



Jeff Deskovic

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The Crime

On the afternoon of November 15, 1989, the 15-year-old victim went out after school to take pictures for a photography class. She never returned home. Her naked body was found by police dogs the morning of November 17, 1989. Her clothes and cassette player were recovered from the vicinity. She appeared to have been raped, beaten, and strangled.

The Confession

Jeff Deskovic, then 16 years old, was a classmate of the victim's. He became a suspect because he was late to school the day after the victim disappeared. Police also believed he seemed overly distraught at the victim's death, visiting her wake three times.

Police spoke with Deskovic eight times in December 1989 and January 1990. Deskovic had begun his own "investigation" of the case, giving officers notes about possible suspects. Police asked Deskovic to submit to a polygraph examination and he agreed in late January 1990. He believed that, if cleared, he could continue to help police with their investigation.

Deskovic was taken to a private polygraph business run by an officer with the local Sheriff's Department, who, according to trial testimony, had been hired to "get the confession." Deskovic was held in a small room there with no lawyer or parent present. He was provided with coffee throughout the day but no food. In between polygraph sessions, detectives interrogated Deskovic.

Deskovic's alleged confession occurred after six hours, three polygraph sessions, and extensive questioning by detectives between sessions. One of the detectives accused Deskovic of having failed the test and said he had been convinced of Deskovic's guilt for several weeks. According to the detective, Deskovic then stated he "realized" three weeks ago he might be the responsible party. Deskovic was asked to describe the crime and began speaking in the third person, switching to first person part way through the narrative. Deskovic said, "I lost my temper" and admitted he had hit the victim in the head with a Gatorade bottle, put his hand over her mouth and kept it there too long. During the confession, Deskovic sobbed. By the end of the interrogation, he was under the table, curled up in the fetal position, crying.

The Biological Evidence

The victim was found naked and her autopsy revealed genital trauma. Semen was identified on the vaginal swabs from her rape kit but no semen was observed on her clothes.

DNA testing was conducted before trial. The results showed that Deskovic was not the source of semen in the rape kit. Deskovic had been told before

State: New York

County: Westchester

Most Serious Crime: Murder

Additional Convictions: Rape

Reported Crime Date: 1989

Convicted: 1990

Exonerated: 2006

Sentence: 15 to Life

Race: Caucasian

Sex: Male

Age: 16

Contributing Factors: False Confession

Did DNA evidence contribute to the exoneration? Yes
:

the alleged confession that if his DNA did not match the semen in the rape kit, he would be cleared as a suspect. Instead, prosecution continued on the strength of his alleged confession.

The Trial

In January 1991, Deskovic was convicted by jury of 1st degree rape and 2nd degree murder, despite DNA results showing that he was not the source of semen in the victim's rape kit. The state argued that the semen had come from a consensual sex partner and that Deskovic killed the victim in a jealous rage.

Post-Conviction

In January 2006, the Innocence Project took on Deskovic's case. The semen from the rape kit was tested with newer technology for entry into the New York State DNA databank of convicted felons. In September 2006, the semen was matched to convicted murderer Steven Cunningham, who was in prison for strangling the sister of his live-in girlfriend.

On September 20, 2006, Jeff Deskovic was released from prison when his conviction was overturned. Following an apology from the assistant district attorney, the court dismissed Deskovic's indictment on the grounds of actual innocence on November 2, 2006.

*Summary courtesy of the Innocence Project,
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- + [Correct an error or add information about an exoneration on our list](#)
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The National Registry of Exonerations is a joint project of the University of the Michigan Law School and the Center on Wrongful Convictions at Northwestern University School of Law.

