

## Family seeks police apology

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DAYTONA BEACH - The family of a 17-year-old ordered released from jail Friday after the second of two felony charges against him were tossed wants an apology from the police chief and officer who arrested him.

Facing two separate trials on carjacking and home invasion charges, Darius James Bush had both cases against him dismissed because prosecutor Celeste Gagne questioned witnesses, who said he wasn't the person. "I couldn't go forward because we don't have a definite identification," Gagne said. "I'd be breaching an ethical duty. The state attorneys have a higher standard than every attorney in the state. We have to do justice. It doesn't mean we have to win cases."

Defense lawyer Brad Sherman credited Gagne with doing the right thing.

But Bush having spent 94 days in jail prompted his family to want an apology, Sherman said: "The family wants an apology from Detective Nathan Williams and Chief Chitwood."

The cases are now being investigated anew, with the focus on a relative with similar physical features, Gagne said. Police Chief Mike Chitwood stood by his officers and the investigation.

"They're not getting an apology from me or (Nathan) Williams," he said. "We certainly didn't go out maliciously target anybody. We acted on information given to us. We can go only by what a witness tells us." He said witnesses told officers they were sure of the identifications of Bush from photo lineups. But Chitwood acknowledged there can be problems in cases where there is identification of a suspect from a photo lineup and no physical evidence. "I'll commend somebody," he said. "For stepping up and saying I made a mistake."

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