

## Gay couple maintain jailers' bias

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STOCKTON - On Nov. 13, Robert and Jorge Morgan will celebrate their one-year anniversary as married men, but they'll have to mark the day locked up in different parts of the San Joaquin County Jail.

Murder and robbery charges stemming from a Tracy woman's killing form the backdrop of the gay couple's anniversary. Jailers are keeping them separate under an order that Robert Morgan called unfair in a jailhouse interview.

"I just want to fight my case. I can't do that alone," said Morgan, who maintains he and his husband are innocent. "All we want to do is get out and have a life together."

Morgan, 39, said that separation order is the result of bias against the couple for their sexuality. He blamed jailers and the prosecutor of using that issue in a conspiracy to cripple their defense.

They're the first gay couple to be jailed in San Joaquin County.

Morgan and his 24-year-old husband, Jorge, are charged with robbing and stabbing to death 58-year-old Cynthia Ramos on Aug. 6 in her own home in Tracy. If convicted, they could spend the rest of their lives in prison.

Jailers believe it is safer to keep them apart. By their reasoning, if the two can't readily sit in close proximity and talk, they won't be able to hurt each other, court staff or plot an escape, officials have argued.

The Morgans asked San Joaquin County Superior Court Judge Bernard Garber, who is overseeing their case, to review the separation order. Last week, Garber upheld it, saying the pair is treated the same as any other co-defendants.

They asked to sit next to each other in court hearings so they could talk and pass notes. They also wanted to have a room at the jail to meet as a foursome with their two attorneys.

"He's not in danger of me," Robert Morgan said. "I'm not in danger of him."

Morgan said at first the judge indicated that he believed it was OK for the inmates to talk, but he later changed his mind. He said Garber was pro-prosecution.

Stockton attorney Charles Slote, who represents Robert Morgan, wouldn't comment on the details of the case. He could fight the separation order at a state appeals court.

"All I can tell you is that we haven't ruled out anything yet," Slote said.

The pair is scheduled for a two-day preliminary hearing next month, when Garber will hear evidence and decide if they should stand trial before a jury.

San Joaquin County Deputy District Attorney Valli Israels said she didn't initiate the separation order, as Morgan claims. Accommodations at the jail are determined by the county Sheriff's Office, she said.

For his part, Robert Morgan said he and his husband are innocent. He declined to talk about the details of the case, except to say that he and Jorge were friends with Ramos, the murdered woman.

Morgan said he knows who killed Ramos. He told his attorney but declined to tell The Record in the 35-minute interview at the jail in French Camp conducted through a glass panel.

"It's sad," he said of Ramos' killing. "We both mourn her."

Despite their claims as a legally married couple, their status is unclear. Morgan wouldn't explain how they became a couple. The former gang members reportedly met inside Deuel Vocational Institution, a prison near Tracy.

Jail officials list them as having the same last name of Morgan, yet the San Joaquin County Recorder's Office has no listing of their marriage on file. California voters overturned domestic partnerships nine days before the date they claim as their wedding day.

Morgan insists that they're not asking for special treatment, just a fighting chance to beat the case. Morgan also insisted his request for time with his husband is not driven by ulterior motives.

"It's not a sex thing," he said. "Don't get me wrong. We love each other."

Despite what he calls the prosecutor's attempt to drive a wedge between the men, Morgan said the separation order has brought them closer together. Of Jorge Morgan, he said:

"He's my heart. He's my soul. He's my everything."

Morgan said his husband tells him the same thing.

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