



The Court Report

By Richard Blassberg

By Jeffrey Deskovic

Two weeks ago I began to describe my 16-year prison ordeal, having been wrongfully imprisoned at 17 years of age. While it is not a blow-by-blow account it is, nevertheless, of such length that it has been necessary to present it in three parts.

Visitors/Outside Contact

My mother was the only person who consistently came to visit me. But often in the course of phone calls and visits what dominated the conversation was looking for different ways and means of getting out. I had sporadic contact with aunts and uncles, often going years without seeing them. At times, though certainly not all of the time, one Aunt and Uncle had medical problems, and in addition they had their own lives to live. When I did have visits from anyone, the conversation was always of the surface level variety. This did not meet my emotional or communication needs. With many family members I had no contact at all. As a result of all of the above my family became strangers to me. The only childhood friend who came to see me was my friend Martin, whom I lost contact with after 1994-1995, and one other man who saw me once. As a result of that I became very lonely and isolated. Once every few years I would hear news from the community.

I tried to meet pen pals through a variety of means, reasoning that I could get some meaningful human contact that way, but almost all of my efforts went in vain. I think the fact that I was imprisoned for a sex offense played a big part in most people's decision not to respond to my ads. I was, of course, seeking not only some general contact with people but also hoping that I could find someone who could effectively champion my cause and lead to my getting legal help which could help me to get cleared, as I had read many other people had successfully done.

Despite many years of trying I was not successful. However, in 2005, I met one woman from Washington who I managed to correspond with, and who tried to help, but who despite her good intentions was in over her head. She wasn't able to accomplish much despite my best efforts at explaining what I wanted done and how to go about it. I also corresponded with a man who believed in my innocence and who helped me, during some really difficult times, keep it together mentally and emotionally as I wrestled with many issues connected with my wrongful incarceration.

Being Cleared

As the years went on, it actually became harder and harder to cope with. In my mind I was not serving a 15-year-to-Life sentence. I was simply doing a year or two until my next appeal was heard, at which time I was sure that justice would be done. **I lived from appeal to appeal.** I would always get happy when I received copies of legal papers filed on my behalf. I would go to the law library and read the cases which were cited by my lawyers, in order to understand the law better and to assess how good the arguments were; kind of like becoming a judge in my own

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Part Three

mind, evaluating the arguments raised. I always came away with the sense that good work had been done on my behalf and that the law and the facts required a ruling in my favor. Then time would drag on during the long delays of filing paperwork and waiting for court dates, opposition papers, etc. I would get excited once again when the case would be heard, but then the crash that would come every time I lost a decision was hard and loud.

I had also become a wrongful conviction buff, reading about wrongful convictions, exonerations, and ongoing injustices, with the hope of finding something, anything, that was done successfully in someone else's case that I too could emulate. Whenever I would read about someone being cleared it would give me hope,

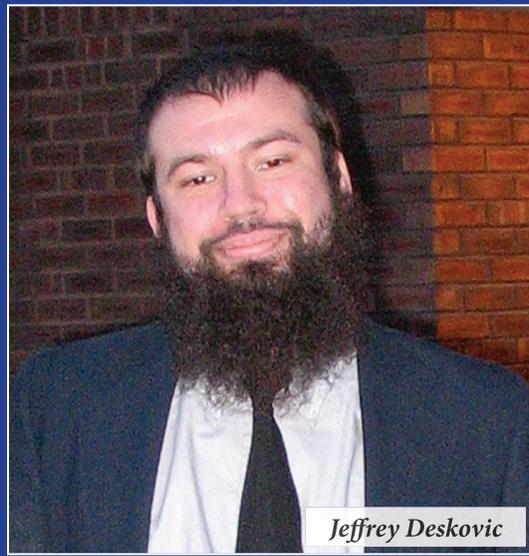
I'd get euphoric, imagine how they must feel at the moment of release with their friends and family waiting at the prison gate, and I would vicariously celebrate with them. Then, later after the euphoria wore off I would get upset and also feel frustrated because many were cleared based upon DNA, and there I was sitting in prison despite my DNA Test being negative. I felt that I should be out too, that my case should not be an exception. It also caused me to get down and depressed.

