

Wrongly convicted, he advocates against death penalty

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By **Mary Gorry**

Staff Reporter **Setauket** — Jeffrey Deskovic spent 16 years in prison for a crime he never committed and is now working to make sure that never happens to anyone else.

Soft-spoken but articulate, Deskovic addressed parishioners of St. James Church here Oct. 22 about his ordeal and why his case is a compelling argument against the death penalty.

There is currently no death penalty in New York. Capital punishment was reinstated under Governor George Pataki, but the state's Court of Appeals ruled it unconstitutional in 2004. On Oct. 23 of this year, the Court of Appeals reaffirmed that decision by ruling that John Taylor, the last person still on death row in the state, cannot be executed.

In 1990, based on a coerced false confession, 17-year-old Deskovic was arrested and convicted for the rape and murder of a fellow classmate at Peekskill High School in upstate New York, despite DNA evidence that did not match him. He was sentenced to 15 years to life in prison. Murder cases compounded by another felony, such as rape in Deskovic's case, are often capital crimes. Deskovic told his audience he truly believes that if he had been 18 years old at the time of his arrest and conviction, he would have received the death penalty. If that had happened, having exhausted all his appeals by 1999, "there would have been no 2006 for Jeffrey Deskovic," he said.

Deskovic was finally exonerated in 2006 with the help of the Innocence Project, a national organization dedicated to exonerating wrongfully convicted people through DNA testing. Deskovic advocates for reforms in the criminal justice system and an end to capital punishment.

According to an Innocence Project report, Deskovic noted, misidentification of a perpetrator accounts for 75 percent of wrongful conviction cases. Inadequate representation, false confessions, junk science, and incentivized witnessing, in which a person is offered benefits such as a lesser sentence or charges being dropped in exchange for testifying, also play roles in wrongful convictions.

There have been 208 DNA exonerations nationwide since 1989, Deskovic said. "That doesn't take into account those exonerated by other means. We've had 23 DNA exonerations in New York State alone. I personally did time with six people who were cleared before I was" and another who was cleared after he was released.



TLIC photo/Mary Gorry

“In New York State,” noted Deskovic, “we only trail Texas and Illinois in wrongful convictions, and every time an innocent person has been arrested and convicted, it leaves a perpetrator free to harm again.”

Capital punishment is an important but sometimes overlooked aspect of the pro-life movement within the Church. “In ‘The Gospel of Life,’” noted Msgr. Francis Maniscalco, director of the diocesan Respect Life Office, “Pope John Paul II spoke of the care that must be taken to respect every life, even those of criminals. He also said that the death penalty should not be used except when absolutely necessary to protect society, a situation which he described as ‘very rare, if not practically non-existent’ today. The possibility that the death penalty could involve the taking of innocent life adds greatly to its being a pro-life concern because, as Pope John Paul wrote, ‘the commandment ‘You shall not kill’ has absolute value when it refers to the innocent person.’”

Deskovic encouraged those in attendance to call their local legislators and “tell them you want interrogations to be videotaped, that you don’t want the death penalty back. As long as (our legislators) are convinced that we are content with the status quo, then things won’t change. Don’t wait till you are personally affected. Act now.”

During a question-and-answer session following his talk, a parishioner asked Deskovic what he held on to all those years in prison. “My belief in God was one thing,” Deskovic answered. “It was the most important thing. I also knew there was nobody coming to my rescue,” so it was up to him to fight to prove his innocence. “If I lost it, that wouldn’t happen.”

Since his release in 2006, Deskovic has returned to college and hopes to start law school next year. “I want to practice criminal defense work,” he said. “I want to help exonerate other people who are in (prison) wrongfully.”