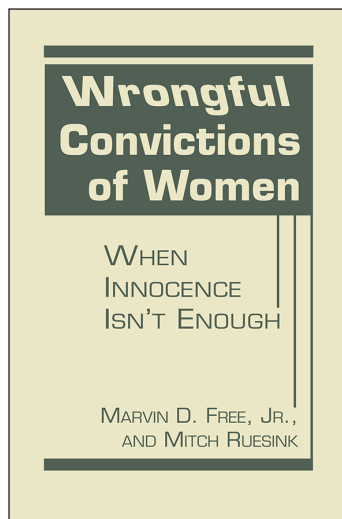


EXCERPTED FROM
**Wrongful Convictions
of Women:
When Innocence
Isn't Enough**

by
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and Mitch Ruesink

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1

Women and Wrongful Convictions

In February 1999, Victoria Bell Banks, a thirty-one-year-old black woman with an IQ of 40, was being held in the Choctaw County Jail in Butler, Alabama. As are many of the area's inhabitants, she was illiterate and poor. To gain her freedom early, she concocted a story that she was eight months pregnant and should be released because the jail had no accommodations for prenatal care. (Whether she originated this idea or a fellow inmate suggested it is open to debate given her diminished mental capacity.) She exhibited no physical signs of a pregnancy and refused to allow physicians to conduct a pelvic examination. Two doctors who later examined her failed to reach a consensus regarding her status. Nonetheless, authorities released Victoria on bond in May 1999 after she broached the possibility of a lawsuit for failure to provide adequate prenatal care.

On August 3, 1999, Choctaw County Sheriff Donald Lolley paid a visit to Victoria to inquire about her baby. She informed the sheriff that she had miscarried, whereupon he took her to the office of one of the physicians who had previously examined her. An examination failed to disclose any evidence of a pregnancy or a miscarriage. Victoria, along with her estranged husband, Medell Banks, Jr., and her sister, Dianne Tucker, were later questioned by authorities regarding the "missing" infant. They confirmed that Victoria had feigned the pregnancy to get out of jail and that she was incapable of becoming pregnant because she had her tubes tied in 1995. Nevertheless, after repeated interrogations Medell (whose IQ at 57 is only marginally higher than that of Victoria), having waived his right to counsel, reluctantly succumbed to the suggestion that perhaps he had heard a baby cry. All three eventually confessed to killing the baby, but their descriptions of the events were inconsistent and contradictory.

Once these confessions were obtained the prosecution went forward

with trials for the so-called Choctaw Three. Originally indicted for murder of an infant, the charge was reduced to manslaughter in return for guilty pleas. Victoria was sentenced to fifteen years in prison in 2000 with Dianne and Medell receiving identical sentences in 2001. The three were convicted despite Victoria's physical inability to conceive a child, the absence of a body, questionable confessions, and the fact that no one ever reported seeing the supposed infant.

Dianne, who suffered from diminished mental capacity as well, was released on July 17, 2002, after being incarcerated for almost three years. New sentencing gave her credit for time served and included one day of probation. Further included was a provision that she could never appeal her original sentence nor could she pursue civil charges against the Alabama court system. On August 9, 2002, the Alabama Court of Appeals agreed to allow Medell to withdraw his original guilty plea. The Choctaw County prosecutor, however, refused to drop the charges, appealed the higher court's decision, and proceeded to charge him with murder. On January 10, 2003, during a pretrial hearing, Medell was finally released and his murder charge was dismissed in return for pleading guilty to tampering with unspecified evidence (despite the fact that there was no evidence). Finally, in early 2003 Victoria again testified that she had given birth to a baby in 1999. Because the prosecution had threatened to charge her with lying under oath if she didn't recant her earlier statement, her statement was given under duress. Victoria, who was serving a concurrent five-year sentence for an unrelated offense, was still incarcerated as of 2012 (Herbert, 2002; Reynolds, 2002; Russo, 2009; Sherrer, 2003).

