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Los Angeles judge finds confession was coerced, frees murder defendant

A man on trial for murder was set free this week after a judge found that Los Angeles police had coerced him into confessing.

Edward Arch, who was 19 at the time of his 2007 arrest and spent more than three years in jail awaiting trial, would probably have been sentenced to life in prison had the jury in the case convicted him.

However, before jurors were to begin deliberations, Los Angeles County Superior Court Judge Harvey Giss took the rare step of granting a request by Arch's attorney Wednesday to dismiss the case because of a lack of evidence.

"I've been a criminal defense attorney for over 35 years and handled well over a hundred murder cases, and I've never had a judge grant a motion like this," said Arch's attorney, James Goldstein. "I don't believe it was the officers' intent to extract a false confession, but the tactics they used greatly increased the risk of that occurring."

A spokeswoman for the Los Angeles County district attorney's office refused to comment on the case, saying a co-defendant is still to stand trial in the case. Two of the detectives who interrogated Arch, Gene Parshall and Efren Gutierrez, did not respond to calls seeking comment. A third detective, John Macchiarella, declined to discuss the details of the case, saying only that he "disagreed with the judge's decision."

The trial stemmed from a shooting in May 2007 after a group of men in a North Hills neighborhood got into a verbal dispute with another man as he drove by. At least two men in the group allegedly gave chase and, when they tracked the man down, one of them shot him multiple times at close range.

Three weeks after the killing, detectives interrogated Arch at the LAPD's Mission Station. Arch, who had no serious criminal history, had allegedly been identified by residents in the neighborhood as one of the men in the group during the initial confrontation.

From the start of the roughly 90-minute interrogation, the detectives told Arch they had eyewitness accounts of him being in the car that chased down the victim. Two other suspects had also implicated him, the detectives told him.

"It's not the question of whether you were in that car or not," Parshall said, according to a transcript of the interview reviewed by The Times. "The question is, what led up to this guy getting shot?"

"I wasn't in no Nissan," Arch responded, calling the witnesses "liars."

The teenager acknowledged that he knew the two other men whom police suspected of being involved in the killing. Despite intense questioning by the detectives, Arch said dozens of times that he had had nothing to do with the killing and hadn't been in the car. He remained insistent that he had been in his aunt's house playing video games when the men drove off. He offered to take a lie detector test.

There are no legal or ethical rules prohibiting detectives from lying to suspects or exaggerating the evidence they have in an effort to extract a confession. They cannot, however, entice a suspect by promising he'll receive leniency or will be let go if he admits his involvement in a crime. Detectives must also be careful not to lead a suspect along by telling him what they believe occurred, since the suspect might then simply repeat the story he was told in a false confession.

The detectives apparently crossed both these lines in the eyes of the judge, who commented in court that "it wasn't even a close call" whether Arch had been coerced, according to Goldstein.

Parshall, for example, laid out in detail for Arch how he believed the chase and the shooting occurred as he tried to get the teen to admit he had been in the car.

And later, Gutierrez told Arch that he wouldn't get a "free pass" if he admitted to being in the car but that he was "gambling with [his] freedom" if he continued to insist on his innocence.

"You're either a witness or you're a defendant," Gutierrez told Arch. "You were either in the car when you saw the murder go down and you didn't know anything about it or you were part of it. And if you were part of it ... we're all going to be able to prove premeditated murder."

Goldstein said the detectives had gone too far.

"Basically, they were telling him he could walk out that door if he admitted he was involved," Goldstein said.

As soon as Gutierrez gave Arch the choice of being a "witness" or a "defendant," Arch changed his story dramatically, saying he had, in fact, been in the car with Michael Brown, one of the other suspects.

He said he had gotten into the car because he wanted a ride to the store to buy cigarettes. As they chased the victim, Arch said, he asked several times to return home but Brown refused. He said he hadn't seen the gun until Brown, who is awaiting trial, got out of the car and shot the man.

After the shooting, Arch said, Brown handed him the gun and he tossed it out of the car's window. The detectives asked why he had lied earlier.

"I knew, like, if I was in the car with him when something happened, I'm going to get in trouble," he said.

Arch's whereabouts are unknown, and he could not be reached for comment.