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<https://antipolygraph.org/cgi-bin/forums/YaBB.pl?num=1158809927>

DNA Frees Polygraph Victim Jeffrey Mark Deskovic

Sep 21st, 2006 at 7:38am An innocent man who spent 16 years in prison following a polygraph-induced false confession has been freed by DNA evidence. Those responsible for the polygraph interrogation of Jeffrey Mark Deskovic should be ashamed of themselves (and held personally liable for damages):

<http://www.nytimes.com/2006/09/21/nyregion/21dna.html>

September 21, 2006

DNA Evidence Frees a Man Imprisoned for Half His Life

By FERNANDA SANTOS

WHITE PLAINS, Sept. 20 — Jeffrey Mark Deskovic came of age in a maximum-security prison, doing time for a crime he did not commit.

Sixteen years ago, Mr. Deskovic was convicted of raping, beating and strangling a Peekskill High School classmate in a jealous fit of rage. DNA evidence presented at his trial indicated that he was not the one who committed the murder, but the police testified that he had confessed.

On Wednesday, after he fought exhaustive legal battles and wrote dozens of pleading letters that led him nowhere, Mr. Deskovic, 32, walked out of the Westchester County Courthouse an overjoyed if embittered man.

“I was supposed to finish my education, to begin a career,” he said. “The time period to have a family, to spend time with my family, is lost. I lost all my friends. My family has become strangers to me.

“There was a woman who I wanted to marry at the time that I was convicted, and I lost that too,” Mr. Deskovic added. “Given all that, I ask everybody: Would you be angry?”

Among the people who Mr. Deskovic said refused to review his case is Jeanine F. Pirro, the former Westchester district attorney, who took office after his trial; she is now the Republican nominee for state attorney general. The freed inmate and his lawyer expressed outrage that Ms. Pirro had scheduled a news conference to call for the reinstatement of the death penalty in New York just as Mr. Deskovic was being released Wednesday morning, but Ms. Pirro ended up canceling the event.

Ms. Pirro’s successor, Janet DiFiore, agreed to run the evidence through a national DNA databank after she was approached in June by Barry Scheck, a director of the Innocence Project, which works to free the wrongly convicted.

The decision to release Mr. Deskovic came after the DNA matched that of a man who is serving time for another Westchester murder. Ms. DiFiore declined to identify him but

said he recently confessed to killing Angela Correa, 15, the girl Mr. Deskovic was convicted of killing, on Nov. 15, 1989.

Mr. Scheck said that Mr. Deskovic was the 184th person nationwide to be exonerated because of DNA evidence since 1989, and that his case highlights the importance of having the authorities videotape interviews with suspects, as many police departments nationwide have begun to do.

“We’ve learned a lot about false confessions in the past decade,” Mr. Scheck said at a news conference. “Videotaping of confessions and training of police officers can definitely lead to different results.”

The case against Mr. Deskovic hinged largely on a confession he made after six hours of questioning in a small interrogation room in Brewster, where two Peekskill detectives took him for a polygraph test, according to court documents.

Mr. Deskovic, a sophomore, and Ms. Correa, a freshman, were in two classes together. Both were quiet and did not have a lot of friends, according to his mother, Linda McGarr, and Ms. Correa’s stepfather, Pedro Rivera, who sat quietly in court to see Mr. Deskovic go free.

Mr. Rivera met Mr. Deskovic for the first time at Ms. Correa’s wake, but saw him numerous times after that, he said. Mr. Deskovic went to church with the family, dined at their home and took Ms. Correa’s younger sister to the movies, he recalled.

“Jeffrey cried a lot for Angela,” Mr. Rivera said. “He was very distraught.”

The police in Peekskill said Mr. Deskovic’s behavior seemed odd. At his trial, investigators said they grew suspicious of Mr. Deskovic because he was late for school the day after Ms. Correa’s murder and seemed “overly distraught” about the death of a girl who was not his close friend.

For two months, Mr. Deskovic denied having anything to do with Ms. Correa’s death. Finally, in late January 1990, he agreed to the polygraph test, which preceded the interrogation that led to his confession.

“Believing in the criminal justice system and being fearful for myself, I told them what they wanted to hear,” Mr. Deskovic said, by way of explanation. “I thought it was all going to be O.K. in the end,” because he was sure that the DNA testing would show his innocence.

