

Thursday, December 21, 2006

"The annals of criminal law are rife with instances of mistaken identification."

At a bench trial several years ago, a judge emphatically confirmed how much reliance he puts on witnesses who emphatically and -- seemingly credibly -- state "that's the one" who committed the crime. Â Such an assertion flies in the face of the Supreme Court's logical confirmation 37 years ago that "The vagaries of eyewitness identification are well-known; the annals of criminal law are rife with instances of mistaken identification." U.S. v. Wade, 388 U.S. 218, 229 (1967). Â DNA evidence confirms that misidentification too often continues to result in wrongful convictions. For instance, "[a]ccording to the Innocence Project, 183 people nationwide have been exonerated through DNA testing, and eyewitness misidentification was a factor in 75 percent of those wrongful convictions." Â What to do? We need vigorous and capable criminal defense at every turn, regardless of the defendants' ability to pay. We need to eliminate such abysmally low-payingÂ court-appointed criminal defense systems as Virginia's. We need to refuse to sweep the injustice of misidentification under the rug. Jon Katz.

Posted by Jon Katz in Criminal Defense at 00:00