

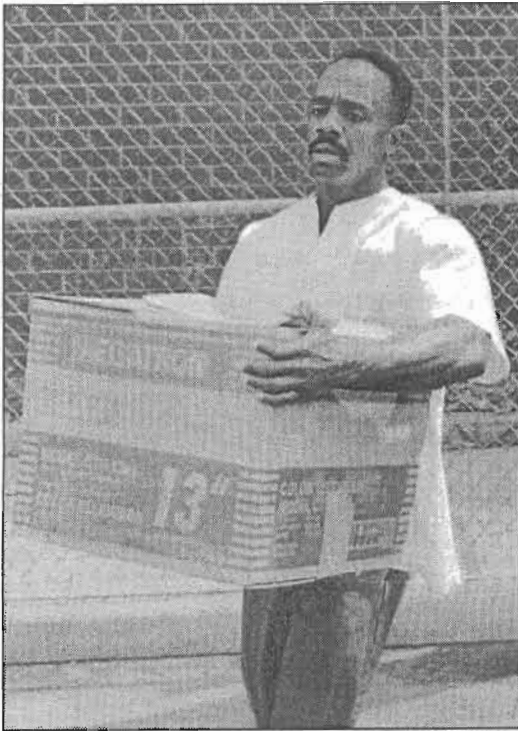
# The Star-Ledger

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SHOWERS, COOLER Details on Page 2

THE NEWSPAPER FOR NEW JERSEY

## FREEDOM



(Photo by Tim Farrell)

Earl Berryman carries his possessions in a box after he was released from New Jersey State Prison in Trenton. Berryman served 10 years on a rape conviction until the verdict was overturned by a judge.

## Cleared con begins life outside prison

By TOM HESTER

After 10 years in the state's toughest prison, Earl Berryman stepped out of the shadow of its tall, razor-wire-topped walls in Trenton yesterday and into the sunlight of freedom.

He was happy to be out, angry he was ever inside, and hopeful he will never be back. Everything he owned fit in the three cardboard boxes that rested on the sidewalk of Federal Street outside New Jersey State Prison.

"I'm happy about everything," Berryman said. "Happy to be out and happy to be with my family in Irvington." At his side were the Rev. James McCloskey of Princeton and Jean deSales Barrett of West Orange, the clergyman and attorney who helped free him.

Berryman, 37, was released eight days after a federal District Court judge in Newark overturned his 1985 state conviction

for taking part in the March 1983 rape of an Irvington woman. Judge Dickinson Debevoise held there was "very substantial doubt" that Berryman was involved in the crime and that he had a poor defense at his Newark trial. Berryman got 25 to 50 years at New Jersey State, the state's maximum security prison.

The state Attorney General's Office maintains there was sufficient evidence to convict Berryman, but yesterday morning failed to gain a stay of his release before the U.S. Court of Appeals for the 3d Circuit in Philadelphia.

Ray Weiss, a spokesman for Essex County Prosecutor Clifford J. Minor, said the case must be reviewed and that it was too early to say if Berryman would be retried.

"I have no doubt he would

Please turn to Page 6



(Photo by Raffi Sapone)

Earl Berryman, center, enjoys his freedom with his brothers, Hermann, left, and Ray, outside his Irvington home. Berryman was released from the New Jersey State Prison in Trenton after serving 10 years for a rape he did not commit.

## Berryman begins life outside prison

Continued from Page One

be acquitted if he gets a new trial," Barrett, Berryman's lawyer, said.

Asked to reflect on his trial, Berryman did not have kind words for his then-defense attorney, Nicholas DePalma.

"He got me 10 years," Berryman said. "He cared nothing about me. The lawyer came in and gave me a big front. He came in in a fancy suit and got me 10 years."

In overturning Berryman's conviction, Debevoise declared, "If there ever was an ineffective assistance of counsel situation, this was it."

DePalma was not available yesterday for comment.

His belongings piled in the trunk and backseat of McCloskey's car, Berryman pulled away from the prison in a small cavalcade that included family members. A new white T-shirt and blue jeans were his freedom outfit.

After signing a personal recognizance bond at the Trenton federal courthouse, Berryman and his entourage traveled to McCloskey's Centurion Ministry

office on Nassau Street in Princeton, where Berryman's name was ceremoniously erased from a list of prisoners the minister is attempting to free.

Berryman and McCloskey vowed they would not leave behind in the prison the memory of Michael Bunch of Newark, who was tried with Berryman, convicted of kidnaping and sentenced to 25 to 50 years. Bunch, whom McCloskey also was attempting to free, died at age 30 in New Jersey State Prison last year.

"I feel bad about what happened to Mr. Bunch," the minister said. "An innocent man died in prison. He never should have been in prison to begin with. I hope one day his name will be cleared."

McCloskey said it may take the federal appeals court up to six months to rule on the state's request to keep Berryman behind bars. In the meantime, Berryman said he will be looking for work.

The end of the day found him settling in at the Irvington home of Mary McCullough, the mother of his two daughters.

"I'm going to hug my daughters and give them a kiss," he said, "and make up for lost time."