

Episode 78: Jeff was convicted of murder

Peekskill, New York.

Angela Correa was 15 years old. She was a student at Peekskill High School, with an interest in photography as a hobby and perhaps eventually a career. On November 15, 1989, she went missing, and an area-wide search was conducted.

Two days later, Angela's body was found. She had been beaten, raped, and strangled to death.

Police began an investigation, and questioned some of the other students at Angela's school. Based on some tips, they began to question one of her fellow students, 16 year old Jeff Deskovic. After a long session with a polygraph examiner, Deskovic confessed to the murder. He was charged and convicted, and sentenced. He was in prison for 16 years.

Just one problem with this story: he didn't do it.

Jeff Deskovic is my guest on the show today, and we talked about a lot of things, including why he would confess to a murder that he didn't commit, and what it was like to be a sensitive, 17 year old boy living in prison next to violent criminals. And best of all, what he's been able to do since he got out.

Scott

Where were you when you first found out what happened to Angela Correa?

Jeff

I was at home. I remember reading an article on the front page of the daily newspaper in Westchester, New York. It said, "Teen body found" underneath the photo of her, and it was the lead story.

Scott

So it had already happened then. Was this the next day?

Jeff

Well she went missing on November 15th and her body was found on the 17th. It was either that day or the day after that it was the lead story in the Evening Star newspaper.

Scott

What happened to her?

Jeff

She was raped and murdered. She was taking some pictures for her photography class and never came back. She went to take some photos at the park and she was supposed to go with a male student who had been assigned to her to go together for the buddy system. The male student played hooky from the assignment so she decided to go on her own. Ironically it was the only time she went anywhere without being accompanied by her older sister or parents. She met a drug addict who was high and he murdered and raped her.

Scott

When this happened you were only 16. Was this your first experience with someone dying?

Jeff

I was 16 and yeah it was my first experience with somebody dying.

Scott

It affected you very strongly, right?

Jeff

Yeah it did affect me emotionally. Angela was in 2 of my classes as a freshman and 1 as a sophomore. I knew her name and she knew mine. That was the extent of it, we weren't on a "hi, bye" basis. Still, it was my first real brush with death. I was a sentimental kid so it did affect me emotionally. It affected many other people emotionally as well, to the point that free mental health services were set up and offered to anyone in the city of Peekskill that wanted to avail themselves of it. So in that aspect of it I don't think I was that different from anyone else.

My emotional response was a reason that the police cited as to why I got onto their radar. Another factor was they said that they interviewed many of the students in the high school and some of them told the police they might want to speak to me because I didn't quite fit in. So that was another factor. A third thing was that the police got a psychological profile from the NYPD which reported the psychological characteristics of what the perpetrator would look like and I had the misfortune of matching those characteristics. It was a type of reinforcing factor.

Scott

So it sounds like they kind of figured they had the right guy before they even started talking to you then?

Jeff

That's correct. That's my sense of things, yes.

Scott

Did you have an alibi?

Jeff

I did. I was actually playing wiffle ball with one of my friends when the crime happened. Police never checked out the alibi and my attorney never interviewed the alibi witness or called him as a witness at the trial either.

Scott

Can you talk about that terribly long interrogation?

Jeff

Prior to the interrogation which produced a coerced false confession, there was a 6 week time period in which the police would speak to me as if I was a suspect half of the time and the other half of the time they would pretend they needed my help to solve the crime. They would say things like, "The kids won't talk freely around us but they will around you. Let us know if you hear anything or any rumors." They would ask me different questions and then congratulate me that my opinions were correct. They made me feel important. Before I was a teenager the career I wanted to have was to be a cop. This unexpected early opportunity to do this quasi police work at my age was what allowed the police to pull the wool over my eyes.

Scott

I have to say, that just sounds so despicable to manipulate a teenager like that. Making you think, "It's you and us. Let's be detectives." That just seems terrible.

