

State House Committee Reviews Eyewitness Identification Procedures,

The Atlanta Progressive News (October 22, 2007)

By Jonathan Springston, Senior Staff Writer

(APN) ATLANTA – A bipartisan Georgia House of Representatives study panel on reforming eyewitness identification procedures held the third in a series of hearings on Monday, October 22, 2007.

The Special Committee heard testimony from experts on eyewitness identification and protocol, who urged the State to amend eyewitness identification procedures. Improvements could result in a dramatic decrease in wrongful convictions, they said.

The Committee is spending the end of this year studying the issue as more inmates nationwide are exonerated through post-conviction DNA evidence, and as the fallibility of eyewitness identification comes to light.

75 percent of the 208 people exonerated by DNA evidence in the United States were convicted because of mistaken identity, Attorney Barry Scheck, co-founder of the Innocence Project in New York, which serves as the parent organization for the Georgia Innocence Project, said.

Dr. Gary Wells, Professor of Psychology at Iowa State University and eyewitness expert, explained the crucial practices that have become a part of eyewitness identification protocols across the country.

One practice calls for the officer administering a photo array or live lineup of suspects to not know which is the suspect. This keeps the officer from giving verbal or nonverbal cues that leads a witness in a certain direction, Wells said.

Other practices include: telling the eyewitness that the culprit may not be in the lineup and that the eyewitness does not have to pick a person out of the lineup; having only one suspect per lineup with fillers—the non-suspects—who match victim's description; and obtaining a confidence statement from the eyewitness at the time of identification.

Wells and Scheck argued these practices should be a part of any protocol and that improved procedures would decrease the number of wrongful convictions and protect local authorities from federal civil rights complaints brought by those who have been wrongly imprisoned.

Mistaken identification can ruin innocent lives. Jennifer Thompson Cannino recounted to the Committee the shocking episode of how an intruder broke into her apartment and raped her in July 1984 while she was a student at Elon College in North Carolina.

She later identified Ronald Cotton as her assailant in a police lineup, after which a detective told her "good job," assuring Cannino she had picked the right man.

Eleven years later, Cannino learned she had sent the wrong man to prison, even though she had been so sure when she faced a lineup.

"It is a human system," she said. "We are fallible. We make mistakes."

A DNA test proved the real attacker, Bobby Poole, had gone on to rape six more women after Cannino.

"Were we safer with Ronald Cotton in prison?" Cannino asked. "No, we were not."

Cannino and Cotton later reconciled and now have a close relationship. Cannino travels the country telling her story across and fights for reforms in identification procedures.

Then there is Troy Anthony Davis, a man convicted in 1991 of killing a police officer in Savannah, Georgia, and sentenced to death. His conviction rested entirely on witness testimony.

But seven of nine witnesses who implicated Davis have changed or recanted their testimony since 1996. Witnesses became confused over what color clothing the killer wore, admitted they heard shots fired but did not see the shooter, or admitted police coerced them.

Davis has gone through an exhausting series of appeals, attempting to have this new evidence heard in court.

The Georgia Board of Pardons and Paroles granted Davis a 90-day stay of execution in July 2007, just one day before his scheduled execution. The Georgia Supreme Court then granted Davis's application for a discretionary appeal of the denial of his extraordinary motion for a new trial in August. Oral arguments are now set to begin November 13, 2007.

About the author:

Jonathan Springston is a Senior Staff Writer for The Atlanta Progressive News and may be reached at jonathan@atlantaprogressivenews.com