The preceding account illustrates two features commonly associated with wrongful convictions. First, despite the presence of compelling evidence to the contrary, many prosecutors refuse to acknowledge that the offended party is innocent. Second, not all false convictions involve the actual commission of a crime. In a number of cases defendants are wrongly convicted of crimes that never occurred. This possibility increases significantly when the defendant is a woman. Between 1989 and 2012 almost 58 percent of female exonerees identified by the National Registry of Exonerations were convicted of crimes that never happened. Conversely, approximately 15 percent of their male counterparts were convicted of crimes that never occurred (National Registry of Exonerations, 2013).

Scholars differentiate between *legal* innocence and *factual* innocence. The former focuses on cases that are cleared through the discovery of procedural errors that violated the defendant's constitutionally

protected rights. In contrast, the latter implies that the defendant is not guilty because either no crime was committed or the defendant did not commit the crime. In reality, however, these categories tend to overlap because convictions obtained through questionable legal procedures and practices enhance the probability that factually innocent individuals will be pronounced guilty. The case involving the Choctaw Three clearly illustrates the extent to which misbehavior exhibited by actors in the criminal justice system contributed to the false conviction of three factually innocent persons.

A Brief Historical Overview of Wrongful Convictions in the United States

It is beyond the scope to this book to provide a complete accounting of wrongful convictions in the United States. Nevertheless, an abbreviated history of this miscarriage of justice is important to place the current cases to be discussed in some cultural and historical context. Any review of the history of wrongful convictions must begin with the Puritans' fascination with witches and their witch trials in which mainly women were alleged to have practiced witchcraft. According to John Murrin (2003), many of the witch trials exhibited similar characteristics.

In most early New England trials, adult men brought accusations against post-menopausal women. In nearly every case within this pattern, the complaint involved maleficium, some evil deed that the victim attributed to the accused—a dead cow or pig, a child who suddenly took ill, or something of that kind. In New England, as in western Europe, witchcraft was overwhelmingly a female crime. Women accounted for more than 80 percent of the accused. Even many of the men who fell under suspicion were secondary targets who happened to be closely related to the primary suspect, a woman. (Murrin, 2003, p. 315)

Although the Salem witch trials are arguably the best known of these incidents of wrongful conviction, the first such trials occurred in Connecticut during the mid-1600s. On May 26, 1647, Else Young (also referred to as Alice or Achsah) of Windsor was the first person in North America to be hanged as a witch. The following year, Mary Johnson of Wethersfield became the second person to be executed for being a witch. Though many of the trial records no longer exist, at least eleven individuals (nine women and two husbands of accused witches) were executed during this time in Connecticut (findingDulcinea, 2011; Klein 2012; Taylor 1908/1974; Witchcraft and Witches, n.d.). Given the limit-

ed documentation available on these trials, we proceed to a more detailed description of the events leading up to the infamous Salem witch trials in Massachusetts.

The Salem Witch Trials

By the time Samuel Parris accepted the position of minister in Salem, three others had occupied the position for varying lengths of time. Two of the three ministers—James Barley and George Burroughs—had left the position over money disputes. Their bad experiences had made the rounds in various New England communities. The third minister, Deodat Lawson, left after being denied the position of full minister. Parris delayed his decision while negotiating a larger salary. He was also concerned about how such a move would affect his social status. Another factor that was weighing heavily on his mind was the fact that Salem was known as a contentious place. Many families there were struggling just to survive. Bad weather could easily destroy the crops for the year, and a disease like smallpox could wipe out an entire family. It is not surprising that the Puritans believed that many of the tribulations they endured were directly caused by evil spirits.

Parris had studied theology at Harvard but left before he completed his studies. He inherited and managed his father's sugar trading company in Barbados, but bad luck seemed to follow him from the start of this enterprise. Sugar prices were low and a hurricane destroyed the company warehouse. Parris stayed in Barbados for eight years, but ultimately decided to move to Boston, where he attempted another business venture that failed. At this point he turned his attention toward the pulpit. He started applying for positions, but Salem was the only response he received.

