

'Lifer' savors freedom as Essex mulls a retrial

By GUY STERLING

His initial meal as a free man for the first time in almost nine years consisted of a banana split, but George "Chief" De Los Santos of Newark realizes that from now on his life may not be as sweet.

"I'm happy and I feel like a little kid again," the 38-year-old De Los Santos said yesterday at his lawyer's office in Hoboken. "But I'm hurt, too, and a little scared. I feel I've been wronged and that makes me sad."

De Los Santos was freed from prison Tuesday by U.S. District Court Judge Frederick B. Lacey, who ruled that a key witness in the 1975 first-degree murder trial that led to the conviction of De Los Santos had perjured himself to gain favor with the prosecution.

In addition, Lacey found that the team assigned to the case from the Essex County Prosecutor's Office had failed to alert defense attorneys to information about the key witness that might have influenced the jury's verdict.

In handing down his opinion, Lacey gave the prosecutor's office 90 days to decide if it will retry De Los Santos, who had been serving a life term in Trenton State Prison for killing a Newark used-car dealer during an armed robbery more than eight years ago.

Yesterday, George L. Schneider, Essex County prosecutor, said he will consult with representatives from the criminal justice section of the state Attorney General's Office before deciding whether to bring charges against De Los Santos once more.

The meeting will take place next week and a decision will be made before the end of August, he added. Schneider said the decision will fall exclusively to him and that should he decide against a retrial he will make a motion to dismiss the murder and armed robbery charges before an Essex County judge.

The availability, recent record and credibility of the key witness, Richard Delli Santi, will play a part in the deci-

sion, the prosecutor reported.

Schneider would not comment on Delli Santi's history during the intervening years other than to say it "has hardly been exemplary."

The fact that De Los Santos had only three more years to serve on his sentence before becoming eligible for parole will be considered too, he said.

Before ending his statement, Schneider said he disagreed with several of Lacey's "findings of fact" in the case. He would not elaborate except to say that he did not feel the assistant prosecutor who handled the case knew that Delli Santi had been an informant for both the prosecutor's office and Newark Police Department.

Lacey doubted that Kevin Kelly could not have known of Delli Santi's involvement with each of those law enforcement agencies.

"If there is a fault anywhere in the system for mishandling this case, it does not fall at the feet of Kevin Kelly," Schneider declared.

The prosecutor added that he would not hesitate to take disciplinary action against any member of his staff who might have been involved in prosecutorial misconduct in the De Los Santos case, but he said he was certain the attorneys and investigators assigned to the case had conducted themselves properly.

While the authorities pondered their alternatives, De Los Santos expressed a fear that he would be retried, but he said he would be more prepared to face a jury this time than he was in 1975.

"I don't think it is fair to take me through this again because I am innocent and have gone through this once before, but I'm confident I will be exonerated if it comes to another trial," he declared. "I'm ready and I'm not alone anymore."

De Los Santos credited James C. McCloskey, a Princeton Theological Seminary student who took a year off from his studies to research the case, with bringing about his release from prison. McCloskey also organized a committee to support De Los Santos.

