



## Mistaken IDs under scrutiny as Texas leads nation in wrongful convictions

by Brad Woodard / KHOU.com

Posted on April 14, 2010 at 6:12 AM

HOUSTON—Justice, equal and exact to all, is supposed to be blind.

But in the case of Anthony Robinson, it also turned out to be deaf.

These days, even with a practice in international law and immigration, Robinson enters the Harris County Criminal Justice Center only when absolutely necessary. Maybe that's because 23 years ago, he was brought to the courthouse in shackles.

Robinson was arrested for the rape of a woman at the University of Houston back in 1987, when DNA testing was not yet admitted as evidence in Harris County.

At trial, the prosecution relied heavily on the victim's identification of Robinson. They called her a "dream witness."

She was young. She was articulate. She was pretty.

And she was wrong.

After just one day of testimony, a jury found Robinson guilty. He was sentenced to 27 years in prison. In the end, he served nine years, 11 months for a crime he didn't commit.

"Being placed into a very violent, primitive, evil situation where every morning you wake up and ask yourself, 'Is this the day I'm going to die?' or 'Is this the day I'm going to have to kill someone so I can make it back to my cell, so I can sleep?'" Robinson said.

Robinson, whose story was featured on the PBS series "Frontline," was paroled in 1997 and immediately began scraping together the money to pay for his own DNA tests, ultimately proving his innocence and winning a pardon from the state.

He also joined forces with Sen. Rodney Ellis to increase compensation for the wrongly convicted.

"We ought to do everything we can to make sure another human being doesn't have to go through what Anthony Robinson went through. It's not just that individual – it's their family. It's their children," Ellis said.

Not only does Texas lead the nation in incarcerations and executions, it also has more wrongful convictions than any other state. There have been 41 DNA exonerations in Texas, 85 percent of them involving mistaken witness identifications.

"What does that say? I think we have a serious problem in terms of eyewitness identifications," Ellis said.

"Up until the gavel fell, I was thinking, 'OK, they're going to go ahead and solve this. One of those Perry Mason things,'" Robinson said.

Though we've seen them countless times on screens small and big, the police lineup—a staple of crime-solving—is under increasing scrutiny.

"Failure to warn that a culprit might not be in the lineup resulted in 78 percent of eyewitnesses attempting an identification even though the culprit wasn't actually in the lineup," Clete Snell, Criminal Justice Department Chair at UH, said.

That's why the state has formed an advisory panel to study the causes of wrongful conviction and make recommendations to the Legislature requiring all law enforcement agencies to have written procedures.

The panel is named after Tim Cole, who was posthumously pardoned by Gov. Rick Perry in March. Cole maintained his innocence, which wasn't confirmed by DNA until years after his death in prison.

"We have no idea how many people in our prisons have been wrongly convicted," Ellis said.

And if Texas leads the nation in wrongful convictions, Ellis believes it should also lead in reform.

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