

PROFILE OF A SNITCH

A Tragic Choice

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Nothing good can be said of Darryl Moore.

He is a hit man, drug pusher, robber, rapist, junkie, parole violator, and perjurer.

"For money, Mr. Moore either beats people, maims them, or if need be, he will kill them for the right price," an assistant to State's Attorney Richard M. Daley told a jury two years ago.

But instead of protecting society from Moore, Daley's office entered into a pact with him: If Moore would testify for the state concerning an alleged contract murder, he would be paid cash; weapons and drug charges pending against him would be dropped; he would be immunized from prosecution for a contract murder he admitted taking part in; and he would be turned loose on the streets of Chicago.

The deal seemed ill-advised even to Moore's mother, who took the stand as a defense witness after her son testified for the prosecution.

"Do you know Darryl's reputation . . . for being truthful?" a defense lawyer asked Ethel Moore.

"Yes," she answered.

"Is that reputation good, or is it bad?"

"Bad."

"Would you believe Darryl Moore under oath?"

"No, I wouldn't."

In exchange for the testimony of a man whose own mother would not believe him, Daley's office released from jail and excused from prosecution a dangerous criminal a rapist who would rape again.

Had Moore been convicted of the charges pending against him at the time the state's attorney's office decided to let him go, he faced a long prison term. Because of his prior convictions for rape and armed robbery, he could have been sentenced as an habitual criminal.

The purpose of the deal was to convict and thereby put out of business a South Side drug kingpin, Charles Ashley, who allegedly paid two co-defendants to murder a man Ashley suspected of being an informer. Ironically, the prosecutors' efforts to put Ashley out of business were soon rendered moot by natural causes: At the time of his trial, Ashley was dying and has since died of cancer.

Moore did testify for the state. Ashley was convicted of murder and sentenced to spend the brief remainder of his life in prison. By the time he was sentenced, Ashley was confined to a wheelchair.

His co-defendants, Henry Griffin and James Allen, also were found guilty. As their convictions were appealed, Moore changed his story: In a videotaped statement taken by a defense attorney, he claimed that the state's attorney's office paid him to lie as part of a scheme to frame Ashley. In truth, said Moore, he knew nothing of the crime with which Ashley and the others were charged.

Meanwhile, with the freedom Daley's office bestowed upon him, Moore descended on the Uptown neighborhood his home away from jail.

There, on the evening of February 13, 1987, he came upon an 11-year-old girl who was on her way to the grocery store with \$10 in her pocket.

He grabbed her and asked if she had a match.

She tried to walk away, but he held her by the arm and the back of her neck.

He asked if she knew anyone who wanted to buy a gun.

She could see what looked like a gun in his right hand.

She started crying.

He told her to shut up or he would blow her head off.

He dragged her into an alley, pushed her down, pulled her pants down, and raped her.

When Ashley's lawyer, Sam Adam, heard of Moore's latest crime, his reaction was blunt: "Richard Daley is, in my opinion, as guilty, morally, as Darryl Moore of the rape of that child, perhaps more so because he, unlike Moore, is presumed to be a moral, decent man of intelligence."

Daley would not comment, saying through his press spokesperson that it would be improper to comment because the appeal of Moore's rape conviction is pending, as are the appeals of the murder convictions of Ashley's co-defendants.

However, the assistant state's attorney who tried the Ashley case defended the deal that put Moore on the street.

"We didn't know what he was going to do when the case was over," said Assistant State's Attorney Lawrence Victorson. "He was the only person who could give us the evidence we needed against Ashley. We didn't know he was going to go out and rape someone."

Another prosecutor in the case, Assistant State's Attorney William Rehling, added: "Sometimes in this business you have to make very difficult decisions, and you pray that they are the right decisions. Looking back on this case, I have never believed that the state's attorney's office made anything but the right decision. Any other decision would have been a terrible mistake. If you can't prosecute contract murderers and drug dealers, you really should re-evaluate what you're doing."

An outside observer, William J. Kunkle, former chief of criminal prosecutions for the state's attorney's office, said: "This is just part of the American system. In some cases there's no alternative. You don't have to be a rocket scientist to figure out that it's worth it to let one person you may well know is dangerous go free in order to keep a group of people who are absolutely dangerous in jail."

To Adam's suggestion that Daley is responsible for the rape committed by Darryl Moore, Kunkle responded: "You don't see Rich Daley or any other prosecutor going around and saying that Sam Adam is morally responsible every time one of his acquitted defendants goes out and commits another crime."

