

Report blames wrongful conviction on 'tunnel vision' of police, lawyers

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"Tunnel vision" by Peekskill police and Westchester prosecutors, coupled with an inept defense, led to the wrongful 1989 murder conviction of Jeffrey Deskovic, according to a new report released by the Westchester district attorney.

The 38-page "Report on the Conviction of Jeffrey Deskovic" blames a narrow-minded investigation, mishandled evidence and a dismissive district attorney for the 16-year imprisonment of Deskovic.

Deskovic was convicted of the rape and murder of 15-year-old Angela Correa, a crime he didn't commit. He was freed based on DNA evidence last year.

"I was surprised because the report was more thorough and critical than what I thought it was going to be," he said from the Mercy College campus in Dobbs Ferry, where he now studies and lives.

"But at the same time, it kind of confirmed my worst fears," he said, that "they were not going to interview any live witnesses and that they were only going to go by a cold record and that they had in fact proceeded without even offering me the opportunity of participating."

Prepared pro bono by two retired judges, a retired Staten Island prosecutor and a Manhattan Legal Aid lawyer, the report suggests legislative, law-enforcement and legal reforms to prevent future wrongful convictions.

The report is available on the district attorney's Web site, www.westchesterda.net.

It suggested that Peekskill police limited their probe largely to Deskovic early on and relied in part on a New York City Police Department profile of the killer that matched Deskovic, but proved off the mark.

Prosecutors were criticized for developing "strained and shifting theories" to explain away scientific evidence that did not support the case against Deskovic.

Current District Attorney Janet DiFiore followed through on the DNA tests last year that ultimately cleared Deskovic.

Peekskill Police Chief Eugene Tumolo yesterday declined to comment, saying he had yet to review the document.

Jeanine Pirro, who became district attorney in 1994, after Deskovic's conviction, has denied ever receiving any correspondence requesting a DNA test. William Aronwald, her attorney, said he has filed a Freedom of Information request with the District Attorney's Office, asking for copies of any correspondence to and from Deskovic.

"Jeanine certainly has absolutely no recollection of ever seeing any letter from Deskovic," Aronwald said. "Jeanine is someone who has been very proactive in trying to get legislation to try to set up a DNA databank."

Asked about the statement, Deskovic said yesterday that it's all a matter of public record. "Even though she disputes that a letter was given, you can check the federal court documents when I went to the United States Court of Appeals, in which there was a

request for more sophisticated DNA testing," he said. "Nobody can dispute that. That's in black and white."

Deskovic was convicted at the age of 16 for the rape and murder of high school classmate Angela Correa based on a false confession he gave a Peekskill detective after hours of interrogation.

He pleaded at sentencing, but was sentenced to 15 years to life.

After spending half his life in prison, Deskovic was exonerated by DNA evidence last year, which also tracked down Correa's real killer, convicted murderer Steven Cunningham, who got 20 years added to his term in May.

Deskovic is now enrolled at Mercy College, completing the psychology degree he began while in prison.

DiFiore, the current district attorney, said the recommendations listed in the report are already being implemented by her office, including measures to ensure that homicide investigations don't leap to conclusions.

"We must follow the evidence in every case," she said, adding that "we are constantly training on that issue. We're constantly talking about that issue and guarding against the whole syndrome of tunnel vision."

The report also places some blame on Deskovic's defense attorneys, describing efforts as "scattered, unfocused and confusing," failing to take advantage of the problematic investigation.

Still, DiFiore said her office has a policy of reviewing "at the highest level" every DNA request.

The report calls for more caution to be exercised when interrogating juveniles (Deskovic was 16 at the time of his confession), because when pressured they are more susceptible to confessing to crimes they did not commit. It said all felony interrogations should be videotaped, as well - a policy DiFiore said she encourages.

The Legislature should create a "Commission of Inquiry" to investigate wrongfully convicted people who are exonerated by DNA evidence, the report said. In response, the Innocence Project, a nonprofit legal group that helped Deskovic and other prisoners who can be proven innocent by DNA testing, repeated its own calls for state lawmakers to create such a commission when the Legislature reconvenes July 16.

Nine of New York's 23 post-conviction DNA exonerations have been in the last 17 months, according to the Innocence Project.

"This report makes clear that the system has not been fixed to prevent other people from enduring the tragic injustice Jeffrey Deskovic suffered," said Barry Scheck, Innocence Project co-director. "Virtually every factor that this report says led to Jeffrey Deskovic's wrongful conviction is addressed in reforms that are pending in Albany.

"Until meaningful reform is enacted in New York state, more people will be convicted of crimes they did not commit while the true perpetrators remain at large."

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