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## New evidence frees inmate in murder case

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Defense attorney **James Bradshaw** could hardly contain his emotions after prosecutors on Friday dismissed a murder case filed against his client, who was accused of shaking a baby boy 22 years ago. "I think I'm going to cry," said Bradshaw, who instead smiled and hugged a beaming Warren Hales.

Hales was convicted of first-degree felony murder in 2004 and spent a year in prison before the Utah Supreme Court granted him a new trial. But rather than pursue a second trial, Assistant Utah Attorney General Craig Barlow chose to dismiss the case, telling 3rd District Judge Robert Hilder there was "insufficient evidence to proceed."

After the hearing, Bradshaw told news reporters he had found an expert from Stanford University who claims the child's injuries occurred six hours earlier than prosecution experts had alleged. Because Hales was at work during that time frame, he could not have injured the boy, Bradshaw said.

The case against Hales rested entirely upon a CT scan of the baby boy's brain, and the prosecution's experts were not qualified to interpret the scan, Bradshaw said.

"They were testifying about something they knew nothing about."

Hale's conviction - and his five-years-to-life sentence - was overturned by the appeals court because his previous defense team failed to hire a qualified expert to interpret the CT scans at trial.

"I'm just glad Jim was able to find the evidence to make this case right," said Hales, a 46-year-old truck driver.

Prosecutors claimed 5-month-old Luther Deem was violently shaken on Dec. 5, 1985, during a 30-minute span while Hales was alone with the boy in Midvale while the boy's mother, Michelle Westerman, was out shopping.

Prosecution experts said the boy was a victim of shaken baby syndrome based on a unique constellation of injuries - retinal bleeding, brain bleeding and brain swelling.

And Hales became the prime suspect because most medical experts claim SBS is accompanied by near immediate unconsciousness.

Despite massive brain damage, the boy lived 12 years in a persistent vegetative state before dying in December 1997. Prosecutors charged Hales with the boy's murder in 2000.

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