

## Detective's Refusal to Testify Ends Murder Trial; Charges Dismissed in D.C. Double Slaying After 5th Amendment Is Invoked

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Charges against two suspects in a double-murder case were dismissed last week after a veteran homicide detective, testifying about key evidence, invoked his Fifth Amendment right against self-incrimination and declined to answer further questions in court, according to D.C. Superior Court records and attorneys involved in the case.

The detective, Daniel Villars, a veteran of the homicide squad, halted his sworn testimony after a defense attorney accused him of lying about how police had put together a photo lineup, according to court records.

Defense lawyers had wanted to question Villars about a police document that they said showed the lineup included photographs of three other possible suspects. Villars had testified that the lineup contained photos of the defendant and eight randomly selected men, according to a defense attorney.

The information would have been significant to the defense's effort to create doubt about the defendants' guilt because it would suggest there were other possible suspects or that police were acting on incorrect information, a defense attorney said.

After Villars invoked his constitutional right against self-incrimination, the U.S. attorney's office asked the judge to dismiss the murder charges, according to a court transcript.

Villars has been placed on administrative leave with pay while the U.S. attorney's office decides whether to pursue charges against him, said Lt. Beverly Alford, a police department spokeswoman.

In an interview, Villars denied any wrongdoing but declined to comment further because the matter is under review by the U.S. attorney's office and the police department.

The two men who had been charged in the double murder, Robert C. Glasco and Marcus Arrington, remain in custody, said Douglas Wood, attorney for Glasco. Charges still are pending against a third suspect, Michael Blount, said Kevin Ohlson, spokesman for the U.S. attorney's office.

The three were accused of killing two men and seriously wounding two others on Jan. 24, 1990, after robbing them of money and drugs at an apartment complex less than a mile northeast of Dupont Circle.

Glasco and Arrington pleaded guilty this week to assault charges in an unrelated case they were both involved in before being arrested on the now-dismissed murder charges, Wood said. Sentencing is scheduled for September, he said.

Wood said that in his 15 years of criminal defense work, Villars is the first police detective he had ever seen invoke the Fifth Amendment.

Arrington's attorney, Jonathan L. Stern, criticized the prosecution. "In blatant violation of the Constitution, the government withheld critical, exculpatory evidence from the defense," he said.

The case was the second instance in recent weeks in which prosecutors asked a judge to dismiss charges against a suspect or suspects because of actions by D.C. police. Last month, a judge dropped charges against Charles Duvall, whom police had accused of shooting and wounding six children in a city pool in June.

Prosecutors admitted that photo identifications of Duvall were not as definitive as police had presented them to be during court testimony. Police are still looking for a suspect in that case.

According to police and court records on the double homicide, three armed men, one of whom was wielding a machine gun, shot four men in an apartment in the 1800 block of 15th Street NW and robbed them of money and crack cocaine. One of the survivors, identified in court records as Jose Daniel Castillo, escaped by barricading himself in a bathroom.

In January 1992, Glasco was arrested after Castillo picked him out of a photo array, according to court records. Castillo said Glasco was one of the attackers, according to court records.

According to court records, Villars had testified in a preliminary hearing in January 1992 that he had obtained Glasco's name from an informer.

During four days of cross examination last month, Villars testified that he included Glasco's photograph with that of eight other men chosen at random, Wood said.

On July 26, Assistant U.S. Attorney Kevin Flynn gave Wood and Stern copies of a police document showing that Villars had requested photographs of three men other than Glasco from police files for the photo lineup, Wood said. On July 27, Villars invoked the Fifth Amendment. The case was dismissed the next day.

The fact that Villars asked for photos of three men - none of whom was Arrington - is significant because it indicates that he considered them suspects as well, Wood said. Castillo in fact picked out Glasco and one of the three, but that person was not arrested, Wood said.

Arrington was arrested in July 1992 after Blount, the original informer, implicated himself and Arrington in interviews with Villars, Wood said. On June 2, 1992, Castillo picked Blount out of a photo lineup, according to court records. On July 8, 1992, Castillo picked Arrington out of a third photo array, according to court documents.

Villars said that in addition to being on administrative leave, he began a two-week suspension without pay this week as punishment for missing a shift during the inauguration.

Staff writer Santiago O'Donnell contributed to this report.

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