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Ruling Clears Long-Jailed Men in 1970s D.C. Slaying

By Carol D. Leonnig and Henri E. Cauvin

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The 29-year-old murder convictions of two former members of a white biker gang in a racially charged trial were thrown out yesterday by a federal judge who concluded the men could not possibly have helped stab and kill a black customer outside a Northwest Washington lounge.

U.S. District Judge Rosemary M. Collyer found that Joseph W. Eastridge, who served 29 years in prison for the crime and has since been released, and Joseph N. Sousa, who served 20 years and also has been released, were innocent and should not have been convicted of the 1974 murder of Johnnie Battle.

The ruling revisits one of the District's most notorious murder cases of the 1970s. Testimony showed that Battle was slain in November 1974 after a confrontation in which members of the Pagans biker gang made racial insults. Battle, 26, fired a gunshot that wounded one of the bikers. Some of the others chased him across Wisconsin Avenue NW and stabbed him. He had 17 stab wounds.

Thanks to numerous appeals and hearings, the judge declared that "the fog has lifted" over who was responsible in the aging case. The evidence, she said, was deficient against Eastridge and Sousa, now in their late fifties, and another defendant, Michael Diamen, who died in December 2002.

Collyer also found flaws in the way the case was tried. Prosecutors concealed evidence from the defense that implicated other members of the biker gang, she said in a ruling that was made public yesterday.

No logical jury would convict the three men today, because the eyewitnesses and facts indicated they were in a car several blocks from the scene of the stabbing when it

occurred in an alley near the intersection of Wisconsin and Emery Place, the judge stated.

"God has blessed me! The truth has come out," Eastridge declared when reached in Stafford, where he lives under house arrest with electronic monitoring while on parole. "What hurt me so much was the prosecutors' lies," he said.

Sousa, an ironworker released 10 years ago and now on parole, said in a telephone interview that "the original prosecutors -- they just had to know the truth. But it was easier to convict us than to go to the trouble to prove the real case. That's what was so bad about it. "

A spokesman for the U.S. attorney's office, Channing Phillips, said that prosecutors were reviewing the ruling and had no comment.

Eastridge, Sousa and several of their defenders said prosecutors were bent on convicting someone in the high-profile, racially tinged crime, and appeared to go after the easiest targets, then tarnish them with guilt by association.

On one count, Collyer and prosecutors agree: Stephen C. Jones, also convicted in 1976, was indeed guilty of first-degree murder. Jones, who had just been initiated into the Pagans at the time of the killing, testified at a hearing last year on behalf of Eastridge and Sousa, saying they did not join him in the pursuit and attack.

For Eastridge and Sousa, the ruling ends a marathon quest. They were aided by a nonprofit investigative group, as well as lawyers who worked for free for the past 15 years. At every step, they said, prosecutors and the court machinery seemed bent on defending the result despite the facts.

The killing came after the bikers, celebrating the birthday of their president, went to the Godfather Lounge on Wisconsin Avenue. A fight broke out when members of the group were told by the bouncer to leave.

The bikers then exchanged cross words with Battle and two other black customers passing by. Then a misunderstanding turned it into a fatal confrontation.

One Pagan pulled a knife when he thought one of the black men had pulled a knife -- which actually was a comb. Battle ran to his car to get a gun. When he came back, Jones taunted him with a racial insult. Then the Pagans surrounded him with knives. Battle shot at the Pagans, ran off and was killed within minutes.

Eastridge, Sousa, Diamen and Jones were arrested in a car about 20 minutes after the fracas. The first three men said they picked up a bloody Jones after the incident, but did not take part in the killing. Jones since has admitted beating Battle and made statements to prosecutors that three other men -- not Eastridge, Sousa and Diamen -- participated in the attack. He said that he did not stab Battle but joined in beating him.

The men's defense was first championed by Centurion Ministries, a nonprofit group devoted to investigating unfair prosecutions and freeing innocent people. After investigating for five years, Centurion persuaded the firm of Wilmer Cutler Pickering Hale and Dorr and lawyer John Zwerling to appeal the convictions for free. The lawyers estimate they have donated several million dollars worth of work to the case.

After losing at several turns, the attorneys decided in 2000 to file a claim of wrongful imprisonment in federal court. In hearings last year and this spring, they presented numerous witnesses who said they knew the Pagans who were involved and these three men were nowhere near the stabbing.

Jones identified Charles Jennings, Chesley Barber and John Wood as his accomplices. Jennings and Wood are deceased, and Barber has denied wrongdoing.