In convicting Mr. Deskovic, the jury effectively chose to give more weight to his tearful confession than to the DNA and other scientific evidence.

The conviction seemed to indicate that jurors believed the prosecution theory that semen found in Ms. Correa’s body was likely from a consensual sexual relationship with

someone else.

Many convicted criminals were compelled to give DNA samples in recent years, and the source of the semen in the victim's body was apparently identified that way. Until such database comparisons were available, there was no way for Mr. Deskovic to disprove the prosecution's theory, because there was no way to pinpoint whose semen it was.

While in prison, Mr. Deskovic said, he lived "from appeal to appeal," trying not to think of the 15-years-to-life sentence that hung over him. He finished high school, and earned an associate's degree.

A year into his sentence, he converted to Islam. "It was a major factor in surviving prison in terms of my mental sanity," he said.

After his release, Mr. Deskovic went with his mother, two aunts and two uncles for lunch at an Italian restaurant here. And for the first time, he talked on a cellphone.

"That was pretty weird," he said afterward. "I was looking for the little holes where you talk into, and couldn't find them."

http://online.wsj.com/article/SB10001424052702304450004577277481716886196.html?mod=googlenews_wsj

Exonerated Man Now Helps Others

By SEAN GARDINER of the Wall Street Journal

Before he was exonerated in the rape and murder of a Westchester high-school classmate, Jeffrey Deskovic spent 16 years in prison insisting upon his innocence. Now, with millions of dollars in legal settlement money, he said he plans to aid others who believe they have been unjustly convicted. He is set to announce this week the Jeffrey Deskovic Foundation for Justice, a nonprofit he established to work on cases in the New York City area.

Jeffrey Deskovic created his own group to fight wrongful convictions. Active in criminal-justice reform and anti-death-penalty movements since his release from prison in 2006, Mr. Deskovic has opened an office on the Upper West Side, hired a small staff and said he would commit \$1.5 million over three years to the organization.

"The real measure of somebody is what their actions are, more than talk. Much more than talk," said Mr. Deskovic, 38 years old, whose foundation has been in operation for a few months but expects to announce its opening on Friday. "I'm putting my money where my heart is."

Experts in wrongful convictions said they were aware of exonerated men who donated to existing organizations but believed Mr. Deskovic was the first freed man to dedicate his own money to founding such a group. "A lot of [exonerees] talked about it and said they were going to do it, and then when they got the money, they didn't do it," said Rob Warden, executive director of Northwestern Law School's Center on Wrongful Convictions. Justin Brooks, director of the California Innocence Project, said a man exonerated of rape in 2000 started the Life Intervention for Exonerees, which pays for basic necessities after release. "But I don't know of anyone who's doing anything on that scale," Mr. Brooks said. "That's really impressive."

The case that sent Mr. Deskovic to prison as a teenager was a brutal killing in the small upstate city of Peekskill.

In November 1989, the body of 15-year-old Angela Correa was found in a city park two days after she disappeared while taking photographs for a class assignment. She had been raped and murdered. Students at Peekskill High School pointed detectives to then-16-year-old Mr. Deskovic, a social outcast who had been held back his freshman year.

A report commissioned by current Westchester District Attorney Janet DiFiore and released in June 2007 called the police probe "a textbook illustration of tunnel vision in action."

The 2007 report found that the Peekskill police overly relied on an "offender" profile, drawn up at the department's request by the New York Police Department. The profile "proved inaccurate in almost every respect, but it appeared to fit Deskovic, prompting premature focus on him as a prime suspect," the report states.

The Peekskill Police Department declined to comment for this article. A lawsuit Mr. Deskovic brought against the department is still pending, as is one against neighboring Putnam County.

For six weeks, police played a cat-and-mouse game with the lonely and awkward Mr. Deskovic, telling him he was helping solve the crime, he said. After he agreed to take a lie-detector test to prove he wasn't involved in the murder, he was driven an hour away, interrogated for seven hours and told by the polygraph administrator that he was lying, he said. He said he was "emotionally overwhelmed" and falsely confessed.

