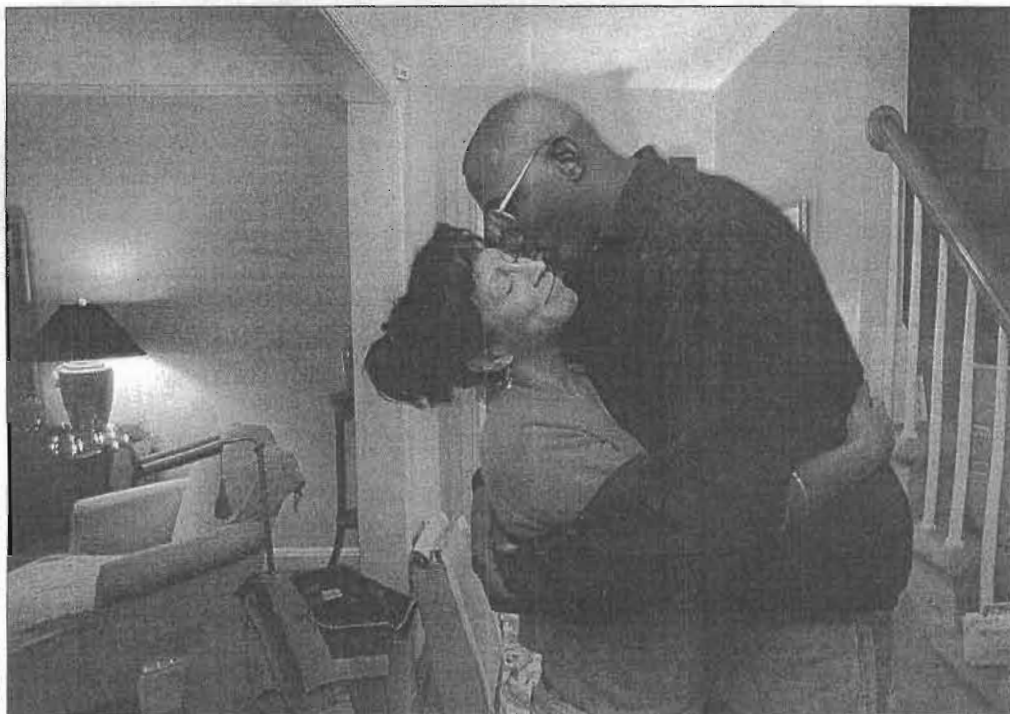


"I'm having trouble processing all this, but I'll be all right."

Michael Austin



ANDRE F. CHUNG: SUN STAFF

Welcome home: Michael Austin embraces his friend Yvonne Rahman at her Baltimore home. He will be staying with Rahman, a schoolteacher he met in 1978 when she was a prison volunteer.

After 27 years in prison, Austin released on bail

**Man savors freedom
without anger or
worries about future**

By **TODD RICHISSIN**
SUN STAFF

Michael Austin took his first breaths of freedom in more than 27 years yesterday, walking out of the prison where he had spent most of his adult life for a murder conviction a judge ruled should never have been rendered.

Freed from the Maryland House of Correction, Austin walked away from high walls and razor wire and guard towers with snipers inside to a world far different — in ways both trivial and profound — from when he was convicted at age 26, in 1975.

In his new world, at age 53, he has no mother. She was

taken by cancer while he was locked up. A brother died during that time, too.

But he gained a love for music, and as he started to speak yesterday about a favorite jazz "album," he caught himself.

"I mean a jazz CD."

He barely recognized Maryland, he said, and downtown Baltimore might as well be Mars. One of the first things he wanted to do was try a restaurant, "one of those new places," a Red Lobster.

"I'm having trouble processing all this, but I'll be all right," Austin said on the free side of the Jessup prison gates. "It's almost 2002 now, but I still have my sanity."

Austin was free yesterday because Judge John Carroll Byrnes of the Baltimore City Circuit Court granted him \$10,000 bail, a day after reversing his conviction for the killing in 1974 of Roy Kellam,

an East Baltimore security guard.

No reasonable juror aware of the facts known today would have convicted Austin, the judge said Thursday as he granted a new trial.