In her ruling, Collyer noted that there was no physical evidence tying the men to the stabbing. The only direct witness was a former girlfriend of Sousa who was angry that he had ended their relationship and whose story was rebutted by numerous other witnesses.

Jennings and Wood, whom witnesses placed at the scene, told a grand jury before the trial they were never at the Godfather, a fact raising doubts about their innocence and one which prosecutors did not share with the defense.

Yesterday, Eastridge said he was ecstatic that he would no longer be labeled a murderer.

"I don't think there are words that can describe the pain and agony you go through, being in prison when you know you're innocent," he said. "At first, you're full of hate. Nothing's real. But I could see the hate was destroying me."

Eastridge said prosecutors can't make up what he lost: freedom, the chance to have a family.

Sousa said he lost the chance to father his child.

"My daughter was born a week or so after we got found guilty," Sousa said. "I just missed her whole life. When I got out, she was a sophomore in college. That was hard."

Sousa said he has eyed his peers, as he worked hard days and endured numerous firings when employers learned he was a convicted murderer.

"My friends now are all retired. They've got nice homes," he said. "It's hard to explain all that's lost."

Staff researcher Bobbye Pratt contributed to this report.

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[Return to story](#)

Judge reverses two convictions

May 31, 2005 12:00 am

By PORTSIA SMITH

For nearly 30 years, Joseph Wayne Eastridge and Joseph Nick Sousa have been trying to prove that they didn't murder a man in Washington in 1974. Thursday, somebody finally believed them.

That's when U.S. District Judge Rosemary Collyer in Washington ruled that this was a "rare case in which [Sousa and Eastridge] can prove their actual innocence."

In the highly publicized trial that became known as the Pagans Murder Case, Eastridge and Sousa were convicted of the first-degree murder of a 26-year-old man, Johnnie Battle, in 1976.

The men were sentenced to from 20 years to life in the death of Battle, who died after being stabbed numerous times on the night of Nov. 1, 1974, following an argument at the Godfather Restaurant in Washington.

Eastridge, now 58 and living in Stafford County, served 29 years in prison before being released on parole in March. Sousa, 56 and also of Stafford, had served 20 years.

Both men found out Thursday evening that the judge had cleared them by granting a petition for habeas corpus, meaning the constitutional legality of their convictions had been overturned.

The news of the convictions being set aside changed Eastridge's faith in the justice system.

"I praise the judge so much for the truth and letting justice prevail," Eastridge said last night. "I almost gave up on that, but she gave me a rebirth."

The new ruling came as a result of a 16-year investigation started by Centurion Ministries, a New Jersey-based organization that takes on cases of inmates thought to be innocent who have been sentenced to life terms or execution.

Since 1983, Centurion's efforts have resulted in freeing more than 14 innocent people from prison.

Sousa said the good news hasn't sunk in yet because it's something he never thought would happen.

And although justice has been served, he said it came too late.

Since his conviction, Sousa said, both his parents and his wife have died.

"It's been depressing. I lost the best years of my life," Sousa said while visiting his daughter in Stafford. "My friends own homes, have retired. I'm still struggling to get by. My daughter was two weeks old when I got sentenced. She's 29 now. I missed her whole life, and it took a long time to build some type of relationship."

Kate Germond, an investigator with Centurion Ministries, said its investigation led to new witnesses, a look at old physical evidence and admitted false testimony during the trial.

"This was a difficult case to win even though the facts were obvious that they are innocent," she said. "It's a gross miscarriage of justice. Three men spent the better part of their lives in prison for a crime they did not commit."

Michael Diamen, who also was convicted, died in prison of a massive heart attack in 2002.

The three convicted men were all members of the Pagans motorcycle club. Another Pagans member, Stephen C. Jones, who was 20 at the time, was sentenced under the District of Columbia's youthful-offender act and served just a few years in jail.

Although testimony varied during the 1976 trial, most witnesses agreed that events started with an exchange of words between Battle and his friends and members of the motorcycle group. They said Battle returned to his car and fired a handgun that wounded a Pagans member. Battle was then chased down and killed.

Sousa and Eastridge admit they were both with the group when the altercation began, but said they returned to their car before Battle was killed. According to court documents, much of the evidence presented at trial was circumstantial.

The most damaging testimony against Eastridge and Sousa came from a Fredericksburg woman who said she heard both men bragging about the murder. The judge in her ruling said that her statements were false.

