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DNA EXONERATES THOMAS DOSWELL AFTER 19 YEARS
Unduly Suggestive Police Identification Procedure Responsible for Wrongful Conviction

New DNA test results secured by the Innocence Project of the Benjamin N. Cardozo School of Law and local counsel James E. DePasquale prove that Thomas Doswell of Pittsburgh is an innocent man. On Monday, August 1, Thomas Doswell will have all charges dismissed and be released at a hearing before Judge John A. Zottola at the Allegheny County Courthouse in Pittsburgh. A press event will follow at Point Park University.

Mr. Doswell has spent the past nineteen years in prison for the March 1986 rape of a Forbes Health Center employee. Refusing to confess to another man's crime, he was turned down for parole four separate times.

Within hours of the rape, a detective from the Pittsburgh Police Department, who had clashed with Doswell in his Homewood neighborhood, included his photograph in an array of eight pictures. Doswell's photo was the only one marked with an "R" to suggest he was a rapist. He had never been convicted of any felony or sexual assault previously. Both the victim and the other eyewitness who worked at Forbes picked Doswell's photo from the same unduly suggestive array. These identifications were the only evidence linking him to the crime. DNA testing did not exist in 1986 and the conventional serology provided no useful information.

"These tests confirm what Mr. Doswell has been saying from the moment he was charged - that he was innocent and this is a case of mistaken identity brought about by police officers who may have engaged in misconduct," said his attorney Colin Starger, a lawyer for the Innocence Project.

The Innocence Project is grateful for the District Attorney's swift reaction to the exonerating DNA results. Just one week after the results were known, the prosecutor's office agreed to join the Innocence Project and Co-Counsel in moving to vacate the conviction and sentence. Their cooperation should be a model for other prosecutors throughout the country.

This exceptionally suggestive photo array is far from unique among DNA exonerations. Research has shown that 75% of the first 159 DNA exonerations in the U.S. involve eyewitness misidentifications. As a solution, several major jurisdictions, including the State of New Jersey, have adopted reforms, long endorsed by experts, to reduce the number of false identifications.

Peter Neufeld, Co-Director of the Innocence Project said, "The single most important reform is to require that the officer who runs the ID procedure not know who the suspect is and who the fillers are. Had that simple control been used in this case, a father of two young children would not have been torn from his family for almost twenty years."

Convicted at age 25, he has been deprived of his liberty and family, and lost significant income and future earning power. Many states have recently enacted compensation statutes for the wrongly convicted. Pennsylvania has a moral responsibility to join the growing number of states that provide compensation to the wrongfully imprisoned.