Jeff

It definitely was a very deceptive thing to do to a teenager. They clearly were overreaching me and I was way in over my head. Eventually they got me to agree to take a lie detector test. They told me that some information had come into the police file and they wanted to share that with me because it would allow me to be more helpful to them; but first I would have to take and pass a polygraph. So the next day, instead of going to school I went to the police station for this test. It was a school day, so my mother and grandmother, with whom I lived, didn't realize that I wasn't at school so they didn't call around looking for me.

The police drove me to the town of Brewster in Putnam county, which was about 40 minutes away by car. That meant I was no longer able to leave on my own, instead I was dependent on the police. I want to point out they were also playing that game of good cop bad cop, where one officer takes on a more aggressive role and the partner pretends to be a friend who knows what's going on but is powerless to intervene.

After bringing me to Brewster for the polygraph, the one administering the test was the Putnam county investigator who was dressed like a civilian and never identified himself or read me my rights. I didn't have an attorney present and they didn't give me anything to eat the whole time I was there. They gave me a 4 page brochure which explained how the polygraph worked, but it had a lot of big words in it which I didn't understand. I figured that since I was there to help the police then what did it matter. They put me in a small room and gave me countless cups of coffee. It seems pretty clear in hindsight that the purpose of giving me the coffee was to get me nervous.

From there they attached me to the machine and launched into this interrogation. They used a lot of third degree scare tactics. He invaded my personal space, he raised his voice at me, he kept asking me the same questions over and over again. He kept that up for 6.5 to 7 hours. Towards the end he said, "What do you mean you didn't do it? You just showed me in a test result that you did. We just want you to verbally confirm it." At that point the officer who had been pretending to be my friend came into the room and told me that the other officers were going to harm me and he had been holding them off but couldn't do so any longer and that I had to help myself. Then he said, "Just tell them what they want to hear and you can go home afterwards. You're not going to be arrested."

Being young, naive, frightened, 16 years old and not thinking about the long term, I was only concerned for my own safety at that moment. I was in fear for my life and the fact that I didn't know where I was and nobody else knew where I was either was very large in my mind. I was overwhelmed emotionally and psychologically. So I made up a story based upon the information which they had given me, which I learned over course of the interrogation that day and the 6 weeks leading up to it. By the end of the interrogation I collapsed onto the floor in the fetal position crying uncontrollably. Obviously I was arrested and charged with the murder and rape.

Scott

People always ask, "Why would somebody confess to something that they didn't do?" It really happens more often than we think.

Jeff

The truth is that it does happen more often than what people think. In fact, coerced false confessions have been the cause of 25% of the DNA proven wrongful convictions. Particularly in vulnerable populations like those with mental health issues and the young.

Scott

I know you know those numbers because of the work that you do today, and we are going to get into that in just a minute. This wasn't so long ago that this was before DNA. Couldn't they have used DNA to exclude you?

Jeff

The murder happened in 1989 and I was arrested in 1990. DNA, although certainly early on, was not new. It had first been used in 1987 and they did perform a DNA test in my case. It showed that the semen found in the victim did not match me. That was all known prior to the trial. Instead of acknowledging they made a mistake they continued to prosecute anyway. To overcome the DNA the prosecutor got the medical examiner to commit perjury.

Specifically when an autopsy happens, there are audio and written notes which are taken at the same time as the autopsy is done. So it was 6 months after doing that autopsy, hundreds of autopsy's later, that this medical examiner claimed that he remembered that he forgot to document medical evidence which he claimed showed that the victim had been sexually active. That allowed the prosecutor to argue that it did merit that the semen didn't come from me. That it didn't mean I was innocent it just meant that there was yet another person that she had slept with. Taking his lie a step further, he also named another youth that he claimed had slept with the victim, but he never called the other youth as a witness to give verbal testimony to that fact, and he never got a DNA sample of him to prove it. He just made the unsupported argument to the jury.

