

Friday, October 12, 2007

Too many innocent people get convicted.

Bill of Rights. (From the public domain.) Too many innocent people get convicted, whether through wrongful convictions by judges or juries, or by pleading guilty when the likelihood is high of a wrongful conviction (with an attendant harsher conviction from pleading not guilty) (North Carolina v. Alford, 400 U.S. 25 (1970) allows innocent people to plead guilty, and even to deny guilt but to be adjudicated as if they had been found guilty without a trial). The harmful repercussions of a conviction go beyond incarceration. Plenty of convictions preclude people from a whole host of job, housing, and other critical opportunities. A conviction -- even if a wrongful one -- ordinarily will be treated as sufficient for revoking one's probation or parole (and to reincarcerate as a penalty), to deport a non-citizen if the conviction is for a deportable crime, for enhancing a person's sentencing guidelines exposure, and for impeaching one's credibility on the witness stand in any civil or criminal trial. Another bittersweet example of this sad state of affairs came this week, when Ronald Taylor was released from prison in Texas (see additional details here), after serving over a dozen years for a rape he did not commit. Harris County District Attorney Chuck Rosenthal apologized for the wrongful conviction, which arose in connection with the crime lab's erroneous claim that no semen was found on the bedsheet involved in the rape. Fortunately, the Innocence Project (please donate generously to the Innocence Project) recently paid to have the bedsheet tested, whereby the new lab found semen on the sheet; the DNA found on the sheet was matched to an entirely different inmate. As a result, Mr. Taylor was released from prison after being convicted by misidentification. Remarkably, Mr. Taylor's mother said she has no anger towards anyone. As much as I have written about the importance of achieving power through eliminating anger, it is one thing to enunciate the idea and quite a different thing to live the principle to the amazing extent that Mr. Taylor's mother does. Too many prosecutors, cops, judges, and others (sadly, I have heard some criminal defense lawyers join in) jump to conclusions about one's criminality merely by knowing they have been arrested, let alone knowing they have been convicted. Too often they proclaim "where there is smoke there is fire," when sometimes the smoke merely is coming from dry ice, from a delusion or illusion, or from outright lies. Such a mindset is wrong. Each of us can change that mindset, no matter how painstaking is such a persuasion process. Jon Katz.

Posted by Jon Katz in Criminal Defense at 00:00