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CRIME

How the head of Marvel Entertainment and a headstrong lawyer quietly convinced Donald Trump to free a West Baltimore man

By JUSTIN FENTON
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West Baltimore resident Jawad Amir Musa, reacts regarding the commutation of his life sentence for a non-violent drug conviction

From his cell in a high-security federal prison in Colorado, Jawad Musa prayed five times a day that he would someday be able to see his family again.

It was late December. A month earlier, the 56-year-old West Baltimore man's latest attempt to get released from a mandatory life sentence for a nonviolent drug offense had been rejected by a judge, just like all the others before it.

Two thousand miles away, Josh Dubin, 45, sat on the patio of Mar-a-Lago, a guest of President Donald Trump and the first lady. The tattooed former boxing writer turned sought-after trial consultant from Brooklyn sipped whiskey and picked at a plate of lobster tail and caprese salad, sweat dripping down his back as he waited to bring up the reason he was there: Jawad Musa.

Dubin had never met Musa, or the president for that matter. But he was there on behalf of the billionaire chairman of Marvel Entertainment, who had his own reasons for wanting to see an injustice righted. Find someone worthy of clemency and I'll make it happen, Isaac Perlmutter had told Dubin.

After a few phone calls and some research, Dubin and Perlmutter settled on a man neither had ever even spoken to.



After a series of events in which the head of Marvel Entertainment interjected, West Baltimore resident Jawad Amir Musa reacts regarding the commutation of his life sentence for a nonviolent drug conviction Fri., Jan. 22, 2021. (Karl Merton Ferron/Baltimore Sun Staff) (Karl Merton Ferron/The Baltimore Sun)

Within a few days Dubin was at the “Winter White House.” Now all he had to do was persuade the most powerful person in the world to let Musa return home.

Notoriously private

Nearly every article about the 78-year-old Israeli-born Isaac “Ike” Perlmutter describes him as “reclusive,” despite having an estimated net worth of more than \$4 billion and holding the highly influential position of Marvel Entertainment chairman. He is notoriously protective of his privacy and security, and reportedly showed up to the “Iron Man” movie premiere in a wig and mustache to avoid being recognized.

“I don’t talk to journalists,” Perlmutter began during an interview with The Baltimore Sun, his first with any news organization since 1985.

His is an unlikely success story. He was born in Israel, fought in the Six-Day War and arrived in New York at age 24 with \$250 in his pocket.

“I’m the American Dream. I never graduated college, never had the opportunity to go. We never had money to buy food,” Perlmutter said in a thick Israeli accent. “I came here with \$250, and the rest is history.”

He made hundreds of millions of dollars buying distressed companies, including the makers of the Cabbage Patch Dolls, and selling them at huge profits. Though Marvel is now associated with billion-dollar action movie franchises such as Spider Man, X-Men, Captain America and The Avengers, he acquired it teetering on the edge of bankruptcy, and repositioned Marvel as an entertainment titan. It was acquired by Disney in 2009 for \$4 billion.



Isaac "Ike" Perlmutter, an Israeli-American billionaire and the CEO of Marvel, walks down the steps of Air Force One at Andrews Air Force Base in Maryland on Feb. 6, 2017. (Susan Walsh / AP)

Despite his attempts to stay out of the spotlight, Perlmutter has been involved in various controversies. One of them would lead him to Musa.

Perlmutter became locked in a dispute with a millionaire neighbor over tennis facilities at their Palm Beach condominium complex. When the neighbor became the target of a smear campaign, he suspected Perlmutter, who wound up needing an expert to prove his wife's DNA wasn't on a contentious mailing.

That's when Perlmutter met Dubin, who was brought in to help defend the lawsuit.

Of the legal effort, Perlmutter says: "I was fighting for close to eight years — and still fighting — and I said to myself, 'Thank God I have money, and my wife has money.'"

If he didn't have resources, he says, there would've been "no way to fight, no way to do anything."

Caught in a sting

If Perlmutter's story is the American Dream, Jawad Musa's was an American nightmare.

Born Leroy Moses, he was raised in Baltimore's Lexington Terrace housing project, one of the most dangerous in the city until it was torn down. He grew up without a father; his mother worked full-time at a clothing factory to support Musa and his younger brother.



