Dauphin County prosecutor's office hires defense attorney to find wrongful convictions

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By Christine Vendel | cvendel@pennlive.com

Two kids dove into a trash bin near Harrisburg in 2001 looking for discarded treasures and found an old briefcase. The contents of that briefcase proved a man wrongfully convicted in Dauphin County had been locked up for nearly 30 years. The briefcase, once owned by a county detective, held an old police lab report that showed a Pennsylvania State police chemist lied during a homicide trial for Steven Crawford, of Harrisburg.

It was a chance discovery that revealed the truth and got Crawford released from prison. Dauphin County doesn't want to rely upon chance, however, to find cases of injustice, said Dauphin County District Attorney Fran Chardo. That's why he launched a conviction integrity unit this month to begin reviewing possibly problematic convictions of people still in prison, making the county among the first in the state to do so.

"I'm proud we're doing this," Chardo told PennLive. Out of 67 counties, Dauphin County is the fourth to start its own unit and possibly the first to have an office operated independently from where prosecutors work.

Philadelphia has its own unit, already responsible for 25 exonerations since 2018. Centre and Chester counties both started informal units within their offices in recent years, with Centre County already overturning a gun possession case and releasing a man from prison. For the rest of the counties, cases can be investigated by the Attorney General's office, which started a unit in 2020 to help district attorneys and to solicit applications from incarcerated people who maintain their innocence.

Dauphin County's unit will be headed by longtime defense attorney Joshua Lock, 75, out of his law firm. Lock, who defended clients for 51 years, including Steven Crawford, and whose father was once the Dauphin County district attorney, is being paid a flat fee of $50,000 per year. That amount was carved out of this year's budget for the district attorney's office, Chardo said. But it is expected to be included as part of next year's budget.

Lock has pledged not to defend any state cases as he works through the convictions assigned to him. He plans to methodically read and question everything, Chardo said, including all pre-trial motions, rulings and trial transcripts. He may interview defendants, their attorneys or others as part of his quest to ensure all required documents were turned over to the defense, that any forensic science used in the conviction is still valid and determine whether any new evidence has surfaced.

Chardo already has assigned two cases to Lock, who plans to respond to each assignment with a detailed report explaining his work and whether the case may involve a wrongful conviction. Older cases will take priority over newer cases since those defendants have been incarcerated longer, Chardo said.

The cases come from applications sent to the Attorney General Josh Shapiro's office. The forms are supposed to be available at all state prisons. Only those who have exhausted other methods of appeal and who claim innocence are eligible. The unit is not set up to look at technicalities for guilty defendants, or cases in which juries believed certain witnesses over other witnesses.

Lock's review will be a new, possibly final, step in the process and he did not want an hourly wage, because he wants the freedom to be diligent without running up a large tab for the county. He understands each application could represent a defendant's final chance and he would not want to compound an error by the system, Chardo said.

So far, 66 people in prison as a result of convictions in Dauphin County have filed applications with the attorney general's office requesting a review, which is noticeably more than for the other Central Pennsylvania cities of York (29) and Lancaster (23). Dauphin also has more exonerations in its history with seven— based on convictions from 1974 to 2007—documented by a research project at the University of Michigan, compared to 1 for York and 2 for Lancaster. Dauphin received the most applications behind Allegheny County (90). (Philadelphia has its own separate unit with 1,165 applications awaiting review.)

In all, the attorney general has received 1,073 applications since its inception two years ago. About 210 cases didn't meet the required criteria and 105 were denied after a substantive review, said Jackie Rhoads, a spokeswoman for the attorney general. Nine cases were referred to Chester County's unit and 457 remain active or pending review with the attorney general's office. Those cases that remain with the attorney general include 3 from Cumberland County, 3 from Perry County, 11 from Lebanon County and 1 from Adams County.

The efforts by the attorney general have not yielded any exonerations so far. And it might be rare to find one quickly in Dauphin County too, but older cases have more potential, before discovery documents were digitally tracked.

Dauphin County First Assistant Public Defender Paul Muller said anything that helps the wrongfully convicted is a great step forward. "We recognize that the system is far from perfect and despite the best efforts of defense counsel, injustices can and do occur."