

# BALTIMORE PANTHER

# TRIAL NEWS

BY

THE COMMITTEE TO DEFEND POLITICAL PRISONERS  
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## SUMMARY

### CHARLES WYCHE FOUND "NOT GUILTY"

The jury in the trial of Charles Wyche returned, a verdict of NOT GUILTY after having been out for two hours and twenty minutes. Charles Wyche was charged with kidnapping and murder. He is the father of nine children and was held without bail for a year in Baltimore City Jail. Charles is the second person to stand trial in this "torture-murder" case. The first was Irving "Ochiki" Young who was found GUILTY of first degree murder in December, 1970 and sentenced to life imprisonment in February, 1971.

## BACKGROUND

On April 26, 1970, two policemen were shot - one was killed and one was wounded. - Soon after this, Governor Mandel had a meeting with Attorney General John Mitchell and then latter Mandel had another meeting with Baltimore Chief of Police Donald Pomerleau. Following this meeting, two Panthers, Marshall "Eddie" Conway and Jackie Powell were arrested, along with another man, Jack "Ivory" Johnson for this shooting. The next event was that Pomerleau held a press conference to announce that he was seeking an injunction against the selling and distribution of Panther literature - which he called "hate literature." He also said that the police had been "ambushed" in the manner encouraged and described in the Panther Paper.

On April 30, 1970, an indictment came down against 18 people - Panthers, Ex-Panthers and a Panther lawyer, Arthur Turco. They were charged with the torture and murder of Eugene Leroy Anderson on July 10 and 11, 1969 - who the police say was a member of the Black Panther Party and a suspected police informer. Eugene Anderson was never a member of the Party, but considering any true facts to be irrelevant, heavily armed police moved into the Black community (breaking into peoples' homes and entering the Black Panther Party Breakfast for Children Program armed with rifles and shotguns) and arrested eleven people on these "torture murder" and other charges, including illegal possession of weapons.

According to the State... in October, 1969, police say they found a skeleton in Leakin Park, which is famous in Baltimore for being the scene of many killings; therefore, it is not difficult to find a skeleton there. In January, 1970, the Special Services Police took statements from Mahonney Kebe, Donald Vaughn and Arnold Loney who are all Ex-Panthers. This entire "torture murder" case is built on their statements. Kebe, Vaughn and Loney are admitted accomplices, and they state that fifteen other people participated with them. They are not being charged with anything and, since giving their testimony, are being kept under police protection, living rent free and are being paid salaries by the State. According to their testimony these Panthers, along with their lawyer, tortured, beat and skinned Eugene Anderson for

around 24 hours in Panther Headquarters and then drove him to Leakin Park, where they shot him and left the body. Although the Special Services received these statements in January, no one was indicted until April 30 - after two policemen had been shot.

The first person to stand trial in this "torture murder" case was Irving "Ochiki" Young. His trial lasted one week and the jury was chosen in 3½ hours. Although there was no evidence in his whole trial that Ochiki had even touched the alleged victim and the illegal testimony of the paid informers was the basis of the case, the jury found him GUILTY of first degree murder in a deliberation which lasted one hour and fifty minutes. He was sentenced to life imprisonment.

The second trial, which lasted two weeks, was the related case of Eddie Conway who was charged with the killing of one policeman and the wounding of the other. While Eddie was in jail in this case, he was also charged in the "torture murder" case. Since he was denied his constitutional right of a lawyer of his choice (Arthur Turco, the lawyer indicted in the "torture murder" case and his cell-mate), he refused to participate in what he called a "pre-planned execution." Eddie was tried in absentia. He was found GUILTY and sentenced to life plus thirty years.

## DEFENDANTS IN THE "TORTURE MURDER" CASE

Steve McCutcheon  
Clarence "JOMO" M. Johnson  
Edward "Tchaka Zulu" Martin  
Larry Wallace  
Charles Wyche  
Arthur Turco  
Victor Deny (17 years old - out on bail)  
Sherry Brown (was out on bail, but rearrested - was originally a material witness, but in order to extradite him from Buffalo, he was charged with assault with intent to murder)  
Irving "Ochika" Young (sentenced to life)  
Marshall Eddie Conway

## DEFENDANTS IN THE POLICE MURDER CASE

Marshall Eddie Conway (sentenced to life plus 30 years)  
Jackie Powell  
Jack Ivory Johnson

There will be one trial a month for the next year.

MONDAY, APRIL 5

The selection of the jury was done in Judge Anselm Sodaro's chambers and the courtroom was cleared of all spectators. This procedure, -almost unheard of in the State of Maryland, was requested by the Defense Attorney, Larry Gibson, to determine if prospective jurors were prejudiced against the Black Panther Party and its members, and whether they objected to the ownership of a gun. Some general questions were asked of the entire jury panel of about 80 people, and, then prospective jurors were called into chambers to be questioned one at a time. After almost an entire day of questioning, seven women and five men, with two female alternates were selected. Seven people were Black and five were White; the two alternates were Black. The foreman was White.

