

## After 12 years in prison on murder charge, law student helps free others

by Ruben Rosario  
Knight Ridder Newspapers

After serving 12 years in prison for a murder he didn't commit, Chris Ochoa has decided to take the law — make that law books — into his hands.

Ochoa — a Texas man exonerated with the help of members of the University of Wisconsin Law School's Innocence Project — is now a first-year law student at the school.

"For him to finish college and then enter law school less than three years after his release from prison, to me, is just simply amazing," said Corey Tennison, now an assistant Scott County prosecutor from Highland Park, Minn., who, along with a team of fellow students and college law professors, helped uncover evidence that cleared Ochoa in a 15-year-old murder case.

"He's become a friend and an inspiration."

The curriculum so far "is pretty demanding, but it's going well," says Ochoa, 36, who plans to relocate and pursue a legal career in Madison, Wis., or the Twin Cities area. "That said, I haven't gone through a winter up here yet."

Allegedly threatened with the death penalty and to be served as "meat" for prison sex predators, Ochoa, then a 22-year-old restaurant worker with no criminal record, confessed to taking part in a brutal rape-murder of a 20-year-old Texas woman in 1988. He was sentenced to life.

"People ask me many times why I confessed to something I didn't do, and it's difficult to explain," Ochoa said in a Knight Ridder Newspapers interview two years ago. "But I was a very timid young man then. And if you know anything about Texas, you know right away that the death penalty is a very real threat."

In 1996, a convicted robber confessed to the murder in a letter he sent to Austin police and then-Gov. George W. Bush's office. The Wisconsin project uncovered the existence of the letter and other case discrepancies after Ochoa wrote to them about his plight. DNA tests confirmed the letter-writer was the killer, and Ochoa was released from prison in 2001.

While in prison, Ochoa took advantage of college course work and entered a community college in El Paso when he got out. He was accepted to the University of Kansas Law School last year, but Wisconsin made him an offer he couldn't turn down: a full scholarship.

Ochoa says he wants to return the favor by volunteering for the project next year. He is also attending an annual fund-raiser in Minneapolis in support of the Innocence Project of Minnesota, one of 31 mostly university-based programs in the country that selectively review post-conviction cases with the help of pro bono lawyers, college professors and law students.

The 3-year-old state project is reviewing a handful of murder cases, and is asking the state's highest court next week to order an evidentiary hearing on a 12-year old murder case.

The innocence project movement, significantly bolstered by the advent of DNA testing and more scrutiny of criminal probes, has led to the exoneration of at least 128 people wrongly convicted of murders and other serious crimes in recent years. A handful have been death row inmates. It has also led to changes in law and a review of police and prosecutorial procedures at the early stages of a criminal investigation in an attempt to more accurately finger or eliminate suspects.

A reputable study conducted by an Iowa University professor found that showing a witness six pictures at the same time led to misidentifications because the person felt pressured to select the person who most closely resembled their assailant. Choices were made even when the actual suspect wasn't included in the line-up, according to the study conducted by Dr. Gary Wells.

The project will have adult witnesses shown look at pictures one at a time by an investigator not connected to the case. Wells' study estimated that such a procedure could reduce misidentifications by up to a half. Cops in New York, California and a few other states are also conducting trial runs.

"It's worth trying," says Hennepin County Attorney Amy Klobuchar of the year-long project. "We are interested in getting the bad people, but also the right people."

Tennison, a former Mille Lacs assistant county prosecutor who starts his new job on Monday, says the lessons of the Ochoa case are ones that need to be heeded by prosecutors as well as defense attorneys.

"Prosecutors have a lot of discretion in charging a case, or how it's handled," says Tennison. "I'm not here to just win cases. I'm here to help administer justice. And Chris is the best reminder of that."

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