

## **NEW TRIAL SOUGHT IN U. DARBY SLAYING \ A PROSECUTION FINGERPRINT EXPERT'S TESTIMONY IS IN QUESTION. RICKIE JACKSON WAS CONVICTED OF KILLING HIS SOMETIME LOVER.**

Philadelphia Inquirer, The (PA) - Monday, August 16, 1999

*Author: Rachel Scheier, INQUIRER SUBURBAN STAFF*

Before they convicted Rickie Jackson of murder last September, jurors heard how 38-year-old Alvin Davis was found stabbed and mutilated in his Upper Darby apartment. They heard Jackson, a West Philadelphia hairdresser, testify that the two had been sometime lovers who often partied together. They heard a prosecutor paint the killing as a lovers' quarrel gone desperately awry.

But in the end, the case turned on two bloody fingerprints found at the murder scene that prosecutors said linked Jackson to the crime.

Now the identity of those fingerprints is once again in dispute, as the testimony of one of the prosecution's key expert witnesses has been called into question. And Jackson, who has continued steadfastly to maintain his innocence, is asking for a new trial. A hearing on his request is set for Sept 7.

"I am 100 percent sure that my name will be cleared," said Jackson, 42, in a recent phone interview from prison, where he is serving a life sentence.

The focus of his appeal, filed by defense attorney Michael Malloy of Media, is the trial testimony of fingerprint examiner Jon Creighton, a forensics expert with the state of Vermont, who testified for the prosecution that fingerprints found on an electric fan near Davis' body matched Jackson's.

But a subsequent investigation by the International Association of Identification found that Creighton was mistaken. The IAI is a trade association that certifies fingerprint experts to testify in court. Both Creighton and the defense experts who testified belong to it.

The IAI investigation board, nine fingerprint experts who later compared the prints from the murder scene with Jackson's, agreed with the defense experts that the prints were not the defendant's. It also voted to revoke Creighton's certification as an expert, its gravest penalty, said Ken Smith, chairman of the organization's Latent Print Certification Board.

Creighton told board officials that he erred in testifying that the fingerprints matched, Smith said.

Creighton declined in a telephone interview to comment. He said that he and Smith had been subpoenaed to testify at the Sept. 7 hearing on Malloy's motion for a new trial in Delaware County Court.

Assistant District Attorney Michael R. Galantino said only that he stood by Jackson's conviction and that he preferred to address the issue at the hearing.

"The jury heard experts for both sides and found the defendant guilty," he said. "We'll deal with this in court."

Since September 1997, when Alvin Davis' rapidly decomposing body was found nine days after his slaying, the bloody fingerprints police lifted from the fan have remained the only physical evidence pointing to his killer.

Davis' mother testified that she last spoke to her son on Sept. 12, when he told her over the phone that he was planning to meet some former college buddies to attend a boxing match at the Blue Horizon in North Philadelphia. He never arrived.

His body was discovered Sept. 21 in his apartment on Long Lane by his landlord, William Leahy, who lived downstairs. During the trial, Malloy sought to prove that the killer was Leahy, who has since died.

Jackson, whose only previous brush with the law was a minor drug possession charge 20 years ago, went willingly to the police station for questioning after the body was found. He told them he and Davis had been casual lovers and had been together the night before the boxing match. He denied any part in Davis' death, telling police, "I'll go to my grave before I

admit to something I did not do," according to an affidavit.

At the trial before Judge George Koudelis, Jackson testified that he and Davis had had a sexual relationship and had sometimes done drugs together but that he was not the murderer.

Creighton and two local investigators, Upper Darby Sgt. Anthony R. Paparo and county Detective William R. Welsh, testified as prosecution witnesses that the fingerprints matched Jackson's. The defense called its own fingerprint experts, both former federal agents, who said the prints could not possibly match.

One was Vernon McCloud, a retired fingerprint examiner who spent his 40-year career working for several federal agencies and testified in about 180 trials, almost always for the prosecution, he said. "Whether we win or lose is not the point," he said, "It's the identification of the fingerprints that's important, and those fingerprints did not belong to him."

The other defense expert witness was George Wynn, now retired from the FBI after a 35-year career as a fingerprint expert. "I have never been more shocked in my life than when they found this fellow guilty based on those fingerprints," he said.

After Jackson was convicted, McCloud and Wynn took the case to the IAI, calling it a "gross miscarriage of justice."

Malloy, meanwhile, questions in his petition why the District Attorney's Office failed to come forward after the problems with Creighton's testimony came to light.

District Attorney Patrick L. Meehan sternly denied any wrongdoing by his office.

"My interest is first and foremost to see that justice is done - not just to protect a conviction," he said.

But Jackson's father, a retired businessman who lives with his wife in Yeadon, where they raised their family, said he has become disillusioned by the justice system he had always believed in.

"He's not always traveled in the best crowd," Richard Jackson said of his son, "but he's committed no crime."

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## APPEAL FOR KILLER STARTS IN DELCO \ THE MAN CONVICTED IN A '97 STABBING IS SEEKING \ TO VOID HIS CONVICTION. PRINTS ARE A KEY ISSUE.

Philadelphia Inquirer, The (PA) - Wednesday, September 8, 1999

*Author: Michael Stoll, INQUIRER SUBURBAN STAFF*

The arguments before two Delaware County Court judges yesterday were not about whether a bloody fingerprint and palm print found near where Alvin K. Davis was killed belonged to Rickie Jackson. The lawyers were more concerned with whether the court had the authority to overturn Jackson's conviction and life sentence for murder and grant him a new trial.

Jackson's lawyer, Michael Malloy, said fingerprint analysis by an expert witness in the case, Jon Creighton, was so shoddy that after the trial, the International Association of Identification revoked Creighton's certification - the organization's harshest sanction. That print was the prosecution's only physical evidence.

"The essence of the argument is, the wrong guy is in jail," Malloy said at the hearing before Delaware County Court Judge George Koudelis and President Judge A. Leo Sereni. "I think there's enough in there to throw out the decision."

Koudelis' role is to decide whether to grant a new trial. Sereni is helping Koudelis decide whether the county court has the jurisdiction to overturn its own conviction, and also to decide whether to recommend an investigation of the case by the state attorney general, as requested by the defense lawyer.

