

Unjustly convicted, he brings a warning

It can happen to any of you'

By GENE WARNER

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DNA evidence — the savior for so many wrongfully convicted prisoners — already had seemed to exonerate Jeffrey Deskovic, after he was charged with raping and murdering a 15-year-old classmate in Peekskill in 1989.

The semen found inside the victim and the hair samples found on her body failed to match Deskovic's genetic profile.

But a jury convicted him, anyway, based on a confession that he says was coerced in a 7½-hour interrogation dominated by scare tactics. Young, naive and terrified, Deskovic said, he confessed to the crime in January 1990.

So Deskovic was sent to prison for more than 16 years until, with the help of the Innocence Project and a new district attorney, further DNA testing revealed the real killer and rapist. Deskovic was released from prison in September 2006, at age 33, then exonerated weeks later.

Tuesday afternoon, Deskovic stood at the podium in Buffalo State College's Bulger Communications Center, telling his story powerfully for 25 minutes — a sharply dressed, well-spoken poster boy for the cause of wrongful convictions.

"You don't have to be involved in anything wrong to have this happen to you," Deskovic told about three dozen people attending a colloquium



Derek Gee/Buffalo News

John H. Walker Jr., whose wrongful conviction meant 23 years in prison, tells his story at Buffalo State College.

on wrongful convictions. "I had never been arrested for so much as a violation. . . . If it happened to me, it can happen to any of you. It can happen to your son or daughter. It can happen to your best friend, or it can happen to your spouse."

Organizers of Tuesday's discussion — sponsored and hosted by the Community Action Organization of Erie County, New Yorkers Against the Death Penalty and the Buffalo State criminal-justice department — lobbied for an independent commission to do a comprehensive study of wrongful convictions in the state.

Deskovic went further, quickly listing some of the reforms he would like to see New York State adopt:

- Requiring that suspects' interrogations be videotaped from beginning to end, so police can't leave out any "dirty details" and so honest officers are protected from false accusations of coercion.
- Instituting more sophisticated procedures for witnesses and victims to identify suspects.
- Developing better evidence preservation.
- Making it a crime when police or prosecutors deliberately withhold evidence that could exonerate someone.
- Upgrading the level of legal defense for a suspect who can't afford his own attorney.
- Increasing compensation for the wrongfully convicted.

Throughout Tuesday's 75-

minute discussion, speakers tried to tie together two causes: the plight of the wrongfully convicted and the clamor against the death penalty.

John H. Walker Jr. has been fighting for years to clear his and two co-defendants' names in the 1976 beating death of William Crawford on Fillmore Avenue.

"If the death penalty was applied in 1976 in my case, me and my defendants would be dead now, even though it's a fact that we had nothing to do with the death of William Crawford," Walker told the colloquium.

Earlier, L. Nathan Hare, executive director of the CAO, said the cause of wrongful convictions also is about equal justice, which includes ensuring that the correct person is convicted of a crime.

"Wrongful convictions are not just about innocent people who are convicted," Hare said. "Wrongful convictions often are about how our system is used to oppress and marginalize people."

Hare also cited the further injustice of a wrongful conviction, in cases such as the imprisonment of Anthony J. Capozzi for rapes committed by the Bike Path Killer, Altemio C. Sanchez.

"When you get the wrong person," he said, "you leave the right person out there doing the same [crimes] and feeling empowered."

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