Angela's family had not been coming to the court so they were totally unaware of what was being said about her in the courtroom. In so many words they were willing to trash her reputation in order to wrongfully convict me.

Scott

Why was her family not coming to court?

Jeff

I'm still not clear on why her family wasn't coming to court.

That misconduct on the part of the prosecution was compounded by the defense failures. My attorney never explained to the jury the significance of the DNA not matching me or used that to prove that the confession was coerced and false. He literally never cross examined the medical examiner to expose his fraud. He should have never represented me in the first place because of a conflict of interest in that the other youth that the prosecutor was falsely saying had slept with the victim was represented by another member of the Westchester County Legal Aid Society, specifically by the lawyer who was supposed to be supervising him in my case. That conflict prevented the defense from asking him to give a DNA sample and prevented them from calling him as a witness to explode this whole consensual sex theory.

My lawyer very rarely met with me. The rare times I did meet with him and would try to explain that I was innocent and what happened in the interrogation room he would tell me that he didn't care if I was guilty or innocent. Another thing was that my interrogation was not videotaped or audio taped and there was no signed confession; it was just the cops word for it. As a result of that, when they came in the court they were able to leave out the threats and false promises from their testimony. The only way that evidence would have made its way on the record would be if I took the witness stand. He wouldn't allow me to testify.

In reality, if your client is being charged with a crime that he or she hasn't committed; you have to try to prove that they didn't do it or they run the risk of being wrongfully convicted. Particularly in confession cases where there is an 80% conviction rate. You have to answer that confession, explain that confession, prove that confession was false in as many ways as you can and then bring it all together in your closing argument. He didn't do any of that. As a result of that I was wrongfully convicted and given a 15 to life sentence, which I was sent to a maximum security prison to serve since I had been charged as an adult.

Scott

Do you know why he didn't do any of that? Would you classify it as incompetence or laziness or something else?

Jeff

I'm still not clear on why he didn't do any of that. He had a reputation as being the best trial lawyer in legal aid. Many lawyers that I've talked to in the area since my exoneration, when they ask who represented me and I give them his name, they always express surprise. He had a reputation as being a good attorney.

Scott

So you got convicted. When you were sitting in the court and you heard that guilty verdict, what went through your head?

Jeff

When I was sitting there in the court and I heard the guilty verdict I couldn't believe my own ears. I remembered thinking, "Did I miss the word 'not?'" I remember just being beside myself. I was in a stunned disbelief and shock. In my way of thinking, at least up to that point, I thought only the guilty were convicted.

Scott

Yeah, that's what a lot of people think. How long before you were taken to prison?

Jeff

Once I was wrongfully convicted I was immediately taken back into custody, because I had been released on bail. I remained in prison there for 16 years.

Scott

Where was that?

Jeff

I was sent to Elmira correctional facility. That's where I spent the majority of 16 years.

Scott

Can you describe your first day going into prison?

Jeff

I still remember the first day. I remember being in handcuffs, having a chain around my waist, my legs fastened together as well as fastened to the legs of the prisoner on the bus next to me. I remember how large the prison wall loomed and how menacing the barbed wire appeared. I remember walking down the cell gallery and seeing a lot of prisoners there whose arms were as big as my legs. It was pretty frightening. These were fully formed adults, many of whom were guilty of committing very violent serious offenses. On top of that I had a bullseye on my back because there is a vigilante mentality in prison towards people who have been convicted of sex offenses.

Scott

You were going in here just as a young naive kid. How old were you? 17?

Jeff

I was 17 years old when I entered Elmira correctional facility. When I was initially processed and given the supplies I took it to a cell by myself. Later on, in 1995, New York State department of corrections started doing the double celling of the first two cells on the gallery as a way of making more space in the prisons without having to build more. When that happened, from 1995 until I was ultimately released in 2006, I would say that I had a cellmate close to 50% of the time.

Scott

The cellmates that were assigned to you, did you feel safe being in a cell with that person? What was the relationship there?