Baltimore, Md.--July 27, 1996--One of five high-rise apartment buildings comes down in cloud of dust at Lexington Terrace in West Baltimore. The five buildings were imploded by a team of demolition experts to clear the area for new housing. Staff photo/Doug Kapustin (Doug Kapustin)

A friend was fatally shot at age 11; a few years later, another friend died of a heroin overdose, and Musa remembers a group of teens disposing of her body in a trash container. He started using marijuana daily before he was 12, dropped out of what was then Southern High School at 16, and would become a daily user of heroin. He spent much of his 20s incarcerated — once for drugs found in his family's home, and another time for drug residue and a gun found in the trunk of his car.

In November 1990, a confidential informant working for the U.S. Drug Enforcement Administration reached out to a man named David Wray, offering to sell one kilogram of heroin. Wray cobbled \$20,000 together from a group of people including Musa.

Musa and six others drove from Baltimore to Manhattan the next day to consummate the deal. In reality, there was no heroin — it was a sting. The informant gave a signal to federal agents, who moved in to make arrests. Musa escaped but was apprehended six



After a series of events in which the head of Marvel Entertainment interjected, West Baltimore resident Kevin Moses looks at his older brother Jawad Amir Musa, who reacts regarding the commutation of his life sentence for a nonviolent drug conviction Fri., Jan. 22, 2021. (Karl Merton Ferron/Baltimore Sun Staff) (Karl Merton Ferron/The Baltimore Sun)

As drug-related violence exploded in cities in the 1980s, Congress responded with “three strikes” laws and longer mandatory sentences. Just as the violence disproportionately hurt the Black community, so too did the tougher sentencing requirements. The federal prison population soared, from 20,000 in 1980 to 189,000 by 2016.

Musa’s co-defendants pleaded guilty. One received five years in prison; another received 15 years. The other three were put on probation. Prosecutors asked Musa to cooperate, but he says he had no information to give.

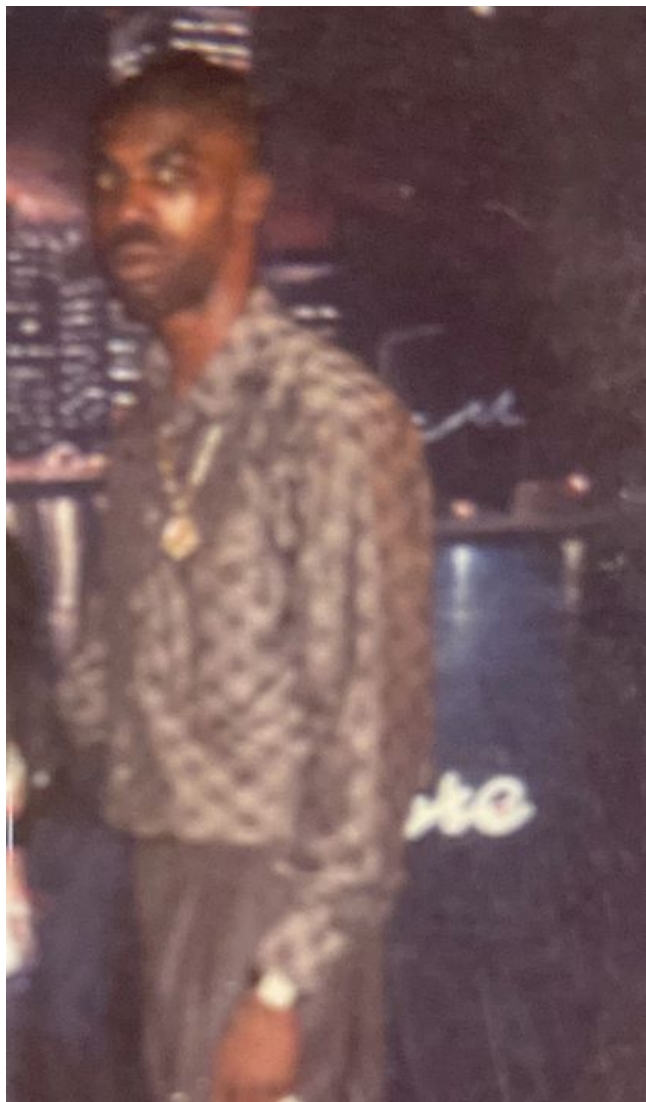
Noting Musa’s two prior drug possession convictions, prosecutors sought an enhanced penalty of life without the possibility of parole.

“I pretty much ain’t had no option but to go to trial,” Musa recalls. He was convicted.

