally, without loosening his grip on my hand even a little bit, he nodded over toward the boy and said, "I need you to tell him why his daddy missed out on three years of his life."

I felt like I'd been kicked in the stomach. What was I supposed to say to *that*? I didn't have an answer. I couldn't give him back his time with his son that I had taken away from him. But I also thought perhaps we had made a little progress because he hadn't punched me in the face yet. I decided to build on that. I now knew the little guy was his son. Jameel is a dad and I am a dad, so I decided to connect with him on a dad-to-dad level. I wanted to let him know I understood his pain and frustration because I had felt it myself. So, like an idiot, I opened my mouth again.

"Jameel, man, I'm sorry. I know how you feel. I missed out on eighteen months of my daughter's life when I went to prison," I said.

Immediately, Jameel said, "I don't *care* what you missed out on."

I shut up. *You idiot!* I shouted at myself in my mind. *Why did you bring up your little eighteen-month slap on the wrist when he served three years because of you?*

I wanted to disappear, to grab my daughter, jump in my car, get out of Benton Harbor, and never come back. More than anything, I just wanted this

to be over, not just my confrontation with Jameel, but all of it. I'd already quit one job when a customer recognized me as the guy who put him in prison and threatened to come back and shoot up the place. How many more times was I going to find myself face to face with someone who blamed me for ruining his life? And when might one of these meetings turn into something from which I could not walk away?

Jameel's jaw muscles kept flexing. The grip on my hand grew even tighter. He didn't just look angry. I saw a war going on inside this man, a war I believed was about to spill outside as well. The man with Jameel turned away like he didn't want to see what was about to go down. I braced myself. It had been a long time since someone had hit me in the face.

I hope my daughter doesn't see this, I thought.

FEBRUARY 8, 2006

Jameel

I knew I was taking a chance driving with a suspended license, which was why I was extra careful. I didn't speed. I didn't float any stop signs. I signaled before every turn. My taillights and brake lights all worked. The police should not have pulled me over, but this was Benton Harbor, and I am a black man, so I got pulled over anyway. The cop was cool, though. When he ran my license and found out it was suspended because of a couple of unpaid speeding tickets, he could have run me in. But he didn't. He handed me a ticket and told me to drive home and park my car until I paid my fines. *That's cool. Okay. I can do that.* I had no plans for the rest of the day anyway.

Even before the cop pulled me over I had planned on taking care of the tickets soon. A couple of months earlier I made a deal to open a car wash in Michigan City, Indiana, as soon as the weather warmed up in March. Before making the deal, I did a test run. I did more than wash cars. My shop did full-car detailing, both inside and out. I worked twelve hours or more a day, but that was all right with me. Owning my own business and being my own boss had been my dream all my life.

Most of the paperwork was signed, and I had only a few details left to take care of before I opened up the shop for good the next month. The last thing I was going to do was let some unpaid speeding tickets keep me from driving forty minutes each day between Benton Harbor and Michigan City to run my business. I definitely planned to take care of them in time to open my car wash.

After the cop let me leave, I drove over to my grandma's house where I was staying and decided to just chill for the rest of the day. Some of my cousins were there, along with some of their friends, most of whom I didn't know. There is always a crowd at my grandma's house. I've got a ton of cousins, and some of them were always around. That wasn't a big deal for me.

I hooked up my PlayStation 2 and started playing some games. One of my cousins came in and played a couple of games with me. He told me he really liked my game system. "Why don't you sell it to me?" he asked.

I told him, "No man, I don't think so."

"I'll give you a hundred bucks right now," he said.

"All right, sold." I needed the cash to pay off my tickets. Between that and the money I had from a check I'd just cashed from another job, I had about all I needed to pay them off.

After I sold the game to my cousin, we kept on playing. This was pretty much all I had planned for the day until one of my brothers, Buck, called to tell me he'd just talked to my ex.

I'd had a long-term girlfriend, but we had broken up over a year before.