Jeff

I got lucky in terms of the cellmates I was assigned to. I was always apprehensive whenever I was in the cell with somebody else because most of the time, not always, I was paired with people that I didn't know. I got comfortable after having an initial conversation because it turned out I had people who seemed to be reasonable. It was still hard to fully be comfortable.

Scott

Yeah, I mean you are living within feet of each other and somebody you don't know could have a mental illness or severe anger problem or someone who just doesn't like the way you look at them.

Jeff

There's little to no privacy. It's possible that when you're not in the cell they might receive your mail as well. Then you have to sleep and who knows what happens then. There are all types of dangers that are inherent in a double celling situation.

Scott

What was the day to day like in prison? What did you do?

Jeff

In terms of my day to day life, the alarm would go off around 6:30 and that would let you know that the guards were coming around in a few minutes to do a count. Which means they are trying to make sure that nobody escaped and everybody is alive. Then they open the cell at 7:00

and you go to the mess hall, or cafeteria. You go through a routine in terms of how you get your food and when you can get up. You go through a metal detector and then go out to a program in the morning which would be something educational, vocational, or something that had something to do with running the prison. Then you go back through security around 11:00, go back to your cell for an hour. Then they let you out for lunch and you repeat that routine going out to your afternoon program.

That's when the day would split, meaning that Elmira had recreation every other night. If it was a night that they had recreation, then when the afternoon program ended around 3:15, you'd go back to your cell and stay there until around 4:45. Dinner would be optional if you wanted to go and they would open the cells again around 7:00 and recreation would be from 7:00-10:00. If it was a night where there was no recreation then you would go to recreation from the afternoon program from 3:15-4:15. Then you'd go back to your cell where you would stay until the next morning, unless you had someplace specific you were authorized to go to in the evening time.

Scott

Can you talk about rapists being in prison? Or sexual offenders being in prison?

Jeff

When somebody is convicted of a sex offense then just by virtue of that they are in danger. If the other prisoners discover that then that might be a motivation for them to be assaulted. That could be with the hands, they might get stabbed or cut, it could be one person or several. The correction officers have a similar mentality that they don't like people who have been convicted of sex offenses so they might tell other prisoners what you're incarcerated for. As a result of that I was always on edge and alert. I always had that in the back of my mind.

Scott

I can imagine how that would be mentally exhausting. Always wondering if somebody was going to find out. Did anyone ever find out?

Jeff

There were times when people found out and I got beat up throughout the years at times. One time I nearly lost my life. I also was fortunate to have long stretches of time where nothing would happen. It was kind of a mixed bag. There's no question that it added a lot of stress to the situation.

Scott

Did your family ever visit you in prison?

Jeff

My mother was the only consistent visitor that I had. My grandmother used to come with her on the visit but she passed away after about 6 years of me being incarcerated. I have a brother who is 3.5 years younger than me and he came maybe 3 times in 16 years. Not at all in the last decade. I had several sets of aunts and uncles who would come and visit and then disappear for 3 years and keep that up. In the last 6 years I was lucky if I saw my mother once every 6 months. I think that the long trip and she had some problems with her feet and her back so I began to see her less and less. I guess to sum up, although not literal, I mostly did the time by myself, I feel it's fair to say that.

Scott

So while you were in, were you actively working on your case, or was anybody else?

Jeff

While I was incarcerated, work was being done on my case and I also did some work on my case. All together I lost 7 appeals and got turned down for parole as well. I used to go to the law library and look cases up that pertained to the issues in my case. When my appeals were over, which was in 2001, the only way back into court is if you can find some new evidence that wasn't known before or if there has been some change in the law that they apply retroactively to other cases. At that point, going through the law library became less important and instead I started writing letters looking for help.