In 1985, Ashley had been a principal target of a local sting investigation known as Operation Camelot, in which Chicago police officers, masquerading as junkies, made repeated drug purchases on the South Side. During the investigation, an Ashley associate named Carl Gibson was murdered. His body was dumped in the gutter of a Chicago Skyway exit ramp on June 20, 1984.

On August 9, 1984, from his jail cell, Moore contacted an Area One homicide detective, Michael Pochordo, and, to quote Victorson's closing argument, told Pochordo: "Look, I can do something for you if you can do something for me."

Moore, according to his testimony, told Pochordo that Ashley suspected Gibson of cooperating with police and wanted him rubbed out.

Ashley's operation, according to the prosecutors, was centered at 65th and Cottage Grove and served 50 to 100 heroin and cocaine customers a day, growing about \$3 million a year.

Gibson was said to have been an Ashley "runner." Customers would approach Gibson on the street and tell him what they wanted say a \$15 bag of cocaine. Ashley would take the customers' money and tell them where to meet him. He would then go to a building owned by Ashley, place the money in a slot, and call the order through the same slot.

Another Ashley employee would then pass the drugs back through the slot, and Gibson would carry them to the customers. Gibson worked 12 hours a day, seven days a week, and received \$5

a day, room and board, and three \$15 bags of heroin to support his own habit one in the morning, one in the afternoon, and one in the evening.

Between January and June of 1984, Chicago police made several undercover buys from Gibson. On June 14, 1984, police and state's attorney's investigators carrying search warrants and subpoenas raided the operation and charged Ashley and Gibson with selling heroin.

At that time, according to the prosecution theory of the case, Ashley became suspicious that Gibson was an informant. According to Darryl Moore, Ashley then decided to put out a hit on Gibson. Moore claimed he was Ashley's first choice for the job, but they could not agree on a price. Moore said he initially asked for \$10,000 and then offered to do it for \$5,000.

Because Ashley did not want to pay that much, Moore recommended Griffin for the job. Griffin agreed to kill Gibson for \$2,300, plus three ounces of cocaine.

On June 20, according to the prosecution theory, Griffin and James Allen asked Gibson to accompany them to buy five pounds of quinine to be used to cut the heroin. Allen drove, and Gibson sat in the passenger side of the front seat while Griffin, armed with a newly purchased pistol, sat in the back seat. They got to the Skyway and after making a U-turn at a toll plaza, Griffin allegedly pumped four bullets into the back of Gibson's head.

Ashley, Griffin, and Allen were tried simultaneously in Judge Earl E. Strayhorn's courtroom at 26th and California in 1985. Ashley had a bench trial. Griffin and Allen were tried by separate juries.

The murder weapon was not recovered and there was no physical evidence to link any of the defendants to the crime. The defense theory of the case was that Moore killed Gibson and concocted the conspiracy story just to get out of jail.

All three defendants were convicted. Griffin was sentenced to death. Ashley and Allen drew life sentences.

On cross examination by Griffin's attorney, George Howard, Moore testified that he had been paid by Ashley in 1980 to kill Debra Bradley, a prostitute Ashley suspected of being an informer. He also testified that he and Griffin once agreed to kill Ashley's brother at Ashley's request, but did not carry out the murder because they could not find the brother.

During a break in the week-long trial, Moore grabbed Roberta Samotny, a defense lawyer in the case, in a courthouse corridor. She yelled for help and, as two bailiffs approached them, escaped into an elevator. At another point, Moore told prosecutors that Samotny and defense lawyer Sam Adam had tried to bribe him to change his testimony. Prosecutors obtained permission from Judge James M. Bailey to wire Moore in an effort to get proof of the supposed bribe scheme. Moore wore a wire for three days, but no evidence was forthcoming.

Then, in 1986, Moore changed his story: In a videotaped statement taken by Adam, who represented Ashley at trial and who now represents Griffin on appeal, Moore recanted everything

he testified to in 1985, claiming that he had been paid by the state's attorney's office to frame the defendants.

Moore's recantation will be the basis for petitions for post-conviction relief if Griffin and Allen lose their appeals.

Kunkle defended the principle of letting one contract killer go free to get others. "If you're dealing with a shoplifting case, the person you're going to flip is probably a shoplifter," he said, "but if you're dealing with a hit involving narcotics dealers, you're going to be dealing with some very nasty people. You're not going to get the opportunity to flip a choirboy."

Still, it is reasonable to question the judgment employed in this specific case. There is wisdom in the old saying that a bird in the hand is worth two in the bush. Before the deal was made, Moore was safely in jail and Ashley was dying. At best, in return for putting a contract killer and rapist on the street, prosecutors could get Griffin and Allen off the street. It remains to be seen if those convictions, which rest almost entirely on Moore's testimony, will withstand appeal.