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**AP World - General News**

  

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# For 110 inmates freed by DNA tests, freedom remains elusive

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By SHARON COHEN

NEW YORK - Their time in prison surpassed 1,000 years, and all were wrongly convicted. Then they returned to lives that had passed them by.

An Associated Press examination of what happened to 110 inmates after their convictions were overturned by DNA tests found that, for many of the men, vindication brought neither a happy ending nor a happy beginning.

"It destroyed my family," says Vincent Moto, unjustly convicted of rape and imprisoned for 10 1/2 years in Pennsylvania.

Moto, a 39-year-old father of four, survives on odd jobs, welfare and food stamps.

"I have to live with these scars all my life," he says.

Richard Danziger is even less fortunate.

Wrongly convicted of rape and sentenced to life, he suffered permanent brain damage when his head was bashed in by another inmate. Danziger was released in 2001 after he served 11 years in Texas.

Now, at age 31, he lives with his sister, Barbara Oakley.

"He basically gets up, watches TV, goes to the park, and that's the extent of his day," she says.

In reviewing the cases of the 110, all men, the AP found:

\_ About half had no prior adult convictions, according to legal records and the inmates' attorneys. While some were picked up for questioning because they were known to police, many had never been in trouble before.

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\_ Eleven of the men served time on death row; two came within days of execution.

\_ Slightly more than a third have received compensation, mainly through state claims. Some have received settlements from civil lawsuits or special legislative bills. For others, claims or suits are pending; and some had lawsuits thrown out or haven't decided whether to seek money.

\_ The men averaged 10 1/2 years behind bars. The shortest wrongful incarceration was one year; the longest, 22 years. Altogether, the 110 men spent 1,149 years in prison.

\_ Their imprisonment came during critical wage-earning years when careers and families are built. The average age entering prison was 28. Leaving, it was 38.

\_ Their convictions follow certain patterns. Nearly two-thirds were convicted with mistaken testimony from victims and eyewitnesses. About 14 percent were imprisoned after mistakes or alleged misconduct by forensics experts. Nine were mentally retarded or borderline retarded and confessed, they said, after being tricked or coerced by authorities.

Finally freed — by determined lawyers or their own perseverance — the men were dumped back into society as abruptly as they were plucked out. Often, they were not entitled to the help, such as parole officers, given to those rightfully convicted.

"The people who come out of this are often very, very severely damaged human beings who often don't ever fully recover," says Rob Warden, executive director of Northwestern University School of Law's Center on Wrongful Convictions.

"Lightning strikes, they come out," he says, "and they're in bad, bad shape."

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They represent many walks of life — a homeless panhandler, a therapist, a junkie, a mushroom picker, a handyman, a crab fisherman — but almost all were working-class or poor.

Of the cases reviewed by the AP, about two-thirds involved black or Hispanic inmates, roughly reflecting state prison populations' racial makeup.

"All of these people have a certain vulnerability. It may be race, class, mental health issues or personality problems," says Peter Neufeld, who co-founded The Innocence Project with attorney Barry Scheck at the Cardozo School of Law in New York.

About 60 percent of the men were helped by the 10-year-old legal assistance program. The project's first DNA releases came in 1989.

"They sort of get caught in this Kafkaesque vortex," Neufeld adds, "and the rest is history."

David Vasquez of Virginia, for example.

The 55-year-old man was mistakenly identified by a witness who said he was lurking outside the home of a woman later found raped and murdered.

Vasquez, who is borderline retarded, confessed. Four years after his conviction, DNA testing identified the real killer, a serial rapist.

"They destroyed his life and mine," says Vasquez's mother, Imelda Shapiro, beginning to weep. "We can't afford to go out, and I'm afraid to go out."

A team of AP reporters identified 110 cases through late May in which convictions were overturned because of DNA testing. Several other cases were pending.

Most of the 110 men had been convicted of rape; 24 were found guilty of rape and murder, six of murder only.

Legal experts differ on who these men represent.

Neufeld says they're the tip of the iceberg.

But John Wilson, who heads a state crime lab in Missouri and has testified as a DNA expert in criminal trials, doubts Neufeld's point. He also says widely available DNA testing has made wrongful convictions less likely in recent years.

"The fact is, the majority of the time, the cops are right. It is the right guy," Wilson says.

Some of the men whose cases the AP looked into had criminal records. At least seven had prior convictions for sex crimes. Since being released, 11 have been convicted of new offenses; nine of them were sentenced to prison.

Though genetic testing helped Albert Wesley Brown win release from an Oklahoma prison last year, he now admits he murdered a 67-year-old man.

Trial testimony claimed Brown's hair matched samples taken from the victim. But DNA tests later showed they didn't. As prosecutors prepared to retry him this spring, he pleaded guilty in exchange for a sentence of time served, which was 18 years.

Other men have been successful.

Mark Bravo graduated from a California law school and plans to start a foundation for people like him. Anthony Robinson just finished his first year as a law student in Texas. Timothy Durham helps run his family's Oklahoma electronics business.

Four men have died: two from cancer, one from a heroin overdose and one in a freak accident. Kenneth Waters fell from a 15-foot (5-meter) wall and fatally fractured his skull while walking to his brother's Massachusetts home.

Exonerations have kept pace with the availability of genetic testing. The Innocence Project reported 23 men were cleared last year by DNA, compared with six in 1992.

The increase has prompted legislation allowing inmates access to DNA testing. Twenty-five states now have such laws, most passed in the last three years, says Nina Morrison, the project's executive director.

Meanwhile, the number of inmates asking for genetic analysis grows. The Innocence Project says it has 4,000 requests.

The biggest problem, Neufeld says, is racing against time.

In three-quarters of the Innocence Project's cases, physical evidence such as hair or blood has been lost, misplaced or destroyed. During a criminal trial, the disappearance of evidence can mean acquittal. After conviction, it can mean losing all chances to prove one's innocence.

When lawyers for Marvin Anderson wanted DNA analysis in 1993, they were told the evidence against him had been destroyed. But a swab containing genetic material was later found, taped to the inside of a lab technician's notebook.

It proved Anderson was not guilty — though not everyone was convinced.

"Some people look at me like I'm guilty," he says. "It's hard finding a job. No one hires a person convicted of rape."

Five years after his exoneration, Anderson is a trucker, scraping by on dlrs 200 to dlrs 400 a week.

Some of the freed men say they cannot work because of post-traumatic stress syndrome, depression or physical handicaps. Of 29 who are working and told the AP their income, the average weekly earnings were dlrs 438.

Steven Toney, a shuttle bus driver in Missouri, earns slightly more than minimum wage. He has tried for better-paying jobs, but says no one will hire him.

"How many are going to come out and say, 'I'm not hiring you because you were incarcerated?'" he asks. "But I don't get the call."

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EDITOR'S NOTE — Sharon Cohen reported on this story from Chicago. Also contributing to this report were AP writers Allen G. Breed, Sharon L. Crenson, Jeff Donn, David Foster, Rex W. Huppke, Johanna Kiamzon, Martha Mendoza, Paul Shepard and Robert Tanner.

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