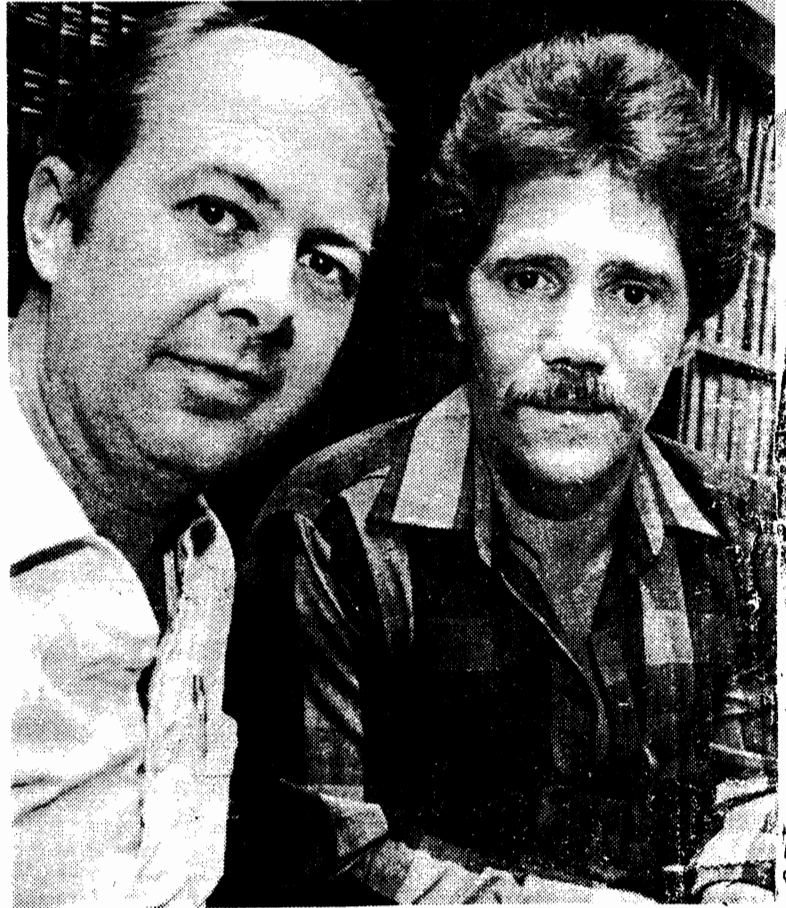


Photo by Frank DiGiacomo

James C. McCloskey, left, who took up the campaign to free Jorge De Los Santos, right, meets with him in his attorney's office in Hoboken

"I'll never meet another man like him if I live to be 100," De Los Santos said. The pair met when McCloskey was assigned to chaplain duties at Trenton State Prison. De Los Santos maintained he never envisioned leaving jail a free man until he met McCloskey.

"I practically begged him to read the transcripts of my trial," he said. "I told him, 'If you don't think I'm innocent after reviewing them, then don't get involved.'"

De Los Santos said the men spent Tuesday night celebrating with a bottle of bourbon. De Los Santos reported that he and his wife did not get to sleep until 5 a.m. yesterday morning.

Before retiring for the evening, De Los Santos called his parents in Puerto Rico to notify them he had been freed, he said.

De Los Santos said he has not had enough time to think about any future plans but added he probably will stay in the Newark area, where his family settled when he was four.

His goal will be to work to "prove I'm not the same man who went to jail in 1975," he said. He admitted he had been addicted to drugs and had a criminal record of petty offenses before being sent to prison for murder.

De Los Santos was uncertain how long it would take him to recover from his jail experience but added that his release convinced him "people are compassionate."

Still, he acknowledged harboring some bitterness against the criminal justice system in Essex County and Delli Santi, whom he accused of "fabricating" a story against him.

JUSTICE FOR FRAMED MAN — 8 YEARS LATE



Jim McCluskey with George Del Los Santos and his wife, Ellena.

THANKS to a seminary student's faith that an innocent man had been framed, George Del Los Santos is a free man after spending eight years behind bars for a crime he didn't commit.

"Thank God for Jim McCluskey," said the slender 38-year-old, who had been serving a life sentence for the 1975 murder of a Newark used-car dealer.

By GLENN MacDONALD

"He worked so hard on my behalf, he encouraged me and never gave up."

Del Los Santos was ordered released last week when Federal Judge Frederick B. Lacey ruled that the man, known as "Chiefy," had been unfairly prosecuted.

Lacey set aside an Essex County jury's verdict and gave the Essex County prosecutors' office 90 days to decide if they want to retry Del Los Santos. If not, the conviction will be overturned.

The judge charged that a key witness' testimony "reeked of perjury."

The key man in winning Del Los Santos' freedom, however, was a former naval officer in Vietnam, a businessman and consultant who met "Chiefy" while performing chaplain duties at the New Jersey prison.

McCluskey, a 41-year-

old Haverford, Pa., native, took 12 months off from his studies at Princeton Theological Seminary to play private eye and win Del Los Santos' release.

"A lot of inmates will claim they've been framed after they've been sent to jail, but Chiefy was so persistent, I began to ask myself if indeed he had suffered a miscarriage of justice," he said.

When McCloskey read the transcripts of the trial, he became convinced Del Los Santos was right.

"There were inconsistencies in testimony by a cellmate of Chiefy's

"In addition, one of the 'witnesses' to the killing in New Jersey was later proven to be in California at the time."

Del Los Santos, who plans to settle down in the Newark area with his wife, Ellena, has begun the process of adjustment to his newfound freedom.

Ex-divinity student going to bat to aid hopeless 'innocent' prisoners

By GUY STERLING

Since his boyhood days and listening to accounts of Bobby Thomson's home run that won the pennant for the New York Giants in 1951, James McCloskey has believed in miracles. Today, he prefers trying to work them.

For the past two years, McCloskey, a 43-year-old Princeton resident, has headed a nonprofit, tax-exempt organization dedicated to "seeking justice for the innocent in prison."

He serves as Centurion Ministries' only fulltime employe.

McCloskey founded the Princeton-based organization based on work he began during his graduate student days at Princeton Theological Seminary, an institution where the former businessman earned a master of divinity degree last year.

As part of his studies, McCloskey volunteered to serve as a student chaplain at Trenton State Prison.