I tried to find a lawyer or investigator who would work on my case for free because I didn't have any money to hire them. I also wrote to a lot of other people that were not in the legal field. If I could come up with a line of reasoning, like something somebody could do that would set in motion a chain of events that would ultimately culminate into me getting the legal representation I needed; I would write a letter to that person and explain how they could be helpful. That became my legal work.

You might imagine that after a while, because I was writing all the time, just coming up with a new idea at times was becoming hard. Also obtaining addresses of people was never something that could be taken for granted either. That was a big chore because it's hard to have access to information while you're in prison.

Scott

How did you look up addresses? Did you have the internet there?

Jeff

They didn't have the internet. I would have to ask my mother to look addresses up. I would get creative also, if books had the address of publishing houses where you could write the author of a book "in care of" then I would do that too. I was always on the lookout for addresses of people and places that I thought that their walk of life would make them likely to come in contact with someone that could help me.

What I was looking for was post conviction DNA testing, specifically through the DNA data bank. The data bank had been created in 1997-1998, with that advance in technology you could go from saying that the DNA didn't match you to saying who it did match. That was a big focal point for me. It took a long time for that to happen.

Eventually I wound up in touch with The Innocence Project. Before I had their representation I tried to get DNA testing with Jeanine Piro was the Westchester county DA and was declined the testing several times. I needed to get legal representation and eventually wound up with The Innocence Project. That was the first key was getting their help. The second thing was that Piro left office. The third thing was that the DA let me get the testing without having to litigate over it. They took the crime scene evidence which didn't match me, and when they ran it they matched it to the actual perpetrator.

His DNA was only in that database because when left free, while I was doing time for his crime, he killed a second victim 3.5 years later. She was a school teacher and mother of 2. On September 22, 2006 the conviction was overturned and I was released and reported back to

court on November 2, 2006 at which point all the charges against me were dismissed on actual innocence grounds.

So because of what happened to me, it wasn't just that I was wrongfully convicted, it also had serious consequences for others. Wrongfully convicting me meant that the perpetrator was free and killed that second victim. Confronted with the DNA evidence matching him, he confessed to the crime and was ultimately charged and convicted for it.

Scott

So you were released in 2006. What did you miss the most while you were in prison?

Jeff

If I was to look back in terms of what I missed most while I was in prison, I would say freedom. In one word, freedom. Just to put it in perspective, I was in prison from age 17-32. I didn't graduate high school, I didn't go to prom, I missed births, deaths, weddings, holidays. I didn't finish my education at a traditional age, I missed out on starting a career, possibly having a family.

Scott

What was the first thing you did when you got out?

Jeff

There was a press conference, which I was totally not prepared for, and my first words actually were, "Is this really happening?" I thought it was possible that I had finally managed to lose my mind a little bit, so those were literally my first words. Then I said everything that I ever wanted to say for 16 years but could never get anybody to hear me. I spoke for about 2-2.5 hours. From there I went to a luncheon celebration and I had mussels with fried diablo sauce, a little bit of baked ziti on the side and neapolitan ice cream. I'd love to say that from there we had some raucous party that lasted to the early hours of the dawn, but the truth of the matter was that by then I had lost touch with everybody that I knew. I remember just sitting around a table with some family members and a couple of other people who came over. I remember just sitting there feeling isolated and out of place.

I wound up doing something that I wanted to do for a long time, which was to just sit outside in the darkness. Once it gets a little bit dark at the prison they make you go inside. So I sat outside at a table on my uncle's property. Later I took a bath, which was the first bath I took in 16 years. So those were kind of the highlights of it.

Scott

Prior to your release, you started laying the groundwork for additional education. This is the real story, the happy part of the story, is what happened after you got out. Can you talk about that? What were you preparing for?

Jeff

While I was in prison I tried to minimize the loss that I was experiencing, and I tried to take advantage of the time. I got a GED, I got an Associate's degree, I got a year of schooling towards a Bachelor's degree. The funding was then cut for college education for prisoners, but I learned other things from there. I learned how to type, I took a class on how adults learn and worked as a teacher's aide, I completed an assortment of vocational trades. Also, from 1998-

2006 I read 3 or 4 non-fiction books every week. If I wasn't writing letters looking for help, or after I burned myself out, I would then read non-fiction books.

