

After 37 years in prison for murder, Delaware man may get chance at freedom

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Published 4:45 p.m. ET Feb. 28, 2019 | Updated 10:50 p.m. ET Feb. 28, 2019

It's been 37 years since James E. Feeley Sr. was fatally shot inside his Sand Bar Liquor Store in Dover.

Two men were charged in his killing – one of whom was sentenced to death but was never executed. Both have spent the duration of their lives in prison.

But on Thursday, with the support of one of Feeley's children, the state Board of Pardons decided to recommend that one of those men – Tyrone R. Baxter – be considered for parole.

"If James Riley requested to have his sentence altered, to allow the possibility of parole, I'd stand vastly opposed to it," said Feeley's son, Jef. "But I don't oppose Tyrone Baxter's request."

Some of the reasons Feeley told the Board of Pardons that he did not oppose 58-year-old Baxter's commutation request is that the convicted murderer did not actually shoot his father.

"There was evidence he encouraged Riley to shoot him during an altercation, but he didn't pull the trigger," said Jef Feeley, a Delaware reporter for Bloomberg News service. "That has to count for something."



Tyrone Baxter has been in prison for 37 years. (Photo: Delaware Department of Justice)

Baxter pleaded guilty in 1982 to first-degree murder and robbery, saying he served as an accomplice to the robbery turned fatal shooting. He was sentenced to life in prison without the possibility of parole.

Other reasons Feeley said he was not opposing the request for commutation were Baxter's clean prison record and Feeley's faith.

"I'm a practicing Catholic," he said. "Our religion, like all Christian faiths, believes in Jesus' teaching that we're all sinners and we have to learn to forgive each other."

Feeley also read a letter from his brother opposing Baxter's recommendation.



Lieutenant Governor Bethany Hall-Long is the state Board of Pardons president and told Tyrone Baxter they felt he showed remorse for his actions 37 years ago. (Photo: Jason Minto, The News Journal)

Ultimately, Board of Pardons President Lt. Gov Bethany Hall-Long told Baxter they felt his speech showed remorse for his actions.

"We very much sir are going to take that chance and make a recommendation to our governor that he consider you for parole eligibility," she said.

Hall-Long expected it would take some time before Gov. John Carney made a decision on whether to accept their recommendation or not. This was Baxter's third attempt to commute his first-degree murder sentence.

What happened in the 1982 killing

On Feb. 8, 1982, an afternoon robbery in Dover turned fatal over about \$150.

Riley, 22 at the time, and Baxter, 21 at the time, went to Feeley's liquor store on White Oak Road with the intention to "do a hustle," according to testimony from the 1982 trial.



News Journal archive clips chronicle the murder and ongoing trials after the killing. (Photo: News Journal Archives)

Riley, according to Baxter, then took a quart of Budweiser from the store cooler and waited until Feeley was ringing them up and opening the cash register until he pulled a .22-caliber pistol on the store owner.

Feeley stepped aside, according to Baxter's testimony, so the men could empty the cash register. But he wouldn't turn over his own wallet.

"He started cursin' and buckin'," Baxter said during the trial.

So Baxter told Riley to "pop a thing in him" – to shoot Feeley.

One shot went into his leg, causing Feeley to hop around and hurl racial slurs and a wine bottle at the two men as they attempted to flee from the store. The final shot went into Feeley's chest and killed him.



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Baxter testified that it was Riley who pulled the trigger, though they were both in on the robbery together.

Another man, Michael A. Williams, took a plea agreement with the state after admitting to driving the getaway car and also implicated Riley in the murder.

Since the fatal shooting, Baxter has been in prison without the expectation of parole.

He apologized on Thursday for his actions, especially for taking Jef Feeley's father.

Who was James E. Feeley Sr.?

Feeley, 59 at the time of his death, owned the local liquor store in Dover and was a well-known businessman.

He was raising four children on his own at the time of his death, because his wife had died from cancer in 1980. His kids then ranged in age from 11 to 21.

Both Jef Feeley and Chris Feeley, the two oldest children, were in the courtroom for parts of Riley's trial.



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Eshawn Baxter, Tyrone Baxter's nephew, nodded in appreciation as Feeley passed him Thursday in a Kent County Courthouse hallway.

"We respect their family. We respect what they've been through," he said. "It's the worst kind of experience that anyone could be put through and I hate that it had to be someone from our family to make that happen.

