

## DEGREES OF JUSTICE



Continued from Page A12

And Plinton looked taller because he was standing next to Hulk. And he looked heavier because of the puffy winter jacket.

Besides, he said, it was Plinton's distinctive facial features that he memorized from 30 feet away, not his clothes or measurements.

## Supervisor, time sheet are alibi

It was harder to explain away Plinton's alibi for March 3, the date of the first drug deal in the parking lot.

He had been working in the Polsky building across campus. A time sheet, signed by his supervisor long before the arrest, confirmed it.

Plinton's department head, Professor Raymond Cox, never doubted Plinton because the crime seemed totally out of character. He also knew the supervisor who signed Plinton's time sheet was obsessive about accuracy because she paid the students with grants involving public money.

Cryshanna Jackson, a doctoral candidate who worked with Plinton, remembered Plinton was at work that day because of excitement in the office about another student presenting her dissertation prospectus.

The grad assistants all worked in a cramped little office with two computers and no windows. The drug charges made no sense to Jackson anyway because Plinton was always talking about wanting to be a cop.

One time, they were at a restaurant and she joked that they should all just suddenly get up and leave without paying – a classic "dine-and-dash."

Plinton just shook his head: no, no, no. He was always talking like that, about morals and right and wrong.

Besides, Jackson had known some real drug dealers in her time. If Plinton were a drug dealer, how come he never had any money? How come he was always broke like the other grad students? It just didn't fit.

His older brother David asked him straight up, brother to brother, if he'd done it. Usually, he'd pretend he was as street smart as David, but he quietly acknowledged what they both knew.

"Now Dave," he said. "You know how nerdy I am."

## No guilty plea, no deal

Plinton's lawyer, Meeker, hoped maybe the assistant prosecutor would just let this one go; it had too many holes in it. Sommerville hoped so, too.

But later, Meeker told him the case was moving forward.

"You've got to be kidding me," Sommerville said.

The assistant prosecutor did offer a deal, however: Plead guilty to one of the two felonies and get probation, no jail time.

Plinton said he didn't do it and he wasn't pleading to it.

About a week before trial, Meeker filed notice of Plinton's work alibi.

The next day, July 28, something extraordinary happened.

The lead detective called the arresting officer and asked him to write a new, additional arrest report detailing an alleged confession that Plinton made as he was led away in handcuffs on April 26.

The UA officer wrote from his memory of the arrest three months earlier that Plinton exhibited a "posture of shame" and blurted out that he'd only done it once because a friend said it was a way to make money.

The officer, Jeff Newman, testified the three months went by because he was too busy with classes and other commitments.

Plinton's lawyer made sure the jury understood how improbable this scenario was when he cross-examined the arresting officer:

"Three months and two days later after it happened, you finally get around to documenting what I assume the prosecutor thinks is a very important piece of evidence when we're right about to go to trial in this case, and then you hand that report to the sergeant, who then gives it to the prosecutor, and then gives it to me," Meeker said. "That's how it all happened, right?"

"Correct," the officer said.

Plinton testified he told the arresting officer no such thing.

"I never made that admission," he said.

## Jury wastes no time, acquits him

The mostly white jury deliberated only 40 minutes before they returned with not-guilty verdicts on both counts.

"There wasn't much debate," said Jeannie Woodall, one of the jurors. "By what was presented, it was mistaken identity to me." She didn't believe Hulk and didn't think her fellow jurors thought much of him either.

"In my opinion, he would have said anything to help the police make their case, just for personal advantage," she said.

For Plinton, it had been an ordeal, but the system worked. He had his day in court and a jury of peers found him not guilty.

Plinton called friends and family from his cell phone with the news, elated because he could soon get back on track toward graduation.

But he still had to appear before the university hearing board – where the rules are different.

## University court a different world

Everyone in Charles Plinton's corner thought the disciplinary hearing would be just a formality. He'd show them his



ED SUBA JR./Akron Beacon Journal photos

## How this story was reported

To tell the Charles Plinton story, we interviewed his family, colleagues and officials from the University of Akron, his mentors at Lincoln University, and participants in his criminal case and the university hearing.

We also reviewed the criminal court transcript and police reports, and a summary of the university hearing. The university could not provide the audiotape of the hearing, explaining the tape was lost when files were moved to a new office.

not-guilty verdicts and they'd reinstate him, fix the spring semester that he'd lost because of the arrest and get back to work on his master's degree.

What happened next shocked them all.

Plinton had to represent himself; his defense lawyer was permitted only as a silent adviser.

And hearsay evidence was allowed. The panel of appointed faculty members and students, by a vote of 3-2, found Plinton "responsible" for "dealing drugs to a confidential informant."

That's the word they used – "responsible" instead of "guilty" – because colleges that accuse students of committing actual crimes risk getting sued for defamation.

The two who voted against finding him responsible questioned the identification of Plinton as the one who sold the drugs.

Under the section of the report titled "Reasoning," however, the majority wrote:

"We believe the ID of the police officer. We believe the ID of (the) confidential informant."

Just like that, the University of Akron decided that Plinton had done it after all, no matter what the jury said.

Plinton's lawyer said the hearing was unfair, but it can't be reviewed because the university says that it has lost the tape recording, despite its stated policy to keep disciplinary records for six years.

Plinton was suspended for a semester and banned from the dorms for life; after his suspension, he'd have to re-apply for the tuition waiver and stipend he had been awarded when he first arrived in Akron.

## Appeal would add to legal fees

Cryshanna Jackson, his alibi witness, had no idea that could happen to a student.

