




Eyewitness Misidentification

After working on numerous post-conviction 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?

ESTIMATOR AND SYSTEM VARIABLES



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.

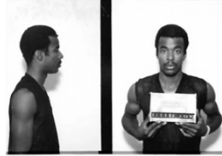
McGowan Photo Array

- 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

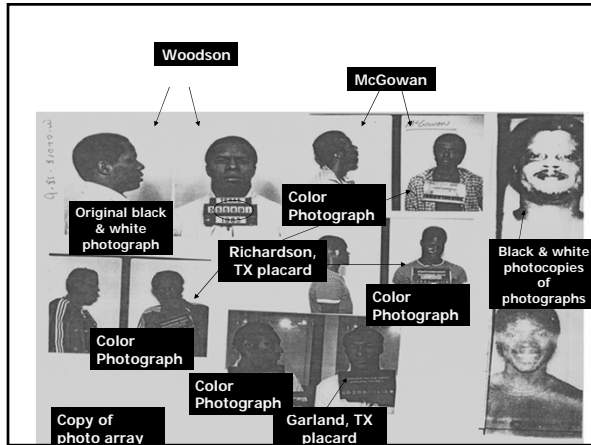
- Following his conviction, McGowan continued to proclaim his innocence and requested that DNA testing be conducted.
- The DA's Office forwarded biological evidence obtained from the investigation to a lab for testing.
- The results EXCLUDED McGowan as a contributor to the DNA.

Woodson & McGowan



Kenneth Woodson

Thomas McGowan



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)

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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: _____
Subject to Prosecution Flag: _____
