



Jeff Deskovic

Life's Lessons From Exonerees

I was sitting at my computer about a week ago when I learned of the passing of Clyde Charles, and the story of his case, reached me. Upon reading the specifics, I was moved. Here are the details: Clyde served nearly two decades in Louisiana for rape before being proven innocent by DNA. Clyde was convicted based upon a misidentification. While the victim was still in the hospital, the police brought Charles in front of her, in handcuffs, and asked her if this was the man who raped her. She replied affirmatively. In addition, a lab analyst testified that two Caucasian hairs were consistent with those of the victim.

KBZE/KFRA News reported that his sister, Lois Hill, said the family pooled their financial resources, to begin helping their brother Clyde in two appeals of his case, both of which were lost in 1982 and 1987. In 1990 Hill and her sister Rochelle Abrams, sought to have DNA evidence tested in the case. However, Hill said that for years their requests were ignored, blocked or denied by the state. "The state and Terrebonne Parish never once apologized publically or privately to Clyde for what they did, nor did they repay him for the injustice done against him," Hill said. "Terrebonne Parish gave him \$200,000 and then told him to go away," Hill said.

On Jan. 7, 2009, after being free for only eight years, he passed away at his home. **The Daily Comet** reported that he entered prison healthy, but left mentally scarred and stricken with physical ailments including tuberculosis, diabetes and hepatitis. He was forced to undergo dialysis three times a week. According to an article by the **Associated Press**, Clyde Charles had a very tough life after his release from prison, suffering from post-traumatic stress disorder, nightmares, and terrible pain from his diabetes.

Barry Scheck, of the Innocence Project, said in a telephone interview last Tuesday, in early 2003, Charles was arrested on a charge that he had stabbed one of his other brothers, but was released on \$100,000 bail for intensive drug rehabilitation. That case was continued indefinitely in a deal brokered with state prosecutors. "I wish I could tell you they lived happily ever after. But they didn't," Scheck said.

KBZE News quoted Lois Hill as saying, "This week, it's about my brother, and all I can say is that a man set free after serving 18 years in prison for a crime he did not commit, on January 7, became truly free indeed," Hill said. "I have no regrets. Two weeks ago while visiting my brother at his home, while talking, Clyde looked at me and said, 'Lois, I know what you did for me. I know you stood beside me when many people had fell along the way, and that made me feel real good. You can't buy that kind of love.' I have my brother's love, and that is the best gift I have ever received," Hill said.

His story brought to mind the sad story of another deceased exoneree, Ron Williamson, whose story I wrote about previously in **The Guardian** under the title "An Emotional Night At The Second Annual Innocence Project Gala Dinner." Williamson served 11 years on death row before being proven innocent by DNA. At one point he came within 5 days of execution. His story is the subject of the book **The Innocent Man** by John Grisham.

Of all of the recountings in the media about his life and his case, I liked the one published by the website **Abolish The Death Penalty**, best, for the concise manner in which they reported things. They recounted that he was a high school baseball star, who was both a pitcher and a catcher, who was drafted in the second round by The Oakland A's in 1971. After 6 years in the minor leagues, his career ended because of arm injuries. He returned to Oklahoma and worked at a sales job, but began to show signs of a mental illness that was eventually di-

agnosed as Bipolar Disorder.

The evidence against him, the authorities said, consisted of 17 hairs that matched those of Mr. Williamson and his co-defendant Mr. Fritz, and the account provided by the woman who said she had heard Mr. Williamson confess. A second jailhouse informer later stepped forward to buttress the case against Mr. Fritz. Williamson and Fritz were both cleared when the DNA not only did not match them, but also matched Glen Gore, who was in prison for an unrelated crime. Williamson died of cirrhosis of the liver just 5 years after being released.

After he was exonerated and released in April 1999, here are the words that he said about his life, taken from the website, **Care2**: "I hope I go to neither heaven nor hell. I wish that at the time of my death that I could go to sleep and never wake up and never have a bad dream. Eternal rest, like you've seen on some tombstones, that's what I hope for. Because I don't want to go through the Judgment. I don't want anybody judging me again. ... I asked myself what was the reason for my birth when I was on death row, if I was going to have to go through all that. What was even the reason for my birth? I almost cursed my mother and dad -- it was so bad -- for putting me on this earth. If I had it all to do over again, I wouldn't be born."

