

# Former longtime Richmond Commonwealth's Attorney Aubrey M. Davis Jr. dies at 79

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Former Richmond Commonwealth's Attorney Aubrey M. "Jerry" Davis Jr., whose office prosecuted some of the city's most shocking crimes in the 1970s and 1980s, died Monday at his Chesterfield County home after a brief battle with cancer. He was 79.

Mr. Davis was the city's top prosecutor for 16 years beginning in 1973. In 1989, he lost the Democratic nomination for the job to challenger Joseph D. Morrissey, who later would win the office in the general election.

"Aubrey's passing is the end of an era," said attorney Randy Rowlett, a former Chesterfield assistant commonwealth's attorney who worked with Mr. Davis as a prosecutor in Chesterfield and then in private practice.

"His impact on the criminal justice system not only in the Richmond area but throughout the state through his work with the General Assembly while he was commonwealth's attorney of the city of Richmond is impossible to measure," Rowlett added.

"So many attorneys began their practice in the Richmond Commonwealth Attorney's Office working for Aubrey. Many went on to become judges and some (were) elected commonwealth's attorneys themselves. The standard that Aubrey set for professionalism and integrity cannot easily be matched."

Learned Barry, a veteran Richmond prosecutor, said he was hired by Mr. Davis in 1978. Mr. Davis hired many of the prosecutors and defense attorneys who are well-known in the Richmond area nowadays, Barry said.

"This is a fella who meant a lot to the city of Richmond," Barry said.

He said Mr. Davis was the godfather of the Richmond Commonwealth's Attorney's Office, having been first in the mid-1970s to have a full-time staff.

Mr. Davis had a sense of fairness and was not one to micromanage, but instead he focused on hiring good prosecutors and giving them flexibility to do what they believed to be right, Barry said.

"He wanted us to be aggressive prosecutors," Barry recalled. "But at the same time, if we were to come to him and say, 'You know, I'm just not sure that this is a good case, I'm not sure this guy's guilty, or I'm not sure we really need to pound this guy,' he would say: 'That's fine, boy. Whatever you think.'"



Aubrey Davis

Mr. Davis

Barry laughed as he recalled Mr. Davis having once gotten angry at one of the prosecutors, firing and re-hiring that prosecutor three times in the same day.

“He was quite a character, but he was a good man,” Barry said. “He didn’t have an evil bone in his body.”

Veteran defense attorney Craig Cooley had similar fond sentiments to share about his former professional nemesis.

“He gave opportunities to a lot of young lawyers who started their careers and became very highly professional and highly skilled trial lawyers,” Cooley said. “He certainly could be a strong advocate as a prosecutor, but he also had compassion for folks.”

Rowlett said Mr. Davis was diagnosed with cancer about three months ago, and he decided after consulting with his wife not to undergo treatment because his physician said it was terminal. Mr. Davis also had been struggling with dementia.

Mr. Davis, who also served as a city police officer, was hired as a city prosecutor in 1972 by then-Richmond Commonwealth’s Attorney Jose Ramon Davila Jr., who left the post after being named to the bench as a judge of the Richmond General District Court, Criminal Division.

Mr. Davis was appointed to fill the remainder of Davila’s term and over the years ran for the seat without a serious challenge until 1989.

Mr. Davis and Morrissey at times were publicly at odds with each other during that year’s primary, with Morrissey at one point accusing Mr. Davis of falsely claiming that he had fired Morrissey in 1987 as an assistant prosecutor.

Mr. Davis responded that he never said Morrissey, then 31, was fired. “All I said was he was asked to resign because of misconduct,” Mr. Davis told a news reporter at the time.

At a Richmond Democratic Committee meeting that year, after Morrissey ended his pitch for the committee’s support, Morrissey told Mr. Davis that “we’re going to have to soften some of the blows between us.”

He then handed Mr. Davis a wrapped gift as about 150 Democratic members watched. Mr. Davis stood and accepted the gift but not without a humorous deflection of the ploy from his challenger.

“Political candidates can’t receive gifts,” Mr. Davis said with mock sternness. “It’s a violation of state law.”

Mr. Davis then opened the box and, laughing, held up a pair of boxing gloves.

“Here’s yours,” Mr. Davis said, tossing one to Morrissey. The crowd laughed as the candidates shook hands.

After losing to Morrissey, Mr. Davis, then 52, joined the Chesterfield Commonwealth’s Attorney’s Office in 1990 as a deputy prosecutor handling cases in Chesterfield Juvenile and Domestic Relations District Court.

At the time, Chesterfield Commonwealth’s Attorney William W. Davenport noted that 14 people had applied for the job, 11 were interviewed and Mr. Davis “was far and above the qualifications” needed for the post.

“To get somebody like Mr. Davis is like getting at least two people fresh out of law school,” Davenport told the Richmond Times-Dispatch in January 1990.

Mr. Davis worked as a Chesterfield prosecutor until about 2003, when he joined the law firm of Gordon, Dodson, Gordon and Rowlett as a defense attorney. He retired from the practice in June 2013 but even then “did a little bit here and there,” Rowlett said.

“He worked with me, and I worked for him,” Rowlett said. “I just think the world of him. I was so privileged that he came to work with us.”

Mr. Davis was an Air Force veteran who graduated from T.C. Williams School of Law at the University of Richmond in 1971.

Funeral arrangements were incomplete.

As commonwealth’s attorney, “his biggest case in Richmond was the Timothy Spencer” serial killer case, Rowlett said, one of the first criminal trials in the U.S. to be prosecuted with DNA evidence; equally notable was his office’s prosecution of the Briley brothers, who were responsible for a murderous rampage in the late 1970s. “Those are the two cases that I think he was most proud of.”

Linwood Earl Briley along with his two brothers and a teenage neighbor terrorized the Richmond area in 1979 during one of the region’s most notorious crime rampages. Authorities blamed the Briley gang for indiscriminately gunning down or beating to death 12 people.

Linwood Briley was convicted of seven killings and put to death in 1984 for the murder of country-western disc jockey “Johnny G.” Gallaher.

Spencer was a serial killer and sexual sadist widely known as the “South Side Strangler” who committed three rapes and murders in the Richmond area and one in Arlington County in the fall of 1987.

In 1988, Spencer became the first man in the U.S. to be convicted of capital murder on the basis of DNA evidence, a crime-fighting technology widely used today that linked Spencer to all four murders and led to his four death sentences. He was put to death in 1994.