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THE VIRGINIAN-PILOT & THE LEDGER-STAR

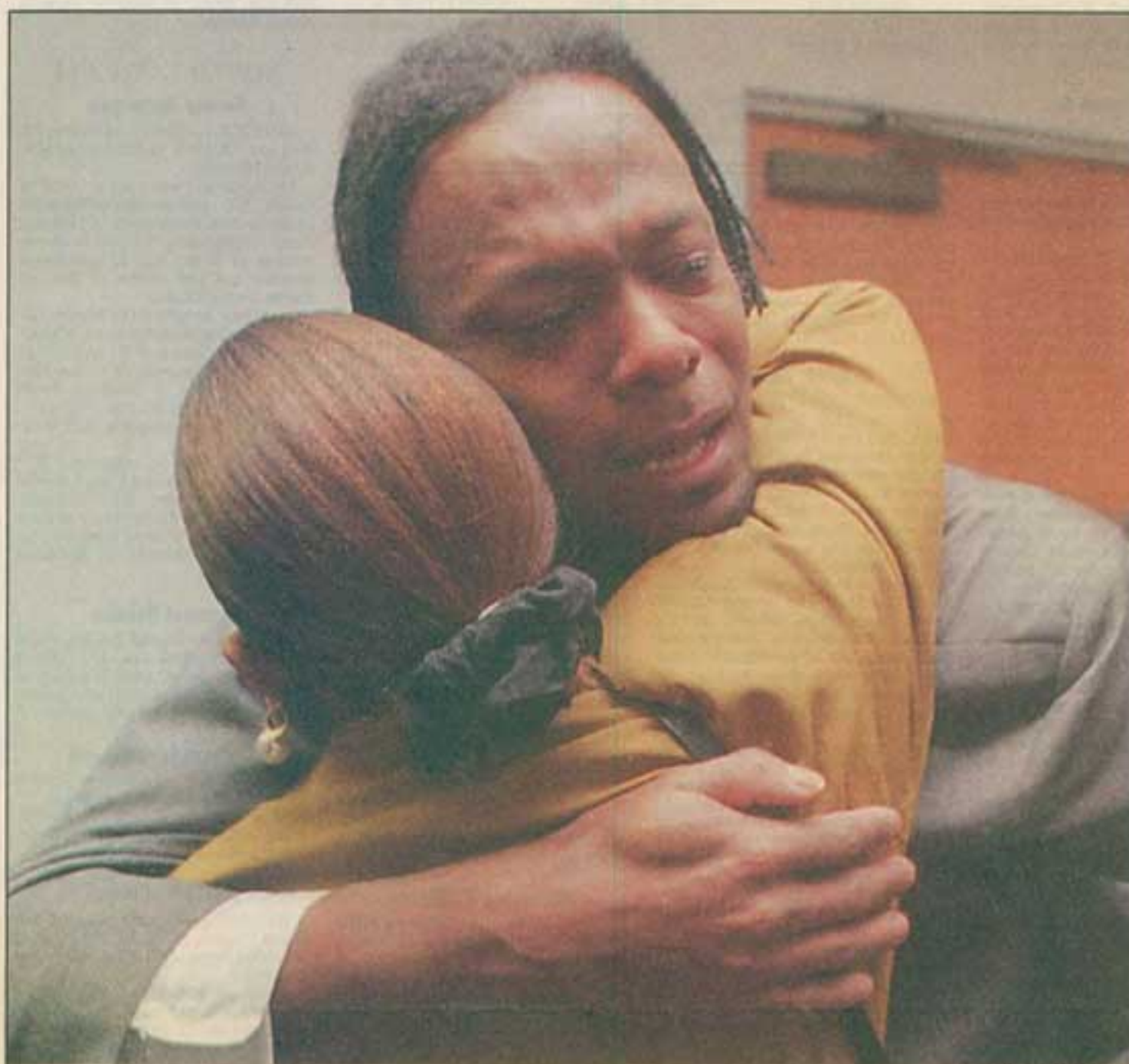


Legislation on breast cancer treatment makes its first step toward passage in General Assembly/D3

THURSDAY, JANUARY 20, 1994

"When the judge said I was a free man, I started crying."

