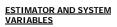


Eyewitness Misidentification

After working on numerous postconviction claims of actual innocence in Dallas County, victim or witness misidentification seems to be the single greatest contributor to wrongful convictions. So, what contributes to misidentifications?





Thomas Clifford McGowan, Jr.

Thomas McGowan was convicted for the 1985 offenses of burglary of a habitation and aggravated sexual assault in two separate jury trials.



McGowan was sentenced to life-in-prison.

• The following day, Victim was brought to RPD for a live line-up. She was unable to identify any of the men as her attacker. -McGowan was not included in the live line-up. • That same day, McGowan was pulled over and arrested by RPD for DWLS & Failure to ID. -The car driven by McGowan generally matched the description of the attacker's vehicle. McGowan Photo Array • Subsequently, Victim was presented with a photo array in an attempt to identify her attacker. - McGowan was included in the array • The array consisted of 7 photographs - 4 color photos & 3 black-and-white photos (either photocopies or originals) • 3 out of the 4 men in the color photos bore an RPD police placard. • McGowan was holding an RPD placard. **DNA Testing** • Following his conviction, McGowan continued to proclaim his innocence and requested that DNA testing be conducted. • The DA's Office forwarded biological evidence obtained from the investigation to a lab for testing. • The results EXCLUDED McGowan as a contributor to the DNA.

Exoneration

 After serving 23 years' in prison, McGowan was released on April 16, 2008 when post-conviction DNA testing and further investigation excluded him as the perpetrator of the offenses for which he was convicted.

Identifying the True Perpetrator

A CODIS hit and subsequent investigation revealed that

Kenneth Wayne Woodson,

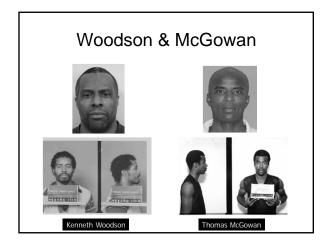
who was serving time for an aggravated assault stemming from a home-invasion and sexual assault that occurred after the instant crime, was the true perpetrator.

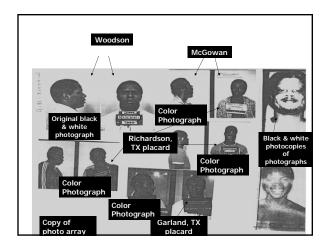


Kenneth Wayne Woodson – 1985

Apology Authored By	
Kenneth Wayne	
Woodson To Victim	

0	RIGINAL (in Rod)	* 95-13563
11:51		
I'm so very	Somy for Non	try you through
that Colon order !	beer then I w	res on dough and
his been driving,	and had broke in	MD. You place TO
Steel your property.	a support my d	ng belief but or
that time. Please	Fergive me for	ency this is no
I while a great	manage that	wit never happen
ever again. Dicco ay	an I'm sorry	for what I did to
You are that own	gry who was u	us weeyy sharper
for my come.		
	Komel W.	
	Honesh w.	Weedson.
STATEMENT TAKEN S	Y: J. FIRMER	#Jeto
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MINESTER BY		
	Janes Homeso	3-gover Hand dyer
JUNE 11, 2008 e	2:50 8.44.	- /





SEQUENTIAL DOUBLE BLIND LINE-UP

- Administrator does not know which participant is the suspect
- Administrator presents suspects one-by-one instead all at once
- Proven to reduce inaccurate eyewitness identifications
- In 2009, Dallas Police Department became the eighth department in Texas to use sequential double-blind lineups

Tex.Gov't Code 411.0601 through 411.0606 , effective September 1, 2009

To be entered into the DNA Supported Suspected Offender File, The information must meet the following criteria:

1. submitted in the form of an affidavit signed by an

- investigating criminal justice agency;

- 2. approved by a district judge;
 3. accompanied by submission of the subject's fingerprints; and
 4. accompanied by a completed DNA Supported Suspected
 Offender File (CR-40)

Angie Kendall, Deputy Administrator Law Enforcement Support Crime Records Service Suspected Offender File P.O. Box 4143 Austin, TX 78765-4143 512-424-2471 Angie.kendall@txdps.state.tx.us

Subject to Prosecution Flag:

THIS PERSON'S DNA PROFILE CANNOT BE EXCLUDED OF A PERSON SUSPECTED TO HAVE COMMITTED A CRIME				
ORI:				
Investigating Unit: _				
Contact Person:				
Phone Number: _				
OCA:				
Date of Affidavit:				
Date of Offense:				
Offense Code:				
Offense Detail Literal:				