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DNA Proves Jeffrey Deskovic's Innocence 16 Years After He Was Wrongly Convicted as a Teenager

Deskovic, who falsely confessed when he was 16 years old after an improper police interrogation, is set to be released Wednesday morning

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(WHITE PLAINS, NY; September 20, 2006) – DNA tests prove that Jeffrey Deskovic did not commit a rape and murder in Peekskill for which he was convicted in 1990, the Innocence Project said today. Deskovic was convicted of raping and killing a high school classmate when he was 16; now 33, he has been in prison ever since.

The Westchester County DA's Office agreed to conduct DNA testing on evidence in the case earlier this year, and then ran the results through the FBI database of DNA profiles of convicted offenders nationwide. The database search resulted in a "hit" – a match to a man who was already in prison on other charges.

Wednesday morning, September 20, the Innocence Project and the Westchester County DA's Office will file motions to vacate Deskovic's conviction and release him from custody. Deskovic will appear in court with Barry Scheck and Nina Morrison, his Innocence Project attorneys, at 9:30 a.m. Wednesday in front of Westchester County Judge Richard Molea, 111 Martin Luther King Jr. Blvd, Third Floor, in White Plains. The Innocence Project and the Westchester County DA's Office anticipate that Deskovic will be released at the conclusion of the hearing. Deskovic, Scheck, Morrison and representatives of the Westchester County District Attorney's Office will speak to the media following the hearing.

Deskovic was convicted based almost entirely on a "confession" that he gave after spending approximately nine hours in police custody without his parents or attorneys and without access to food. During that time, he was taken to Putnam County and held in a small room for at least six hours for a polygraph exam. At the end of the interrogation/exam, he was curled up under a desk in the fetal position, sobbing. Police had initially focused on Deskovic, a sophomore in high school at the time, because he seemed fascinated with the details of the case and offered to help them investigate it.

"If his entire interrogation had been videotaped, I doubt this confused, scared teenager would have been convicted in the first place," Scheck said. "This is the fifth man in New York in the last 10 months who was proven innocent by DNA after being convicted based on a false confession. The injustice of Jeff Deskovic's case will only be compounded if we don't learn from it and reform the system to keep it from happening again."

The Innocence Project said today that Deskovic's case highlights the urgent need for specific reforms; in particular:

- The Innocence Project today called on law enforcement agencies across the state to begin electronically recording all custodial interrogations. (Currently, only three local agencies in New

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York State record interrogations; they are the Broome County Sheriff's Department, the Delaware County Sheriff's Department and the Binghamton Police Department (the Schenectady Police Department is in the process of installing recording equipment in its interrogation rooms). Nationwide, three states and the District of Columbia have enacted legislation requiring that interrogations be recorded, while state supreme courts in another six states have taken action on the issue. More than 250 jurisdictions nationwide have voluntarily adopted recording policies.)

- The Innocence Project also called today on the New York State Legislature to explicitly clarify that defendants have a right, with an appropriate showing and a judge's permission, to have crime scene evidence run through federal databases of DNA profiles and fingerprints, to see whether the true perpetrator of a crime can be identified. Making that right clear – both pre- and post-conviction – would eliminate confusion and uncertainty among judges and prosecutors across the state, and could help identify the perpetrators of many more crimes for which innocent people have been wrongly convicted, the Innocence Project said.

On November 17, 1989, the body of 15-year-old Angela Correa was found near Griffin's Pond in Peekskill. She was last seen two days earlier taking photos for her photography class. Four weeks later, detectives from the Peekskill Police Department approached 16-year-old Deskovic on his way to school to ask if he would accompany them to police headquarters. During this initial round of questioning, Deskovic asserted his innocence. The detectives suggested that he take a polygraph test but he declined, saying he did not trust such tests. Two months later, Deskovic came to the police station to discuss some of his theories about the crime. He submitted a blood sample, accompanied several detectives to the scene of the crime, and submitted to further questioning. Deskovic maintained his innocence, saying that he was speculating about the crime based on his own investigation of the case. Soon after, Deskovic again visited the police station to show detectives a key he had found that he believed might have belonged to the victim. Deskovic was again asked to take a polygraph test and he agreed. Between sessions of questioning for the polygraph test, Deskovic was questioned further by investigators, who told him he was failing the polygraph test. After six hours of questioning, Deskovic confessed to the crime. He had spoken with investigators a total of eight times in the previous month and a half. Deskovic was convicted of rape, felony murder, and related offenses on December 7, 1990.

At the time of the trial, DNA testing excluded Deskovic as the source of a semen sample taken from the victim. The prosecution speculated that the semen belonged to the victim's consensual partner, although the partner was never tested. Earlier this year, the Innocence Project asked the Westchester County DA's Office to subject the evidence to more sophisticated DNA testing, which would also allow it to be entered into the FBI database for a match – which would prove that the semen came from another perpetrator, rather than from a consensual partner.

“When Eugene Tumolo, now the Peekskill Police Chief, asked the FBI to test this evidence in 1990, he said it would yield evidence ‘either incriminating or exonerating’ Deskovic. The testing came out in Jeff's favor, but the case proceeded. The question is why Jeff Deskovic was prosecuted in the first place,” Morrison said. We're grateful that Westchester County DA Janet DiFiore acted quickly when we asked for DNA testing to get a database ‘hit,’ and we're hopeful that her office will find answers as to why this wrongful conviction happened in the first place.”

There have been 183 DNA exonerations nationwide. In fully one-third of these cases, DNA has also helped identify the true perpetrators of crimes for which innocent people were wrongly convicted, according to the Innocence Project, which is affiliated with Benjamin N. Cardozo School of Law at Yeshiva University.

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