

# With murder case dismissed, S. Phila. man finally is freed

He was jailed at age 17 on a conviction that was later tossed out. "The nightmare is over," an advocate said.

By Michael Klein  
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Edward Baker of South Philadelphia, sentenced to life in prison in 1974, is a free man today for the first time since he was 17 years old.

The District Attorney's Office yesterday agreed to drop its murder case against Baker, 45, who had served a quarter-century in prison for a neighbor's murder before a judge overturned his conviction, ruling that his trial lawyer in 1974 was ineffective.

It was his first true taste of freedom. He had been released on bail in December 1999 but placed under house arrest while awaiting retrial. In turn, he has agreed not to sue the state.

"I am truly a free man," Baker said yesterday after celebrating over a quiet lunch with friends.

"The nightmare is over," said James McCloskey of Centurion Ministries, a group that works to free prisoners it believes were wrongfully convicted. After Baker had petitioned the group for help, McCloskey had walked the streets of Grays Ferry for five years to verify Baker's assertion of innocence.

When Baker made bail, he thought a pay-phone call cost a dime and a package of Tasty-kake cost 39 cents.

He has learned quickly. He has found a profession, opened a bank account, passed his driver's test, gotten married, and bought a house and car — the sundry life passages of an American adult crammed into 26 months.

Baker's ordeal began after he was accused of being the lookout on Dec. 20, 1973, while a band of toughs looking for cash killed retired bellhop Steve Gibbons in the vestibule of Gibbons' South Philadelphia home. Baker had maintained that he was at a wake in the Frankford section of the city. He was convicted, however, on the testimony of Donahue Wise, who admitted his role in the killing and received a lesser sentence — three years — in exchange for his testimony.



JONATHAN WILSON / Inquirer Staff Photographer

Edward Baker began his new life in December 1999, when he was granted bail. Since then, he has found a profession, gotten his driver's license, bought a house, and married Luzetta Thorne (left).

Baker's freedom came yesterday without official fanfare. After a brief hearing, court workers removed from his right ankle the electronic monitoring device that tethered him to his home after 9:30 each night and rubbed holes in his socks.

"It feels real good to have the case over with without a battle," said Leonard Sosnov, Baker's attorney.

District Attorney Lynne M. Abraham, saying she believed that Baker was properly convicted, yesterday said she decided not to proceed with the retrial because Wise is dead. He died two years ago in a hospice after a long illness.

The break in Baker's case came in 1995, when McCloskey tracked down Wise. In an emotional meeting, Wise explained that he was schizophrenic and addicted to drugs and said that Baker was not involved.

McCloskey hired Sosnov, a Widener University law professor, for a post-conviction appeal that legal observers had described as hopeless since physical evidence was not at issue.

The issue was Wise, whose testimony had put Baker away. McCloskey persuaded Wise to testify, and Wise recanted his previous testimony before Common Pleas Court Judge C. Darnell Jones 2d in 1996.

In 1997, Jones ruled that Bak-

er's former attorney, C. George Milner, was ineffective and threw out the conviction, calling it "a miscarriage of justice."

After nearly 2½ years of appeals, Jones granted Baker's release on \$50,000 bail on Dec. 14, 1999. McCloskey posted the 10 percent required.

Jones told Baker: "Don't even spit on the sidewalk."

He didn't. He went home to South Philadelphia to thrive in a society he had not lived in since Richard Nixon was in the White House.

He moved in with a cousin, Doris Keels, and received emotional support from childhood friends, including Luzetta Thorne, who had had a crush on him since they were teenagers and had written him in prison.

Labor leader Wendell Young 3d, a friend of McCloskey's, hired Baker as a laborer at the United Food and Commercial Workers Local 1776 office in Plymouth Meeting, Montgomery County. The job required Baker to take several buses.

While in prison, Baker had taken electrician's training courses and become certified. After less than a year at Local 1776, Baker passed the City of Philadelphia's electrician's test and went to work for the city. He and Thorne married in June, and they bought a rowhouse. Thorne was raising two

foster children who now call Baker "Daddy."

It was an instant family.

Yesterday, Baker said the legal system had failed him in 1974.

"I didn't have quality representation," he said.

His former attorney, Milner, had never impeached Wise on the stand and did not challenge Wise's often-conflicting testimony. "That's the one thing that hurts in my heart," Baker said.

The import of the District Attorney's Office decision was settling in yesterday afternoon as the sun began to set on Baker's rowhouse street.

"My biggest change will be that I don't have to be in by 9:30, and I won't have to go back to the Criminal Justice Center for this case," he said.

Not for this case.

A week ago, he received in the mail one other fact of adult life: a summons for jury duty. As a free man, he may serve.

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## More Information

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