

When Innocent Defendants Plead Guilty:

A Case Analysis of Exonerees Wrongfully Convicted by Plea Bargaining

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Abstract

This research study uses a case analysis methodology to examine how coercive mechanisms like overcharging and trial penalties influence innocent defendants' decisions to plead guilty. It also examines how factors contributing to wrongful conviction interact with coercive mechanisms to further perpetuate the innocence problem faced by innocent defendants who agree to plea deals. Through a combined analytical approach that examines overall empirical case trends related to trial penalties and overcharging, as well as qualitative case data at the individual level, this study is intended to analyze how these coercive plea bargaining mechanisms and other contributing factors impact an innocent defendant's decision to plead guilty.

The case study ultimately determined that trial penalties play a significant role in innocent defendants' decisions to plead guilty, with a demonstrated impact on the vast majority of cases analyzed. Overcharging practices were also present in many cases, but were not as prevalent as trial penalties. Additionally perjury or false accusations, official misconduct, and false or misleading forensic evidence were the three most significant factors contributing to conviction. Often, these interacted with coercive mechanisms like trial penalties, exacerbating the case circumstances in which innocent defendants pleaded guilty. Finally, two specific instances of systemic misconduct and error were analyzed to examine the implication of mass wrongful conviction through plea bargaining.

Based on these findings, three major policy recommendations were suggested: eliminating mandatory minimum sentencing requirements, implementing open-file discovery laws, and establishing Conviction Integrity Units in state's attorney's offices. These three complementary policies are intended to address the most significant patterns of trial penalties and contributing factors that arose repeatedly across the cases during the plea bargaining process, influencing an innocent defendant's decision to plead guilty to a crime they did not commit. Ultimately, the critical takeaways from the study reflect the need for reforms to the plea bargaining process to address the fundamental flaws that lead innocent defendants to plead guilty.

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Introduction

Upon entering a courtroom after charges have been read, a defendant has three major options for how to proceed. First, they can demand a trial by a jury of their peers to prove their innocence, an expensive and time consuming process that is their constitutional right by the 6th Amendment.¹ Next, they can choose to go to trial before a judge to prove their innocence, a still somewhat lengthy and costly process where they present their case before a professional presumed to be experienced and impartial.² Finally they have the option to accept a plea bargain from the state, where by pleading guilty they are granted some concessions like reduced charges or diminished sentences.³ In the United States, 96% of defendants are convicted through the plea bargaining process.⁴ Very few defendants will choose to have their case go to trial, despite it being their constitutional right. However, despite these seeming like coequal options, many experts argue that the system of plea bargaining can be coercive and dissuade defendants from exercising their constitutional rights to maintain their innocence.

Scholars contend that there are several major structural practices and mechanisms that influence a defendant's choice to accept a plea bargain, and many allege that they can play a very coercive role in the process. First, some suggest that prosecutors use overcharging practices and hard bargaining tactics to leverage their own positions of power in the plea bargaining process by introducing additional charges or stricter charges against the defendant that are not supported by

¹ Jacqueline E. Ross, "The Entrenched Position of Plea Bargaining in United States Legal Practice," *American Journal of Comparative Law* 54, no. Supplement Issue (Fall 2006): 717-732.

² *Ibid.*

³ *Ibid.*

⁴ Lucian E. Dervan and Vanessa A. Edkins Ph.D., *The Innocent Defendant's Dilemma: An Innovative Empirical Study of Plea Bargaining's Innocence Problem*, 103 *J. Crim. L. & Criminology* 1 (2013).

the case evidence.⁵ Overcharging practices are enabled by prosecutorial discretion, where prosecutors have the authority to levy any and all charges they deem fit against the defendant and determine the course of indictment and proceedings, with little oversight or accountability.⁶ Therefore prosecutors, who in many systems are rewarded and promoted based on conviction rates, may often overcharge defendants to pressure them into accepting a plea deal with some of the more severe charges dropped. Defendants may often feel compelled to accept the plea deal, even if they are innocent, rather than risk the harsher penalties if convicted at trial.

In addition to overcharging practices, defendants also often face a trial penalty if they reject the plea bargain, proceed to trial, and are ultimately convicted. The trial penalty represents the sentencing discrepancy between the pretrial plea bargain offered by the prosecutor and the post-trial sentence if convicted on comparable charges.⁷ The trial penalty means that defendants who chose to pursue a trial, despite it being their constitutional right, are very likely to face higher sentences and additional penalties than if they had pleaded guilty to the same charges during the plea bargaining process. The risk of a trial penalty can be a coercive factor in a defendant's rational decision to accept a plea deal, regardless of whether or not they are innocent, because it is so severe and pervasive. Additionally, empirical research studies demonstrate that, due to implicit and systematic racism and biases, Black and Latinx defendants, who are already disproportionately arrested, indicted, and convicted, are more likely to face intensified trial penalties to a greater and more frequent degree than their white counterparts.⁸

⁵ Cynthia Alkon, "Hard Bargaining in Plea Bargaining: When Do Prosecutors Cross the Line," *Nevada Law Journal* 17, no. 2 (Spring 2017): 401-428.

⁶ Marie Manikis; Peter Grbac, "Bargaining for Justice: The Road towards Prosecutorial Accountability in the Plea Bargaining Process," *Manitoba Law Journal* 40, no. 3 (2017): 85-110

⁷ Jones, Rick, and Cornelius Cornelissen. "Coerced Consent: Plea Bargaining, the Trial Penalty, and American Racism." *Federal Sentencing Reporter*, vol. 31, no. 4-5, 2019, pp. 265-271.

⁸ *Ibid.*

Trial penalties are a substantial factor in the plea bargaining process and are positioned to increase a defendant's likelihood to take a guilty plea rather than risk the repercussions of conviction at trial.

Scholars also posit that, due to coercive mechanisms like overcharging and trial penalties, plea bargaining has an "innocence problem." This occurs when the benefits of a 'lenient' plea deal far outweigh the risks of going to trial, regardless of whether one believes the evidence establishes the defendant's guilt beyond a reasonable doubt and regardless of a defendant's factual innocence.⁹ The innocence problem arises in a plea bargaining system where it makes more rational sense for an innocent defendant to plead guilty to a crime they did not commit, rather than maintain their innocence and risk the extreme costs and severe penalties of conviction at trial. Nearly all scholars agree that some innocent defendants will be coerced to plead guilty; however, there is great debate over how prevalent the issue is within the justice system.

In the most favorable light, a dependence on plea bargaining even under these conditions may be viewed as a necessary evil. Despite the aforementioned structural challenges and imbalances, the justice system severely lacks the resources needed to process the majority of its cases through trials. Plea bargaining can be seen as an expedited and efficient process to save time and resources being stretched thin by the ever increasing number of arrested and indicted individuals. Many people who believe this, also subscribe to the notion that a truly innocent person will still proceed to trial to prove their innocence and reject a plea bargain, regardless of the trial risks.¹⁰ However many do not share this optimistic perspective on plea bargaining. They contend that plea bargaining is a coercive system that manipulates vulnerable defendants and

⁹ Lucian E. Dervan and Vanessa A. Edkins Ph.D., *The Innocent Defendant's Dilemma: An Innovative Empirical Study of Plea Bargaining's Innocence Problem*, 103 J. Crim. L. & Criminology 1 (2013).

¹⁰ Ibid.

violates their constitutional right to a fair and speedy trial as well as their right to due process.¹¹¹² While plea bargaining is a legally endorsed practice that does not technically violate standards of coercion or involuntariness, the use of “coercive” as a descriptor in this sense is intended to express a normative criticism of the practice.¹³ From this perspective, plea bargaining is an unjust practice that must be reformed to preserve defendants rights and the fundamental tenets of laws which govern the justice system.

It is difficult to use empirical data to determine the extent to which these problems occur during the plea bargaining process. A number of studies have been conducted in recent years comparing sentencing in pre-trial plea deals versus post-trial sentences for comparable offenses, all of which demonstrate a significant discrepancy between the two and support the trial penalty theory.¹⁴¹⁵ Similarly, studies have been conducted on prosecutorial charging patterns to analyze overcharging and hard bargaining practices.¹⁶ However, it is difficult to rely on this data alone, as the circumstances of each case are somewhat unique and there may be other underlying factors at play. Additionally, this does not reflect a defendant’s actual guilt or innocence which is an important consideration in questions regarding the coercive nature of plea bargaining. Several studies have attempted to establish factual innocence or a lack of evidence of guilt in order to determine how pervasive the innocence problem is. While these are extremely informative, they

¹¹ Candace McCoy, "Plea Bargaining as Coercion: The Trial Penalty and Plea Bargaining Reform," *Criminal Law Quarterly* 50, no. Issues 1 & 2 (April 2005): 67-107.

¹² Donald A. Dripps, "Guilt, Innocence, and Due Process of Plea Bargaining," *William & Mary Law Review* 57, no. 4 (March 2016): 1343-1394.

¹³ Darryl K. Brown, "How to Make Criminal Trials Disappear without Pretrial Discovery," *American Criminal Law Review* 55, no. 2 (Spring 2018): 155-202

¹⁴ Candace McCoy, "Plea Bargaining as Coercion: The Trial Penalty and Plea Bargaining Reform," *Criminal Law Quarterly* 50, no. Issues 1 & 2 (April 2005): 67-107.

¹⁵ Jones, Rick, and Cornelius Cornelssen. "Coerced Consent: Plea Bargaining, the Trial Penalty, and American Racism." *Federal Sentencing Reporter*, vol. 31, no. 4-5, 2019, pp. 265–271.

¹⁶ Cynthia Alkon, "Hard Bargaining in Plea Bargaining: When Do Prosecutors Cross the Line," *Nevada Law Journal* 17, no. 2 (Spring 2017): 401-428.

cannot be fully extrapolated to capture the whole scope of the issue at hand or definitively demonstrate an innocence problem. Finally, there are some informative psychological experiments where test subjects encounter a situation where they are required to make a decision with a thought process intended to mirror that of a defendant during plea bargaining.¹⁷ Again, these studies offer incredibly informative insight on cognitive behavior, psychological thought processes, and rationalization; however, they can only go so far to connect to defendants in plea bargaining processes as the stakes and overall situations are vastly different.

While existing research on the existence and prevalence of overcharging practices, trial penalties, and the innocence problem provides an informative picture on plea bargaining at a theoretical and statistical level, there is little research on how these factors are reflected at the individual case level and how they influence innocent defendants determining whether or not to accept a plea deal. The research states a variety of factors that may increase a defendant's likelihood to take a guilty plea, regardless of innocence, including quality of counsel, being held in pretrial detention, being the primary income earner for their family, being the primary caregiver in their household, and other individual circumstances.¹⁸ However, the research does not connect these factors to a defendant's perception of specific coercive mechanisms like overcharging and trial penalties. If we are to accept that large structural practices and theories induce a defendant to accept a guilty plea even if they are factually innocent, partially innocent, or not proved guilty beyond a reasonable doubt; then it is essential to understand how innocent defendants perceive these factors and account for them in their decision-making.

¹⁷Lucian E. Dervan and Vanessa A. Edkins Ph.D., *The Innocent Defendant's Dilemma: An Innovative Empirical Study of Plea Bargaining's Innocence Problem*, 103 *J. Crim. L. & Criminology* 1 (2013).

¹⁸Stephanos Bibas, "Incompetent Plea Bargaining and Extrajudicial Reforms," *Harvard Law Review* 126, no. 1 (November 2012): 150-175.

Therefore, in this research paper I examined the questions: how do coercive mechanisms like overcharging and trial penalties influence innocent defendants' decisions to plead guilty? What case factors contribute to the "innocence problem" faced by innocent defendants who agree to plea deals? It is essential to understand defendant perceptions of the plea bargaining process and specifically the different structural challenges and coercive mechanisms encountered because this knowledge can better inform policy responses to reduce the wrongful conviction of innocent defendants who agree to plea deals because of coercive practices like trial penalties and overcharging. Additionally, there could be some other independent factors outside of these two coercive mechanisms which might be essential to better understand how defendants interact with the justice system and make choices within a certain set of constraints. Finally, it is important to consider the repercussions and long term consequences of a potentially coercive system of plea bargaining where innocent defendants plead guilty due to an innocence dilemma. In an adversarial justice system premised on a defendant's innocence until they are proven guilty and a right to fair trial by jury, any situation where it is more rational for a defendant to plead guilty rather than proceed to trial to prove their innocence represents the existence of fundamental flaws in the system. These flaws must be identified, analyzed, and resolved to preserve the legal system's commitment to principles of fairness and justice.

Literature Review

Plea bargaining is a nontrial procedure that has existed for centuries in various incarnations in justice systems around the world.¹⁹ It is designed to provide an alternate option to

¹⁹ John H. Langbein, "Understanding the Short History of Plea Bargaining," *Law & Society Review* 13, no. 2 (Winter 1979): 261-272

traditional bench and jury trial options to expedite the process and avoid the costly expenses of a trial. Some suggest that plea bargaining undermines a defendant's constitutionally guaranteed right to trial by penalizing them for rejecting a plea deal.²⁰ Others suggest that plea bargaining has become a necessary evil in recent decades to accommodate the ever increasing caseload and costs of trials.²¹ This is echoed by the Supreme Court in the 1971 case *Santobello v. New York*, where Chief Justice Burger stated plea bargaining "is to be encouraged... [because if] every criminal charge were subjected to a full-scale trial, the States and the Federal Government would need to multiply by many times the number of judges and court facilities."²²

I. History of Plea Bargaining

Plea bargaining practices in the United States began to rise in the late 19th Century after the civil war and grew steadily through the mid 20th Century.²³ Various crime commissions in the 1920s and subsequent decades demonstrated an increasing dependence on plea bargaining. However many legal scholars were hesitant to embrace the practice, finding it dubious and potentially undermining a defendant's constitutional right to trial and presumption of innocence. Some even speculate the U.S. Supreme Court could have deemed the practice illegal as late as 1958.²⁴ Tides changed by the 1960s, as more legal practitioners, judges, and scholars began to embrace the practice of plea bargaining. In 1967, the American Bar Association came out in support of plea bargaining, arguing that it can be valuable to expedite lengthy and complicated

²⁰ John H. Langbein, "Understanding the Short History of Plea Bargaining," *Law & Society Review* 13, no. 2 (Winter 1979): 261-272

²¹ Albert W. Alschuler, "Plea Bargaining and Its History," *Columbia Law Review* 79, no. 1 (January 1979): 1-43

²² John H. Langbein, "Understanding the Short History of Plea Bargaining," *Law & Society Review* 13, no. 2 (Winter 1979): 261-272

²³ Albert W. Alschuler, "Plea Bargaining and Its History," *Columbia Law Review* 79, no. 1 (January 1979): 1-43

²⁴Ibid.

legal processes when administered fairly.²⁵ Finally, in 1970 the U.S. Supreme Court officially declared the practice of plea bargaining legal in the case *Brady v. United States*, explaining that its role had become "inherent in the criminal law and its administration."²⁶

As the practice of plea bargaining became increasingly prevalent and relied upon in the U.S. Criminal Justice system during the 1960s and 1970s, legal scholars began to study the implications of plea bargaining and its impact on changing the legal landscape of the justice system. Looking beyond the history of the rise of plea bargaining processes in the context of necessary efficiency, they began to focus on how it changed a defendant's position and participation in the justice system. Three main theories on prosecutorial overcharging, trial penalties, and innocence dilemmas in the plea bargaining process arose to explain a defendant's role in the increasing reliance on plea bargaining instead of going to trial.

II. Overcharging Practices

Albert Alschuler's groundbreaking article, "The Prosecutor's Role in Plea Bargaining," published in 1968 established the foundation for understanding how different structural features of the legal system impact a defendant's decision to accept a guilty plea. Rather than assuming a defendant's guilt in their decision to plead guilty, Alschuler examined alternative perspectives of why a defendant may rationally decide to plead guilty even if they had a strong case for their innocence.²⁷ Alschuler focuses predominantly on the role of the prosecutor in the plea bargaining process. He contends that prosecutors must serve in a variety of roles when leading this process. They are an administrator with the goal of completing a case as quickly and efficiently as

²⁵ Albert W. Alschuler, "Plea Bargaining and Its History," *Columbia Law Review* 79, no. 1 (January 1979): 1-43

²⁶ *Ibid.*

²⁷ Albert W. Alschuler, "The Prosecutor's Role in Plea Bargaining," *University of Chicago Law Review* 36, no. 1 (Fall 1968): 50-112

possible. They are the advocates incentivized to secure the highest number of convictions with the greatest severity of sentences possible. They are the agent to attempt to act within the best interests of the defendant, so long as that is contingent on the defendant pleading guilty. And finally they are the legislator who must decide what concessions on charges and sentencing are most appropriate in the overall scheme of things.²⁸ All of these various roles intersect to define prosecutor's responsibilities during the plea bargaining process and thus provide them with immense discretion in the process and lack of oversight or accountability.

Through his analysis, Alschuler suggests that this set of circumstances often leads prosecutors to engage in overcharging practices, where they use their discretionary authority to levy additional and or more strict charges against a defendant to make the alternative concessions of the plea bargain more appealing.²⁹ He alleges that overcharging is a strategic practice to maximize a defendant's likelihood to plead guilty regardless of their actual innocence because it frames the plea deal as a safer, more rational alternative to the risks and cost of trial. Alschuler concludes that the practice of plea bargaining has both an economic and psychological effect on defendants to make a plea agreement the most appealing resolution of a case.³⁰ There has been a significant body of research following Alschuler's theory on prosecutorial discretion and overcharging practices in the plea bargaining system. It is premised on the fact that plea bargains are not arrived at on neutral grounds, but rather come from a place where the prosecutor has all

²⁸ Albert W. Alschuler, "The Prosecutor's Role in Plea Bargaining," *University of Chicago Law Review* 36, no. 1 (Fall 1968): 50-112

²⁹ *Ibid.*

³⁰ *Ibid.*

of the power to make judgments on a defendant's level of criminal culpability and dictate the terms of a plea deal.³¹

Further, more recent literature examines decades of established prosecutorial overcharging practices from the lens of it being a potentially exploitative and coercive tactic to secure convictions in a system that evaluates and rewards prosecutors on the quantity of cases finished, not the quality or accuracy of those judgments.³² This research perspective goes beyond previous contentions that overcharging practices are the result of a system in need of more efficient processes, and instead argues that prosecutors use overcharging tactics as an explicit strategy that results in their individual professional gain at the expense of the defendant. It suggests that there is no incentive or structure in place to protect a defendant from being manipulated by the plea bargaining process, as the ultimate goal of the process is not to determine guilt or innocence, but rather to achieve a conviction using any means necessary.

III. Trial Penalties

In the wake of Alschuler's theories on prosecutorial discretion and overcharging in the plea bargaining process, legal scholars also developed a second, complementary theory on trial penalties. The theory of trial penalties suggests that defendants will face more severe charges and sentencing if they elect to pursue either a bench or jury trial and are convicted, compared to the plea bargain previously offered.³³ A 1980 study on plea bargaining in New York City found the average sentences for defendants electing to go to trial was twice that of comparable defendants

³¹ Donald G. Gifford, "Meaningful Reform of Plea Bargaining: The Control of Prosecutorial Discretion," *University of Illinois Law Review* 1983, no. 1 (1983): 37-98

³² Cynthia Alkon, "Hard Bargaining in Plea Bargaining: When Do Prosecutors Cross the Line," *Nevada Law Journal* 17, no. 2 (Spring 2017): 401-428.

³³ Donald G. Gifford, "Meaningful Reform of Plea Bargaining: The Control of Prosecutorial Discretion," *University of Illinois Law Review* 1983, no. 1 (1983): 37-98

who pleaded guilty. In some cases, the defendant's decision is between a plea deal and post trial sentencing was the difference between a two to six year sentence from the former versus a forty to eighty year sentence from the latter.³⁴ Scholars suggest that these higher sentences from post-trial convictions are meant to penalize defendants for pursuing more costly and time consuming procedures of trial and denying the more expedient case resolution of plea bargaining. In conjunction, scholars allege trial penalties to also be intended to serve as a deterrence mechanism to dissuade future defendants from proceeding to trial.³⁵

According to more recent theories building on initial understandings of trial penalties, they often work in congruence with prosecutorial overcharging practices. The risk for trial with extremely harsher sentences if convicted provides further leverage to the prosecutor to pressure a defendant to accept a plea deal. The potential for a much higher sentence reinforces the rationality that a defendant is better off accepting a plea deal than going to trial to maintain their innocence or challenge the charges against them. Additional research in recent years has further substantiated the pattern of trial penalties and demonstrated the effect they have on defendant decisions in plea bargaining.³⁶

IV. The Innocence Dilemma

Finally, in response to understandings of overcharging and trial penalties in the plea bargaining process, legal scholars have also developed theories to further explain the paradox that results in innocent defendants deciding to plead guilty rather than proceeding to trial. This

³⁴ Franklin E. Zimring and Richard Frase. *The Criminal Justice System: Materials on the Administration and Reform of the Criminal Law*. Boston (1980)

³⁵ Donald G. Gifford, "Meaningful Reform of Plea Bargaining: The Control of Prosecutorial Discretion," *University of Illinois Law Review* 1983, no. 1 (1983): 37-98

³⁶ Candace McCoy, "Plea Bargaining as Coercion: The Trial Penalty and Plea Bargaining Reform," *Criminal Law Quarterly* 50, no. Issues 1 & 2 (April 2005): 67-107.

theory, termed the defendant's "innocence dilemma," describes how acceptance of a plea deal in many cases is a rational decision that completely disregards innocence.³⁷ Instead the decision is a rational calculation of the risks associated with trials and potentially subsequent trial penalties weighed against the seemingly more lenient concessions offered in a plea deal due to the prosecutor's initial overcharging and discretion to reduce the charges.³⁸ This can be incredibly difficult to quantify, but one early study in 1978 found that at least one-third of defendants who accepted a plea bargain would have been otherwise acquitted if they had proceeded to trial.³⁹ This is also further supported by the fact that a majority of defendants still assert their innocence after accepting guilty pleas.⁴⁰ In addition, more recent studies have used an interview based model to investigate how common it is for an innocent defendant to face the innocence dilemma and ultimately decide to accept a plea deal.⁴¹ The research on fictional pleas demonstrates the impact of structural factors on a defendant's rationale to accept a plea deal despite there not being substantial evidence to convict them.

In order to further substantiate the theory of the defendant's innocence dilemma, more recent studies have attempted to conduct psychological experience to engage subjects in decision making processes that, to an extent, mimic those of a defendant in the plea bargaining process. In a groundbreaking study conducted at a small technical college in the southern United States, researchers demonstrated a causal connection between knowledge of structural factors affecting

³⁷ Stephen J. Schulhofer, "Plea bargaining as disaster." *The Yale Law Journal* 101, no. 8 (1992): 1979-2009.

³⁸ Donald G. Gifford, "Meaningful Reform of Plea Bargaining: The Control of Prosecutorial Discretion," *University of Illinois Law Review* 1983, no. 1 (1983): 37-98

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ Thea Johnson, "Fictional Pleas," *Indiana Law Journal*: Vol. 94 : Iss. 3 , Article 2 (2019).

decision making of students accused of academic misconduct.⁴² The study set up a real life situation where students were required to engage in decision making processes, regarding Academic Review Board procedures, similar in form (though not intensity) to those of defendants in plea bargaining processes. Results of the study demonstrate the extraordinarily similar behaviors of innocent and guilty students when presented with the options of either admitting guilt and receiving a punishment or proceeding to contest their case in front of the academic review board.

The two major concerns driving the risk averse behavior of both guilty and innocent students were desire to avoid the long ARB processes, and also to take more lenient punishments which would avoid deprivation of their future liberty for movement.⁴³ This could be seen as a parallel to defendants choosing to accept probation in order to avoid possible incarceration if convicted. Ultimately this study effectively connected a pattern of behavior where both innocent and guilty individuals are affected in their decision making processes when presented with information on structural factors like harsher penalties later on in the ARB proceedings and the relatively low chance of success in the proceedings. All of this information substantiated the psychological role the innocence dilemma can play in a defendants' decision-making during the plea bargaining process. It further asserts that plea bargaining may be a rational decision for both innocent and guilty defendants due to additional structural factors explained by theories on prosecutorial overcharging and trial penalties.

With decades of literature supporting the existence and significant impact of overcharging practices, trial penalties, and the innocence dilemma on a defendant's decision

⁴² Lucian E. Dervan and Vanessa A. Edkins Ph.D., *The Innocent Defendant's Dilemma: An Innovative Empirical Study of Plea Bargaining's Innocence Problem*, 103 *J. Crim. L. & Criminology* 1 (2013).

⁴³ *Ibid.*

making in the plea bargaining process, many scholars have turned to alternative solutions to address these concerns. Some suggest increased oversight and transparency at the prosecutorial and judicial level. Others contend that plea bargaining must be done away with altogether. However, while many of these solutions target large structural and systematic issues, few focus on the individual experiences and perceptions of defendants as they navigate the criminal justice system, and more specifically the plea bargaining process. The literature examined above underscores how structural factors can influence a defendant's rational decision making, but it rarely considers how defendants specifically experience these coercive structural mechanisms during the plea bargaining process. When contemplating policy solutions, it is just as essential to understand how defendant experiences in the criminal justice system impact their behavior and decision making. This goes beyond the well established theories of overcharging, trial penalties, and innocence dilemmas at the theoretical and structural level, in order to also account for a defendant's understanding of these at an individual case level.