While John Putnam, an influential elder, was pressuring Parris to move to Salem, he was also feuding with the Towne family over property rights. Putnam, a farmer, was the head of one of the largest families in Salem. He also had disagreements with the Porter family, one of the wealthiest in town. In 1672 a dam and sawmill owned by the Porter family flooded the Putnam farm, later resulting in a lawsuit.

Parris arrived in Salem with his family, including his wife, Elizabeth, his daughter, Betty, and his niece, Abigail Williams. He brought two slaves from Barbados—Tituba and John Indian. It was unusual to see slaves in New England, and the Puritan community viewed the slaves suspiciously and wondered if they were associated with the devil.

The two girls, Betty Parris and Abigail Williams, had different personalities. Betty was a quiet child who obeyed her parents and was very afraid of the devil. Abigail was bolder and believed that her association with Reverend Parris would be enough to save her from harm.

Parris saw people in black-and-white terms. Either they were very good or very evil. His sermons, filled with fire and brimstone, repeatedly urged his parishioners to reward him with what he believed was his due, including more pay. He held strict standards for those joining his church. While other area congregations were starting to ease their standards, members who wanted to join his flock had to be baptized and make a public declaration of faith. It was not long before Parris had a faction in Salem against him.

The Puritans believed in a life focused on work and not on leisure. Often, by the time Puritan children were around the age of seven years, they were expected to share in the many chores that came with running a household.

Betty and Abigail did not have much time for games, instead spending their time helping Tituba with daily chores such as cooking and cleaning. When the girls did have spare time, they listened intently to Tituba's stories about growing up. Frequently the stories involved voodoo or magic, which was viewed as the devil's work in Puritan society. The girls found themselves pulled between disobeying their family and therefore going against their faith and their fascination with voodoo and magic. They probably had heard about Elizabeth Knapp, who exhibited signs of possession in 1671, and the Goodwin children, who displayed similar signs in 1684.

During the long winter of 1691, Betty and Abigail decided that they would try their hand at fortune-telling. The girls were curious about their future mates and their occupations. They saw it as an innocent game to play, not knowing that it would set off what became the Salem witch trials. The girls used what was known as a "venus glass," something they probably learned from Tituba. The object was to put an egg white into a glass of hot water and then wait until a shape appeared. On one occasion Betty saw an image that looked like a coffin, instead of the usual face or shape. A short time later, she started acting strangely. She forgot things, had a hard time concentrating, and was often in her own world. As her behavior became more unusual, she started barking and screaming, and threw a Bible across the room. It was not long before Abigail was acting in the same strange manner. Reverend Parris wanted to help his daughter and niece. Both girls complained about being pinched and poked, babbled on end, and acted as if they were being

choked. They continued to behave strangely, and Parris became desperate to find the cause. He prayed and fasted, but this had little effect on the girls' behavior.

Eventually, four others—Elizabeth Hubbard, Ann Putnam, Mercy Lewis, and Mary Walcott—began to exhibit similar symptoms. A neighbor, Mary Sibley, who was also the aunt of Mary Walcott, suggested that a “witch’s cake” should be made to determine the real witch. The cake consisted of batter and urine of the affected girls. The mixture was then fed to a dog, whereupon it was believed that the identity of the witch would be disclosed since the particles of the witch would be in the cake. This method did not reveal anything and only served to further infuriate Reverend Parris, who beat Tituba until she confessed to being a witch.

By mid-February, Parris asked a friend, Dr. William Griggs, to take a look at the girls. It quickly became apparent that the physician could not find a disease that would account for their bizarre behavior. During this time, when doctors could not diagnose a disease, the problem was often attributed to witchcraft. It is unlikely that this diagnosis would have been questioned, since most Puritans believed that witches especially liked to target children.

