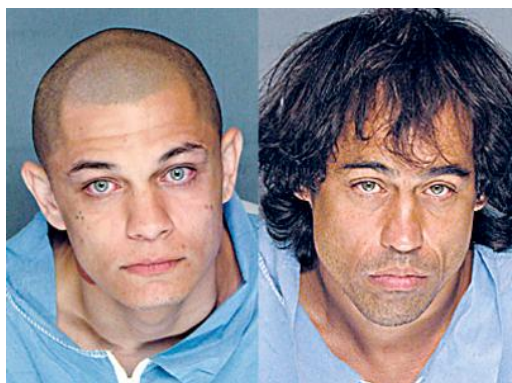




Accused couple fight order of separation

By *The Record*

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STOCKTON - A jail lieutenant testified Thursday that it's appropriate to keep separate a married gay couple accused of murder, not only because of their relationship but also because of the nature of the crime of which they are accused and the attention it has received.

Defendants Robert Morgan, 39, and Jorge Morgan, 24, are contesting an order that they be separated - not only at the San Joaquin County Jail, but also on the bus to and from the San Joaquin County Courthouse. That's according to defense attorney Charles Slote, who represents Robert Morgan.

Questioned in court, sheriff's Lt. Kimberly Moule said no one factor determines whether inmates should be kept separate.

Had two brothers been arrested on suspicion of murder in a highly publicized case, they too would be housed separately, she testified.

Earlier this week, San Joaquin County Superior Court Judge Bernard Garber said he would not allow the men to sit side by side in court or hold joint conferences with their attorneys, Slote said. On Thursday, the defendants sat at a counsel table with Slote between them.

The Morgans are charged with robbing and stabbing 58-year-old Cynthia Ramos to death Aug. 6 at her home in Tracy.

Prosecutors have cited the Prison Rape Elimination Act of 2003 in saying that inmates at risk of having sex cannot be housed together.

Testimony on the Morgans' protest is expected to continue at a hearing Oct. 19.