

# DE RISTOWN'S NABILITY



Morristown Farmers Market.

Residents living in a city and small town. Downtown and bar scene, places and a national

Arches, social activities aimed at so a place where

ness of how Morristown's future, issued by national could be one of the

greenest communities in New Jersey. That vision has already taken shape with the creation of an Office of Sustainability, a decision to reduce costs by incorporating renewable energy sources and hiring an urban planner hip to smart-growth principles.

Grassroots invited five sustainability change agents in town who are leading the charge to share their insights and contributions.

Read the story in **Grassroots**, Page B1.



IN COURT NEW TRIAL SOUGHT

# Madison man seeks acquittal

Chatham man says he burned stolen flag in '03

By Peggy Wright  
Staff Writer

A man who has always maintained his innocence but was found guilty as a juvenile of trying to burn borough-owned American flags in Madison in 2003 is seeking to clear his name by offering the sworn statement of a Chatham man who admits to being the culprit.

Declan Devlin, now 25, is being represented by the New York City-based law office of Ronald L. Kuby, a nationally known criminal defense and civil rights attorney. On Devlin's behalf, law firm partner Lea Spiess on Wednesday filed a petition for "post-disposition relief" with the family division of state Superior Court in Morristown that seeks a new trial for Devlin or an outright acquittal based upon newly discovered evidence.

"The conviction haunted me, and I was victimized by members of the community, my parents and even my attorney, who all believed I was guilty," Devlin said in a certification filed with his petition. He wrote that he was just a 16-year-old Madison youth at the time; his parents were paying his legal fees, and an appeal was discouraged.

Though he said he was misidentified, Devlin was found guilty in family court in May 2003 of trying to set borough-owned American flags on fire with dry gas on March 25, 2003.

He had spent three days in the county Juvenile Detention Center following his arrest, and was ordered to perform 50 hours of community service as punishment for the petty disorderly persons offense of causing public inconvenience, annoyance or alarm by creating a hazardous or physically

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5. BOSTON

# Behemoths battle over everything

colonies, so you can start with that." These two East Coast behemoths battle over everything. Who has the better pizza, the better subway, the better

**COMING SUNDAY**  
Our special section previewing Super Bowl XLVI



## FLAG

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dangerous condition on March 25, 2003.

He was accused of pouring flammable dry gas on flags bundled together in a plastic barrel in the back of a borough public works department truck. Workers were assigned to hang American flags from lampposts in support of U.S. troops fighting the war in Iraq. The flags didn't catch fire.

### A tip from a friend

In the summer of 2009, Devlin, who now works in New York City, received information from a friend, David Ferrise, who passed away in 2010, that one of Ferrise's friends had claimed responsibility for the long-ago, attempted flag-burning in Madison. Devlin embarked on an ambitious project of meeting this friend, now a 22-year-old Chatham man, and having him relate the story of how he tried to burn flags in Madison in 2003 when he was just 13.

The Chatham man was

interviewed by the Morris County Office of the Public Defender and admitted his involvement but wasn't asked to give a sworn statement. That step was accomplished by Spiess, who tracked him down. He has provided a sworn statement about his deed, which is included in the petition, and is expected to be willing to testify in court, Spiess said.

He also provided a photograph of himself in 2003 and appears to fit the same description that linked Devlin to the crime, she said.

The Chatham man's identity is being withheld by the Daily Record because he could not be reached. He could not be charged with the 2003 offense as the statute of limitations has passed.

Devlin wrote the court that he was found to be delinquent by committing other offenses before and after the Madison incident but wasn't willing to accept responsibility for a crime he didn't commit.

"With the assistance of my current attorneys, almost nine years from the time this struggle

began, I have finally procured sufficient admissible proof to come before this court and prove my innocence," Devlin wrote.

The Chatham man said in his statement: "On March 25, 2003 in the early afternoon I stole a container of dry gas from the CVS on Main Street in Madison, NJ. I walked up the street and picked up a small flag on a wooden stick which was in a flower bed in front of Atlanta Bread Company. I poured dry gas on the flag and continued walking up the street toward Dewey's Comic Store. I lit the flag with matches and it ignited. I threw the flag in the air but did not see where it landed. A man in a vehicle approached me and asked me 'Why did you do that.' I ran away."

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APR 25 2010