

**MONMOUTH
COUNTY
EDITION**

November 18, 1989

THE ASBURY PARK PRESS

SINCE 1879



MICHAEL RAFFERTY/Asbury Park Press

Damaso Vega, 46, walks to freedom with the support of relatives yesterday outside the Monmouth County Jail, Freehold Township.

After 7 years in prison, he walks free

By **PAUL D'AMBROSIO**
Press Freehold Bureau

Murder conviction overturned

FREEHOLD TOWNSHIP — Damaso Vega, whose 1982 murder conviction was overturned this week, was smothered in hugs and kisses yesterday as he walked out of prison and into the open arms of his family.

"I am the proudest man in the world," Vega, 46, said as he stood outside the Monmouth County Jail about an hour after a Superior Court

judge reduced his \$100,000 bail to \$10,000. "There is no happier man than me. . . . My family has followed me all the way to the end and this is the end."

Vega was engulfed at times by eight of his 22 children, several grandchildren and one of his three former wives. Some cried, others showed him family snapshots and he

was introduced to the grandchildren born while he was behind bars.

"He's seen them in court, but never outside," said a son, Carlos Vega, 17, of Long Branch. "That's really the present we want to give him."

Despite the jubilation, Vega's legal problems linger and he technically remains under indictment for the 1980 strangulation murder of 16-

year-old Maria Rodriguez, Long Branch.

Although Superior Court Judge Robert P. Figarotta, sitting in New Brunswick, threw out Vega's 1982 murder conviction for several reasons, including the recantation of three key prosecution witnesses and improper police conduct, Monmouth County Prosecutor John Kaye has not decided whether he will retry Vega.

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After Figarotta's ruling, Vega was moved from state prison to the county jail and held there in lieu of \$100,000 bail. Yesterday, his lawyer, Paul Casteleiro, of Jersey City, asked Monmouth County Assignment Judge Alvin Yale Milberg, sitting in Freehold, to free Vega on a personal recognizance bond.

Without the state's witnesses, "I don't think there is any credible evidence in the case," Casteleiro told Milberg. "No identification (to place him at the murder scene), no confession and no motive."

Figarotta found that Vega was convicted based on the testimony of two witnesses who were "coerced into falsely implicating the defendant in this case," Casteleiro said.

Alton D. Kenney, first assistant Monmouth County prosecutor, did not recommend any bail to the judge, but noted that Vega has a criminal record dating to 1970 that includes two counts of aggravated assault and one charge of not appearing in court.

Milberg said that while setting bail in a murder case is never an easy decision, he ruled that Vega could go free if he posted 10 percent of his bail, or \$10,000, because of the circumstances of the case.

As a condition of his release, Vega has to live with his nephew, Stanley Melendez, 31, in his Newark apartment, not leave the state, and not contact any prosecution witnesses.

Milberg also ordered the prosecutor

to decide within 30 days if he will retry Vega. An April 2 trial date will be set if Vega has to go before a jury again.

The \$10,000 bail was posted by James C. McCloskey, founder of Centurion Ministries Inc., a Princeton group that works to free prisoners it believes are innocent. He has worked on Vega's behalf since 1984.

"It's all my savings," McCloskey said. "But I'm going to get it back in a short period of time" when charges against Vega are dropped.

In his ruling, Figarotta said Vega was wrongly convicted based on inadequate representation by Vega's trial lawyer, Jon Steiger, recantations by witnesses and improper police work by the key investigator, Patrick Lipka, who now works for the Monmouth County prosecutor's office.

Jose Pizarro, the state's star witness in 1982, testified then that Vega confessed to the murder. During a hearing before Figarotta in June, Pizarro recanted by saying he lied on the witness stand. He has told The Asbury Park Press that he was pressured by investigators to testify against his former friend.

Two other witnesses, including the victim's sister, also have changed their stories and said they did not see Vega with Miss Rodriguez before the murder.

Prosecutor Kaye said investigators are trying to track down Pizarro and other witness to reinterview them. If the case goes to trial again, a jury will have to decide who was telling the truth and which version of their stories to believe, Kaye said.

Vega said he is bitter against those who testified falsely against him, but said that is a matter for his lawyer to

deal with.

Casteleiro has filed a notice of claim against the prosecutor's office, stating he may sue for illegal prosecution of Vega.

But, Vega said, he is pleased that the justice system has finally worked for him and "now the community will know that I am innocent."

Vega is a prolific songwriter who has composed about 800 tunes while in prison and has been nominated for best 1989 Latin American composer by Galaxias de Estrellas, a Hispanic music organization based in Florida. He even sang a ditty to Gloria Rojas, a New York TV news reporter, during her interview with him yesterday.

"I want to spend some time with all the people who have helped me," Vega said. "And then I want to go in a place and sing a few songs for them."