At sentencing in December 1991, the judge lamented Musa’s penalty, recognizing it as unfair but saying he was unable to do anything about it.

“I know, we all make mistakes, especially when we’re young,” said New York U.S. District Judge Robert P. Patterson Jr.

“Maybe something will come along. Don’t give up hope.”



Jawad Musa in 1991. (Handout)

Musa entered the prison at age 26 still addicted to drugs, and would remain so for the next 20 years. But he found solace in the law libraries, where he became skilled at writing legal memos for himself and others. He got clean in 2012. He kept filing motions, even as they kept getting rejected.

His motivating factor for staying positive: his family, who were unable to make a trek to visit him.

“I used to tell my mother, if I’m going to get out of this situation I’d need to understand how I got here,” Musa says. “I’d go to the library and read and read, and I started understanding.”

Musa picked up powerful backers, including the federal prosecutor on his case, Kenneth Wainstein, who served as

an assistant attorney general for national security and as Homeland Security adviser to George W. Bush. Wainstein said that while he believed Musa deserved to be convicted, he had “more than paid his debt to society” and deserved to “enjoy the balance of his life as a free man.”

Musa's attorneys with the City University of New York's law clinic submitted an application for clemency to President Barack Obama in 2016, through the Justice Department's Office of the Pardon Attorney, and waited.

With the trial judge's comments and the former prosecutor on their side, Steve Zeidman, director of the CUNY clinic thought: "We can't lose."

But they did. Although Obama commuted the sentences of a record 1,715 people convicted of a drug offense, Musa's application was among thousands more denied

"They say hope is a powerful weapon when nothing else remains," Musa says. "There wasn't no way in the world I was going to picture myself dying in prison."

He kept trying. Musa connected with a former federal judge in New York named John Gleeson, who had stepped down from the bench a year earlier to start an initiative, the Holloway Project, to free people serving lengthy sentences. It was named after someone Gleeson sent to prison for 57 years.

"I'm ashamed to be part of the system that would do this to someone like Jawad Musa," Gleeson said in an interview.

If Musa couldn't get Obama's attention, he certainly was going to have a hard time getting on the radar of President Donald Trump, whose pick for Attorney General, Jeff Sessions, opposed sentencing reform and other efforts to reduce the prison population.

But Trump surprised critics by backing the First Step Act, the first major reduction in federal drug sentences. It shortened mandatory minimums for nonviolent drug offenses and eased the "three strikes" rule — which imposed a life sentence for three or more convictions — issuing a 25-year sentence instead.

Musa scoured the First Step Act and told Gleeson that, in his view, it didn't apply only to inmates who were old and frail. Gleeson was impressed by Musa's observation, and they filed for his compassionate release.

On Nov. 23, 2020, a Trump-appointed judge in New York rejected his request.

Meanwhile, Musa's mother was at the University of Maryland Medical Center, on a ventilator battling COVID-19. He had not seen her in more than two decades, and he wondered whether he ever would.

In his daily prayers, he asked for wisdom, guidance and protection. "I would pray to Allah that he would open up the door, allow me to come home," he said.



Josh Dubin (R) is the manager for boxer Andre Ward. Dubin is also a lawyer and helped get Baltimore resident Jawad Amir Musa out of a lifetime prison sentence. (Courtest of Andre Ward)

"The first time I visited a client in prison ... that I thought was innocent, I intuitively knew that there could be nothing more important in the span of my existence than fighting for their freedom," Dubin said.

After passing the bar, he moved to New York City to work for a jury consulting firm, and wrote a boxing column on the side for the hip-hop magazine The Source. These interests converged when he was hired to help with jury selection in a civil case brought by heavyweight champion Lennox Lewis, who was suing a promoter who he said had ripped him off. Lewis won \$8 million and eventually hired Dubin as his manager.

As a jury consultant, Dubin's career took off. He started his own firm and became a go-to resource for an exclusive circle of criminal defense attorneys. Barry Scheck, who was part of O.J. Simpson's defense team, invited Dubin to share office space with him. That led to work with the Innocence Project, known for its exoneration of prisoners.



Clemente Aguirre-Jacquín, second from right, reacts in the courtroom with his attorneys Dylan Black, left, Lindsey Boney, second from left, Marie-Louise Parmer, center, and Joshua Dubin after he was exonerated of all charges in the 2004 murders of Carol Bareis and Cheryl Williams, on Nov. 5, 2018, in Sanford, Fla. Clemente spent 14 years in prison and more than 10 of those years on death row. (photo: Orlando Sentinel)

After Dubin helped them in the Palm Beach lawsuit, Perlmutter and his wife took to the lawyer.