It did not take long before the villagers of Salem were hunting for witches. The girls were questioned by ministers and town leaders and pressured to reveal who had put a curse on them. Betty immediately identified Tituba. The girls also identified Sarah Osborne, an elderly and frail woman who needed assistance even to stand before the town officials. Osborne spent most of her time in bed due to poor health and as a result had not attended church for three years, a sin in Puritan society. The third person identified was Sarah Good, a pipe smoker and homeless beggar who went door to door looking for handouts. When she was refused a handout, she would leave, muttering under her breath. Villagers, who already eyed the ill-tempered woman suspiciously, believed she was putting curses on them. Good had been accused previously of witchcraft and villagers believed that she was responsible for livestock deaths in the area.

Sarah Good was born the daughter of John Solart, a successful innkeeper. When she was nineteen, her father committed suicide by drowning himself. From that point forward, it seems that her life continued on a downward spiral. It was not very long before the thirty-year-old woman looked many years older. The estate, worth £500, was divided between the two oldest sons and Mrs. Solart. It was stipulated that Sarah and her sisters would each get a share when they came of age. Sarah’s mother remarried and soon her husband had control of most of the estate.

Sarah married Daniel Poole, a laborer who was constantly looking for work and died in debt in 1686. When Sarah later married William Good, a portion of her land was sold to pay off some debt. The remainder of the land was sold shortly thereafter, so the couple would have some cash on which to live. William worked as a laborer in exchange for lodging and food. Consequently, the family stayed in various locations throughout the village, until villagers became hesitant to hire him and deal with his unpleasant wife. At this point, most of the village would have been happy to be rid of Sarah Good. As the witch trials began in March 1692, she was the first person to be tried. She answered her accusers by stating that she was not a witch, but that Tituba and Sarah Osborne were. Her husband and four-year-old daughter were brought in to testify against her. William testified that his wife might be a witch and their daughter, Dorcus, said that her mom was a witch and she was, too. As a result the young child spent nine months in jail and was permanently scarred from the experience.

Sarah Osborne was an outcast from Puritan society for different reasons, including not attending church because she was very ill. In 1662 she married her second husband, Robert Prince, who bought a 150-acre farm next to his brother-in-law, John Putnam. Twelve years later, in the winter of 1674, Robert died and Sarah became involved in a dispute over the land. Her husband's will stated that upon his death the land was to be given to his two sons, James and Joseph, who were ages two and six at the time. Robert had appointed Thomas Putnam and John Putnam to supervise this process. With three small children and a farm to take care of, Sarah hired an indentured servant, Alexander Osborne. He had paid for his trip from Ireland by indenturing himself for a certain period of time. The villagers thought that the two were living together, a sin that was punishable by whipping. Nevertheless, it was not long before Sarah paid off Alexander's indenture and decided to marry him. By this time, however, the damage had been done. The villagers of Salem looked down on Alexander for living with Sarah outside of marriage, his low status, and his Irish ethnicity. After the marriage, the couple tried to change Robert's will so that they could claim all of the land. By 1692 the dispute was still unsettled and Sarah had become bedridden. This conflict pitted her against the powerful Putnam family, who went on to accuse many of their enemies of being witches.

Each of the first three women arrested for witchcraft—Tituba, Sarah Good, and Sarah Osborne—were women who lived outside the accepted practices of Puritan society. The women were, for one reason or another, outcasts who, in a time of crisis, were most likely to be singled out for causing trouble. It was not until nearly a month later, when Martha

Corey was accused of witchcraft, that every citizen of the village of Salem realized that they could be accused next. In all, nineteen people, including five men, were hung at Gallows Hill in 1692 from June through September. At least four people died in prison and one, Martha Corey's husband, Giles, was executed by being crushed to death.

