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Inside, he swings for the fence
Defendant beats 2 counts, 3 strike law
By Dave Racher
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Kelvin Kimble, 40, had four strikes against him before the state's new tree-strike law was enacted in 1997.

Faced with an automatic 25 years to life if he got nailed for another felony, Kimble hired defense lawyer A. Charles Peruto, Jr. to fight two potential losing cases.

Last year, Peruto beat the first one. This week he won the second case from a jury in less than 20 minutes.

Later, Peruto admitted that Kimble would have pleaded guilty to the crime if the prosecution had offered a deal for a five-year jail term. The prosecution wanted eight years.

The acquittal stunned and angered 70-year-old Eunice Johnson, who swore Kimble was the man who forced his way into her 56th Street home and robbed her on August 28, 1997.

Johnson, who picked Kimble's picture out of a police photo spread, has never hesitated about her identification.

Police say she described Kimble right after the crime.

But Peruto came up with a theory to help save Kimble.

He told jurors that Kimble has a record for burglaries in Johnson's West Philadelphia neighborhood and claimed police pinned the crime on him to clean it off the books.

Peruto accused a cop of bringing a photo of Kimble to the scene shortly after the offense. The officer and Johnson denied that.

But Peruto noted that the cop was mistaken about arriving at the scene with another officer, and argued that if she was wrong about that, she was wrong about the picture.

The jury bought it, even though the prosecution accused Peruto of throwing "a red herring" into the case.

Kimble was returned to prison to await a hearing for violating parole in a robbery case. If he beats that, he'll be freed.