But the judge's order, while reversing the conviction, did not erase the murder charge filed against Austin almost three decades ago.

A decision on whether to drop that charge is in the hands of [See Austin, 7A]

After 27 years behind bars, a free man

[Austin, from Page 1A]

Baltimore City State's Attorney Patricia C. Jessamy, who has said she will make up her mind next week.

Austin almost certainly will not be put on trial again. The prosecution's only witness is dead, and there is no physical evidence linking Austin to the crime.

But Jessamy could challenge the reversal in the state Court of Special Appeals. If she's successful, Austin would once again be a convicted murderer and would be returned to prison.

"I'm not thinking about anything like that right now," Austin said. "That's for my attorneys."

Those attorneys, Larry Nathans and Booth Ripke, said they hope Jessamy will let the ruling stand and they have confidence the judge's ruling will prevail if appealed.

"The decision's well-reasoned and supported by careful factual findings," Nathans said.

Perspective and purpose

Whatever Jessamy's decision, Austin was in no mood yesterday to be distracted by the remaining legal questions. The weather was frigid and windy, but the sun was out and he was free.

He said he has become a new person, a man with perspective and purpose. While not guilty of the murder that cost him so many years, he said, he knows he caused others pain with his wild ways as a younger man.

"I'm a totally different person than when I went in," Austin said, now sitting in his attorney's office, next to the courthouse where he was convicted.

"Being out here today has given me another chance to live life the way you're supposed to."

He would like to help juveniles who are in trouble, maybe save a few. In 27 years in prison, he didn't merely hear about one generation following another behind bars.

"A lot of young guys coming in there," he explained, "I was in with their fathers."

Austin will live with a friend, Yvonne Rahman, a Baltimore schoolteacher he met when she was a prison volunteer in 1978. He has one brother remaining, Harold, who was on hand with Rahman to greet him at the prison gate.

"Twenty-seven years is a long time," said Harold Austin, 61, as his brother was being released. "All



ANDRE F. CHUNG: SUNSTAFF

Outside: Michael Austin (left) talks to reporters upon his release. He was met by brother Harold Austin; James C. McCloskey (in rear, cap), head of Centurion Ministries; and Larry Nathans, Austin's attorney.

I really want to do is sit around the kitchen table and talk with him."

Rahman said she'd defrost a peach cobbler she has had frozen for the past five years, having kept a promise to save it for his release.

"It was like a symphony the way this worked, with everybody working together to get him out," Rahman said. "I had faith, and it paid off."

The "symphony" she spoke of was conducted by Jim McCloskey, the president of Centurion Ministries, a New Jersey-based group that investigates innocence claims by prisoners.

His group takes only about four cases a year out of more than 1,000 it reviews, but he was intrigued when he read a letter from Austin, back in 1994.

McCloskey hired an investigator, Steve Delaney, who once worked on the Boston Strangler case. McCloskey hired Nathans and Ripke when he became convinced Austin was innocent.

"I can't imagine spending a day in prison, let alone 27 years, for something I didn't do," McCloskey said in the courtroom yesterday, adding that it was time for Jessamy to "finally give up the ghost and let this go."

Centurion is not leaving Austin now that he is free. The group posted his bail, has found him a

construction job and will arrange for any psychological counseling he might need to adjust to society.

There are big changes to deal with, he realizes. When Austin went to prison, Congress was holding hearings on whether to build a gas pipeline across the Alaskan wilderness and the United States was resettling Vietnamese refugees.

Now there are electric cars and the United States has a war on its home turf.

Austin said he is not angry at anybody, that he has no time for that and no real right to it. He worked hard to improve himself while in prison — he earned his high school equivalency diploma and has become accomplished in music — and said he wants to concentrate on his successes.

No time for tears

Jazz has become his passion.

Thursday, after the judge granted him a new trial, Austin was playing his trumpet in his cell when a guard approached him and said to report to a lieutenant.

That's when Austin learned his conviction had been reversed.

His eyes remained dry, and there were no tears yesterday, either, not when he hugged McCloskey and his attorneys and his friends and his family.

Austin found that odd.

"I feel like I want to cry, but it won't come out," he said. "Maybe because there's so much going on. I'm not sure."

"But I think I'll probably have my cry tonight."