For these reasons, it is essential to conduct research intended to fill in this gap between these high level legal theories and experiences of innocent defendants during the plea bargaining process. By analyzing individual case-level trends and patterns related to coercive mechanisms and the innocence dilemma during the plea bargaining process, one is able make more substantial and informed policy recommendations that account for impact at both the structural level and at the individual case level, accounting for nuances in behavior and experience that will impact policy implementation and results.

Methodology

I. Overview

Through a combination of empirical and qualitative analysis, I attempted to respond to the questions: how do coercive mechanisms like overcharging and trial penalties influence innocent defendants' decisions to plead guilty? What case factors contribute to the "innocence problem" faced by innocent defendants who agree to plea deals? In order to respond to these questions, I developed a case study analysis methodology to examine patterns in cases where innocent defendants decided to plead guilty. The case study methodology used involves a number of straightforward steps of data examination, analysis, and summary, that have been used in numerous previous research studies on related topics. First, case parameters were established to limit the dataset based on the following criteria where defendants (1) initially pleaded guilty to charges and were convicted of a crime or crimes; but (2) were later legally exonerated after proving their innocence. Two main variables were developed to represent trial penalties and overcharging practices in the plea bargaining process in order to examine how these influenced a defendant's acceptance of a plea bargain despite their innocence. Additionally, a set of categorical indicator variables predefined by the data source were included to analyze various factors that contributed to wrongful conviction in the cases. These variables included: Mistaken Eyewitness Misidentification, False Confession or Admissions, Perjury or False Accusation, False or Misleading Forensic Evidence, Official Misconduct, and Inadequate Legal Defense.

Empirical patterns and trends regarding all of these factors were analyzed to determine their impact of the defendant's guilty plea. Additionally qualitative, anecdotal data from notable cases was incorporated to supplement and support the empirical findings. The qualitative data

provided a secondary account of the empirical patterns, demonstrating their impact at an individual case level. The qualitative case data referenced were used to highlight the overall trends and findings in the case analysis, serving as accurate representations of the various factors influence on defendants in the plea bargaining process. This methodology was also repeated for two subsections of data to examine significant factors of wrongful conviction through the plea bargaining process at the systemic level in Chicago, IL and Houston, TX.

Overall, the layers of analysis are designed to provide a comprehensive examination of coercive mechanisms and other contributing factors that perpetuate the innocence dilemma where innocent defendants rationally decide to plead guilty. It incorporated high level empirical analysis to demonstrate overall patterns across a variety of cases, as well as qualitative case level data to support these findings. Ultimately the data analysis was used to produce policy recommendations for improving the plea bargaining process based on the findings.

II. Analysis Procedures and Explanation

Determining cases of factually innocent defendants pleading guilty is inherently difficult because the acceptance of a plea is almost always contingent on a legally binding admission of guilt. In other cases involving Alford pleas and no contest pleas, defendants do not technically concede their guilt; however, they acknowledge that the prosecution has sufficient evidence to convict. These types of pleas carry the same ramifications as a guilty plea — the conviction is reported on the defendant's criminal record in the same manner and subsequent sentencing and punishment is carried out with the same procedures. As a result, identifying innocent defendants who pleaded guilty presents a bit of a paradox. In order to circumvent these challenges and address the question at hand, research focused specifically on exoneration cases that involved

convictions obtained through plea bargains. In these cases, the defendant had previously pleaded guilty to charges, but later successfully appealed post-conviction to vacate the guilty plea and was ultimately legally exonerated.

To compile a case study database, I used publicly available case data from the National Registry of Exonerations, which provides the most up-to-date and comprehensive data on all known exoneration cases in the United States.⁴⁴ The database is a project of the Newkirk Center for Science & Society at University of California Irvine, the University of Michigan Law School and Michigan State University College of Law; and was founded in 2012 in conjunction with the Center on Wrongful Convictions at Northwestern University School of Law. All of the case data is compiled by a team of experts from reputable, objective legal resources and does not include any confidential information on defendants. Additional case data was cross-referenced with an exoneration database at the Innocence Project, a 501(c)(3) non-profit organization committed to exonerating wrongfully convicted people through the use of DNA evidence.⁴⁵

Exonerations occur when defendants are declared to be factually innocent by an authorized government official or agency; or when defendants' criminal convictions and all related consequences are vacated and overturned by an authorized government official or agency.⁴⁶ Exonerations can be obtained from a pardon by an appropriately empowered elected official, an acquittal of the original charges, or a dismissal of the original charges. In cases where the defendant originally pleaded guilty, there must be some form of new evidence of the

⁴⁴ *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/about.aspx>.

⁴⁵ *Innocence Project*, www.innocenceproject.org/about/.

⁴⁶ *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/about.aspx>

defendant's innocence presented which was not available to or known by the defendant, counsel, and the court at the time the plea bargain was entered.

The National Registry of Exonerations contains a total of 2,601 cases where exonerees have been legally declared innocent of previous wrongful convictions.⁴⁷ However, not all of these are relevant to the issue of plea bargaining, so, in order to narrow down the cases, the case dataset was limited to 515 exoneration cases in which the defendant was originally convicted through plea bargaining. This means that all of the cases examined specifically represent instances where a defendant pleaded guilty to a crime that they did not commit. However, later, through the aforementioned legal processes and appeals, they produced new evidence of their innocence and were ultimately exonerated by the courts.

This cross section of defendants, who have been convicted through a plea deal where they admitted guilt but were later exonerated, definitively represent the group of individuals who, despite their innocence, falsely admitted to committing a crime. By examining these cases, where innocence is legally substantiated, it is possible to analyze factors regarding a defendant's decision to accept a plea agreement despite their innocence.

It is important to note the limitations of the dataset. These cases only represent a portion of factually innocent defendants, as it is difficult or impossible in many cases to produce convincing evidence of a defendant's innocence after they accept a plea bargain, and then successfully persuade the courts to vacate the plea and finally obtain a pardon, acquittal or dismissal that legally declares the defendant's innocence and leads to their exoneration. While the findings cannot be used to extrapolate far beyond the parameters of the dataset, the wide

⁴⁷ "The National Registry of Exonerations." University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/about.aspx>.

variety of cases are representative of innocent defendants pleading guilty and therefore can demonstrate important patterns related to the innocence dilemma. The ultimate strength of the dataset is rooted in the exoneration criteria. It establishes the definitive innocence of the defendant, making it possible to analyze patterns in why defendants accepted a guilty plea without any uncertainty or speculation over the defendant's possible guilt.

After assembling the plea bargain exoneration dataset, a number of criteria were analyzed and compared in order to determine notable patterns and trends that emerge across innocent defendants who plead guilty. First, various facts and characteristics of the cases were examined to establish the range and contexts of the cases being analyzed. The features included case data on the type of the crime in the case, the location of the crime, the plea bargain sentence, and the years of the conviction and exoneration. Specific data on characteristics of the defendants were also examined, including the age, race, and gender of the defendants. These facets of the cases were summarized in order to provide a better understanding of the characteristics and circumstances of the cases and to establish a foundational basis for subsequent analyses.

In order to analyze specific patterns that emerged related to the innocent defendant's decision to plead guilty, a number of factors were examined. First, metrics were developed to determine the influence of trial penalties and overcharging practices during the plea bargaining process of the exoneration cases included in the dataset. The details of each case were examined to determine whether or not there was an offer of a reduced sentence in the plea bargain or fear of a more extreme sentence at trial. This metric was intended to represent the impact of a perceived trial penalty during the plea bargaining process. Past literature established that this

form of trial penalty can influence a defendant's decision to plead guilty given that the agreement offers a lower sentence with the trial risks a much more severe sentence if convicted.

A secondary metric was also created to evaluate if the cases reported an explicit offer of reduced charges in a plea bargaining process or if more extreme charges were threatened to be levied at trial. This metric, designed to represent the occurrence of prosecutors' overcharging during the plea bargaining process, was another critical factor to examine. It is well established in previous literature that overcharging practices may influence a defendant's decision to accept a plea bargain despite their innocence. Both of these metrics are necessary to serve as empirical indicator variables representing trial penalties and overcharging practices. These variables demonstrated patterns of coercive mechanisms that impact the plea bargaining process and provided valuable insight into what impact the theorized practices had on an innocent defendant's decision to plead guilty.

Additionally, the contributing factors for wrongful conviction were examined using categories previously determined by the National Registry for Exonerations: Mistaken Eyewitness Misidentification, False Confession or Admissions, Perjury or False Accusation, False or Misleading Forensic Evidence, Official Misconduct, and Inadequate Legal Defense. These six factors covered the major structural, procedural, and contextual errors and failings that occurred and possibly influenced a defendant's decision to accept a guilty plea. By establishing empirical patterns that emerge in and between cases in each of these categories, it is possible to analyze the context and circumstances of the innocent defendant's case prior to their acceptance of a guilty plea. Further it was possible to analyze how these contributing factors interacted with

coercive mechanisms in plea bargaining like trial penalties and overcharging, and examine their contribution to the innocence dilemma.

Some cases did not involve any of the contributing factors for conviction, and therefore likely involved some other unspecified factor that led to the conviction. These factors, while likely consequential in some way to the individual case, could not be analyzed as an overall effect among all cases in this case study analysis due to a lack of information. In contrast, other exceptional cases involved up to five or even all six factors which contributed to the defendant's conviction. It is important to note that, while the contributing factors for conviction were analyzed in the context of the cases, they cannot definitively indicate a causal relation between an innocent defendant's decision to accept a guilty plea as there were no cases that could be used as counterfactual points of comparison. Therefore the specific patterns that emerge were analyzed and deemed significant, but do not assert a definitive claim of a causal relationship.

Ultimately, individual analysis of each category of cases in these areas allowed for the development of a more comprehensive understanding of various factors that influenced a factually innocent defendant to accept a plea agreement and falsely admit their guilt, facing punishment and long-term repercussions for a crime they did not commit. Anecdotes from particular cases of note were incorporated where relevant in each section of the analysis to support and substantiate the notable empirical patterns that emerged and to demonstrate their existence and impact on an individual case level. These are intended to provide supplementary accounts of the factor patterns described by providing a specific and individualized window on circumstances involved in innocent defendants pleading guilty that reflects the greater trends.

All of these research components of the case study analysis approach can then be compared and put in conversation with one another as well as previous research to more closely examine the similarities and differences in various findings. From this point, the ultimate conclusions will be summarized and put in context of greater policy implications using previous literature and related studies as grounding for observations and possible recommendations.

III. Justifications

There are a number of highly regarded studies on exonerations in the United States justice system that utilize a case study analysis methodology and support the use of this methodology in addressing the research questions. In the journal article, “Invalid Forensic Science Testimony and Wrongful Convictions.”, Brandon L. Garrett and Peter J. Neufeld examined questions related to the use and interpretation of forensic evidence in exoneration cases.⁴⁸ A dataset of 220 exonerees in the United States was narrowed to 156 exonerees who the authors identified as having forensic testimony used in their trial. To address the question, they developed a protocol for analyzing the cases, defining specific relevant variables and parameters to examine instances of invalid scientific testimony. The case analysis used both empirical and qualitative data for analysis of the different categories of misuse. The first presented the empirical evidence of misuse across cases to describe overarching trends and patterns discovered in data analysis. The trend findings were then supported with presentation of specific case anecdotes and occurrences that highlighted the trends and patterns. Finally the case analysis findings were used to recommend reforms for forensic science based on the patterns of misuse in exoneration cases.

⁴⁸ Garrett, Brandon L., and Peter J. Neufeld. “Invalid Forensic Science Testimony and Wrongful Convictions.” *Virginia Law Review* 95, no. 1 (March 2009): 1–97.

“The Substance of False Confessions,” also used a similar methodology to analyze why defendants falsely confessed to rapes and murders⁴⁹ Again, researchers curated a dataset of exoneration cases narrowed down based on the criteria of false confession and later exoneration by DNA evidence. Similarly, variables were defined and categorized by different aspects of false confessions that emerged as common patterns in exoneration cases, specifically focusing on contaminated confessions and constitutional criminal procedures leading to false confessions. Then a case study analysis was conducted using both empirical data from cases to demonstrate the related patterns that emerged and then qualitative data from individual cases to provide further insight on false confessions. Finally the findings served as the basis for suggested reforms of how confessions are obtained and used in prosecuting or exonerating defendants.

Further, Vanessa Meterko and Emily West used a similar case study analysis methodology in “Innocence Project: DNA Exonerations, 1989-2014: Review of Data and Findings from the First 25 Years”.⁵⁰ The paper research used the Innocence Project Database, supplemented by case data from the National Registry of Exonerations, to analyze 325 DNA exonerations in the U.S. from 1989 to 2014. This particular study focused on contributing factors of wrongful conviction categorization, analyzing them with a similar research approach that combined empirical case data with supplemental qualitative case anecdotes. Finally, the findings and analysis were used to examine the implications of wrongful convictions in the context of exoneree compensation.

⁴⁹ Garrett, Brandon L. "The Substance of False Confessions," *Stanford Law Review* 62, no. 4 (April 2010): 1051-1118

⁵⁰ Meterko, Vanessa, and Emily West. "Innocence Project: DNA Exonerations, 1989-2014: Review of Data and Findings from the First 25 Years," *Albany Law Review* 79, no. 3 (2015-2016): 717-796.

The paper's research procedures follow this methodology for case study analysis, relying on a similar combination of empirical patterns and qualitative case data to interpret a predefined set of variables. It further draws from a similar body of exoneration cases, but focuses instead on trial penalties and overcharging practices in plea bargaining cases rather than misuse of forensic evidence, or false confessions, or DNA exonerations. Despite the differences in the specific types of cases analyzed, these studies provide well substantiated support for the basis of investigation, premised on the understanding that exoneration cases provide unique insight into possible flaws in the criminal justice system. In the specific case of plea bargaining, this methodology particularly targets the paradoxical instances of innocent defendants pleading guilty. Rather than speculating about the possible guilt or innocence of a particular defendant, the data circumvents this shortcoming as all defendants successfully had their guilty pleas vacated retroactively and were ultimately exonerated of the charges. Thus the data is effective in examining how coercive mechanisms like trial penalties and overcharging can influence an innocent defendant's decision to accept a plea deal because the defendant's innocence is definitive— not debatable. The findings based on this well substantiated methodological approach provide reliable analysis of the innocence dilemma in the plea bargaining process at the individual case level, and can ultimately be used to support the concluding policy recommendations.

Findings and Analysis

I. Data Facts and Characteristics

In total, 515 cases comprised the dataset used to examine the question: how do coercive mechanisms like overcharging and trial penalties influence innocent defendants' decisions to

plead guilty? What case factors contribute to the “innocence problem” faced by innocent defendants who agree to plea deals? All of these cases satisfied two specific criteria. First, the defendant in the case was convicted through the plea bargaining process, committing to either a guilty plea or plea of no contest (also known as an Alford plea) and agreeing to the subsequent consequences. Second, the defendant in the case was later legally exonerated by the courts or another duly-authorized government body, confirming the defendant’s actual innocence of the charges.

By meeting these criteria, defendants in all of the cases analyzed represent a group of defendants who agreed to a plea bargain despite their innocence. The following sections analyze the role of potentially coercive mechanisms, like trial penalties and overcharging practices, in the plea bargaining process through empirical patterns as well as qualitative case data. Additionally, they examine data related to other underlying factors that contributed to conviction, including perjury or false accusation, official misconduct, false or misleading forensic evidence, inadequate legal defense, false confession, and mistaken witness identification. Further, it focuses on two specific groups of cases in Chicago, IL and Houston, TX to examine the impact of these factors at a systemic level. In the subsequent sections, policy recommendations and conclusions were drawn from pertinent findings and analysis of the 515 plea bargaining exoneration cases.

A. Facts of Exoneration Cases

The 515 exoneration cases in the data set represent a diverse set of circumstances with a variety of contexts for the alleged crimes.⁵¹ The reported crimes occurred in 37 different states as

⁵¹ See the Appendix for a comprehensive chart of all 515 cases examined, including the major data points and variables analyzed in the paper.

well as the District of Columbia and Guam. Texas has the highest number with 229 cases, followed by Illinois with 86 cases and California with 34 cases. Of the 36 remaining states and territories, 32 had less than 10 cases. The disproportionately high number of cases in Texas and Illinois are the result of specific systematic errors and misconduct that resulted in wrongful convictions and subsequent exonerations en masse. These specific groups of cases were further analyzed in the *No Crime Cases* section of the analysis.

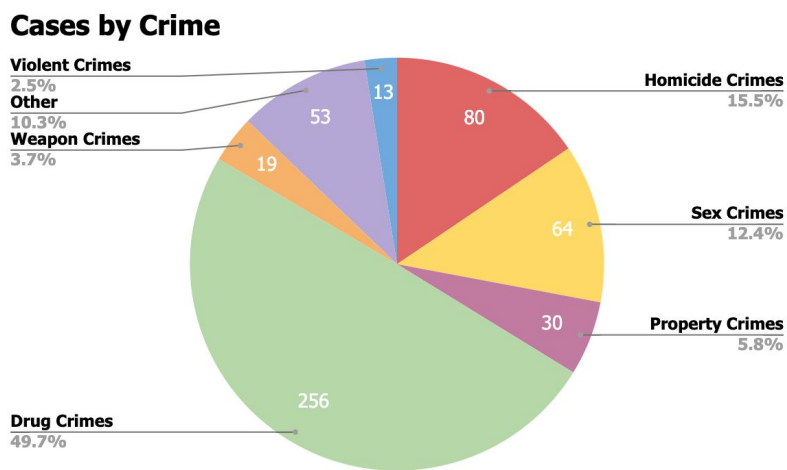


Figure 1 — Percentage of Cases by Category of Crime

The cases analyzed also featured a wide variety of crimes that the defendants were accused of, and later exonerated from. These were grouped as six different types of crimes: Drug-related, Homicide-related, Sex-related, Property-related, Weapons-related, and Violent (non-homicide) Crimes [see *Figure 1*]. The unrelated crimes that did not match any of these categories were identified as Other Crimes. While some cases involved multiple charges of various crimes, the categorization of the cases was limited to the single most serious crime. Drug-related crimes were the most common, with 256 cases (49.7%) of drug possession or sale.

The second most common were Homicide-related Crimes, with 80 cases (15.5%) of murder, manslaughter, or accessory to murder. There were 64 cases (12.4%) of Sex-related Crimes, including sexual assault and child sex abuse. 30 cases (5.8%) involved Property-related Crimes such as robbery, theft, burglary, bribery, and arson. Additionally there were 19 cases (3.7%) of Weapons-related charges and 13 cases (2.5%) of Violent (non-homicide) crimes like assault, child abuse, violent attempts, and other violent felonies. The remaining 53 cases (10.3%) were categorized as Other crimes, with charges including offender registration, kidnapping, fraud, tax evasion, traffic offense, filing a false report, other nonviolent felonies, harassment, conspiracy, perjury, other nonviolent misdemeanors, immigration, threats, solicitation, and obstruction of justice.

Consistent with the different types of crimes committed, sentencing varied greatly in the dataset. On average, defendants received a sentence of 6.5 years in prison.⁵² Additionally, there were 22 life sentences, 71 probation sentences, and 21 cases where the defendant was not sentenced. The overall sentences ranged from a minimum of 2 days in prison, a median of 1.5 years in prison, and a maximum sentence of 60 years in prison. This array of sentencing lengths is largely due to the variety of types of crimes and their corresponding levels of severity which skews the data.

There was also a significant range of conviction years and exoneration years. The years of conviction ranged from 1964 to 2019, with a median year of 2008. The years of exoneration ranged from 1989 to 2020, with a median year of 2015. On average, 7.36 years passed between the year of conviction and the year of exoneration. However, this timespan also featured a wide

⁵² Cases of life sentences, probation sentences, and no sentences were excluded from the calculation of the average sentence, as they could be accurately quantified as numerical values.

range, from less than a year to 52 years between conviction and exoneration. The variety in case years is in part due to advancing scientific and forensic knowledge that have expanded the possibilities for pursuing exonerations based on re-examined DNA samples and other biological evidence from old cases to prove defendants innocent decades after their original conviction. Further, the increasing awareness of wrongful convictions and changing laws related to exonerations have led to an increased number of successful exonerations in recent years.

There are several other notable aspects of the cases in the dataset that are examined further in later sections. First, 389 cases (75.5%) had no actual crime committed. There are a variety of circumstances that lead to this mistaken conviction, and will be explored further below with particular focus on police misconduct in Illinois and erroneous drug field testing in Texas. Additionally of note, in 52 cases, exonerations were based in part on DNA evidence that proved the defendant's innocence after they pleaded guilty. These cases comprise 41.3% of the 126 cases where crimes were committed, the only types of cases where it would be possible to collect exonerating DNA evidence. 67 cases post-exoneration also identified a named person who was highly suspected of committing the crime (based on substantiated physical evidence), who legitimately confessed to committing the crime, or who was legally convicted of committing the crime for which the defendant was exonerated. These comprise 53.1% of the 126 cases where a crime was actually committed. As with the DNA exonerations, these are the only applicable types of cases for this category as another person would not be implicated in a case where no crime actually occurred.

B. Characteristics of Exonerees

In addition to the facts of the cases described above, there are several important

characteristics of exonerees in the dataset. The ages of the exonerees ranged from 12 year old to 65 years old at the time the crime was committed, with a median age of 27 years old. The average age of the defendant was 29.47 years old. Of the defendants, 264 exonerees (51.3%) were Black. 155 exonerees (30.1%) were White. 80 exonerees (15.5%) were Hispanic. 11 exonerees (2.1%) were Asian. 3 exonerees were Native American, 1 exoneree identified as Other, and 1 exoneree was Unknown (all less than 1%). Overall, the racial makeup of the defendants in the cases is incredibly significant, as it indicates a disproportionately high number of non-white exonerees when compared to the general population of the United States. This is specifically significant for Black exonerees, who comprise only 13.4 percent of the overall population.⁵³ Conversely white exonerees make up a disproportionately low proportion of those wrongfully convicted, compared to their 76.5% share of the overall national population. These racial disparities follow overall racial trends at every level of the criminal justice system where non-white people are arrested, indicted, and convicted at disproportionately higher rates than white people.⁵⁴

Additionally, 448 exonerees (87%) were male and only 67 exonerees (13%) were female. Again, this follows overall trends of men being disproportionately involved in the criminal justice system at higher rates than women.⁵⁵ Overall, defendants in the exoneration cases in the dataset represent some variation in particular case details, but match the overall demographic trends at the various levels of the criminal justice system. While there are several important disparities compared to the overall population of the U.S., these are consistent with the

⁵³ “QuickFacts: United States.” United States Census Bureau. <https://www.census.gov/quickfacts/fact/table/US/PST045218>.

⁵⁴ Jones, Rick, and Cornelius Cornelssen. “Coerced Consent: Plea Bargaining, the Trial Penalty, and American Racism.” *Federal Sentencing Reporter*, vol. 31, no. 4-5, 2019, pp. 265–271.

⁵⁵ *Ibid.*

disparities that have been demonstrated in plea-bargaining processes and occur at all other levels and in all other areas of the legal system.

II. Coercive Mechanisms in Plea Bargaining

A. Trial Penalties

The 515 cases were analyzed to determine if the presence of trial penalties impacted a defendant's decision to accept a plea bargain. While trial penalties are usually explicitly labeled as such, they are typically understood as the risk of extremely high sentences at trial if convicted. In light of these potentially harsh consequences at trial, prosecutors may offer a much lower sentence as part of the plea bargain offer. As explained in the literature review, it is theorized that trial penalties can act as a coercive mechanism to persuade innocent defendants to plead guilty and face a reduced sentence, rather than risk a much higher penalty if convicted at trial. The rational decision of an innocent defendant to accept a plea bargain in light of trial penalties demonstrates the implications of the innocence dilemma. To evaluate the existence of trial penalties in the dataset, each case was analyzed for whether or not the prosecutors offered the defendant a reduced sentence in exchange for a guilty plea or if the defendant faced higher potential sentencing for their charges if they proceeded to trial.

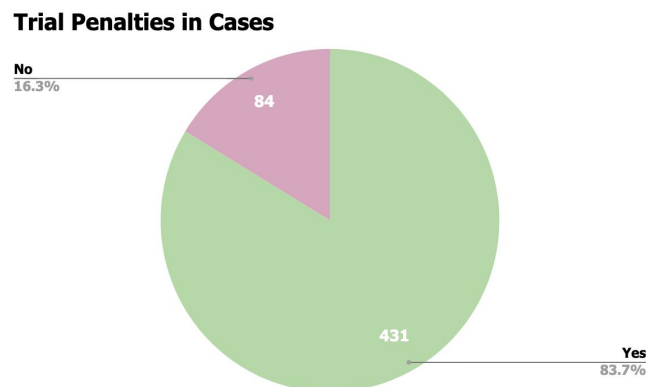


Figure 2 — Percentage of Cases with Trial Penalties

431 exoneration cases (83.7%) featured the offer of a reduced sentence in the plea bargain or the risk of a harsher penalty if convicted at trial [see *Figure 2*]. This demonstrates a clear pattern of trial penalties as a factor in the plea bargaining processes which resulted in innocent defendants in the majority of these cases pleading guilty rather than risking trial to confirm their innocence. Further, in a number of cases, defendants who previously maintained their innocence were advised by their lawyer to accept a plea deal due to the sentence reductions and much harsher sentences faced if they were convicted at trial.

