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LI attorney's TV series, 'The Last Defense,' examines death row cases

Garden City criminal defense lawyer Aida Leisenring helped conceive a show about individuals who have been sentenced to death for crimes their attorneys say they did not commit.



Long Island defense lawyer Aida Leisenring is the driving force behind "The Last Defense," a seven-episode docuseries looking at the cases of two death row inmates who, after years, maintain their innocence. Photo Credit: Howard Schnapp

By Robert Brodsky July 16, 2018 9:34 PM

A Texas mother convicted of fatally stabbing her two young children.

A black college student convicted of the carjacking murder of a white businessman.

Both are sitting on death row.

A new series, co-created by Garden City criminal defense attorney Aida Leisenring, looks at the crimes and whether the mother and the student were wrongfully convicted.

"The Last Defense," a seven-episode docuseries airing Tuesdays on ABC, traces the stories of Darlie Routier of Dallas and Julius Jones of Edmund, Oklahoma. The show, whose executive producers include Academy Award-winning actress Viola Davis, debuted June 12 and concludes July 24.

"Regardless of whether you think Darlie or Julius did it or didn't do it, once you delve into both cases you have reasonable doubt. And if you have reasonable doubt, you need to acquit," said Leisenring, 41, of Long Island City, a partner at Barket, Epstein & Kearon LLP. "It's an absolute injustice that they're going to be executed."

In 2015, Leisenring went to attorney Vanessa Potkin with her idea for a show about individuals who have been sentenced to death for crimes they say they did not commit.

The women have been friends for more than a decade since they worked together at The Innocence Project, a Manhattan-based nonprofit that works to exonerate individuals they believe were wrongly convicted. Potkin, 43, is The Innocence Project's director of post-conviction litigation.

The National Academy of Sciences issued a report in 2014 that found about 4 percent of defendants sentenced to death in the United States are innocent. There are roughly 2,800 inmates sitting on death row.

"Most people feel that if you are on death row it's because there was really strong evidence of your guilt and the jury reached the right verdict," Potkin said. "People are horrified to see how you can be sentenced to death based on so little."

A small team of paralegals scoured files and transcripts searching for two compelling, made-for-TV death row cases that would highlight some of the most common reasons behind wrongful convictions. They settled on Routier and Jones.

Routier, then a 26-year-old homemaker, was sentenced to death for fatally stabbing her two sons, Devon and Damon at their Dallas home in 1996. Her attorneys said an intruder broke into the home, slashed Routier's throat and stabbed her children.

Dallas prosecutors, who did not respond to a request for comment, said Routier staged the crime scene and killed her children for insurance money.

The prosecution showed a video of Routier spraying Silly String on the grave of her two boys' only days after the slaying. Routier's family said she was heavily medicated when she visited the cemetery. Jurors conceded the video was key to their decision.

The miniseries disputes key blood splatter evidence — never challenged by the defense — and questions whether Routier had the time, ability and motive to commit the murders.

In 2002, Jones was sentenced to death for the carjacking murder of Paul Scott Howell, an insurance salesman and father of two. Jones, who was a 21-year-old student at the University of Oklahoma at the time, alleges he was set up by his co-defendant Christopher Jordan.

Jordan's attorney, Billy Bock, denied that his client set up Jones and said, "The state prosecuted the right guy."

The only witness to the crime, Howell's sister, told police the shooter was a black man wearing a red bandanna. A red bandanna, which was never tested for DNA, and a gun were later found in Jones' home.

Jones' attorneys said Jordan stashed the evidence and received a reduced sentence for testifying against Jones. Jordan was released from prison in 2014 after serving 15 years. Oklahoma County prosecutors did not respond to a request for comment.

Jones' defense attorney, David McKenzie, said the jury got it wrong.

"I certainly believe there was reasonable doubt but the jury did not agree," he said.

Leisenring said these cases show the justice system doesn't always get it right.

"You cannot have a system that sentences innocent people to death," she said.