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Confession Had His Signature; DNA Did Not

By **JODI WILGOREN**

DETROIT, Aug. 23 - Eighteen years ago, Eddie Joe Lloyd confessed in horrific detail to the rape and murder of 16-year-old Michelle Jackson, solving a case that had terrified this city after a wave of fatal child abductions in the area.

Mr. Lloyd's account, in a six-page statement and an audiotape, was chillingly accurate. It described Michelle's Gloria Vanderbilt jeans and half-moon earrings, the red-handled knife used to threaten her, the long johns that strangled her, the dirty green bottle left in her rectum. The only false thing about the confession was the confession itself.

At a hearing on Monday, prosecutors and defense attorneys will appear together before the judge who sentenced Mr. Lloyd to life in prison in 1985, lamenting as he did so Michigan's lack of the death penalty. They plan to present DNA evidence to show that Mr. Lloyd is the wrong man and request his release.

Mr. Lloyd, who was in a mental hospital at the time of his arrest and had contacted the police about Michelle's case, has maintained since his conviction that the confession was a ruse he cooked up with the detective to smoke out the real killer.

"I knew the statement was false, and he knew the statement was false," Mr. Lloyd, 54, said in an interview at the downtown jail where he is spending his final days of confinement. "I was trying to help. I was thoroughly tricked. Inveigled, enticed, tricked. Sometimes the pressures on you to sign a statement is not them twisting your arm. It can be psychological and mental."

Mr. Lloyd's exoneration - the 110th nationally based on DNA evidence, according to the Innocence Project at the Cardozo School of Law in New York - occurs as federal investigators continue their inquiry into whether the Detroit Police Department systematically violated civil rights laws. The inquiry is focusing on excessive force, prisoner deaths and the widespread detention of witnesses but includes at least one other case of a confession.

It also highlights the growing concern over false confessions, which have played a role in about 20 percent of the DNA exonerations. The question of coercion is a central focus of efforts to change the criminal justice system, like the Innocence Protection Act pending in Congress, which calls for all interrogations of suspects to be videotaped. Videotaping is now required in just two states, Alaska and Minnesota.

"When the police believe somebody's guilty, they conduct a particularly aggressive investigation - they make the person look guilty," said Saul Kassin, a psychology professor at Williams

College who has studied false confessions for 15 years. "The question you need to ask in these cases is: Did the suspect produce anything in that statement that the cops didn't already know? If not, you have to wonder."

Barry C. Scheck, the co-director of the Innocence Project and Mr. Lloyd's lawyer, said that the detective in the case, Thomas De Galan, should be criminally prosecuted. Mr. Scheck also called for misconduct investigations into William Rice, the sergeant who oversaw the case, and the prosecutor, Timothy Kenny, because biological evidence available at the time that could have cleared Mr. Lloyd was never pursued.

"This cop had to know, he had to know, that he was feeding a paranoid schizophrenic guy, a guy with a mental disorder, in a mental institution, facts in order to clear a major homicide so everybody could look good," Mr. Scheck said. "If you permit this kind of questioning, you're going to end up not just with innocent people in jail but the real perpetrators still out there."

Mr. De Galan, who retired in 1998 after 28 years on the job, declined to discuss the case. Mr. Rice, now an inspector, referred calls to a police spokeswoman, Deputy Chief Tara Dunlop, who said she did not believe the confession was coerced or that the department had a systemic problem with false confessions.

"I'm sure if something unjust happened it will be discovered," Chief Dunlop said.

Mr. Kenny, now a chief judge of the Wayne County Circuit Court, said the exoneration made the case "baffling" but denied any misconduct.

"There was certainly no withholding of any evidence by any means," Judge Kenny said. "Certainly it is appropriate to find out exactly what happened in regards to the death of this particular woman and in terms of the investigation that took place."

Michelle Jackson, an honor student, disappeared before dawn from a bus stop on the snowy morning of Jan. 24, 1984. When she did not come home, neighbors organized a search and found her strangled, mangled body in an abandoned garage. Months passed with no arrest.

That fall, Mr. Lloyd, who had written copious letters to the police, filed a Freedom of Information Act request for the Jackson file. He said he had overheard someone at a party store mention a bottle, a detail that had not been released to the public but may have been known to those in the search party. Detective De Galan had three interviews at the mental hospital with Mr. Lloyd, who had been involuntarily committed there for evaluation after a violent dispute with a clerk in a welfare office a few weeks earlier.

"He provided me with quite a bit of information about the case," Mr. Lloyd recalled. "He said, 'What kind of jeans was she wearing?' I said, 'I don't know.' He said, 'What kind do you think?' I said, 'Jordache.' He said, 'No, Gloria Vanderbilt.' "

Mr. Lloyd said Mr. De Galan similarly provided the date of the crime, and guided him through a sketch of the garage, among other details. "The emphasis was on, 'You want to help us, right?' " he said. "I said, 'Sure, I want to help any way I can.' "

The lurid confession was released with great fanfare, and the jury deliberated less than half an hour. Upon his conviction, Mr. Lloyd shouted: "God be with you, Michelle Jackson, God be with us all. I'll be back."

Mr. Lloyd, who suffers from an enlarged prostate and uses a cane because of surgery to bypass arterial blockages in his leg, first wrote to Mr. Scheck in 1995, after seeing him discuss DNA on "Donahue."

Most of the police files had disappeared, but the long johns used in the strangulation survived. DNA tests showed that the semen stains on them - as well as on the green bottle and a piece of paper attached to the bottle - could not have come from Mr. Lloyd. The police later found slides with more samples and retested them. Not him.

"That's God's signature," Mr. Lloyd said. "God's signature is never a forgery."

Michael E. Duggan, the Wayne County prosecutor, who plans to argue the motion for Mr. Lloyd's release personally, said the case was a fluke.

"We don't think the police were unreasonable in concluding that he did it," Mr. Duggan said, noting the good reputations of all involved. "I don't think even his defense attorney believed he was innocent."

On Thursday, Mr. Lloyd signed a consent form in hopes of enrollment in a county program that provides mentally ill homeless people with apartments and therapy, and discussed with Mr. Scheck which talk shows they might appear on. He told his lawyer his collar size, 15 1/2, and his shoe size, 9 1/2, so he would have something to wear on his release. "What about loafers?" he suggested. "With some tassels on them, in black."

Meanwhile, Michelle Jackson's murder has been reopened by the prosecutor's second-shot task force. The DNA evidence does not match anyone in the F.B.I. database.