



## DN Editorial: Happy returns

POSTED: TUESDAY, NOVEMBER 19, 2013, 3:01 AM

WHEN Eugene Gilyard was 19 years old, he was sentenced to life in prison for murder on the basis of eyewitness identification made two years after the crime. No other evidence linked him to the 1995 slaying of North Philadelphia businessman Thomas Keal, and Gilyard insisted from the beginning that he didn't do it.

Gilyard came home to his family last Friday, granted a new trial by a Philadelphia judge who cited the "extremely weak" case against him: the eyewitness, who was the victim's daughter, said that she saw the perpetrator for a number of seconds through the blinds of her second-floor window. Gilyard's homecoming was a triumph for the **Pennsylvania Innocence Project**, which took on his case soon after the organization was founded in 2009.

The Philadelphia District Attorney's Office battled Gilyard's release throughout the process, and it isn't yet clear whether the office will retry the case or withdraw the charges.

What is clear is that Gilyard was released from prison into a changed world.

It's a world in which scientific research has proved that eyewitness testimony is notoriously unreliable even when it's made contemporaneously with the crime - much less two years later.

It's a world that has witnessed the exoneration of 311 prisoners on DNA evidence alone, along with 900 discarded convictions nationwide since 1989, a world that now recognizes that innocent people can be victims of egregious miscarriages of justice.

The good news is that Philadelphia law-enforcement officials are working to prevent flawed investigative techniques and weak evidence from leading to wrongful convictions in the future.

Police Commissioner Charles Ramsey has been particularly active, working with the Innocence Project to learn the best evidence-based practices and putting them into place. The department is preparing to record all homicide interrogations from start to finish, so a jury can determine for itself the validity of a confession or whether coercion or other manipulation was used. In January, the department also plans to revamp eyewitness-identification protocol, to prevent flawed procedures that may encourage witnesses to focus on a particular suspect.

District Attorney Seth Williams has required more stringent evidence to be developed by the beefed-up charging unit that reviews all arrests and warrants. And he's established a conviction-review committee to review cases submitted by the Pennsylvania Innocence Project, although he's not created a formal conviction integrity unit with the high-profile and aggressive effort seen in other cities to unearth potential wrongful convictions.

If advocates are correct, 2 to 5 percent of inmates now behind bars have been wrongfully convicted. In Pennsylvania, that would be 2,500 convicted felons who may be innocent.

It's urgent that police and prosecutors continue to do all they can to prevent robbing the innocent of their lives.

Still, it is encouraging to know that in the changed world that Eugene Gilyard is now a part of, it's unlikely he'd have been convicted in the first place.