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Haunting the Halls of Justice; Md. Pair Follow Acquitted Murder Suspect From Court to Court

BY RUBEN CASTANEDA

Three times in the last 10 months, Kevin N. Glenn has stood trial in the District and Prince George's County, charged with first-degree murder, illegally possessing a gun, attempted sexual assault and other crimes.

At each trial, Kay Cross and her longtime companion, Don Moats, sat in the spectators' gallery, still grieving.

Cross and Moats were there when a D.C. Superior Court jury acquitted Glenn, 21, of the gun charge in October. They were there in April when a Prince George's Circuit Court jury acquitted Glenn of murdering Joey Tutz, 21, Cross's son and the man Moats considered his stepson. And on Monday, Cross and Moats again sat in a Prince George's courtroom, this time as Glenn was acquitted of attempted first-degree sexual assault and three other charges in a case having nothing to do with Tutz.

Moments after Monday's verdict, Cross buried her head on Moss's shoulder and wept as he tried to comfort her.

Although relatives of crime victims are often vigilant in attending hearings and trials involving defendants accused of harming their loved ones, it is unusual for a family to shadow the same defendant in unrelated proceedings, defense lawyers and prosecutors said.

But that's what Cross and Moats have been doing for the last 10 months.

"I want justice," said Cross, 46. Although Glenn maintained during his murder trial that he was innocent of the killing and although jurors rejected the state's case against him, Cross and Moats said they are convinced that he killed Tutz. The couple and other relatives and friends of Tutz have haunted every pretrial hearing and trial at which Glenn, of Clinton, has appeared as a defendant.

Cross and Moats have encouraged prosecutors during breaks in Glenn's trials. They have befriended the accuser in the sexual assault case, inviting her to stay in their Charles County home. Until Glenn's arrest in the slaying case, they distributed fliers offering a \$5,000 reward for information leading to the conviction of whoever killed Tutz.

Glenn's mother, Deborah Glenn, said she understands the raw emotions engulfing Tutz's relatives. But she said her son has done nothing wrong.

"I don't hold a grudge," said Deborah Glenn, 44. "They have to go through their healing process. My heart goes out to them, particularly to [Tutz's] mother. I cannot imagine what she is going through. But they have to leave my family alone. My son has been tried by juries of his peers and been acquitted. He's innocent. At some point they're going to have to move on and stop this witch hunt."

Kevin Glenn remains jailed in Charles County, awaiting a Sept. 18 hearing on a charge of violating probation, prosecutors said. They said he received a suspended two-year jail term and was placed on probation in April 2001 after pleading guilty in Charles to felony theft of goods worth more than \$300.

Cross and Moats said they plan to attend the proceeding.

"If Kevin had a traffic ticket, they'd be there," Deborah Glenn said.

Cross is a gas station manager who has lived with Moats, a carpenter, for 22 years. Tutz was an infant when Moats, now 56, moved in with Cross. The two share a calm manner and a determination to try to do something about the slaying of Tutz, who they said was an easygoing young man who sold hubcaps for a living and kept pet turtles.

They said they long to see Glenn convicted someday – of any crime. In the meantime, they said, they have come to regard the justice system as unfair to victims.

"This may be a reach, but I think every right the accused has, the victim should have, as well," Cross said. For example, Cross pointed out that there was testimony at the murder trial that Tutz had sold ecstasy -- an allegation that Cross called "ridiculous." No evidence was presented that Tutz sold drugs.

Cross said it angers her that in a criminal trial, a defendant's record of prior unrelated offenses generally is inadmissible. "They can put the victim on trial, but the defendant's past is off-limits," Cross said.

In the murder case, prosecutors alleged that Glenn broke into a small, two-story Forestville house where Tutz was living and shot him four times early on Dec. 3, 2001. Two weeks later, Glenn was arrested by D.C. police and charged with illegally possessing a .40-caliber handgun found in a car he was driving. Investigators said tests showed that the gun had been used to kill Tutz.

In October -- six months before Glenn went on trial in the Tutz slaying -- a D.C. Superior Court jury acquitted Glenn of the gun possession charge after deliberating for 13 minutes, said defense attorney **Steven D. Kupferberg**. He said Glenn testified at the trial that the gun found in the car was not his. In the April murder trial, prosecutors alleged that Glenn killed Tutz during a robbery attempt. Tanya Krishack, who was a girlfriend of Glenn's, testified against him at the trial, prosecutors and **Kupferberg** said.

Krishack testified that she had been in a car with Glenn and another man in the Forestville area, according to the prosecutors and **Kupferberg**, who also represented Glenn in the murder trial.

Krishack testified that the two men left the car and that when they returned, Glenn told her that he and the other man had tried to commit a robbery. She testified that Glenn told her he shot the victim when he resisted. She also testified that she saw blood on Glenn's clothes and gloves after he returned to the car, prosecutors and **Kupferberg** said.

Glenn testified that he did not know Tutz, did not try to rob Tutz and did not kill him. No one else has been charged in the case.

Kupferberg said there were weaknesses in the state's case. For example, Tutz's girlfriend testified that she and Tutz were in bed that night when she was roused from sleep by Tutz getting out of bed. She was then fully awakened by the sound of gunfire, she testified. But she said she did not hear any commotion in the small house before the shots. Kupferberg said that if a robbery attempt had occurred, the girlfriend probably would have heard the disturbance.

Cross said that when the not-guilty verdict was announced, she felt "absolutely numb -- then total outrage. It took all I had to not go over the railing after Glenn. As soon as we got home, I knew I had to do something. There has to be someone with some grit who will buck up for the victim."

In Glenn's trial on attempted sexual assault charges that ended Monday, a 21-year-old Landover woman testified that in February 2001, Glenn tried to force her to submit to sodomy at gunpoint. Glenn denied the allegation in his testimony, saying that he and the woman engaged in a consensual sex act and that he did not threaten her in any way.

Deborah Glenn said Cross and Moats should seek solace elsewhere.

"My advice is to do what I do -- trust in God. He is the ultimate judge and jury," she said. ■

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