

Amrine faces retrial for prison murder

By STEPHEN FOUTES
and BOB WATSON
News Tribune

Joseph Amrine pleaded not guilty Thursday to an amended murder charge filed in connection with the Oct. 18, 1985, death of Gary Barber, who was killed at the Missouri State Penitentiary.

Amrine was convicted of the crime in 1986. But earlier this year, the state Supreme Court ordered Amrine be released from prison unless the state filed a new charge against him.

The high court also set Saturday as the deadline to file a new charge, meaning Amrine could have been freed by Monday.

The Supreme Court ruling said Amrine should be freed because the state's three main witnesses — also inmates — recanted their testimony, and there was no physical evidence against him in the trial record.

On Thursday, Cole County Prosecutor Bill Tackett submitted the amended charge against Amrine, adding the names of DNA evidence technicians and other witnesses who might be called to testify for the state in a new trial.

Tackett said DNA evidence technicians could be called to testify about blood found on pants worn by Amrine at the time of Barber's death. That blood, which was sent to a private lab, never

has been tested, Tackett said.

He said, in a motion filed last week with the state Supreme Court, that the testing wasn't done because the technology didn't exist at the time of the original trial.

"What we're doing is trying to find the answer to the question, 'Whose blood is on (Amrine's) trousers?'" Tackett said.

Senior Judge Byron Kinder set Amrine's bond at \$1 million.

Kinder also appointed local public defender Jan King as Amrine's counsel before setting Aug. 12 as a tentative trial date.

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Joseph Amrine

☆ Amrine

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Kent Gipson, a Kansas City attorney who represented Amrine in the appeals process, told The Associated Press he was both disappointed and surprised by Tackett's decision to pursue a possible new trial.

"I think Joe has been in prison 17 years for a crime he didn't commit and this just compounds the injustice," Gipson said Thursday. "Any time an innocent man is in prison, even for a day, it's an injustice. Our position is Joe should be free because they don't have any case."

Tackett said Thursday: "I'm trying to find the truth, and if the truth exonerates him, fine. But if it doesn't, that's different all together."

Amrine was transported to the Cole County Jail from the Potosi Correctional Center on Thursday.

The same day, the state Supreme Court rejected Tackett's motion last week for a 90-day extension of Amrine's release date under the April 29 high court ruling.

The court's new order said the state "may obtain DNA testing of evidence and, if warranted, proceed to prosecute this case without the extension of time" on Amrine's release from the state prison system.