Once my appeals ran out in 1999-2000, my "legal work" consisted of sending out SOS letters, searching for anybody at all who could possibly be of any help. I needed to get legal help to try to find some new evidence to further establish my innocence or that which, at the very least, would create another legal issue, for which I might file the paperwork afterwards. I sent out many letters to lawyers, legal groups, various faith-based organizations, reporters, anyone and everyone who, in one way or another, could possibly be of any assistance, even if only indirectly. Almost all of the time I received no responses. When, rarely, I did receive them from lawyers, they would tell me that they had no time to take my case pro-bono, for free, although invariably they would conclude their letter with "good luck", as if somehow I would be alright without their even trying to help me a little bit. They would inform me how much money it would cost should I be able to pay.

After a while it became difficult even to think of someone or someplace to write that I hadn't tried already and, of course, simply obtaining addresses was hard and could not be taken for granted. This was the most difficult period of time as I would often battle feelings of depression, and wanting to give up.

Writing letters seeking help fortified me by making me feel that I was still fighting. Whereas when I could not think of where else to write or what to do, feelings of despair would emerge and I would have to fight hard not to quit.

In 2005 I read the book *Chicken Soup For the Prisoners Soul*, which was an anthology of 1 or 2 chapters of a variety of different books from different authors. In the back of the book there was information about the authors, including, in some cases, contact information. Out of desperation I combed over those pages,



Jeffrey Deskovic

Editor's Note: In an effort to help our readers fully comprehend the terrible injustice that was worked against 16-year-old Jeffrey Deskovic of Peekskill, resulting in his imprisonment, for the next 16 years of his life, for a rape and murder that Peekskill Police and Assistant DA George Bolen were well aware he was not guilty of, The Westchester Guardian, once again, turns over the pages of The Court Report to Mr. Deskovic in order that he might describe the ordeal in his own words.

— RB



Doing Hard Time, Part III, continued from page 3

looking for anyone who, through some angle, could help me. One of the authors that stuck out was Tekla Miller, who had written a book entitled, *The Warden Wore Pink*. It was about her experiences as a warden of a men's Maximum Security Prison. I wrote her a letter the gist of which was explaining my situation and asking her if she came across anyone throughout her career that could possibly be of any assistance to me, I asked if she could please forward my contact info to them or send me theirs.

I sent my letter to her book publishing company. But she never got the letter. The publishing company opened the letter and forwarded it to Claudia Whitman, who was involved in an organization that works to abolish the death penalty on a federal level, called National Death Row Assistance Network of CURE.

We began corresponding for the purpose of brainstorming. She tried to help me with the networking and finding someone to take my case. This went on for almost a year. Somewhere in the course of that she had recommended that I write to The Innocence Project again. I had written them previously in 1993-1994. Back then DNA was not as advanced as it is now and there was no such thing as a DNA databank. DNA exonerations were based strictly upon DNA being used as newly discovered evidence. In my case, they told me, "the DNA was not newly discovered; it was known at the time of trial by the jury," which nonetheless convicted me. Therefore, there was nothing they could do.

Mrs. Whitman told me to write to them again. She said my writing them previously was irrelevant in light of the databank. I knew of the databank and of it's potential to clear me, I just had thought that if I wrote again that I would get the same response, and I would not have written them again on my own.

I wrote to the Innocence Project and, this time, they sent me the questionnaire to fill out. I filled it out and sent it back to them, and forgot about it. I did it just to do it, with no expectation that anything positive might come of it. By this point in time, with every letter I wrote, I had conditioned myself not to get my hopes up. I was afraid to, because of the hurt that would follow when I was let down. I continued to brainstorm with Claudia and continued to write to different people and places, just as if I had not written to the Innocence Project. It was better not to have to wait on just one place, having a lot of time go by, and then being denied. By that method I only got to try three or four places a years. Rather, I decided to use the 'gangplank' approach, whereby the more irons in the fire the better.