But Deputy District Attorney A. Sheldon Kovach argued that Koudelis lacked the jurisdiction to re-hear the case for what the defense contended were mistakes in the original trial. He called the discrediting of Creighton's testimony "after-discovered evidence" that could be handled only through an appeal to a higher court, which has been filed. Kovach also told Sereni that he would fight any attempt to have the matter forwarded to an appeals court.

Sereni and Koudelis will render a decision within the next few weeks.

Malloy said that since the conviction last September, 50 fingerprint experts have examined the prints and have determined that they did not belong to Jackson. He said that the Delaware County District Attorney's Office at first suggested sending the prints to the FBI crime lab for verification, but that prosecutors changed their minds. Malloy filed a separate motion alleging prosecutorial misconduct and calling for an investigation by the state attorney general.

Jackson, 42, remains imprisoned at the George W. Hill Correctional Facility, serving a life sentence for murder for the September 1997 stabbing death of Davis, 38, in Davis' apartment in Upper Darby's Stonehurst section. Prosecutors said at the trial that Jackson killed and mutilated Davis after a lovers' quarrel gone awry.

Jackson, a West Philadelphia hairdresser, voluntarily appeared at the police station. Even after his sentencing, Jackson maintained his innocence.

Aside from Creighton, Upper Darby Sgt. Anthony R. Paparo and county Detective William R. Welsh testified at the trial that the prints belonged to Jackson. The defense presented witnesses who contradicted them. Malloy said that the two local officers relied on Creighton's methodology in identifying the prints. Creighton had been a forensics expert with the State of Vermont.

The case has gotten the attention of the NAACP, which is monitoring the case as a possible violation of civil rights, said John Shelton, chairman of the Delaware County council of the organization.

Richard Jackson Sr., father of the convicted man, said after the hearing: "I believe the facts say he's innocent. We want the prints sent to the FBI. Why are they afraid to do that?"

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**NAACP ASSAILS D.A. IN MURDER \ LOCAL GROUPS SAID A DELCO CONVICTION WAS BASED ON FAULTY EVIDENCE.****Philadelphia Inquirer, The (PA)** - Thursday, November 18, 1999**Author:** *Deborah Bolling, INQUIRER SUBURBAN STAFF*

The NAACP yesterday condemned the Delaware County District Attorney's Office's treatment of the case of Richard C. Jackson, saying the former Yeadon resident was convicted of murder on faulty evidence.

At a news conference, members from several local chapters issued no specific demands on what should be done in the case, in which Jackson's attorney is pursuing a new trial. They said they wanted to draw attention to the case to generate wider interest.

Jackson, whose parents live in Yeadon, is serving a life term for first-degree murder in the death of Alvin K. Davis in September 1997 in his apartment in the Stonehurst section of Upper Darby. The only physical evidence in the case was two fingerprints found at the scene that a prosecution expert identified as Jackson's. Since then, the international organization that certifies fingerprint examiners has found that the prints were not Jackson's, as the defense contended all along.

District Attorney Patrick L. Meehan could not be reached for comment yesterday. In prior comments about the September 1998 conviction, he has denied any wrongdoing by his office. "My interest is first and foremost to see that justice is done - not just to protect a conviction," he said in August.

Michael Malloy, Jackson's attorney, has petitioned for a new trial in Delaware County Court. Decisions on that issue - and whether the court has the authority to grant such a request - are pending.

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**Correction:** *CLEARING THE RECORD, PUBLISHED NOVEMBER 19, 1999, FOLLOWS: A story in yesterday's Neighbors section incorrectly reported that the NAACP was making no specific demands in the case of Richard C. Jackson, who the group says was convicted of murder on faulty evidence. The group is calling for Jackson's immediate release from prison. Jackson is serving a life term for the murder of Alvin K. Harris of Upper Darby in 1997.*

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**RELEASE OF CONVICTED KILLER IS SOUGHT \ FINGERPRINT IDENTIFICATION WAS FAULTY, THE DEFENSE FOR RICHARD JACKSON SAID. THE FBI WILL REVIEW EVIDENCE.****Philadelphia Inquirer, The (PA)** - Wednesday, November 24, 1999**Author:** *Mary Anne Janco, INQUIRER SUBURBAN STAFF*

A defense attorney argued yesterday for the release of a West Philadelphia man sentenced to life in prison for a 1997 murder in Upper Darby, contending prosecutors used faulty fingerprint identification to convict Richard Jackson.

As he did at Jackson's trial in September 1998, defense attorney Michael Malloy again called two experts, George Wynn and Vernon McCloud, who have a combined 75 years of experience in the field of fingerprint analysis. They testified that the prints found at the scene of the murder of Alvin Davis did not match Jackson's.

Delaware County Court Judge George Koudelis agreed with requests by Malloy and District Attorney Patrick Meehan to send the fingerprint evidence to the FBI for its help.

"I want to see what they say," Meehan said of the pending FBI analysis. "If they come in and say this cannot be Richard Jackson, I have an obligation to suggest to the court that this is not a proper identification."

After Jackson's trial, Wynn and McCloud, both members of the International Association for Identification (IAI), asked for an investigation by that organization. Seven independent examiners reviewed the evidence and concluded an error had been made.

The agency, which certifies fingerprint experts to testify in court, later revoked the certification of Jon Creighton, a forensics expert with the State of Vermont, who testified for the prosecution at trial that one of the prints matched Jackson's.

Yesterday, Creighton conceded that he might have made an error but added: "No one has convinced me . . . 100 percent."

The prosecution's own consultant, Eugene Famiglietti, who was hired after questions arose about the evidence, said he could not match the prints. "I wouldn't make the call. With fingerprints . . . you have to have no doubt."

Jackson's father, Richard, who sat through the proceeding, asked, "How many people have to identify the fact that they don't match my son's prints to prove it? It's only facts were looking at, not feelings. The IAI says it's an exact science. If they don't match my son's, why is he still in jail? We're talking about justice."

