

The Washington Post

METRO

'Prison on Trial' in Case of Md. Inmate Accused of Killing Guard

By Ruth Marcus
Washington Post Staff Writer

BALTIMORE—Early in the trial of a Maryland penitentiary inmate accused of murdering a guard there last year, defense lawyer Anton J.S. Keating walked up to the jury with a box filled with graphic evidence of life in the prison's infamous South Wing.

He dumped before the gaping jurors a spectacular array of 70 homemade knives and other weapons confiscated during the past several months from inmates in the South Wing, which houses the most trou-

blesome and assaultive prisoners from throughout the state.

In the South Wing, Keating contended later, "It's reasonably prudent for any individual . . . to arm himself."

Keating's client, Nathaniel Appleby, a 25-year-old convicted murderer, faces a possible death penalty in the fatal stabbing of Herman Toulson, 39, the first Maryland prison guard killed while on duty.

The trial, now in its third week, has focused as much on conditions in the South Wing and the actions of guards there—including their admitted brutal beating of Ap-

pleby after the stabbing—as it has on Appleby himself.

"It's gone about how I expected," said State's Attorney Kurt L. Schmoke, who is leading the prosecution. "We put him on trial and he puts the prison on trial. Obviously [Keating's] theory is to try to get the jury to balance one against the other, that is, the death of Herman Toulson with the conditions of the prison, and it's our goal to try to keep the things separated."

Keating, in essence, agrees with Schmoke's assessment. By "throwing all that stuff in front of" the jury, he said yes-

terday, he was trying not to obscure the stabbing incident but to put it in context.

"It's essential to the defense of a case in any killing to bring out the environment in which the killing happens," he said. "Obviously it's different if it happens in the country club, different if it happens in a sleazy bar and different if it happens in the penitentiary."

Prosecutors have contended that Appleby, acting without provocation, stabbed Toulson with a homemade "shank," or knife. The incident, they said, occurred when Toulson ordered Appleby back to his cell at

the end of the allotted daily half-hour exercise period in the narrow walkway alongside the row of cells.

"It's the most senseless thing I've ever seen [in] 13 years working in the system . . . cold-blooded murder," one guard testified.

But Keating has argued that Appleby was forced to carry the knife to protect himself against other inmates. Appleby stabbed Toulson only in self-defense after he was "savagely beaten" by Toulson and other guards, Keating said. He said guards beat

See APPLEBY, B8, Col. 3