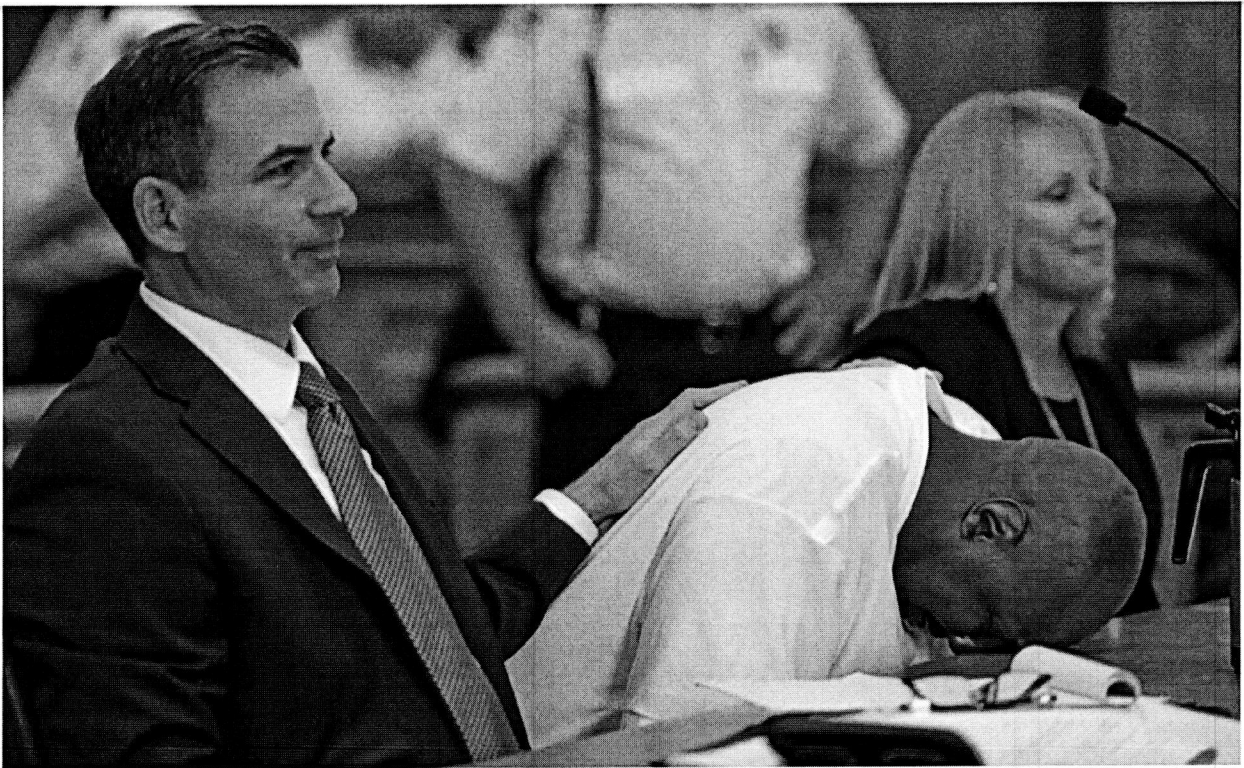


Joseph Bennett free, pending trial 22 years...



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BOSTON, MA- APRIL 30, 2019: Joseph Bennett, 44, reacts as Judge Peter Krupp says he is free on \$10,000 dollars cash bail. Bennett served 22 years in jail for the murder of 25 year old Jasper Gillard which he says he didn't commit. April 30, 2019. (Staff Photo By Faith Ninivaggi/ Boston Herald/Media News Group)



Joseph Bennett is free on \$10,000 bail after 22 years in prison, awaiting a new trial for a 1997 murder he says he didn't commit, with more than a dozen new witnesses backing him, according to his defense team.

Bennett, 44 — the nephew of Willie Bennett, the man falsely accused of killing Carol Stuart in 1989 — was convicted of second degree murder in the 1997 killing of 25-year-old Jasper Gillard at the now-closed Rolls Club in Mattapan.

Joseph Bennett wept as Judge Peter Krupp granted bail Tuesday in Norfolk Superior Court.

"I feel great right now, everything is good," said Bennett — who danced on the courthouse steps after he was freed on bail. "I'm a little emotional, a little overwhelmed right now, but I'm glad to be here. It has been a long journey and I'm happy it's coming to an end."

Over the past two decades, he had filed three motions for a new trial. He had an open case in the state Appeals Court since 2015 seeking review of a prior Superior Court decision denying him a new trial. The bail hearing yesterday came after Krupp granted him a new trial, after the defense was able to find 14 witnesses to dispute the original claims. He was released on a \$10,000 bail.

"I'm just so happy he's out," his aunt Veda Bennett said, with tears running down her cheeks. "We've been through so much."

"I'm so shaken, it feels so good," said Bennett's mother, Linda Whitley.

But the mother of Gillard's daughter said Tuesday she felt "disgusted" by Bennett's release.

"I thought this chapter of my life was done," said Letitia, who didn't want her last name used. "I never imagined being here 22 years later. I didn't think this was possible."

The Commonwealth could retry Bennett again for murder, but his lawyers say that would be an uphill battle, because the

prosecution's only witness recanted his story right after the initial trial, O'Brien said, and because there were so many people that came forward disputing the initial claims that Bennett was the shooter. Lawyers will reconvene June 4 to see if the state decides whether to retry him.

"People had to risk their lives (to testify for him) but they knew what happened to him was wrong and they took a chance," said defense attorney Lorenzo Perez. "A lot of them came from the streets, so they broke the code (of silence) because they knew it was the right thing to do and it was humbling to watch."

"He maintained his innocence, he always believed he would get out even when it wasn't looking good," O'Brien added.

The Suffolk County District Attorney's Office did not comment on Bennett's release, but told the Herald Monday prosecutors are in the process of reviewing the judge's decision.

By **TAYLOR PETTAWAY** | taylor.pettaway@bostonherald.com | Boston Herald. PUBLISHED: April 30, 2019 at 6:06 pm | UPDATED: May 1, 2019 at 8:44 am. *Laurel J. Sweet and Jessica Heslam contributed to this report.*

A Norfolk County District Judge granted Joseph Bennett out on bail pending new trial after he served 22 years in prison.

BOSTON — Last month a Superior court judge allowed for a new trial for a Boston man convicted of killing Jasper Gillard more than 22 years ago. Today a Norfolk Superior judge granted him free on \$10,000 bail — after some 22 years in prison for a murder he said he didn't commit — pending a new trial, according to the Suffolk County District Attorney's office.

Joseph Bennett, 44, whose motion for a new trial in the 1997 murder of Jasper Gillard was allowed on April 16 by Superior Court Judge Peter Krupp, happens to be the nephew of Willie

Bennett, the man falsely accused of killing Carol Stuart 1989, according to the Boston Herald.

Joseph Bennett was convicted in 1998 of second-degree murder in Gillard's Jan. 9, 1997, shooting death in Mattapan. He appealed that conviction in 2001, and the Massachusetts Appeals Court affirmed it, the District Attorney's office said.

During a hearing today held in Norfolk Superior Court, Krupp allowed the defendant's motion for bail over the objections of Suffolk prosecutors. Bail was set in the amount of \$10,000 with orders that the defendant abide by a curfew, submit to GPS monitoring, and that he stay away and have no contact with Gillard's family, according to the DA's office.

Prosecutors reviewing the decision allowing a new trial, they said. The case is set to return to court May 15.

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