The trial was also filled with racial overtones, Eastridge said.

The victim was black, along with the judge and the 12-man jury, he said.

New evidence submitted included an affidavit from Jones recanting his trial testimony, admitting his role in the murder and affirming that Eastridge, Sousa and Diamen did not participate in the murder. The affidavit identifies Charles Jennings and John Wood, both dead, an unnamed individual and Jones as the individuals who killed Battle.

David Aveni and Brent Gurney, lawyers at Wilmer Cutler Pickering Hale and Dorr in Washington, have been working on this case for 15 years for free. Gurvey said that although the conviction has been overturned, the government can still appeal the judge's decision.

"We hope that they see the light and drop this case," Gurvey said. "This will add an insult to injury if they appeal. It was a travesty to begin with."

Patricia Bell of Stafford County, a longtime friend of both men, said she and her church have never stopped praying for them.

"We've all known they've been innocent from the beginning," she said. When the murder occurred, Eastridge, an Army veteran who had served in Okinawa, was working as a self-employed mechanic and carpet cleaner.

He lives with his father and currently works at SA Medical Reimbursement in Fredericksburg. His parole guidelines state that he can go only to work, to church on Sundays and to visit his mother at a nursing home once a week.

Sousa was a decorated Army veteran of Vietnam who was employed as an ironworker in Northern Virginia and Washington. Since his release nine years ago, he has had another job as an ironworker in Washington and has been getting to know his daughter and two grandchildren.

Under their parole conditions, the two men are not allowed to contact one another.

Eastridge is active in prayer groups at The Lord's Church.

"I've been blessed with a support group that knew about the case and wanted to help me," he said. "Thank God for answering our prayers."

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[Return to story](#)

Shadows of a '74 slaying

June 4, 2005 1:09 am

By PORTSIA SMITH

A week has passed since Stafford residents Joseph Wayne Eastridge and Joseph Nick Sousa were exonerated in a 1974 murder, but their legal troubles may not be over.

Channing Phillips, a spokesman for the U.S. attorney's office in Washington, said the government has yet to decide whether to appeal the reversed conviction of a murder case involving the Pagans motorcycle gang.

"The decision has not been made," he said. "The government has 60 days from the day of the judge's opinion."

He said it won't take the full two months to decide and will base it on "whether we think the decision needs to be overturned."

In 1976, Eastridge and Sousa were convicted of the first-degree murder of a 26-year-old man, Johnnie Battle.

The men were sentenced to from 20 years to life in the death of Battle, who died after being stabbed numerous times on the night of Nov. 1, 1974, following an argument at the Godfather Restaurant in Washington.

Eastridge, now 58, served 29 years in prison before being released on parole in March. Sousa, 57, had served 20 years.

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Michael Diamen, also a member of the Pagans who was convicted, died in prison of a massive heart

attack in December 2002.

Another Pagans member, Stephen C. Jones was sentenced under the District of Columbia's youthful-offender act and served just a few years in jail.

Although testimony varied during the 1976 trial, most witnesses agreed that events started with an exchange of words between Battle and his friends and members of the motorcycle group. They said Battle returned to his car and fired a handgun that wounded a Pagans member. Battle was then chased down and stabbed 17 times.

Sousa and Eastridge admit they were both with the group when the altercation began, but said they returned to their car before Battle was killed.

According to court documents, U.S. District Judge Rosemary M. Collyer found that the evidence in the 1976 trial was flawed and did not convict other parties involved.

The new ruling came as a result of a 16-year investigation started by Centurion Ministries, a New Jersey-based organization that takes on cases of inmates thought to be innocent who have been sentenced to life terms or execution.

Since 1983, Centurion's efforts have resulted in freeing more than 14 innocent people from prison.

Eastridge lives in Stafford with his father and currently works at SA Medical Reimbursement in Fredericksburg.

His parole guidelines state that he can go only to work, to church on Sundays and to visit his mother at a nursing home once a week.

Since Sousa's parole release nine years ago, he has worked as an ironworker in Washington and has been getting to know his daughter and two grandchildren.

Eastridge and Sousa have not had a conversation with each other since 1987.

Under their parole conditions, the two men are not allowed to contact one another.

Sousa also said the judge signed an order this week that would do away with their parole restriction, but he is waiting to get the OK from his lawyers before speaking to Eastridge.

"I'd like to talk to him," Sousa said yesterday afternoon. "But I don't even know what I would say."

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