Martha Corey was sixty-five when she was the fourth person to be accused of witchcraft. She was the third wife of Giles Corey, a prosperous landowner, who attended church on a regular basis and was a respected member of the Salem community. Martha, nonetheless, did have a skeleton in her closet. When she was younger, she gave birth to an illegitimate mulatto child, Benoni, whom she raised. She was unafraid of letting people know that she believed the witchcraft accusers were lying. Word spread about her disbelief, and a short while later Martha was accused by Ann Putnam of practicing witchcraft. Giles, certain that his wife was telling the truth, defended her by speaking out against the girls making the accusations. Before long he, too, was arrested. He was part of the Porter faction of the village that opposed the Putnams, making an accusation more probable. Meanwhile, Reverend Parris, who played a major role in the ongoing hysteria, gave a sermon addressing the issue of witchcraft and condemning Martha and Rebecca Nurse for their actions.

On September 9, 1692, Martha Corey was convicted and sentenced to hang. The following day Giles was brought to court. When he was younger, he had a bad reputation as a thief based on two incidents. Once he married Martha, however, he turned his life around and remained committed to the church. He knew that he was innocent and refused to be tried by refusing to plead guilty or innocent. At this point Giles must have known that he did not have a case and that it was very likely he would be found guilty. He further knew that the penalty for refusing to accept a trial is being crushed by heavy stones (pressed) over a period of days. According to records, this was the only time this punishment was inflicted. Giles was stripped naked and a board placed on his chest. Those watching saw heavy rocks, one after another, piled on the board. He could have ended the process by yielding, but instead asked for more heavy rocks so that he would not suffer. After two days he died at the age of eighty.

When Giles died on September 19, 1692, the witch trials were already beginning to wind down. Just one month later, the English government gave all men the right to sit on a jury. Before this change, only church members could be part of a jury. In January 1693, thirty accused people were brought before the court and had their charges dismissed,

since it was found that there was no basis for prosecution. By May of that year, all of those accused had been released. Tituba had been in jail the longest—over a year. The other two accused with her had died: Sarah Good by hanging and Sarah Osborne while incarcerated. After her release, Tituba was sold to a new owner. Reverend Parris tried to win back the support of the village, without success. Instead of admitting his culpability in the witch hunts, along with the Putnams, he blamed Satan. He managed to stay in Salem until September 1697, when a council of ministers told him that he must give up his position and leave town.

Today, Salem is a city of approximately 41,000 people. There is a memorial built in 1992 to commemorate “those innocents who died during the Salem village witchcraft hysteria of 1692.” Squad cars in Salem sport a witch logo that identifies the city. One of the elementary schools is known as Witchcraft Heights, and the high school teams are called the Witches. Gallows Hill, where Sarah Good and eighteen others were hanged, is now the site of an athletic field.

Even though the Salem witch trials ended over 300 years ago, events such as the Holocaust and the McCarthy era suggest that as humans, we will find new ways to cast blame on others in the name of removing evil. The child sex abuse hysteria cases of the 1980s and 1990s (discussed in Chapter 2) are more recent reminders of the extent to which unfounded accusations by children can lead to gross miscarriages of justice (Hill, 1995, 2000; Linder, 2014; Norton, 2002; Roach, 1996, 2013; Saari and Shaw, 2001; “The Salem witch trials, 1692,” 2014).

Early Wrongful Murder Convictions

Documentation of early wrongful convictions for murder in America is largely unreliable or unavailable. Nevertheless, any historical discussion of wrongful convictions would be remiss without the inclusion of several cases. In this section, wrongful convictions involving two women and two men from the eighteenth and nineteenth centuries are analyzed.