Also attending the proceedings was the family of Davis, who was 38 when he was found slain in his apartment Sept. 21, 1997, his body riddled with stab wounds and an electric fan on his face. Bloody fingerprints were found on the fan. Jackson, 42, a friend and former Philadelphia hairdresser, was subsequently charged with the murder.

Meehan said that when Famiglietti was originally called in to look at the prints, his office was told, "You guys made a gutsy call. Stick to your guns."

However, Meehan said Famiglietti later reviewed a palm print found at the scene and called it inconclusive.

Koudelis granted the defense's request to search the computers of Anthony Paparo, an Upper Darby police sergeant who made the fingerprint match, and Assistant District Attorney Michael Galantino, who handled the trial, for correspondence relating to the case.

The hearing is expected to continue today.

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**FINGERPRINTS STILL NOT MATCHED IN CASE \ THE FBI WILL STUDY THE EVIDENCE THAT HELPED CONVICT A MAN OF MURDER. EXPERTS SAY THERE'S NO CLEAR FIT.**

Philadelphia Inquirer, The (PA) - Thursday, November 25, 1999

*Author: Mary Anne Janco, INQUIRER SUBURBAN STAFF*

Lawyers yesterday packaged the fingerprint evidence used to convict Richard Jackson of first-degree murder for an FBI analysis after a two-day hearing in which witnesses, including the prosecution's own consultant, said they could not match the prints to Jackson.

Jackson, 42, of West Philadelphia, was sentenced to life in prison in October 1998 for the murder of Alvin Davis, a 38-year-old man who was found slain in his Upper Darby apartment in September 1997, his body riddled with stab wounds and an electric fan resting on his face.

Prosecution witness Anthony Paparo, an Upper Darby police sergeant who said during the 1998 trial that the fingerprints did match, testified yesterday that Eugene Famiglietti, the consultant the prosecution hired to review the prints this August, told him, "That's a gutsy call [to match the prints]. I see what you're saying. I would stick to what you're saying."

On Tuesday, Famiglietti testified that he could not match the prints to Jackson. With fingerprints, "you have to have no doubt," he testified.

Defense counsel Michael Malloy, who is seeking Jackson's release, subpoenaed Paparo's notes of a conversation with James Gettemy of the International Association of Identifiers (IAI) in May in which Gettemy said the identification of the prints as Jackson's was erroneous.

The notes, typed on Paparo's computer, indicate that Gettemy told Paparo to tell "your boss" and that Gettemy also said, "If I want to stick to my story, I should have the FBI verify it, because it is wrong, and will eventually come back to me anyway."

The notes said all five members of the IAI certification board agreed that the identification was incorrect.

Malloy contends that the prosecution attempted to delay a witness from cooperating with the IAI investigation of the fingerprint evidence. The defense submitted a Nov. 5, 1998, letter in which Assistant District Attorney Michael Galantino advises one prosecution fingerprint witness, Jon Creighton, to delay any correspondence with the IAI until the court made a final ruling on post-sentence motions, which was expected within 120 days.

In the letter, Galantino said he was concerned that the defense had misrepresented the evidence in order to get the IAI involved and that he did not believe the IAI experts had all the fingerprint cards necessary to make the match.

Malloy said he had sought the FBI review of the fingerprint evidence before Jackson's sentencing last year, but the request was denied. Meanwhile, he noted, his client has spent another year in prison, where he has been since October 1997.

The fingerprint evidence, including the top of the fan where the prints were found, is expected to be delivered to the FBI next week.

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## CONVICTED IN SLAYING, MAN WINS FREEDOM AN FBI INVESTIGATION FOUND THAT FINGERPRINTS AT A MURDER SCENE WERE NOT THOSE OF RICHARD JACKSON.

Philadelphia Inquirer, The (PA) - Friday, December 24, 1999

*Author: Anne Barnard, INQUIRER STAFF WRITER*

Serving a life sentence for murder, Richard Jackson insisted he was "100 percent sure" that he would be cleared if the FBI analyzed the two bloody fingerprints that convinced a Delaware County jury that he killed his former lover.

Yesterday, he walked out of prison, freed by a Superior Court order after the FBI declared that the fingerprints found on an electric fan near Alvin Davis' body in his Upper Darby apartment in 1997 did not match Jackson's.

Calling the prints "the keystone of the prosecution's case," Delaware County District Attorney Patrick L. Meehan said that without them, "there's no credible basis for us to accuse him."

Meehan said his office would likely withdraw the prosecution after receiving the FBI's formal report in a week or so. Meanwhile, Jackson is free on \$1 bail set by Superior Court Judge Berle Schiller, who took the action at the joint request of prosecutors and Jackson's attorney.

After a last-minute struggle with red tape that threatened to keep him in prison over the holidays, Jackson, 42, emerged from the George W. Hill Correctional Facility about 6:30 p.m., wearing his father's black leather jacket. He headed to his parents' home in Yeadon, in time to be a surprise guest tomorrow at their Christmas dinner.

"It was a long, hard road," he said, as his father wept and his mother beamed.

The fingerprints - the only physical evidence linking Jackson to the crime - were a contentious issue at the trial last year, with three prosecution experts and two defense experts clashing over whether they were Jackson's.

After the conviction, the testimony of the prosecution's lead expert, Jon Creighton, came under question. The International Association of Identification, which certifies fingerprint experts, declared that Creighton's analysis was mistaken and revoked his certification - the group's harshest penalty.

At first, Delaware County prosecutors stood by the conviction, fighting defense counsel Michael Malloy's appeal and drawing criticism from the Yeadon branch of the NAACP.

But when a fourth prosecution expert, Eugene Famiglietti, said in a November hearing that he could not definitively match the prints, Meehan said he decided to join Malloy's request for an FBI analysis. Creighton said in that hearing that he could have made a mistake but was not convinced.

All the while, Jackson's parents, Verna and Richard, stood by him.

"We knew they weren't his prints," said the elder Richard Jackson, 65, adding that it was lucky that his savings from 40 years in the education department of the Bridgestone Firestone tire company allowed him to finance his son's vigorous defense.

But as December dragged on without word from the FBI, their son became depressed, said Verna Jackson, 64, who works as a greeting-card merchandiser.

