

Prosecutor seeks to hold man whose murder conviction was overturned

DNA tests may determine whether to retry case

BY MATTHEW FRANCK
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The Missouri Supreme Court has overturned his murder conviction, but Joseph Amrine would remain behind bars at least 90 more days if a prosecutor's efforts are successful.

Cole County Prosecuting Attorney Bill Tackett said Saturday that he needed the 90 days to test whether a possible blood sample connects Amrine to the prison murder of Gary "Fox" Barber in 1985.

But a lawyer who has fought since 1996 to free Amrine doubts the validity of the blood sample. He said he suspects evidence tampering.

Amrine, 46, of Kansas City, was placed on death row in 1986 after he was convicted of stabbing to death Barber, a fellow inmate in the old state penitentiary

in Jefferson City. Since then, all three former inmates who testified against him have recanted. The Missouri Supreme Court overturned the conviction and death sentence April 29. Barring a new trial, Amrine is scheduled to walk out of Potosi Correctional Center by June 16.

Until Tackett raised the blood sample issue, no physical evidence tied Amrine to the fatal stabbing. The prosecutor stated in a court motion filed Friday that stains on Amrine's clothing appear to test positive for blood and that DNA tests were never conducted.

Sean D. O'Brien, a lawyer from Kansas City representing 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 that time, O'Brien said, he has asked repeatedly if any other blood stains remained on the shirt. He said he was told as late as October 2001 that the

shirt contained no traces of blood.

"When we were asking for this for his defense, it wasn't available," O'Brien said. "Now, suddenly, it magically appears at a time when they're trying to keep (Amrine) in jail."

Tackett said the blood samples were previously 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.

Tackett said he was depending on the DNA tests to decide whether to seek to retry the case. He said the tests could actually support Amrine's innocence. He said the testing process may involve exhuming the body of Barber, who was from St. Louis.

Amrine's death-row case attracted national attention after students at the University of Missouri in Columbia produced a documentary alleging his innocence.

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