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RUSH TO JUDGMENT (PART II)

By now, every cop knows that witness ID can be chancy. Right?

By Julius (Jay) Wachtel. Coming only three weeks after asserting that LAPD “absolutely” had the responsible party, Chief Charlie Beck’s explanation that “we



would have been derelict had we not made the arrest” of what turned out to be an absolutely innocent man left more than a few heads shaking.

In [Rush to Judgment](#) we assumed that detectives had arrested Giovanni Ramirez (left photo) without a warrant because the D.A.’s office never filed charges. According to Chief Beck, though, [a warrant had indeed been issued](#). That’s surprising as the evidence was frightfully thin. It was only through happenstance that Ramirez’s parole officer told cops that his client resembled the artist’s sketch that had been plastered on billboards. There was no evidence that Ramirez went to the game. (He turns out not to be a fan. Go figure.) Search warrants yielded zip: no evidence of Dodger regalia, of being at the stadium, of having a grudge against the victim.

LAPD wound up where they started, with virtually nothing but eyewitnesses. Then an LAPD insider confirmed what many already suspected, that the identification of Ramirez was “weak and tentative.” If the two now charged in the beating are truly guilty, that makes perfect sense. One of them is on the right. He’s [Louie Sanchez](#), 29 (the other is an Anglo.) Other than being Hispanic and having a neck tattoo, he looks little like Ramirez, whom he outweighs by a large margin.

Maybe the judge who signed off on Ramirez’s arrest warrant (and on search warrants for his two crash pads) knew something more. Or maybe he was oversold by detectives, [a possibility that Chief Beck speculated](#) might have skewed his own view of things.

After exonerating Martinez LAPD set out its new case, which seems far more compelling. Photographs reportedly depict Sanchez and his buddy Marvin Norwood, 30, a bulky white guy, sitting in the same section as the victim. Spectators described the pair as belligerent and assaultive. Police allege that they bragged about the beating to coworkers, and when confronted pointed fingers at each other. And that’s not all. Sanchez’s sister, who was also at the game, reportedly implicated both in the assault.

“Probable cause” can be an elastic concept, and all the more so when police are under pressure to solve a high-profile crime. Fortunately the D.A. came through and forced the department to reassess. And to its credit it did.

Consider how things might have turned out had the eyewitnesses expressed certainty about Ramirez. “Yes, officer, that’s the guy. I swear it!” Can you spell w-r-o-n-g-f-u-l c-o-n-v-i-c-t-i-o-n?



For just such an example look no further than the sad case of [Thomas Haynesworth](#). During the first two months of 1984 five Richmond, Virginia women were abducted and sexually assaulted. Fortunately all survived. One of the victims later spotted Haynesworth on the street (left photo.) Convinced that he was the one, she called police. They displayed his picture to the others. Three more identified him.

Haynesworth, then 18 and with no criminal record, insisted that his accusers were mistaken. He went to trial. He was convicted in three sexual assaults and acquitted of one. His cumulative sentence: 74 years.

Fast-forward to 2005. Troubled by a series of wrongful convictions, Virginia’s governor ordered a review of past cases. It took four years, but DNA conclusively proved that one rape for which Haynesworth was convicted, and the one for which he was acquitted, had in fact been committed by Leon W. Davis (right photo.) Davis was already in prison, doing hard time for a string of sexual assaults that took place after Haynesworth’s arrest.

By this time the [Mid-Atlantic Innocence Project](#) had taken up Haynesworth’s defense, and after a protracted investigation even prosecutors agreed that he was innocent – of everything. Unfortunately, the two remaining cases lacked DNA, and one victim still insisted that Haynesworth was her assailant. So to date he has not been fully exonerated (a motion is pending.) A judge nonetheless granted Haynesworth parole in March, on his forty-sixth birthday.

He had been locked up twenty-eight years.

Haynesworth clearly resembles Davis. Interestingly, Ramirez (left) and Sanchez (right), who don’t look that much alike, both resemble the artist’s rendering of the perpetrator. It’s little wonder that eyewitness misidentification is



considered [the primary cause](#) of wrongful conviction, figuring in three out of four DNA exonerations.

Of course, detectives usually go well beyond photo lineups. But sometimes they don't dig deep enough, while at other times information is simply scant. That's when virtually any circumstance can be interpreted as an indicator of guilt, and the more the merrier. Consider Ramirez. Violent background? Check. Gangster appearance? Check. Neck tattoo? Check. Hispanic descent? Check. Present at the game? Well, can't say, but an ex-girlfriend supposedly was there. Hey, maybe she was the getaway driver! Check! Really, who needed the parole agent? Cruising the seedier parts of L.A. would have yielded any number of individuals who resembled the artist's sketch and matched or bettered Ramirez's profile. In the end what kept him from getting hammered for something he didn't do was concern over the ID's and a skeptical prosecutor.

Haynesworth wasn't as fortunate. Not only did he look a lot like the perpetrator, but a series of similar crimes had occurred. One misidentification led to more, lulling detectives into overconfidence. Certain that they had the right perp for *each* crime, they quit investigating. The upshot was that an innocent man spent the cream of his adulthood in prison while the real evildoer continued victimizing others.

What's the moral to these stories? It's really quite simple. Don't just go on appearances. Focus on corroboration. And be sure it's quality stuff. Remember that a pile of junk is still that.