


OPED TRUTH AND JUSTICE

The Second Annual National Freedom March for the Wrongfully Convicted

By Jeffrey Deskovic

On Saturday, Oct 2, 2010, the second annual multi-state "National Freedom March for the Wrongfully Convicted" was held. The purpose of the march was to raise awareness about wrongful convictions. New York was but one state out of many states holding the event. The first march was held in Manhattan. The gathering point this year was in front of the Dutchess County Court in Poughkeepsie, NY. From there, about 30 people, many of them holding signs, marched for five blocks to Waryas Park, where the speaking portion of the program took place.

Terry Borden, who along with his wife Pat organized the event, opened the program. He discussed the issues, concerns, and problems of wrongful convictions, and spoke briefly about his son Steven, who he divulged had been wrongfully convicted in Arizona, without any physical evidence. In a bizarre reversal of the normal order of the law, in which the prosecution has the burden of proof rather than the defendant, he said that an Arizonan law shifted that burden to Steven, so that he had to prove that any touching that occurred between him and alleged minor victims was not sexually motivated. Another point that was made was that the children did not disclose the alleged touching on their own, instead it was only after the police spoke to the parents about an unrelated incident that the parents were asked to speak to the children. It was thereafter that allegations were brought forward against Steven.

Next to speak was Laura Porter, formerly the Deputy Director of "New Yorkers Against the Death Penalty," who currently works as the Director of "Organizing for Equal Justice USA," whose focus is aimed at implementing a better justice system, but which currently is engaged in assisting anti-death penalty organizations achieve abolition in their states. Porter stated that exonerees' needs are not being met once they are cleared, meaning that they are simply



(L-R): Jeffrey Deskovic (holding sign), Dewey Bozella, and Kian Khatibi.

released with nothing; no assistance in reintegrating back into society, such as housing, education, mental health services, financial needs, and training in technology. Porter said that building a broad based, inclusive coalition in the push for legislative reforms to prevent wrongful convictions, involving people across the ideological spectrum, including victim family members, law enforcement, and conservatives, was crucial. Since concern over wrongful convictions was key in public sentiment against the death penalty, she felt that the tactic could be used in working against wrongful convictions. Her last point was that there is a prevalence of junk sciences in the country that have not been scientifically validated and have no statistical data. The two examples she cited were fingerprints, and arson science, the latter of which resulted in the wrongful execution of Todd Willingham in Texas.

Dewey Bozella, who had been wrongfully convicted, and exonerated, of murder in Poughkeepsie, in front of the very court from which this year's march departed said that he served 26 years in prison, after twice being wrongfully convicted of the same murder prior to being cleared. After many years of trying, he had finally gotten legal representation when The Innocence Project accepted

his case. But after a couple of years, they closed his case because it was learned that the testable material had been destroyed. The Innocence Project then convinced another legal group to take his case, who then located a police officer who originally arrested Dewey and testified against him twice, but who kept the file in his house because he felt something wasn't right about the case. That file led to evidence that ultimately cleared Bozella.

Kian Khatibi then spoke about being wrongfully convicted in Westchester for an assault with a deadly weapon that his brother actually committed. He recalled that his father came up to him, before the verdict, and told him not to worry since he was innocent; and that he couldn't believe it when he was convicted.

Khatibi stated that an off duty cop had casually told him the previous night that the system

didn't need to be fixed because wrongful conviction happen only 1% of the time. While doubting the accuracy of that number, he nonetheless stated that 1% of anything was actually a large amount of people.

Pam Booker, who stated that her husband had been wrongfully convicted, explained that family members suffer in addition to the wrongfully convicted person. She explained the difficulty of having to explain to her kids where their father was, the difficulty in not having him physically present and subsequently his missing significant events in their lives. Further, she noted how while people celebrated her husband's conviction in the courtroom, she had been simultaneously been traumatized.

I then spoke of being wrongfully convicted of murder and rape at age 17 despite a negative DNA test, the many times I lost my appeals, and how I ultimately was proven innocent by further testing which identified the real perpetrator. I spoke about the difficulties of reintegration: trying to rebuild family

ties, the trauma of being wrongfully convicted, difficulties breaking in socially, how hard it was to date due to my background, learning new technology, and trouble finding gainful employment due to lack of experience compared to other job applicants.

Switching gears, I discussed the New York Attorney General race. I pointed out that the District Attorney's Association of which Dan Donovan is its chairman, opposed legislation proposed by the New York State Bar Association despite their having studied 52 wrongful convictions in New York. Those areas included improvements to address: misidentification; videotaping false confessions, witnesses who receive benefits for testimony, stronger DNA access, better discovery practices, and removing procedural impediments for exonerees to receive compensation.

I then mentioned Democrat nominee Eric Schneiderman's New York State Senate record of support for measures in each of the areas opposed by Donovan, and of his proposed Anti-Wrongful Conviction Unit in the Attorney General's Office. The unit would investigate potential cases of wrongful conviction, and follow the evidence wherever it led. Schneiderman would not use technicalities when exonerees seek compensation in court, and would speed up discovery so that compensation cases could be resolved quickly and fairly, and that he would use his office to advocate further for legislation to prevent wrongful convictions.

The march ended with a prayer officiated by Father Richard Trezza beseeching the system become more accurate, followed by a releasing of butterflies, intended to symbolize the hoped for future release of all wrongfully convicted people.

Jeffrey Deskovic is a Criminal Justice Advocate and Exoneree. To learn more, visit his website: www.jeffreydeskovicpeaks.org.