In many cases, the defendant explicitly stated that, despite maintaining their innocence, they decided to accept a plea rather than risk as much as a life sentence or even the death penalty if they proceeded to trial. In 1990, a sixteen year old white girl awoke in her motel room being sexually assaulted by a man wearing a black and white ski mask. She identified her attacker as **Michael Phillips**, a man she had previously seen living at the motel.⁵⁶ The victim confirmed her identification of Phillips several months later when police conducted a photographic lineup. Despite maintaining his innocence, Phillips stated that his lawyer advised him to take a plea deal because “no jury would believe a black man over a white woman” and if convicted at trial he could be sentenced to life in prison. On the advice of counsel, Phillips agreed to the plea deal and served 12 years in prison. In 2007 the newly formed Dallas County Conviction Integrity Unit retested the rape kit used in Phillips’ case. This second analysis identified a different perpetrator, Lee Marvin Banks, and proved Phillips innocent. Banks was not prosecuted in the case as the statute of limitation had expired, but Phillips was successfully exonerated and ultimately awarded over \$1.2 million in state compensation.

⁵⁶ “Michael Phillips” *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4483>

Phillips' case demonstrates the impact of trial penalties in persuading innocent defendants to accept a plea deal rather than proceed to trial, given the incredibly high sentencing risks. In Phillips' case, these were compounded by factors of mistaken eyewitness identification, as the victim incorrectly identified him as the perpetrator, and his lawyer provided an inadequate legal defense, demonstrated by his racialized statement on the likelihood of conviction at trial because the defendant is black. In this particular case, both of these factors combined with the trial penalty risks to compel Phillips to plead guilty despite his innocence.

There are a number of patterns in cases with trial penalties present that contributed to a defendant's decision to accept a plea bargain. These factors influenced defendants' cases and perceptions of their cases, persuading them that the likelihood of their conviction at trial and the subsequent trial penalties outweighed the certainty of a guilty plea with a reduced sentence. 199 cases (46.2%) against the defendant were premised on perjury or false accusations against the defendant. In 175 cases (40.6%), official misconduct occurred, disadvantaging the defendant in the plea bargaining process. 144 cases (33.4%) against the defendant were based on false or misleading forensic evidence. While the specific implications of each of these factors will be individually examined in-depth in later sections, it is important to note their significant presence in relation to plea bargains agreed to, in part, due to concerns of trial penalties.

The wrongful conviction of *Marcellius Bradford* involved all three of these contributing factors: perjury or false accusations, official misconduct, and false or misleading forensic evidence, as well as a fourth factor of false confession.⁵⁷ In 1987, Bradford, then seventeen years old; Larry Ollins, sixteen years old; Calvin Ollins, 14 years old; and Omar Saunders, eighteen

⁵⁷ "Marcellius Bradford" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3039>

years old; were arrested for the kidnapping, rape and murder of a 23 year old medical student.

Despite their innocence, there were a number of critical factors used to build a case against the defendants. First, according to police, Bradford and Calvin Ollins confessed to the crime. However, Bradford later recanted his confession, stating that police physically abused him during the interrogation and threatened him with the death penalty. Additionally, a crime laboratory analyst testified that semen found on the victim's body may have belonged to three of the four victims. However, the analyst was later proven to have falsified her forensic findings, as none of the four defendants' blood types matched the DNA recovered. Additionally, a witness who falsely implicated the defendants under oath later recanted his testimony, stating he lied in order to get a reward for the information. A second witness who implicated the defendants also later recanted his testimony, stating police had threatened to charge him in the crime. All of these demonstrate the significance that factors like official misconduct, perjury or false accusation, false or misleading forensic evidence, and false confession can have in contributing to a defendant's wrongful conviction.

The Ollins cousins and Saunders elected to go to trial. They were tried as adults and all convicted and sentenced to life in prison. In light of the high risk of conviction at trial, which carried an incredibly high sentence, Bradford instead agreed to plead guilty and provide false testimony against Larry Ollins. Under the plea deal, prosecutors agreed to only charge Bradford with kidnapping, dropping the rape and murder charge. He was sentenced to 12 years in prison, and was released after serving 6 years. The disparities in the charges and sentencing of the three defendants convicted at trial in comparison to Bradford's plea bargain highlight the most extreme circumstances of trial penalties. All of the defendants were innocent but the

compounding case factors made it highly likely that they would be convicted at trial. These circumstances, in combination with the possible life in prison sentence or even threats to pursue the death penalty, made it a rational decision for Bradford to agree to plead guilty despite his actual innocence. Only later, through DNA evidence retesting were the four men exonerated and two actual perpetrators convicted.

Michael Marshall is another example of a case where a defendant accepts a plea bargain to avoid the much harsher sentencing potential if convicted in a trial.⁵⁸ In 2007, Marshall was charged with aggravated assault, armed robbery, and possession of a firearm. Homeless at the time, police thought Marshall looked similar to the suspect sketch and brought him to a lineup where he was identified by the victim's son but not identified by another witness. The judge refused to suppress the eyewitness identification, so Marshall agreed to a plea deal with a four year sentence rather than face up to 25 years in prison if convicted at trial. The steep trial penalties faced by Marshall if convicted, in combination with the mistaken witness identification, were critical factors to the defendant's guilty plea despite his actual innocence. Marshall later reiterated this sentiment when he wrote to the Georgia Innocence Project for help, claiming "I plead guilty out of being scared."⁵⁹ Attorneys at the Georgia Innocence Project were able to obtain a court order to test Marshall's DNA against evidence from the crime scene. This analysis excluded Marshall and identified the real perpetrator, leading to his eventual exoneration. This demonstrates how, in combination with aforementioned factors like witness misidentification, prosecutors can take advantage of the trial penalty by presenting extremely reduced sentences as an alternative for a plea deal. Despite a defendant's factual innocence, the extreme sentencing

⁵⁸ "Michael Marshall" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3408>

⁵⁹ "Michael Marshall" *The Innocence Project*. <https://www.innocenceproject.org/cases/michael-marshall/>

disparities and combination of risks for conviction at trial make plea bargaining a persuasive, and at times coercive system.

The serious repercussion of trial penalties and overcharging are also highlighted in the cases of co-defendants ***Kenneth Kagonyera, Robert Wilcoxson, Teddy Isbell, Damian Mills, and Larry Williams, Jr.***⁶⁰ In 2002, the five men were wrongfully convicted of the murder of a 51 year old man in Fairview, North Carolina. There were many extenuating factors that contributed to the conviction, including perjury and false accusation, official misconduct, false or misleading forensic evidence, false confession, and inadequate legal defence. Police misconduct was used to obtain false accusations against the defendants as well as false confessions for defendants that were constantly changing and contradicting one another. Additionally, DNA tested from the crime scene excluded all of the defendants as perpetrators, but this information was never shared with the defendants or their lawyers.

Ultimately all of the defendants, who faced up to the death penalty if they were convicted at trial, pleaded guilty to reduced charges. Mills pleaded guilty to second-degree murder, attempted armed robbery and conspiracy to commit armed robbery. He was sentenced to 12 years in prison. Kagonyera pleaded guilty to second-degree murder and was sentenced to 12 to 15 years in prison. Williams pleaded guilty to second-degree murder and was sentenced to 10 years in prison. Wilcoxson pleaded guilty to second-degree murder and was sentenced to 12.5 to 15.75 years in prison. Isbell pleaded guilty to accessory after the fact to murder and was sentenced to 3 years in prison. Defense attorneys for Kagonyera and Wilcoxson later testified under oath that their clients agreed to the plea deals despite their innocence because they could

⁶⁰ “Larry Williams, Jr.” *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4764>

have faced the death penalty if convicted of first-degree murder at trial. This underscores the significant impact of trial penalties and overcharging in cases that also feature a number of factors contributing to the case against the defendant and the difficulties proving them innocent.

In 2003, three other men confessed to the crime, accurately describing details of the case only known by authorities. The men matched witness descriptions of the perpetrators and their DNA also matched the evidence collected at the crime scene. However, prosecutors largely ignored this confession and it wasn't until 2011 that the North Carolina Innocence Inquiry Commission agreed to review the defendants' cases. The courts found the defendants innocent based on the significant evidence exonerating them, the multitude of evidence implicating the others who had confessed, expert testimony on the unreliability of the initial false confessions, and the recantation of witness testimony that had initially implicated them. The sheriff investigating the case was later convicted of unrelated bribery charges, serving fifteen years in federal prison as a result. When interviewed as part of the civil suit, he was unsympathetic to the wrongfully convicted defendants, affirming his decision to pressure the defendants to accept plea bargains rather than go to trial to prove their innocence. On the record, he further confirmed the impact of trial penalties as a coercive mechanism, elaborating "If this guy, he didn't do it and he said 'If you're going to plea, we're going to give you two years, but if you don't plea, we're going to give you 20 years,' hell, they're going to jump at the two years, and not going to take a chance on a jury trial."

Ultimately, all of the cases analyzed demonstrate the prevalence and severity of trial penalties during the plea bargaining process. Defendants the vast majority of cases perceived a significant enough risk of conviction at trial that pleading guilty to a crime they did not commit

was preferable to the potential trial penalties. This pattern of trial penalties influencing an innocent defendant's rational calculation to plead guilty rather than go to trial demonstrates its contribution to the innocence dilemma in these cases. Further, in many cases, the trial penalty requirements were compounded by the mandatory minimum sentencing requirements of the charges levied against the defendants. Ultimately repeated patterns in the exoneration cases examined confirm that trial penalties often served as the deciding factor in innocent defendants pleading guilty, making them a coercive mechanism in the plea bargaining process. Had trial penalties not been a part of the defendants' decision making processes, the majority of them likely would have felt more secure to go to trial to prove their innocence rather than plead guilty. However, the risks of trial penalties instead served as a major deterrent for defendants during the plea bargaining process.

B. Overcharging Practices

Overcharging practices are the second coercive mechanism in plea bargaining that was examined in the exoneration dataset. Overcharging occurs in a variety of different forms, but typically is demonstrated by a prosecutor's offer of fewer or less severe charges in exchange for a plea bargain or the threat of a prosecutor levying additional or more severe charges if a case proceeds to trial. In order to evaluate the occurrence of overcharging, the exoneration cases were evaluated for whether or not the prosecutors made an explicit offer of reduced charges during the plea bargaining process or if the defendant would have faced additional or more serious charges if they proceeded to trial. 115 cases (22.3%) involved either reduced charges in the plea deal or risk of greater charges at trial, representing some form of overcharging practices during the plea bargaining process [see *Figure 3*].

Overcharging in Cases

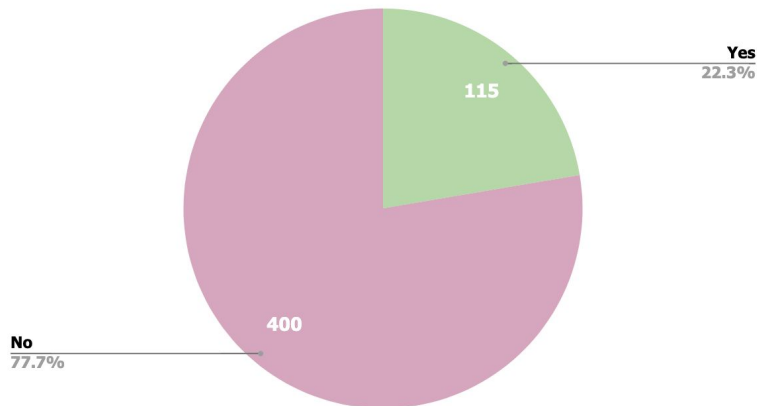


Figure 3 — Percentage of Cases with Overcharging Practices

While a smaller portion of cases featured overcharging, in comparison to trial penalties, there are several explanations for why this occurred. In many cases, critical points in the pretrial proceedings and plea bargaining process occur off the record and therefore would not be reported in the case files. Additionally, depending on the timeline of the plea bargaining process, a defendant may have accepted a deal earlier on before it was clear if there would be additional charges threatened at trial. However, despite these limitations to measuring overcharging practices, there are still a number of critical insights from looking at the cases.

For example, it is critical to note that in 110 of the 115 overcharging cases (95.7%), trial penalties were also determined to play a role in the plea bargaining process. This underscores the connection between overcharging practices and trial penalties. Often these coercive mechanisms were shown to have a combined impact during the plea bargaining process, as a reduction in charges typically also carries a reduction in sentence, while conversely greater charges often mandate higher sentences.

One notable case of overcharging involved **Barry Byars**, who was wrongfully convicted

of sexually assaulting his 11 year old niece in 2001.⁶¹ The niece falsely accused him of sexually abusing her on two occasions. Byars maintained his innocence; however he eventually agreed to the plea deal. There was no other evidence against Byars, but he stated that he did not think a jury would believe his denial of the charges since it was only his word against his young niece's statement. Byars had two previous drug convictions and faced a long sentence if convicted of sexual assault of a minor at trial. So he agreed to the prosecutor's plea offer to plead guilty to a lesser charge, injury to a child, and a significantly reduced sentence of 10 years in prison.

A year later, Byars' niece recanted her accusation, describing that she felt pressured by her father to make up accusations against her mother's brother so that her mother would lose custody of her in the parents' divorce proceedings. A court found the niece's reversal of her testimony credible and vacated the conviction against Byars, confirming his innocence.

This case underscores the difficulties of exonerating defendants for crimes with little evidence. There was no DNA evidence to exonerate the defendant as the accused crime did not actually occur, and the the accusations involved sex crimes against a child which necessarily need to be handled with sensitivity and an abundance of caution. Ultimately, Byars described that he pleaded guilty after comparing the more severe charges faced at trial and the significantly reduced charge in the plea offer, and the according sentences they respectively carried due to trial penalties. Given the high probability of conviction he perceived at trial, Byars rationally decided to accept the plea agreement despite his innocence and accept a less severe, but still significant, punishment for a crime he did not commit.

The example of Marcellius Bradford in the Trial Penalties section also highlighted an

⁶¹ "Barry Byars" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4162>

instance of prosecutors reducing the defendants' charges from rape and murder to just kidnapping in order to persuade him to accept a plea bargain despite his innocence. In this case, the charge reduction carried a sentencing reduction to just 12 years compared to the life sentence or even death penalty faced if convicted at trial. Further the previously described case against co-defendants Kenneth Kagonyera, Robert Wilcoxson, Teddy Isbell, Damian Mills, and Larry Williams, Jr. also involved overcharging the defendants with murder charges carrying a sentence as severe as the death penalty in order to compel them to plead guilty to lesser charges that carried significantly reduced sentences.

Similar to cases with trial penalties, cases with overcharging also involved several significant factors that contributed to the wrongful conviction. 83 cases (72.2%) involved perjury or false accusations, just like the Byars and Bradford cases previously described. Additionally, instances of official misconduct were determined to have occurred in 62 cases (53.9%). Just as in overcharging cases, patterns emerge which demonstrate the compounding effect these factors can have on an innocent defendant's case, causing them to accept a plea bargain.

In the case of *Peter Dallas*, he and two co-defendants, Carl Rosati and Peter Roussonicolos were charged with the murder of a 27-year old who was beaten and fatally shot.⁶² In addition to overcharging practices and trial penalties, the case was also compounded by factors of false confession and official misconduct that contributed to the wrongful convictions. Dallas initially confessed to the crime, but later recanted his statement, saying he was threatened by the detectives to "fry in the electric chair" if he did not admit to the crime. In addition to the coerced false confession, prosecutors persuaded Dallas to testify against his co-defendants in

⁶² "Peter Dallas" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3149>

exchange for a reduction in his charges from capital murder to second degree murder. Dallas pleaded guilty despite his innocence and falsely implicated his co-defendants due to a combination of overcharging practices and trial penalties. If he proceeded to trial, he faced likely conviction for capital murder which carried the potential for the most extreme possible sentence — the death penalty. Therefore, given the high risks at trial, in combination with the false confession extorted through police misconduct, Dallas was compelled to make the choice to plead guilty despite his innocence in exchange for reduced charges and a reduced sentence. After Dallas recanted his confession, a special prosecutor investigating the case recorded an undercover interview with two other men who implicated themselves in the murder. The men were charged, charges against Dallas and his co-defendants were dismissed, and the three men were exonerated.

Troy Mansfield was also wrongfully convicted in a case that featured significant overcharging and trial penalties, as well as a number of key contributing factors like perjury or false accusation, official misconduct, and false confession.⁶³ Mansfield was charged with sexually molesting a four-year old girl in 1992. While being interrogated by police, Mansfield maintained his innocence, even when they threatened to arrest his wife and remove custody of his children if he did not confess. Police continued to pressure Mansfield to confess, even lying to him that charges would be dropped if he admitted to the sexual assault and agreed to enter a mental health facility for treatment. When Mansfield vocally contemplated this offer, detectives told him that was sufficient for an admission of guilt. Mansfield described that leading up to his false confession during the interrogation process, the detectives “told me... that I would be

⁶³ “Troy Mansfield” *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=5268>

charged...I finally said, after being asked many times and being told that I was guilty, that I was guilty of the offense I was being accused of. I made these statements strictly because I felt boxed in and that the only answers that were acceptable were the ones that found me guilty.”

Despite the coercive tactics used to obtain the confession, Mansfield was charged with first-degree aggravated sexual assault and indecency with a child. This carried a high sentence of up to life in prison. Prosecutors offered Mansfield an alternate deal where if he agreed to plead guilty, they would reduce the charges to second-degree indecency and he would only be sentenced to 120 days in jail. Mansfield agreed to the plea bargain on the advice of his lawyer, who commented that the prosecutors hoped he would reject the deal as they enjoyed locking up child molesters in prison for a long time. Due to a discovery and disclosure policy change in 2014 requiring prosecutors to share evidence with defense attorneys, Mansfield reinvestigated his case and discovered significant evidence supporting his innocence that had been improperly concealed by the prosecutors. Based on the newly shared evidence, a judge ruled to vacate the conviction and exonerated Mansfield. The prosecutor in the original case was indefinitely suspended by the Texas State Bar Association.

The Byars, Dallas, and Mansfield cases are representative of the patterns of overcharging that emerge in a significant number of cases in the data set. These cases highlight how coercive mechanisms can work to compel an innocent defendant to plead guilty. The coercive mechanisms are particularly impactful when there is some combination of factors that, premised on false or erroneous information, weighs the case against the defendant out of their favor and greatly increases the likelihood of conviction at trial.

III. Contributing Factors to Wrongful Conviction

In addition to coercive plea bargaining mechanisms, trial penalties, and overcharging, there are a number of other key factors that contribute to the wrongful convictions of innocent defendants. Six factors were examined and their influence on the cases and the defendants’ decisions to plead guilty were analyzed in the context of the plea bargaining process [see *Figure 4*]. All of the factors occurred in over 40 of the cases in the dataset, making them all reasonably important to examine their impact and related patterns. Perjury and false accusations were the most common, occurring in 226 cases (43.9%). Second were instances of official misconduct which were determined to impact 196 cases (38.1%). Next, 152 cases (29.5%) involved false or misleading forensic evidence which was used to incriminate the defendant despite their innocence. The number of contributing factors for wrongful conviction ranged from 0 to all 6 in an individual case. In 87 cases (16.9%), defendants were determined to have inadequate legal defense which contributed to their conviction despite their innocence. 70 cases (13.4%) involved false confession, and finally 42 cases (8.2%) involved mistaken witness identification.

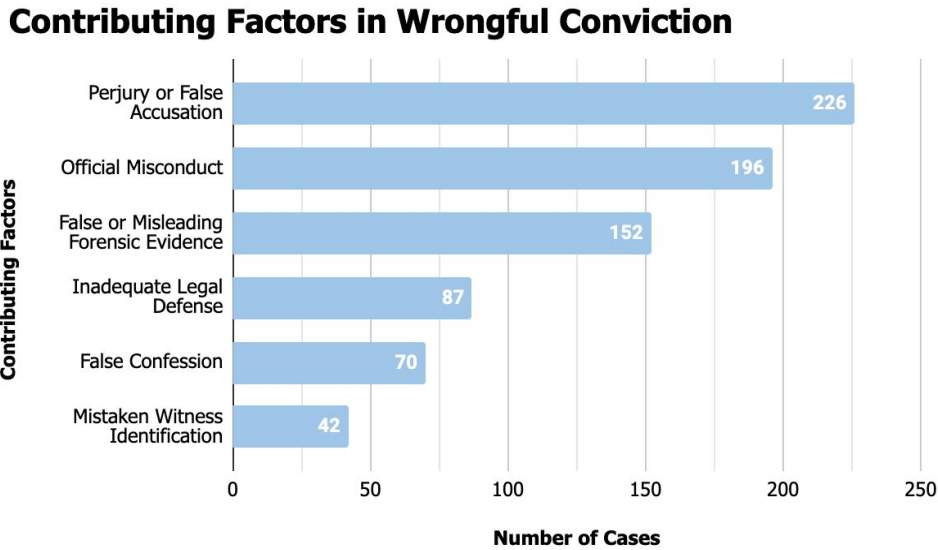


Figure 4 — Number of Cases involving Contributing Factors in Wrongful Conviction

Some cases had as many as all six factors while others had no factors. On average, a case had 1.5 causes of conviction. 69 cases had 0 factors, 225 cases had 1 factor, 148 cases had 2 factors, 49 cases had 3 factors, 17 cases had 4 factors, 5 cases had 5 factors, and 2 cases had 6 factors. Each of the factors was determined to play a significant role in convictions obtained through plea bargaining; however, not all factors are relevant to all types of cases examined. For example 389 of the cases involve convictions where no actual crime was committed. Of these, there are no cases of Mistaken Eyewitness Identification and only 13 instances of False Confession because these factors would be very unlikely to occur in cases where no crime was committed. Therefore, these factors, despite being fewer overall given the case data breakdown, still demonstrate relevant patterns that are important to examine in the context of the specific case data.

A. Perjury or False Accusation

Perjury or false accusation was the most common factor contributing to wrongful conviction, with 226 cases (43.9%) involving it. Perjury or false accusations occur when someone other than the exoneree makes a false statement incriminating the defendant.⁶⁴ In cases involving perjury or false accusation, 165 cases (73%) also involved official misconduct as a secondary factor contributing to conviction.

Coercive mechanisms of plea bargaining also played a significant role in many of the perjury or false accusation cases. 199 of the cases (88.1%) involved trial penalties, with an average sentence of 9.6 years in addition to 18 life sentences and 25 sentences of probation. 83 of the cases (36.7%) involved instances of overcharging. It is important to note that, in 153 of the

⁶⁴ “Glossary.” *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/glossary.aspx>

cases (67.7%), no crime was actually committed.

One of the most common instances of perjury and false accusation occurred when witnesses to a crime purposefully lied to investigators, implicating innocent defendants for crimes they did not commit. This was the case when a 36 year old drug dealer was fatally shot in Los Angeles. 18 year old Sonya Flores, who was close enough to the victim to be spattered in his blood, identified five perpetrators: *Anthony Adams*, *Luis Davalos*, *Jesse Alvarez*, *Jorge Alvarez*, and *Ceaser Menendez*.⁶⁵ All five were charged with murder. Given the credibility of the witness and likelihood of conviction at trial, all of the defendants pleaded no contest to reduced manslaughter charges and individual sentences of 12 years in prison.

Several years later, Flores recanted her testimony against the defendants, explaining that she had been pressured to falsely accuse the men by Rafael Perez, a police officer investigating the murder, with whom she had a romantic relationship. She stated that Perez picked five men to wrongfully accuse from a police book of gang members. Prior to Flores's confession, Perez had been implicated in a widespread department corruption scandal which led to the dismissal of up to 150 convictions. Flores admitted to knowingly committing perjury by implicating the defendants and was convicted of lying to authorities in federal court. Charges were dismissed against all five defendants, exonerating the men. The men filed federal civil rights lawsuits against the city of Los Angeles, and were awarded a combined total of \$3,275,000.

In addition to perjury and false accusations from witnesses, police and investigators were also sometimes responsible for falsely implicating defendants in crimes. In 1997, police accused *Karen O'Dell* with possession of cocaine, destruction of evidence, and battery for hitting an

⁶⁵ "Jorge Alvarez" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3897>

officer with her truck.⁶⁶ Police had initially pulled her over on the highway and searched her truck for drugs, but found nothing. They followed her home, entered her garage, and walked out with cocaine they reported to have found in her car. Due to the officers' authoritative credibility and the likelihood of conviction at trial, O'Dell pleaded no contest and was sentenced to a year of probation and 50 hours of community service. Due to accusations of corruption and framing from O'Dell and others arrested by these officers, an FBI investigation convicted five unit officers of planting drugs on suspects to arrest them. One officer confirmed that he planted the drugs at O'Dell's house. This instance of false accusation by the officer also critically involved official misconduct as the police were illegally planting drugs to implicate innocent suspects. As a result of the federal investigation, O'Dell was able to be exonerated from the charges and declared innocent. However, without the extensive investigation to prove the police misconduct, it would have been nearly impossible to contest the evidence against her at trial despite her true innocence.

