

# 'Today I have nothing,' Austin tells House panel

## He testifies for bill to aid falsely jailed

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Michael Austin, the Baltimore man who spent 27 years in prison for a murder he did not commit, went before a House of Delegates committee yesterday to support a bill that would make it easier for the state to compensate people who have been wrongly locked up.

With mesmerized delegates looking on, Austin told the Judiciary Committee he sat in a prison cell for

more than half his life and is now "lost" after being freed Dec. 28.

"I was a taxpayer, but today I have nothing. I don't even have Social Security," said Austin, who was sentenced to life in prison in 1975 in the killing of an East Baltimore security guard. "I need support because I am trying to reintegrate into a community where I have nothing."

Austin, 53, was joined by former Baltimore Mayor Kurt L. Schmoke in asking lawmakers to change the standards that must be met before the state Board of Public Works can compensate someone who has been wrongly

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# Bill would ease compensation of wrongly incarcerated

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imprisoned.

Now, the governor has to grant a pardon before the state can issue a settlement. In Austin's case, a judge overturned the conviction, and Baltimore State's Attorney Patricia C. Jessamy decided not to pursue another trial. Austin's attorney says it isn't clear whether a governor can pardon someone who technically was not convicted.

"It's almost as though this man was put in prison on no charges and served 27 years on no charges," said Schmoke, who is chairman of the American Bar Association's Council on Racial and Ethnic Justice.

The bill, introduced by Del. Salma S. Marriott and 32 co-sponsors, would allow people to bypass the pardon process and go straight to the Board of Public Works.

In the past decade, the state has awarded damages to two people who had been wrongly convicted.

The board gave \$250,000 to Leslie A. Vass of Baltimore, who was released in 1984 after it was determined he served 10 years in prison for a robbery he did not commit.

The board also gave Kirk Bloodworth \$300,000 after DNA tests showed he did not kill a 9-year-old Rosedale girl. He was released from prison in 1993 after serving nine years, including seven on death row.

In both cases, the governor issued a pardon before the board acted.

Marriott's bill would also apply to Anthony Gray Jr., who was convicted of murdering a Chesapeake Beach woman in 1991. Gray was released eight years later, after the Calvert County state's attorney reopened the case and determined there was no evidence linking him to the crime.

The state cannot compensate Gray because he never received a pardon. Austin's attorney, Larry A. Nathans, said he is trying to determine how Bloodworth and Vass



ANDRE F. CHUNG / SUNSTAFF  
Michael Austin spent 27 years in prison before his murder conviction was thrown out in December.

received their pardons. Even so, he said, he doesn't believe his client should have to be subjected to the pardon process.

"It is my theory they should act as quickly as possible," Nathans said.

With only two weeks until the General Assembly adjourns for the year, the bill faces a challenge, but committee members agreed something needs to be done to compensate Austin.

"He's definitely owed by the state," said Del. Carmen Amedori, a Carroll County Republican. "We see a lot of injustice, but if we can rectify one, that is our job."

When he overturned Austin's life sentence, Circuit Judge John Carroll Byrnes said Austin's trial was "plagued" by errors.

The delegates appeared stunned and saddened as Austin told them how he worked through his anger in prison, all the while knowing he was innocent.

"I tried to do all the right

things, even though I was dealing with a lot of anger and a lot of fear," said Austin, who was 25 when he entered prison.

At one point, an awestruck Del. William H. Cole IV, a 29-year-old Baltimore Democrat, whispered to another delegate that he was 2 years old when Austin entered prison.

After the hearing, several delegates offered Austin their condolences and support.

"You cannot give him enough money," said Del. Anthony J. O'Donnell, a Calvert County Republican.

Despite the time constraints, Amedori and Del. Lisa A. Gladden, a Baltimore Democrat, said they will lobby the committee's chairman, Del. Joseph F. Vallario Jr., to send the bill to the House floor.

Vallario said little during the hearing but suggested that Austin's attorneys seek a pardon.

Another option would be for the governor to include compensation in a supplemental budget. That option, Gladden said, was even more unlikely because of budget constraints.

Nathans played down suggestions that Austin sue the state for compensation. He said such a lawsuit would be costly and complicated because too many parties had a role in convicting him.

Nathans refused to say how much money Austin would seek from the state if the law is passed, but said, "It will certainly be less than someone who has been in prison for 27 years deserves."

In addition to money, some committee members said, Austin's testimony conveyed a much broader theme.

"It certainly makes me rethink the death penalty," said Del. Donald E. Murphy, a Baltimore County Republican and death penalty proponent.