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Court in Philadelphia weighs freedom for convicted killer, 82

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The federal judges who heard the latest appeal in the legal saga of Louis Mickens-Thomas seemed inclined to release the 82-year-old inmate, who is being held at Graterford Prison in part for planting an unwanted kiss on a woman from his church.

John Knorr, who argued Tuesday on behalf of the Pennsylvania Board of Probation and Parole, barely had introduced himself before Circuit Judge Maryanne Trump Barry interrupted him.



"You're a brave man for being here today, given the arguments we've heard and the papers we've read," she said.

Mickens-Thomas was convicted of the 1964 rape and murder of a 12-year-old West Philadelphia girl, but his life sentence was commuted in 1995 after legal advocates exposed scientific errors in the case.

The parole board did not release Mickens-Thomas until 2004, and then only after the U.S. Court of Appeals for the Third Circuit ordered it, calling the board's actions "vindictive."

Mickens-Thomas' parole was revoked 15 months later for what the state called "an escalating pattern of high-risk behavior," including kissing the woman at church.

His parole officer has noted the violations would have earned most inmates one or two months in jail, said his lawyer, David Rudovsky.

Instead, Mickens-Thomas has been denied parole every year since 2005 because he refuses to take part in a sexual-offender program that requires him to admit guilt. Mickens-Thomas has maintained his innocence.

Knorr, a chief deputy attorney general, said Mickens-Thomas must complete the program.

"He's not going to change unless he accepts responsibility for what he's done," he said.

The three judges, part of a panel from the Third Circuit, also focused on why Mickens-Thomas was initially returned to prison.

"What comprises this escalating pattern of high-risk behavior?" Barry asked. "Specifically - and don't give me the kiss on the church lady's lips."

Knorr said Mickens-Thomas had "forcibly" kissed the woman and "made a habit of seeking out women in vulnerable situations."

Specifically, he said, Mickens-Thomas fixed umbrellas and offered them to women stranded in the rain, a comment that prompted an exasperated Barry to say, "Oh, my goodness."

"Bear in mind, this is red-flag behavior for people who deal with sex offenders," Knorr said. "I realize this may seem odd to your honors, but this is red-flag behavior."

Mickens-Thomas's most serious misstep was being kicked out of his sex-therapy group, allegedly for intimidating comments.

Rudovsky admitted that his client had been inappropriate and "a little sarcastic" with his therapist in the midst of an argument over the kiss at church. But Rudovsky also noted that Mickens-Thomas had "self-reported" the kiss, and that the woman dismissed the incident as harmless.

There is no timetable for the panel's decision. There were no family members in court Tuesday for either Mickens-Thomas or Edith Connor, the girl whose body was found in an alley near Mickens-Thomas' former shoe-repair shop.