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## **Amrine arraigned on new charge**

**Prosecution awaits DNA results**

By SHASHANK BENGALI  
The Kansas City Star

Joseph Amrine's family hoped he would walk free Monday, that he was in the final hours of a 16-year prison stay for a murder he says he didn't commit.

But they learned Thursday that the Kansas City man will again stand in a courtroom accused of a fatal 1985 prison stabbing, and one of Missouri's most closely watched death penalty cases will go another round.

Cole County Prosecutor Bill Tackett announced he would not drop the murder charge against Amrine, pending the results of new DNA tests on the pants that Amrine wore the day Gary Barber was killed.

"There's enough evidence here that warrants my seeking the results of that blood test," Tackett said.

Tackett had until Monday to decide whether to pursue the case against Amrine, 46, after the Missouri Supreme Court overturned Amrine's conviction and death sentence in April. Three inmate witnesses who originally implicated Amrine in Barber's slaying had recanted their testimonies, and a divided court ruled that those disavowals presented a "clear and convincing showing of actual innocence."

The high court said Amrine would go free unless Tackett decided within 45 days to proceed with another trial.

On Thursday morning, Amrine was taken from Potosi Correctional Center to Cole County Circuit Court in Jefferson City, where he had a 10-minute arraignment in front of Special Judge Byron Kinder. He pleaded not guilty.

It all happened so quickly that Amrine's attorney, Kansas City law professor Sean O'Brien, didn't learn of it until after the court appearance.

"Joe called me from jail after the fact," O'Brien said. "Joe said, 'What's going on?' I told him I didn't know."

Kinder set a court date for Aug. 12 and ordered Amrine held in the Cole County Jail in lieu of \$1 million bond.

Amrine's family -- including nine siblings, all of whom live in Kansas City -- had been hoping to drive him home from Potosi on Monday, and had even made plans for a public event to celebrate his release. On Thursday, when Amrine didn't place his usual call home around 9 a.m., sister Michelle Amrine said they figured something had happened.

Thursday's move was a setback, she said, but the family viewed Amrine's transfer from maximum-security prison to a county jail as a positive step.

"We're pleased, because he's been released from the Missouri Department of Corrections," she said. "He's one step closer to being out."

She said the family was making plans to visit Amrine this weekend. They're not worried about the DNA test results, she said.

"This is just a stall tactic," she said. "There's never been any physical evidence, there's never been any circumstantial evidence -- nothing has ever linked our brother to this case."

Tackett, a first-term prosecutor who has been on the case for 28 days, said his decision to pursue the case hinges on technology not available to forensic scientists 17 years ago, when Amrine's clothing was first tested.

Those tests did not turn up traces of blood. But Tackett said that a more sensitive measurement known as mitochondrial DNA testing is now available, and that preliminary results indicated the presence of blood.

O'Brien said the testing that Tackett had requested was overly sensitive and might produce a false match.

"I think the results are going to be meaningless," O'Brien said. "There has been contamination of the evidence...based on scientific testing that's already been done. Any conclusion that you get is invalid."

No physical evidence has linked Amrine to Barber's murder.

Amrine was nine years into a 15-year sentence for robbery, forgery and second-degree burglary at the old prison in Jefferson City when Barber was stabbed on Oct. 18, 1985.

His conviction was based on the testimony of three inmates, all of

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whom have since recanted their stories. One said he lied because a prison guard had fingered him as the killer, and the two others said their testimonies were in exchange for transfers to other jails, where they would be free from sexual predators.

Six other inmates testified that Amrine was playing cards with them elsewhere in the prison at the time of the murder.

As his case wound through the legal system, Amrine earned worldwide attention. In 2000, he was featured in a glossy anti-death penalty publication produced by the Italian clothier United Colors of Benetton, with the statement: "I am not ready to die."

Last year, a University of Missouri-Columbia graduate student produced a documentary called "Unreasonable Doubt" that argued for Amrine's release. The film was shown statewide, and scores of death penalty opponents wrote to the governor asking him to spare Amrine's life.

Tackett did not rule out pursuing the charge against Amrine if the tests came back negative, but he said that would pose a difficult challenge. In either event, he said, his goal wasn't necessarily to obtain a conviction.

"This is not about trying to get Joe Amrine," Tackett said. "This is about trying to find out the truth of what happened. If this blood comes back and it's not Gary Barber's, that's great."

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*To reach Shashank Bengali, Missouri correspondent, call (816) 234-4759 or send e-mail to [shengali@krcstar.com](mailto:shengali@krcstar.com)*