

AN INNOCENT MAN? - WITH NO DNA EVIDENCE, THE TRUTH MAY NOT BE ENOUGH TO FREE INMATE

Detroit Free Press (MI) - Monday, November 25, 2002

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Darrell Siggers , 38, has served 18 years of a life sentence for a Feb. 16, 1984, murder he says he did not commit. Key witnesses to the shooting now claim they withheld evidence during the trial, either out of fear of the killer, or after being pressured by police investigators, or to uphold a code of silence. A weak defense may have contributed to his conviction. A changed **Siggers** is now requesting a new trial based on new evidence and ineffective counsel. There is, however, no DNA evidence to open the door to that possibility.

DNA evidence has already freed more than 100 people from prison, including Detroiters Eddie Joe Lloyd, who served 17 years for a murder he didn't commit.

That makes you wonder how many more innocent people are locked up, and what happens to those who can't offer biological evidence to prove it.

The answer is not much, especially if they're poor.

I believe **Darrell Siggers** is one of them.

He's serving a life sentence for a Detroit murder that I'm convinced he didn't commit.

Not that **Siggers** is totally innocent. He admits that he deserved prison for illegally buying and selling guns, contributing to violence in the community. But that does not mean he should die behind bars for something he didn't do.

I became convinced of his innocence after talking to people who did not, or would not, talk about the real killer at **Siggers** ' trial. They told me what went down on Philip Street on Feb. 16, 1984, and it all fits.

Siggers was tried five months later. A jury deliberated for three days before convicting him of gunning down James Montgomery in the east-side neighborhood. The verdict was tainted by witnesses who withheld information under police pressure or fear of the killer, an eye witness who upheld the street code of silence and didn't come forward, and the kind of ineffective defense many poor people get from overworked and underpaid court-appointed attorneys.

Unlike Lloyd, however, **Siggers** , now 38 and locked up in the Macomb Correctional Facility, has no DNA to back his claim. What he has is a case shot full of holes, a stack of affidavits, and a stash of hope.

Intimidating reputation

Darryl Dulin had a front-row seat at James Montgomery's murder.

He was parked on Philip that night, sitting in the passenger seat of a 1978 Olds Cutlass, waiting for a friend. Just before midnight, Dulin saw three men walking toward him. About 50 feet away, one pointed, just to Dulin's right, and Dulin turned his head. There, just eight feet away, he saw a man he knew as Toby Red cocking a rifle. Toby Red fired two or three times, Dulin said, hitting Montgomery in the chest. Then he continued to fire as the other two men fled.

People who knew Toby Red describe him as a light-skinned brother, then in his 20s, with freckles and longish hair. In the hood, most young men were known by their street names. Toby Red got his from his complexion. He wasn't big -- maybe 5-foot-8 with a medium build -- but he had a rep. With his crew, Toby Red frequented Carmen's nightclub on the east side. Dulin knew him from there. More than once, Carmen's bouncers had turned away Toby Red for coming in strapped.

During a dice game in 1990, according to one inmate's affidavit, Toby Red put a gun to a guy's head and threatened to shoot him -- as he had shot "James' punk ass."

For 16 years, Dulin kept his mouth shut about what he saw that night. He knew Toby Red's reputation, and he didn't want to be called a snitch. But two years ago, Dulin, now 41 and serving a life sentence for murder, saw **Siggers**' case profiled in a prison Innocence Search and Find Project. After confiding in his minister, Ross Collette of Warren, Dulin decided to tell **Siggers** the truth.

"I feel him," Dulin told me at Saginaw Correctional Facility. "I didn't want an innocent man to suffer."

A fight over liquor

Trouble had started more than two hours before James Montgomery was killed. A little after 9 p.m., **Siggers** went to 4112 Philip to visit Christine Hooks, the mother of two of his three children. Hooks' cousin and Toby Red, a friend of the cousin, were already there. About 30 minutes later, James Montgomery and two of his mellows -- Derek Lawson and Ranard Jackson -- showed up with a bottle of E&J to see Hooks.

Siggers said the three men were drunk when they bogarded in. Everyone was drinking and smoking weed when a fight started over the liquor at about 11 p.m. During the ruckus, Toby Red left. A short while later, Hooks and **Siggers** got Montgomery, Lawson and Jackson to leave.

Minutes after the trio left, six to eight shots rang out on Philip, less than a block from Hooks' house.

A few minutes later, Toby Red pounded on the door of Jack Fuqua's house, 4101 Ashland, two blocks away. Fuqua and William Arnold -- who is Hooks' brother and was a friend of Toby Red's -- were getting ready to go out. They both had just heard the shots.

Through a gated screen door, Fuqua said he could see that Toby Red was carrying a rifle.

He told Fuqua he had just shot someone for "starting some shit at Christine's house." Fuqua asked if Hooks' kids were OK. He refused to let Toby Red come inside.