Elizabeth Wilson. One of two children, Elizabeth Wilson was born in East Marlborough Township in Pennsylvania. Her father, John Wilson, was a farmer with a good reputation, although much of his property had been confiscated after the American Revolution since he had sided with the British. Elizabeth’s biological mother died when she was young. When her father remarried, Elizabeth’s stepmother never showed any affection toward her or her brother, William. Described in the literature as an attractive woman, Elizabeth was alternately portrayed as a devout

Christian who fell prey to an unscrupulous man who exploited her sexually or as a promiscuous woman had given birth to three illegitimate children. Regardless of which account was more accurate, Elizabeth developed a romantic interest in a man named Joseph Deshong while visiting Philadelphia. With promises of marriage, she became pregnant with twin boys. After their birth, she demanded financial support from Joseph when it became apparent that he was not going to marry her. He became incensed and killed the infants by trampling them with his boot. Shortly thereafter a hunter came on their bodies, which had been hidden in the woods. Elizabeth was charged with their deaths despite her claim that she had abandoned the infants by the side of a public road.

Her trial began in June 1785 with Judge William Augustus Atlee presiding. When Elizabeth was asked to enter a plea, she remained silent, so the judge entered a “not guilty” plea on her behalf. Because she remained reticent throughout the proceedings, her defense counsel requested and received a postponement. When the trial resumed in the fall of that year, the case against her was largely circumstantial. With the defendant’s unwillingness to refute the charges, the jury reluctantly rendered a guilty verdict. She was sentenced to hang at Gallows Hills on December 7, 1785. Shortly thereafter, her father and stepmother abandoned her. Only her brother chose to remain by her side.

When William saw Elizabeth in jail on December 3, 1785, she acknowledged for the first time the role that Joseph had played in the twin’s deaths. According to her confession, Joseph demanded that Elizabeth end their lives, but she refused. Consequently, he killed them and threatened to kill her if she ever disclosed what had happened. With the date for the execution drawing near, William hurriedly arranged for Judge Atlee and several other highly respected individuals to hear his sister’s story. He immediately took the signed confession to the Supreme Executive Council on December 6, 1785. The council, whose president was none other than Benjamin Franklin, consented to postpone the execution until January 3, 1786, so that her case could be scrutinized more thoroughly.

With more time to devote to his sister’s case, William began searching for Joseph. He eventually located him on a farm in New Jersey, whereupon Joseph denied ever having known Elizabeth. Unsuccessful in his attempt to get a confession of guilt from the victims’ father, he proceeded to Philadelphia where he sought witnesses who could corroborate Elizabeth’s story about her fling with Joseph. On the day prior to her scheduled hanging, William was again able to secure a postponement from the Supreme Executive Council. Armed with a note from

Charles Biddle, the vice president of the council, he began his ride to Chester, some fifteen miles from Philadelphia. When he finally arrived, he found that Elizabeth had been hung just minutes earlier. Had the ferry across the Schuylkill River been operating, he would have been on time to prevent her execution. Moreover, members of the Supreme Executive Council believed that Elizabeth was innocent and were considering granting her a full pardon. Saddened by the loss of his only sibling, William lived the rest of his life as a recluse (Executed Today, 2011).

Margaret Houghtaling. On October 17, 1817, a prostitute named Margaret Houghtaling (alias Peggy Densmore) was executed by hanging in Hudson, New York. Allegedly she had poisoned fifteen-month-old Lewis Spencer, who had been left in her care by his mother. According to a September 23, 1817, edition of the *New York Evening Post*, the child was “apparently in convulsions, its tongue protruded from the mouth, and covered with erosions.” The mother, Caty Ostrander, also a prostitute, accused Margaret of killing her child. Despite her repeated claims of innocence, Margaret was swiftly brought to trial and convicted of murder. The hanging was a public spectacle attracting between 5,000 and 15,000 people. Just before she was to be hanged, Margaret reiterated her innocence by proclaiming, “God forgive you all for hanging me, but I am innocent, and my only prayer is that someday it may be proved and the black spot taken off my name and memory.”

