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Local

Prosecutors: Wrong suspect behind bars in shooting of 5-year-old

By MARYCLAIRE DALE, The Associated Press

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PHILADELPHIA -

Police dropped murder charges Tuesday against a man accused of shooting a 5-year-old girl, nearly six months after witnesses who had labeled him the gunman recanted on the stand.

Prosecutors reopened the case after the December preliminary hearing and this week charged a Navy sailor with the crime.

Casha'e Rivers, a kindergartner, was fatally shot as she rode in the back seat of a car her mother was driving on an autumn Sunday morning.

Prosecutors stand by their initial motive - that the shooter mistakenly thought the car was carrying a rival - but have concluded that the initial suspect, 25-year-old Kevin Felder, was asleep at the time of the killing.

Noel "Pablo" Garcia, 23, of Philadelphia was arrested on Monday at a Navy base in Norfolk, Va., Assistant District Attorney Ed McCann said. Garcia was home in Philadelphia on leave when Rivers was shot on Sept. 24, McCann said.

Garcia was brought back to Philadelphia on Tuesday night and will be charged with homicide, Philadelphia police Lt. Mel Williams said.

Felder, who has been jailed for about eight months, is not yet a free man, even after a judge dismissed the murder charge Tuesday afternoon. He has since been charged in an unrelated shooting, his lawyer said.

The defense lawyer, Will Spade, praised prosecutors for admitting they had the wrong man.

At least four witnesses who had initially named Felder as the gunman repudiated their statements at the December hearing, including one whose videotaped police interview was played in court.

"The way things are in the city right now, when witnesses recant, people immediately think witness intimidation," said Spade, a former prosecutor who fought to have the case reinvestigated. "What I suspected all along was they were just lying - and then thought the better of it."

The December hearing came amid a string of cases in which witnesses refused to cooperate out of fear or a street code of silence, frustrating law-enforcement efforts to curb violent crime.

"As the judge said ... it's a human system, and sometimes mistakes are made," McCann said.

Neither he nor Spade would speculate as to why at least four witnesses identified Felder as the shooter, one of whom said he was in a car with him at the time.

McCann hopes the mix-up will teach witnesses "to come forward with credible information from the beginning" for the sake of the victim's family.

Lawrence Rivers, a paternal uncle to Casha'e, said his family never felt Felder was to blame. He believes police seized on him because of his prior drug convictions.

"They should have done a thorough investigation and maybe listened, and maybe we wouldn't be here today," Rivers said.

Spade said he believed Felder's denial from the start, and also expects him to be cleared of the unrelated attempted murder charge.

"It's fairly unusual in a capital case to have a guy who has no prior violent crimes, not even a gun charge," Spade said. "I don't know why he was implicated."

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