

Recent Rash of Exonerations Only the Surface: Many More Remain Wrongfully Imprisoned

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Fernando Bermudez. Sami Leka. Jose Morales. Reuben Montalvo. Lazaro Burts. Kareen Bellamy. Anthony Ortiz. Frank Sterling. Roy Brown. Dennis Halstead. John Kogut. Eric Glisson. Jonathan Fleming.

Those are the names of 13 men that I personally knew and served time with who were exonerated either during my 16 years in prison or thereafter.

Last year there were 91 exonerations. This year there have been 90 thus far. To date there have been 1482 exonerations overall, only 321 of them being DNA related. Since taking office this past January, Brooklyn DA Thompson's conviction integrity unit has exonerated 11 people.

Most experts estimate the percentage of wrongfully convicted prisoners to be 2 to 5% of the inmate population — that is 120,000 people. I deem the number to be closer to 15 to 20%.

In either case, what is causing the staggering number of wrongful convictions?

Rogue Law Enforcement. In Brooklyn, disgraced retired detective Scarcella was found to have used the same drug addict as the sole eyewitness in six different murder cases. Various news accounts say as many as 70 homicides he worked on are being reviewed.

Forensic Fraud. In Massachusetts, forensic scientist, Annie Dhookhan, was sentenced to three to five years in prison and two years of probation after pleading guilty to 27 counts of misleading investigators, filing false reports, and tampering with evidence.

Additionally, forensic scientists are given financial incentives for giving prosecutorial favorable results that lead to conviction in North Carolina, Illinois, Alabama, New Mexico, Kentucky, New Jersey, Virginia, Arizona, California, Missouri, Tennessee, and Wisconsin.

Prosecutorial Misconduct. Lying to judges and juries about the existence of benefits and in some cases coercion to informants was a regular practice over the span of the 23 year tenure of former Brooklyn DA Hynes, as was withholding of evidence of innocence.

Junk science. For 40 years, FBI experts have testified in court about “bullet lead analysis” a procedure in which bullets found at a crime scene are tested for arsenic, tin, silver, and other contaminants or additives, and the findings were compared to analysis of bullets found in the possession of suspects. These experts claimed to be able to link one bullet to others from the same production run. For at least 20 years, FBI officials knew that there were no scientific underpinnings to this junk science — that in fact, there were no studies shown to determine how significant a “match” was.

Disgraced dog scent expert Preston came into courtrooms in Texas and Florida for over 20 years, stating that he had trained dogs which would bark if, after being given items to smell from a crime, the dog recognized the scent from a suspect’s item. Preston claimed that his dogs could smell human traces years or months after a suspect walked over the ground, on heavily trafficked streets, underwater, and even after hurricanes. He is not the only “expert” in this “field.”

In 2013, it was revealed that in 27 death penalty cases, FBI forensic experts may have exaggerated the scientific conclusions that were drawn from a so-called “match” between hair found at a crime scene and hair from a defendant.

Tire tracks, footprints, and bite marks are also junk science.

I served 16 years in prison, from the ages of 17 to 32, wrongfully convicted of a murder and rape in New York, despite the fact that the DNA never matched. I lost all seven of my appeals, including two of which now US Supreme Court Judge Sotomayor denied on procedural grounds for having been four days late despite my substantive innocence argument. Ultimately I was exonerated because further DNA testing identified the actual perpetrator, who killed another victim 3.5 years later.

Using \$1.5 million dollars of compensation I received, I started The Jeffrey Deskovic Foundation for Justice to exonerate the wrongfully convicted in DNA and non-DNA cases, educate the public, elected officials, and criminal justice professionals on the causes of wrongful conviction and the reforms need to prevent them, and help the exonerated reintegrate. In two years time, we helped exonerate William Lopez, who had served 23.5 years, and helped 4 wrongfully convicted men reintegrate back into society by providing short term housing, which enabled them to pursue further education, and in one case open a business.

This holiday season, while celebrating with friends and family, we hope you’ll take a brief moment to remember all those who remain wrongfully imprisoned.

To learn more about The Jeffrey Deskovic Foundation for Justice and how you can help, please visit [here](#).