As is typical of these early wrongful convictions, multiple stories exist in the folklore to explain this miscarriage of justice. One scenario is that Caty, who later died of a sexually transmitted disease, eventually admitted that she had been responsible for poisoning Lewis and that she had falsely accused Margaret to avoid suspicion. A second scenario suggests that Lewis was actually Margaret’s son and that another (unnamed) woman had poisoned him in order to seek revenge on Margaret, who had gotten the better of her in a quest for a suitor. Whether either account is accurate is impossible to ascertain, although public indignation, along with Margaret’s devalued status in society, made a just trial highly improbable during this historical period (Druse, 1887; Executed Today, 2014; Jenkins, 1979).

Jesse and Stephen Boorn. These two brothers were suspected of murder when their brother-in-law Russell Colvin disappeared from Manchester, Vermont, in 1812. When bone fragments thought to be Russell’s remains were discovered in 1819, Jesse was arrested. A warrant was issued for Stephen, who had relocated to New York.

Meanwhile, a jailhouse snitch falsely testified that Jesse had admitted to killing Russell and had also implicated his brother and his uncle, Amos Boorn. In return for his testimony, the informant was released from jail. Jesse eventually confessed to the murder but placed the primary onus on his brother. When Stephen unexpectedly returned to Vermont, Jesse recanted his testimony. Stephen, in the belief that he could somehow avoid the death penalty, also confessed, claiming that he acted in self-defense. Prior to the start of the trial, the two physicians who had identified the bone fragments as human recanted their earlier testimony. Nonetheless, both men were found guilty and sentenced to death. Although Jesse had his sentence commuted to life in prison, Stephen remained on death row until, through a series of fortuitous events, the supposed murder victim, who was alive and living in another state, reappeared to prevent the miscarriage of justice (Bluhm Legal Clinic, n.d. a).

Gary Dotson:

First Man to be Exonerated through DNA Analysis

In 1977 in Illinois, a sixteen-year-old girl claimed that she had been abducted by three men, one of whom raped her. Her rape kit contained several hairs found in her stained underpants, along with a vaginal swab. She assisted the police in drawing a composite sketch of the assailant, which portrayed a young, clean-shaved white man with long hair. While viewing photographs, the victim later identified Gary Dotson as the perpetrator. When taken into custody five days after the alleged incident, he had a prominent mustache that could not have been grown since the crime was committed. Nonetheless, he was sentenced in 1979 to concurrent sentences of twenty-five to fifty years for rape and aggravated kidnapping. In 1985 the victim recanted her story after admitting that she concocted it to hide the fact that she and her boyfriend had engaged in sexual relations and she was afraid that she was pregnant. Although the governor commuted Dotson's sentence to time served and placed him on parole, he was in and out of prison until August 14, 1989, when DNA testing positively excluded him as the contributor of the semen and all charges against him were dropped. On January 9, 2003, he received a full pardon from the state (Warden n.d. b).

Paula Gray:

First Woman to Be Exonerated through DNA Analysis

Seven years after DNA testing cleared Gary Dotson of any wrongdoing, Paula Gray became the first US woman to be exonerated through this procedure. Although this case is discussed in greater detail in Chapter 3,

a brief synopsis of the events leading up to her wrongful conviction is included in this section.

Paula was a seventeen-year-old mildly intellectually challenged African American teenager in May 1978 when a white couple was abducted from a gasoline station in Homewood, Illinois. Their bodies were discovered the following day in Ford Heights. Both had been shot, and the woman had been raped multiple times. Four African American men were arrested based on a false tip, and Paula was brought in for questioning. After being held for two days without benefit of an attorney, she falsely confessed to being involved in the crime along with the four men. One month later, during her preliminary hearing, she recanted her story but to no avail. She was later found guilty of murder, rape, and perjury and received a sentence of fifty years. In return for the promise of early release she later testified against her codefendants. In 1996 DNA testing excluded all five defendants of involvement in the murders and rape and eventually resulted in the arrest and conviction of the actual perpetrators, who were still alive. The four men became known as the “Ford Heights Four.” Paula was granted a pardon based on innocence in November 2002. Six years later she was awarded \$4 million for her wrongful conviction (National Registry of Exonerations, n.d. e).

