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September 20, 2006

# DNA Evidence Frees a Man Imprisoned for Half His Life

By [FERNANDA SANTOS](#)

WHITE PLAINS, Sept. 20 — Jeffrey Mark Deskovic came of age in a maximum-security prison, doing time for a crime he did not commit.

Sixteen years ago, Mr. Deskovic was convicted of raping, beating and strangling a Peekskill High School classmate in a jealous fit of rage. DNA evidence presented at his trial showed that semen in the victim's body was not his, but the police testified that he had confessed.

On Wednesday, after he fought exhaustive legal battles and wrote dozens of pleading letters that led him nowhere, Mr. Deskovic, 32, walked out of the Westchester County Courthouse an overjoyed if embittered man.

“I was supposed to finish my education, to begin a career,” he said. “The time period to have a family, to spend time with my family, is lost. I lost all my friends. My family has become strangers to me.

“There was a woman who I wanted to marry at the time that I was convicted, and I lost that too,” Mr. Deskovic added. “Given all that, I ask everybody: Would you be angry?”

Among the people who Mr. Deskovic said refused to review his case is [Jeanine F. Pirro](#), the former Westchester district attorney, who took office after his trial; she is now the Republican nominee for state attorney general. The freed inmate and his lawyer expressed outrage that Ms. Pirro had scheduled a news conference to call for the reinstatement of the death penalty in New York just as Mr. Deskovic was being released Wednesday morning, but Ms. Pirro ended up canceling the event.

Ms. Pirro's successor, Janet DiFiore, agreed to run the evidence through a national DNA databank after she was approached in June by Barry Scheck, a director of the Innocence Project, which works to free the wrongly convicted.

The decision to release Mr. Deskovic came after the DNA matched that of a man who is serving time for another Westchester murder. Ms. DiFiore declined to identify him but said he recently confessed to

killing Angela Correa, 15, the girl Mr. Deskovic was convicted of killing, on Nov. 15, 1989.

Mr. Scheck said that Mr. Deskovic was the 184th person nationwide to be exonerated because of DNA evidence since 1989, and that his case highlights the importance of having the authorities videotape interviews with suspects, as many police departments nationwide have begun to do.

“We’ve learned a lot about false confessions in the past decade,” Mr. Scheck said at a news conference. “Videotaping of confessions and training of police officers can definitely lead to different results.”

The case against Mr. Deskovic hinged largely on a confession he made after six hours of questioning in a small interrogation room in Brewster, where two Peekskill detectives took him for a polygraph test, according to court documents.

Mr. Deskovic, a sophomore, and Ms. Correa, a freshman, were in two classes together. Both were quiet and did not have a lot of friends, according to his mother, Linda McGarr, and Ms. Correa’s stepfather, Pedro Rivera, who sat quietly in court to see Mr. Deskovic go free.

“I can’t tell you why, but I’ve always had a feeling that the police had the wrong guy,” said Mr. Rivera.

Mr. Rivera met Mr. Deskovic for the first time at Ms. Correa’s wake, but saw him numerous times after that, he said. Mr. Deskovic went to church with the family, dined at their home and took Ms. Correa’s younger sister to the movies, he recalled.

“Jeffrey cried a lot for Angela,” Mr. Rivera said. “He was very distraught.”

The police in Peekskill said Mr. Deskovic’s behavior seemed odd. At his trial, investigators said they grew suspicious of Mr. Deskovic because he was late for school the day after Ms. Correa’s murder and seemed “overly distraught” about the death of a girl who was not his close friend.

For two months, Mr. Deskovic denied having anything to do with Ms. Correa’s death. Finally, in late January 1990, he agreed to the polygraph test, which preceded the interrogation that led to his confession.

“Believing in the criminal justice system and being fearful for myself, I told them what they wanted to hear,” Mr. Deskovic said, by way of explanation. “I thought it was all going to be O.K. in the end,” because he was sure that the DNA testing would show his innocence.

In convicting Mr. Deskovic, the jury effectively chose to give more weight to his tearful confession than to the DNA and other scientific evidence.

The conviction seemed to indicate that jurors believed the prosecution theory that semen found in Ms. Correa’s body was likely from a consensual sexual relationship with someone else.

Many convicted criminals were compelled to give DNA samples in recent years, and the source of the semen in the victim's body was apparently identified that way. Until such database comparisons were available, there was no way for Mr. Deskovic to disprove the prosecution's theory, because there was no way to pinpoint whose semen it was.

While in prison, Mr. Deskovic said, he lived "from appeal to appeal," trying not to think of the 15-years-to-life sentence that hung over him. He finished high school, and earned an associate's degree.

He played a lot of chess and learned how to type, fix computers and paint walls, he said. He also learned how to cook.

A year into his sentence, he converted to Islam. "It was a major factor in surviving prison in terms of my mental sanity," he said.

After his release, Mr. Deskovic went with his mother, two aunts and two uncles for lunch at an Italian restaurant here. He ate tomatoes, mozzarella sticks, stuffed mushrooms, mussels and a dish of baked ziti. And for the first time, he talked on a cellphone.

"That was pretty weird," he said afterward. "I was looking for the little holes where you talk into, and couldn't find them."

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