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Innocent man sues for years spent in prison

DNA cleared him in brutal Plainfield slaying

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The man who spent more than two decades in state prison before being exonerated by DNA testing in the brutal rape and murder of two Plainfield children has filed a lawsuit against authorities.

Byron Halsey, now 48, is seeking unspecified monetary damages for what he describes as an overly aggressive, careless police investigation that led to his coerced confession 22 years ago.

He expects a response next month to his federal civil rights lawsuit, filed in late March against the city of Plainfield, Union County, current and former Plainfield police officers, the Union County Prosecutor's Office and several defendants not yet named, his team of attorneys said last week.

Prosecutors had sought the death penalty for Halsey, arguing he had confessed to the 1985 murders of his live-in girlfriend's 7-year-old daughter and her 8-year-old son. Tina was raped and strangled. Tyrone was sexually assaulted and had four nails driven into his skull. Their bodies were found in the basement of a boarding house on East Seventh Street.

Police said Halsey had provided details about the crime that were never publicized, and a jury ultimately sent him to the maximum-security New Jersey State Prison in Trenton. But Halsey was cleared of the crime by DNA testing in 2006, which instead implicated his neighbor and co-worker, Clifton Hall.

Hall is expected to stand trial in mid-September for the killings. He is currently being held on an unrelated, 1993 sexual assault conviction at the Adult Diagnostic and Treatment Center in Avenel.

The Union County Prosecutor's Office and Plainfield police declined comment on Halsey's lawsuit, filed by the law firms of Barry Scheck, an attorney with the nonprofit Innocence Project, and Hackensack attorney Stephen Latimer. Of the seven city officers it names, only Capt. Edward Santiago is still with the division.

Scheck, whose organization helped free Halsey, admitted such lawsuits are challenging. Prosecutors and police officers are granted immunities that make them difficult to sue, and it's not enough for a defendant to be wrongly convicted -- he must prove a pattern of abuse or unjust behavior by police or prosecutors.

But Scheck added juries have awarded plaintiffs \$1 million for each year spent wrongly imprisoned, just for pain and suffering, and he believes Halsey is in a unique position to also demonstrate police fabricated his confession.

"Byron is one of the few people who can bring these suits," Scheck said. "But money can never compensate someone for the kind of ultimate nightmare he went through."

According to the lawsuit, Halsey left Tina and Tyrone alone in their Plainfield apartment on Nov. 14, 1985 and went out with Clifton Hall. Shortly after, Halsey and Hall parted ways and Halsey drank heavily through the night. The next morning, Halsey returned to discover the children missing.

Halsey alleges his confession was the result of heavy police pressure during a hasty investigation in which Hall was never adequately questioned. While "still suffering the effects of alcohol," Halsey was taken to the Plainfield police station the day after the crime and "questioned aggressively and in an accusatory manner for the next 12 hours," according to his lawsuit. No evidence was found on his clothing and Halsey made no admissions, but the following day he was interrogated for another 12 hours until he signed a detailed confession, the lawsuit states.

That confession included facts never released to the public, according to the lawsuit. Eight-year-old Tyrone's body had been found by police with a blue, cloth cover driven into his skull with nails, and officers said Halsey had admitted to covering the boy with a pillowcase, then cleaning his bloodstains with rags later left in plastic bags near the furnace room.

"There's no conceivable explanation for what happened in this case other than they fabricated the facts," said Nick Brustin, Scheck's co-counsel. "Police lied and said they came from his mouth."

Separate from his lawsuit, Halsey expects to receive state compensation based on a statute that grants either \$20,000 or lost salary for each year of mistaken imprisonment -- whichever amount is greater, his attorneys said.

They argue Halsey had a particularly tough time in prison due to the stigma of the highly publicized crime. When arrested, he was 24 years old and held a steady factory job. But after his release two years ago, they said he struggled to find work and reconnect with family. He now has a job at Newark Liberty International Airport and lives alone.

"He's done everything he can in his power to make the transition, but the littlest things are hard," Brustin said. "He is understandably angry."

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