

DNA will set man free, lawyer says

New trial sought for man serving time for rape, murder

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An attorney said Wednesday he has DNA evidence to prove that a man who has served 20 years in prison for the rape and murder of a Madison student did not commit the crimes.

The lawyer, Jerome Buting of Waukesha, said he plans to file court papers as early as today asking for a new trial for Ralph D. Armstrong, 48, who is imprisoned at Waupun. Buting said he he wouldn't be surprised if Dane County prosecutors fight the request.

"It's not easy for the state and the police to admit that a mistake of this magnitude was made," Buting said. "It's much easier to try to resist the truth than it is to admit that you've imprisoned the wrong person for years and allowed the perpetrator to get away scot-free."

Dane County Assistant District Attorney John Norsetter, who prosecuted Armstrong, and a Madison police spokesman could not be reached for comment.

The victim's mother, Lois Kamps of Platteville, declined comment.

Charise Kamps, 19, had just finished her first year at the University of Wisconsin-Madison when she was raped and strangled June 24, 1980. Her mutilated body was found inside her apartment near the Capitol.

Armstrong, a convicted rapist who was on parole, was a UW-Madison graduate student at the time. He knew Kamps and visited her at her apartment on the night she was killed, court records say, but testified that he was at his fiancee's apartment at the time of the murder.

After considering eyewitness testimony and scientific testing results, a Dane County Circuit Court jury found Armstrong guilty, and Judge Michael Torphy Jr. sentenced him to life in prison. But both sets of evidence have been called into question.

The primary eyewitness, Riccie Orebias, a neighbor of Kamps', initially said he had seen a man leaving Kamps' apartment on the night of the murder, but could not identify him. Later, after being hypnotized, Orebias picked Armstrong out of a lineup as the man he had seen.

In 1983, the Wisconsin Supreme Court upheld Armstrong's conviction and declared that hypnosis may be used to refresh the memories of witnesses. But Buting said he believes that in a new trial he can successfully challenge Orebias's testimony.

Prosecutors also presented evidence of semen and hairs to link Armstrong to the murder, Buting said. While experts at the time said the semen and hairs could have come from Armstrong, they could not conclude that they did, Buting said.

Buting said that after the trial, Armstrong provided a semen sample and tests showed it did not match the semen found at the scene. In addition, with more sophisticated DNA testing methods, he can prove that the two hairs found on Kamps' bathrobe could not have come from Armstrong, Buting said.

Moreover, he can show that a substance that investigators swabbed from Armstrong's hands and feet was not human blood, as had been alleged at the trial, Buting said.

Armstrong sought help from the national Innocence Project, a New York-based program that seeks to overturn wrongful convictions through the use of DNA testing. Attorney Barry Scheck, co-founder of the program, referred the case to Buting and has been working on it with him.

Scheck's project helped establish the Wisconsin Innocence Project at the UW-Madison Law School in September 1998. The Wisconsin project won its first case in January, using DNA evidence to free Chris Ochoa, who had been sentenced to life in prison in Texas for murder.