

Tackett seeks extension of Amrine release deadline for DNA testing

By BOB WATSON
News Tribune

Cole County Prosecutor Bill Tackett has asked the Missouri Supreme Court for a 90-day extension to its order releasing death row inmate Joseph Amrine.

Amrine's supporters, and other death penalty opponents, have been anticipating Amrine's release by this Friday, after the state high court ruled April 29 that Amrine's lawyers had presented evidence of his actual innocence in the 1985 stabbing death of fellow inmate Gary Barber.

Tackett said in his motion to the seven-member high court that he's looking at new DNA evidence that "has shown the potential" to be significant.

"The DNA technology present today was not available during the underlying trial," he noted. "Until now, no party in this trial has completed DNA testing on any exhibits from the underlying trial."

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

Amrine faced a death sentence for his conviction of the Oct. 18, 1985, killing of Barber in a Missouri State Penitentiary recreation room.

But the state high court, in its 4-3 decision written by Judge Richard B. Teitelman, noted all three inmate witnesses who testified against Amrine during his trial since have recanted their testimony.

"This case presents the rare circumstance in which no credible evidence remains from the first trial to support the conviction," Teitelman wrote. The situation "undermines our confidence in the correctness of the (original) judgment."

Teitelman also wrote: "There is no double jeopardy bar to retrial, if the state believes it can produce enough evidence ... to once again bring this case to a jury."

In a separate, supporting opinion, Judge Michael A. Wolff wrote: "Should the state again try Amrine? From this record, he does not look guilty. But perhaps the state has a better view."

See DNA, page 7

From page one

In his new motion, Tackett said he's "had presumptive testing for blood conducted on the clothing (Amrine) was wearing at the time of the murder. The presumptive testing, while not definitive, indicates the likelihood that human blood is present (and) the location of this potential human blood gives it significant evidentiary value."

The high court's ruling also noted that a corrections officer and several other inmates who were in the recreation room when Barber was killed testified at the original trial that Amrine had not committed the murder.

And six inmates said Amrine was playing cards in another part of the recreation room.

In his motion for the extension of time, Tackett told the state Supreme Court he "has worked diligently in reviewing the file" since the court's mandate ordering Amrine's release was issued May 14.

"The prosecutor has located and interviewed both the witnesses who testified in the underlying trial, and others," the motion said.

Tackett's motion asks the high court for extra time to do what is called mitochondrial DNA testing, that is considered by some experts as a super-sensitive test that could provide accurate information from the nearly 17-year-old evidence.

When contacted by the News Tribune Saturday, Tackett — who was out of town — declined to comment on the specifics of the

evidence mentioned in his motion. He said he preferred to wait for the judges' decision on the motion.

Judges Duane Benton and William A. Price and Chief Justice Stephen Limbaugh Jr. were outvoted in their suggestion that a special master hear the case to determine whether the changed testimony should lead to Amrine's release, rather than just ordering it.

Tackett is the third Cole County prosecutor to be involved in Amrine's case.

Thomas J. Brown III, now the presiding circuit court judge, was the original prosecutor on the case.

Richard Callahan, now another Cole County circuit judge, followed Brown in the prosecutor's office. And Tackett worked several years as an assistant in Calla-



Bill Tackett

han's office before winning election to the top spot last year.