After recalling Ron, my mind then raced toward the story of exonerated Stephan Cowans, who died at 37 after being free for only 3 1/2 years. Although I recalled some generalities about him and

his case, the particulars had grown a little grey. Cowans served six and a half years in a Massachusetts prison for the shooting of a police officer before he was proven innocent. The facts of his case are taken from The Innocence Project's website:

"On May 30, 1997, an officer of the Boston Police Department was shot twice with his own service weapon in the backyard of a house in Jamaica Plain following a short struggle with an unknown assailant. The assailant fired an additional shot at an individual who was standing in the window of a second floor bedroom. The assailant ran from the scene, leaving the baseball hat he was wearing. He forcibly entered a nearby home, where he stopped to drink from a glass of water. The assailant then fled, leaving both the gun and the sweat-shirt he had been wearing. Approximately two weeks later, the injured police officer identified Stephan Cowans from a photo array composed of eight photographs. On July

2, 1997, the officer attended a lineup and once again singled out Cowans as the man who had shot him. On that same day the individual who had been watching from his second floor bedroom window also identified Cowans as the assailant.

The family who had been present in the home that the assailant had forcibly entered, and who had spent the most time with the assailant, did not identify Mr. Cowans from the lineup. At trial, the Commonwealth used these identifications to convict Cowans. The Commonwealth also relied upon a latent fingerprint that



Stephan Cowans

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had been found on the glass mug used by the assailant. Prosecutors presented expert testimony asserting that the latent fingerprint matched Cowans's left thumb print. On May 22, 2003, the Suffolk Superior Court issued an order approving a stipulation - entered into between the Innocence Project, Cowans' counsel, and the Commonwealth - for the release of the glass mug, swabs taken from the mug, a baseball hat, and the white sweatshirt for the purposes of DNA testing.

The tests revealed conclusive results. The primary profile located on the baseball hat matched the profile located on the swab taken from the rim of the glass mug used by the perpetrator. Stephan Cowans was excluded as the source of the DNA on these items. In January, 2004, the Commonwealth requested that the white sweatshirt worn by the assailant also be submitted for DNA testing. The results revealed the same profile found on the baseball hat and the swab of the glass mug, and once again did not match the DNA profile of Cowans. After reviewing the DNA test results, the Suffolk County District Attorney re-analyzed the fingerprint that had been used to convict Cowans. This re-examination showed that the fingerprint did not actually belong to Cowans.

After being free for only 3 1/2 years, Stephan Cowans was found dead in his home, shot to death, apparently from somebody who was trying to rob him for a part of his well known 3.2 million dollar award, on October 26, 2007."

As *The Boston Phoenix* wrote, Stephan Cowans never learned how, or why, he came to be blamed for the non-fatal shooting of Boston police officer Gregory Gallagher in 1997. Now, the *Boston Phoenix* has uncovered substantial new information about the Cowans

case. These revelations are troubling, as they suggest that key members of the Boston Police Department (BPD) knew that Cowans was innocent, even as they forged the case to prosecute him. The *Phoenix* has reviewed hundreds of pages of documents, including contents of the original investigative file, and interviewed many sources close to the case.

For a variety of reasons, certain case materials, physical evidence, and potential witnesses were not available. Nonetheless, the picture that has emerged is one in which some BPD officers appear to have perjured themselves, and/or concealed evidence, hid what they knew, and even falsified documents. Officers may have been aware of Cowans' innocence, some of them may even have known who the real shooter was, and for whatever reason, worked to protect him.

Lessons Learned

I am by nature empathetic, and when I read or hear of information about exonerees, since I, too, experienced a wrongful conviction, I tend to be particularly sensitive. What happens is that I remember my own ordeal and I imagine another person experiencing it. In this instance, because these stories involve the added element of death after a relatively short amount of time free post exoneration, it is particularly painful.

At the same time, reflecting on other's lives can sometimes reveal profound things, and/or knock down a mental wall that is barricading one from understanding the simplest of things. At this time I would like to honor the above-mentioned men by recounting the life lessons that their lives convey.

Clyde Charles had requests for DNA blocked and denied. That is inexcusable. Had he been granted the testing earlier more of his life span could have been spent free. Everybody should have the right to DNA testing.