All of that made up my education while I was in prison. As a result of that, when I was released I had that much less to go. It made it into one of the daily newspaper articles "Human Interest Item" associated with my case and release, that I was 30 credits short of a Bachelor's degree. The Dean at Mercy college saw that and lined up a scholarship for me so that I was able to complete the Bachelor's degree at Mercy college. They allowed me to live on campus, which allowed me to avoid the homeless shelter since I had lost the temporary housing that I had.

I was mostly thinking that I was too old to go to college, it was something that I aspired to before but I was just kind of floundering around and didn't know what to do. So when I was presented with that offer I jumped on it and was able to make good from there. I graduated Mercy college and then went on to get a Master's degree from the John J college of criminal justice. My thesis was written on wrongful conviction cause and reform. Ultimately I was able to get a law degree and I'm a license attorney now.

Scott

You started the Jeffrey Deskovic Foundation for Justice. That was even before you became a lawyer.

Jeff

For about 5 years I was an individual advocate doing presentations around the country, I became a weekly columnist, I was trading privacy for awareness by doing multimedia interviews and meeting with elected officials. I was simultaneously pursuing compensation. After about 5 years I was able to receive some compensation and I wanted to take my advocacy work to the next level. I started the Jeffrey Deskovic Foundation for Justice whose mission is to free the wrongfully convicted people who are in the same position that I was in, and to continue pursuing policy changes aimed at preventing wrongful conviction.

Since opening our doors in 2011, we've been able to free 10 wrongfully convicted people. We've been able to pass 3 laws: videotaping interrogations, better identification procedures, and DNA data bank expansion. Then as an advisory board member of the coalition group It Could Happen to You, which my foundation is part of and does our policy work through them, we were able to pass 4 additional laws: oversight for prosecutors, discovery reform or exchanging information by both sides, automatic expungement. So we're doing policy work in New York, Pennsylvania and California, while we're pursuing the wrongful conviction cases primarily in New York.

I started the foundation prior to becoming an attorney. What drove me to become an attorney is at some point I became dissatisfied with sitting in the front row at the courtroom. Even if the attorney was actually an employee or we had worked collaboratively on the case before that. I wanted to be able to sit at the defense table and represent some of the clients. Hence my foray into law school. I feel like the actual credentials also help the policy work that I do.

Scott

That's got to be incredibly gratifying. Now 10 people are free because of the work that you've done. I saw you mentioned that when you are presenting to a judge, you can actually cite your own case.

Jeff

Doing this type of advocacy work is very gratifying. There's nothing better than being able to free people who are wrongfully imprisoned or being able to change a law. I actually have the ability to cite my own case when making an argument to a judge, how many other lawyers can do that? The context of that would arise probably when the prosecution is using technicalities to fight against innocence claims.

I can meet those technicalities on their merits, but then I would say, "Really in reality, what they're really asking you to do your honor, is to ignore a bedrock principle: guilt or innocence. They want you to ignore that and focus only on the law. See in *People vs. Deskovic* the defendant was denied his day in court because his paperwork arrived 4 days late, a lateness caused by the court clerk. We can see in that case, which resulted in the defendant remaining wrongfully imprisoned for 9 years, as a result of putting these procedures over the bedrock principle of guilt or innocence. That's what he's asking this court to do right now. Is that the ruling that your honor is prepared to make? To cause my client to remain in prison because of this technicality, rather than getting to the threshold issue of whether they have been able to prove their innocence or not?"

You got a preview of it right here.

Scott

I love that. I'm picturing the scene with Tom Cruise and Jack Nicholson. There's some passion there in "A Few Good Men."

