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Christmas in jail is worse than you can imagine. Now imagine if you've been wrongfully convicted

I spent 16 holidays behind bars for a crime I didn't commit. How many other innocent men must have years stolen by a corrupt system?

The Guardian
December 25, 2014
Jeffrey Deskovic

I spent 16 years in prison, wrongfully convicted at age 17 of murder and rape, despite a negative DNA test. I lost all seven of my appeals, and I was turned down for parole. Finally, at age 32, I was exonerated after further DNA testing that identified the actual perpetrator. Even though I am happy to

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*Jeffrey has
been NYADP's*

be spending my ninth straight holiday home free, my thoughts remain with those who are still imprisoned today, for the wrong reasons.

During the holidays, a day in prison was no different for me than every other day: routines, violence, staying alert, verbal abuse by guards, tolerance of abusive guards by their co-workers and the prison administration. For company, I had a variety of other victims of injustice: wrongfully convicted prisoners; non-violent offenders serving an unseemly long sentence; drug users serving life pursuant to still largely unreformed and arcane laws; over-sentenced prisoners whose punishment was grossly disproportionate to the crime; men whose guilt or innocence was unclear but who had not received a fair trial; prisoners whose advanced age and medical condition strongly suggested they should have been released a long time ago; and people who had been denied parole, repeatedly, despite their obvious rehabilitation.

Of course there was no shortage of guilty men in prison on Christmas Day, both the repentant and the non. I hated living around real, cold-blooded prisoners over the holidays, but I had no choice – even though I was innocent, even though I was screaming out so loudly inside my head: I AM NOT SUPPOSED TO BE HERE!!!

It was extremely difficult to get on the prison phone: too many people wanted to use it, too many calls went on for an inconsiderately long time, too many people passed it on to their friends only. There just weren't enough ways to phone home to your family because, in prison, they want you to be disconnected on Christmas. Those rare times I got through, I was happy to know that family get-togethers were happening, but they were still a faint sound.

Holiday meals in prison were downright terrible: "dinner" often consisted of two cold-cuts slices, one piece of cheese, an old hotdog bun, one packet of mayo and mustard, one-fourth of a slice of peach, a bag of potato chips mostly filled with air, and a "soup" – the ingredients of which had already

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NEWS of the Shore

September 4, 2015

Chabad of the Shore, a Jewish community organization in Long Branch, NJ, hosted a dinner and invited Jeffrey Deskovic to be the guest speaker, followed by Q&A.

been on the serving line three or four times earlier that week and had simply been dumped into a large vat of water and heated up. Holiday lunch was not too much better: processed and often overcooked turkey, salty stuffing, instant potatoes.

During the prison's staff holiday party, while guards were "working" on state time, we would often be locked in our cells. Sometimes I would cry myself to sleep.

I am free this Christmas, but many still suffer the same way. They can never get back the lost time or the missed holidays.

There is William Lopez, whom my organization helped exonerate after 23-and-a-half years in prison for a shotgun murder he did not commit. His wrongful conviction was the result of misidentification by a drug addict who had been up for 24 hours, of prosecutorial misconduct, of an inept attorney that failed to call two alibi witnesses. Bill and I spent his first Thanksgiving, Christmas and New Year's Eve together, and numerous other firsts after that. But after a mere year and a half of freedom, and just days before the latest development in his federal civil-rights lawsuit, Bill died. All those holidays with family and friends – so much of his life – had been stolen.

There are many more William Lopezes out there. The National Registry of Exonerations lists nearly 1,500 exonerations dating back to 1989. Last year, 89 innocent people in the US were exonerated; even more have been so far this year. There was George Stinney, the man convicted and executed in the Jim Crow south of murder when he was 14 years old ... and exonerated last week – 70 years later. In Cleveland, there's Kwame Ajamu, exonerated of murder this month after 40 years. And just on Christmas Eve – also in Cleveland – there was Anthony Lemons going free, nearly 20 stolen year later.

But there are still more innocent people spending the holidays behind bars – people who shouldn't be – than we can even count. Every time a rogue law enforcement officer or forensic scientist gets identified, hundreds if not thousands of

cases get affected, and several of those are bound to be innocent. Every time junk science gets admitted as evidence – bite marks, tire marks, footprints, bullet-lead analysis, hair comparisons, the testimony of a dog with “a good nose” – there is the chance an innocent man will spend Christmas in prison. Coerced false confessions, misidentification, informant testimony, bad lawyering, prosecutorial misconduct – all of these lead to wrongful conviction and remain largely unaddressed by state and federal legislation in the US. I believe 15-20% of the American prison population has been wrongfully convicted and remains unexonerated as of this Christmas Day.

When a Cleveland judge gave Anthony Lemons that Christmas gift of freedom on Tuesday morning, his mother cried. “I got my baby back today,” she said. “I still trust the system, but I didn’t think it would take this long.”

I still don’t trust the system. And until legislation addressing all the root causes of wrongful conviction gets passed, I never will – and nobody else should either. Merry Christmas.

To learn more about the Jeffrey Deskovic Foundation for Justice and how you can help, visit Deskovic.org.

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