

# EXONERATED

## Blood test 12 years late clears a 'lifer'

By GUY STERLING

An Elizabeth man serving a life sentence for a 1976 rape conviction was released from prison yesterday after Union County authorities conceded he could not have committed the crime.

Trenton State inmate Nate Walker was granted his freedom by Superior Court Judge Alfred Wolin at a hearing in an Elizabeth courtroom in which the Union County assistant prosecutor who tried the case and now serves as the office's trial supervisor admitted that crucial evidence at Walker's trial had been "overlooked."

That evidence, results of an analysis of the rapist's semen, came to light only recently after Rev. James McCloskey, a Princeton minister who investigates the cases of inmates with no resources to finance appeals, prepared a 23-page, single-spaced report proclaiming Walker's innocence and approached Union County officials seeking his freedom.

In the process of examining the trial's evidence, McCloskey, prosecutor Richard Rodbart and Walker's attorney Paul Casteliere discovered that a semen specimen taken from the victim's vagina had never been tested for blood type.

A swab of the semen was found in the property room of the Elizabeth Police Department in a plastic bottle with a cork top "collecting dust," McCloskey said yesterday. It was analyzed by the FBI six weeks ago.



Photo by Jerry McCrea

Irene Walker hugs her son, Nate, as they leave the Union County Courthouse Annex in Elizabeth, after a judge threw out a conviction for a 1974 kidnaping and rape

Casteliere, McCloskey and Rodbart agreed that if the blood type did not match Walker, the 44-year-old former factory worker would be exonerated of the October 1974 rape, kidnaping and sodomy of a 21-year-old woman in the back seat of a car outside a New-

ark housing project. The victim told police she had been abducted at knifepoint while walking on an Elizabeth street.

Both Walker and the victim, who lived in Elizabeth at the time of the assault, were tested for

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# Blood test performed years late clears Elizabeth man in rape case

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blood type within the last couple of weeks, the victim in Florida, where she currently resides.

When it was determined that the blood type from the semen specimen was different from the victim's and Walker, the process was put in motion to release him from jail. It ended yesterday with his conviction vacated and the indictment dismissed.

At the same time, Walker was sentenced to time served on a guilty plea he entered in 1984 for stealing a car in Essex County because, said Rodbart, the sentence for that crime was three years and the defendant had already "overpaid his debt to society."

The sentence on the auto theft charge was to have begun after the rape sentence. Walker admitted to stealing the car in Newark when he was out on bail in between the time the Appellate Division of the Superior Court overturned his rape conviction and the New Jersey Supreme Court reinstated it.

After the reinstatement, he fled to California, where he was arrested by the FBI. He was returned to jail in New Jersey in 1982.

Walker, who was led into the courtroom yesterday in handcuffs and leg shackles, would not have been eligible for parole until 2001.

Following yesterday's court proceedings, Walker said it was "a good feeling to be free" and that he harbored no anger against those responsible for his conviction. Still, he added, it was a "horrible feeling" sitting in jail knowing he had nothing to do with the rape.

His immediate plans, he said, were to "go back to work and forget about all this."

Walker, who has insisted on his in-

nocence since his conviction and was applauded by more than a dozen friends and relatives in the courtroom yesterday, said events began to turn in his favor when McCloskey consented to looking into his conviction.

McCloskey, who operates Centurion Ministries, an organization dedicated to "seeking justice for the innocent in prison," described Walker's vindication as "sweet since it's so pure."

Because Walker's innocence had been proven scientifically it cannot be questioned in any "way, shape or form," he added.

McCloskey, who has helped four prisoners—three of whom were serving life sentences—gain release from prison in the six cases he has investigated, said his original goal had been to see Walker a free man by the end of next year, had an appeal of the conviction worked its way through the courts. Two of the cases are pending.

"I can't believe this happened as fast as it did once we realized the semen specimen was still around," McCloskey said. The FBI told him, he added, that the oldest previous semen sample it had been able to analyze successfully was eight years old.

Walker became a suspect in the rape case because police believed he had information on a stolen car that was used in the killing of a Clark policeman in 1971, McCloskey said. That case has never been solved and Walker continued to be questioned about it by authorities while he has been serving time on the rape conviction, according to the minister.

McCloskey said yesterday's action was particularly gratifying because of the unceasing support shown Walker by members of his family.

"They've been great," he said. "They've stood by him throughout this

12-year nightmare."

Sitting in the front row of the courtroom yesterday was Walker's mother, Irene, who said she was confident the day would come when her son would walk out of prison a free man. But she admitted the ordeal had been difficult on her.

"Every morning since he was sent away I would wake up asking myself, 'Is it real, is it real,'" she said. "Today it's finally over, thank God."

In joining in the application to set Walker free, Rodbart credited Castellero for his "dedication," "diligence" and a "discerning eye in catching a matter that previously had been overlooked."

The state was satisfied, he told Wolin, that the semen analysis had proven that Walker was not "in the classification of people who could have committed this assault."

Wolin, who characterized the evidence for dismissal of the charges as "unequivocal," hailed Walker's release as a triumph for the criminal justice system, one that demonstrated the system's "strength and virtue" when "confronted with its fallibility."

"Occasions such as this serve as its finest hour," he said.

The judge praised those who participated in the proceedings, saying they could "take pride in a task well done."

In his report, McCloskey concluded that Walker was working at a copper plant at the time of the assault, that the victim's account to police was inconsistent with her trial testimony and that there was another Elizabeth man convicted of a series of Union County rapes and serving time in Rahway State Prison who should have been the prime suspect in this case.



Photo by Jerry Mc...

Rev. James McCloskey, minister for Centurion Ministries, talks about the overturned Nate Walker conviction



Richard Rodbart  
'Overpaid his debt'