The police allowing the victim to view Charles while he was handcuffed was obviously an influencing factor. It is not that the victim purposely misidentified him; it is that she most likely placed confidence in the police. After all, why would they bring him to her in handcuffs if he wasn't the one? Police and other law enforcement agents should never show a victim a suspect while he is handcuffed.

The psychological effect of wrongful convictions has been studied by psychologists in Canada. It often causes Post Traumatic Stress Disorder. The experience was found by psychologists to be similar to that of soldiers returning home from war. Charles had PTSD. All exonerees should be provided with free mental health treatment.

Receiving an apology from the state, while in many ways being empty and inadequate, has been found by psychologists to be important to many exonerees. Clyde Charles went to his grave never having received one. Local governments should automatically apologize whenever anyone has been released because they were found innocent.

Another lesson that both Charles' life and the life of Ron Williamson teach is that often the substandard medical care that prisoners experience can have the effect of shortening their lives. We owe it to both of them to oppose such appalling medical treatment in prisons for all prisoners, whether innocent or guilty. Someone once said words to the effect that the test of a country lies in how it treats its prisoners. On this front, as a country, we are currently failing.

The life of Stephan Cowans illustrates that contrary to popularly held beliefs, some police do work to wrongfully convict people even when they know that the person is innocent. They do resort to tactics such as committing perjury, concealing evidence, falsifying documents, and engaging in conspiracy with similar officers, and turning of a blind eye by officers not involved, ostensibly under the banner of the blue wall of silence.

Accordingly, police should be viewed by government officials, jurors, and even everyday citizens, as being no more or less credible than any other person in any other walk of life. They are not, ipso facto because of their jobs, somehow more truthful or trustworthy.

Another lesson from this is that honest police officers should expose corrupt ones. Had any brave officers stepped forward, they could have prevented Cowans' wrongful convictions and/or the full length of time he spent in prison. Still one other theme is that prosecutors should not be afraid to rerun fingerprint or other tests, as the DA in his case did. What's to lose? On that score, I applaud the DA.

Beyond lessons involving wrongful convictions, I believe that their lives give us some general thoughts. The things I will now share come from them, as well my own life experience.

Life is both precious and fragile. It is here one moment, and gone the next. Living a long time till we are old and have grandchildren is not promised to any of us. Make the most out of each moment.

Appreciate the small things in life that most of us tend to overlook.

Enjoy the sensation of taking in fresh air instead of having limited opportunities. Appreciate the feel of being able to stand in the sun, or be outside during a warm summer night without having to worry that someone will tell you that you have to go inside. Savor being able to have a choice as to what you eat as opposed to having something hastily, without any care thrown in front of you, which you either eat or not. Be glad that you can travel, even if it is on public transportation to limited places that your budget can afford as opposed to being with a facility and without some sort of tracking or oversight.

With the exception of some neighborhoods and incidents, violence and assaults do not constantly hang as an imminent threat. Appreciate your friends, and even if you do not currently have any, appreciate the fact that you have the ability to make them. Enjoy the simple pleasure of talking to someone of the opposite sex.

The people who extend themselves to you to help you in your time of need, by way of their actions and sacrifice, are the people that really and truly love you. Try to rise above the worst things that have happened in your life, and reach a level of peace within you.

Your life, no matter what it's realities or hardships and difficulties, is, in most instances, better than being imprisoned for something you didn't do. It would be better to live in a garbage dumpster or a shelter than to have the roof of a prison cell over your head.

Avoid putting off things that you would like to do "someday" and instead ask yourself, "If I was given 6 months to live, what would I do?" Make a list, and then go out and do it.

Try to turn your life into what you want it to be. Conceptualize it, look for every conceivable angle to make it happen, and then go for it, all the while looking for unforeseen opportunities to bring you closer.

Don't be afraid to think outside of the box or try angles that others have not tried before.

It is our response during our most trying times that truly defines who we are; when we choose to dip into our well of strength in reserve or assume a metaphorical fetal position and fold.

When it comes to passions, causes, and things we believe in, NEVER GIVE UP.

This article is dedicated to the memories of Clyde Charles, Ron Williamson, and Stephan Cowans, as well as all of the people who helped them during their period of wrongful incarceration, in obtaining their freedom, and in their short and difficult lives thereafter. ■

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