"Yeah, what did she say?" I asked.

"She wants to bring your baby boy over to see you today, this afternoon," Buck said.

"Wow, man, finally," I said, excited. My ex and I had dated and then lived together for quite a while. However, things between us started falling apart when we found out she was pregnant. I started working extra-long hours so I could take care of my new family. At the time I worked a couple of different jobs. This was before the opportunity for the car wash came up. She didn't like my working so much and eventually everything just fell apart. She took off and

I had not seen her since. I didn't even know she'd had the baby until long afterward. This was going to be my first time to see my son.

"Yeah, I know it," Buck said. "So she's going to bring him over to see you, and I don't know, she might leave him with you for the day or maybe a couple of days."

"Okay," I said. "I'll be ready."

When I hung up the phone, I went to my room and changed my clothes and got ready to meet my son for the first time. I was nervous and excited at the same time. I checked out the kitchen and we didn't have a lot in there. Since I did not know how long I might have my son, I figured I needed to run to the store to pick up a few things. Going to the store presented a real problem. If I drove to the little neighborhood convenience store that was only a half mile from my grandma's house and got pulled over, I'd probably be arrested for driving with a suspended license. If that happened, there was no way I'd see my son. If my ex showed up and I wasn't here, she'd leave and not wait for me. But if my ex brought my son over and the cupboard was bare, I might not see him again for a long time either because she would think I was not able to take care of him.

I had to go to the store, but I could not drive. Not a problem, I thought. I had some cousins and their friends there in the house and they had cars. "Any of y'all want to give me a ride to the store real fast?" I asked.

One of the guys in the house, a guy named Will who knew one of my cousins, said, "Yeah. I'm fixing to go. I'll take you."

"All right, cool," I said. I got up to leave right away, which is what I needed to do, but he kept messing around, doing something, I don't know what. To be honest, I could have walked to the store and back by the time he was finally ready to go. I didn't say anything because I was the one asking for a ride.

Finally, he said, "You ready? Let's go." We drove to the store in his silver Dodge Durango. He drove. I rode in the passenger seat. Will had come over from Detroit, and the back of the car was full of his stuff.

When we pulled up to the store, Will asked me, "Can I borrow your phone?" Actually he asked before we even got to the store.

“Sure, man,” I said. I figured that was the least I could do since he had given me a ride. He parked the car. I handed Will my phone and went into the store. This was not going to be a long shopping trip. I wanted to get in and out and back to my grandma’s house as quickly as possible. For all I knew my ex was already there with my little boy. *Little boy!* The thought of that caused a smile to break free on my face. I picked up some milk, chips, pop, and gummy worms and went to pay for them. Gummy worms were my thing back then. *Will had better be ready to go as soon as I get out of here,* I thought. I didn’t have a minute to spare.

The outside of the store looked completely different when I walked out with my stuff. The parking spots that had been empty a few minutes earlier were now full of cars. People were walking around. I paused for a moment. A guy walked up to the door, but he didn’t act like he wanted to go into the store. He was coming after me. I know this because I stepped aside a little and he got right in my face. *Wow, what’s going on?* I thought.

“Where’s the dope, man?” the guy said.

“You can’t be talking to me,” I said.

“Yeah, I’m talking to you. Where’s the dope?”

I didn’t say anything. I didn’t have time for this mess. I just started walking back to where Will had parked his Durango at the side of the store.

The guy blocked my way. “You got something for me?” he said.

I just shook my head, annoyed.

Then he reached into his shirt and pulled out a badge that was hanging on a chain around his neck. “You got something for me?” he asked again.

“I don’t know what you’re talking about,” I said and kept on walking. That’s when I saw Will standing outside the Durango on the passenger side of the car. *Why is he on that side?* I wondered.

Before I could ask Will anything, the guy I now knew was a cop pulled me over to the police car in front of the store. “Hands on the hood,” he said.

