

BELIEVE IT...OR NOT!

Despite prosecutors' best efforts, a wrongfully imprisoned woman gets a break

By Julius (Jay) Wachtel. No one's surprised anymore when some poor soul is let out from prison after serving a decade or more for a crime they didn't commit. When news broke last November of the release of [Lynn DeJac](#), 44, what seemed most noteworthy wasn't that she spent nearly fourteen years behind bars wrongfully convicted of murdering her daughter, but that she was the first woman to be freed by DNA evidence. Actually, her release had been bitterly opposed by the D.A., who until earlier this month held on to the fiction that DeJac was guilty even though the evidence pointing elsewhere was overwhelming. But we're getting ahead of the story.

“[Her mother liked good times and bad men.](#)” That reputation, detectives now say, was what turned jurors against DeJac. Even in her hardscrabble Buffalo neighborhood it was considered bad form to stay out all night partying and leave 13-year old Crystallynn and 8-year old Ed to fend for themselves (their father was in prison for molesting the girl). So when Crystallynn was found strangled to death early one morning in February 1993 suspicion quickly fell on her mother. It didn't help that a male neighbor who once lived with DeJac said that she didn't deny killing the child. Still, evidence seemed wanting until a local hoodlum awaiting trial for forgery came forward to say that DeJac confessed to him in a bar.

There was also a spurned lover, Dennis Donohue. DeJac had taunted him the night of the murder by kissing another man, prompting Donohue to chase them around town and at one point even hold a knife to his rival's throat. Prosecutors deemed Donohue's account of DeJac's comings and goings sufficiently important to grant him immunity, an odd decision that would come back to haunt them years later.

In September 1993, while DeJac was still free, a 42-year old Buffalo woman, Joan Giambra, was strangled to death. That she had been dating Dennis Donohue raised a few eyebrows, but as there was no evidence tying him to her murder the case stalled. Then DeJac went to trial. Despite a lack of physical evidence she was convicted and got 25 to life. With Crystallynn's killing “solved” and the Giambra case gone cold the police turned to other things.

Twelve years later Buffalo PD reinstated its cold case squad. [DNA](#) recovered from Giambra's fingernails was analyzed using new, more sensitive techniques; as detectives hoped, it matched Dennis Donohue. He was arrested for murder and jailed. DeJac's lawyers, assisted by the [Innocence Project](#), demanded that Donohue's

DNA be compared against DNA found at the scene of Crystallynn's killing. Again, there was a match.

DeJac was granted a hearing. The judge -- the same who presided at her trial -- excoriated prosecutors, openly challenging their kid-gloves approach to the man whom everyone assumed killed both young Crystallynn and Giambra. But the D.A. insisted that nothing uncovered so far proved that DeJac was innocent. Incredulous, the judge ordered DeJac released and the charges dismissed. The D.A. insisted he would refile. [Local media](#) went crazy. Even detectives got into it, publicly calling DeJac innocent, the witnesses against her liars and Donohue everything short of guilty.

That wasn't the end of it. Prosecutors were now faced with a case they couldn't possibly win. That's when Dr. Michael Baden, the forensic pathologist who testified that Phil Spector's girlfriend shot herself, rode to the rescue. Asked by the D.A. to review Crystallynn's autopsy, the man mocked by the *Buffalo News* for twisting facts to suit his clients' needs determined that she hadn't been strangled after all! Instead, her death was supposedly due to an [overdose of cocaine](#). His improbable findings were parroted by the current medical examiner, who blamed a combination of cocaine and head trauma. Then another in Spector's stable of experts, Dr. Werner Spitz, threw a curve, saying that he didn't think there had been enough cocaine in Crystallynn's system to kill her. But after receiving "additional" evidence he supposedly changed his mind.

On February 28, 2008 the ticking time bomb was defused. Citing their experts' conclusions, prosecutors [dismissed the case](#) against DeJac, not for insufficient evidence, but because no crime had been committed! Ergo, there was no longer any need to concern oneself with Donohue, a good thing since he had been immunized. That didn't sit well with cold case squad detective Dennis Delano, who promptly gave the press a police [crime scene video](#) demonstrating that Crystallynn's room had been upturned in what any reasonable person would conclude was a struggle. Delano was promptly relieved of duty, an instance of what local reporters called a cop being punished for daring to tell the truth. And not just any cop, but a celebrated veteran who in 2007 helped free [Anthony Capozzi](#), a man who spent 20 years in prison for two rapes he didn't commit.

Donohue's trial for killing Joan Giambra is pending. Oh, did we say that he's also suspected in a [1975 strangling](#)? But that's a story for another day.