"You literally destroyed this man's life and all you want to say is, well, you know, we have to protect others? But who's protecting him? He was a student, too," she said.

Professor Johnson couldn't believe it. "This thing went wrong after he was vindicated at court," Johnson said. "It went wrong at the university level."

Sommerville, the city council president, couldn't believe it either. Plinton sounded devastated when he

talked to him on the phone.

"Well listen, you've just got to hang in there and you've got to be strong," Sommerville said. Give it a few months and let things cool down. Then they would find a way to get him back into the university.

Plinton had seven days to appeal the decision and wade through yet another layer of bureaucracy.

But it was over. Plinton was broke. He couldn't afford to pay the attorney fees he'd already racked up and he didn't want to be any more of a burden. It was time to go home.

There was a poem they always quoted at Lincoln University when their students got discouraged, *Mother to Son* by Langston Hughes:

*Well, son, I'll tell you:  
Life for me ain't been no crystal stair.*

Professor Johnson told Plinton that he had to get past this.

"You can do two things. You can sit there and fight Akron and everybody else, or you can let someone else deal with that, but you move on," he said. "I don't want you to be 44 or 45 and still talking about what they did to you."

## Home and working, but restless

Over the next year, Plinton did try to move on. He lived with his mom and brother for a while in her New Jersey apartment, then with his dad in Norristown, a northwest suburb of Philadelphia. Then he got an apartment around the corner from his dad in the same complex.

Plinton worked for an office supply store and later as an insurance claims adjuster. He had to explain to prospective employers about the arrest, which showed up on background checks.

In October 2005, Plinton visited Lincoln University during homecoming and saw his former guidance counselor.

She was glad to see old "Good-and-Plenty" and asked him how things were going in Akron, if he was back on track with his classes.

She hadn't heard about the hearing, and he didn't tell her.

On Dec. 12, Plinton called his mother, Frances, on his cell phone around 5 p.m.

She was just getting home and he was less than two hours away, driving her direction on the turnpike, driving east into the gathering night.

He was calm when he told her about the gun. He said he didn't want her to learn about it some other way. He didn't want her to be blindsided.

"Listen, I'll come to you," she pleaded. "Please Chuck, just pull over wherever you are, I'll come to you."

"No, no, don't do it," he said.

"Please, please, Chuck, don't do it," she cried. "It's not your life to take."

She was in her driveway in New Jersey, too far away to help.

"Please, let me look at you one more time," she begged.

He promised he would come to her first. They both said "I love you" and hung up together. Then his mother dialed his brother, David, on the cell phone. David tried to call his kid brother, but Plinton didn't pick up.

His mother didn't want to call the police because she was afraid they would just hear "black man with a gun" and get trigger-happy. She called Plinton's father, but he didn't think his son would actually go through with it and they should just wait for him to come home.

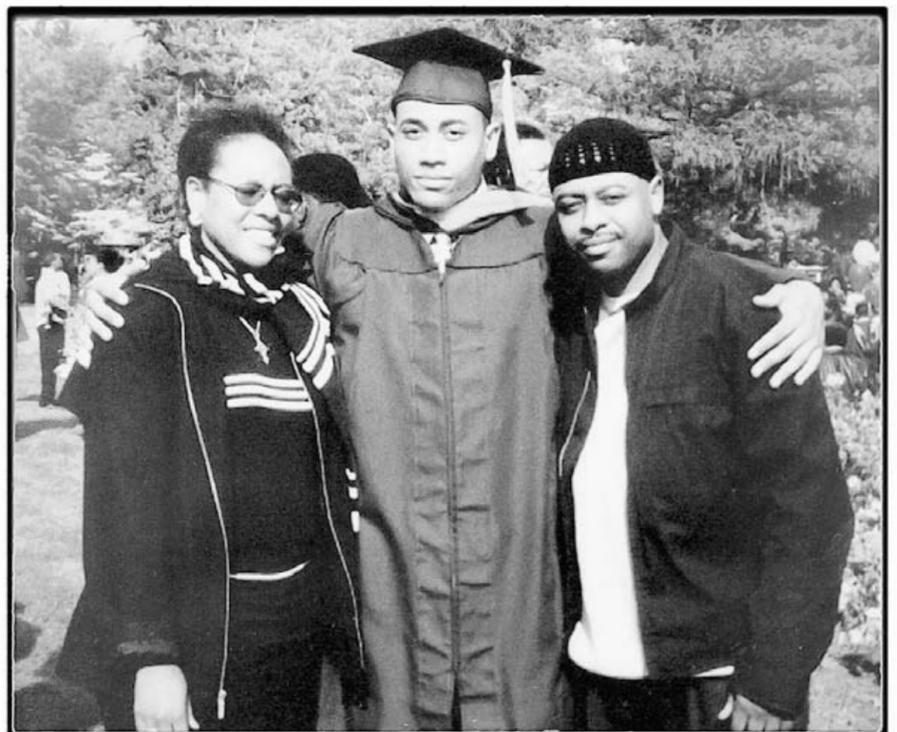
At 3:30 a.m., Plinton's father called.

The state police had found Plinton in his car by the side of the turnpike, about 8 miles from the New Jersey line, with a single gunshot to the head.

"Fran, he did it," he said, weeping.

"Please, please, Chuck, don't do it. It's not your life to take."

Frances Parker Robinson said those were among her last words to her son, Charles Plinton, 25, as she recounts his life story in a February interview at Robinson's Plainfield, N.J., home. His older brother, David Sanders, listens in.



Charles Plinton (center) celebrates graduation from Lincoln University in Pennsylvania with sister Deborah Hurley and brother David Sanders in 2003.