Tingle exonerated in Beach assault



MOTOYA NAKAMURA/Staff

John S. Tingle Jr. hugs his sister, Natalie Tingle Stuart, after a judge declared a mistrial in his conviction. Family members came to visit Tingle every Sunday during the 149 days he was in jail.

Case of jogger's abduction called a mistrial after victim doubts identification of man

BY LYNN WALTZ
STAFF WRITER

VIRGINIA BEACH — John S. Tingle Jr. walked out of court a free man Wednesday after Judge Thomas S. Shadrick declared a mistrial in the abduction and assault of a North End jogger last year.

Tingle sobbed as he hugged family members who have prayed for his release since he was sent to jail last August after his conviction. The family left for their Ocean City, Md., home hours after the court hearing, delaying Tingle's long-awaited homecoming only long enough to toast his freedom over lunch with defense attorneys.

"I couldn't sleep last night," Tingle said, laughing and crying at the same time. "When the judge said I was a free man, I started crying. I couldn't help it."

The family came to visit Tingle every Sunday during the 149 days he was in jail. Tingle missed his sister's wedding and spent his 26th birthday in a jail cell. He had been studying to be a chef at Johnson & Wales cooking school when he was arrested.

Tingle was freed after the victim in the abduction, Melissa Hellstrom, said she was no longer sure he was the man who attacked her near the Oceanfront in February 1993. Tingle's attorneys Wednesday praised Hellstrom for telling a judge last week about her doubts. Shadrick released Tingle on a \$10,000 bond after that hearing.

"I cannot praise Melissa Hellstrom enough," defense attorney Randall Clark said. "There have been two victims in this case. Hopefully, they can both go on and get beyond this."

Tingle thanked one of his attorneys, Janet Rinaldi, who believed in his innocence and bulldogged his case for months. He also thanked the media, which brought questions about his guilt to the public eye.

Doubts about Tingle's guilt escalated in the fall

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MOTOYA NAKAMURA/Staff

John S. Tingle Jr. clinks glasses with defense lawyers Randall Clark and Janet Rinaldi. He celebrated with his lawyers and family members Wednesday at Rockefeller's Inc. after being exonerated in the abduction of a North End jogger.

Tingle: Prosecutor will not seek new trial

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as police and defense attorneys began noticing similarities between Tingle and a man who was the subject of a police investigation into a series of rapes.

Those doubts culminated in an unusual hearing in December when six detectives testified for the defense that they had qualms about Tingle's conviction.

Shadrick ruled then that Tingle's conviction and 10-year sentence would stand. Without concrete evidence to the contrary, Shadrick said, the victim's certainty that Tingle was her attacker still prevailed.

Detectives' doubts about Tingle's guilt and questions raised in the media about a possible misidentification bothered Hellstrom, she testified last week. When she read that the look-alike suspect, Kerri Charity, had been arrested on a rape charge Christmas Eve, she asked

prosecutors to allow her to see him. Charity has not been charged in Hellstrom's attack.

After looking at pictures of Charity, then seeing him in court, Hellstrom said she began to doubt her identification of Tingle as her attacker.

"They're both very similar to what I remember from the side," Hellstrom told the judge during last week's hearings. "I've always questioned myself. I've never felt like I was perfect, so throughout this entire thing I've always had an open mind; but my first true doubt came after I saw that picture."

Both men are about 6 feet tall and weigh about 155 pounds. At the time of the attack, both wore their hair in tight braids. Both have deep, articulate voices, square chins, high angular cheekbones, are black with medium to light complexion and are in their 20s.

Prosecutor Pamela Albert op-



Melissa Hellstrom

posed the motion for a mistrial Wednesday, saying it was inappropriate, but offered no alternative. Albert was silent when Shadrick asked for her input into a possible resolution in the case, then replied.

"The commonwealth is not in a position to suggest any action. We would like the court to take whatever action it deems appropriate."

Defense attorneys, who initially asked for a dismissal and acquittal, argued that the judge had jurisdiction over the case and still had the authority to take any action necessary to avoid an injustice.

Shadrick granted the motion for mistrial and ordered a new trial. Albert immediately told the judge she would not seek new prosecution. Shadrick then declared Tingle "a free man."

Hellstrom bowed her head and began sobbing loudly in the front row as Tingle and his family left in an emotional embrace.

Moments later, as photographers and reporters gathered around Tingle and his family in the hallway, victim-witness advocates whisked Hellstrom out of the courtroom.