TUESDAY, APRIL 6

In his opening statement, Assistant State's Attorney, Hillary Caplan emphasized the fact that Charles Wyche's being a Panther was "irrelevant" and that "this is not a political trial." He sketched the State's version of the "crime" which included a "house arrest" of Anderson and subsequent torture and beating, end of his being ordered to be murdered by "that organization" after having been transported in a car to the park by a "group of people who happened to be Black Panthers." There, Charles Wyche was alleged to have shotgunned Anderson to death. Afterwards, "information then came from some source; which Caplan later identified as "accomplices." Defense Attorney, Larry Gibson, made it clear to the jury that Charles Wyche was not present at Panther Headquarters on the 10th and 11th of July, 1969 - when the torture murder was said to have taken place, that his client was innocent and that he could prove it.

Although it was jointly stipulated by both lawyers that the skeleton found in Leakin Park was that of Eugene Leroy Anderson, the Prosecution still presented slides and photographs of the skeleton, teeth and various bones; stating however, that he disliked bringing this "gore" into the courtroom.

The first person to take the stand was State's Witness, Mahonney Kebe, who stated he was a "close associate" of Anderson's and then characterized him as "kind of schizophrenic." Kebe stated that the torture began shortly after a Political Education Class on Thursday evening, July 10, 1969 and that Charles Wyche was present. Although Kebe admitted hitting his old friend Anderson "six or seven times" then, and later the next day with a bed slat, he said he didn't see Charles Wyche do anything to Anderson. Kebe stated he was on medication and that he sat down on a chair in the early morning hours of July 11, and woke up approximately 12 hours later on the floor - not knowing what had happened to him. He stated that when removing Anderson from headquarters, Arnold Loney (another State's Witness) took him into the alley by holding on to the back of his belt, and that Charles Wyche went out the front door, supposedly to go on the "Death Ride."

Kebe said he gave a statement to the police in January, 1970, but that a "sensation" in his mind told him that he had spoken to the police before that date concerning the case. He had been visited by Special Services Officers who customarily deal with informers and police agents, rather than the CID (Criminal Investigation Division) which would normally investigate such a case. When asked why he waited until he was approached by the police to testify since he stated he had been extremely "bothered" by the incident, he said he was "afraid of the Panthers," and that his home might be bombed.

The State called Arnold Loney, the second State's Witness to the stand and again asked for a run-down of what had taken place at Panther Party Headquarters on July 10 and 11, 1969. He stated that on Friday morning, July 11, Charles Wyche borrowed a VW Bus to find a spot for the body. He said that Charles returned to headquarters later that evening after a Political Education Class (Kebe testified that this Class took place on Thursday evening, July 10) and then drove to Charles' house to pick up shells, and a sawed-off shotgun. They then went to someone else's house to pick up another shotgun. Loney stated that Charles led Anderson out of headquarters (instead of himself as Kebe testified). When they arrived in the Park, Loney stated that he acted as look-out and Charles took Anderson into the woods. He then states that he heard one shot and when Charles came out of the woods that he stated, "I killed him." Loney originally stated that he hadn't testified prior to being approached by the police because he was "afraid of the Panthers." However, under cross-examination, he admitted that he was afraid that he would be charged with murder and kidnapping and that his main concern was for his "life and freedom."

The afternoon session began with Larry Gibson moving for a dismissal of the indictments against Charles on the grounds of contradictory testimony. He showed a few of the many instances where Kebe and Loney gave different versions: Political Education Class being held on two different evenings; different people on the "death ride"; and Kebe states that Loney led Anderson out of Headquarters and Loney states that Charles did. Mr. Gibson said that the State could not present two different versions of the same incident and expect the jury to decide which one might be true. The motion was denied. The Defense then asked that one witness's testimony be stricken from the record and said that the State knowingly put one witness on the stand who perjured himself. The State's rebuttal was that there are "always two different versions of the same incident" and that the State vouched for its witnesses. Gibson stated that this was an extremely serious matter since his client had been in jail for a year. After hearing this, the judge said that he took "no pleasure about people being in jail" - that he was "just doing his duty" and denied the motion. Gibson presented a third motion that the State produce the Grand Jury Testimony since there were "inconsistencies at the core of the case." Judge Sodaro also denied this motion. The next witness was a State Trooper who testified that he stopped the car (while they were on their way to Leakin Park) while looking for some robbery suspects and that when he used a flashlight to see who was in the car, he noticed someone who looked beat up. (according to Kebe's testimony, Anderson had been beaten to a "pulp") He was told that the person had been in a fight at a party and that they were taking him home, so the Trooper let them go after giving them a repair slip for a defective light. He never at any time identified Charles as being a passenger in the car.

Detective Moore then took the stand and admitted the fact that he had shown Donald Vaughn (State's Witness) a picture of a different shotgun than the one held as evidence in court, although Vaughn had identified the shotgun in the picture as the murder weapon. Gibson again moved for dismissal on the grounds of accomplice (Kebe and Loney) testimony not being sufficient since the only evidence against Charles was a shotgun that only Loney identified. The Judge stated that Kebe was not an accomplice in the murder and kidnapping and that Loney's story was corroborated by the Trooper, and so, denied the motion.