“You serious?” I asked.

“Yeah. Hands on the hood.”

I did as I was told, but all I could think was how I didn't have time for this. Not now. If my ex showed up at my grandma's house and I wasn't there, I might never get to see my son. I set my bag of groceries down and leaned against the car hood. The cop patted me down. He reached into my front jeans pocket and pulled out the cash I had from selling my PlayStation and cashing my check. I think I had somewhere around \$500 on me. I never saw that money again.

“He's clean,” the cop said to another officer standing nearby.

“Yeah I'm clean. I told you I was clean. Can I get out of here now? I gotta get home,” I said. That wasn't all I said, but this is a family book. I was starting to get mad. When you're a black man in Benton Harbor, getting hassled by the police is just a part of life. I can't tell you how many times I've been pulled over for driving while black or how many times the cops searched me while I was walking down the street, minding my own business. It happens all the time. But this day I didn't have time for this nonsense. I had to get home.

“Get in the back of the car,” the cop insisted.

“What!? You don't have any reason to arrest me,” I said. “I *need* to get home.”

“Get in the car,” he said again. He didn't cuff me or anything like that, which was a good thing. If he had cuffed me I might have lost it. The whole thing was garbage. He had no reason to stop me or search me or hold me in this car. But I got in the back of the car like I was told. I knew what happens to those who don't.

After putting me in the car, the cop went over to Will's Durango. He said something to Will, then turned him around and cuffed him. The cop then brought Will over to the car and put him in the back seat next to me. As soon as the cop was out of earshot I asked Will, “What is going on, man?”

“Shh, shh . . . they got cameras on,” Will said.

“I ain't got nothin' to do with none of this stuff. What is the problem? Why am I sitting in the back of this police car with you, man?”

"Just . . . Just wait. I gotta . . . you know . . . We can get over to the county lockup and we can . . . uh . . . bond out."

"Bond out?" I said. "I'm not going to county for anything. We need to clear this up now so I can get home."

"Yeah, man, we can bond out and then I'm going to run," Will said like he hadn't heard a word I'd said.

I felt like I was about to explode. "What are you even talking about? What is going on? What did you do?"

"Shh, man. Don't say nothing. They got cameras on us."

Several cops gathered around the Durango. I knew they were searching it, but that didn't matter to me. It wasn't my car. The back of the car was full of Will's stuff. I'd never been in it before he gave me the ride to the store. The only possible thing they could find in it was my cell phone, which I needed right now in case my brother called me with news about my ex and my baby son.

A couple of minutes later the cop who put me in the back of the car came walking back over to his police car. He had a stupid smile on his face. In his hand he held a baggie with what looked like some rock inside, that is, crack cocaine. He waved it at me and said, "Gotcha."

I shrugged and gave him an "I don't care" look. So he'd found crack cocaine in Will's car. That had nothing to do with me. I didn't know Will. I didn't know what he was into. He was going to get arrested and might do some real time for something like this, but it had nothing to do with me.

The cop came closer. "What's your name?"

I said nothing.

"Where do you live?"

I didn't reply.

"You got a Social Security number?"

Silence.

"All right. You don't want to talk. That's fine with me, but eventually you'll have to. You're under arrest for possession of crack cocaine with intent to distribute."

I could not believe my ears. I looked at Will, who didn't say a word. He knew this wasn't my dope and he could have cleared the whole thing up right then and there, but he didn't say a word. I looked back over at the cop.

"This is BS," I said. "I ain't got nothing to do with that dope you found. That's not my dope. That's not even my car."

"Yeah, right," the cop said.

I did not see my baby son that day. I didn't get to see him until he was five years old. I also didn't know who this cop was—not yet. I soon found out his name: Andrew Collins. For the next three years, not a day went by that I didn't think about my son who I had never seen and the cop who had kept me from him. And for most of those three years, I promised myself that if I ever saw this cop again, I was going to kill him. I intended to keep that promise.

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