During his visits to the jail, McCloskey met an inmate who would come to change the course of his life. The prisoner was George (Chiefy) De Los Santos, a convicted murderer serving a life sentence for killing a used car dealer in Newark in the mid-70s.

"After hearing his compelling cries of innocence, I got hold of and read all the documents in his case leading up to and from his trial," McCloskey recalled. "I came to believe him."

McCloskey took a year off from his studies to investigate the case, find an attorney to represent De Los Santos and form a defense committee to raise funds for mounting an appeal.

Two summers ago, his work was rewarded when a federal judge in Newark vacated De Los Santos' guilty verdict and ordered a new trial on the basis of what he described as prosecutorial misconduct. The freedom of De Los Santos was sealed when the Essex



Photo by Steve Andrascik

Jim McCloskey stands outside Rahway State Prison, where as a volunteer he aids inmates with court appeals

County Prosecutor's Office decided against a retrial.

But McCloskey's efforts resulted in more than giving a state prisoner a second chance on life. It provided him with a new perspective of his own.

"The De Los Santos case opened a whole new world to me," he said. "I came to realize that there are innocent people, mostly disenfranchised, who have been trampled on by the system and are buried in prison."

Several months after the release of De Los Santos, McCloskey founded Centurion Ministries and, in July, an appeal was filed on behalf of a second prisoner whose bid for freedom the or-

ganization has chosen to support.

In that case, McCloskey and West Orange lawyer David A. Ruhnke have accused the Essex County Prosecutor's Office of hiding a deal it made with a Newark man to drop charges on indictable offenses in exchange for his testimony at a murder trial in 1976.

That testimony was crucial in gaining a conviction of 40-year-old Rene Santana, a Rahway State Prison inmate, they maintain. The county has yet to file its answer to the charges.

The Santana appeal represents one of five cases Centurion Ministries has taken on in the last two years. They are in varying stages of development. McCloskey reported.

According to the suburban Philadelphia native, Centurion Ministries approaches its mission with a single-minded purpose: To work on behalf of "those people who, after a great deal of research and study, we believe to be innocent, wrongly convicted and imprisoned."

Inmates also must have exhausted all judicial remedies and have no resources to retain outside attorneys or private investigators.

"We're a last resort," McCloskey said. He concedes the cases he takes on are long shots and likens his task to "climbing a mountain." Yet he tackles them fully expecting to "find the truth that will set men free."

Centurion Ministries depends completely on contributions to operate. Funds have been donated by some churches, corporations, foundations and private individuals, McCloskey said.

But he admits working on a budget that keeps his existence "hand-to-mouth." Financing the De Los Santos appeal depleted most of his personal resources.

As a result of his limited funds, McCloskey runs Centurion Ministries out of a room in Princeton that also serves as his residence.

"As far as money is concerned, I have not taken a vow of poverty and hope someday to raise the funds to do my work and lead a normal, decent life," he said. "I'd like marriage and raising a family to be part of that life."

In addition to the De Los Santos case, McCloskey points to the indictment of his father for extortion (a charge he was cleared of) and his calling to the ministry as pivotal in convincing him to give up the business world and to pursue a career as an investigator for righteousness.

McCloskey acknowledges that his prison work irritates some members of the criminal justice system who think him foolish for listening to inmates' pleas of innocence. But he dismisses much of the criticism, saying those who denounce him as naive are naive themselves for believing that prisons hold only the guilty.

"It wouldn't be uncommon to find many more innocent people languishing in prisons than the public cares to believe," McCloskey said.

The indictment of De Los Santos as a career criminal in Essex County resulting from his arrest earlier this year on armed robbery charges also has not discouraged McCloskey from his crusade.

"Yes, I felt a sense of betrayal and deep disappointment, but intellectually I can understand why he was unable to cope with the outside world," he said. "I may never be able to accept it but it won't discourage me. Every person is different."

The inability of De Los Santos to turn himself around after his release also prompted McCloskey to begin reviewing more closely the cases brought to his attention.

While some members of the established order may take exception to his work, McCloskey has managed to win his share of supporters as he goes about his investigative duties.

"I'm very impressed with his unselfish devotion to his work," said Willard Heckel, former dean of the Rutgers Law School in Newark and a member of Centurion Ministries' board of directors. "You have to think highly of a man who will give of his life to someone else's cause of injustice."

"If I had my choice of an investigator to work up a case and find out the truth, I'd choose Jim McCloskey," said Paul Castelihero, a Hoboken lawyer who represented De Los Santos. "You won't find anyone more diligent."

"He's not just interested in making a case, he's interested in seeing justice done," added William Graves, a lawyer with the Essex County Public Defender's Office who initially defended Santana.