

DeJac cont. from p. 13

So the four experts who have taken the closest examination of the evidence – the two Erie County MEs, Dr. Baden, and Dr. Kobilinsky – have all expressed a different opinion about Crystallynn's death.

Scott Greenfield, a New York criminal lawyer, wrote on his *Simple Justice* Internet blog that DeJac's case is a classic example of the fallacy of the non-fact based inductive reasoning prevalent in law enforcement decision making. Investigators first decide who committed a crime, and then proceed to collect and place undue importance on evidence that supports their supposition, while at the same time rejecting as insignificant all evidence that undercuts it.

Until Delano began looking at the importance of the evidence disregarded simply because it didn't support DeJac's guilt, she was destined to die in prison because of the Buffalo police investigator's inductive assumption that she was guilty. Delano's open-mind enabled him to pursue leads and forensic testing that wasn't deemed important at the time of DeJac's prosecution because the investigators were blinded by their assumption that she was her daughter's killer. It was Delano's fact based view of the case that led to DeJac's exoneration.

DeJac feels abused by the legal system, and rightly so. Her door to freedom has been opened into yet another room in a vast cave of horrors. Justice was denied her in 1994. It is again being denied her 14 years later by closing the case of her daughter's death by branding her as a drug user who accidentally killed herself, when the known evidence raises troubling questions about how she actually died.

Lynn DeJac is the first woman to have a murder conviction overturned by DNA evidence, although the charge wasn't dropped until the medical examiner ruled her daughter's death was not a homicide.

Sources:

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DeJac files suit seeking \$14 million, *The Buffalo News*, March 29, 2008.

Jerry Frank Townsend Awarded \$2.2 Million For False Murder Convictions

Jerry Frank Townsend was branded as a serial murderer after being convicted in 1980 and 1982 of six murders and one rape in south Florida.

Townsend was 27 when arrested by Miami police in September 1979 as a suspect in the rape of a pregnant woman. After that arrest Townsend was questioned about several Dade County murders. Townsend has an IQ of around 50 and the mental capacity of an 8-year-old, so police interrogators had little difficulty pressuring him to confess to two 1973 murders. In 1980 a jury convicted him of committing the murders and rape. He was sentenced to three terms of life in prison.

While imprisoned Townsend was interrogated about four Broward County murders that he subsequently confessed to committing. He was sentenced to four more life terms after pleading guilty to those murders in 1982.

Townsend's convictions were all based on his confessions, since there was no physical or forensic evidence, or eyewitness identification linking him to any of the crimes.

Townsend's claims of innocence fell on deaf ears until 1998, when the mother of 13-year-old Sonja Marion, one of the murder victims, convinced a Fort Lauderdale police detective to review Townsend's case file. His investigation led to DNA testing in 2000 of a semen sample on Marion's shorts that excluded Townsend, and implicated another man. Testing of evidence in another case also excluded Townsend and implicated the same man — Eddie Lee Mosely,

Mosely was dubbed "Rape Man" by the media because he was linked to more than a dozen rapes and murders. Mosely was indefinitely confined in a mental facility after being charged in two cases.

Since the MO of all the crimes was similar and Townsend's confessions to two of the murders were known to be false, prosecutors conceded substantial doubt about the truthfulness of all of Townsend's confessions to the Broward County murders. Without the confessions there was no evidence Townsend committed the crimes, and the perpetrator of two of the murders was known to be Mosely — a career violent criminal. In April 2001 additional DNA testing confirmed the previous results, and Townsend's four convictions were dismissed on June 8, 2001. Afterwards, Broward



Jerry Frank Townsend in June 2001 after being cleared of four Broward County murders.

County Sheriff Ken Jenne personally apologized to Townsend. Jenne later told reporters, "I told Mr. Townsend that I regretted, was sorry he spent the past 22 years incarcerated."

A week later Dade County prosecutors moved to dismiss Townsend's murder and rape charges. Dade County Circuit Court Judge Scott Silverman dismissed those charges on June 15, 2001, saying: "Given the preferred deficiency in the state's evidence, a lack of trust in its evidence including the obtained confessions, and in some cases what may very well be Mr. Townsend's outright innocence, it is abundantly clear that he is the victim of an enormous tragedy." The 49-year-old Townsend was immediately released after 22 years of wrongful imprisonment.

A lawyer hired by Townsend's guardian filed a federal civil rights lawsuit against the City of Miami, the Broward County Sheriff's Office, and several police officers. Among the lawsuit's claims were malicious prosecution, and that Townsend's rights were violated by his coerced confessions, the altering of interview tapes, and the withholding of exculpatory evidence.

In December 2006 the federal Eleventh Circuit Court of Appeals upheld the District Court's denial of summary judgment to the defendants, which paved the way for the case to go to trial. In May 2008 the City of Miami agreed to settle its portion of the suit for \$2.2 million.

Facing significant liability because of the four false murder convictions in its jurisdiction, Broward County did not settle its portion of the lawsuit at the same time. As of early July 2008 the case is unresolved.

Townsend was not the only man wrongly convicted of Mosely's crimes. Frank Lee Smith, was cleared of murder by DNA evidence eleven months after he died of pancreatic cancer while awaiting execution on Florida's death row. That DNA matched Mosely, who was in the victim's neighborhood and he fit the assailant's description.

Previous *JD* Story: "Innocent Man Imprisoned for 22 Years as a Serial Killer," *Justice:Denied*, Vol. 2, Issue 7.

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