Yesterday morning, she was getting ready to go to work - Christmas is a busy time for a greeting-card merchandiser - when she heard the answering machine pick up a call from Malloy. "I jumped out of bed," she said. The FBI had contacted Meehan, and he and Malloy were going to ask for Jackson's immediate release.

He said he believed all the prosecution experts - Creighton, Upper Darby Sgt. Anthony Paparo, and county Detective William Welsh - made "a good-faith effort" to correctly analyze the prints.

Meehan said yesterday that Paparo and other investigators were considering other suspects and checked Jackson's prints in order to rule him out, and were surprised when they matched.

Jackson's parents aren't so sure. "They just figured they had someone and no one would fight," his mother said.

But they added they were pleased with the outcome. "It certainly gives you faith in the American system," his father said. "We still have a lot of ills that need to be addressed, but at least you can address them."

Upper Darby police yesterday issued a statement saying that the conviction was not based solely on fingerprints, praising its detectives' integrity, and adding: "We work daily in the single most diverse community in this county and treat all victims and suspects with the utmost respect and dignity."

Alvin Davis was found stabbed in his apartment in Upper Darby's Stonehurst section in September 1997. Jackson voluntarily went to police and told them he had spent the previous night with Davis.

Meehan said he had spoken to Davis' parents. "They've lost a son, gone through a trial, and now we are back at stage one, reopening an investigation."

He also said he was sorry that Jackson had spent more than two years in prison. "It's regrettable that the prosecution prevailed on evidence that can now be called into question."

Meanwhile, Verna Jackson said she was going to enjoy cooking the Christmas turkey she got with her amassed Acme coupons. She's expecting her mother and her two brothers - one of whom is flying in from Taiwan.

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## MAN GLAD ID ERROR WAS PROVEN HE WAS CONVICTED FOR A FRIEND'S MURDER IN UPPER DARBY. AN FBI PROBE, HOWEVER, FOUND THAT THE FINGERPRINTS AT THE MURDER SCENE WERE NOT HIS.

Philadelphia Inquirer, The (PA) - Monday, December 27, 1999

**Author:** Joann Klimkiewicz, INQUIRER SUBURBAN STAFF

Falsely branded a murderer and imprisoned for more than two years, Riky Jackson said he actually felt blessed.

"Everyone keeps asking me about anger and bitterness," Jackson, 42, said in his parents' home Saturday as his mother bustled around the kitchen preparing Christmas dinner - his first with the family in three years. "I'm so glad to be home. There's no time for anger."

Jackson jumped from his seat every few minutes to greet a guest or take a welcome-home phone call.

A hairdresser from West Philadelphia, Jackson received a life sentence in October 1998 for the stabbing death of Alvin Davis, 38, his friend and former lover. Jackson was released from the George W. Hill Correctional Facility on Thursday after it was determined that two bloody fingerprints from the crime scene - the only physical evidence against Jackson - did not match his own.

"We're satisfied that our son is home," said Jackson's father, Richard, sitting next to his son at the dining room table as guests trickled through the front door. "But two years without my son can't be recovered. I'd love for the Upper Darby police to tell us why [this happened]."

During last year's trial, three of the prosecution's forensics experts said the fingerprints - found on an electric fan left resting on Davis' face - belonged to Jackson. Two defense experts said the prints did not match.

The samples were sent for review by the FBI last month, but Jackson's father said the action should have been taken sooner.

"All the judge had to say was: 'Send the prints.' But he left it up to the prosecution. It's an absolute injustice," the elder Jackson said.

"The criminal activity in this case was performed by the Upper Darby Police Department. It's an obviously devious Police Department. I don't think you have to be a rocket scientist to know why they targeted my son: he's black, and he's gay," he said.

Last week, the Upper Darby police said in a statement: "We work daily in the single most diverse community in this county and treat all victims and suspects with the utmost respect and dignity."

Jackson said the support he received from friends and family kept him going. His parents visited him weekly, and he became close with fellow inmates.

"But I feel sorry for my buddy and for his family because perhaps we'll never know who did it," Jackson said.

Davis was found slain in his Upper Darby apartment in September 1997. The Rev. William Leahy, Davis' landlord, found the body more than a week after the slaying.

Jackson is free on \$1 bail set by Superior Court Judge Berle Schiller. The prosecution likely will withdraw the case after receiving the FBI's formal report in a week or so.

For now, Jackson said he wanted to enjoy the holidays and new year.

"I think I'm blessed that this thing only took two years," he said. "I'm thankful for my parents, my faith in God, the diligence of my lawyer [defense attorney Michael Malloy] and the NAACP. They did a remarkable job of getting me free."

**Caption:** PHOTO

**PHOTO**

Riky Jackson (center) has been receiving calls from well-wishers at the home of his parents, Richard and Verna. He was released from prison in time to spend Saturday with his family. He was convicted of an Upper Darby murder. The case likely will be withdrawn. (HINDA SCHUMAN / Inquirer Suburban Staff)

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## **MURDER CASE IS FORMALLY DROPPED RICHARD JACKSON'S FINGERPRINTS DID NOT MATCH THOSE FOUND AT THE SCENE. AT TRIAL, EXPERTS SAID THEY DID.**

**Philadelphia Inquirer, The (PA)** - Wednesday, March 8, 2000

**Author:** *Mary Anne Janco, INQUIRER SUBURBAN STAFF*

Richard Jackson, who was freed from jail in December after the FBI determined that the fingerprints used to convict him of first-degree murder weren't his, returned to the Delaware County Courthouse yesterday for the prosecutors to formally withdraw the case.

Delaware County Judge George Koudelis granted a new trial based on the FBI's determination that the fingerprints found on an electric fan near Alvin Davis' body in 1997 did not match Jackson's. But Assistant District Attorney Louis Stesis said there was no new evidence to proceed with a trial.

On the courthouse steps, Jackson, 43, said: "I had faith all along this day would come. It was just a matter of time."

Delaware County District Attorney Patrick Meehan said: "It's back to square one." He said his office would continue to work with Upper Darby police to try to solve the murder.

