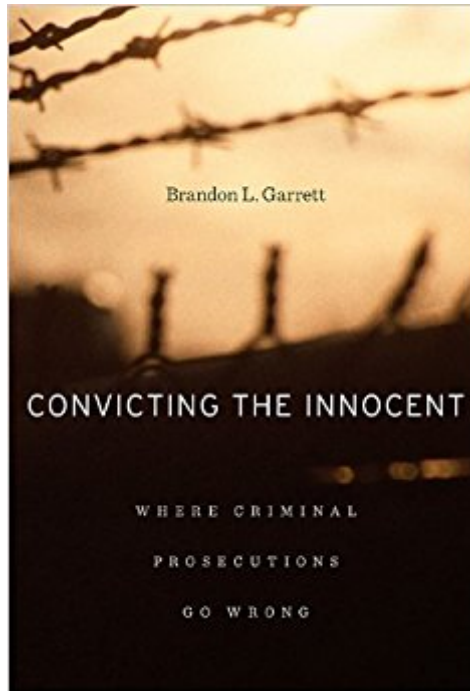




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Convicting The Innocent: Where Criminal Prosecutions Go Wrong



Synopsis

On January 20, 1984, Earl Washington was defended for all of forty minutes by a lawyer who had never tried a death penalty case was found guilty of rape and murder in the state of Virginia and sentenced to death. After nine years on death row, DNA testing cast doubt on his conviction and saved his life. However, he spent another eight years in prison before more sophisticated DNA technology proved his innocence and convicted the guilty man. DNA exonerations have shattered confidence in the criminal justice system by exposing how often we have convicted the innocent and let the guilty walk free. In this unsettling in-depth analysis, Brandon Garrett examines what went wrong in the cases of the first 250 wrongfully convicted people to be exonerated by DNA testing. Based on trial transcripts, Garrett's investigation into the causes of wrongful convictions reveals larger patterns of incompetence, abuse, and error. Evidence corrupted by suggestive eyewitness procedures, coercive interrogations, unsound and unreliable forensics, shoddy investigative practices, cognitive bias, and poor lawyering illustrates the weaknesses built into our current criminal justice system. Garrett proposes practical reforms that rely more on documented, recorded, and audited evidence, and less on fallible human memory. Very few crimes committed in the United States involve biological evidence that can be tested using DNA. How many unjust convictions are there that we will never discover? Convicting the Innocent makes a powerful case for systemic reforms to improve the accuracy of all criminal cases.

Book Information

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Customer Reviews

In this book, Professor Garrett has studied trial transcripts of 250 wrongfully convicted people to

unfold "what has gone wrong" with the current criminal justice system in the US. According to him, there are serious systemic failures in criminal prosecutions that cause wrongful conviction. It is also difficult for convicts to claim their innocence under the lengthy appeals and habeas proceedings:-1. Innocent people can be involuntarily succumbed to undue police pressure and deceptive interrogation techniques (Reid technique, "Mutt and Jeff", "False Evidence" "Good Cop, Bad Cop" techniques) (P.22) to make "coerced-complaint" confessions to crime they did not commit during interrogations (P.18). Besides, police can feed details of crimes to innocent people in which confession statements are constructed as if innocent people volunteered a litany of details about the crimes like true culprits could have known. Although the US Constitution regulates confession statements via two key principles: the "Miranda" warnings (protections to shield suspects from coercion) and the requirement of voluntariness (P.36), judges always believes that confessions that corroborated by detailed facts are apparently reliable and voluntary.2. Even though innocent people are reluctant to make confessions to crime they did not commit during interrogations, they can become convicts due to other corrupted evidence, including eyewitness misidentifications, flawed forensics, and trial by liar. The police can misdirect witnesses to pick out of innocent people during "suggestive" or "prompting" identification procedures (live lineup, mug shots, witness book, composite image (P.52). Eyewitness memory can be fallible and those multiple procedures have reinforced false identifications.

There are probably more innocent men and women in prison in the United States now than there were people in prison here total -- innocent and guilty -- 30 years ago, or than there are total people in prison (proportionately or as an absolute number) in most nations on earth. I don't mean that people are locked up for actions that shouldn't be considered crimes, although they are. I don't mean that people are policed and indicted and prosecuted by a racist system that makes some people far more likely to end up in prison than other people guilty of the same actions, although that is true, just as it's also true that the justice system works better for the wealthy than for the poor. I am referring rather to men (it's mostly men) who have been wrongly convicted of crimes they simply did not commit. I'm not even counting Guantanamo or Bagram or immigrants' prisons. I'm talking about the prisons just up the road, full of people from just down the road. I don't know whether wrongful convictions have increased as a percentage of convictions. What has indisputably increased is the number of convictions and the lengths of sentences. The prison population has skyrocketed. It's multiplied several fold. And it's done so during a political climate that has rewarded legislators, judges, prosecutors, and police for locking people up -- and not for preventing the

conviction of innocents. This growth does not correlate in any way with an underlying growth in crime. At the same time, evidence has emerged of a pattern of wrongful convictions. This emerging evidence is largely the result of prosecutions during the 1980s, primarily for rape but also for murder, before DNA testing had come into its own, but when evidence (including semen and blood) was sometimes preserved.

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