"It was a bad decision from my uncle, but for Mr. Feeley being able to find forgiveness in his heart is also very big. For him to be able to dig deep down and find that forgiveness for my uncle, speaks volumes on what spirituality and what religion has on people."



Tyrone Baxter has been incarcerated at Sussex Correctional Institution near Georgetown. (Photo: DANIEL SATO/The News Journal)

"He's really trying to improve himself as a person," Eshawn Baxter said, adding his uncle also mentored him through his experiences. The elder Baxter also spoke to his mentorship of others both in and out of the prison.

"Growing up it was always 'Do this so you won't end up like your uncle in jail,'" Eshawn Baxter said. "But I think he's been able to turn that story around, where he's actually a success story.

"Of course you don't want to end up in jail, but you can still make the best out of a situation."

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Board recommends commutation for convicted killer in '82 murder of Dover liquor store owner

Feb 28th, 2019 · by [Randall Chase/Associated Press](#) · Comments: 0

DOVER — A man serving life in prison without parole for the 1982 robbery and murder of a Dover liquor store owner should have his sentence commuted and be made immediately eligible for parole, Delaware's Board of Pardons ruled Thursday.

The recommendation came after board members heard from Tyrone R. Baxter, his supporters and the son of murder victim James E. Feeley.

The recommendation now goes to Democratic Gov. John Carney, who led the pardons board more than a decade ago as lieutenant governor. Even if Carney grants commutation, Baxter would still have to go through the parole process.

The request marks Baxter's third attempt at commutation. The board voted to recommend commutation in 2013, but then-Gov. Jack Markell denied the application.

Attorney Adam Windett said Thursday that Baxter is remorseful, has accepted responsibility for his crime and has become a role model and mentor for other prisoners.

"He's done just about everything one could do in a correctional facility in terms of rehabilitation," Windett said. "He's no longer a threat to the community."

Baxter pleaded guilty to first-degree murder and was sentenced to life without parole in exchange for testifying against co-defendant James Riley. Riley's death sentence was overturned by a federal appeals court in 2001. He was sentenced to life in prison after a retrial.

According to court records, Baxter and Riley planned the robbery and enlisted a third man, Michael Williams, to drive them to the liquor store. Riley placed a bottle of beer on the counter. When Feeley, 59, opened the cash register, Riley drew a pistol and took about \$150 from the register. At Baxter's urging, Riley shot Feeley in the leg after Feeley resisted Riley's attempt to take his wallet. As the two thieves were leaving, Feeley threw a wine bottle at Riley, who then shot Feeley in the chest at close range.

Feeley was killed a year after his wife, a teacher at a local Catholic school, had died of cancer. His death left the couple's four children, ranging in age from 10 to 20, parentless, a fact not lost on Baxter.

“I grew up without a father, and that was hard,” Baxter said. “My father was never there for me, and to think that I was a part of their father being taken from them ...”

Feeley’s eldest son, James E. Feeley Jr., known as Jef, told board members that he did not oppose Baxter’s request for commutation, unlike his two younger brothers. He recalled how the local newspaper referred to the family after the shooting as the “Feeley Orphans,” which he said was “an accurate but painful description.”

Feeley noted that Baxter was not the shooter, and that Baxter, who wants to become a substance abuse counselor, has had a clean disciplinary record in prison and worked to rehabilitate himself. Feeley also noted that his Catholic faith has taught him that all people are sinners, and “we have to learn to forgive each other.”

“For more than 20 years, I carried bad feelings for both Mr. Baxter and Mr. Riley in my heart. But I’ve come to learn that such hate will eat you up.”

But Feeley also read a statement in which his brother Steve urged board members to deny Baxter’s request.

“His actions, simply, sentenced my siblings and me to a lifetime without a place called ‘home’ or a touch point to our past,” the statement read. “Allowing him to return to a normal life and put the thoughts of my father and his children permanently out of his mind, while my family continues to cope with the damage that his actions produced is not only unfair, it’s unjust.”

The attorney general’s office opposed Baxter’s pardon request, noting the split among Feeley family members.

Pardons board member Andre Bouchard, head of Delaware’s Court of Chancery, abstained from participating in Baxter’s case. Jef Feeley, a reporter for Bloomberg, frequently covers corporate disputes in Chancery Court.

After the board’s ruling, Baxter turned to Feeley to thank him for his forgiveness.

“Your life is definitely a very different life because of the crimes I committed against your father, and I am so sorry,” he said.

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