

In letter, Jeffrey Deskovic opposes DiFiore's nomination

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Jeffrey Deskovic at the Pelham Bay Diner in the Bronx June 27, 2014. (Photo: Peter Carr/The Journal News)

ALBANY - Jeffrey Deskovic, who was exonerated after wrongfully spending 16 years in prison for the 1989 murder of a Peekskill High School classmate, opposed now-former Westchester District Attorney Janet DiFiore's nomination to become New York's chief judge.

DiFiore played a significant role in securing [Deskovic's release in 2006](http://www.lohud.com/story/news/local/2014/10/23/jeffrey-deskovic-wrongful-conviction-forty-million-verdict/17798527/) ([/story/news/local/2014/10/23/jeffrey-deskovic-wrongful-conviction-forty-million-verdict/17798527/](http://www.lohud.com/story/news/local/2014/10/23/jeffrey-deskovic-wrongful-conviction-forty-million-verdict/17798527/)), her first year in the district attorney's office, by agreeing to test DNA from evidence collected at the scene of the crime and consenting to Deskovic's release after the sample matched someone else.

But in a three-page letter to the members of the state Senate Judiciary Committee, Deskovic criticized DiFiore's overall record on wrongful convictions. He pointed to her role in specific cases, while questioning why she didn't do more to push for changes in the interrogation process, including mandatory videotaping.

The state Senate voted Thursday to confirm DiFiore as chief judge of the state Court of Appeals after she was tapped for the post [by Gov. Andrew Cuomo in December](http://www.lohud.com/story/news/local/new-york/2015/12/01/cuomo-taps-difiore-chief-judge/76609496/) ([/story/news/local/new-york/2015/12/01/cuomo-taps-difiore-chief-judge/76609496/](http://www.lohud.com/story/news/local/new-york/2015/12/01/cuomo-taps-difiore-chief-judge/76609496/)).

"My appreciating DA DiFiore doing the right thing in my case does not mean that I turn away from or remain silent in the face of her overall abysmal record on wrongful conviction and prosecutorial misconduct," Deskovic wrote.

Deskovic's release is often mentioned as one of DiFiore's major accomplishments as Westchester district attorney, with at least two senators raising the issue as they explained their vote in favor of DiFiore on Thursday.

"One of the things that jumped out at me most on her resume ... was her on her own motion moving to dismiss a case against someone who was wrongfully convicted and served years in jail," said Senate Deputy Majority Leader John DeFrancisco, R-Syracuse. "You don't see too many prosecutors doing that. Prosecutor offices are usually concentrating on convictions and listing all their convictions and all the work that they've done to put people behind bars."

Deskovic requested to speak at the judiciary committee's hearing Wednesday on DiFiore's nomination, but ultimately wasn't invited to testify.

Speaking to reporters after the Senate vote Thursday, DiFiore said she was proud of her record, but declined to directly respond to Deskovic's letter.

"I'm very proud of my record and my work on wrongful conviction," she said.

Here's Deskovic's letter:

New York State Senate
The Judiciary Committee
State Capital of New York

My name is Jeffrey Deskovic. I served sixteen years in prison from age 17 to 32, for rape and murder, until proven innocent nine years ago. Westchester District Attorney DiFiore rightfully did not object to my request for DNA discovery and upon identification of the actual perpetrator, dismissed my indictment. When Janet DiFiore's nomination is discussed, my case is frequently mentioned. It is in that context that I believe my views on her candidacy for Chief Judge are relevant.

I am an advocate whose back story involves wrongful conviction. I wish to share the highlights of my Ph.D. in a Masters Degree from John Jay College of Criminal Justice, having produced a thesis on wrongful conviction causes and the reforms needed. In my capacity as anti-wrongful conviction advocate, I h

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