Jackson had been sentenced to life in prison in October 1998 for the murder of Davis, his former lover. The 38-year-old man was found slain in his Upper Darby apartment in September 1997, his body riddled with stab wounds.

At Jackson's trial, experts disagreed on the key evidence - bloody fingerprints found on an electric fan - with two defense experts contradicting the three prosecution experts who testified that the fingerprints matched Jackson's.

When Eugene Famiglette, an expert hired by the prosecution after the conviction, said the prints did not match at a hearing last November, Meehan joined defense attorney Michael Malloy's request for an FBI analysis. The FBI found no match. The state Superior Court ordered Jackson's release on \$1 bail and later remanded the case back to the county.

Malloy said he had first requested the FBI analysis during the trial. "This was not a small mistake," Malloy said. Members of the NAACP had rallied for Jackson's release.

After the conviction, the International Association of Identifiers, which certifies fingerprint experts, conducted an investigation and revoked the certification of one of the prosecution witnesses, Jon Creighton, saying that his analysis was mistaken. The two other prosecution witnesses, Upper Darby Detective Sgt. Anthony Paparo and county Detective William Welsh, were not certified by the organization.

Malloy said each case in which Paparo and Welsh testified as a fingerprint expert should be reviewed, but neither Meehan nor Vincent Ficchi, the Upper Darby police superintendent, said such a review would be done. Both praised the reputation of their investigators.

Meehan said the fingerprints of Davis and his landlord, now deceased, were being examined by the FBI to be ruled out as a match to the fingerprints on the fan.

Exiting the courtroom yesterday, Jackson's father, Richard, fought back tears, saying a life has been destroyed and "no one has ever said they're sorry."

At a media briefing following the short court proceeding, Meehan said: "I feel bad for the Jackson family. . . . There was no bad-faith effort."

Since his release from prison Dec. 23, Jackson said, "I'm basically just taking it one day at a time, trying to put my life back together."

Jackson, who spent a month with his sister in California, is moving back into his Southwest Philadelphia apartment and hopes to resume his hairdressing career. But, he said, justice hasn't been served.

"A friend of mine was killed," he said. "They are not trying to find out who did this. I still want to know."

**Caption:** PHOTO

PHOTO

Richard Jackson is free. His fingerprints do not match those at a crime scene.

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**YEADON MAN SUES OVER HIS CONVICTION RICHARD JACKSON SPENT TWO YEARS OF A LIFE SENTENCE IN PRISON. THE FINGERPRINTS WEREN'T HIS, THE FBI SAID.****Philadelphia Inquirer, The (PA)** - Friday, July 7, 2000**Author:** *Mary Anne Janco, INQUIRER SUBURBAN STAFF*

Richard Jackson, who was freed from jail in December after the FBI determined that the fingerprints used to convict him of first-degree murder in 1998 were not his, filed a civil-rights lawsuit in federal court yesterday, alleging false arrest and imprisonment.

The Delaware County District Attorney's Office formally withdrew the case against Jackson, 43, in March, saying there was no new evidence to proceed with another trial. He had spent more than two years in jail.

Jackson, of Yeadon, had been sentenced to life in prison in October 1998 for the murder of Alvin Davis, his former lover. The 38-year-old Davis was found slain in his Upper Darby apartment in September 1997, his body riddled with stab wounds.

Named in the suit are Upper Darby Police Sgt. Anthony Paparo, Detective Thomas Colvin and Lt. Glen Gamber; county Detective William R. Welsh Jr., and John T. Creighton, a forensics expert in Vermont who testified for the state at the trial.

Paparo investigated the crime scene and saw what he believed to be fingerprints and palm prints in blood on a window fan found lying across Davis' body, the suit says. Jackson was interviewed at Upper Darby police headquarters and agreed to have his prints taken by police, the suit says.

At Jackson's trial, Paparo, Welsh and Creighton testified that the prints matched Jackson's. But two certified fingerprint identification experts testified that Jackson's prints did not match those found on the fan.

When an expert hired by the prosecution after the conviction said at a hearing in November that the prints did not match, District Attorney Patrick Meehan joined defense attorney Michael Malloy's request for an FBI analysis. The FBI found no match. Malloy had first requested the FBI analysis during the trial.

Malloy said Jackson "certainly wants to have his day in court because of the injustice that was done to him by the Upper Darby police." The suit was filed in U.S. District Court in Philadelphia.

Jackson is seeking compensatory damages, punitive damages and attorneys' fees. No dollar amount was specified.

Neither Meehan nor Alvin Ackerman, solicitor for Upper Darby Township, could be reached yesterday.

Mary Anne Janco's email address is [mjanco@phillynews.com](mailto:mjanco@phillynews.com)

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## New evidence cited in Upper Darby killing

Philadelphia Inquirer, The (PA) - Saturday, August 25, 2001

**Author:** Kristin E. Holmes INQUIRER STAFF WRITER

The attorney for a Yeadon man falsely imprisoned for two years in the death of his former lover has filed a motion in federal court alleging that police overlooked key bloodstain evidence that would have exonerated his client.

Attorney Michael J. Malloy has filed suit against Upper Darby police, contending that Richard C. Jackson was falsely arrested, convicted and imprisoned for the 1997 stabbing death of Alvin Davis, 38. Malloy filed a request yesterday for a subpoena to gain access to an apartment below Davis' former apartment, where the lawyer says large bloodstains have now been found by a private investigator.

Malloy argues the blood could be that of Davis.

"There is seemingly no end to the grossly negligent conduct of the Upper Darby Police Department," Malloy's motion said.

The attorney added: "This is gross negligence. The police didn't do any testing in the [apartment] and they were standing in blood the whole time."

Delaware County District Attorney Patrick Meehan and attorney William F. Holsten 2d, who is representing the Police Department, could not be reached last night for comment.

Jackson spent two years in prison before the FBI determined that fingerprints used to convict him in 1998 were not his. The Delaware County District Attorney's Office then withdrew the case. Jackson was released in December 1999.

Upper Darby police continue to maintain that Jackson killed Davis, according to court papers.

The body was found in Davis' second-floor apartment on Long Lane in September 1997. Davis' body, riddled with stab wounds, remained in the apartment for nine days before it was discovered, the motion said.

