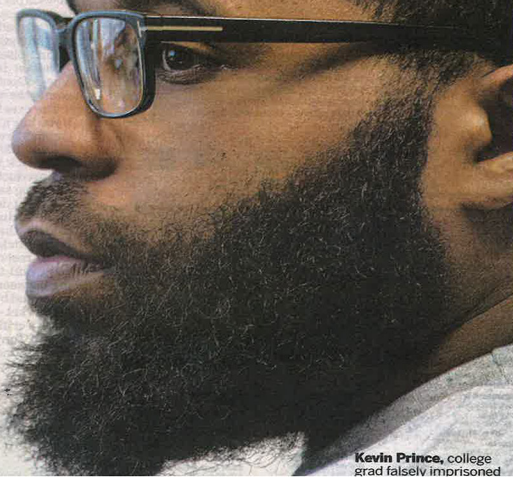


STOLEN TIME

NORTH PHILLY MAN JAILED FOR 17 MONTHS, WRONGLY ACCUSED OF MURDER PAGE 3



Kevin Prince, college grad falsely imprisoned

NEWS **N** NEWS

DEVASTATING WORDS

Man jailed for murder on lie from career criminal

By **Mensah M. Dean**
STAFF WRITER

NAFIS OWENS had been drinking Olde English 800 that night outside the Last Chance Lounge at 18th and Girard, witnesses recalled, when he and a friend decided to rob two men at gunpoint. After he rifled through one of his victim's pockets, Owens hung around on the sidewalk, where a fish fry had been going on for hours.

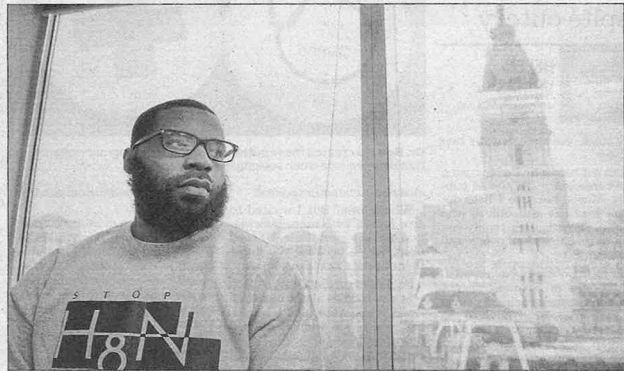
Soon, gunfire erupted, and Owens himself was a victim — shot dead at age 25. Almost four miles away, on Nov. 8, 2014, at the Triple Play Bar & Grille, a North Philly man named Kevin Prince recalled, he was watching Bernard Hopkins box Sergey Kovalev on TV for the light heavyweight title.

"It was just in there shooting pool, having wings, watching the fight," said Prince, 27.

Prince's name never came up in the murder investigation in the days and weeks that followed. He didn't know Owens, but they had mutual friends. No forensic evidence, or any other type, linked Prince to the killing.

That is, until nine months later, in August 2015, Mikel Smith, a career criminal awaiting sentencing after pleading guilty to four armed robberies, contacted the Philadelphia District Attorney's Office from his jail cell, offering information about Owens' slaying.

Smith, who was hoping to re-



Kevin Prince, wrongly accused of murder: "I just sat in jail. I was just like cattle, and 17 months of my life [went] down the drain." BRIANNA SPAUSE / Staff Photographer

duce the 32-years-to-life sentence he faced, said he was waiting for a trolley at 19th Street and Girard Avenue when he saw the shooting, and asserted that the gunman who killed Owens was a friend — Prince.

Although Smith's statement came late, lacked specifics, and was uncorroborated, it was enough for Philadelphia prosecutors to issue a warrant for Prince's arrest on a charge of first-degree murder.

Police "came in and just ransacked the place," Prince recalled. "I kept telling one of the guys, 'This is a big mistake.' I was telling them, 'I live here with my 85-year-old grandmother. I think y'all have the wrong house.'"

Just like that, Prince, a professional DJ, event promoter, and graduate of the Art Institute of Philadelphia, had his freedom snatched, by a snitch with a pitch.

He would spend the next 17 months in a State Road jail, held without bail, and awaiting trial on a charge that could have sent him to prison for life without parole. His trial was scheduled to have begun this week, but on March 1, Smith acknowledged to his lawyer, Thomas Burke, that he made the whole thing up.

Without Smith, the prosecution had nothing. Three days later, the District Attorney's Office dropped all charges against Prince, and Common Pleas Court

held responsible for murder and that his late son did nothing wrong the night he died. "He'll see his," Robert Hamilton said of Prince. "The Lord upstairs got everybody."

Prince blames a subpar investigation and the arrogance that he says informs this case and many others. "I think it's a philosophy or feeling over there that they can never be wrong, and they'll just go with what they originally had rather than seek out the truth. It's the detectives, too," said the attorney.

Nenner's research persuaded Burke to have the heart-to-heart talk with the career criminal that yielded his change of heart.

"The only thing I can say is, he realized what he had done is wrong, he realized he had falsely implicated someone in a crime, and he realized that could have resulted in someone spending the rest of his life in prison," Burke said. "He could not live with that."