B. Official Misconduct

196 cases (38.1%) involved the occurrence of official misconduct. Official misconduct can be a broad term ranging from ethically questionable decisions by public officials to gross, systematic abuses of power which resulted in the wrongful conviction of a defendant. For the purposes of analyzing the case data, official misconduct is defined as key officials in the legal system, including police, prosecutors, and judges, found to have significantly abused their authority in a way that specifically contributed to a defendant's wrongful conviction and the

⁶⁶ "Karen O'Dell" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3941>

resolution of which resulted in the defendant's exoneration.⁶⁷ As examined in the previous section, in cases involving official misconduct, 165 cases (84.2%) also involved perjury and false accusation as a secondary factor contributing to conviction. Coercive mechanisms of plea bargaining also played a significant role in many of the official misconduct cases. 175 of the cases (89.2%) involved trial penalties, with an average sentence of 9.4 years in addition to 17 life sentences and 22 sentences of probation. 62 of the cases (31.6%) involved instances of overcharging. It is important to note that, in 125 of the cases (63.7%), no crime was actually committed.

Various forms of official misconduct can occur at different stages of the pretrial proceedings. One of the most common forms of official misconduct involves police tactics used to investigate the crimes and, more specifically, interact with and interrogate suspects. The case of *Shawn Whirl* presents one of the most egregious and notorious instances of police misconduct.⁶⁸ While on the extreme end of the spectrum of police misconduct it accurately captures the far reaching implications and how they factor into innocent defendants pleading guilty. In 1990, Whirl was arrested for the shooting death of a 40 year old cab driver in Chicago after his fingerprints were recovered from the victim's passenger door. Whirl initially maintained his innocence while being questioned by police. However, he experienced a variety of physical and verbal abuse during the interrogation until he confessed, reporting that police stepped on his foot, called him vulgar racial slurs, scraped a metal key across an open wound, and slapped him repeatedly. Eventually Whirl falsely confessed as a result of the abusive tactics, admitting to the

⁶⁷ "Glossary." *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/glossary.aspx>

⁶⁸ "Shawn Whirl!" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4770>

murder but failing to remember all of the details police told him. He was physically assaulted every time he made a mistake in the forced false confession until he finally correctly repeated the statement an officer dictated to him. Whirl's girlfriend testified to hearing him screaming in pain when she was questioned at the police station.

Whirl attempted to suppress his confession as evidence on the basis of the police abuse, even presenting evidence from a doctor who treated his injuries a few days later at Cook County Jail. However, a judge denied the motion. Prosecutors threatened to seek the death penalty if they proceeded to trial. So, given the high trial penalties and likelihood of conviction due to the coerced confession, Whirl agreed to plead guilty to first-degree murder and attempted armed robbery. He was sentenced to 60 years in prison. After his sentencing, Whirl addressed the court, stating "The thing I have to say is for the reason I'm taking this plea is for the simple fact that I didn't do it" and after being questioned by the judge explaining he did so to not face the death penalty.

Whirl continued to maintain his innocence while in prison and attempted to have his conviction vacated. Eventually the Illinois Torture Inquiry and Relief Commission investigated his case and confirmed his account of torture by police during his interrogation. With the claims of torture substantiated, an appellate court vacated his conviction and suppressed the false confession. In 2015, charges were dismissed and Whirl was released from prison after serving 24 years due to his wrongful conviction. After his exoneration, he was awarded \$4 million in a federal civil rights lawsuit against the city of Chicago.

O'Dell's case as well as the cases involving co-defendants Adams, Davalos, Jesse Alvarez, Jorge Alvarez, and Menendez described other forms of police misconduct where police

intentionally framed the defendants of crimes of varying severity. This demonstrates the wide ranging nature of police misconduct that can occur.

Prosecutorial misconduct is another form of serious misconduct that sometimes occurred. *James Ochoa* was wrongfully convicted of carjacking and armed robbery after prosecutors ignored exonerating DNA evidence that excluded him as a suspect and instead compelled him to plead guilty despite his innocence.⁶⁹ Ochoa was mistakenly identified by the victims of the crime after police conducted an unreliable show-up identification. When the evidence left by the perpetrator at the crime scene was analyzed by prosecutors, Ochoa was eliminated as a possible contributor to the DNA found. Ochoa's fingerprints also did not match the prints left by the suspected perpetrator on the car steering wheel. Despite the evidence of Ochoa's innocence, prosecutors were convinced he was guilty and even reportedly attempted, without success, to pressure the case's crime lab technician to change her report to implicate Ochoa.

Ochoa also had five family members who provided consistent alibis for him the night of the crime. However, a judge threatened that Ochoa would receive a sentence from 25 years up to life in prison if convicted at trial. Due to this pressure, Ochoa went against his attorney's advice and accepted the prosecutor's plea offer that only carried a two year prison sentence. A year later, there was a match to the case's DNA evidence after the true perpetrator was arrested for unrelated carjacking charges. He confessed to the crimes in Ochoa's case and was convicted. Ochoa's conviction was then vacated and he was officially exonerated from the crime.

Ochoa's case represents the circumstances where prosecutors sometimes ignore or suppress evidence for a defendant in order to obtain a conviction by compelling them to accept a

⁶⁹ "James Ochoa" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3512>

plea bargain. In Ochoa's case prosecutors attempted to alter the evidence exonerating the defendant and were able to take advantage of the high trial penalties that would be imposed due to mandatory sentencing minimums if the case proceeded to trial. Ochoa pleaded guilty despite his innocence due to a combination of these coercive plea bargaining mechanisms and circumstantial case factors like the official misconduct and mistaken witness identification. This underscores the pressure that defendants faced to accept plea bargains even if they had a good case for their innocence. Ochoa's plea bargain demonstrates how, even if a defendant is clearly innocent, a favorable plea bargain may still be preferable to the everpresent risks of conviction at trial and high penalties it carries.

C. False or Misleading Forensic Evidence

152 cases (29.5%) involved false or misleading forensic evidence. This factor encompasses several different types of false or misleading forensic evidence, including errors in forensic testing, unreliable or unsubstantiated methodology, exaggerated or misleading implications of significance, or falsified or fraudulent evidence used, at least in part, to incriminate the defendant.⁷⁰ In cases involving false or misleading forensic evidence, none of the other factors contributing to conviction were particularly present in a majority of the cases. The highest secondary factor was perjury and false accusation which occurred in 22 cases (14.5%) When examined, this appears to be in large part due to the fact that in 132 of the cases (86.8%), no crime was actually committed.

Coercive mechanisms of plea bargaining also played a significant role in many of the cases with false or misleading forensic evidence. 144 of the cases (94.7%) involved trial

⁷⁰ "Glossary." *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/glossary.aspx>

penalties, with an average sentence of 4.1 years in addition to 22 sentences of probation. Only 23 of the cases (15.1%) involved instances of overcharging. It is important to note that in 121 of the cases (79.6%) the most serious charge was Drug Possession or Sale, which typically carries a lower sentence and would be less likely to have the other contributing factors to conviction.

One notable case featuring false or misleading forensic evidence involved **Dwayne Jackson**. In 2001, he was arrested for robbery, burglary, and kidnapping.⁷¹ Police came across Jackson and his cousin while looking for a suspect, and believed each of them to potentially match the victim's description. A DNA test conducted on both Jackson and his cousin matched the profile found at the crime scene. Neither of the witnesses could identify Jackson as the assailant, so the DNA was the only evidence against him. Jackson was eventually convinced to plead guilty for robbery with a four year sentence in exchange for dropping the burglary and kidnapping charges. Had he proceeded to trial with all of the original charges, Jackson faced up to life in prison. In 2010, years after his release from prison, it was found that a lab technician had mistakenly switched the DNA samples for Jackson and his cousin during the analysis. Due to the technician's error, Jackson was charged with the crime instead of his cousin. Jackson was fully exonerated in 2011, after having spent four years in prison for a crime he did not commit.

This case underscores several important factors. It is extremely significant that a technical error and DNA mix-up led to Jackson's conviction. It is also important to note that there was no other evidence against him in the case aside from the DNA test. However, due to this error, Jackson, despite knowing his innocence, had to make a decision whether to accept a plea bargain or proceed to trial. This case highlights the extreme disparity in the charge reduction

⁷¹ "Dwayne Jackson" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3821>

offered in the plea deal versus the total charges he would have faced at trial. These additional charges carried the potential for extremely high sentencing up to life in prison, rather than just the four year sentence offered in the plea deal. This example demonstrates how a prosecutor can take advantage of the charges threatened at trial, many of which carry mandatory minimum sentencing requirements, and then reduce them during a plea so that the deal is persuasive, regardless of the defendant's innocence. The amount and severity of charges can be incredibly variable and disproportionate in pretrial plea bargaining stages when compared to those levied at trial.

D. Inadequate Legal Defense

87 cases (16.9%) involved inadequate legal defense. This factor is determined to occur when the defendant's defense counsel has failed to provide satisfactory legal representation that resulted in the defendant's conviction, in part due to errors which could have been avoided with competent counsel.⁷² Again, there were not as many significant secondary contributing factors in cases with Inadequate Legal Defense. The most common were 33 cases (37.9%) with perjury or false accusation and 32 cases (36.8%) with official misconduct. Again, while not as significant as other secondary factors, this matches the overall trends of perjury or false accusation and official misconduct being the most common factors contributing to conviction in the dataset.

Coercive mechanisms of plea bargaining played a less significant role in many of the cases with inadequate legal defense. Only 46 of the cases (52.9%) involved trial penalties, with an average sentence of 9 years in addition to 7 life sentences and 4 sentences of probation. Only 24 of the cases (27.6%) involved instances of overcharging. It is important to note that 54 of the

⁷² "Glossary" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/glossary.aspx>

cases (62.1%), no crime was committed.

The case of *Timothy Johnson* highlights the influence that inadequate legal counsel can have on an innocent defendant's decision to accept a plea bargain.⁷³ In 1984, Johnson was convicted of murdering a convenience store clerk in Warner Robins, Georgia. A police informant falsely accused Johnson of the crime and he was charged with capital murder, armed robbery, and aggravated assault. The District Attorney's Office publicly stated it would seek the death penalty in the case. Police also arrested Johnson's mother, stepfather, and girlfriend on charges of helping dispose of money stolen in the crime. Facing the death penalty of convicted at trial, Johnson pleaded guilty to reduced charges of murder and two counts of armed robbery in exchange for a sentence of three consecutive life terms. Charges against his mother, stepfather and girlfriend were also dropped as a result of the plea deal. In 2001, after serving 17 years of his sentence, Johnson filed a motion to vacate his guilty plea on the grounds of inadequate legal counsel. He argued that he was not informed of his right to appeal and did not understand the rights he forfeited as a part of the plea agreement. The motion was initially denied, but on appeal Johnson was granted a new trial by the Georgia Supreme Court in 2006. In their decision, the court emphasized that Johnson's defense attorney "fell well short of demonstrating that (Johnson) was fully informed of the constitutional rights he was waiving by pleading guilty." Johnson was fully exonerated at his trial in 2013, 29 years after his wrongful conviction.

Johnson's case underscores the critical role lawyers play in advising their clients and advocating for their rights. Johnson, facing the most extreme of trial penalties, was not properly informed by his lawyer of the rights he gave up by accepting a plea, like rights to confronting

⁷³ "Timothy Johnson" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4318>

witnesses against him and rights against self-incrimination. These are critical failings that played a key role in an innocent defendant's decision to plead guilty, in light of other contributing factors to wrongful conviction, like the false accusations, as well as the overcharging and trial penalties to pursue the death penalty.

E. False Confession

70 cases (13.4%) involved false confessions. In contrast with perjury, a false confession is typically a self-incriminating statement made by the defendant to law enforcement, typically in an interrogation setting, which is perceived by law enforcement to be an admission to some aspect of the crime.⁷⁴ False confessions often occur in a set of circumstances where the defendant is experiencing some sort of confusion or even psychological pressure, leading them to falsely implicate themselves in a crime despite their true innocence.

Often, false confessions are the result of improper interrogation techniques that lead more susceptible defendants, like children and those with relevant mental health problems, to falsely confess. In 51 cases (72.9%) of false confession, official misconduct was also a present factor. Some of the interrogation tactics examined in the individual cases include clear instances of misconduct like physical abuse, imitation and threats of retaliation. Others are not as overt, such as lying to the defendant about the evidence against them and using leading questions to key an innocent defendant into details of the crime they would not otherwise know. This is often compounded by the lack of a lawyer to advise the defendant on their rights and counsel them as necessary in an interrogation setting. Over 1 in 4 false confession cases also had factors of inadequate legal defense contributing to their conviction by plea bargain.

⁷⁴ "Glossary" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/glossary.aspx>

Despite many defendants recanting their confessions almost immediately, it is difficult to determine if a confession in even the most secure environment is false. Typically defendants who confess are taken at their word and not determined false unless there is evidence contradicting the confession and demonstrating their innocence, in which case the confession is only deemed false after the dismissal of charges, acquittal in court, or eventual exoneration. In 47 cases (67.1%), perjury or false accusation also contributed to the case against the defendant, further implicating the defendant and casting doubt that the confession is false. This presented an additional significant obstacle to proving the defendant's innocence, as one must obtain evidence to demonstrate not only the confession is false, but that the levied accusations are false as well. In 29 cases (41.4%), exonerating evidence was based on DNA which could positively confirm the defendant was not the perpetrator.

These additional factors for conviction combined with cases of false confession to build a significant case against defendants, making it more difficult to argue for their innocence. As a result, trial penalties and overcharging practices also exacerbated an innocent defendant's decision to accept a plea bargain rather than proceed to trial in these cases with significant barriers to proving one's innocence. 54 of the cases (77.1%) involved trial penalties, with an average sentence of 18.9 years in addition to 12 life sentences. The average sentence is nearly triple the average sentence in the overall dataset. This is due to the fact that 43 of the cases (61.4%) were murder-related crimes, which are the most serious and therefore typically carry the highest sentences. 33 of the cases (47.1%) involved overcharging practices, again, significantly higher than the overall dataset average. As analyzed above, these often serve as coercive mechanisms during the plea bargaining process, setting up cases where it is seemingly more

rational for a defendant to accept a plea bargain, rather than proceed to trial where they face greater charges and higher sentences if convicted. Thus, given the procedural framework of plea bargaining, innocence and guilt are not the critical deciding factor but rather risk assessments of sentencing and charge disparities.

The case of *Robert Lee Veal* is an important example of false confession impacting the entire course of an investigation and ultimately leading to the conviction of five innocent defendants.⁷⁵ 1991, a 14 year old girl was discovered to have been sexually assaulted and murdered on the side of a highway. Police had no leads in the case for over 10 months until a teenager reported he last saw her getting in the car with Veal and another friend. Veal, 15 years old at the time, was brought in for questioning. After more than five hours in police custody without a parent or a lawyer ever present, he signed a handwritten confession implicating himself and four others. Later that day his co-defendant, Robert Taylor, also signed a handwritten confession implicating the five teenagers without parents or lawyers present. And after more than 21 hours in police custody, *Shainne Sharp* signed a confession as well, implicating all five teenagers.⁷⁶ The three confessions contradicted one another on the basic facts of the case, indicating errors in the confessions and making them unreliable evidence. Additionally, before any of the teenagers pleaded guilty, tests of the perpetrator's DNA ruled out all five of the defendants as suspects; however, prosecutors disregarded the exculpatory evidence and continued with the case.

Veal and Sharp pleaded guilty to first-degree murder in exchange for 20 year sentences,

⁷⁵ "Robert Lee Veal" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3827>

⁷⁶ "Shainne Sharp" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3839>

while Taylor and the two others, Jonathan Barr and James Harden, proceeded to trial and were convicted. Taylor and Harden were sentenced to 80 years in prison, Barr was sentenced to 85 years. Eventually, in 2011, all five defendants were exonerated after the DNA evidence was analyzed again, proving conclusively that the five were innocent.

This case demonstrates the pressure that can be exerted from long hours in police custody while being investigated, leading innocent defendants to make false confessions. These problematic interrogation practices, especially interrogating children for long periods of time without the presence of a legal guardian or lawyer, are incredibly unreliable. In addition to the ignorance of red flags raised by factual contradictions in the confessions, these interrogation practices amount to a level of official misconduct which definitively factored into the wrongful convictions. In addition to the false confessions, the only other significant piece of evidence implicating the teenagers was the initial false accusation reported nearly a year after the crime.

The defendants Veal and Sharp faced extreme pressure to accept a plea bargain with a more lenient sentence, rather than risk going to trial with the potential for a sentence of at least 80 years, four times as long as the plea. The major contributing factor of false confession, in combination with factors of official misconduct and false accusation, built a strong enough case against the defendants for them to rationally accept the plea deals despite their innocence. The 20 year prison sentence offered in the plea, in contrast with the at least four times as long sentence of 80 years at trial, demonstrates the circumstances where innocent defendants pleaded guilty despite their innocence due to the trial penalties and combined factors of false confessions, official misconduct, and false accusation. It was seventeen years after they were convicted that the original DNA evidence was re-tested, excluding them as the perpetrators, proving their

innocence, and ultimately supporting their successful exoneration.

The case of *John Kenneth Watkins* demonstrates a similar instance of pressure to give a false confession which led to the conviction of an innocent man.⁷⁷ Watkins was subject to more than four hours of police questioning, during which police falsely told him that his fingerprints were positively identified at the scene, he failed a voice stress analysis, and the victim implicated him as her attacker. All of these claims were false; however, the tactics put pressure on Watkins and he eventually confessed. Additionally, while being interrogated, police disclosed non-public information to Watkins about the case, which may have influenced his confession. Later, police conducted a line up for the victim in which Watkins was presented wearing a white t-shirt like the described attacker while all others included wore black t-shirts. The victim's identification of Watkins as the perpetrator presented an instance of mistaken eyewitness identification, possibly influenced by police misconduct in how they presented the line up with a bias towards Watkins. Prosecutors offered Watkins a plea deal, and he accepted it, given the much more severe sentence he would face at trial. In 2009, Watkins lawyers finally gained permission to have the original rape kit tested for DNA, which definitively proved Watkins was not the perpetrator.

Just as in the case of Veal and his co-defendants, Watkins was held in police custody for an extremely long amount of time and interrogated with questionable tactics, leading him to produce a false confession. The subsequent mistaken witness identification was the only other evidence against him, but it was sufficient for prosecutors to threaten him with a long trial sentence if he did not accept the plea deal. Because of the trial penalties present; and compounded by the case factors of false confession, official misconduct, and mistaken witness

⁷⁷ "John Kenneth Watkins" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=3725>

identification; Watkins pleaded guilty despite his innocence and served seven years in prison for a crime he did not commit before being exonerated by DNA evidence.

There are several important implications for the cases involving false confessions or admissions of guilt. First in some cases, as is the cases of Veal and Watkins, they indicate problematic police interrogation and investigation procedures that put unreasonably excessive psychological pressure on defendants which may induce a false confession. The possibility of false confessions is generally accepted in law; however defendants can still be penalized and later convicted due to false confessions if the judge refuses to accept their recantation. False confessions are difficult to prove; however, these cases demonstrate that confessions cannot always be taken for granted. Often the likelihood of false confession was compounded by factors of police misconduct and false accusations. Additional evidence beyond a defendant's confession may be necessary to ensure that the confession was not made under duress or other pressuring circumstances.

Additionally, both of these cases feature instances where the defendants could have been exonerated by testing DNA evidence collected from the victim. However, defendants in both of these cases were originally unable to access the DNA test results to support their claims of false confession and ultimately use as evidence of their innocence. Discovery disclosure rules often do not require prosecutors to share this information with defendants before they accept a plea deal. This results in defendants, as demonstrated in these cases, not being fully informed when they agree to a plea deal. In light of the established pressures of trial penalties, without knowledge of this exculpatory DNA evidence, an innocent defendant is more likely to accept a plea bargain rather than risk the more severe consequences if convicted at trial.

F. Mistaken Witness Identification

Finally, the least common contributing factor was mistaken witness identification, which occurred in 42 cases (8.2%). Mistaken witness identification happens when an eyewitness mistakenly reports that they saw the defendant commit the crime, falsely implicating them.⁷⁸ Official misconduct was the most common secondary factor contributing to conviction, occurring in 17 cases (40.5%). Additionally 24 of the cases (57.1%) involved DNA evidence as a key component to exoneration. Coercive mechanisms of plea bargaining played a significant role in many of the cases with mistaken witness identification. 34 of the cases (81%) involved trial penalties, with an average sentence of 12.8 years in addition to 5 life sentences and 3 sentences of probation. 20 of the cases (47.6%) involved instances of overcharging. It is important to note that there were no cases where no crime was committed; all of the cases involved an actual crime being committed.

Jerry Lee Jenkins' conviction is an informative example of the risks of witness misidentification implicating the wrong person.⁷⁹ In 1986, a real estate agent was raped in a model home she was selling. When given a photo array, the victim identified that Jenkins appeared similar to her attacker, but she was not certain. The photo used in the array was more than five years old, not an accurate representation of Jenkins' modern day appearance. The victim also later stated that the composite sketch she described of her attacker did not match Jenkins' appearance well and that she only briefly saw the bottom of her attacker's face and could not "positively identify him." Jenkins was sentenced to life in prison. Later on in 2000, in

⁷⁸ "Glossary" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/glossary.aspx>

⁷⁹ "Jerry Lee Jenkins" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4191>

an appeal process where Jenkins filed a motion for a new trial, prosecutors offered him a new deal where he would have the conviction vacated if Jenkins agreed to plead guilty. If he agreed, prosecutors would recommend a new sentence of 40 years with early release possible in 2010. Despite maintaining his innocence, Jenkins had failed to find any new DNA evidence to exonerate him, and ultimately agreed to the plea in order to avoid a trial or harsher sentencing. In 2011, after he was released from prison, the county sheriff found the victim's rape kit in a storage bin. It was tested and proved that Jenkins was innocent. Despite his innocence, witness misidentification and a later plea agreement for a reduced sentence led Jenkins to spend 26 years in prison for a crime he did not commit. This case demonstrates how witness misidentifications used in the case against an innocent defendant can create a situation where the risks of trial penalties if convicted at trial can compel an innocent defendant to plead guilty to receive a less severe sentence.

IV. No Crime Cases

In the dataset, there are two instances of specific, systematic errors that contributed to the wrongful conviction of a large number of defendants via the plea bargaining system. All of these cases fall into the category of No Crime Cases where the charges the defendants were arrested for were false and no crime was actually committed. No Crime Cases comprise the majority of the dataset, totaling 389 cases out of 515 (75.5%), in large part due to the cases related to these two particular instances of systematic failure. No Crime Cases present a unique level of insight into innocent defendants pleading guilty. Because the alleged crime is confirmed to not have actually occurred, there is one-hundred percent certainty of the defendant's innocence, even beyond legal exonerations, as defendants cannot possibly be guilty of a crime when there was no

crime committed in the first place. As a result these cases, specifically as they are examined in these two data subsections, provide a direct counter to any concerns raised that defendants who are exonerated after pleading guilty might actually still be guilty, just lucky to exploit a loophole in the system which casts them as innocent. These critiques are founded in the misguided notion that an innocent defendant would fundamentally never lie about their guilt or agree to face punishment for a crime they did not commit. The entirety of this dataset highlights many circumstances which directly contradict this critique. Analysis of these two particular cases are intended to cast additional light on circumstances where innocent defendants on a large scale pleaded guilty for crimes that did not even occur, due to numerous systemic failures and mistakes. Further, both of these sets of cases further underscore the same patterns analyzed above related to coercive mechanisms in plea bargaining and other case factors contributing to wrongful conviction.

A. *Police Misconduct in Chicago, IL*

Between 2003 and 2012 at least 80 defendants in Chicago, IL were wrongfully convicted and later exonerated from falsified drug possession charges.⁸⁰ The false charges were the result of a team of corrupt police officers, led by Sergeant Ronald Watts, who would plant drugs on residents of the Ida B. Wells public housing development and then arrest them if they refused to pay a bribe to be released. Watts and another officer, Kallatt Mohammed were later arrested in an FBI investigation for stealing money from an informant posing as a drug dealer. In light of increased scrutiny of Watts' illicit behavior, defendants claiming to be framed by Watts began filing motions for new trials, stating "The full known scope of the corrupt,

⁸⁰ "Anthony Mays" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=5685>

more-than-decade-long criminal enterprise of Sergeant Watts...shows that Sergeant Watts led a tactical team of Chicago police officers that engaged in systematic extortion, bribery, and other related crimes.” The Cook County State’s Attorney’s Conviction Integrity Unit investigated the claims in these cases involving Watts and determined that there were dozens of wrongful convictions that should be vacated and dismissed. Additional cases remain under investigation by the Chicago Conviction Integrity Unit as of February 2020.