“He changed our entire case overnight,” Perlmutter said. “He’s the kind of guy who has the question, the answer, and the solution at the same time. He’s very sincere. We fell in love with him.”

They started following his other work helping those wrongly accused, including a Florida case in which Dubin helped clear a man who had been on death row for 14 years for a double murder he said he did not commit. Perlmutter, who has donated millions to causes including cancer research, started directing some of his fortune to the cause, donating more than \$500,000 to the Innocence Project in Dubin’s name.

Meanwhile, Perlmutter had been acting as an outside adviser to Trump, whom he met 25 years ago at Mar-a-Lago and counts as a friend.



President-elect Donald Trump meets with Isaac "Ike" Perlmutter, CEO of Marvel Entertainment at Mar-a-Lago Club on December 28, 2016 in Palm Beach, Fl. (Photo by Ricky Carioti/The Washington Post) (Ricky Carioti/HANDOUT)

He and his wife poured money into Trump's reelection efforts, giving \$21 million to a political action committee called America First Action. Trump's loss crushed him.

In the waning days of the Trump administration, just before Christmas, Perlmutter had a proposal for Dubin: He wanted to help someone win clemency.

"I never asked [Trump] for anything before," Perlmutter said.

Dubin reached out to his network, and they pulled together 27 names that he put into a spreadsheet.

Dubin narrowed the list down to five people. Perlmutter, wary of controversy, warned Dubin that he should be sure of the name he presented. In many ways Musa's case was clean — he did not dispute the charges against him, but rather his unfair sentence.

Then Dubin saw that the judge who sentenced Musa had said in 2010 he wished he could grant him clemency.

“That was it for me,” Dubin said.

Perlmutter summoned Dubin and his wife to Mar-a-Lago on Dec. 30. Trump was on his final trip to the residence as president, still loudly complaining that the election was stolen from him and maneuvering to claim it back.

But on this night, he was simply having dinner with the first lady, daughter Ivanka and her husband, Jared Kushner, and his longtime friend Perlmutter and his guests. Perlmutter and his wife passed through high, cathedral-like ceilings and detailed woodwork.

Dubin had nearly met Trump for a general conversation about criminal justice reform a year earlier, but Trump ended up making an unannounced trip to Afghanistan to visit troops. So Dubin was acutely aware that any number of things could pull the president away before Dubin could make his case for Musa.

When Trump walked onto the patio to join them at four cocktail tables pushed together, the other guests — about 100 — rose in applause.

“Do I have to stand and clap?” Dubin, who describes himself as a “left-leaning Democrat,” asked Perlmutter.

“Do you want your pardon?” Perlmutter replied.

The layout at Mar-a-Lago was similar to a wedding, with Trump's tables at the center and others fanning out. There was a seafood buffet and a bar; the tables were candlelit. Women wore diamonds and glittery jackets; it was jacket-and-tie for men.

Perlmutter told Dubin to wait until dessert to make his pitch; he knew it was time when Trump asked the waiter for vanilla ice cream — “Two scoops, two scoops,” he asked for himself, and one for Melania.

Trump wanted to talk about Lennox Lewis, whom Dubin manages and who appeared on the first season of “The Apprentice.” Dubin thanked Trump for posthumously pardoning the late boxer Jack Johnson, and for the First Step Act. Trump lamented that he believed the bill hurt him politically with conservatives.

Then Dubin took his shot. He explained Musa’s case, and Trump asked questions, such as whether Musa had employment lined up. The president spoke with approval of Perlmutter: “Ike stands behind this case, and I trust Ike. And if Ike and Laurie trust you, this is something I’m inclined to do,” Dubin recalls Trump saying.

“Thank you for bringing this to our attention,” Melania Trump said, according to Dubin.

But after Jan. 6, after the president’s “Stop the Steal” rally led to the storming of the Capitol and the push for his second impeachment, Dubin worried that the clemency petition would be forgotten.

Perlmutter told Dubin not to worry. “He’s a man of his word. He’s loyal.”

Wary of hope

Musa had heard from Zeidman, the law clinic director in New York City, that there were possibly good things happening regarding clemency. Zeidman was careful not to get his hopes up.