THURSDAY, APRIL 8

The Defense opened its case by calling Donald Vaughn, one of the State's Witnesses - over the State's objections. The only people Vaughn could definitely identify as being at Panther Headquarters on July 10 were Mahonney Kebe and Henry

Mitchell. He testified that he was present throughout the entire torture and that Charles wasn't there. The next witness was Peggy McCarthy, who is Charles' wife. She stated that Charles went to work on the morning of the 11th, and when he returned home she and Charles and some of their friends went out shopping for things for her Birthday Party which was to take place the next day. They all had some beers and then later went to sleep.

Detective Phillip Smith of the CID was called to the stand, but the prosecution objected and both lawyers approached the bench. The jury was dismissed since there was a disagreement about whether or not he should be allowed to testify. Gibson wanted him to produce the statements of Carol Martin and Stephanie Thomas which the State has in its possession and that exculpates (clears of guilt) Charles. He said that statements that can exculpate a client should be entered into testimony. Caplan stated that those statements were "hearsay" and that they could not be read without the personal appearance of the witnesses. As usual, the judge agreed with the Prosecutor and the motion was denied.

The next witness was a friend and former supervisor of Charles where he had been employed at the time of the supposed incident who testified that he spent the morning of the 11th with Charles dealing with the company payroll. Around 10:00 that evening he went to Charles' house, had some beers and then left around 1:00AM. The Defense rested its case.

MONDAY, APRIL 12

Defense Counsel moved that Stephanie Thomas and Carol Martin's statement should be read into testimony and then proceeded to read portions of them. Stephanie Thomas' statement (taken May 13, 1970) never mentions Charles being present on the 10 and 11, and neither does Carol Martin's (taken May 26, 1970), but both statements impeach (call into question the veracity of a witness) Loney and Kebe's testimony. Gibson said that it was the State's duty, not only to get a conviction, but to produce statements that could exculpate the defendant. Judge Sodaro stated that he "knew nothing under the law" that would permit him to admit these statements into testimony and denied the motion. Gibson then made a motion to re-open the case to hear additional testimony. The judge finally granted a motion. Charles' punch cards and pay slips for the week of July 10, 1969 were entered into evidence, and another witness corroborated prior testimony that Charles had been at work on the 10th of July. Kodel Martin, a friend of Charles and Peggy's testified that she had gone shopping with them on the evening of July 11, then went back to Charles' house - stayed for awhile and then Peggy and Charles drove her home around 11:00. Again, the Defense moved to strike the testimony of either Kebe or Loney, to which the judge replied, "Well, I'll deny your motion." Another motion for acquittal was presented since accomplice testimony is not sufficient evidence. The judge said he had already made clear what his position was - motion denied. Once again, the Defense rested its case.

In the Prosecution's closing statement he argued that there were not contradictions in Loney's and Kebe's stories but that Loney "continued" the story where Kebe left off and that there couldn't possibly be any motive to tie because then they would lose their immunity. He stated that Loney was supported by his own testimony, that he was one of the "most truthful witnesses that ever took the stand," and the corroborating testimony of the Trooper and Loney was a "strong basis of the case." He argued that the defendant's case was weak and that he wouldn't believe that the jury could possibly be sucked into believing it. He stated that it was the jury's job to test the "credibility" of the witnesses by going on the "facts" of the case.

In Gibson's closing statement he said that this was an "unusual trial" and that the person should never have been arrested, jailed or tried. He again reiterated the discrepancies in Kebe's and

Loney's testimony and that Vaughn never placed Charles there. He argued that the State knowingly had witnesses who perjured themselves. He stressed the fact that if there was any doubt in the juror's minds about the testimony that they must acquit Charles, they could only convict beyond a reasonable doubt.

The judge then gave his charge to the jury and they left to deliberate at around 4:00. At 6:20, they returned and the Foreman stated that Charles Wyche was NOT GUILTY of kidnapping and NOT GUILTY of murder. Caplan then polled the jury, who all concurred - at which time he dismissed the charges against Charles Wyche of "conspiracy."

The next trial in the "Torture Murder" case is scheduled to come up some time in May.

The Committee to Defend Political Prisoners was originally formed for legal defense, publicity and raising bait for the Baltimore Panther Trials. Realizing, however, that after the courts, the prisons are the next step in the injustice perpetrated on poor people in this country, we have had several press conferences regarding prison conditions and organized two rallies in support of prison rebellions in the Baltimore area. We are interested in starting a Prison Busing Program for the Baltimore area since transportation is inconvenient and expensive sometimes families and friends of prisoners don't see each other for months and even years. We are in need of funds for the Busing program, on-going legal defense and bail. Please send contributions to the Committee to Defend Political Prisoners, Post Office Box 1095, Baltimore, Md. 21203.