This specific data subset includes 61 cases where the innocent defendants implicated in the cases agreed to plea deals. Of the defendants 59 were black (96.7%). One defendant was hispanic and one defendant was white. 59 of the defendants were male while just two were female. All plea bargains involved reduced sentences offered in contrast with the high penalties faced at trial. All of the cases were rooted in two major factors that contributed to conviction: perjury or false accusation and official misconduct. The sentences in the plea bargains ranged from probation to 12 years in prison, with an average sentence of 2.65 years. On average, there were 11.44 years between conviction and exoneration.

There are a number of specific cases that highlight the overall trends in the Chicago Police misconduct cases involving Sgt. Watts. In 2005, **Ben Baker** and his wife **Clarissa Glenn** were arrested by Sgt. Watts for possession of cocaine at the Ida B. Wells public housing complex.⁸¹ Earlier that year, Baker had been arrested by Watts for possession of heroin and cocaine with intent to deliver. At the trial for his original charge, Baker testified that the drugs were planted on him and that Watts demanded he pay a bribe of \$1,000 if he wanted the charges

⁸¹ “Clarissa Glenn” *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4864>

dropped. The officers testifying against him denied these allegations and the judge ultimately sided with the officers' credibility over Baker's, sentencing him to 14 years in prison.

In 2006, Baker and Glenn agreed to plead guilty to the charges resulting from the second arrest by Watts. The plea deal was conditioned on Baker agreeing to a 4 year sentence and Glenn receiving probation so that she could care for their children. The judge presiding over the pleas, the same judge who had previously convicted Baker, acknowledged that he was aware of Baker and Glenn's contentions of the officers' misconduct; but he stated that they had not demonstrated enough evidence to substantiate these claims. However, he did state that "if something should happen in the future... I would have no hesitation to vacate all of the guilty findings, judgments, sentences, including the 14 years that you're doing now."

When Watts and Mohammed were convicted in 2013, Baker's lawyer filed a motion to vacate the convictions based on the evidence of Watts' corruption and bribery schemes, which dated back to before Baker's arrest. In 2015, Glenn was granted a pardon by Illinois Governor Pat Quinn and the charges were expunged from her record. In 2016, the Cook County Conviction Integrity Unit reinvestigated Baker's case, as well as hundreds of other cases involving Watts, and found the allegations of misconduct credible. They vacated his conviction and dismissed the charges, exonerating him and awarding him a certificate of innocence. In 2018, after an initial denial, Glenn was granted a certificate of innocence as well.

Baker and Glenn's cases demonstrate several key aspects of large scale misconduct cases like the one involving Watts. First, the disparities between Baker's sentence at trial and the plea bargains offered highlight the immense trial penalties that are faced, even in nonviolent cases involving relatively minor charges like drug possession. Additionally, despite the consistent

allegations of misconduct, there was a significantly high burden of proof that the defendants were unable to meet to demonstrate the police misconduct and prove their innocence. It was only years after, when a federal investigation led to Watts' conviction, that they were able to have their cases reinvestigated for the misconduct charges. This is particularly significant because it also reflects on how difficult it is to prove lower level, individual instances of misconduct. Watts' years of corruption and misconduct were only confirmed when it amounted to a large-scale bribery scheme successfully investigated by federal authorities. This further reflects the amount of time and resources needed to challenge police misconduct, as it took over ten years for Baker and Glenn to be successfully exonerated after their arrests. In combination with the trial penalties, these factors on the difficulties proving misconduct demonstrate why innocent defendants in these sorts of cases may feel compelled to plead guilty.

Deon Willis is another emblematic case of wrongful conviction due to Watts' corruption.

⁸² Willis was first arrested by Watts in 2002, after being falsely charged with possession of heroin and refusing to pay Watts a bribe of \$5,000 to be released. Willis pleaded guilty and was sentenced to probation. In 2008, Willis was again arrested by Watts on false drug possession charges after he was unable to provide Watts with information on his brother's whereabouts. When Willis told an officer interrogating him that he was being framed, the officer instructed Willis to file a complaint with the Office of Professional Standards. However, when Willis later told Watts that he intended to file the complaint, Watts threatened to retaliate against him. In 2008, Willis pleaded guilty to the drug charges and was sentenced to 2 years in prison. After Watts' conviction, the Conviction Integrity Unit vacated Willis' charges and issued him a

⁸² "Deon Willis" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=5432>

certificate of innocence. Willis represents another case where the barriers to proving police misconduct prevented a defendant from proving their innocence and instead resorted to pleading guilty to avoid high trial penalties. In Willis' case, despite repeated claims of specific instances of corruption, this was not enough to have the charges dropped until the Conviction Integrity Unit was tasked with a wide-scale reinvestigation years later.

Two additional case examples highlight the role of defense counsel in advising their clients to plead guilty despite allegations of misconduct due to high trial penalties. ***Kenneth Hicks*** was also wrongfully convicted on false drug charges in 2007.⁸³ After describing that he was innocent and being framed by Watts, his public defender advised him to take the plea offer because he “couldn’t beat these officers” and would likely be convicted at trial where he faced steep trial penalties. Hicks ultimately chose to plead guilty and was sentenced to 18 months in prison. ***Frank Saunders*** was also wrongfully convicted in 2007, after Watts falsely charged him for drug possession.⁸⁴ Like Hicks, even after Saunders explained that he was being framed by Watts, his public defender encouraged him to accept the guilty plea with a four year sentence rather than risk a much higher sentence at trial. Saunders ultimately accepted the guilty plea as well. In both of these cases, public defenders suggested defendants accept guilty pleas due to high trial penalties, even though the defendants consistently described instances of misconduct which corroborated their innocence. This underscores how trial penalties play a critical role in these cases of systemic misconduct, pressuring defendants to plead guilty rather than argue claims of official misconduct and falsified charges in a trial setting. As a result, the misconduct

⁸³ “Kenneth Hicks” *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=5435>

⁸⁴ “Frank Saunders” *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=5420>

remains often unaddressed and the defendant pleads guilty to a crime they did not commit. It was only possible to exonerate the 61 defendants in the dataset who pleaded guilty after being framed by Watts with retroactive investigations by the Conviction Integrity Unit.

B. Erroneous Drug Field Testing in Houston, TX

In 2014, prosecutors in Harris County, TX identified over 300 cases in which innocent defendants accepted plea deals based on erroneous field testing that initially identified a substance they possessed as an illegal drug.⁸⁵ In each case, after the innocent defendant had pleaded guilty, a more thorough and reliable crime laboratory test proved that the alleged drugs were not in fact illegal substances. However, by the time the results were appropriately processed and erroneous field test evidence corrected, many wrongfully convicted defendants had served months to years in prison. Field tests are, in theory, a cheap and easy way to determine if someone is in possession of an illegal substance. However, scientific research as well as in-depth investigations by ProPublica and the New York Times have shown time and again how unreliable field tests can be. For example, a test that uses the chemical cobalt thiocyanate is supposed to turn blue if exposed to cocaine, but it has also been demonstrated to turn blue for over 80 other legal substances from acne medications to common household cleaners.⁸⁶ In the case of Harris County, TX, which contains the Houston metropolitan area, these common mistakes in field testing often led to the wrongful conviction of defendants who pleaded guilty to crimes they did not commit before proper testing was administered.

⁸⁵ Gabrielson, Ryan. "Unreliable and Unchallenged." *ProPublica*, October 28, 2016. <https://www.propublica.org/article/unreliable-and-unchallenged>.

⁸⁶ Gabrielson, Ryan and Topher Sanders. "Busted." *ProPublica*, July 7, 2016. <https://www.propublica.org/article/common-roadside-drug-test-routinely-produces-false-positives>

Ultimately Harris County reformed their policies to not accept guilty pleas based on field tests due to their history of unreliability and the many consequences from this large-scale error convicting hundreds of innocent defendants.⁸⁷ However, many other counties and districts around the United States still rely on field tests for convictions, and likely demonstrate similar patterns of wrongful conviction by plea bargaining. Therefore it is important to analyze this subsection of data from erroneous drug field tests in Houston to understand the implications of the mistake in the greater context of plea bargaining. This particular data subset also provides important insight as no crime was committed and in many cases the defendant was aware that they were innocent and not carrying the alleged illicit substance. However, for the reasons analyzed below, they ultimately decided to plead guilty rather than proceed to trial to prove their innocence. These circumstances demonstrate the existence of a fundamental flaw in the plea bargaining process, where innocent defendants determine it is a more rational decision to accept punishment for a crime they did not commit. This underscores the innocence dilemma and its relation to things like trial penalties and overcharging practices which function as coercive mechanisms in pretrial procedures.

This specific data subset includes 168 cases where the innocent defendants implicated in the cases agreed to plea deals. Of the defendants 97 were black, 25 defendants were hispanic, 42 defendants were white, and 4 defendants were asian. 131 of the defendants were male while just 37 were female. All but one of the plea bargains involved reduced sentences offered in contrast with the high penalties faced at trial. All of the cases were rooted in erroneous field tests that positively identified the person as possessing an illegal substance; however all of these tests were

⁸⁷ Gabrielson, Ryan. "Unreliable and Unchallenged." *ProPublica*, October 28, 2016. <https://www.propublica.org/article/unreliable-and-unchallenged>.

proven false when reexamined by the crime laboratory. The sentences offered in the plea bargains ranged from probation to 25 years in prison, with an average sentence of 2.88 years. Often the most extreme sentences were compounded by previous drug charges which increased the mandatory minimum charges that would have been faced at trial. These steep trial penalties were in many cases a key factor in the defendant's decision to plead guilty.

For example, *Linda Carnes* was arrested in 2013 after police pulled her car over and tested a powdered substance that the results indicated was cocaine. Carnes had a prior conviction for burglary and faced a high sentence if convicted at trial for drug possession, so she agreed to plead guilty in exchange for a five year prison sentence.⁸⁸ Several months later, her lawyer was informed that the substance tested negative for cocaine in a crime lab test and she was released on bond. In November 2014, her wrongful conviction was vacated and Carnes was officially exonerated.

Rosa Sade Batts was also wrongfully convicted of drug possession due to the erroneous field testing.⁸⁹ In 2012 she was arrested by police and charged with possession of narcotics. Two days later, she was offered a deal where she would only be sentenced to two years in prison in exchange for a guilty plea. Like Carnes, Batts had several previous narcotics convictions and faced a maximum sentence of 25 years in prison if convicted at trial. So she agreed to plead guilty despite her actual innocence. In May 2013, nearly a year after she pleaded guilty, the Houston crime laboratory tested the substances found on Batts and determined they did not

⁸⁸ "Linda Carnes" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4548>

⁸⁹ "Rosa Sade Batts" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4273>

contain narcotics. Several months later she was released from prison and charges were dismissed, officially exonerating her.

Michael Bruce Lape was also wrongfully convicted of drug possession after an erroneous field test identified a jar of liquid from his car as containing methamphetamine.⁹⁰ Lape was a habitual offender and thus faced up to a life sentence, and had been told by prosecutors that they would recommend a minimum sentence of 40 years at trial. Due to the high trial penalties, Lape agreed to a plea deal which carried a 25-year sentence. Months later, crime laboratory results indicated that the liquid tested negative for all drugs and Lape was released from prison in January 2013. In April 2013 he was officially declared innocent by the Texas Court of Criminal Appeals.

Another case of wrongful conviction was **Chris Truong**'s arrest after a faulty drug field test.⁹¹ In December 2015, Truong was arrested by police after they found a handgun in his car as well as four pills that field tested positive as Xanax. While possession of the gun itself was not a crime, it is illegal to possess a gun while committing a crime, in this case illegal drug possession. Truong pleaded guilty to the charge of unlawful possession of a weapon and a 15 day prison sentence in exchange for prosecutors dismissing the drug possession charges. Truong could have faced a much higher sentence if he proceeded to trial and was convicted of both charges. However, in November, the crime lab results indicated that there was no illegal substance present. As a result, Truong's possession of a gun was not against the law. In March 2017,

⁹⁰ "Michael Bruce Lape" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=4156>

⁹¹ "Chris Truong" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=5115>

months after he had already served his sentence, Truong's conviction was vacated and he was exonerated.

Ultimately all of these cases are representative of instances where innocent defendants, wrongfully implicated in a crime due to erroneous evidence, were pressured to plead guilty due to the high penalties faced if convicted at trial. In some cases, like Carnes, Batts, and Lape, defendants faced especially high sentences due to mandatory minimum sentencing requirements compounded by previous convictions. In other cases like Truong's, defendants' charges were complicated by the circumstances of the false drug possession accusation, leading to them facing additional potential charges in addition to high sentences at trial. Overall, extreme trial penalties in these cases compelled innocent defendants to plead guilty before the alleged illicit substances could be properly tested in a crime laboratory. Without trial penalties, innocent defendants would not have faced the same pressures to plead guilty to the drug possession and related charges. Had they not pleaded guilty, they would have been able to have the alleged substances properly tested in the official Houston police crime laboratory, providing them with negative test results to clear them of the charges.

Policy Recommendations

Based on the findings from the case study research and supporting information from previous literature, there are a number of important policies that could be reformed to address some of the shortcomings with plea bargaining, specifically the issues of coercive mechanisms in the pretrial processes. The dataset's exclusive use of exoneration cases is beneficial to support some policy recommendations. While the cases are specific examples of errors that occurred in

the justice system where defendants were wrongfully convicted, the cases also necessarily demonstrate the mechanisms through which these problems were successfully resolved and resulted in the defendant exonerations. In their ideal state recommended reforms are intended to proactively prevent wrongful convictions by plea bargaining; however, analysis of empirical and qualitative patterns in these cases of retroactive exonerations still provides unique insight into the effective policies and measures that were used to demonstrate a defendant's innocence, even after they pleaded guilty.

While these are not fully comprehensive solutions that respond to all the problems raised with plea bargaining, the proposed policy recommendations are specifically intended to address the most prevalent circumstances where innocent defendants were pressured to plead guilty rather than face the demonstrated risks of conviction at trial. The policy recommendations are not all-encompassing, but rather serve as starting points for several of the problems and failures indicated by the data findings and analysis. The first recommendation relates to sentencing reforms, including the elimination of mandatory minimums, to address the significant role that trial penalties were demonstrated to have in an innocent defendant's decision to accept a guilty plea. The second recommendation is for reformed discovery rules, specifically recommending open-file discovery rules which would address many of the major contributing factors to wrongful convictions through the plea bargaining process. The final recommendation supports the establishment of independent oversight bodies like conviction integrity units to dedicate resources to investigating instances of wrongful conviction at both the individual case level and systemic organizational level.

These three policy recommendations provide complementary solutions to many of the problems with plea bargaining that were demonstrated in the research and analysis of wrongful conviction cases. They address many of the most significant shortcomings of the existing plea bargaining process by promoting the necessary transparency and oversight to reestablish a commitment to fairness and justice during pretrial proceedings. Plea bargaining has become a fundamental facet of our justice system; however, certain aspects of its current state which intentionally disadvantage defendants undermine its overall legitimacy and fundamental commitment to justice. By implementing policies to eliminate mandatory minimums, institute mandatory open-file discovery rules, and establish conviction integrity units, the plea bargaining process may be able to serve as a more co-equal and fair alternative to trial.

I. Eliminating Mandatory Minimums

The first policy recommendation is to reform strict sentencing guidelines, specifically by eliminating mandatory minimum sentencing requirements in order to reduce the influence of trial penalties and overcharging practices in the plea bargaining process. Mandatory minimums are sentencing requirements for a wide variety of criminal convictions that judges cannot use their discretion to adjust based on the facts and circumstances of a particular case.⁹² Instead, by removing judicial discretionary powers in adjudicating appropriate sentencing, they provide prosecutors with the power to manipulate sentencing to induce guilty pleas. Rather than uphold an obligation to proportionate sentencing based on the particulars of a case, mandatory minimums function as extreme trial penalties which prosecutors, as demonstrated in the research, can take advantage of to compel defendants to agree to plea bargains even if they are innocent.

⁹² Mirko Bagaric; Julie Clarke; William Rininger, "Plea Bargaining: From Patent Unfairness to Transparent Justice," *Missouri Law Review* 84, no. 1 (Winter 2019): 1-46

As demonstrated in the data, 83.7% of cases involved trial penalties as a factor in the innocent defendant's decision to plead guilty. Mandatory minimums and other forms of trial penalties create circumstances where prosecutors are able to prioritize obtaining as many convictions as possible through the plea bargaining process, rather than evaluating the likelihood of a defendant's guilt or innocence based on the facts of the case.⁹³ Some make the argument that this should not matter, as the standard discounted sentence from a plea should be enough to weigh up the defendant's actual guilt or innocence in making the determination.⁹⁴ However, this is not necessarily the case when prosecutors have broad power to manipulate the specific charges they file against the defendant, and, it follows, the harsh minimum sentences required if convicted at trial.⁹⁵ Of cases where overcharging occurred, 95.7% of cases also involved trial penalties. This confirms the inseparable connection between overcharging practices and trial penalties. Due to prosecutorial power to determine which charges are brought and what sentence is asked for, there is no guarantee of a fair, fixed sentencing discount for a plea deal. By levying charges that carry mandatory minimum sentencing requirements, prosecutors impose inflated trial penalties which impact an innocent defendant's decision to plead guilty.

Therefore, eliminating mandatory minimum sentences is a critical step in reducing the role of trial penalties and overcharging practices during the plea bargaining process. A study of empirical models with reduced mandatory minimums and increased alternative sentencing supported this, indicating that these reforms would lead to a decrease in plea agreements, a

⁹³ Price, Mary. "Weaponizing Justice: Mandatory Minimums, the Trial Penalty, and the Purposes of Punishment." *Federal Sentencing Reporter* 31, no. 4 (April 2019): 309–14.

⁹⁴ Bibas, Stephanos. "Plea bargaining outside the shadow of trial." *Harv. L. Rev.* 117 (2003): 2464.

⁹⁵ Peter A. Joy; Rodney J. Uphoff, "Sentencing Reform: Fixing Root Problems," *UMKC Law Review* 87, no. 1 (Fall 2018): 97-112

reduction in the overall length of sentences, and a decrease in long-run conviction rates.⁹⁶

Further, it estimated that as many as 20% of plea bargain convictions would instead result in acquittal at trial with the implemented sentencing reforms. By eliminating these sentencing requirements, prosecutors would no longer have total authority over sentencing in cases where mandatory minimums previously applied and judges would be able to have sentencing discretion at trial. This would potentially function as a check to prosecutorial power in the plea bargaining process and allow for factually innocent defendants to make a more balanced decision during pretrial proceedings. It would prevent them from being constrained when choosing between a relatively relaxed plea bargain offer and a potential conviction for more severe charges that carry much harsher minimum sentences at trial.

II. Open-File Discovery Laws

It is also important to address some of the contributing causes that led to wrongful conviction of defendants during the plea bargaining process. The three most common factors were perjury or false accusation in 43.9% of cases, official misconduct in 38.1% of cases, and false or misleading forensic evidence in 29.5% of cases. In many cases, these contributing factors allowed for prosecutors to take advantage of specific evidence (or a lack thereof) produced during the discovery process against the defendant and leverage the defendants' lack of complete knowledge in order to pressure them to plead guilty despite their innocence. Most states and districts do not mandate open discovery rules, so prosecutors are often not required to share evidence and files pertinent to the case with the defendant. This can be problematic as investigation of the case is predominantly conducted by police and government officials, forming

⁹⁶ Bernardo S. Silveira, "Bargaining with Asymmetric Information: An Empirical Study of Plea Negotiations," *Econometrica* 85, no. 2 (March 2017): 419-452

an asymmetric relationship between the prosecutors, who have access to all of the evidence gathered through law enforcement investigation, and the defendants, who lack access to this evidence.⁹⁷ Without the defense and prosecution having equal access to information, there is no counterparty positioned to challenge the legitimacy or accuracy of the evidence collected, which is detrimental to the overall public interest in fair and accurate case proceedings.

In a traditionally adversarial system of justice, it is sometimes argued that closed discovery should in theory increase the number of cases that proceed to trial as defendants without knowledge of the evidence against them would feel less incentive to agree to a plea deal since they cannot estimate their probability of conviction at trial.⁹⁸ However, this theoretical decision making does not account for the existence of trial penalties and overcharging practices during the plea bargaining process. Instead the asymmetrical possession of knowledge exacerbates a factually innocent defendant's decision to plead guilty because of the combination of a lack of evidentiary knowledge and threat of heightened penalties if convicted at trial. Therefore, given the previously established prevalence of coercive mechanisms, like overcharging and trial penalties, during the plea bargaining process, the closed discovery rules only further disadvantage defendants.

Prosecutors are not required to share all the available evidence and other key resource witness names and statements with the defense during the discovery phase before a trial, and are often especially disincentivized from sharing any potentially exculpatory evidence with the defense before trial.⁹⁹ This makes it impossible for the defense to be fully aware of, let alone

⁹⁷ Darryl K. Brown, "How to Make Criminal Trials Disappear without Pretrial Discovery," *American Criminal Law Review* 55, no. 2 (Spring 2018): 155-202

⁹⁸ *Ibid.*

⁹⁹ Bibas, Stephanos. "Plea bargaining outside the shadow of trial." *Harv. L. Rev.* 117 (2003): 2464.

challenge, significant factors that demonstratively contribute to wrongful conviction, including false accusations, instances of misconduct, and erroneous forensic evidence. Further, as demonstrated in the examined cases, it is possible for prosecutors to conceal certain evidence or falsely imply the existence of incriminating evidence to persuade a defendant to accept a guilty plea. Ultimately the existing asymmetric relationship in the discovery process significantly disadvantages defendants and provides prosecutors with additional leverage to pressure innocent defendants to plead guilty rather than proceed to trial. Without open-file discovery rules to promote evidentiary information sharing, prosecutors face no accountability during plea bargaining to delineate between likely innocent and likely guilty defendants based on discovery findings, and instead can prioritize obtaining as many convictions as possible due to the lack of equal information.

Some opponents to mandatory open-file discovery procedures argue that providing the defense with evidence could result in witness intimidation and overall information sharing requirements could present a number of logistical challenges. However in a comparative analysis of states with open discovery laws and states with closed discovery laws, these concerns were mainly voiced by prosecutors in states with closed discovery laws.¹⁰⁰ In states with open-file discovery requirements, these issues were only raised a couple times, while the vast majority of prosecutors in these states lauded the numerous benefits of open discovery like increased procedural efficiency and protection against inadvertent nondisclosure of exculpatory evidence. Further, many defense attorneys in states with open-file laws described the most impactful

¹⁰⁰ Jenia I. Turner; Allison D. Redlich, "Two Models of Pre-Plea Discovery in Criminal Cases: An Empirical Comparison," *Washington and Lee Law Review* 73, no. 1 (Winter 2016): 285-410

benefits as allowing their clients to make better informed decisions and promoting fairness and transparency in the plea bargaining process.

Therefore it is recommended that mandatory open-file discovery rules be implemented to require evidence to be shared between the defense and prosecution earlier in the plea bargaining process. The prosecutors should be required to provide the defendant with evidence against them before trial, specifically if it is exculpatory. Further, implemented open discovery laws should not qualify this with requirements to only share “favorable” evidence, as this can be highly subjective and contested. Full transparency requirements in open discovery mandates is necessary for defendants to make informed decisions about whether to accept a plea bargain or proceed to trial. The prosecution could also benefit from a reciprocal relationship that expands required discovery information sharing.¹⁰¹ Open-file discovery mandates would also require defendants to share information with the prosecution before a trial, related to important things like their own witnesses. Overall, requiring more extensive information sharing during a case’s discovery process would create a more fair foundation for the plea bargaining process to occur, where the prosecution and defense have coequal and reciprocal access to evidentiary case information. This reform would limit the prosecutor’s ability to leverage evidence against the defense which could potentially coerce them into accepting a plea deal despite their innocence.

III. Conviction Integrity Units

Finally, many of the convictions analyzed in the dataset were the result of reinvestigation of old and controversial cases premised on various forms of false or misleading data. Many required investigations and interventions by innocence organizations and conviction integrity

¹⁰¹ Bibas, Stephanos. "Plea bargaining outside the shadow of trial." *Harv. L. Rev.* 117 (2003): 2464.

units in order to prove defendants were wrongfully convicted and ultimately support their successful exoneration. Currently there are only in 60 districts that have active conviction integrity units, and only half of them have achieved at least one conviction.¹⁰² Nearly half of these units were established in the last two years. However, investment in conviction integrity units is promising.

The particular need for CIUs is especially underscored in the examples of systemic cases of misconduct or error, like in the Watts corruption cases in Chicago. These massive numbers of wrongful convictions by plea bargaining were only successfully exonerated because of investigations by Cook County's conviction integrity unit. The cases of police misconduct, for example, underscore the difficulties proving things like police abuses of power that led to wrongful convictions. The defendants in these case examples are representative of the vast majority of innocent defendants, who lack the resources and expertise to meet burdens of proof to demonstrate the errors and falsehoods contributing to the case against them. This makes it incredibly difficult for defendants to demonstrate their innocence, so many resort to pleading guilty to a crime they did not commit rather than face harsh trial penalties. Once innocent defendants plead guilty, as demonstrated in all cases in the dataset, it is incredibly difficult to vacate a legally binding confession of guilt even if it is premised on false information and other contributing factors. CIUs would specifically have the resources necessary to bridge this gap in access to knowledge and resources needed by defendants to overturn wrongful convictions involving plea bargains.

