

Wrongful Convictions



OFFICE OF THE
STATE PUBLIC DEFENDER

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Marion v. Nebraska

- After an hour of deliberations, a jury convicted William Jackson Marion of the murder of John Cameron. Marion was hanged on March 25, 1887.
- Four years later, John Cameron, who fled to Mexico to avoid a “shotgun wedding,” made his way back into town, alive and well.
- Wrongful convictions (and sometimes executions) are not novel or new. They are a problem that will continue as long as the possibility of human error plays a part in the criminal justice system.



How We Operate

- **Our Criteria**

- **Must claim factual innocence**
- **Convicted in Iowa**
- **Indigent**
- **We must believe they are innocent and be able to prove it.**

How do we find cases?

- Inmate Request
- Family or Friend Request
- Attorney Referral
- Professional Referral
 - Police
 - Reporter
 - Interns
- Systematic Review
 - Microscopic Hair Comparison State-wide Review

Working Partnership

MIDWEST
INNOCENCE
PROJECT

Innocence
Project
of Iowa



Processing Cases

- Request for help
- Questionnaire
- Request for legal documents
- Initial Screening Memo
- Investigation
- Litigation

Eyewitness Identifications

- Over 70% of wrongful convictions are due to bad witness identifications
- One study found the more certain a person was about their identification, the more likely they were wrong
- Cross Racial Identifications
- Types of Lineups
 - 6 Packs
 - Show ups
 - Live lineups
 - In-court identifications
- The Better Practice
 - New Jersey
 - Double Blind
 - Sequential Photo Lineups
 - Similar Individual Characteristics
 - Never More Than 1 Suspect Per Lineup

Case Study: Uriah Courtney



8 years in prison

False Confessions

- **Approximately 25% of the U.S. exonerations involve false confessions**
- **Reasons People Falsely Confess**
 - **Juvenile Cases**
 - **Low IQ Adult Cases**
 - **Police Pressure/Coercion**
 - **Physical Abuse**
 - **Mental Abuse**

Case Study: Ryan Ferguson



10 years in prison

Case Study: Brian Banks



6 years in prison

Ineffective Assistance of Counsel

- *Strickland v. Washington* – in order to have a successful claim on appeal, appellant must prove: (1) deficient performance; and (2) prejudice.
- “To tell lawyers and the lower courts that counsel for a criminal defendant must behave ‘reasonably’ and must act like ‘a reasonably competent attorney,’ is to tell them almost nothing.” Justice Brennan, dissenting.
- “Seemingly impregnable cases can sometimes be dismantled by good defense counsel.” Justice Brennan, dissenting regarding prejudice requirement.

Case Study: Daniel Larsen

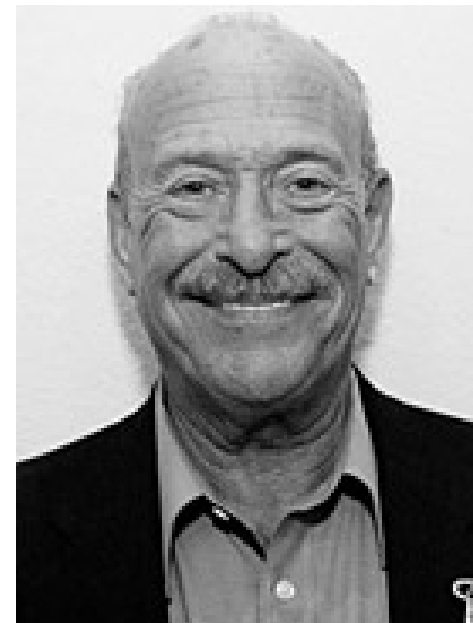
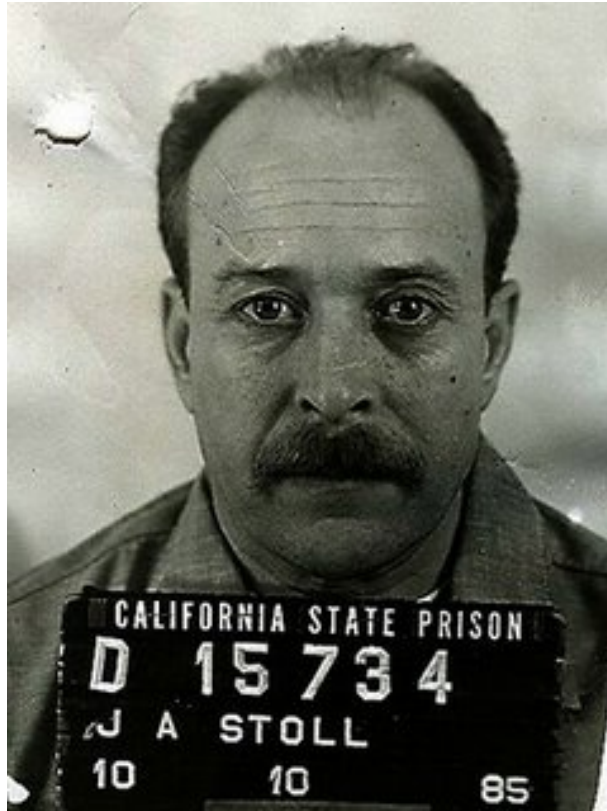


- **13 years in prison**

Police and Prosecutorial Misconduct

- *Brady v. Maryland* – “Suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.”
- Requirements:
 - Not turned over at the time of trial, whether inadvertent or purposeful.
 - Favorable to the defense.
 - Had the evidence been turned over at the time of trial, there must be a reasonable probability the result of the trial would have been different.

Case Study: John Stoll



- 20 years in prison

Junk Science

- **NAS Report (2009)**
 - Forensic Odontology (Bitemark)
 - Toolmark and Firearms Identifications
 - Friction Ridge Analysis (Fingerprints)
 - Analysis of Hair Evidence
 - Analysis of Fiber Evidence
 - Bloodstain Pattern Analysis
 - Analysis of Explosives Evidence and Fire Debris
- **Conclusions**
 - **Before NAS Report**
 - Match
 - Cannot be excluded
 - Consistent with
 - Inconsistent with
 - Exclusion
 - Inclusion
 - **Post NAS Report**
 - Consistent
 - Inconclusive
 - Exclusion

Case Study: Cameron Willingham

- Willingham executed in 2004
- Fire expert issued report and delivered it to Governor Perry prior to execution
- Post mortem, five of the country's leading fire experts did an independent investigation
- Family is now seeking post mortem pardon



Legal Filings

- **Post-Conviction Relief**
 - **New Evidence**
 - **False Evidence**
 - **Brady Violations**
 - **Ineffective Assistance of Counsel**
- **81.10 Motions**
 - **What biological evidence exists**
 - **Why the DNA evidence would have changed the outcome of the trial or invalidated a guilty plea if DNA profiling had been conducted prior to the conviction**

Case Study: Herman Atkins



- Spent 12 years in prison
- Police Investigation
 - Wanted Poster
 - Identification
 - Police Involved Shooting
 - Rogue Detective
- Defense Investigation
 - Alibi

Question & Answer

- **What can we do to prevent wrongful convictions?**
 - Better Investigations?
 - Scientific advances?
 - Tough on Crime vs. Smart on Crime?
- **What can we do to correct wrongful convictions?**
 - Investigating Agency Cooperation
 - Access to Evidence, DNA Testing, and Funding?
- **Will we ever put an end to wrongful convictions?**