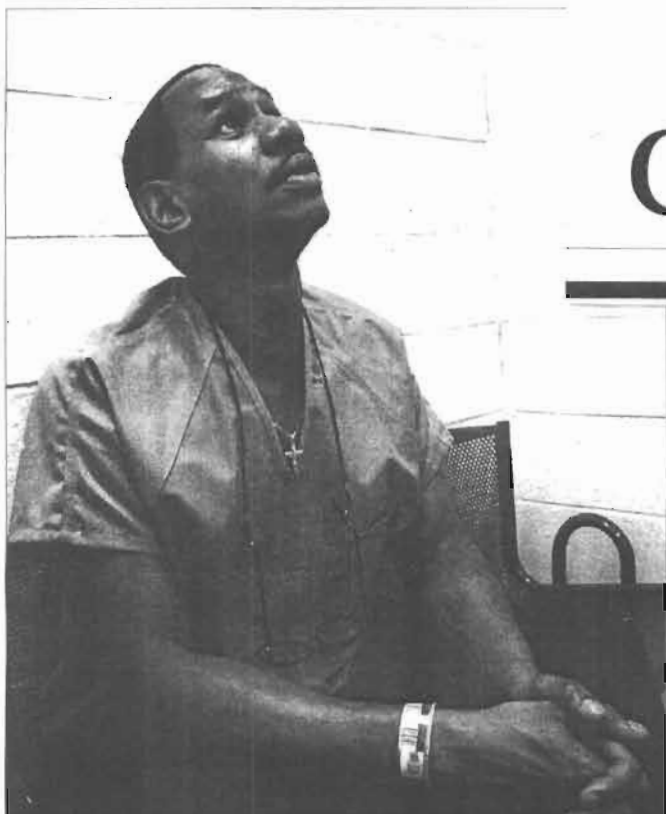


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ERIC MENCHER / Inquirer Staff Photographer

During an interview at the Curran-Fromhold Correctional Facility in Philadelphia, Eddie Baker contemplates a question before answering. The prosecution will argue today to keep him jailed.

## Conviction overturned, S. Phila. man seeks bail

The '74 verdict in the murder case was thrown out in 1997.

By Michael Klein  
INQUIRER STAFF WRITER

Eddie Baker, the South Philadelphia man whose 1974 murder conviction was overturned by a judge more than two years ago, is due to go before the same judge this afternoon to seek his release on bail after nearly 26 years behind bars.

As it has every step of the way in Baker's legal road, the District Attorney's Office said it would fight to keep him in prison pending a new trial, which has not been scheduled. "We believed then and we believe now that this man is guilty," said spokeswoman Cathie Abookire.

Baker, interviewed yesterday in prison, maintained his innocence. "I'm praying to God that the judge knows my feelings," he said.

He said he believed that Common Pleas Court Judge C. Darnell Jones 2d was satisfied to know that appeals courts had upheld his 1997 ruling. "He must be thinking, 'I knew I was right,'" Baker said.

Baker, 43, has contended that he was at a wake in Frankford while a gang of toughs robbed and stabbed to death an elderly neighbor, retired bellhop Steve Gibbons, shortly before Christmas 1973. Baker, then 17, and two other young men were arrested within days.

One of them — Donahue Wise — became the prosecution's only witness at Baker's 1974 trial. Wise, whose pretrial psychiatric report identified him as a drug user and schizophrenic, served three years in exchange for telling the jury that Baker went through Gibbons' pockets for cash. No physical evidence linked anyone to the crime.

The case got this far because of the detective work of Jim McCloskey, a lay minister from Princeton, N.J., whose organization, Centurion Ministries, investigates the cases of inmates who contend that they are not guilty. McCloskey worked the streets of South Philadelphia for nearly two years, interviewing dozens of acquaintances and relatives of the men — as well as Wise himself.

McCloskey retained Widener University law professor Leonard Sosnov to represent Baker in the case, which some legal scholars had deemed "beyond Armageddon" because there was no smoking gun or DNA evidence to rebut the testimony that put Baker away.

At a 1996 hearing before Jones, Wise testified that Bak-

er was not involved and said it was he who had plunged an ice pick into Gibbons' neck. Five neighbors and relatives also took the stand to confirm Wise's account, which had been whispered among the rowhouses for nearly a quarter-century.

In August 1997, Jones' boldly written opinion overturned Baker's conviction, calling it "a miscarriage of justice" and branding his trial attorney inept for failing to impeach Wise on the stand. Jones ordered Baker released on bail, but the District Attorney's Office has managed to keep him in prison during the 28 months of appeals. In April 1998, a Superior Court panel unanimously affirmed Jones' decision, and in late October, the state Supreme Court refused to hear the commonwealth's appeal.

Baker said yesterday that he respected the process. "I had no problem with that," he said. "But now is the time to let the law take its course" and permit bail.

The District Attorney's Office yesterday said it would argue today that a change to the state constitution, approved by

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## 1974 murder ruling out, man seeks bail

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voters in November 1998, says that a judge can deny bail if a suspect faces the death penalty or a life sentence or could be deemed a threat to society.

Sosnov said that for several reasons, the 1998 law was "clearly inapplicable to Baker's case" — since the case was overturned in 1997 — and that "Baker is definitely entitled to bail."

Of the three men who had served any time for the murder, only Baker is still imprisoned.

In an interview in 1997, Baker said he had forgiven Wise, who now uses a wheelchair because he was shot after his release from prison.

Baker said he hoped to become an electrician on the outside, since he has received certification at the State Correctional Institution in Frackville, Schuylkill County.

He said that all he wanted to do after his release was visit the grave of his mother, who died in 1990. "That, and go back to my church, Gospel Temple Baptist, on Sunday, where the older people remember me and my family," he said.

He paused.

"Oh, and try to get my life together."



Eddie Baker will be given a new trial, not yet scheduled. Meanwhile, he is asking to be released on bail.

er." He said he did not even know his precise shoe, shirt or pants sizes after more than a quarter-century in a prison uniform. Though he knows of such post-1973 inventions as cellular phones and automatic teller machines, when asked about the price of a local phone call, he hesitated, then replied: "Ten cents."