During an investigation for the civil lawsuit, a private detective visited the first-floor apartment below Davis' former residence. As the detective looked at the ceiling for traces of blood that might have seeped through from the second floor, the current building owner told him that all the blood was on the floor of the first-floor apartment, not its ceiling.

The detective then found large spots that appeared to be dried blood hidden beneath carpeting, the court filing said.

The current building owner said that there had been so much of a blood-like substance that it had warped the floorboards and seeped through to the basement, the motion said. Recent tenants had asked the owner to carpet the area because of a bad odor apparently coming from the stains.

Kristin E. Holmes' e-mail address is kholmes@phillynews.com.

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## **Meehan: Claim of evidence is untrue - A lawyer says bloodstains were overlooked in an Upper Darby slaying in '97. The man convicted was later released. D.A. backs police work in '97 case**

Philadelphia Inquirer, The (PA) - Tuesday, August 28, 2001

*Author: Kristin E. Holmes, INQUIRER STAFF WRITER*

Delaware County District Attorney Patrick Meehan disputed allegations yesterday that Upper Darby police overlooked key bloodstain evidence in a landlord's apartment as they investigated the 1997 stabbing death of Alvin Davis.

An attorney for Richard C. Jackson, convicted and imprisoned for the death of Davis but later freed, wants a federal court to allow private investigators further access to that apartment. Inside, he contends, is a bloodlike substance, possibly the blood of Davis.

"On the day the body was discovered, that apartment was investigated by the crime-scene police, who found no such blood deposit," Meehan said. "There was no blood that would have led the police to further investigate that location."

Jackson, 44, of West Philadelphia, is suing Upper Darby police in U.S. District Court, saying he was falsely arrested and imprisoned in the death of Davis, his former lover. Jackson spent two years of a life sentence in prison before the FBI determined that the fingerprints used to convict him were not his.

Jackson's attorney, Michael Malloy, argues that large stains of a dried liquid that he believes to be blood were found by a private investigator throughout the first-floor apartment at 422 Long Lane. At the time of the slaying, that apartment was occupied by William Leahy, who owned the building. He died in 1998.

At Jackson's trial, Malloy implicated Leahy as the killer of Davis, who lived in the apartment above Leahy's. Leahy found Davis' body in the upstairs apartment.

Malloy, in his motion, filed last week, contends that Davis could have been killed downstairs and his body carried to the second-floor apartment. "[That evidence] would have been critical to Mr. Jackson's defense," the motion says. The lawyer claims that Leahy was the last person to see Davis alive.

According to Malloy's court filing, a private detective investigating for the civil lawsuit found large spots that appeared to be dried blood beneath the carpeting in the first-floor apartment. The current building owner said that there had been so much of a bloodlike substance on the floor that it had warped the floorboards and seeped through to the basement, the court papers said.

But Meehan said yesterday that there was no apparent evidence between the first and second floors to indicate that a bloody body had been carried between the two levels.

"There was no blood on the steps on anywhere in between," Meehan said yesterday.

Meehan declined to discuss whether Leahy had been considered a suspect.

Upper Darby police maintain that Jackson killed Davis, according to court documents. But Meehan, whose office has withdrawn its case against Jackson, said yesterday that "any prosecutor who would bring charges against [Jackson] would have solid evidence to overcome."

Leonard Swidler, professor of Catholic thought and interreligious dialogue at Temple University, called "utter nonsense" the suggestion that Leahy was involved in the murder. Swidler said he knew Leahy, a former priest, for years and worked with him on a project for three years prior to his death.

"[Leahy] was baffled about how [authorities] could have screwed things up so much to think he had anything to do with it," said Swidler, who called county authorities to offer himself as a character reference for Leahy.

Jackson said he was not surprised by the possible new evidence. He said an autopsy found that Davis had lost a large amount of blood but that that did not match up with how much blood was found on the second floor.

"I don't understand why this wasn't uncovered sooner," said Jackson, who has resumed working as a hairdresser since his release in December 1999.

Jackson said he never met Leahy and did not know how Davis came to live in the second-floor apartment.

"I asked [Davis], but I never got a straight answer," Jackson said.

The motion also contends that Malloy told the District Attorney's Office about the new information regarding the stains and asked for an investigation, but that the office declined to investigate.

"That is a straight misrepresentation," Meehan said. "I never even knew of the specific nature of these allegations until today."

Kristin E. Holmes' e-mail address is [kholmes@phillynews.com](mailto:kholmes@phillynews.com).

**Caption:** PHOTO

Richard C. Jackson spent two years in jail for the slaying.

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## Not blood on apartment floor, D.A. says - Attorneys for Richard Jackson, wrongly convicted, said police missed evidence at the U. Darby scene.

Philadelphia Inquirer, The (PA) - Thursday, September 6, 2001

Author: Kristin E. Holmes INQUIRER STAFF WRITER

Upper Darby police officers investigating a slaying in which a West Philadelphia man was wrongly convicted did not overlook critical blood evidence, the Delaware County District Attorney's Office said yesterday.

In a letter to attorneys for Richard C. Jackson, District Attorney Patrick L. Meehan said stains in the first-floor apartment at 422 Long Lane revealed "no trace of blood," as had been suggested by Jackson's attorneys.

The Aug. 28 analysis by a state police crime scene specialist was conducted in response to a charge of gross negligence by attorney Michael J. Malloy, who is representing Jackson.

Jackson, 44, is suing the police in U.S. District Court, saying he was falsely arrested and imprisoned in the stabbing death of Alvin Davis, his former lover. Jackson spent two years of a life sentence in prison before the FBI determined that the fingerprints used to convict him were not his.

Malloy charged in a motion filed Aug. 24 that a bloodlike substance had been discovered by a private investigator in the first-floor apartment directly below the second-floor apartment where Davis' body was found after the 1997 murder. The lawyer argued that Davis could have been murdered on the first floor and then carried to the second floor.

But a chemical analysis of stains on the first floor revealed that there was no blood, according to the letter sent by Meehan to Malloy and his co-counsel, attorney Gerald J. Dugan.