Jeff

"A Few Good Men," I remember that! That's a classic, it's one of my favorites.

Scott

Classic courtroom scene. You were freed because of the work of the innocence project. Why not just join them?

Jeff

Firstly, I admire them. Secondly, I do follow a lot of their principles. The reason why not just join them, number 1, is they only take on DNA cases. DNA is only available in 5-12% of all serious felony cases. At the foundation we take on both DNA and non-DNA cases. None of the people that we've gotten out have had DNA involved in their cases. Actually there are only a few that do in the 10 active cases that we have now. So that's one reason.

Secondly, at the time that I started the foundation, the Innocence Project told me that if they made an exception for me then they would need to make an exception for everybody and that was not the direction that they wanted to go in.

Number 3, some of the policy positions that I advocate for were ones that they privately agreed with me on but weren't really willing to do. For example, they rely on the cooperation of prosecutors in order to get DNA testing, they only litigate against them when they have to, which is a really great idea. However, I feel that when it came to suggestions about what to do about prosecutors being tried for misconduct, they weren't willing to be aggressive in pursuing policy changes. So that was one thing.

Another thing was something mentioned in a lot of cases of exonerees. When they went to the parole board and they maintained their innocence rather than expressing remorse and taking responsibility, then that led to the parole board denying them parole, which resulted in an extension of an already unjust prison stay. They mention that in the case narrative summary of the exoneree's case but they don't pursue that as an actual policy issue that they're seeking to get changes from. I wanted to not just continue the same old same policy issue. I wanted to add some new issues that I thought had merit and support and they weren't willing to do that.

For all those reasons I pursued my own organization rather than teaming up with them.

Scott

Obviously there are systemic problems, and that's part of the policy changes you are going after to try to fix, but I'm wondering, are prosecutors set up to have the wrong incentive? Just to get a conviction? How can we reward them for getting the right conviction instead of just closing cases?

Jeff

I think that in some way that the system is built, it provides a sense that prosecutors should simply win rather than seek justice. They're supposed to seek justice. Whether that means convicting the guilty through lawfully gathered evidence and a fair trial, or dismissing cases against people who are innocent. Instead, district attorneys sometimes run under conviction records saying, "I'm gonna keep you safe. I have a 99% conviction rate." The line prosecutors are looking to get promotions and move up in the ranks. Maybe the district attorney is eyeing a higher office and trying to use high profile cases to get that win. So they're looking at it as an adversarial process as opposed to truth seeking.

I also think that the lack of oversight for prosecutors and the lack of repercussions both civilly and criminally also adds to a prevalence of misconduct. Along with the fact that even if they get caught committing this conduct, not only do they not face civil or criminal penalties, a lot of times the conviction itself won't be reversed. The courts engage in what's called "harmless error analysis," where they try to look back in hindsight and determine if the defendant would have been convicted anyway. If they think the answer is yes then they don't bother to reverse it; they look at it as a waste of time and resources.

Whereas, I think that once misconduct takes place it changes the lens through which the case is viewed. Everything after that is impacted. Really if it was harmless, why would the prosecution have bothered to engage in it. So I advocate not just for a commission on prosecutor conduct and oversight of prosecutors, but also removing immunity so they could be sued if they engage in clear cut intentional misconduct. I think when they withhold evidence of innocence that should be criminal and there should be an automatic reversal when that happens because that's the only way to give the defendant their right to a fair trial.

Scott

Well if I ever get wrongfully convicted I want you to be handling my case.

Jeff

Sure, but hopefully that never happens.

Scott

Hopefully not, but you've got quite a backlog though right? Are you even taking new clients right now?

Jeff

The foundation currently has 10 active cases. We have another 7 that have been approved that are just waiting. Aside from that we have a backlog of about 400 to 500 cases that are waiting to be screened. At this point, we're not taking new applications. What we're trying to do is fundraise. We're looking for large donors, small donors, medium. We're looking for celebrity spokespeople and trying to increase our capacity. At that point we would be able to open back up and take on new applications. We'd like to pursue policy changes in other states also, but right now we are maxed out and doing everything that we can right now. We're probably a little bit over extended but it's hard not to be in this line of work.