It was the only evidence against Mr. Deskovic. A jury found him guilty even though tests on semen recovered from the victim didn't match his. For years, as DNA testing improved, Mr. Deskovic asked that the sample be run through existing databases. The 2007 report questioned why then-District Attorney Jeanine Pirro "consistently reject[ed]" Mr. Deskovic's application. Ms. Pirro, whose representative didn't return calls for comment Monday, said at the time she didn't recall receiving the requests.

Mr. Deskovic was released after lawyers with the Innocence Project convinced Ms. Pirro's successor, Ms. DiFiore, to check the DNA, which implicated another convicted rapist. That man subsequently confessed to attacking Angela.

Mr. Deskovic was released at age 32 and said he struggled for years to readjust.

He has now settled civil cases with Legal Aid, New York state and Westchester County for nearly \$9 million total. After taxes and lawyers' fees, he said he still has several million dollars-enough, he said, to live comfortably on the interest.

But the money has made possible something he began contemplating soon after his release: creating his own foundation. At first he worked with the Innocence Project. But despite his gratitude to that group, he said he clashed with people there.

Stephen Saloom, policy director of the Innocence Project, acknowledged there were differences. "But we completely wish him nothing but the best and we're glad he's starting his own organization to do things they way he wants," Mr.

Saloom said.

Mr. Deskovic and Richard Blassberg, a former newspaper editor who became the nonprofit's projects manager, struck a partnership with John Jay College of Criminal Justice and have signed up board members.

Its mission is fourfold: to continue public awareness work about wrongful convictions, push for legislative reforms, help exonerated people ease back into society and, in what Mr. Deskovic called the "ultimate goal," free unjustly convicted prisoners. His website advises potential clients, which are limited now to cases prosecuted within a 50-mile radius of Manhattan, that the foundation accepts "only cases in which there is a claim of actual innocence."

They have four cases: two murders, a robbery and an assault with a deadly weapon. One of those cases involves the Peekskill Police Department. Though the foundation is his "dream," Mr. Deskovic insisted he won't go broke funding it. He said if the foundation isn't at least 70% to 80% self-sufficient after three years, he will consider disbanding it. But one outcome may override that plan.

"If we get one person out or we're close to it then I would still feel satisfied," he said. "I mean, there's no words for that, there's no words if we're about to free somebody. Then it would be worth it."

Write to Sean Gardiner at sean.gardiner@wsj.com

A version of this article appeared Mar. 13, 2012, on page A15 in some U.S. editions of The Wall Street Journal, with the headline: Exonerated Man Now Helps Others.

Jeff Deskovic



Incident Date: 11/15/89	Year of Conviction: 1990
Jurisdiction: NY	Exoneration Date: 11/2/06
Charge: Murder, Rape, Possession of a Weapon	Sentence Served: 15.5 Years
Conviction: Murder, Rape, Possession of a Weapon	Real perpetrator found? Yes
Sentence: 15 - Life	Contributing Causes: False Confessions / Admissions, Government Misconduct
	Compensation? Not Yet

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The Crime

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Jeff Deskovic, then 16 years old, was a classmate of the victim's. He became a suspect because he was late to school the day after the victim disappeared. Police also believed he seemed overly distraught at the victim's death, visiting her wake three times.

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the rape kit. Deskovic had been told before the alleged confession that if his DNA did not match the semen in the rape kit, he would be cleared as a suspect. Instead, prosecution continued on the strength of his alleged confession.

The Trial

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On September 20, 2006, Jeff Deskovic was released from prison when his conviction was overturned. Following an apology from the assistant district attorney, the court dismissed Deskovic's indictment on the grounds of actual innocence on November 2, 2006.

Steven Cunningham subsequently confessed to the crime for which Jeff Deskovic served nearly 16 years.

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Understand the Causes: False Confessions

National View: Which States Require Recording of Interrogations?

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

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

(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 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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