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Amrine prosecutor seeks tests

Request could delay prisoner's release.

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JEFFERSON CITY (AP) - A prosecutor is seeking DNA tests he says could decide whether he retries an inmate whose murder conviction and death sentence have been overturned, perhaps complicating the man's scheduled prison release this month.

Cole County Prosecutor Bill Tackett on Friday asked the Missouri Supreme Court for 90 days to test whether a possible blood sample connects inmate Joseph Amrine, 46, to the 1985 prison stabbing death of Gary Barber.

Tackett said the testing might involve exhuming Barber's body.

A court spokeswoman said the judges will consider Tackett's request early this week.

Amrine was scheduled to walk out of the Potosi Correctional Center by next Monday, barring a new trial.

But a lawyer representing Amrine doubts the validity of the blood sample and said he suspects evidence tampering.

Amrine, of Kansas City, was sentenced to death in 1986 after being convicted of killing Barber, a fellow inmate in the old state prison in Jefferson City.

Before his conviction in Barber's death, Amrine had been serving a sentence for robbery, burglary and forgery and would have been freed from prison in 1992. Barber, formerly of St. Louis, was imprisoned for burglary, auto theft and stealing.

All three former inmates who testified against Amrine in the Barber case later recanted, and the Supreme Court overturned Amrine's conviction and death sentence on April 29.

Writing for the majority in that 4-3 ruling, Judge Richard Teitelman said Amrine's case "presents the rare circumstance in which no credible evidence remains from the first trial to support the conviction."

Until Tackett raised the blood sample issue, no physical evidence tied Amrine to Barber's death. Tackett said in a court filing Friday that stains on Amrine's clothing appear to test positive for blood and that DNA tests were never conducted.

Amrine prosecutor seeks tests

Sean O'Brien, a Kansas City lawyer for Amrine, said he was outraged by the report of new blood samples, which Tackett said come from a shirt Amrine wore the day of the killing.

O'Brien said investigators cut two samples from the shirt years ago, but those small swatches of fabric were destroyed during testing. Since then, he said, he repeatedly has asked if any other blood stains remained on the shirt and was told, as late as October 2001, that the shirt had no blood traces.

"When we were asking for this for his defense, it wasn't available," O'Brien said.

Tackett said the blood samples previously were unavailable because investigators probably lacked the technology to find them. He said some of the stains are invisible to the naked eye and were found using highly sensitive equipment.

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