Six months later, out of the blue, the Innocence Project wrote to me and told me that they were taking my case. After researching and putting together legal documents, they approached Westchester District Attorney Janet Difiore to see if she would agree

to do the more advanced DNA testing that Jeanine Pirro had previously opposed. She agreed. Had she decided to fight against it we would have had to litigate the matter in court which would have resulted in the usual delays. She spared me and her office having to go down that road by agreeing to have the testing done.

The first time I saw my primary lawyer, Nina Morrison, was also the only time I saw her in person in prison. Prior to that we communicated through the mail and by telephone. I was in my cell talking to my neighbor when my cell door opened. I stepped out of it to see what the guard who opened it wanted from me. He informed me that I had a visitor. I was surprised because I was not expecting a visit. I got dressed and hurried up to the visiting room, wondering along the way who could be visiting me. When I entered the room I looked around, looking for someone that I might recognized. A woman who I had never seen before waved her fingers to me. I then asked the guards at the desk where my visitor was. They indicated that it was the woman.

The Innocence Project uses law students as clerks to research case law, put together briefs etc. which are then reviewed by the lawyers. As I walked towards her I thought that maybe she was the law student who had been working on my case. She informed me that she was attorney Nina Morrison.

I was really surprised and thrown for a loop. She told me that the test results had come back. I was mostly surprised because we were not expecting the results for another month. She repeated that the results were in. Then, really quickly, before I could say anything she said that they matched someone else and that I was going home tomorrow.

I said, "No I am not, I am not going home." We went back and forth three times, with her telling me that I was going home and my insisting that I was not. After the third time she yielded and said, "Okay." She had to literally sit there and hold my hand for 3 ½ hours before I was psychologically ready to hear about what would happen the following day.

My mind would simply not accept it. She kept talking to me, trying to help me mentally work through the shock. Then, as she began going over the details of the next day, getting my clothing sizes etc., I began to fear that something would happen, that the D.A. would change her mind between that day and the next, and that they would do what they always did, oppose me and win.

As I left the visiting room my mind was swirling around. On an intellectual level I had accepted it, yet it had not fully hit me. I went to recreation that night and spoke with a law student that they had left at the office to give me someone to talk to.

Even though Sing Sing had been informed that I was going to court and going to be released the next

day, the guards still put the handcuffs on me along with a waist chain, as well as the leg irons. As I was driven into White Plains, I looked out the windows and looked on amazed and happy with society; seeing roads and cars with people in them, grass, businesses, people walking around, familiar and not so familiar buildings, and all the while feeling the sun shining on me. It felt good to be moving around in the free world even though I was not yet free.

When I was in the holding area of the court waiting to be called up, I prayed a couple of times that nothing would go wrong, that nothing unanticipated would happen. My stomach felt a twinge in response to the irrational fear that something would. I was given a suit which the Innocence Project had bought for me. I put it on, and this made things a little bit more real. When it was time to go upstairs to court, they put handcuffs on me. I thought, "Was that really necessary?"

When I entered the court room, I stopped to look around at the people, to see if I knew any of them. I smiled, knowing that what I had been saying all along, that I was innocent, was now known by all. As this thought went through my mind, I, as one newspaper put it, puffed my chest out slightly, triumphantly; I had finally overcome the system.

I sat down at the defendant's table. Nina Morrison looked at me and introduced Barry Scheck, who told me that I was definitely going home that day. The judge came out quickly.

Following the brief proceedings, as I got up and turned to leave, I took a couple of steps and suddenly the enormity hit me, I was going home. It froze my mind. I sat back down, with my shoulders slumped. I was unready to leave. My mind drifted into a fog. My lawyers began speaking to me, they wanted to know what was wrong. But, I was unable to talk momentarily. My mind almost shut down.

There reached a point in time where the court of ficers cleared the courtroom of everybody other than family. After about 10 minutes I got up and walked out. With each step I took I realized more and more that it was really happening. I received a standing ovation from the crowd of law students. Then after about fifteen minutes of taking it in, I thanked all the students and staff who had helped, and went to give a press conference in which I spoke for 2, 2 ½ hours of everything I had ever wanted to say. ■

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