



Edward Baker

On December 20, 1973, Steven Gibbons was bound, strangled, and stabbed to death with an ice pick in the course of a robbery at his home in Philadelphia. A man named Donahue Wise – a schizophrenic with a drug habit and a long criminal history – was arrested for the crime. Wise implicated 17-year-old Edward Baker and another man as his accomplices.

Baker was arrested and confessed. He claimed that he had been beaten by police, and told that if he confessed he would be allowed to go home. This confession was later ruled inadmissible because of improper police conduct. The three suspects were tried separately. Wise testified against the two others under a deal that provided that he would only serve three years in prison for his role in the murder.

At trial, Baker claimed he was at a wake in a different part of the city at the time of the crime. His attorney did not challenge Wise's account of the crime or call character witnesses who would have supported Baker. There was no physical or forensic evidence against Baker. Nonetheless, based on Wise's testimony, he was convicted by a jury of first degree murder, burglary, robbery and conspiracy, on September 27, 1974. He was sentenced to life in prison.

Post-conviction relief failed and Baker spent the next 24 years in prison. The third man convicted of the crime had his conviction reversed on other grounds, was retried and sentenced to a short term in prison, and subsequently died.

Centurion Ministries eventually accepted Baker's case and was able to convince Wise to officially recant in 1996. Many witnesses corroborated Wise's recantation, since Wise also admitted that he had lied to other people both before the Gibbons murder investigation and in the intervening years. Wise eventually told the court that he had lied about who was involved in order to get a short sentence, and he identified the real criminals who took part in the killing.

In September of 1997, after an evidentiary hearing, a state trial court ordered a new trial. Baker was not released until December 14, 1999, after a prolonged fight with prosecutors over bail.

In the meantime, in addition to Wise's recantation, advocates for Baker located twelve other witnesses who substantiated Baker's alibi. Before a new trial could be held Wise, the only person ever to implicate Baker, died.

Prosecutors then offered a plea bargain to Baker, but he refused. Finally, on February 11, 2002 the prosecution dismissed all charges against Baker in exchange for an agreement not to seek compensation.

— *Michael S. Perry*

State: Pennsylvania

County: Philadelphia

Most Serious Crime: Murder

Additional Convictions: Robbery, Burglary/Unlawful Entry, Conspiracy

Reported Crime Date: 1973

Convicted: 1974

Exonerated: 2002

Sentence: Life

Race: Black

Sex: Male

Age: 17

Contributing Factors: False Confession, Perjury or False Accusation, Official Misconduct, Inadequate Legal Defense

Did DNA evidence contribute to the exoneration? No

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With murder case dismissed, S. Phila. man finally is freed

He was jailed at age 17 on a conviction that was later tossed out. "The nightmare is over," an advocate said.

By Michael Klein
INQUIRER STAFF WRITER

Edward Baker of South Philadelphia, sentenced to life in prison in 1974, is a free man today for the first time since he was 17 years old.

The District Attorney's Office yesterday agreed to drop its murder case against Baker, 45, who had served a quarter-century in prison for a neighbor's murder before a judge overturned his conviction, ruling that his trial lawyer in 1974 was ineffective.

It was his first true taste of freedom. He had been released on bail in December 1999 but placed under house arrest while awaiting retrial. In turn, he has agreed not to sue the state.

"I am truly a free man," Baker said yesterday after celebrating over a quiet lunch with friends.

"The nightmare is over," said James McCloskey of Centurion Ministries, a group that works to free prisoners it believes were wrongfully convicted. After Baker had petitioned the group for help, McCloskey had walked the streets of Grays Ferry for five years to verify Baker's assertion of innocence.

When Baker made bail, he thought a pay-phone call cost a dime and a package of Tasty-kake cost 39 cents.

He has learned quickly. He has found a profession, opened a bank account, passed his driver's test, gotten married, and bought a house and car — the sundry life passages of an American adult crammed into 26 months.

Baker's ordeal began after he was accused of being the lookout on Dec. 20, 1973, while a band of toughs looking for cash killed retired bellhop Steve Gibbons in the vestibule of Gibbons' South Philadelphia home. Baker had maintained that he was at a wake in the Frankford section of the city. He was convicted, however, on the testimony of Donahue Wise, who admitted his role in the killing and received a lesser sentence — three years — in exchange for his testimony.



JONATHAN WILSON / Inquirer Staff Photographer

Edward Baker began his new life in December 1999, when he was granted bail. Since then, he has found a profession, gotten his driver's license, bought a house, and married Luzetta Thorne (left).

Baker's freedom came yesterday without official fanfare. After a brief hearing, court workers removed from his right ankle the electronic monitoring device that tethered him to his home after 9:30 each night and rubbed holes in his socks.

"It feels real good to have the case over with without a battle," said Leonard Sosnov, Baker's attorney.

District Attorney Lynne M. Abraham, saying she believed that Baker was properly convicted, yesterday said she decided not to proceed with the retrial because Wise is dead. He died two years ago in a hospice after a long illness.

The break in Baker's case came in 1995, when McCloskey tracked down Wise. In an emotional meeting, Wise explained that he was schizophrenic and addicted to drugs and said that Baker was not involved.

McCloskey hired Sosnov, a Widener University law professor, for a post-conviction appeal that legal observers had described as hopeless since physical evidence was not at issue.

The issue was Wise, whose testimony had put Baker away. McCloskey persuaded Wise to testify, and Wise recanted his previous testimony before Common Pleas Court Judge C. Darnell Jones 2d in 1996.

In 1997, Jones ruled that Bak-

er's former attorney, C. George Milner, was ineffective and threw out the conviction, calling it "a miscarriage of justice."

After nearly 2½ years of appeals, Jones granted Baker's release on \$50,000 bail on Dec. 14, 1999. McCloskey posted the 10 percent required.

Jones told Baker: "Don't even spit on the sidewalk."

He didn't. He went home to South Philadelphia to thrive in a society he had not lived in since Richard Nixon was in the White House.

He moved in with a cousin, Doris Keels, and received emotional support from childhood friends, including Luzetta Thorne, who had had a crush on him since they were teenagers and had written him in prison.

Labor leader Wendell Young 3d, a friend of McCloskey's, hired Baker as a laborer at the United Food and Commercial Workers Local 1776 office in Plymouth Meeting, Montgomery County. The job required Baker to take several buses.

While in prison, Baker had taken electrician's training courses and become certified. After less than a year at Local 1776, Baker passed the City of Philadelphia's electrician's test and went to work for the city. He and Thorne married in June, and they bought a rowhouse. Thorne was raising two

foster children who now call Baker "Daddy."

It was an instant family.

Yesterday, Baker said the legal system had failed him in 1974.

"I didn't have quality representation," he said.

His former attorney, Milner, had never impeached Wise on the stand and did not challenge Wise's often-conflicting testimony. "That's the one thing that hurts in my heart," Baker said.

The import of the District Attorney's Office decision was settling in yesterday afternoon as the sun began to set on Baker's rowhouse street.

"My biggest change will be that I don't have to be in by 9:30, and I won't have to go back to the Criminal Justice Center for this case," he said.

Not for this case.

A week ago, he received in the mail one other fact of adult life: a summons for jury duty. As a free man, he may serve.

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More Information

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