After Toby Red left, Fuqua and Arnold went to Hooks' house. They both say they saw **Siggers** there, inside.

Hooks, of Detroit, now 38, married and working at a pharmacy, told me she never heard shots that night. But as she went to Fuqua's car, she saw flashing police lights less than a block down Philip Street, where Montgomery's body lay. Hooks told me **Siggers** had never left her house.

Two or three days later, two Detroit police officers questioned Fuqua about the murder. One of the officers, Joseph Alex, searched Fuqua's house and found a .38 revolver and some weed in the bedroom. Fuqua had already served time for robbery, and Alex told Fuqua to cooperate or he'd be back in prison. So Fuqua told Alex about Toby Red.

The next day, Fuqua said he saw Toby Red at an arcade on Mack. He bragged about "smoking that guy on Philip" and told Fuqua to keep his mouth shut. Still, when Alex and another officer returned to his house a week later, Fuqua again told them about Toby Red. This time, Fuqua said, the officers weren't interested. They said they already got the killer: **Darrell Siggers**, better known as Little Man. Fuqua said Alex told him to keep quiet about Toby Red. At the trial, Fuqua didn't speak of him.

Alex, now an attorney, said he remembers almost nothing of the investigation, other than the names **Darrell Siggers** and Toby Red.

Two years ago, in prison on a rape charge, Fuqua wrote to **Siggers** after seeing **Siggers**' name on a religious roster. He told him the truth.

"I wish I had been man enough to step up and say something when it counted," Fuqua told me from inside the Deerfield Correctional Facility in Ionia.

Arnold, too, now a 35-year-old laborer living in Detroit, kept quiet about Toby Red.

"I was 16 at the time," he told me. "I had my niece, my nephew, my sister, my mother to think about. I didn't know the wrong man would get locked up for 18 years."

Trial inconsistencies

Siggers lived at 718 Newport, in a four-family flat, nearly two miles from the crime scene. He bought and sold illegal guns, which his customers would test-fire in a vacant apartment across the hall.

A key piece of evidence in **Siggers**' prosecution was a .44 casing found, among various other casings, in the vacant unit. The shell casing matched those found at the crime scene; **Siggers** said the rifle Toby Red used had been fired in the vacant apartment before it was sold, maybe six

months earlier, to a friend of Toby Red's.

But, during the trial, police and prosecutors referred to the vacant apartment as **Siggers** ' residence. Public defender Timothy Murphy failed to object.

Murphy says now he thought it was clear from other testimony that the apartment was vacant. "I didn't think it was that important," he told me, "but I'm going by 18 years' hindsight."

The Wayne County prosecutor in the case, Raymond Walsh, committed suicide in 1999.

Jackson and Lawson -- the two men with Montgomery that night -- identified **Siggers** as the killer. But, according to police sketches, they were at least 50 feet away with no nearby street lights. Dulin had a much better view and was sober. Montgomery's body had a blood alcohol content of 0.23; it's a safe bet that the two men walking with him that night were just as drunk.

After the shooting, according to a police report, a neighbor said one of the men with Montgomery walked back to the body and kept saying he was going to " 'kill that bitch' because she killed my friend." With his long hair, Toby Red could have been mistaken in the darkness for a woman. In any case, if the two men were sure **Siggers** was the shooter, why would one refer to the killer as a woman just after the shooting?

Jackson was killed in 1992. But before he died, Jackson told his cousin that he lied about **Siggers** under police pressure.

Lawson, a convicted perjurer, lives in Detroit and is on probation for carrying concealed weapons. He didn't want to talk about the case.

Police never found the murder weapon. Toby Red disappeared from Detroit.

Education, and a dream

Siggers has changed from the cocky, 20-year-old hustler who could barely read when he entered prison 18 years ago.

He earned his GED and a two-year college degree. **Siggers** can write a legal brief as well as most lawyers. In June, he married Tina Romero of Detroit.

Siggers is seeking a new trial based on new evidence and ineffective counsel. But with neither DNA evidence nor the money to hire an attorney, he may never follow Eddie Joe Lloyd to freedom.

Education opened a new world for **Siggers** , but it's a world he can enter only in his mind.

"Sometimes I think about going to work in a nice suit, doing something that makes a difference," he told me. The thought feels good, but it also hurts.

For **Siggers** , the truth just makes the time go down harder. But without DNA, he can only hope and pray that, one day, it will set him free.

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Caption: Photo MANDI WRIGHT/Detroit Free Press

Darrell Siggers , at left, before the 1984 incident for which he was convicted of murder; above, with his daughter LaDonna last year; and, at right, a recent photo in prison.

Edition: METRO FINAL

Section: EDP; EDITORIAL

Page: 8A

Index Terms: DARRELL SIGGERS; DNA ; EVIDENCE ; CRIME ; COLUMN

Record Number: 0211230159

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