

Convict's lawyers call confession coerced

Man convicted of 1971 murder claims innocence

By Tricia Bishop

Attorneys for a Baltimore man sentenced to life in prison nearly 40 years ago argued for his freedom Tuesday claiming that police pressured Jesse Barnes — then a scared and “mentally deficient” teenager — into making a false murder confession.

“The circumstances of this case are tragic, and we think there’s been a wrong of some great magnitude,” defense attorney Michael Imbroscio said during his closing statement Tuesday in a post-conviction hearing that has dragged on over multiple days for more than a year.

In 1971, Barnes confessed to killing his 15-year-old girlfriend, Cynthia Vaughn, though the defense argues that police could find no supporting evidence and that some witness statements appeared to contradict the admission.

His defense team says the confession was coerced, but Assistant State’s Attorney Sharon Holback said Tuesday that the state “vehemently and firmly believes that [Barnes] was fairly and properly convicted.”

A ruling on whether he deserves a new trial could take months. In the meantime, his case joins at least a half-dozen others filed by convicted inmates that have reached the hearing stage in Maryland courts this year.

In May, Tyrone Jones became a free man — after he’d served a decade in prison — when Baltimore prosecutors declined to retry him on murder charges. His previous conviction was overturned earlier this year after a city judge learned that evidence that might have helped Jones was mistakenly withheld years earlier.

Jones was one of 29 people worldwide — two from Maryland — whose convictions were overturned in 2010 with help from “Innocence Network” members, 63 organizations offering pro bono legal help to those believed to have been wrongly convicted. And Barnes’ case began that way, taken on by Maryland’s Innocence Project, a joint effort by the state public defender’s office and the University of Baltimore. It has since been taken over by Imbroscio’s firm.

Barnes — a 57-year-old black man — missed his own hearing Tuesday for the second time, because the Department of Corrections again made the mistake of bringing a young white man with the same name to court in his place.

Barnes was a teenager with an IQ of 62, according to court records, when he signed a police-written confession on May 3, 1971, claiming that he had participated in the sexual assault and murder of his girlfriend days earlier.

The document outlined a brutal attack; Barnes and two other boys allegedly beat Vaughn at a swimming pool in Cherry Hill. The confession said one of them raped her, all three sodomized her, and the two accomplices stabbed her before dragging her bloody body several hundred yards to a bank along the Patuxent River.

But the defense said police found no evidence of a beating at the pool, nor drag marks to the river. They couldn’t find any relevant fingerprints in the Corvair that Barnes said they rode in, and the car turned out to be inoperable the night of the killing.

There was also no evidence to show that Barnes had been near the crime scene at the Patuxent, the defense argued. The autopsy report said there was no indication on Vaughn’s body of injuries that would be expected from a sexual assault.

And the other two boys Barnes identified as accomplices, at least one of whom provided an alibi for Barnes, were arrested, but released after questioning. Yet police “declined to pursue other suspects,” the defense claims, and a jury convicted Barnes of first-degree murder in February 1972.

He was sentenced to life in prison a month later. And he’s been fighting the conviction ever since — vigorously at first, particularly throughout the 1970s, and less so as the decades wore on and the hearing denials piled up.

Most of his efforts were his alone, done without help. But the Innocence Project took up his cause this time around and helped win him an evidentiary hearing last year, 40 years after the murder. The proceeding has dragged on since then, however, repeatedly continued.

During Tuesday’s final arguments, the attorneys bent the circumstances to fit their cases, each claiming that fresh DNA evidence, discovered last year, supports their respective cases. It shows that sperm was present on Vaughn’s body, but appears to exclude Barnes as the source.

Imbroscio says that’s because Barnes didn’t attack the girl, while Holback says it shows there was definitely an attack.

“This is not the case of a false confession, this is not the case of an innocent man wrongly convicted,” Holback said.

Baltimore Circuit Judge Yvette Bryant is expected to issue a ruling on whether Barnes will get a new trial sometime in the new year. tricia.bishop@baltisun.com

Tone down West Towson school sign, Hairston told

By Steve Schuster

Two members of the County Council are calling on Baltimore County schools Superintendent Joe A. Hairston to change the large sign outside West Towson Elementary School and the Ridge Ruxton School, saying the size and style of the sign could threaten Charles Street’s designation as a National Scenic Byway.

In a letter to Hairston dated Dec. 17, Councilman David Marks and Councilwoman Vicki Almond said they “urge that changes to the signs at West Towson Elementary School and the Ridge Ruxton School reflect the character of this important corridor.”

The sign has been the object of debate since it was installed at the beginning of this school year — when West Towson Elementary School opened in the 6900 block of N. Charles St. on the same campus as Ridge Ruxton.

The sign is 6 feet wide and stands nearly 16 feet tall at the entrance to the driveway of the schools. The Ridge Ruxton name is on the top sign in green letters on an illuminated white background over a rocket, depicting the Ridge Ruxton Rockets nickname.

The West Towson Elementary portion features blue lettering on a gold and white background, with the face of Westie, the school’s West Highland terrier mascot.

Beneath each segment is a 2-foot-high LED strip that flashes messages in red-lighted letters.

School officials have said the sign, and its mission to relay information to parents about school events via the LED display, is important. A spokesman said last month it cost about \$35,000.

Neighbors, though, say it’s unsightly and not in keeping with the community setting.

On Monday Marks said his main issue is that North Charles Street is a federally designated scenic byway and because of this, Baltimore County qualifies for grants from the Federal Highway Administration.

“We don’t want the signs affecting this status in any way,” Marks said.

“Hopefully, some sort of compromise can be found that allows the schools to promote their programs while reflecting the importance of the scenic byway status,” he said.

In their letter to Hairston, Marks and Almond wrote, “One of our main concerns with the school signage is any impact on the visual appeal of this National Scenic Byway. We hope that the school system makes changes that enhance the corridor while continuing to provide important information about programs at the school.”

School officials could not immediately be reached for comment.

Baltimore Sun staff contributed to this article.

D.C. Metro begins random bag checks

By Ann Scott Tyson

THE WASHINGTON POST

Washington Metro police began random inspections of passengers’ bags and packages Tuesday morning, irritating some riders and reassuring others.

A handful of Metro Transit Police, bomb-sniffing dogs and Transportation Security Administration officers hastily set up inspection tables near the entrances to the Braddock Road and College Park stations, pulling aside customers with bags large enough to carry an explosive device.

Law enforcement officials have uncovered two alleged threats against Metro in recent weeks. One Tuesday police in Rome found a bomb under the seat of a subway car. It was later determined to be defective.

Metro’s bag inspections averaged about 30 seconds but ran as long as eight minutes in the case of one man whose bag tested positive for a chemical used in explosives. The

bag was subsequently X-rayed. Police questioned the man, who they said was a government worker, and released him.

Civil liberties advocates said that the inspections, which were announced five days ago, could be challenged in Washington area courts on the grounds they violate the Fourth Amendment’s protection against unreasonable searches.

“You are being required to stop. Lots of people will miss trains. You have to allow your bag to be swabbed and stand there while they put a piece of paper in the machine,” said Arthur Spitzer, legal director for American Civil Liberties Union of the Nation’s Capital.

The ACLU raised objections this week in a letter to Metro’s general manager and board of directors.

Metro officials maintain that the screenings are constitutional and are currently conducted in Boston, New Jersey and New York, where they have been upheld in court.

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