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April 12, 2011

\$6.5 Million Settlement in Wrongful Conviction

By **FERNANDA SANTOS**

Jeffrey Deskovic spent half of his life in prison for a rape and murder he did not commit, but it was only this week, four and a half years after his release, that he received some measure of justice: a \$6.5 million settlement with Westchester County on a federal civil-rights lawsuit stemming from his wrongful conviction.

Mr. Deskovic was convicted of raping, beating and strangling a high school classmate in Peekskill, N.Y., at age 17. He was 32 at the time of his release, exonerated by DNA testing of the semen retrieved from the victim, which was later linked to another man.

A test done on the same semen sample cleared Mr. Deskovic at the time of his arrest, but a forensic expert testifying for the prosecution said it was because the victim had had sex with another man before Mr. Deskovic raped her. That theory and Mr. Deskovic's confession, extracted after hours of interrogation, played major roles in his conviction.

The settlement was unanimously approved by the Westchester County Board of Legislators late Monday, on behalf of the county, its chief medical examiner at the time and the forensic expert, Dr. Louis Roh.

In a statement on Tuesday, Mr. Deskovic and his lawyers, from the Manhattan law firm of Neufeld, Scheck and Brustin, said they hoped that other cases in which Dr. Roh had testified would be re-examined, and any wrongdoing corrected.

Another portion of the lawsuit, directed against the police officers who investigated the crime, and are accused of coercing the confession used as key evidence in his trial, is unresolved.

Mr. Deskovic is set to receive \$4 million this year and the remainder of the settlement in 2012. His mother, Linda McGarr, who was also a plaintiff in the lawsuit, will receive \$250,000. Mr. Deskovic is now 37, living in New York City, finishing a master's degree at John Jay College of Criminal Justice and traveling the country to tell his story. He said he no longer played a lot of Ping-Pong, a game he learned — and learned to like — in prison.

“There are a lot of things in my life, socially, that I still need to put together,” Mr. Deskovic said in

an interview. “My background, what happened to me, it’s still a hindrance.”

This article has been revised to reflect the following correction:

Correction: April 14, 2011

An article in some editions on Wednesday about the partial settlement of a lawsuit by a Westchester County man, Jeffrey Deskovic, who was wrongly convicted of rape, misstated the role of the police in obtaining Mr. Deskovic’s confession. They are accused by Mr. Deskovic, in an unresolved portion of his lawsuit, of coercing his confession; a court has not established that they did so.