

Jeffrey Deskovic Settles Wrongful Conviction Lawsuit For \$6.5 Million

Angela Correa was a 15-year-old high school student in Peekskill, New York when she was found beaten, raped and strangled to death in November 1989.

Jeffrey Deskovic was one of Angela's classmates. Detectives identified him as a suspect because he was late to school the day after Angela disappeared and he seemed overly distraught when he cried at her funeral.

Deskovic, 16, was questioned by detectives eight times between December 1989 and late January 1990, when he agreed to take a polygraph examination. No lawyer or parent was present during the eight hour interrogation session, during which he was denied food or water, and a detective falsely told him he failed the polygraph exam that he had actually passed. The interrogation wasn't audio or video taped, and Deskovic was charged with Angela's rape and murder based on a detective's claim that he confessed.

Semen was recovered from Angela, and it was tested for a comparison with Deskovic's DNA by the relatively primitive testing technique available at that time. Even though the DNA test excluded Deskovic as the person who had sex with Angela, and he claimed he was innocent, Westchester County's District Attorney didn't drop the charges.

During Deskovic's trial in January 1991, the prosecution argued the semen came from Angela having consensual sex with another person prior to her death, and that Deskovic killed her in a jealous rage. Based on the detective's testimony that Deskovic confessed, he was convicted by a jury of 2nd degree murder and inexplicably of 1st degree rape -- even though the prosecution conceded it wasn't his semen recovered from Angela. The 17-year-old Deskovic was sentenced to 15 years to life in prison.

Deskovic sought to have the semen tested by the more sophisticated DNA tests that were developed after his trial, but the DA was able to block the testing. The DA also refused Deskovic's request, first made in 1997, to compare the DNA profile from the 1990 test with the DNA profiles in the FBI National DNA Database (CODIS).

It wasn't until a new Westchester County DA took office in January 2006 that Deskovic was able to have the semen tested by



Jeffrey Deskovic
(Seth Harrison,
The Journal News)

in prison for strangling his girlfriend's sister.

Deskovic filed a motion for a new trial based on the new evidence, and it was granted on September 20, 2006. Deskovic was immediately released on bail after almost 16 years in prison. His indictment was dismissed on November 2, 2006, on the basis of his actual innocence.

Cunningham subsequently confessed to raping and murdering Angela.

After his release Deskovic filed a federal civil-rights lawsuit against Westchester County, two county medical examiners, the lead prosecutor in the case, the city of Peekskill, several Peekskill police officers, Putnam County and the Putnam deputy sheriff who conducted the Deskovic's polygraph test.

Deskovic agreed to settle his claims against Westchester County and their employees for \$6.5 million, and the settlement was approved by the county Board of Legislators on April 11, 2011. Deskovic's claims against some of the defendants have been dismissed, but his claim against the city of Peekskill is still pending.

Under the settlement Deskovic will receive \$4 million in 2011, and the remaining \$2.5 million in 2012. His mother Linda McGarr was a plaintiff in the lawsuit, and she will receive \$250,000.

Deskovic is now 37. He lives in New York City and is completing his master's degree at John Jay College of Criminal Justice.

The unsung heroine in Deskovic's case is Claudia Whitman of Portland, Maine. Whitman heads the non-profit National Death Row Assistance Network (www.ndran.org).

While imprisoned Deskovic wrote every lawyer and advocacy group he believed might be able to help him, including the Innocence Project in New York, which turned down his case in 1994.

After reading a report Whitman wrote in 2000 titled, "Reasonable Doubts: Is the US

state of the art tests. After the DNA profile recovered from the semen again excluded Deskovic, it was uploaded to the New York State DNA database of convicted felons. In September 2006 the profile was matched to Steven Cunningham, who was

Executing Innocent People?", Deskovic wrote her a letter explaining he had been wrongly convicted of murdering a classmate.

Whitman took an interest in Deskovic's case, and obtained the DNA test results. She sent them to a former FBI forensic specialist who confirmed the DNA recovered from Angela excluded him. Believing Deskovic was innocent, Whitman read the trial transcripts and court documents. Based on what she learned she wrote a summary of his case and began contacting lawyers and organizations she thought might be able to help him. Finally, after Westchester County's new DA took office in January 2006 and was not opposed to retesting the semen, Whitman's efforts succeeded in convincing the Innocence Project in New York to become involved in his case.

At the time Deskovic was released in September 2006, Whitman had never met him. However, it was only because of her perseverance that Deskovic was freed. Innocence Project spokesman Eric Ferrero said after Deskovic's release, "Without Whitman's encouragement, Deskovic would still be in prison. Whitman is among a handful of amateur investigators who devote a large part of their lives to helping out the low-profile cases everyone else has forgotten. Folks like Claudia are looking at the cases nobody has heard of yet." (See the Exonerations page on the National Death Row Assistance Network website (www.ndran.org).

Source:

"Westchester OKs \$6.5M settlement for Deskovic in wrongful murder conviction," Lohud.com, April 13, 2011.

"\$6.5 Million Settlement in Wrongful Conviction," *The New York Times*, April 12, 2011

"Exonerated after 16 Years in Prison," National Death Row Assistance Network website, www.ndran.org.



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