

Wrongfully Convicted Get Help Through Pennsylvania Innocence Project

By Howard D. Scher

MY PRACTICE HAS COME FULL CIRCLE. AT THE OUTSET of my career, I arrived in Philadelphia after graduating from Rutgers School of Law - Newark and began at the Defender Association of Philadelphia, then located above Souffer's Restaurant on Chestnut Street, helping people accused of a crime. Several years ago, I began my involvement with the Pennsylvania Innocence Project at Temple University Beasley School of Law helping people convicted of a crime.

In between, I have been a trial lawyer – mainly on the civil side.

At the Defender Association of Philadelphia, I interviewed clients and represented people at bail hearings in a room on the ninth floor of City Hall, down the hallway from the holding cells. I loved the bail hearings. I felt I was actually helping people.

Several years ago, when I was invited to work with the PA Innocence Project, first as a donor, then as a board member, now an officer, all I really wanted to do was help people.

And now, as a volunteer, the Pennsylvania Innocence Project has given me and my colleagues at my firm, Buchanan Ingersoll & Rooney PC, that opportunity and then some. We helped write an amicus brief in the Pennsylvania Supreme Court that resulted in the Commonwealth of Pennsylvania, for the first time, joining the

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We have worked to secure the DNA testing of the murder weapon where, until recently, DNA testing was not possible. The DNA performed on other objects from the murder scene did not match that of the convict. If, as we expect, the murder weapon has DNA evidence that does

not belong to the convict, it should warrant a new trial.

We currently are working to help an inmate who has been incarcerated for nearly 20 years for shaking a baby to death. Our client was convicted of killing his girlfriend's toddler – by shaking her. No one ever saw him touch the child. He was charged with the murder because he was the one who discovered the child unconscious on the floor. Likely she had fallen from her crib where she had been napping. The only evidence that the child was murdered, rather than died, from an accidental fall, was the opinion testimony of medical experts who said the death could not have been the result of an earlier fall or a short fall from a crib - it had to be the result of violent shaking.

That notion, that the death had to have been the result of shaking, has recently been debunked as junk science. There is new science that has demonstrated that the triad of trauma the child suffered is not necessarily the result of shaking and the expert testimony from trial should not have been admitted into evidence, or at least contrary evidence should have been adduced. Without a new trial, our client has no hope of release unless he confesses to a crime he never committed.

I can think of nothing more gratifying than the possibility that our help could secure the retrial and acquittal of one who was wrongfully convicted.

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