"We sent an independent specialist to test, and his conclusion is that [the stains] are not blood," Meehan said in an interview yesterday. "The state police have concluded that Upper Darby did not miss [potential evidence]."

Scrapings from the stains were taken to the state police laboratory in Lima, the letter said. Further analysis will determine the source of the dried substance on the floor, the letter said.

"We're glad that somebody neutral is looking into this and that was our request," Malloy said yesterday. "We didn't want to touch it and we certainly didn't want Upper Darby to touch it, so we will take a neutral police agency."

At the time of Davis' death, the first-floor apartment was occupied by William Leahy, the building landlord. Malloy argued during Jackson's trial that Leahy should have been a suspect in the murder. But the same fingerprint evidence that exonerated Jackson also does not point to Leahy, Meehan said.

Malloy said he had been informed that the state police would conduct testing during a conference on his motion held last week. The motion sought to allow access to the apartment by parties other than the Upper Darby police. Malloy said he would wait for the results of further testing and he might still want experts hired by his client to examine the stains.

Last week, Meehan argued that the first-floor apartment had been thoroughly examined at the time of the murder. But in an interview yesterday, the district attorney said the possibility that a crime scene could have gone undetected needed to be pursued.

"There were some very harsh criticisms that were part of that filing and this finding undercuts those criticisms," Meehan said.

Kristin E. Holmes' e-mail address is kholmes@phillynews.com

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## Fingerprints put to test - Such evidence - used to convict, then free, a Delco man - is under increasing scrutiny. Fingerprints: Incontrovertible evidence, or open to interpretation?

Philadelphia Inquirer, The (PA) - Tuesday, January 28, 2003

Author: Ralph Vigoda INQUIRER STAFF WRITER

Alvin Jones, stabbed multiple times, had been dead at least nine days when his body was found faceup on the floor of his Upper Darby apartment in late September 1997. Obscuring his head was a large box fan, the cord wrapped around Jones' neck. On the fan's metal casing were what investigators considered the criminal's signature: bloody fingerprints.

The fingerprints and a palm print were identified by Upper Darby Sgt. Anthony Paparo - and confirmed by two other trial witnesses - as those of Jones' friend and sometimes-lover, Richard "Riky" Jackson. As Jackson strangled Jones with the cord, assistant Delaware County district attorney Michael Galantino told jurors, he placed his right hand on the fan for leverage.

The jury was convinced. Jackson was convicted of first-degree murder and sentenced to life.

There was a problem, though, with the scenario Galantino painted: The prints - as defense experts contended at the trial and as the FBI confirmed in post-trial examination - did not match Jackson's hands.

In fact, they concluded, they were not even close.

Jackson spent two years and two months in prison before he was released in December 1999 and charges were dropped. On Friday, he will be in federal court in Philadelphia, the plaintiff in a civil-rights suit against police.

"My opinion of law enforcement, of course, is very tainted now," he said recently.

\*

Fingerprints have been used by investigators for nearly a century. But in the last few years, defense attorneys - buoyed by U.S. Supreme Court rulings that impose stricter standards for scientific and expert testimony - have begun challenging prints as more myth than science. Yet in 40 challenges before the court, fingerprints have been upheld every time - except one.

Last January, U.S. District Judge Louis Pollack shocked the legal community when he forbade the use of a fingerprint expert's opinion in a murder trial in Philadelphia, saying there had not been adequate testing to determine the validity of fingerprint-comparison techniques. Two months later, he reversed himself, although he continued to maintain that fingerprint matching is not a science.

Robert Epstein, a federal public defender in Philadelphia, has been in the forefront of the battle against fingerprints.

"In fingerprint analysis, they typically take small, distorted fragments of fingerprints from crime scenes and compare them," Epstein said. "What needs to be tested is how reliable is it to take these small, distorted fragments.

"Not only that, but there's no agreed-upon standards of what fingerprint examiners need to see to declare a match. So some examiners say the standards should be eight points of similarity; some say 12; some say 16; some say 30. Many say there shouldn't be any at all, that it should be left to the discretion of the examiner."

Ivan Futtrel says that when examined properly, fingerprints are incontrovertible, an opinion borne from 37 years with the FBI; when he retired in 1997, he was the assistant unit chief of the Latent Fingerprint Section. Errors are inexcusable, he said, committed by those not learned enough in interpreting prints.

"So many people at police departments have so many other duties, they don't really have a lot of training and experience," he said. "And what happens in a lot of cases is they get very involved with the case; they have eyewitnesses; a person looks good as a suspect.

"A fingerprint examiner shouldn't care anything about the case. I don't care if a suspect has blood dripping from his hands.

The ridges have to do all the talking."

During Jackson's 1998 trial, his lawyer, Michael Malloy of Media, called two retired fingerprint experts to rebut the testimony of local detectives.

"This wasn't a situation where the other side said there were six or eight matching points and my guys said they could only find two," Malloy said. "My guys said they couldn't even find a starting point."

The prosecution's findings, though, were reinforced at trial by fingerprint expert Joseph Creighton of Vermont, who was certified by the International Association of Identifiers, a group of forensic experts.

After the trial, Malloy asked the association to look at the prints. A panel did, and was puzzled by Creighton's conclusions. When the association questioned him, he said he could have made a mistake.

Malloy kept filing petitions and requesting hearings. District Attorney Patrick Meehan sent the prints for independent tests. No matches were found. They were shipped to the FBI. The result, again, was negative.

Faced with the fact that the sole piece of concrete evidence used to convict Jackson looked like no evidence at all, Meehan - now the U.S. attorney in Philadelphia - began steps to get Jackson released.

"It happened so fast," Jackson said, recounting his last few hours in prison. "A gentleman from the FBI came to get me. I was in the chapel.

"I got to court. There was more talking over my head. I went back to prison, and when I walked to my block, I passed the TV just when the news came on. Somebody said, 'Doesn't your dad drive a red Cadillac with a black ragtop?' I said, 'Yeah. Why?' He said, 'Well, isn't that it?' That's when the guard came and said, 'Pack your stuff.'"