¹⁰² "Conviction Integrity Units" *The National Registry of Exonerations*. University of Michigan Law School. <https://www.law.umich.edu/special/exoneration/Pages/Conviction-Integrity-Units.aspx>

Ultimately, establishing CIUs in additional districts and counties around the country would create an independent oversight body specifically responsible for confirming the legitimacy of questionable cases, and providing extensive resources to innocent defendants attempting to prove their wrongful conviction. While conviction integrity units mainly focus on retroactive exonerations to rectify wrongful convictions, they can also be positioned to recommend the introduction of district specific reforms and policies to prevent similar problems from occurring in the future. When major cases of systematic abuse or error occur, like in Chicago and Houston, they would not only have the resources to exonerate those wrongly convicted in an efficient manner, but they would also have the knowledge and experience to identify the flaws in the system that led to the errors in the first place. From this position, a process could be established as part of a CIU's overall mandate to make substantiated policy recommendations and reforms necessary to prevent future wrongful convictions.

Conclusions

In depth research into 515 cases of innocent defendants pleading guilty demonstrated important insight into the shortcomings of the plea bargaining process. Foremost, the data substantiated the significance of trial penalties as a major factor in an innocent defendant's decision to agree to a guilty plea. To a lesser extent, it also showed the impact of overcharging practices, specifically in combination with trial penalties, to compel an innocent defendant to plead guilty. The cases also featured several significant patterns of contributing causes of wrongful conviction, including perjury or false accusation, official misconduct, and false or misleading forensic evidence. Ultimately analysis and findings related to the prevalence of these

factors, their interrelation to one another, and their specific role at the individual case level indicated the need for a number of specific policy reforms in plea bargaining procedures.

First, to address the significant trial penalties faced by innocent defendants, it is contended that mandatory minimum sentencing requirements should be eliminated, as they often propagate the trial penalty and serve to compel innocent defendants to plead guilty. It is also recommended that the open-file discovery laws be instituted to mandate increased information sharing between the prosecution and defense during pretrial proceedings, so that defendants are able to make better informed, more fair decisions on whether or not to accept a plea deal. Finally it is suggested that district and county prosecutors' offices establish conviction integrity units to investigate wrongful convictions and reform the procedures and policies which contributed to them. In combination, these recommendations are intended to serve to establish a plea bargaining process that is less coercive and more fair for defendants.

As demonstrated in the 515 cases examined, the structural confines of plea bargaining can produce trial penalties, overcharging practices, and other factors that serve as coercive forces to compel innocent defendants to plead guilty. With these coercive mechanisms, plea bargains are not a matter of the defendant's innocence or guilt, but rather a pragmatic question of extreme risk versus minimal reward. This innocence dilemma is antithetical to a just legal system and ultimately must be reformed to promote the integrity and fairness of the judicial system.

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Appendix

Table 1: Complete Dataset of Exoneree Cases

Last Name	First Name	Age	Race	Gender?	State	Most Serious Crime	Sentence	Conviction Year	Exoneration Year	Mistaken Witness Identification?	False Confession?	Perjury or False Accusation?	False or Misleading Forensic Evidence?	Official Misconduct?	Inadequate Legal Defense?	DNA Exoneration?	No Crime Case?	Innocent Organization?	Reduced Sentence?	Reduced Charges?	Case Referenced in Paper?
Acevo	Longino	35	Hispanic	M	CA	Sex Offender Registration	2 years and 4 months	1994	2006	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Adams	Anthony	26	Hispanic	M	CA	Manlaughter	12 years	1996	2001	No	No	Yes	No	Yes	No	No	No	No	Yes	Yes	Yes
Adams	Cheryl	26	White	F	MA	Theft	Probation	1989	1993	No	No	Yes	No	No	No	No	Yes	No	Yes	No	No
Adams	Darryl	25	Black	M	TX	Sexual Assault	25 years	1992	2017	No	No	Yes	No	No	No	Yes	Yes	Yes	Yes	No	No
Adams	Johnathan	12	White	M	GA	Murder	1 year	2005	2006	No	Yes	No	No	Yes	No	No	No	No	Yes	No	No
Adams	Johnny	52	Black	M	TX	Drug Possession or Sale	90 days	2009	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Albritton	Amy	43	White	F	TX	Drug Possession or Sale	45 days	2010	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Allen	Landon	29	Black	M	IL	Drug Possession or Sale	Probation	2004	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Almond	George	28	Black	M	IL	Drug Possession or Sale	2 years	2006	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Alvarado	Victor	26	Hispanic	M	IL	Drug Possession or Sale	6 years	2012	2013	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Alvarez	George	17	Hispanic	M	TX	Assault	8 years	2006	2010	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Alvarez	Jesse	19	Hispanic	M	CA	Manlaughter	12 years	1996	2001	No	No	Yes	No	Yes	No	No	No	No	Yes	Yes	Yes
Alvarez	Jorge	23	Hispanic	M	CA	Manlaughter	12 years	1996	2001	No	No	Yes	No	Yes	No	No	No	No	Yes	Yes	Yes
Alvarez	Daniel	32	Hispanic	M	F-DC	Bribery	Not sentenced	2011	2012	No	No	No	No	No	No	No	Yes	No	Yes	Yes	No
Amory	Earl	38	Black	M	TX	Drug Possession or Sale	4 months	2009	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Anderson	Candice	21	White	F	TX	Manlaughter	Probation	2007	2014	No	No	No	No	No	No	No	Yes	No	Yes	Yes	No
Armstrong	Craig	40	Black	M	IL	Sex Offender Registration	1 year	2005	2018	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Armstrong	Craig	46	Black	M	IL	Sex Offender Registration	3 years	2012	2016	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Armstrong	Homer	44	Black	M	TX	Drug Possession or Sale	4 days	2014	2015	No	No	No	No	No	No	No	Yes	No	No	No	No
Arteaga	Jose	26	Hispanic	M	CA	Theft	116 days	2016	2016	Yes	No	No	No	No	No	Yes	No	No	Yes	Yes	No
Arteaga	Josephine	21	Hispanic	F	TX	Drug Possession or Sale	Probation	2014	2015	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Ash	Steven	54	White	M	OR	Drug Possession or Sale	Probation	2012	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Aubain	Naythen	26	Black	M	NY	Weapon Possession or Sale	2 to 4 years	2016	2017	No	No	Yes	No	Yes	No	No	No	Yes	No	Yes	No
Baddley	Gabriel	19	Black	M	WA	Arson	2 months	2002	2004	No	Yes	No	No	No	No	No	No	No	Yes	No	No
Baker	Ben	33	Black	M	IL	Drug Possession or Sale	4 years	2006	2016	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	Yes
Baker	Danziel	22	Black	M	TX	Drug Possession or Sale	Probation	2014	2015	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Baker	Tameeka	33	Black	F	NY	Drug Possession or Sale	4 years	2017	2018	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Baker	Terry	30	Black	M	TX	Drug Possession or Sale	Probation	2014	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Baltierrez	Jose	21	Hispanic	M	TX	Drug Possession or Sale	Probation	2014	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Baltrip	Henry	22	Black	M	TX	Drug Possession or Sale	7 years	2013	2015	No	No	No	Yes	No	Yes	No	Yes	No	Yes	No	No
Banks	Brian	16	Black	M	CA	Sexual Assault	6 years	2003	2012	No	No	Yes	No	No	No	No	Yes	Yes	Yes	No	No
Banks	Medell	27	Black	M	AL	Manlaughter	15 years	2001	2003	No	Yes	Yes	No	Yes	No	No	Yes	No	Yes	Yes	No
Barrientos	David	43	Hispanic	M	TX	Drug Possession or Sale	45 days	2016	2016	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Barry	Zachary	28	White	M	TX	Drug Possession or Sale	4 days	2016	2017	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Batts	Rosa Sade	25	Black	F	TX	Drug Possession or Sale	2 years	2012	2013	No	No	No	Yes	No	No	No	Yes	No	Yes	No	Yes
Beal	Kenneth	23	Black	M	TX	Drug Possession or Sale	7 months	2007	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Bell	Deandre	23	Black	M	IL	Drug Possession or Sale	Probation	2006	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Bell	Jerrell	19	Black	M	TX	Drug Possession or Sale	120 days	2011	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Berghoff	Stacey	27	White	F	TX	Drug Possession or Sale	15 days	2014	2014	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Birden	Eric	23	Black	M	TX	Drug Possession or Sale	30 days	2007	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Bivens	Phillip	28	Black	M	MS	Murder	Life	1980	2010	No	Yes	Yes	No	Yes	No	Yes	No	Yes	Yes	No	No
Bivens Jr.	Darrell Wayne	33	Black	M	TX	Sex Offender Registration	3 years	2013	2013	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Bjerklie	Donna	42	White	F	ND	Theft	Probation	2005	2006	No	No	No	No	No	No	No	Yes	No	No	No	No
Blackmon	James	26	Black	M	NC	Murder	Life	1988	2019	No	Yes	No	No	No	No	No	No	No	No	No	No
Blackshire	James	18	Black	M	TX	Child Sex Abuse	40 years	1995	2009	No	No	Yes	No	Yes	Yes	No	Yes	No	Yes	No	No
Blair	Harvey	35	Black	M	IL	Drug Possession or Sale	4 years	2005	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Bledsoe	Earnest	26	Black	M	TX	Drug Possession or Sale	60 days	2008	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Booker	Larry	30	White	M	CA	Child Sex Abuse	Probation	1993	2017	No	No	Yes	No	No	No	No	Yes	No	No	No	No
Borne	Marcus	19	Black	M	IL	Weapon Possession or Sale	2 years	2004	2016	No	No	No	No	No	No	No	Yes	No	No	No	No
Bostic	Larry	31	Black	M	FL	Sexual Assault	8 years	1989	2007	No	No	Yes	No	No	No	Yes	No	No	Yes	No	No
Bradford	Marcellius	17	Black	M	IL	Kidnapping	12 years	1988	2001	No	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	Yes
Brett	Scott	55	White	M	F-WA	Fraud	Not sentenced	2017	2018	No	No	No	No	No	Yes	No	No	No	No	No	No
Briggs	Brandy	19	White	F	TX	Child Abuse	17 years	2000	2006	No	No	Yes	Yes	No	Yes	No	Yes	No	Yes	Yes	No
Brodie	Stephen	19	White	M	TX	Child Sex Abuse	5 years	1993	2010	No	Yes	No	No	Yes	No	No	No	No	Yes	No	No
Brooks	Gwendolyn	52	Black	F	TX	Drug Possession or Sale	6 months	2010	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Brooks	Quincy	27	Black	M	TX	Drug Possession or Sale	6 months	2017	2017	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Broomes	Livingston	64	Black	M	NY	Sexual Assault	4 years	2012	2019	No	No	No	Yes	No	Yes	No	Yes	No	No	No	No
Brown	Charlotte	32	Black	F	TX	Drug Possession or Sale	6 years	2011	2012	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Brown	Donnesia	47	Black	M	NY	Weapon Possession or Sale	2 to 4 years	2016	2017	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Brown	Keith	25	Black	M	NC	Sexual Assault	35 years	1993	1999	No	Yes	No	No	No	No	Yes	No	No	No	No	No
Brown Jr.	Knolly	37	Black	M	NC	Child Sex Abuse	5 to 6 3/4 years	2009	2016	Yes	No	No	No	No	No	Yes	No	Yes	Yes	Yes	No
Bullock	Keith	27	White	M	MN	Murder	Not sentenced	1992	1992	No	No	No	No	No	No	No	No	No	Yes	No	No
Burley	Umar	39	Black	M	MD	Manlaughter	15 years	2011	2018	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Burnett-Walker	Spencer	19	White	M	TX	Drug Possession or Sale	Probation	2014	2015	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Byars	Barry	24	White	M	TX	Child Abuse	10 years	2004	2005	No	No	Yes	No	No	No	No	Yes	No	Yes	Yes	Yes
Byrd	Darron	28	Black	M	IL	Drug Possession or Sale	1 year and 6 months	2007	2019	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Calderon III	Domingo	26	Hispanic	M	TX	Child Sex Abuse	10 years	2005	2010	No	No	Yes	No	No	No	No	Yes	No	Yes	Yes	No
Cantu	Humberto	26	Hispanic	M	TX	Drug Possession or Sale	7 months	2009	2018	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Cantu	Raul	34	Hispanic	M	TX	Drug Possession or Sale	6 months	2005	2005	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Carabajal	Joey	25	Hispanic	M	TX	Drug Possession or Sale	2 years	2013	2014	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Cardwell	M. Donald	63	White	M	F-CT	Tax Evasion/Fraud	Not sentenced	2000	2000	No	No	Yes	No	No	No	No	Yes	No	Yes	Yes	No
Carnes	Linda	26	White	F	TX	Drug Possession or Sale	5 years	2014	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	Yes	Yes
Carter	Raynard	20	Black	M	IL	Drug Possession or Sale	4 years and 6 months	2006	2019	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Casas	Jesus	17	Hispanic	M	TX	Drug Possession or Sale	Probation	2015	2016	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Castor	Gregory	34	Black	M	TX	Drug Possession or Sale	90 days	2014	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Castro	Marvyn	24	Hispanic	M	TX	Drug Possession or Sale	20 days	2015	2017	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Cerami	Sean	47	White	M	IL	Drug Possession or Sale	4 years	2012	2013	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Charles	Lambert	16	Black	M	NY	Manlaughter	10 to 30 years	1993	1998	No	Yes	Yes	No	No	No	No	No	No	Yes	Yes	No
Chasstion	Donald	50	Black	M	TX	Drug Possession or Sale	30 days	2009	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Chavez	China	22	White	F	TX	Drug Possession or Sale	45 days	2014	2014	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Chavez	Moses	22	White	M	TX	Drug Possession or Sale	45 days	2014	2014	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Chew	Andrew	29	Black	M	TX	Drug Possession or Sale	30 days	2008	2015	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Christoph	Dayna	16	White	F	WA	Child Sex Abuse	21 to 28 weeks	1995	2000	No	Yes	No	No	Yes	Yes	No	Yes	Yes	No	No	No
Clark	Cleaven	23	Black	M	TX	Drug Possession or Sale	6 months	2008	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No

Table 1: Complete Dataset of Exoneree Cases (cont.)

Last Name	First Name	Age	Race	Gender?	State	Most Serious Crime	Sentence	Conviction Year	Exonerated Year	Mistaken Witness Identification?	False Confession?	Perjury or False Accusation?	False or Misleading Forensic Evidence?	Official Miscoduct?	Inadequate Legal Defense?	DNA Exoneration?	No Crime Case?	Innocent Organization?	Reduced Sentence?	Reduced Charges?	Case Referenced in Paper?
Clary, Jr.	Dahn	41	White	M	TX	Child Sex Abuse	10 years	1998	2016	No	No	Yes	No	No	No	No	Yes	No	Yes	No	No
Coker	Edgar	15	Black	M	VA	Sexual Assault	1 year and 5 months	2007	2014	No	No	Yes	No	No	Yes	No	Yes	Yes	Yes	Yes	No
Colbert	Walter	30	Black	M	TX	Drug Possession or Sale	90 days	2009	2017	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Coleman	Bobby	22	Black	M	IL	Drug Possession or Sale	4 years	2005	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Coleman	Jermaine	19	Black	M	IL	Drug Possession or Sale	4 years	2006	2019	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Coleman	Keith	24	Black	M	TX	Drug Possession or Sale	8 months	2006	2013	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Collins	Skye	36	Black	F	TX	Drug Possession or Sale	Probation	2017	2017	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Colvin	Craig	36	Black	M	IL	Drug Possession or Sale	1 year and 6 months	2004	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Coney	Robert Carroll	33	Black	M	TX	Robbery	Life	1966	2004	Yes	Yes	No	No	Yes	Yes	No	No	No	No	No	No
Contee	Darian	18	Black	M	TX	Weapon Possession or Sale	3 years	2007	2010	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Cox	Richard	47	White	M	CA	Child Sex Abuse	Unknown	1985	1991	No	No	Yes	No	Yes	Yes	No	Yes	No	No	No	No
Crochon	Joseph	60	Black	M	TX	Drug Possession or Sale	30 days	2014	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Cruz-Romero	Carlos	25	Hispanic	M	ID	Traffic Offense	Probation	2014	2016	No	No	No	Yes	No	No	No	Yes	No	No	No	No
Cunningham	Dean	53	White	M	TX	Sex Offender Registration	7 years	2014	2015	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Cunningham	Henry	46	White	M	WA	Child Sex Abuse	47 years	1994	1999	No	Yes	Yes	No	No	Yes	Yes	No	Yes	Yes	No	No
Curry	Adrian	28	Black	M	TX	Drug Possession or Sale	150 days	2007	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Curtis	Ezzavian	23	Black	M	TX	Drug Possession or Sale	Probation	2013	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Curtis	Joshua	17	Black	M	IL	Drug Possession or Sale	4 years	2005	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Daigle	Prentice	19	Black	M	TX	Drug Possession or Sale	1 year and 3 months	2007	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Dallas	Peter	23	White	M	FL	Murder	Not sentenced	1991	1992	No	Yes	No	No	Yes	No	No	No	No	Yes	Yes	Yes
Dardar	Lanchester	27	Black	M	TX	Drug Possession or Sale	Probation	2010	2014	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Dauer	Christopher	35	White	M	TX	Sex Offender Registration	5 years	2013	2018	No	No	No	No	No	Yes	No	Yes	No	Yes	No	No
Davalos	Luis	16	Hispanic	M	CA	Manlaughter	12 years	1996	2001	No	No	Yes	No	Yes	No	No	No	No	Yes	Yes	Yes
Davenport-Fritsche	Donna	30	White	F	TX	Drug Possession or Sale	60 days	2012	2013	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Davis	Patrice	25	Black	F	TX	Drug Possession or Sale	90 days	2014	2017	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Davis	Robert	18	White	M	VA	Murder	23 years	2004	2016	No	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes	No
Dean	James	20	White	M	NE	Accessory to Murder	10 years	1989	2009	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No
DeForge	Paul	45	White	M	FL	Manlaughter	Not sentenced	1989	1989	No	No	No	No	No	Yes	No	No	No	No	No	No
Delaney, Jr.	Milton	28	Black	M	IL	Drug Possession or Sale	1 year	2008	2018	No	No	No	Yes	No	No	No	Yes	Yes	Yes	No	No
Demings	Barry	55	Black	M	TX	Drug Possession or Sale	6 months	2008	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Desrouleaux	Clarens	35	Black	M	FL	Burglary/Unlawful Entry	5 years	2013	2018	No	Yes	Yes	No	Yes	No	No	No	No	Yes	No	No
Diaz	Victor	17	Hispanic	M	TX	Drug Possession or Sale	Probation	2011	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Dick, Jr.	Joseph	20	White	M	VA	Murder	Life without parole	1999	2016	No	Yes	Yes	No	Yes	No	No	No	No	Yes	No	No
Dixon	Bobby Ray	22	Black	M	MS	Murder	Life	1980	2010	No	Yes	Yes	No	Yes	No	Yes	No	Yes	Yes	No	No
Dixon	Christopher	31	Black	M	TX	Drug Possession or Sale	180 days	2005	2017	No	No	No	Yes	Yes	Yes	No	Yes	No	Yes	No	No
Dixon	Isaac	26	Black	M	TX	Drug Possession or Sale	90 days	2014	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Dixon	John	27	Black	M	NJ	Sexual Assault	45 years	1991	2001	Yes	No	No	No	No	No	Yes	No	No	Yes	No	No
Dobbins	Gregory	25	Black	M	IL	Drug Possession or Sale	3 years	2004	2019	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Duke	Dale	42	White	M	TX	Child Sex Abuse	20 years	1992	2011	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Duke	Timmy	24	White	M	TX	Burglary/Unlawful Entry	25 years	1992	2018	No	No	No	No	No	Yes	No	No	Yes	Yes	No	No
Dukes	Jerry	54	White	M	TX	Drug Possession or Sale	8 months	2007	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Duncan	Cornelia	33	Black	F	TX	Drug Possession or Sale	6 months	2013	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Durall	Willie	33	Black	M	TX	Drug Possession or Sale	30 days	2015	2016	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Dyer	Anthony	24	Black	M	MI	Sexual Assault	7 1/2 to 15 years	1991	2017	Yes	No	No	No	No	No	Yes	No	No	Yes	Yes	No
Dziubak	Richard Paul	34	White	M	MN	Manlaughter	6 years and 9 months	1987	1989	No	No	Yes	Yes	No	No	No	Yes	No	Yes	Yes	No
Earnest	Michael	26	White	M	TX	Drug Possession or Sale	Probation	2014	2014	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Easley	Edward	35	White	M	CA	Child Sex Abuse	10 years	1993	2017	No	No	Yes	Yes	No	No	No	No	No	Yes	No	No
Elsayed	Jessica	21	White	F	IL	Drug Possession or Sale	Probation	2012	2013	No	No	No	No	Yes	No	No	Yes	No	Yes	No	No
Embry	Anthony	23	Black	M	AL	Murder	20 years	1993	1997	Yes	No	No	No	No	No	No	No	No	No	No	No
Emerson	Tommy	49	Black	M	TX	Drug Possession or Sale	6 months	2009	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Engberg-Lehmer	Teresa	24	White	F	IA	Manlaughter	15 years	1997	1998	No	No	No	Yes	No	No	No	Yes	No	Yes	Yes	No
Enriquez	Danielle	28	Hispanic	F	IL	Drug Possession or Sale	Probation	2011	2013	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Escobar	Jose	20	Hispanic	M	TX	Drug Possession or Sale	21 days	2015	2015	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Eubanks	Ronald	25	Black	M	TX	Sexual Assault	10 years	1992	2017	No	No	Yes	No	No	No	Yes	Yes	Yes	Yes	No	No
Everett	Harold	65	White	M	WA	Child Sex Abuse	23 years	1994	1998	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes	No
Everett	Idella	41	White	F	WA	Child Sex Abuse	4 years and 8 months	1994	1998	No	Yes	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes	No
Faust	Benjamin	17	Black	M	MO	Sexual Assault	1 year	2016	2018	No	No	Yes	No	No	No	No	Yes	No	Yes	Yes	No
Ferguson	Latanya	29	Black	F	TX	Drug Possession or Sale	7 months	2008	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Ferrara	Vincent	36	White	M	F-MA	Murder	22 years	1992	2006	No	No	Yes	No	Yes	No	No	No	No	Yes	Yes	No
Fields	Hilliard	25	Black	M	TX	Child Sex Abuse	5 years	1997	2011	No	No	Yes	No	No	No	No	Yes	No	Yes	No	No
Figueroa	Fancy	16	Hispanic	F	NY	Filing a False Report	Community service	1997	2004	No	Yes	No	No	No	No	Yes	Yes	No	Yes	No	No
Fitts	Anthony	18	White	M	CO	Sexual Assault	6 to 16 years	2018	2019	No	No	Yes	No	No	No	No	Yes	No	Yes	Yes	No
Flores	Carlos	44	Hispanic	M	TX	Assault	3 years	2010	2015	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Flores	Douglas	18	Hispanic	M	TX	Drug Possession or Sale	Probation	2014	2014	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Flores, Jr.	Ernesto	23	Hispanic	M	TX	Burglary/Unlawful Entry	2 years	2004	2015	Yes	No	No	No	Yes	Yes	No	No	No	Yes	No	No
Flowers	Wanda	36	Black	F	TX	Drug Possession or Sale	8 days	2015	2015	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Forney	Robert	44	Black	M	IL	Drug Possession or Sale	5 years	2007	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Forrest	Paul	29	White	M	TX	Other Nonviolent Felony	2 years	2012	2018	No	No	No	No	No	Yes	No	Yes	No	Yes	No	No
Fox	Bretton	24	White	M	TX	Drug Possession or Sale	10 days	2008	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Frederick	Sherri	33	Black	F	TX	Drug Possession or Sale	6 months	2010	2012	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Fuentes	Israel	19	Hispanic	M	TX	Drug Possession or Sale	5 years	2013	2013	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Gaines	Lynie	36	Black	M	MI	Drug Possession or Sale	10 to 30 years	1990	1997	No	No	Yes	No	No	No	No	No	No	No	No	No
Gaines	Sean	28	Black	M	NY	Weapon Possession or Sale	Not sentenced	2016	2017	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Gainus	Rhonda	44	White	F	TX	Drug Possession or Sale	3 years	2012	2013	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Garcia	Adrian	19	Hispanic	M	TX	Drug Possession or Sale	25 days	2015	2015	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Garcia	Sergio	24	Hispanic	M	IL	Drug Possession or Sale	11 years	2012	2014	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Garibay	Alejandro	30	White	M	TX	Drug Possession or Sale	6 days	2017	2017	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Gariepy	Ronnie Mark	32	White	M	TX	Child Sex Abuse	12 years	1992	2000	No	Yes	Yes	No	No	No	No	Yes	No	Yes	No	No
Garza	Michael	28	White	M	TX	Drug Possession or Sale	10 months	2014	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Garza	Paul	40	White	M	TX	Drug Possession or Sale	30 days	2009	2018	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Gaston	Jeffrey	34	Black	M	TX	Drug Possession or Sale	60 days	2006	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Gates	Dwight	33	Black	M	TX	Drug Possession or Sale	30 days	2016	2016	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Gatling	Paul	29	Black	M	NY	Murder	30 to life	1964	2016	Yes	No	No	No	Yes	No	No	No	No	Yes	No	No
Gauthier	Victoria	17	White	F	TX	Drug Possession or Sale	Probation	2013	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No

Table 1: Complete Dataset of Exoneree Cases (cont.)

