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McCloskey labors to exonerate innocent prisoners

by [Sarah Golin](#)

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In August, Daryl Burton was sitting in a jail cell in Jefferson City, Mo., serving the 24th year of his sentence for the shooting death of a gas station attendant.

On Saturday, Burton stood in a leafy Princeton backyard under a white tent with about 125 other partygoers as a light rain fell.

"This seems surreal. I'm still pinching myself," said Burton, 46. "This is unbelievable."

Burton had been sentenced to 75 years in prison for the 1984 slaying, a crime he said he didn't commit. He was freed Aug. 29 after an eight-year legal effort by the Rev. Jim McCloskey and McCloskey's co-workers at the Princeton-based Centurion Ministries.

McCloskey has been laboring nearly 30 years to exonerate innocent prisoners, and on Saturday he hosted a gathering in his yard to celebrate seven men released from jail in the past two years.

"Each of these seven men spent anywhere from 24 to 30 years in prison for the crimes of other people. Collectively they spent 188 years in prison," McCloskey told the crowd, which included the seven men and their families, lawyers and investigators who worked on the cases, other exonerated inmates, and well-to-do Princeton supporters of Centurion.

In the Missouri case, Centurion investigators uncovered key witnesses who had never been presented to the defense.

Going to prison will change anyone, Burton said, "but when you are in prison for a crime you didn't commit, that just compounds the issue. ... You have to face physical, mental and emotional trauma, and you never know what's going to happen day to day. ... And you haven't done anything to be there."

UPHILL BATTLES

The fight to clear a convicted inmate is long, expensive and full of uncertainties. "Once you are convicted, all odds are stacked against you," said Barry Scheck, a New York lawyer and founder of the Innocence Project, which exonerates inmates primarily through the use of DNA evidence. "To get a conviction vacated is extremely difficult."

Centurion has brought freedom to 43 inmates since its first case in 1983, poring over documents, re-interviewing witnesses or running down people the police never talked to.

"We're like the tortoise," said Kate Germond, who met McCloskey in 1986 after reading an article about him in the New York Times. She became Centurion's second paid staff member and is now its co-director.

Germond, 61, says it may take Centurion five years of investigating to decide whether to take a case. If the case is accepted, it typically takes another five years before the person has a shot at freedom.

Careful vetting, she says, is how they determine a person is truly innocent, because instincts are often wrong. "Sometimes, the nicest guys turn out to be guilty, and the jerkiest guys turn out to be innocent," she said.

Costs for each case range from \$150,000 to \$300,000, according to McCloskey. Overall, the organization has an annual budget of about \$1 million, most of it from private donors.

"I think they are a very unique group," says Scheck. "Both Jim and Kate are a national resource. They are insanely stubborn. Jim, in particular, can be utterly impossible, but that's what makes him great."

Opponents offer similar sentiments.

David Dobbs, who has a private law practice in Tyler Texas, was the first assistant district attorney in Smith County, Texas, during the retrials of convicted killer Kerry Max Cook in the mid-1990s. The death-penalty case was hard-fought.

"It started out friendly" but turned bitter and somewhat personal, Dobbs recalled.

"Still, I actually like him," he said of McCloskey, who helped win Cook's release in 1997. "I think he is very zealous, and sometimes he goes down the wrong trail, but I have no hard feelings for him. ... He is so passionate, it's hard for him to see."

Likewise, retired Union County assistant prosecutor Richard Rodbart remembers McCloskey as "dedicated, resourceful and well-meaning." Rodbart opposed him in the Nate Walker case. Walker had been convicted of a brutal rape of an Elizabeth woman, but was freed in 1986 using blood serology tests that predated today's DNA evidence.

"I had no problem with McCloskey or the people who represented him, or with the requests they made," Rodbart said. "If they were correct -- and, in this case, it turns out they were -- then justice would be served. And if they were incorrect, then justice would be served."

LEAPS OF FAITH

McCloskey, 66, came to his cause in midlife. Born into a well-to-do Philadelphia family, he graduated from Bucknell and had a successful business career.

Despite financial success, "I felt shallow, selfish, unfulfilled, lacking any real authenticity in my life," he said. "I was single, I didn't have a family, and something was really missing."

He had stopped attending church in college but started worshipping again at a Presbyterian church outside Philadelphia. Over time, he started to feel a calling to enter the ministry.

"I'm reading the Scriptures on a Saturday night at home, and I just happened upon the 21st chapter of Luke, where the resurrected Christ is talking to Peter and he says, 'When you were young, you walked where you would. When you are older, I will gird you and lead you to another place.'

"And so I thought the Scriptures were talking to me."

That other place would turn out to be Princeton Theological Seminary, and from there a prison ministry that led to his current work.

He entered the seminary in the fall of 1979, and in his second year of school chose an internship as a student chaplain at New Jersey State Prison in Trenton, where he would counsel 40 men on a single tier. One was Jorge "Chiefy" de los Santos.

"From day one, all de Los Santos would talk about was his innocence. He would exhaust me, he was so obsessed," McCloskey said. "All he could talk about was how he got framed."

Unsure whether to believe him, McCloskey read through the trial transcripts.

"Around Christmastime, I came back to Chiefy and said, 'I believe you are innocent. Of course, I don't know if you're innocent, but I believe you, and I'm going to take a year off (from seminary) to move the ball forward, to see what I can do. That's my Christmas gift to you.'

"But it was also his gift to me. Because I thought if this man is innocent, and I believe he is, and if I can help free him, that is a meaningful, purposeful endeavor, and this makes me feel as if I'm really doing something for someone else."

"It was a great case," said Paul Casteleiro, the Hoboken lawyer who joined with McCloskey on the de los Santos case 27 years ago and has worked with him on several cases since. "We found a lot of suppressed evidence and stuff like it, and it was just a fantastic case. It just kept developing and developing and developing."

After his exoneration, de los Santos did well for a while but later returned to drugs and died of an overdose in the late 1980s in the Bronx, McCloskey said.

"Chiefy was a real street kid; I mean he was completely hard knocks. He had no shot in life, basically," said Casteleiro.

But McCloskey insists his effort to free the man wasn't wasted, because it launched Centurion Ministries. By the time he graduated from seminary, he had two more innocent convicts he was helping.

REBUILDING LIVES

Recently McCloskey underwent surgery for prostate cancer. The procedure was successful, and he has been declared cancer-free. And at 66, he isn't ready to retire.

"At 70, I might take another look around and see where we're at," he said. In the meantime, Centurion has dozens of pending cases.

The work includes helping clients in the months and years following their release. "It becomes a lifelong relationship," McCloskey said.

That was evident Saturday.

"I'm just glad to see all these brothers out," said an exuberant Earl Berryman, one of Centurion's earlier success stories. He had been convicted of a rape in Irvington and spent a dozen years in prison before he was freed in 1995.

Like other exonerated inmates, Berryman has moved far from the scene of his arrest and imprisonment. He has been working steadily over the years and is living with his fiancée in Virginia Beach, Va. He left his home in Newark to avoid any kind of trouble.

"Jim and Kate and Centurion Ministries, I love'em, I love'em, I love'em," Berryman said. "And I let'em know I love'em. I don't want to let them down in no kind of way."

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