\*

Jackson originally contended that Paparo and two other Upper Darby officers, plus William Welsh of the county Criminal Investigation Division and fingerprint expert Creighton - both of whom supported Paparo's finding at trial - conspired against him. He accused police of targeting him because he is a gay black man.

U.S. District Judge Harvey Bartle dismissed all but Paparo, reasoning Paparo's initial identification was the foundation of the case. To win, Jackson must show that Paparo recklessly disregarded the truth when he asserted the prints matched.

The officers have denied there was a conspiracy. Paparo, now a lieutenant, maintains he matched the prints only after careful examination.

"What he did was go through a process of examining not only Jackson, but a number of other people, and making an identification that was supported by two other witnesses," said his lawyer, William Holsten. "It was not Mr. Paparo saying, 'I could slip one in here.' Nobody to my knowledge, including the FBI, says they have any reason to believe he made the identification on anything but his good-faith belief that it was a match."

Galantino, acknowledging the flaws of the fingerprints, is not ready to absolve Jackson. "I think he's still certainly a suspect," the prosecutor said. "Anybody connected with the victim who had access to his apartment could be considered a suspect."

Jackson, who turns 46 next week, said he remains unable to come to grips with what happened to him.

"I was only caught up in it trying to be helpful," he said recently. "I was trying to lend information, never thinking - never thinking - they were going to put it on me."

Behind bars, he took comfort in religion, but his commitment to faith was severely tested.

"Oh, yeah, all the time," he said. "Every day was different. For the whole two years, two months, my parents visited every single week. So that always gave me strength.

"Of course, then there were days when strength was hard to find. I'd shed a few tears and find something to keep me occupied. . . . In a prison environment, you have to find some means to escape where you're at. I chose to lose myself in novels, church activities."

Although free, he said, he has not broken all the chains. "Now I'm a lot more cautious, careful of everything. I don't like to go

out as much."

Jackson says he does not take what happened personally. "Unfortunately, I'm not the only one this has ever happened to. I don't think this particular instance was done intentionally to me. But I still don't really understand what the motivation was. Was it just to solve a case?"

Contact staff writer Ralph Vigoda

at 610-313-8109 or at [rvigoda@phillynews.com](mailto:rvigoda@phillynews.com).

**Caption:** PHOTO AND DIAGRAM

BOB WILLIAMS / Inquirer Suburban Staff Richard "Riky" Jackson with his mother, Verna, at his parents' Yeadon home. ". . . I still don't really understand what the motivation was," Jackson said. "Was it just to solve a case?" BOB WILLIAMS / Inquirer Richard "Riky" Jackson is suing police involved in his arrest in a 1997 slaying. He spent more than two years in prison. DIAGRAM Fingerprints: Science of Guesswork?

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## U. Darby officer not liable for error in murder verdict - The man who served time, then was cleared, alleged rights violations. A jury found no willful tampering.

Philadelphia Inquirer, The (PA) - Thursday, February 6, 2003

*Author: Ralph Vigoda INQUIRER STAFF WRITER*

A federal jury yesterday found an Upper Darby police officer not guilty of violating the civil rights of a man who spent more than two years in jail for a murder he did not commit.

Lt. Anthony Paparo's eyes reddened as the eight-person jury in U.S. District Court in Philadelphia cleared him of charges that he purposely and wrongfully identified fingerprints taken from a 1997 murder scene as belonging to Richard "Riky" Jackson.

Based almost exclusively on Paparo's finding, Jackson was found guilty in Delaware County Court in September 1998 of the slaying of his friend, Alvin Jones, in Upper Darby and sentenced to life in prison. Other prosecution witnesses supported Paparo's conclusions, while two former FBI agents testified for the defense that there was no match.

During the civil-rights case, which lasted for four days, three FBI fingerprint experts said they thought Paparo was wrong. But the question for the jury was: Was Paparo deliberately wrong, or did he simply err? "A mere mistake by Anthony Paparo is not sufficient" to make him liable, U.S. District Judge Harvey Bartle told the jury in his instructions. To win, Jackson had to prove that Paparo recklessly disregarded the truth when he asserted that the prints matched.

"The burden is a very high one to reach," Jackson's lawyer, Gerald Dugan, said minutes after the verdict was read. "It's a very substantial burden, and obviously we didn't achieve it."

Jackson, 46, who grew up in Yeadon and now lives in Philadelphia, said he was glad to have the ordeal behind him and was not angry, although he said his faith in justice had been shaken by the events of the last five years.

"Nothing surprises me in the judicial system," he said.

Paparo denied he rushed to make a judgment so the case could be solved.

"There was no picking on him," Paparo said. "His prints matched. The FBI came here and threw smoke and mirrors and still has not shown me where I went wrong. This is the second jury to see through that. I'm glad they listened to me."

William Holsten, who represented Paparo, said the verdict left his client's "professionalism and ethics . . . intact." He presented Paparo and Upper Darby Police Superintendent Vincent Ficchi as the only defense witnesses during the three days of testimony.

The jury deliberated about for four hours after closing arguments yesterday.

"I feel excited for him that he's vindicated," Holsten said. "I was confident in Lt. Paparo, in his abilities, in his conclusions."

The fingerprints and a palm print came from the top panel of a fan that was resting on the head of Jones, who had been dead for at least nine days when his body was found.

During motions and hearings after the murder trial, at least a dozen FBI and other fingerprint experts said the prints were not close to matching Jackson's. Faced with growing evidence that a mistake had been made, Jackson was freed from prison in December 1999 and charges were later dropped.

Jackson filed suit against Paparo and others in the investigation, contending that police conspired against him and suggesting that he was targeted because he is a gay black man. Bartle, however, dismissed all defendants but Paparo, reasoning that it was his initial identification that was the foundation of the case.

Contact staff writer Ralph Vigoda at 610-313-8109 or [rvigoda@phillynews.com](mailto:rvigoda@phillynews.com).

**Caption:** PHOTO

Richard Jackson was freed in 1999.

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**Correction:** CLEARING THE RECORD, PUBLISHED FEBRUARY 11, 2003, FOLLOWS: A story in Thursday's Inquirer about a civil rights lawsuit incorrectly identified the victim of a 1997 murder. His name was Alvin Davis.

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