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State, The (Columbia, SC)

1989-09-07

Section: METRO/REGION

Edition: FINAL

Page: 1B

## PROSECUTOR DROPS CHARGE HARRIS LIED IN BETHEA CASE

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The Columbia police officer accused of inventing a secret snitch to frame former USC football star Ryan Bethea was cleared of perjury Wednesday when a frustrated prosecutor suddenly scrapped that charge.

The perjury charge was dropped after Circuit Judge John Ernest Kinard refused repeated efforts by the prosecution to tell the jury that Charles E. Harris Jr. rigged the case against Bethea because the black athlete was dating a white girl whose parents -- friends of Harris' family -- opposed the relationship.

Harris, who's been suspended from the Columbia Police Department, is still on trial for other charges stemming from his February 1988 arrest of the University of South Carolina player for possession of marijuana and intent to distribute cocaine. The remaining charges are obstructing justice, misconduct in office, false swearing on Bethea's arrest warrant and intimidating a witness. The drug charges against Bethea were dropped after prosecutors learned Harris' alleged confidential informant wouldn't admit on the witness stand to having anything to do with the case. The woman has also claimed that Harris told her that her body might show up in the river if she showed up in court, 5th Circuit Solicitor James C. Anders said.

Assistant Solicitor Jim Morton testified Wednesday that the Bethea case rested on the informant, whom Harris refused to name for several months. Morton said the officer also stymied the prosecution by dragging his feet and refusing to cooperate while the case was being prepared for court.

Later, Morton said, he became convinced that Harris had lied about the informant, and "I couldn't have tried that case based on what I considered perjured testimony."

But 15th Circuit Solicitor James O. Dunn -- imported to try Harris because Richland County prosecutors are witnesses -- said he couldn't convince the judge that the perjury charge had something to do with USC coed Jennifer Marler.

A key piece of evidence in Dunn's conspiracy theory is a 19-minute telephone call from Harris' home phone to the Marler residence in New Jersey the day after Bethea was arrested. He says it shows a motive to get Bethea.

But the jury has not heard about the phone call, and Kinard implied Wednesday they never will.

So far, Kinard said, he hasn't heard a word to convince him that the charges can legally be linked to the romance.

"You can't just go out without some basis and start asking questions about interracial relationships and telephone calls," the judge told Dunn.

Miss Marler was on the witness stand Wednesday, but jurors saw her only briefly -- long enough to hear her say that she was Bethea's girlfriend.

The jury was not present when Miss Marler said the relationship "disappointed" her father, who threatened to give Harris photographs she had of Bethea and his friends "smoking dope." She said she didn't know if her father meant he would give the photographs to the police officer or to Harris' father, who'd worked with Miss Marler's father in Irmo before being transferred to New Jersey.

"How upset was your father?" Dunn asked Miss Marler.

"About as upset as you might be if your daughter was dating a black guy," she replied.

Trial spectators have gotten a clear picture of the conspiracy theory, but jurors have not. Most of Wednesday's testimony was conducted outside their presence so the judge can decide what they'll be allowed to hear. That may not be much, since Harris has not been charged with conspiracy.

Defense attorneys Dick Harpootlian and **Jack Swerling** quickly agreed Wednesday with Dunn's request to drop the perjury charge so he can concentrate on the others. Moments later the prosecutor changed his mind, but it was too late.

The repeated frustrations sent Dunn frequently to the prosecution table and his pouch of chewing tobacco -- a mainstay for the Conway solicitor in his home courthouse and everywhere else he goes.

Harris on trial for other charges. State file photo



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