

Perlmutter Center For Legal Justice at Cardozo Law Join 69 Exonerees in Amicus for Damien Echols' Right to DNA Test

Arkansas Supreme Court to Rule on Appeal of Circuit Court Decision Denying Echols Right To DNA Testing

NEW YORK, NEW YORK, USA, June 26, 2023 /EINPresswire.com/ -- [PERLMUTTER CENTER FOR](#)

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"Ten years ago I had no choice but to take an Alford plea to get off death row. I needed to fight for my innocence outside of prison walls. DNA can exonerate us and lead to the real killer(s)."

Damien Echols

[LEGAL JUSTICE AT CARDOZO](#) LAW JOINS SIXTY-NINE WRONGFULLY CONVICTED IN AMICUS FILING IN SUPPORT OF DAMIEN ECHOLS' RIGHT TO DNA TESTING IN 1993 CHILD MURDERS

That Perlmutter Center for Legal Justice at Cardozo Law (PCLJ) has filed an amicus to the Arkansas Supreme Court brief in support of Damien Echols, one of the "West Memphis 3," who is seeking new DNA testing of the ligatures that bound three 8-year-olds found brutally murdered in West Memphis, Arkansas in 1993.

The amicus filing by exoneree Martin Tankleff was joined by PCLJ Deputy Director and exoneree Derrick Hamilton; 69 exonerees, all of whom have spent decades in prison; the law firm of Barket Epstein; the Prisons & Justice Initiative; and Taylor Law Partners.

The Innocence Project and the Center on Wrongful Convictions at Northwestern University have also filed amicus briefs in support of Echols' right to DNA testing.

According to the amicus brief, "Amici includes a group of wrongfully convicted individuals who spent years (for most, decades) in prison for crimes they did not commit, (see filing for list of exonerees). They submit this brief in support of Damien Echols' appeal to the Supreme Court of Arkansas, out of concern that, left uncorrected, the decision (Circuit Judge Alexander denied Echols right to DNA testing) would undermine the fundamental right to prove one's innocence and as such suffer the consequences left. Additionally, exonerees suffer beyond anyone's imagination and this court should not ignore the voice of those who have been similarly situated to that of Damien Echols."

PCLJ Deputy Director Derrick Hamilton said, "The decision by the Circuit Court to deny Echols the right to DNA testing because he was technically "not incarcerated" and thus not eligible for habeas corpus relief flies in the face of the Arkansas DNA statute as well as common sense. Many of the exonerees who signatories to this amicus brief are, including me, only had our convictions overturned after we were released from prison through parole or other means."

For three years, Echols has been trying in vain to test remaining crime scene evidence, including the ligatures used to bind the three children who were found in a drainage ditch in West Memphis, Arkansas on May 5, 1993. Arkansas Supreme Court justices will soon rule on whether Echols and co-defendants Jason Baldwin and Jessie Misskelley, Jr. deserve the right to test the evidence using the latest state of the art M-Vac DNA technology.

After the discovery of new evidence, including hairs found at the crime scene possibly linked to one of the boys' stepfathers, the three men were released in 2011, after 18 years in prison and death row for Damien Echols. They were freed after agreeing to an Alford Plea in which they maintained their innocence but remained convicted killers. The plea deal was favorable to the state of Arkansas, which was concerned that an innocence hearing would result in their exoneration.

Echols' Alford Plea was made with the agreement that then-Craighead County prosecuting attorney Scott Ellington would commit to investigating new evidence that emerged. Ellington also agreed to DNA testing in March 2020, but subsequently went silent and Echols was forced to seek a court order.

PCLJ Director Josh Dubin said, "Forensic testing is at the heart of the work we do at PCLJ. We teach law students the legal and practical opportunities and obstacles in forensic testing as well as the difference between state-of-the-art forensic technology, such as the M-Vac, and junk science that has been used in the past to wrongfully convict many innocent people."

Damien Echols said, "Ten years ago I had no choice but to take an Alford plea to get off death row. I needed to fight for my innocence, and that of Jason and Jessie, outside of prison walls. And that is why I sought to test the evidence in the case to exonerate us and lead to the real killer(s). While the state continues to fight that effort, we are hopeful that the Arkansas Supreme Court will recommend that the Circuit allow DNA testing."

The PCLJ amicus brief is available here. <https://www.westmemphis3.org>

About the Perlmutter Center for Legal Justice at Cardozo Law

The Perlmutter Center for Legal Justice at Cardozo Law is a multifaceted center established through a generous donation from The Laura and Isaac Perlmutter Foundation. The Perlmutter's philanthropy is focused on one clear and powerful goal: helping others.

The Perlmutter Center for Legal Justice has two components: a student field clinic called The Perlmutter Freedom Clinic at Cardozo Law, which focuses on fighting wrongful convictions based

on the misuse of scientific evidence and work to obtain clemency for individuals unjustly incarcerated.

Two fierce advocates are leading our efforts. At the helm, we have Executive Director Josh Dubin, one of the preeminent civil rights attorneys and legal strategy consultants in the nation. Serving as Deputy Director is legal strategist and paralegal Derrick Hamilton, who was falsely imprisoned for over 20 years and won his own exoneration while helping fellow inmates with their cases.

<https://cardozo.yu.edu/PerlmutterCenterforLegalJustice>

Contact: Lonnie Soury, (917) 519-4521, Lsoury@soury.com

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Lonnie Soury

Soury Communications, Inc

+1 917-519-4521

[email us here](#)

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