Scott

For someone listening to this, what can people do to help? Or what would you want someone to do or how can they contact you and find out more about what you do?

Jeff

So if somebody listening wants to help, there's a number of ways. First, in terms of being able to reach me, they can go to our website, www.deskovic.org and you can email me from there, I do answer the emails. We do have a crowdfunding page on the website called Patreon. My crazy dream is, what if 25,000 people were willing to sacrifice \$3-\$5 on a recurring monthly basis. That would give us close to a million dollar budget which would allow us to hire lawyers, paralegals, investigators and other essential personnel needed to free innocent people. We could continue on with our policy work expanding to other states. Contributing to the Patreon campaign, spreading it word of mouth on social media etcetera. If you're a person of means certainly if someone was able to be a large donor. If the company you work for engages in corporate philanthropy or corporate responsibility, we are a 501C3 so mention to us if you have a skill or a talent that can help in any way, that would be appreciated as well. The foundation does have a facebook page. I have both a public figure page and a personal page so whatever I put on one page I copy over. I'm close to the 5,000 limit. I'm also on LinkedIn and Instagram.

Scott

The special talent that I have is just having you on the podcast and getting the word out there. Hopefully this helps.

Jeff

That counts. I just wanted to add that I've done a TedX. People can look at that on our YouTube channel 'Deskovic Foundation,' and there is a documentary short out entitled 'Conviction' which is available on Amazon Prime. It's about my life post exoneration and the advocacy work that I do.

Scott

Well obviously with the history that you have you can do that with a lot of passion as you've shown here. I appreciate you coming on. Thanks for sharing your story.

Jeff

Thanks for having me on the show.

If you really want to see a good video of Jeff telling this story, I recommend the documentary about him that's on Amazon Prime. It has a simple, one-word title: Conviction. You can search for it on Amazon or get the link from my website.

And if you enjoyed this episode, you might also like episode 46, titled James Spent 35 Years in Prison. James was another person who was wrongfully convicted, and then was eventually exonerated because of DNA evidence, through the help of the Innocence Project. Kind of makes you wonder how many people are in prison for something they didn't do. Or worse, the people who are on death row for a murder they did not commit.

If you want to connect with me and tons of other listeners, and discuss podcast episodes or a bunch of other intriguing topics, the place to do that is in our private Facebook group. We have somewhere around 1300 people in there now, and new people join every day. You'll be in good company! That's at [WhatWasThatLike.com/facebook](https://www.facebook.com/WhatWasThatLike.com).

There's also a subreddit for this podcast, and an Instagram page, and lots of other stuff, and you can get the links to all of that on my website.

And now, today's listener story. Thanks for hanging out with me today, and I'll see you in two weeks.

John

Hi, my name is John and I have this story from when I was a kid. We were driving through the Verde River area in Arizona and it was the middle of spring and the wasps were all flying around. I'm terrified of anything that flies or stings. My dad got the truck stuck, so he got out to unstick the truck and the windows were down. I was sitting there freaking out that a wasp might fly into the car. My dad got tired of hearing it so he yanks me out of the car and makes me stand in the middle of this swarm of wasps and says, "Face your fears." Then he went back to try to get the truck unstuck. I was about as terrified of wasps as I am of my dad. I was just sitting there freaking out and terrified to move with all these wasps swarming around me. My mom decided to come out and try to calm me down and she ended up getting stung a bunch of times while trying to calm me down. I took this opportunity to run screaming back to the car and cover myself with a blanket until the car starts moving again. Meanwhile my mom and dad are over there fighting about how she got stung and that's no way to deal with your kids phobia. To this day I'm still terrified of things that fly and sting, not nearly as bad as when I was a kid though.
