

Wisconsin Innocence Project: Case Report

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The events leading to the exoneration of Chris Ochoa and Richard Danziger read with the intrigue, twists and turns of a Grisham mystery.

Chris Ochoa is a very lucky man. He has recently been released after spending eleven years in a Texas prison for a crime he confessed to but did not commit. Although another Texas inmate confessed in 1996 and again in 1998 to the crime for which Ochoa and Richard Danziger were sentenced, Chris was not released until January 15, 2001. His release might not have happened but for an eleven-year-old crime scene specimen, which an independent laboratory scientist refused to surrender to Texas officials, and for the efforts of the Wisconsin Innocence Project.

Yes, Chris Ochoa is a lucky man. Richard Danziger has also been released from prison, but he was not so lucky. He too has been exonerated on the strength of DNA evidence. But Richard is permanently brain damaged after being severely beaten during a prison brawl. His release occurred on March 28, 2001—only after the long-term nursing care he requires could be arranged.

The events leading to the exoneration of Chris Ochoa and Richard Danziger read with the intrigue, twists and turns of a Grisham mystery. Chris and Richard were arrested for the 1988 rape and murder of a young Texas woman. Chris, whom John Pray, University of Wisconsin Law School professor and Codirector of the Wisconsin Innocence Project, describes as a typical, somewhat timid kid, was in the wrong place at the wrong time. He was coerced into confessing to the crime after being assured that there was enough evidence to indict him, resulting in the death penalty. Confession would mean

life in prison, not the death penalty, so Chris Ochoa signed away his life to save it.

Richard Danziger, the alleged accomplice, was tried in 1990. Being more the defiant type than Ochoa, according to John Pray, Danziger pleaded not guilty. An early (DQ alpha) DNA test on semen from the crime scene excluded Danziger. However, microscopic examination of a hair found on the victim determined that it was consistent with hair from Danziger. Based on this evidence and Ochoa's confession, Danziger was also sentenced to life in prison, a sentence that ultimately proved very costly.

This case took an initial turn when Achim Josef Marino, another Texas inmate, decided to own up to a rape and murder he committed in 1988. Marino sent a 1996 letter to the then Texas governor, George W. Bush, confessing to the 1988 crime. There was no response to the letter, and in 1998 Marino wrote a second letter of confession, a copy of which Professor Pray possesses. An Austin, Texas, reporter later obtained a copy of Marino's 1998 letter and videotaped his confession.

Then, as John Pray puts it, "life got crazy." The videotape of Marino's confession aired on the Internet, and public knowledge pressured corrections officials to do something about the case. In the meantime, while earning two associate's degrees and looking for ways to prove his innocence, Chris Ochoa found the Wisconsin Innocence Project's website and contacted them about his case.

The Texas Department of Public Safety had a sample on which DNA testing was performed. The DNA tests used today are markedly more sensitive and accurate than the test that was done during the 1990 Danziger trial. It was an amazing bit of good luck, according to Pray, that this DNA sample even existed after more than 10 years. There are no statutes in Texas that require

preservation of DNA samples, something that the Innocence Project is working to change.

The sample from Texas Department of Public Safety tested negative for both Ochoa and Danziger's DNA. A separate sample held by scientist Ed Blake, considered the dean of forensic DNA testing, also conclusively proved Ochoa's and Danziger's innocence, and later, Marino's guilt.

This was all accomplished by late fall of 2000. By this time, Chris had the support of three law students and two professors from the Wisconsin Innocence Project, as well as the support of Jeanette Popp, the mother of the victim. The Wisconsin Innocence Project volunteers worked relentlessly on gathering the pieces of evidence and keeping pressure on Texas officials and the courts to hear the case. In January 2001, a judge examined the evidence and Chris Ochoa was released. Yes, Chris Ochoa is a lucky man. To celebrate his first meal as a free man in 11 years, Chris enjoyed a steak dinner with his mother, the victim's mother and the Wisconsin Innocence Project volunteers.



Chris Ochoa before his hearing on January 15, and the Wisconsin Innocence Project law students Wendy Seffrood and Cory Tennison who worked to free him. Also shown are Professors Keith Findley, John Pray and Chris's mother.