“As you know far, far better than me, hope has to be tempered by the reality that clemency is far too rarely granted,” Zeidman wrote to Musa, not telling what he knew about who was working on his behalf. “Still, I remain cautiously optimistic. ... In the meantime, keep the faith.”

“Whatever you do or try is a blessing from God,” Musa replied. “No man’s a failure who has friends.”

But days later Musa was cut off from the outside world — he and his cellmate were put into COVID lockdown quarantine without their belongings. They were allowed to bring a radio.

On Sunday, Jan. 17, Dubin and his family were at Perlmutter's million-dollar condo in Florida when the phone rang. It was Trump himself, calling Perlmutter to let him know that he had commuted Musa's sentence. Perlmutter emerged from another room: "It's done," he reported.

Though neither Dubin nor Perlmutter had met Musa, they had both become invested in the outcome.

"I broke down and started to weep," Dubin says. "Then [Perlmutter] started to cry. His wife started to cry. He said, 'This is only the beginning.'"

The pardons were expected to be announced Tuesday, but the day passed without any official word.

Musa and his cellmate, still in lockdown quarantine, stayed up all night listening to the radio. Around 1:15 a.m. Wednesday — Trump's last day in office — the White House announced 143 pardons and commutations.

Musa didn't know whether he had been included; he couldn't sleep.

In the morning, a guard appeared at the door of his cell. "Jawad Musa, you're going home," she said.

Musa's legal team had put his brother, Kevin Moses, on a plane Tuesday morning so he could be near the prison when the pardon came through. Moses called out of his job as an alley cleaner with the Baltimore Department of Public Works and packed a few days worth of clothes.

The brothers met at the Colorado Springs airport. They embraced — but also had a plane to catch. At a stopover in Salt Lake City, Musa got his first taste of outside food: Buffalo wings and fries.

After landing in Baltimore, Musa spoke to Dubin over FaceTime. It was the first time they'd had any sort of communication. They both cried.

Two days later, they spoke over FaceTime again, and Dubin explained that Musa's benefactor was the chairman of Marvel Entertainment. "You had a billionaire working for you," Dubin told him. "He would not let it quit."

"It's kind of like hitting the lottery, for \$10 million," Musa said. He thanked Dubin and the others who had helped him.

He became emotional, however, thinking about those he left behind, countless others in the same situation as him, still stuck there, still wondering if they might ever return home.

There was nothing normal about how Musa got out. Had they gamed the system for him? The system had been gamed against him for 30 years. And though his release certainly involved luck, didn't he make his own luck through his resourcefulness and persistence?

"A lot of us used to say in the library in the penitentiary that we were political prisoners, political prisoners of the drug war. All our judges said, 'I don't want to give you this sentence, but our hands are tied,'" Musa said. "Dudes that have gun cases and murder, they were leaving out the door, while guys like us were getting no release."

The weight of those left behind caused Musa's head to drop. He wept.



A FaceTime call with Josh Dubin, a lawyer that helped get Baltimore resident Jawad Amir Musa out of prison. Musa was serving a life sentence until his sentence was commuted by President Donald Trump on his last days in office. (Justin Fenton)

“How about this?” Dubin said. “I’ll make you this promise. You and me are going to work to get more people out. All right?”



Beside a pillow bearing the likeness of two relatives, one who succumbed to the Novel coronavirus, West Baltimore resident Jawad Amir Musa, reacts regarding the commutation of his life sentence for a nonviolent drug conviction Fri., Jan. 22, 2021. (Karl Merton Ferron/Baltimore Sun Staff) (Karl Merton Ferron/The Baltimore Sun)

Musa once thought that if he ever won his freedom he would hopefully get a job with Baltimore’s public works department. Dubin has something else in mind.

He has offered Musa a job with his firm, performing legal analysis. It was part of his pitch to Trump to ensure Musa would be a success story. Now they could try to persuade a new president to let out more.

“There will be no more powerful story than you and me going to this president [Joe Biden], and this White House, and saying, ‘Look at me.’

“I’m gonna help you do it,” Dubin said. “I’m gonna do it with you.”

Musa and his family have started a [GoFundMe campaign](#).

Justin Fenton joined The Sun in 2005 and has covered crime and police accountability since 2008. He covered the unrest surrounding the death of Freddie Gray and trials of the officers charged in that case, as well as the Gun Trace Task Force corruption scandal. His first book is due out in February 2021 from Random House.