'NO AMOUNT OF MONEY CAN GIVE ME BACK THE TIME THAT I LOST'

Baltimore board approves $9M to man wrongfully convicted of '87 murder

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Nine years after being released from prison where he was serving a life sentence, a Baltimore man who was wrongfully convicted will be compensated by the city for the more than 20 years he spent behind bars.

The Baltimore City Board of Estimates approved Wednesday a $9 million payout to James Owens more than six years after he first filed suit.

"No amount of money can give me back the time that I lost," Owens said in a statement through this lawyers.

Owens, 57, works for a family member and takes side jobs, according to his attorneys. He was 27 when he was detained in 1987 for the murder of Colleen Williar and later tried and convicted.

MAXIMILIAN FRANZ

James Owens' legal team: Andrew D. Freeman, left, a partner & Brown Goldstein & Levy LLP in Baltimore; Nira Pughsley, a paralegal with Brown Goldstein; Charles N. Curlett Jr. of Levin & Curlett LLC in Baltimore; Sarah Lacey, a partner at Levin & Curlett; Neel Lalchandani, an associate at Brown Goldstein; and Joshua Treem, a partner with Brown Goldstein.

Owens lost "the prime years of his life," according Andrew D. Freeman, one of his lawyers, and has been struggling to support himself since his release from prison in 2008. Owens will be paid in installments over six fiscal years beginning with a $3 million payment prior to June 30.

Deputy City Solicitor Dana Moore said the dispersal schedule involved budget considerations and the fact that the city is self-insured.

"The goal was to make a meaningful initial payment that would not be unmanageable or unwieldy for the city and then to spread the balance out over some years," she said.

Owens was sentenced to life without parole in 1988 after being convicted of robbery and felony murder. He became a suspect based on statements

made by Williar's neighbor, James Thompson, who would go on to continually change his story prior to and during trial, which detectives and prosecutors did not disclose to Owens' defense attorney.

Physical evidence linking Thompson to the scene was also not disclosed to the defense.

"This is an example of law enforcement officers, both police and state's attorneys, reaching a conclusion and then closing

virtually all of the material facts" but recommended the settlement in part due to "the current legal environment surrounding the Baltimore City Police Department."

Charles N. Curlett Jr., who also represented Owens, said public opinion has impacted how the city approaches lawsuits.

"The public perception of the infallibility of police in the performance of their jobs has changed and the public's willingness to hold

we have to be aware of," she said, calling it a "data point" in city lawyers' deliberations.

Curlett and Freeman were also critical of the law department's slowness in engaging in settlement talks, which often do not begin in earnest until after the plaintiff has prevailed on summary judgment.

"The wrongs that were committed against Mr. Owens were known nine years ago," Curlett said. "It's the reason he was re-

we believe, fight too long and too hard rather than recognizing what we think is a legal and a moral obligation to compensate people whom the state has wrongfully imprisoned," he said.

But Moore said the law department is interested in resolving cases as soon as possible if the facts and law indicate it would be proper. She noted her boss, City Solicitor Andre M. Davis, became the city's top lawyer in September and she joined the office three months later, long after the bulk of litigation in Owens' case occurred.

"Many cases are complex and multi-layered and have difficult facts and law that are evolving, and those cases we have a duty, we have a fiduciary duty, to discover what those cases are about, what defenses would apply to the city, and whether to pursue those defenses," she said.

Owens filed suit in 2011 and his case was dismissed on statute of limitations and immunity grounds and for failure to state a claim. But the 4th U.S. Circuit Court of Appeals partially revived the case in 2014 and remanded it for trial. The Supreme Court declined to hear the case in 2015, clearing the path for the litigation.

Davis served on the 4th U.S. Circuit Court of Appeals when Owens' appeal was heard but was not part of the three-judge panel. He recused himself from the settlement negotiations and the vote by the city spending panel.

The case is James Owens v. Mayor and City Council of Baltimore, 1:11-cv-03295-GLR.

MAXIMILIAN FRANZ

Andrew D. Freeman, right, of Brown Goldstein & Levy LLP in Baltimore, a lawyer for James Owens, speaks with reporters Wednesday afternoon at the firm's Baltimore office as colleague Joshua Treem, left, and Charles M. Curlett of Levin & Curlett LLC in Baltimore look on.

their minds," said Freeman, of Brown Goldstein & Levy LLP in Baltimore. "Once they got to trial, they thought it was their job to convict Mr. Owens rather than their job to share all the evidence and find the truth."

The Baltimore City Law Department noted in its memorandum to the city spending panel the police department and the detectives involved "dispute

police accountable when they haven't lived up to the ideals of their profession is reflected in jury verdicts," said Curlett, of Levin & Curlett LLC in Baltimore.

Moore acknowledged public perception of police is a factor the city considers when assessing whether to take a case to trial.

"I think it would be irresponsible not to acknowledge that that is out there and it's something that

leased. The fault in the system is the only way to get relief presently is to bring these lawsuits and have to fight so hard and for so long. The city seems more interested in a cost-benefit analysis rather than remedying the wrong."

Freeman agreed, noting that other states are quicker than Maryland to compensate people wrongfully convicted.

"The city and the state,