

The Sun

**Judge rejects appeal based on tampering
Murder conviction upheld after allegation that tape was altered**

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A Howard County circuit judge has upheld a 1988 Carroll County murder conviction, saying allegations that prosecutors tampered with a taped confession are unfounded.

Judge Diane O. Leasure, in a 72-page written decision, rejected arguments that convicted murderer Brian Richard Jordan received ineffective counsel at his trial and that tape recordings of his confession had been altered.

"There was no evidence to support claims that the State intentionally and deliberately misrepresented the integrity of the tapes," Leasure wrote.

Jordan and Brian Tracy of Taylorsville were convicted in 1988 of the Nov. 22, 1987, killing of Richard Purman, a South Carroll High student.

Both defendants, who were 16 at the time, were sentenced to two consecutive life terms plus 20 years. The courts took 20 years off Jordan's sentence and 10 years off Tracy's, after appeals.

Jordan's sentence was further reduced to one life term in May 1994 by a panel of three Anne Arundel County judges. They said the original sentence should be modified because of Jordan's age at the time of the crime and because Tracy pulled the trigger.

Roland Walker, a Baltimore lawyer representing Jordan, said yesterday that he had not studied Leasure's decision, but would meet with his client's family Saturday to discuss whether an appeal would be filed.

Prosecutor Theresa M. Adams said yesterday that allegations of the tape recording being erased to cover up evidence of police threatening Jordan were "outrageous." Jordan's conviction could have been dismissed if those allegations were upheld, she said.

The charges of tampering had been aimed at former State's Attorney Thomas E. Hickman. Adams and State's Attorney Jerry F. Barnes said they were pleased that Leasure's decision exonerated Hickman.

Barnes said he was extremely happy for the victim's family.

"The family has been reliving this tragic ordeal without any true closure for 11 years," said Barnes.

Leasure also dismissed defense claims that attorney J. Barry Hughes, who represented Jordan at trial, should have had the tape recording examined by an expert to determine its authenticity.

"Jordan's defense was not prejudiced by Hughes' failure to have the tape examined by an expert," Leasure said.

Adams said that FBI experts determined the tape was the original and that nothing had been dubbed onto it. The experts also noted about 10 instances where new recording had occurred on the tape, but found that nothing significant had been erased, Leasure said.

Leasure said she found substantial evidence that the over-recording most likely occurred when the trial judge, the late Donald J. Gilmore, listened to the tapes in chambers.

Testimony during the 1988 trial revealed that Jordan, Tracy and Dawn Torres, also 16 at the time of the killing, escaped from a

Sykesville shelter home after persuading Purman to give them a ride Nov. 22.

They drove to a secluded area in Taylorsville where Tracy shot Purman in the chest, intending to steal his car. But they could not start the car again, and the trio walked back to the shelter, where they were arrested.

Torres cooperated with the state's attorney's office, and her case was handled in juvenile court.

Court records show that Jordan and Tracy sought to have their sentences modified in 1991 and 1992. Neither succeeded.

About two months after Jordan sought a sentence reduction in December 1991, he was transferred from the Jessup Annex to Supermax, Maryland's toughest prison, for inciting a prison work stoppage Jan. 31, 1992.

In August 1995, Jordan was sentenced to three years in prison, consecutive to his life sentence, after pleading guilty to the attempted murder of a fellow inmate.

Leasure became involved in the case after Carroll judges chose not to hear it because they regularly work closely with the office of the state's attorney in the county.

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