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Defendant walks free after 7 years in prison

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DURHAM -- Erick Daniels spent nearly a third of his 22 years behind bars for crimes a judge said Friday he did not commit.

When he walked free Friday afternoon, one of the first acts as a freed man was something he might have done as a teen: He went to the mall with his mother to buy new underwear and clothes.

Then he stepped out with his younger brother and cousin for a haircut and a taste of the life he has missed.

"That haircut might take five days," Karen Daniel said. "You should see him. He is so happy."

Erick Daniels screamed "Mommy" in December 2001 when bailiffs led him out of a courtroom as a scared 15-year-old convicted of burglary and robbery.

Judge Orlando Hudson threw out the case and ordered his release Friday after a day and a half of hearings.

Carlos Mahoney, a Durham lawyer who took on the case several years ago, argued that Daniels had ineffective legal representation at the trial and appeals level. Mahoney also said Daniels was the victim of prosecutors who withheld evidence that would have helped his defense, and of police who used a flawed photo lineup to identify him.

Daniels put his head on a courtroom table and cried as Hudson announced his decision.

"This is a tremendous day," Mahoney said. "I feel regret that the whole process occurred and that he was in jail for seven years. But I'm happy he'll be able to get out today without having to serve four more years."

Friends and relatives in the courtroom erupted with wild sobbing and clapping. Tears streamed down the face of Karen Daniel, who fought for seven years to win her son's release.

Daniels was 14 when he was charged with being one of two armed robbers who burst into the home of Ruth Brown, a police department employee, on Sept. 21, 2000, and stole her pocketbook containing \$6,231 in cash.

His case was sent to Durham Superior Court and, at age 15, he was tried as an adult. At trial, a prosecutor relied on Brown's identification of Daniels. She identified him from a middle-school yearbook photo after 30 minutes of study.

The state offered no physical evidence or corroborating testimony linking Daniels to the crime. Daniels was found guilty and sentenced to 10 to 14 years in prison. He would have been eligible for release in 2012.

Flawed defense

Robert Harris, the lawyer who defended Daniels at trial, testified at the hearing this week that, in hindsight, his counsel had been flawed.

Harris said he made many mistakes at the trial that could have jeopardized Daniels' case. He had not objected, for example, when prosecutors discussed Daniels' juvenile record or the fact that he had once been shot.

Harris also opened the door for this week's hearing. A client told Harris that he committed the burglary and robbery, information that was not available during Daniels' trial.

Knowing that put Harris in a difficult spot. The evidence could exonerate Daniels, but under rules that govern attorney-client relationships, the information was privileged and potentially damaging to his client.

Eventually, Harris told Freda Black, the prosecutor in the case, that another man had confessed. Black, called to the stand Thursday, testified that she did not pursue the information.

No new trial

Before freeing Daniels, Hudson said he doubted prosecutors would have tried the case today with as little evidence as they had.

Photo-lineup procedures have changed since then and the lineup that was used would not have been allowed into evidence, Hudson said.

Hudson could have ordered a new trial, but he said he "had no confidence whatsoever in the jury's verdict that this defendant committed the crime. I think he did not."

Daniels was released from the Durham County jail about four hours after the hearing. He had spent the past two nights there after spending most of his time in Warren County Correctional Institute.

"I'm free, I'm free," a quiet, but elated Daniels said.

Family and friends gathered at the home he had not seen since his teenage years, celebrating with food on the grill.

Karen Daniel (who spells her last name without the "s") argued from the time of her son's arrest that he was innocent. She pleaded his case with lawyers, police administrators and reporters. The Independent Weekly did an investigation into the case, publishing a story in May 2007.

Mahoney, the lawyer who represented Daniels, said he had not discussed with his client whether to seek compensation for the years he spent behind bars.

Soon, Daniel said, she'll take her son to Disney World. She knows the days and weeks ahead will offer challenging times. Daniels got his high school equivalency diploma while behind bars. But much awaits him as a young adult.

"This is a good day," she said. "I feel better. I feel seven years younger."

Others celebrated the news, too. Lawyers who work to free the wrongly convicted were pleased to see Daniels' release.

"It's great the court finally corrected the wrongful conviction," said Christine Mumma, a lawyer and director of the N.C. Center on Actual Innocence. "But it took too long. It takes too long."

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DURHAM PROSECUTIONS TAKE ANOTHER HIT

Erick Daniels' case has once again put Durham police and prosecutors under a harsh light.

The Duke lacrosse case of 2006-07 case exposed the misconduct of Mike Nifong, the former district attorney who was stripped of his license and ousted from office for withholding evidence of the accused players' innocence.

Defense lawyers who represented Michael Peterson, the novelist convicted of murdering his wife in 2001, tried to portray Durham police as inept investigators who failed to track down leads that might have taken them to other suspects.

Earlier this month, the state Court of Appeals dismissed charges against a man sentenced to more than 60 years on charges of burglary, robbery, kidnapping and attempted sexual assault. In the court's written decision, the three-judge panel ruled that not only had Frankie Delano Washington, 47, been denied his right to a speedy trial, they suggested police might have gotten the wrong man.

"People are starting to question, in Durham, the degree to which the prosecutor's office and the police department are tracking down cases when there are leads that other people have committed the crimes," Judge Orlando Hudson said Friday at the hearing where he freed Daniels.

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