Smith, who was arrested for a string of robberies in March 2015, lost his chance for reduced time and expects to serve decades in federal prison, his lawyer said.

Asked how he feels toward the man who falsely accused him, Prince paused to collect his thoughts. "That guy? He was a friend of the family, you know what I mean? I want to ask him, why? It's done and over with, but why? He caused a great amount of stress. I lost my grandmother while I was in jail... I'm speechless right now when it comes to him."

That the District Attorney's Office charged Prince with murder based solely on the testimony of one witness surprised some legal experts.

"My understanding is they

See PRINCE Page 4

NEWS | COVER STORY

PRINCE

Continued from Page 3

don't prosecute on the word of an eyewitness alone. If that is the policy, why would they prosecute in a snitch-only case?" said Marissa Bluestine, legal director of the Pennsylvania Innocence Project.

Bluestine, whose organization works to free the wrongly convicted, said she believed the practice of not charging a suspect on the word of one witness was an unwritten policy put in place shortly after District Attorney Seth Williams took office in 2010.

Eyewitness testimony can be important evidence, but it also can be highly unreliable, research has shown. Bluestine said cases such as Prince's, which are referred to as "near misses" or "sentinel events" by the University of Pennsylvania-based Quattrone Center for the Fair Administration of Justice, should prompt the District Attorney's Office to do full investigations to learn what went wrong and to put in place preventative measures.

"It's about finding out where the system failed," she said. Kline, the district attorney's spokesman, released the following statement in response to a question about the office's charging policy based on the word of a single witness:

"The DAO's Homicide Unit considers a wide range of facts and evidence, both direct and circumstantial, before deciding to charge anyone with a homicide ... On a regular basis, we also look at any additional evidence that is presented by the defense; or any other source, especially if it cast doubt on the guilt or innocence of a defendant. As recent history shows, if the [office] is presented with new or additional evidence that cast doubt on the guilt or innocence of any party, we are committed to doing the right thing."

Owens' robbery accomplice on the night of the shooting has not been questioned by the District Attorney's office or Philadelphia police, Nenner said, even though Owens is easy to find: Since 2015, he's been in state prison for attempted murder in an unrelated



Attorney David Nenner blames a subpar investigation and police arrogance for the wrongful imprisonment of his client Kevin Prince. BRIANNA SPAUSE / Staff Photographer

case. He is serving 8 to 16 years.

Nenner's theory is that that man accidentally shot Owens while trying to shoot Shaquille Rainey, who had returned fire with a gun he had a permit to carry. Stepbrothers Rainey, 24, and Tariq Timmons, 28, went to the Last Chance to aid another sibling, Shawn Timmons, 40, and one of the two men robbed by Owens and his accomplice that night.

On the sidewalk, the brothers confronted Owens about the robbery, and Tariq Timmons grabbed and shoved the robber around a corner, a surveillance video of the incident shows.

A man identified as Owens' accomplice by the second robbery victim, Eddie "Bedo" Slater Jr., is seen on the video watching the confrontation from a distance before moving closer. The accomplice is seen pulling a handgun before disappearing beneath a canopy tent pitched on the sidewalk. Rainey, who is seen firing his gun in the direction of the other shooter, maintains he acted in self-defense.

In the cross fire, a bullet pierced Owens' back, while another bullet damaged his ribs, liver, heart, and both lungs, the Philadelphia Medical Examiner's Office deter-

mined. A police ballistics test determined that Rainey's bullets did not hit Owens, meaning he was likely killed by gunfire from the man Slater identified as the accomplice, Nenner said.

Given the evidence he uncovered and presented to the District Attorney's Office more than a year ago, Nenner said, it should have been clear that the theory that Prince was the second gunman who shot Owens did not make sense.

"The commonwealth should have known all along that there was something wrong with the case, seriously wrong," Nenner said.

Rainey Timmons has been charged with first-degree murder in Owens' death, while Tariq Timmons is facing third-degree murder. Without Prince as the second gunman, acting in cahoots with Rainey and Timmons, the district attorney's case against the brothers is puzzling, said defense attorney George Yacoubian, who represents Rainey.

"My client maintains that he acted in self-defense," he said. "It was the person with Nafis Owens who fired at [Rainey] and killed Owens. The person who starts the confrontation, under the law,

is the person who is ultimately responsible. I don't think they have even wrapped their heads around that," he said of the District Attorney's Office.

Yacoubian said there's something else city prosecutors haven't wrapped their heads around: "At no point have they acknowledged that [the accomplice] existed." Nenner said he believes he knows why the man has not been questioned or charged by city police and prosecutors. "For the obvious reason they always give: 'We're right and you're wrong,'" he said.

Prince said he is not bitter, just grateful to Nenner and happy to be home. With his degree in culinary management, he hopes to open his own restaurant. But before then, he, like Nenner, wants the city to take steps to do a better job investigating crimes.

"Like Mr. Nenner was saying, I want the D.A.'s Office, the homicide detectives, to check into it more before they wrongfully accuse somebody of any crime. It's not fair," he said. "The evidence was there for them to review. They didn't review it."

✉ deanm@phillynews.com
✉ @mensahdean