Last Name	First Name	Age	Race	Gender?	State	Most Serious Crime	Sentence	Conviction Year	Exonerated Year	Mistaken Witness Identification?	False Confession?	Perjury or False Accusation?	False or Misleading Forensic Evidence?	Official Miscoduct?	Inadequate Legal Defense?	DNA Exoneration?	No Crime Case?	Innocent Organization?	Reduced Sentence?	Reduced Charges?	Case Referenced in Paper?
Gavin	Willie	35	Black	M	WI	Child Sex Abuse	8 years	1997	2014	No	No	Yes	No	No	No	No	Yes	No	Yes	Yes	No
Geri	Haim	50	White	M	F-DC	Bribery	Not sentenced	2011	2012	No	No	No	No	No	No	No	Yes	No	Yes	Yes	No
Gibbs	Marcus	22	Black	M	IL	Drug Possession or Sale	2 years	2007	2017	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Gipson	Leonard	26	Black	M	IL	Drug Possession or Sale	3 years and four months	2007	2017	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Glenn	Clarissa	34	Black	F	IL	Drug Possession or Sale	Probation	2006	2016	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	Yes
Glover	Cleon	23	Black	M	IL	Drug Possession or Sale	3 years	2006	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Gonzales-Barboza	Juan Carlos	23	Hispanic	M	KY	Child Sex Abuse	5 years	1996	2017	Yes	No	No	No	No	Yes	Yes	No	Yes	Yes	Yes	No
Gonzalez	Daniel	18	Hispanic	M	CA	Assault	Not sentenced	2006	2007	No	No	Yes	No	Yes	No	No	Yes	No	No	No	No
Gonzalez	Kathleen	24	Hispanic	F	NE	Accessory to Murder	10 years	1989	2009	No	No	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No
Googe	Michael	26	White	M	GA	Burglary/Unlawful Entry	2 years	2008	2015	No	No	Yes	No	No	No	Yes	No	Yes	Yes	No	No
Gray	Anthony	23	Black	M	MD	Murder	Life	1991	1999	No	Yes	Yes	No	Yes	Yes	Yes	No	No	Yes	No	No
Green	James	46	Black	M	TN	Child Sex Abuse	16 years	2006	2008	No	No	Yes	No	No	No	No	Yes	No	No	No	No
Gregg	Cody	26	Native Amei	M	OK	Drug Possession or Sale	15 years	2019	2019	No	No	No	Yes	No	Yes	No	Yes	No	No	No	No
Gregory	Wassillie	48	Native Amei	M	AK	Harassment	Probation	2014	2015	No	No	Yes	No	Yes	No	No	Yes	No	Yes	Yes	No
Griffith	Jesse	18	White	M	TX	Theft	1 year	2003	2017	No	No	Yes	No	No	No	No	Yes	Yes	Yes	No	No
Grotton	April	37	White	F	TX	Drug Possession or Sale	1 year	2013	2017	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Guevara	Cecilia	20	Hispanic	F	TX	Drug Possession or Sale	Probation	2014	2015	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Guzman	Stephanie	20	Hispanic	F	TX	Drug Possession or Sale	Probation	2015	2015	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Hadaway	Sammy	20	Black	M	WI	Attempt, Violent	5 years	1996	2018	No	Yes	Yes	No	Yes	No	Yes	No	Yes	Yes	Yes	No
Hadley	Clint	29	White	M	TX	Drug Possession or Sale	15 days	2014	2016	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Handy-Buford	William	27	Black	M	TX	Drug Possession or Sale	6 days	2015	2016	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Hansen	Lisa	25	White	F	MI	Theft	Community service	2006	2006	No	No	No	No	No	No	No	Yes	No	No	No	No
Harbin	Phillip	36	White	M	TX	Sex Offender Registration	10 years	2001	2009	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Harding	Kevin	52	Black	M	TX	Drug Possession or Sale	10 months	2009	2017	No	No	No	Yes	Yes	No	No	Yes	No	Yes	No	No
Harris	Rodney	15	Black	M	IL	Child Sex Abuse	15 years	2002	2013	No	Yes	No	No	Yes	Yes	No	Yes	No	No	No	No
Hart	Anthony	29	White	M	MI	Sex Offender Registration	Probation	2013	2015	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Hart	Anthony	30	White	M	MI	Sex Offender Registration	1 1/3 to 2 years	2014	2015	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Harvey	Sydney	47	Black	M	IL	Drug Possession or Sale	4 years and 6 months	2007	2019	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Hayes	Marlin	36	Black	M	OR	Drug Possession or Sale	Probation	2010	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Hayes	Reginald	14	Black	M	NV	Murder	Life without parole	1985	1999	Yes	No	Yes	No	No	Yes	No	No	No	Yes	Yes	No
Hebrard	Alexander	25	White	M	TX	Weapon Possession or Sale	4 years	2011	2013	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Heistand	Donald	29	White	M	MI	Accessory to Murder	3 to 5 years	1989	2002	No	No	Yes	No	Yes	No	No	No	No	Yes	Yes	No
Henderson	Rickey	34	Black	M	IL	Drug Possession or Sale	12 years	2006	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Henly	Brock	44	Black	M	OH	Sex Offender Registration	90 days	2003	2007	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Henton	Eugene	16	Black	M	TX	Sexual Assault	4 years	1984	2006	Yes	No	No	No	No	No	Yes	No	No	Yes	Yes	No
Hernandez	Carlos	21	Hispanic	M	TX	Drug Possession or Sale	52 days	2015	2016	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Herrera	Bobby Paiste	17	Hispanic	M	CA	Assault	5 years	1998	2000	Yes	No	Yes	No	No	Yes	No	No	No	Yes	No	No
Herrera	Eric	42	Hispanic	M	TX	Drug Possession or Sale	6 months	2011	2012	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Hicks	Kenneth	38	Black	M	IL	Drug Possession or Sale	1 year and 6 months	2007	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	Yes
Hines	Jasmyrn	24	Black	F	TX	Drug Possession or Sale	60 days	2014	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Hodges	Devron	21	Black	M	TX	Robbery	10 years	2013	2015	No	No	Yes	No	Yes	No	No	Yes	No	Yes	Yes	No
Holmes	Phillip	33	Black	M	TX	Drug Possession or Sale	6 months	2014	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Holmes III	Charles	41	White	M	CA	Sex Offender Registration	9 years	2005	2014	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Hooper	John	48	Black	M	NY	Weapon Possession or Sale	1 year	2013	2015	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Horton	Alice	20	White	F	TX	Drug Possession or Sale	3 years	2012	2013	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Hostetler	Daniel	18	White	M	KY	Manslaughter	13 years	2013	2019	No	Yes	No	No	Yes	Yes	No	Yes	Yes	Yes	Yes	No
Hungerford	Jordan	24	White	M	TX	Drug Possession or Sale	3 years	2014	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Hunt	Brian	17	Black	M	IL	Drug Possession or Sale	Probation	2008	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Hurley	Jerry	22	White	M	CA	Traffic Offense	4 days	2017	2017	No	No	Yes	No	No	No	No	No	No	Yes	No	No
Irizarry	Julio	46	Hispanic	M	NY	Drug Possession or Sale	3 years	2017	2018	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Irving	Turrell	48	Black	M	NY	Drug Possession or Sale	3 days	2018	2019	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Isbell	Teddy	35	Black	M	NC	Accessory to Murder	3 years	2003	2015	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes
Isias Jr.	Francisco	47	Hispanic	M	AZ	Drug Possession or Sale	90 days	2013	2013	No	No	Yes	No	Yes	No	No	No	No	Yes	No	No
Jackson	Allen	22	Black	M	IL	Drug Possession or Sale	1 year	2006	2017	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Jackson	Dwayne	18	Black	M	NV	Robbery	4 years	2003	2011	No	No	No	Yes	No	No	Yes	No	No	Yes	No	Yes
Jackson	Martina	44	Don't Know	F	CT	Conspiracy	Not sentenced	2018	2019	No	Yes	Yes	Yes	No	No	No	Yes	No	No	Yes	No
Jackson	Sammy	42	Black	M	MN	Drug Possession or Sale	1 year and 3 months	2014	2015	No	No	No	Yes	No	No	No	Yes	No	No	No	No
Jacobs	Wandra	28	Black	F	TX	Drug Possession or Sale	90 days	2009	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Jacobs Jr.	Ralph A.	30	White	M	IN	Murder	8 years	1991	1993	No	Yes	Yes	No	Yes	No	No	No	No	No	No	No
Jacobson	Nathan	51	White	M	F-CA	Fraud	Not sentenced	2008	2014	No	No	No	No	No	No	No	Yes	No	Yes	No	No
James	Shaun	23	Black	M	IL	Drug Possession or Sale	1 year	2004	2017	No	No	No	Yes	No	Yes	No	Yes	Yes	Yes	No	No
Jeffers	John	14	White	M	IN	Murder	34 years	1977	2003	No	Yes	No	No	No	No	No	No	No	Yes	Yes	No
Jefferson	Goleather	45	Black	M	IL	Drug Possession or Sale	3 years and 6 months	2006	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Jefferson	Thomas	24	Black	M	IL	Drug Possession or Sale	4 years	2005	2017	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Jenkins	Jerry Lee	25	White	M	MD	Sexual Assault	50	1987	2013	Yes	No	No	No	No	No	Yes	No	Yes	Yes	No	Yes
Johnson	Antrone	17	Black	M	TX	Child Sex Abuse	Life	1996	2009	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Johnson	Bobby	16	Black	M	CT	Murder	38 years	2007	2015	No	Yes	Yes	No	Yes	Yes	No	No	Yes	Yes	No	No
Johnson	Eddie	53	Black	M	TX	Drug Possession or Sale	90 days	2010	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Johnson	Johnathan	19	Black	M	TX	Drug Possession or Sale	2 years	2011	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Johnson	Timothy	22	Black	M	GA	Murder	Life	1984	2013	No	No	Yes	No	No	Yes	No	No	No	Yes	Yes	Yes
Johnson	Zarice	18	Black	M	IL	Drug Possession or Sale	6 years	2008	2019	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Johnson III	Robert	32	White	M	TX	Drug Possession or Sale	2 years	2015	2017	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Jones	Demontre	25	Black	M	TX	Drug Possession or Sale	30 days	2016	2016	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Jones	DeShawn	26	Black	M	CO	Sexual Assault	6 to Life	2011	2015	No	No	Yes	No	No	Yes	No	Yes	No	Yes	Yes	No
Jones	Jesse	38	Black	M	TX	Drug Possession or Sale	8 months	2009	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Jones	Michael	17	Black	M	TX	Drug Possession or Sale	Probation	2009	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Jones	Walter	55	Black	M	TX	Drug Possession or Sale	60 days	2008	2018	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Jones III	Charles	16	Black	M	MO	Sexual Assault	1 year	2016	2018	No	No	Yes	No	No	No	No	Yes	No	Yes	Yes	No
Jordan	DeJuan	38	Black	M	TX	Sex Offender Registration	2 years	2015	2019	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Jordan	DeJuan	40	Black	M	TX	Sex Offender Registration	4 years	2016	2019	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Jordan	Queen Esther	45	Black	F	TX	Drug Possession or Sale	6 months	2008	2009	No	No	No	Yes	No	No	No	Yes	No	No	Yes	No
Jordan	Queen Esther	45	Black	F	TX	Drug Possession or Sale	Probation	2009	2009	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Kagonvera	Kenneth	20	Black	M	NC	Murder	12 to 15 years	2001	2011	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes
Kaver	Brian	34	Asian	M	IL	Sex Offender Registration	3 years	2011	2015	No	No	No	No	No	No	No	Yes	No	No	No	No

Table 1: Complete Dataset of Exoneree Cases (cont.)

Last Name	First Name	Age	Race	Gender?	State	Most Serious Crime	Sentence	Conviction Year	Exoneratio n Year	Mistaken Witness Identification?	False Confession?	Perjury or False Accusation?	False or Misleading Forensic Evidence?	Official Miscoduct?	Inadequa te Legal Defense?	DNA Exoneration?	No Crime Case?	Innocenc e Organization?	Reduced Sentence?	Reduced Charges?	Case Referenced in Paper?
Kelly Jr.	William M.	28	White	M	PA	Murder	10 to 20 years	1990	1993	Yes	Yes	No	No	No	No	Yes	No	No	Yes	Yes	No
Keuylian	Viken	45	White	M	F-CA	Fraud	Not sentenced	2009	2014	No	No	Yes	No	No	No	No	Yes	No	Yes	Yes	No
King	Susan	38	White	F	KY	Manlaughter	10 years	2008	2014	No	No	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	No
Knappa	Cathy	48	White	F	TX	Drug Possession or Sale	30 days	2006	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	Yes	No
LaBolt Jr.	William	42	White	M	NY	Burglary/Unlawful Entry	3 to 6 years	1990	1994	No	No	Yes	Yes	Yes	No	No	No	No	Yes	No	No
LaFell	Damien	28	Black	M	TX	Drug Possession or Sale	6 months	2009	2020	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Landin	Juan	19	Hispanic	M	TX	Drug Possession or Sale	30 days	2015	2016	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Lape	Michael Bruce	27	White	M	TX	Drug Possession or Sale	25 years	2012	2013	No	No	No	Yes	No	No	No	Yes	No	Yes	No	Yes
Lazzell	David	32	White	M	LA	Child Sex Abuse	Probation	1991	2007	No	No	Yes	No	No	No	No	Yes	No	Yes	No	No
Lea	Joe	24	Hispanic	M	CA	Child Sex Abuse	16 to life	2000	2009	No	No	Yes	No	No	No	No	Yes	No	Yes	Yes	No
Leap	Earnest	31	White	M	MO	Child Sex Abuse	Probation	1992	2016	No	No	Yes	No	No	No	No	Yes	No	Yes	Yes	No
Leblanc	David	43	White	M	TX	Drug Possession or Sale	10 days	2014	2014	No	No	No	No	Yes	No	No	Yes	No	Yes	No	No
Lehmer	Joel	32	White	M	IA	Manlaughter	15 years	1997	1998	No	No	No	Yes	No	No	No	Yes	No	Yes	Yes	No
Lerma	Roumaldo	42	Hispanic	M	TX	Drug Possession or Sale	21 days	2014	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Lewis	Darren	48	Black	M	TX	Other Nonviolent Felony	5 years	2014	2017	No	No	Yes	No	No	No	No	Yes	No	Yes	No	No
Lindsey	Robert	30	Black	M	IL	Drug Possession or Sale	2 years	2010	2019	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes	No
Lomax	Larry	45	Black	M	IL	Drug Possession or Sale	Probation	2003	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes	No
Long	James	21	White	M	TX	Sexual Assault	20 years	1994	2019	Yes	Yes	Yes	No	Yes	No	Yes	No	No	Yes	Yes	No
Lopez-Siguenza	Carlos	21	Hispanic	M	NJ	Child Sex Abuse	3 years	2004	2012	No	No	Yes	No	No	Yes	No	Yes	No	Yes	Yes	No
Love	Corey Anthony	20	Black	M	TX	Drug Possession or Sale	210 days	2006	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Loyd	Courtney	32	Black	M	TX	Drug Possession or Sale	6 months	2014	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Lozoya Jr.	Clarence	25	Native Amei	M	MN	Assault	4 years	2017	2019	No	No	No	No	No	No	No	Yes	No	No	No	No
Luckovich	Derek	46	White	M	OR	Drug Possession or Sale	Probation	2010	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Lunsford	Kacie	29	White	F	TX	Drug Possession or Sale	Probation	2014	2014	No	No	No	No	Yes	No	No	Yes	No	Yes	No	No
Mable	Kendrick	38	Black	M	TX	Drug Possession or Sale	2 years	2014	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Mack	Norman	25	Black	M	TX	Drug Possession or Sale	6 months	2005	2006	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Mai	Hien Juan	34	White	M	TX	Drug Possession or Sale	120 days	2012	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Mannava	Venkata	44	Asian	M	F-MD	Fraud	Probation	2014	2017	No	No	No	No	Yes	No	No	Yes	No	Yes	Yes	No
Mansfield	Troy	25	White	M	TX	Child Sex Abuse	3 months	1993	2016	No	Yes	Yes	No	Yes	No	No	Yes	No	Yes	Yes	Yes
Marshall	Michael	41	Black	M	GA	Robbery	4 years	2008	2009	Yes	No	No	No	No	No	Yes	No	Yes	Yes	No	Yes
Marshall	Ronnie	28	White	M	TN	Murder	Life	1990	1996	No	No	Yes	No	Yes	No	No	No	No	Yes	No	No
Mardel	Clayton	32	Black	M	TX	Drug Possession or Sale	30 days	2013	2015	No	No	No	No	Yes	No	No	No	Yes	No	Yes	No
Martin	Kevin	17	Black	M	DC	Manlaughter	15 to Life	1984	2014	No	No	Yes	Yes	Yes	Yes	Yes	No	Yes	No	No	No
Martin	Mario	17	Black	M	TX	Drug Possession or Sale	30 days	2008	2010	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Martin	Willie	24	Black	M	IL	Drug Possession or Sale	3 years and 6 months	2007	2018	No	No	No	Yes	No	Yes	No	Yes	Yes	Yes	No	No
Matamoros	Carlos	19	Hispanic	M	TX	Drug Possession or Sale	10 days	2015	2016	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Matthews	Brent	36	Black	M	F-MD	Drug Possession or Sale	3 years and 10 months	2011	2017	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Matthews	Ernest	20	Black	M	NC	Murder	20 years	1993	2016	No	No	No	Yes	No	Yes	No	No	No	Yes	Yes	No
Mayfield	Barry	20	Black	M	TX	Drug Possession or Sale	Probation	2009	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Mays	Anthony	24	Black	M	IL	Drug Possession or Sale	2 years and 6 months	2006	2020	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Mazur	Andre	21	White	M	OR	Drug Possession or Sale	Probation	2012	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
McAllister	Norman	63	White	M	VT	Sexual Assault	Not sentenced	2017	2019	No	No	Yes	No	No	No	No	Yes	No	No	Yes	No
McAnally	Tamara	32	White	F	CA	Fraud	Probation	2004	2011	No	No	No	No	No	No	No	Yes	No	Yes	Yes	No
McCann II	Raymond	45	White	M	MI	Perjury	1 year and 8 months	2015	2017	No	No	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No
McCardle	Da Vontae	22	Black	M	TX	Drug Possession or Sale	15 days	2015	2016	No	No	No	No	No	No	No	Yes	No	Yes	No	No
McCoy	Troshawen	17	Black	M	IL	Murder	55 years	1998	2017	No	Yes	Yes	No	Yes	No	No	No	Yes	Yes	No	No
McDermott	Christopher	23	White	M	MD	Child Sex Abuse	3 years	1999	2000	No	Yes	No	No	No	No	No	Yes	No	No	No	No
McDonald	Leon	39	Black	M	TX	Drug Possession or Sale	9 months	2007	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
McDonald	Octayvia	17	Black	F	IL	Drug Possession or Sale	Probation	2005	2018	No	No	No	Yes	No	Yes	No	Yes	Yes	Yes	No	No
McGee	Marvin	32	Black	M	TX	Drug Possession or Sale	30 days	2014	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
McGhee	Curtis	17	Black	M	IA	Murder	Life	1978	2011	No	No	Yes	No	Yes	Yes	No	No	No	Yes	Yes	No
McInnis	Edward	27	Black	M	NC	Sexual Assault	Life	1988	2015	No	Yes	Yes	No	No	Yes	Yes	No	Yes	Yes	No	No
McKelvey	Michael	20	Black	M	TX	Drug Possession or Sale	6 months	2009	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Mendez	Alexandra	18	White	F	TX	Drug Possession or Sale	6 months	2014	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Menendez	Ceaser	23	Hispanic	M	CA	Manlaughter	12 years	1996	2001	No	No	No	No	Yes	No	No	No	No	Yes	Yes	Yes
Middlebrooks	Chad	17	Black	M	TX	Drug Possession or Sale	Probation	2016	2016	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Mills	Damian	20	Black	M	NC	Murder	12 years	2001	2015	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes
Miranda	Adam	21	Hispanic	M	CA	Murder	Life	1983	2009	No	No	No	Yes	No	Yes	No	No	No	Yes	No	No
Mitchel	Albert	42	Black	M	NY	Drug Possession or Sale	Not sentenced	2007	2008	No	No	Yes	No	Yes	No	No	Yes	No	No	No	No
Monroe	Harold	47	Black	M	TX	Drug Possession or Sale	90 days	2014	2017	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Monroe	Taylor	24	Black	M	TX	Drug Possession or Sale	6 days	2015	2015	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Moore	James	45	Black	M	IL	Drug Possession or Sale	1 year	2006	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Moore	Kenneth	29	Black	M	TX	Drug Possession or Sale	2 years	2014	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Moore	Kenneth	45	White	M	OH	Murder	15 to Life	1995	2004	No	No	No	No	Yes	No	No	No	No	Yes	No	No
Morales	Marcos	31	Hispanic	M	TX	Burglary/Unlawful Entry	4 years	2016	2018	No	No	No	No	No	Yes	No	No	No	Yes	No	No
Morales	Melissa	37	White	F	FL	Drug Possession or Sale	6 months	2018	2019	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Moreno	Noe	26	Hispanic	M	NC	Murder	18 to 22 years	2007	2012	No	No	No	No	No	Yes	No	No	Yes	No	No	No
Moreno Jr.	Tony	28	Hispanic	M	CA	Robbery	3 years	2014	2016	No	No	Yes	No	No	No	No	Yes	No	Yes	Yes	No
Morris	Speciale	24	Black	F	CT	Conspiracy	Not sentenced	2018	2019	No	Yes	Yes	Yes	No	No	No	Yes	No	No	Yes	No
Muniz	Jose	24	Hispanic	M	NY	Weapon Possession or Sale	1 1/2 to 3 years	2015	2017	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Nguyen	Anthony	17	Asian	M	TX	Drug Possession or Sale	Probation	2013	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Nguyen	Chuong	42	Asian	M	CA	Other Nonviolent Misdemeanor	60 days	2013	2016	No	No	Yes	No	Yes	No	No	Yes	No	Yes	Yes	No
Nobles	Glen	52	Black	M	TX	Sex Offender Registration	10 years	2013	2015	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Noel	Michael	55	Black	M	TX	Drug Possession or Sale	10 days	2014	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Norwood	Matthew	15	Black	M	MS	Robbery	15 years	1997	2010	Yes	No	No	No	No	No	No	No	Yes	Yes	No	No
Nowak	Kevin	19	White	M	TX	Drug Possession or Sale	Probation	2014	2014	No	No	No	No	No	No	No	Yes	No	Yes	No	No
O'Dell	Karen	37	White	F	FL	Drug Possession or Sale	Community service	1998	2000	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	Yes
O'Neal	Jauan	20	Black	M	IL	Weapon Possession or Sale	18 months	2007	2018	No	No	No	No	No	No	No	Yes	No	No	No	No
Ochoa	Christopher	22	Hispanic	M	TX	Murder	Life	1989	2002	No	Yes	No	No	Yes	No	Yes	No	Yes	Yes	No	No
Ochoa	James	19	Hispanic	M	CA	Robbery	2 years	2005	2006	Yes	No	No	Yes	Yes	No	Yes	No	No	Yes	No	Yes
Ogiermwonji	Zerrick	19	Black	M	TX	Drug Possession or Sale	Probation	2014	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Ollie	George	35	Black	M	IL	Drug Possession or Sale	2 years	2004	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Ortiz	Josue	22	Hispanic	M	NY	Manlaughter	25 years	2006	2015	No	Yes	No	No	Yes	No	Yes	No	No	Yes	Yes	No
Ortiz	Luis	18	Hispanic	M	IL	Murder	25 years	2000	2003	No	Yes	Yes	No	Yes	No	No	No	No	Yes	No	No

Table 1: Complete Dataset of Exoneree Cases (cont.)

