

CRIME & JUSTICE

Another Philly murder case tied to an ex-detective facing perjury charges has been overturned

A city judge ruled that Janet Weary's confession had been coerced by former city homicide detective James Pitts. Still, prosecutors had opposed Weary's appeal and might retry her.



Former Philadelphia homicide detective James Pitts has been accused of wrongdoing for years. Janet Weary said he coerced her statement, which helped lead to her conviction for murder. ...Read more

by [Chris Palmer](#)

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A Philadelphia judge on Wednesday overturned a woman's decade-old murder conviction after saying he believed that the woman's confession had been coerced by former city homicide detective James Pitts, who [for years](#) has been accused of abusing witnesses and suspects and is awaiting trial on perjury charges.

Janet Weary cupped her head in her hands as Common Pleas Court Judge Scott DiClaudio issued his decision, and Weary's family and friends in the courtroom applauded.

Still, Weary's case is far from over.

Although the District Attorney's Office [is prosecuting Pitts](#) and has [successfully moved](#) to overturn several other convictions that were tied to him, prosecutors had opposed Weary's long-running appeal, saying her testimony about her interaction with Pitts had varied over time.

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She provided "two different stories about how [her] statement came to be," Assistant District Attorney Zachary Mattioni said Wednesday.

DiClaudio disagreed, saying he found Weary credible when she described having been roughed up and threatened by Pitts in an interrogation room. And the judge ruled that her 2010 guilty plea to charges including third-degree murder could not stand, given what he viewed as a tainted confession.

Still, prosecutors did not move to drop the charges against Weary, meaning they may seek to try her again. Mattioni did not elaborate on what the office may do with the case. An office spokesperson said prosecutors were weighing their options, including the possibility of appealing Wednesday's decision.

Weary, 53, was sent back to a city jail to await word of what comes next. Her sister, Sidny Ellison, said the hearing had sparked mixed emotions — she was happy that Weary's conviction was tossed, but disappointed that she was not freed.

"We're still playing this waiting game," Ellison said.

Pitts had been [the subject](#) of lawsuits, complaints, and allegations of abuse for years, and he was [arrested last spring](#) and charged with perjury and obstruction. District Attorney Larry Krasner's administration accused him of lying under oath about whether he beat a man into signing a confession in another murder case. And Krasner said at the time: "I cannot calculate the damage that was done to a public sense of trust in law enforcement by those kinds of tactics."

Pitts' lawyer did not immediately respond to a request for comment Wednesday.

At least 10 cases tied to Pitts [have been dropped, dismissed, or overturned](#) over the years, and petitions alleging coercion remain pending in a number of others.

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DiClaudio, the judge, said in court Wednesday that the flurry of litigation has actually made it challenging to assess defendants' claims of misconduct. Many people have accused Pitts of similar — and sometimes vague — forms of abuse, the judge said, and much of what has been alleged would have taken place in interrogation rooms without other witnesses, and before police had equipped the rooms with video or audio recording systems.

In Weary's case, DiClaudio said, he put stock in the fact that she raised concerns about Pitts years ago, as her case wound its way through the courts. She was accused of recruiting her brother, Rufus Weary, to a street corner in 2007 to resolve a beef with a drug dealer. Police said at the time that the encounter turned fatal when Rufus Weary accidentally shot his friend, David McCoy, while aiming for the rival dealer.

The prosecution had a complicated history in court, but Weary ultimately pleaded guilty in 2010 to charges including third-degree murder and was sentenced to at least 23 years behind bars. (Her brother was convicted in 2012 and died a few months ago.)

In 2020, Weary's lawyer, Jerome Brown, filed a new appeal centering on Pitts, calling him "the Homicide Unit's 'hitman' when they really needed a confession to 'clear' a case." Weary, in her appeal, accused Pitts of a variety of misdeeds, including grabbing her, shoving her, and spitting at her as he threatened her and told her to sign a false statement regarding the crime.

DiClaudio held an evidentiary hearing a year ago, at which Weary testified. And he said Wednesday that he found her account and demeanor credible, despite prosecutors' assertions that they had questions about the consistency and accuracy of her account. One of the issues they raised in court documents was that she said another detective had been in the room with Pitts, even though that detective denied that while on the witness stand.

But DiClaudio said he was certain of his conclusion. "I believed her," he said, which caused him to lose faith in the validity of her conviction.

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I cover criminal justice and law enforcement in Philly, focusing on how it's evolving and impacting communities during a moment of reform.