Last Name	First Name	Age	Race	Gender?	State	Most Serious Crime	Sentence	Conviction Year	Exonerated Year	Mistaken Witness Identification?	False Confession?	Perjury or False Accusation?	False or Misleading Forensic Evidence?	Official Miscoduct?	Inadequate Legal Defense?	DNA Exoneration?	No Crime Case?	Innocent Organization?	Reduced Sentence?	Reduced Charges?	Case Referenced in Paper?
Ozzborn	Thomas	26	Black	M	NY	Weapon Possession or Sale	2 to 4 years	2016	2017	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Padilla	Fidel	53	Hispanic	M	NY	Other Nonviolent Felony	Not sentenced	2012	2014	No	No	No	No	Yes	Yes	No	Yes	No	Yes	Yes	No
Pallares	Jose	18	Hispanic	M	CA	Weapon Possession or Sale	2 years	2005	2008	Yes	No	No	No	No	No	Yes	No	Yes	No	Yes	No
Palmer	John	28	White	M	TX	Child Sex Abuse	10 years	1985	2020	No	No	Yes	No	No	No	No	Yes	No	Yes	Yes	No
Patel	Jigar	27	Asian	M	F-MD	Fraud	1 year and 1 month	2014	2017	No	No	No	No	Yes	No	No	Yes	No	Yes	Yes	No
Patel	Vipinkumar	29	Asian	M	F-MD	Fraud	Not sentenced	2014	2017	No	No	No	No	Yes	No	No	Yes	No	Yes	Yes	No
Patterson Jr.	Ronnie	31	Black	M	MN	Other Nonviolent Felony	1 year and 8 months	2008	2012	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Payne	Cordero	18	Black	M	IL	Drug Possession or Sale	2 years	2006	2019	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes	No
Pearson	Mister Lucky	27	Black	M	IL	Drug Possession or Sale	4 years	2008	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Peel	John	18	White	M	FL	Manslaughter	10 years	2000	2002	No	No	No	Yes	Yes	No	No	Yes	No	Yes	Yes	No
Perez	Duamis	27	Hispanic	M	F-NY	Immigration	4 3/4 years	2000	2006	No	No	No	No	Yes	No	No	Yes	No	No	No	No
Perez	Jose	19	Hispanic	M	CA	Robbery	13 years	2012	2019	Yes	No	No	No	No	No	No	No	No	Yes	No	No
Perez	Vanessa	17	Hispanic	F	TX	Drug Possession or Sale	30 days	2015	2016	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Peters	Harold	39	Black	M	TX	Drug Possession or Sale	7 months	2014	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Peterson	Kevin	32	White	M	UT	Child Sex Abuse	1 to 15 years	1990	2012	No	No	Yes	Yes	Yes	No	No	Yes	No	Yes	No	No
Pettiford	Antoine	23	Black	M	MD	Murder	Life	1995	2000	Yes	No	Yes	No	Yes	No	No	No	No	Yes	Yes	No
Petty	Jerome	33	Black	M	TX	Drug Possession or Sale	90 days	2009	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Pham	Thomas	20	Asian	M	TX	Drug Possession or Sale	10 days	2015	2015	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Phillips	Michael	32	Black	M	TX	Sexual Assault	12 years	1990	2014	Yes	No	No	No	No	Yes	Yes	No	No	Yes	No	Yes
Pierce	Milyn	32	White	F	TX	Drug Possession or Sale	6 months	2014	2015	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Phota	Tina	41	White	F	TX	Assault	Probation	2009	2016	No	No	Yes	No	Yes	Yes	No	Yes	No	Yes	No	No
Pines	Frank	26	Black	M	TX	Drug Possession or Sale	120 days	2006	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Pitman	Perman	34	Black	M	NJ	Manslaughter	5 years	2007	2010	No	No	Yes	No	Yes	No	No	No	No	Yes	Yes	No
Pitre	Derick	40	Black	M	TX	Drug Possession or Sale	6 months	2014	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Pitts Jr.	James	20	White	M	TX	Sexual Assault	20 years	1994	2019	Yes	Yes	Yes	No	Yes	No	Yes	No	No	Yes	Yes	No
Polk	Eric	27	Black	M	TX	Drug Possession or Sale	6 months	2014	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Pope	Graylan	51	Black	M	TX	Sex Offender Registration	180 days	2014	2018	No	No	No	No	No	Yes	No	Yes	Yes	No	No	No
Poulos	Michelle	33	White	F	CA	Threats	2 years	2001	2017	No	No	Yes	No	No	No	No	Yes	Yes	Yes	No	No
Powell	Bruce	42	Black	M	IL	Drug Possession or Sale	2 years	2009	2017	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Prentice	Mark	27	White	M	NY	Robbery	12 1/2 to 25 years	1989	1995	Yes	No	Yes	Yes	Yes	No	No	No	No	Yes	No	No
Prince	Christopher E.	18	Black	M	VA	Burglary/Unlawful Entry	6 to 12 years	1994	1995	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Quiambao-Holland	Camaran	19	Hispanic	M	IL	Drug Possession or Sale	Probation	2009	2013	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Quintero	Juan	29	Hispanic	M	TX	Child Sex Abuse	6 years	2013	2019	No	No	Yes	No	No	Yes	No	Yes	No	Yes	Yes	No
Rainbolt	Thomas	51	Black	M	TX	Drug Possession or Sale	45 days	2014	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Rainey	Lee	27	Black	M	IL	Drug Possession or Sale	Probation	2003	2017	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Randolph	Guy	33	Black	M	MA	Child Sex Abuse	10 years	1991	2008	Yes	No	No	No	No	Yes	No	No	No	Yes	No	No
Recendez-Lopez	Edgar	20	White	M	TX	Drug Possession or Sale	3 months	2010	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Reno	Ronald	32	White	M	CA	Weapon Possession or Sale	25 to Life	1997	2002	No	No	No	No	No	No	No	No	No	Yes	Yes	No
Reyes	George	33	Hispanic	M	TX	Drug Possession or Sale	10 months	2013	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Rhoades	Nick	33	White	M	IA	Other Violent Felony	25 years	2009	2014	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Ricks	Amber	24	Black	F	TX	Drug Possession or Sale	10 days	2016	2016	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Rivera	Simon Angel	24	Hispanic	M	TX	Sex Offender Registration	2 years	2002	2005	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Roberson	Richard	37	White	M	TX	Drug Possession or Sale	30 days	2015	2016	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Roberts	Amber	19	White	F	TX	Drug Possession or Sale	Probation	2014	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Roberts	Lisa	37	Black	F	OR	Manslaughter	15 years	2004	2014	No	No	No	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No
Roberts	Rodney	29	Black	M	NJ	Kidnapping	7 years	1996	2014	Yes	No	No	No	No	No	Yes	No	No	Yes	Yes	No
Robertson	Shakara	18	Black	M	TX	Robbery	Probation	1996	2012	Yes	No	No	No	No	No	No	No	Yes	Yes	No	No
Robinson	Davonn	17	Black	M	WI	Child Sex Abuse	5 years	2006	2010	No	Yes	Yes	No	No	No	No	Yes	Yes	Yes	No	No
Robinson	Derrick	30	Black	M	FL	Murder	7 years	1989	1991	No	No	Yes	No	No	No	No	No	No	Yes	Yes	No
Robinson	Tobaris	27	Black	M	TX	Drug Possession or Sale	7 months	2011	2012	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Rodgers	Esau	41	Black	M	TX	Drug Possession or Sale	6 months	2008	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Rodriguez	Stuart	20	Hispanic	M	TX	Threats	Probation	2012	2018	No	No	No	No	No	Yes	No	Yes	No	Yes	No	No
Rodriguez	Danielle	21	Hispanic	F	TX	Drug Possession or Sale	48 days	2015	2018	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Rodriguez	Juan	23	Hispanic	M	IL	Drug Possession or Sale	Probation	2005	2019	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Rojas	Carlos	34	Hispanic	M	F-AL	Drug Possession or Sale	20 years	1990	2002	No	No	Yes	No	No	No	No	No	No	No	No	No
Rojo	Christopher	27	Hispanic	M	TX	Drug Possession or Sale	2 days	2013	2016	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Samueli	Henry	48	White	M	F-CA	Perjury	Not sentenced	2008	2009	No	No	No	No	No	Yes	No	No	Yes	No	Yes	No
Sanches	Shimira	31	Hispanic	F	TX	Drug Possession or Sale	Probation	2012	2016	No	No	No	Yes	Yes	No	No	Yes	No	Yes	No	No
Sanchez	Yareli	20	Hispanic	F	TX	Solicitation	10 days	2011	2015	No	No	No	No	No	Yes	No	No	No	No	No	No
Sanders	Derrick	21	Black	M	WI	Murder	21 to life	1993	2018	No	No	Yes	No	No	Yes	No	No	No	Yes	No	No
Sanders	Jamell	17	Black	M	IL	Drug Possession or Sale	Probation	2006	2017	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Sanders	Trina	49	Black	F	TX	Drug Possession or Sale	2 years	2014	2015	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Sanford	Davontae	14	Black	M	MI	Murder	39 to 90 years	2008	2016	No	Yes	Yes	No	Yes	Yes	No	No	Yes	Yes	Yes	No
Santos	Edar Duarte	26	Hispanic	M	IL	Murder	12 years	2002	2003	No	Yes	Yes	No	Yes	No	No	No	No	Yes	No	No
Saunders	Frank	25	Black	M	IL	Drug Possession or Sale	4 years	2007	2017	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	Yes
Schoppe	Carl	30	Hispanic	M	CA	Weapon Possession or Sale	1 year and 4 months	2015	2016	No	No	Yes	No	Yes	No	No	Yes	No	Yes	Yes	No
Scott	Christopher	23	Black	M	IL	Drug Possession or Sale	Probation	2006	2017	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Settle	Daniel Roy	18	White	M	TX	Drug Possession or Sale	10 years	1999	2011	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Sharp	Shainne	16	Black	M	IL	Murder	20 years	1994	2011	No	Yes	Yes	No	No	Yes	No	No	No	Yes	No	Yes
Shelden	Debra	26	White	F	NE	Accessory to Murder	10 years	1989	2009	No	Yes	Yes	Yes	No	Yes	Yes	No	No	Yes	Yes	No
Shelton	Michael	22	White	M	TX	Sexual Assault	20 years	1994	2019	Yes	Yes	Yes	No	Yes	No	Yes	No	No	Yes	Yes	No
Shenault Jr.	Angelo	18	Black	M	IL	Drug Possession or Sale	4 years	2006	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Shenault Jr.	Angelo	20	Black	M	IL	Drug Possession or Sale	4 years and 6 months	2008	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Shenault Sr.	Angelo	41	Black	M	IL	Drug Possession or Sale	4 years and 3 months	2004	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Shiffett Jr.	Guy	53	White	M	TX	Sex Offender Registration	4 years	2016	2018	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Shomo	Aubrey Ellen	16	White	M	CO	Assault	Probation	2001	2016	No	No	Yes	No	No	No	No	Yes	No	No	No	No
Shull	George Edward	30	White	M	CA	Sexual Assault	5 years	1989	2009	Yes	No	No	No	No	No	No	No	Yes	No	No	No
Silva Sr.	Juan	43	Hispanic	M	WI	Manslaughter	5 years	2014	2015	No	Yes	No	No	No	No	No	No	No	No	No	No
Simmons	Mariah	21	Black	F	TX	Drug Possession or Sale	12 days	2016	2016	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Simon	Alstory	32	Black	M	IL	Murder	37 years	1999	2014	No	Yes	Yes	No	No	No	No	No	No	No	No	No
Sims	Germin	29	Black	M	IL	Drug Possession or Sale	4 years	2010	2019	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes	No
Skinner	Gregory	42	Black	M	TX	Weapon Possession or Sale	10 years	2012	2018	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Smith	Byron	33	Black	M	TX	Drug Possession or Sale	6 months	2009	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Smith	Christopher C.	32	White	M	IN	Murder	38 years	1991	1993	No	Yes	Yes	No	Yes	No	No	No	No	No	No	No

Table 1: Complete Dataset of Exoneree Cases (cont.)

Last Name	First Name	Age	Race	Gender?	State	Most Serious Crime	Sentence	Conviction Year	Exoneration Year	Mistaken Witness Identification?	False Confession?	Perjury or False Accusation?	False or Misleading Forensic Evidence?	Official Misconduct?	Inadequate Legal Defense?	DNA Exoneration?	No Crime Case?	Innocent Organization?	Reduced Sentence?	Reduced Charges?	Case Referenced in Paper?
Smith	Duran	25	Black	M	TX	Drug Possession or Sale	3 months	2014	2016	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Smith	G'Cobra	17	Black	M	TX	Drug Possession or Sale	180 days	2014	2016	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Smith	Marcus Lashun	21	Black	M	TX	Robbery	Probation	1995	2012	Yes	No	No	No	No	No	No	No	Yes	Yes	No	No
Smith	Taurus	17	Black	M	IL	Drug Possession or Sale	Probation	2004	2017	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Sosnovske	John	39	White	M	OR	Murder	Life	1991	1995	No	No	Yes	No	No	No	No	No	No	Yes	Yes	No
Spencer	Clyde Ray	37	White	M	WA	Child Sex Abuse	Life	1985	2010	No	No	Yes	No	Yes	No	No	Yes	No	No	No	No
Spiller	Jonathan	58	White	M	F-DC	Bribery	Not sentenced	2011	2012	No	No	No	No	No	No	No	Yes	No	Yes	Yes	No
Steele	Fred	28	White	M	NV	Murder	Life without parole	1995	2017	Yes	Yes	Yes	No	Yes	No	No	No	Yes	Yes	Yes	No
Stevenson	Macen	20	White	M	TX	Drug Possession or Sale	Probation	2014	2014	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Stewart	Ronald	23	White	M	FL	Murder	50 years	1985	2019	Yes	No	Yes	No	No	No	Yes	No	No	No	Yes	No
Stiers	Donald	25	White	M	TX	Drug Possession or Sale	2 years	2014	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Stingley	Warren	40	Black	M	CA	Other Nonviolent Misdemeanor	20 days	2013	2016	No	No	Yes	No	Yes	No	No	Yes	No	No	No	No
Stokes	Jabal	22	Black	M	IL	Drug Possession or Sale	4 years	2006	2019	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Sturgeon	Michael	16	White	M	WI	Burglary/Unlawful Entry	120 days	1997	2000	No	Yes	Yes	No	Yes	No	No	No	No	Yes	Yes	No
Sweat	Danny	29	Black	M	TX	Drug Possession or Sale	60 days	2009	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Swift	Rubin	32	Black	M	PA	Child Sex Abuse	28 to 60 3/4 years	2009	2012	No	No	Yes	Yes	No	No	No	Yes	No	No	No	No
Talbert	Carlton	29	Black	M	TX	Drug Possession or Sale	2 days	2009	2015	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Tate, Jr.	Marcus	20	Black	M	TX	Drug Possession or Sale	5 months	2006	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Tatum	Adam	36	Black	M	TN	Assault	2 years	2012	2013	No	No	Yes	No	Yes	No	No	Yes	No	No	No	No
Taylor	Ada JoAnn	21	White	F	NE	Murder	40 years	1989	2009	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No
Taylor	Ruth	31	White	F	CA	Child Sex Abuse	6 years	1985	2001	No	No	Yes	No	Yes	Yes	No	Yes	No	Yes	No	No
Tedtaoto	Jathan	18	Other	M	GU	Robbery	21 years	2014	2015	No	Yes	No	No	No	No	No	No	No	Yes	Yes	No
Thames	Vincent	17	Black	M	IL	Murder	30 years	1998	2012	No	Yes	Yes	No	Yes	No	Yes	No	No	Yes	No	No
Thomas	Cameron	24	Black	M	TX	Drug Possession or Sale	1 year	2014	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Thomas	Henry	22	Black	M	IL	Drug Possession or Sale	4 years	2003	2017	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Thomas	Henry	26	Black	M	IL	Drug Possession or Sale	4 years	2007	2019	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Thomas	Johnathon	24	Black	M	TX	Drug Possession or Sale	30 days	2009	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Thomas	Nephus	37	Black	M	IL	Drug Possession or Sale	4 years	2008	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Thompson	Lapon	29	Black	M	IL	Drug Possession or Sale	2 years	2007	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Thurman	Joe	29	White	M	TX	Drug Possession or Sale	2 years	2014	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Tiller	Chad	40	White	M	TX	Drug Possession or Sale	3 years	1992	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Tinney	Glenn	26	White	M	OH	Murder	15 to life	1996	2015	No	Yes	No	No	Yes	No	No	No	Yes	No	No	No
Titus	Kent	47	Black	M	TX	Drug Possession or Sale	10 days	2015	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Tong	Alan	30	Asian	M	TX	Drug Possession or Sale	6 months	2012	2015	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Town	Meredith	36	White	M	WA	Child Sex Abuse	20 years	1994	2000	No	Yes	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes	No
Trevino	Michael	27	Hispanic	M	TX	Child Sex Abuse	Probation	1993	2012	Yes	No	No	No	No	No	No	No	Yes	No	No	No
Trujillo	Nicolas	19	White	M	TX	Drug Possession or Sale	Probation	2014	2014	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Truong	Chris	25	Asian	M	TX	Weapon Possession or Sale	15 days	2016	2017	No	No	No	No	No	No	No	Yes	No	Yes	Yes	Yes
Tuley	Wesley	27	White	M	TX	Child Sex Abuse	10 years	1997	2003	No	No	Yes	No	No	No	No	Yes	No	Yes	No	No
Tullos	Nancy	56	White	F	F-CA	Obstruction of Justice	Not sentenced	2008	2010	No	No	No	No	Yes	No	No	Yes	No	No	No	No
Tyson	Dequincy	28	Black	M	TX	Drug Possession or Sale	30 days	2012	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Tyson	Herschel	62	White	M	TX	Weapon Possession or Sale	3 years	2016	2019	No	No	No	No	No	Yes	No	Yes	No	Yes	No	No
Upchurch	Amber	20	White	F	TX	Drug Possession or Sale	120 days	2016	2016	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Upshaw	Fredrick	26	Black	M	TX	Drug Possession or Sale	4 days	2014	2015	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Uriostegui	Silvano	47	Hispanic	M	TX	Assault	Not sentenced	2012	2012	Yes	No	No	No	Yes	No	No	No	No	No	Yes	No
Valdez	Gilbert	17	Hispanic	M	TX	Sexual Assault	Probation	1997	2012	No	No	No	No	Yes	Yes	No	No	No	Yes	No	No
Vargas-Cintron	Johnny	34	Hispanic	M	MA	Drug Possession or Sale	7 years	2011	2013	No	No	Yes	No	No	No	No	Yes	No	Yes	No	No
Vasquez	David	36	Hispanic	M	VA	Murder	35 years	1985	1989	Yes	Yes	No	Yes	No	No	Yes	No	No	Yes	Yes	No
Vasquez	Gerardo	20	White	M	TX	Drug Possession or Sale	Probation	2008	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Vasquez	Rogelio	24	White	M	TX	Drug Possession or Sale	10 days	2014	2014	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Veal	Robert Lee	14	Black	M	IL	Murder	20 years	1994	2011	No	Yes	Yes	No	Yes	No	Yes	No	Yes	No	No	Yes
Vela	Jesus	21	Hispanic	M	TX	Weapon Possession or Sale	3 years	2015	2016	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Vinsonhaler, Jr.	Gary	45	White	M	OR	Drug Possession or Sale	Probation	2012	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Von Krueger	Eric	31	White	M	TX	Drug Possession or Sale	4 days	2013	2016	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Waddy	Alvin	21	Black	M	IL	Drug Possession or Sale	3 years	2007	2019	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Wahlgren	Ryun	42	Asian	M	TX	Sex Offender Registration	2 years	2015	2017	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Wahlgren	Ryun	42	Asian	M	TX	Sex Offender Registration	2 years	2015	2017	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Walker	Danny	47	Black	M	IL	Fraud	6 months	2012	2018	No	No	Yes	No	Yes	Yes	No	Yes	No	No	No	No
Walker	Russell	30	Black	M	IL	Drug Possession or Sale	7 years	2007	2017	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Ward	Bernard	28	White	M	MD	Murder	Life	1989	1994	Yes	Yes	No	No	Yes	Yes	No	No	No	Yes	No	No
Warren	Gregory	28	Black	M	IL	Drug Possession or Sale	Probation	2007	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No
Washington	Michael	16	White	M	WA	Burglary/Unlawful Entry	1 year	2005	2006	Yes	Yes	No	No	No	No	Yes	No	No	Yes	Yes	No
Washington	Wayne	20	Black	M	IL	Murder	25 years	1996	2015	No	Yes	Yes	No	Yes	No	No	No	Yes	Yes	No	No
Watford III	Roy	18	Black	M	VA	Child Sex Abuse	Probation	1978	2018	No	No	Yes	No	No	No	Yes	No	No	Yes	Yes	No
Watkins	John	19	White	M	AZ	Sexual Assault	14 years	2004	2010	Yes	Yes	No	No	Yes	No	Yes	No	No	No	No	Yes
Weathers	Nathaniel	21	Black	M	TX	Drug Possession or Sale	15 days	2015	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Weekly	Isaac	23	Black	M	IL	Drug Possession or Sale	Probation	2007	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes	No
Weldon	Kyle	21	White	M	IA	Drug Possession or Sale	31 days	2015	2017	No	No	Yes	No	Yes	No	No	Yes	No	Yes	Yes	No
Wells	Keith	17	Black	M	TX	Child Sex Abuse	4 years	1998	2018	No	No	No	No	No	Yes	No	Yes	No	Yes	No	No
Wenger	Braden	30	White	M	CA	Other Nonviolent Misdemeanor	25 days	2015	2016	No	No	Yes	No	No	No	No	Yes	No	Yes	Yes	No
West	Mark	47	Black	M	TX	Drug Possession or Sale	6 months	2014	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Wheeler	Michael	51	White	M	WA	Sex Offender Registration	20 days	2000	2015	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Wheeler	Michael	61	White	M	WA	Sex Offender Registration	1 year and 5 months	2011	2013	No	No	No	No	No	Yes	No	Yes	No	No	No	No
Whird	Shawn	20	Black	M	IL	Murder	60 years	1991	2015	No	Yes	Yes	No	Yes	No	No	No	Yes	Yes	No	Yes
White, Jr.	Lionel	17	Black	M	IL	Drug Possession or Sale	Probation	2006	2017	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes	No
White, Sr.	Lionel	33	Black	M	IL	Drug Possession or Sale	5 years	2006	2016	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes	No
Whitehead	Ronnie	31	White	M	TX	Drug Possession or Sale	6 months	2004	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Wilbourn	Kim	27	Black	M	IL	Drug Possession or Sale	2 years	2006	2019	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes	No
Wilbourn	Vondell	29	Black	M	IL	Drug Possession or Sale	5 years and 6 months	2005	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes	No
Wilcoxson	Robert	21	Black	M	NC	Murder	12 1/2 to 15 3/4 years	2002	2011	Yes	No	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes
Wilkinson	Mike	39	White	M	MO	Sexual Assault	Mental hospital	2000	2017	Yes	Yes	No	No	Yes	Yes	Yes	No	No	No	No	No
Wilkins	Geary	40	Black	M	TX	Drug Possession or Sale	6 months	2013	2014	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Williams	Arthur	34	Black	M	TX	Drug Possession or Sale	8 months	2005	2016	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Williams	Danial	25	White	M	VA	Murder	Life without parole	1999	2016	No	Yes	Yes	No	Yes	No	No	No	No	Yes	No	No

Table 1: Complete Dataset of Exonerated Cases (cont.)

Last Name	First Name	Age	Race	Gender?	State	Most Serious Crime	Sentence	Conviction Year	Exonerated Year	Mistaken Witness Identification?	False Confession?	Perjury or False Accusation?	False or Misleading Forensic Evidence?	Official Misconduct?	Inadequate Legal Defense?	DNA Exoneration?	No Crime Case?	Innocence Organization?	Reduced Sentence?	Reduced Charges?	Case Referenced in Paper?
Williams	Hayes	19	Black	M	LA	Murder	Life	1968	1997	No	No	Yes	No	Yes	No	No	No	No	Yes	Yes	No
Williams, Jr.	Larry	16	Black	M	NC	Murder	10 years	2002	2015	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes
Willis	Deon	33	Black	M	IL	Drug Possession or Sale	2 Years	2008	2018	No	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes
Wilson	Johnny Lee	20	White	M	MO	Murder	Life without parole	1987	1995	No	Yes	Yes	No	Yes	No	No	No	No	Yes	Yes	Yes
Winslow	Thomas	19	White	M	NE	Accessory to Murder	50 years	1990	2009	No	Yes	Yes	Yes	Yes	No	Yes	No	No	Yes	Yes	Yes
Winston	J'Avarus	17	Black	M	TX	Drug Possession or Sale	Probation	2015	2016	No	No	No	No	No	No	No	Yes	No	Yes	No	No
Wise	Martez	23	Black	M	IL	Drug Possession or Sale	1 year	2007	2018	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes	No
Worthy	Terence	36	Black	M	NJ	Weapon Possession or Sale	7 years	2004	2005	No	No	Yes	No	Yes	No	No	Yes	No	Yes	No	No
Wright	Andree	24	Black	M	IL	Weapon Possession or Sale	2 years	2005	2018	No	No	No	No	No	No	No	Yes	No	No	No	No
Wright	Summer	20	Black	F	TX	Drug Possession or Sale	Community service	2013	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No
Yac-Garcia	Jose	27	Hispanic	M	TX	Drug Possession or Sale	Probation	2015	2015	No	No	No	Yes	No	No	No	Yes	No	Yes	No	No