Kirk Bloodsworth:

First Death Row Inmate to Be Exonerated by DNA Testing

Just a few years after Dotson was exonerated with DNA testing, Kirk Bloodsworth was exonerated of a 1984 rape and murder using DNA testing, marking the first time in the United States an individual previously on death row was cleared through this process. Accused of raping and killing nine-year-old Dawn Hamilton in Baltimore County, Maryland, he was convicted partly on forensic evidence that matched his shoes to marks found on the child’s body. Though the Maryland Court of Appeals overturned his conviction in 1986, he was subsequently retried and given two life sentences. Centurion Ministries was successful in having the DNA evidence examined by two laboratories. Their tests concluded that Bloodsworth could not have been the assailant. Released in June 1993, he received a full pardon in December 1994 (Bluhm Legal Clinic, n.d. c; Jankin, 2004).

Sabrina Butler and Debra Milke:

The Only Women on Death Row to Be Exonerated

As of this writing, no US woman on death row has been exonerated using DNA analysis. This may be at least partially attributed to the fact

that women constitute less than 2 percent of those on death row. Nonetheless, two death row women—Sabrina Butler and Debra Milke—have been released and exonerated of their crimes. Sabrina was cleared in 1995 and Debra was exonerated in 2015. Their stories appear below.

In 1989 Sabrina Butler, an African American, was a teenage mother with a nine-month-old son, Walter. On April 12 of that year, she discovered her son unable to breathe. Attempts to resuscitate him were unsuccessful and shortly after her arrival at a Columbus, Mississippi, hospital the infant was pronounced dead. The hospital staff was suspicious of the circumstances because the baby had internal injuries as well. An obviously distressed Sabrina gave several different accounts of the events leading up to her son's death. She eventually signed a confession in which she claimed that she had struck her son in the abdomen because she couldn't get him to stop crying. Within a day of his death, Sabrina was officially charged with his murder.

Her trial began on March 8, 1990. The prosecutor based his case on Sabrina's sworn confession and an autopsy that disclosed numerous internal injuries and the presence of peritonitis, an internal infection. No witnesses were called to testify on her behalf. One week later a jury found her guilty and she was sentenced to death, making her the only woman on Mississippi's death row. In 1992 the Mississippi Supreme Court heard her case and vacated her conviction and sentence because the prosecutor had improperly commented on Sabrina's decision to refrain from testifying.

With a change of venue, Sabrina's second trial began in December 1995. Unlike the previous trial, testimony was presented from neighbors who corroborated Sabrina's story that she attempted to perform CPR on her son. They further acknowledged that one of the neighbors also attempted to revive the infant through CPR. Her defense also brought in a medical expert to testify that the injuries could have been the result of futile efforts to resuscitate the boy. The physician responsible for the autopsy also admitted that he had not been as thorough as he should have. Consequently, the jury acquitted Sabrina of the murder on December 17, 1995. Sometime later she received \$50,000 from the state for her wrongful conviction (Asistio, 2012; Perlstein, 2003; Possley, 2015b).

Shortly after twenty-five-year-old Debra Milke received her divorce, she agreed to move in with a family friend, forty-two-year-old James Styers. At the time she was accompanied by her son, four-year-old Christopher. On December 2, 1989, James asked to use Debra's car to run some errands. Since he was going to also stop at a Phoenix shop-

ping mall, Christopher pleaded to go with him to visit Santa Claus. Debra agreed to let him go since James had previously babysat Christopher. That afternoon around 3 p.m. Debra received a disturbing phone call from James who said that he didn't know where Christopher was, as he lost him in the mall. He assured her that he had the mall's security guards looking for him. When an hour passed and Debra had not heard back from James, she called the police, who initially suspected a possible kidnapping. Meanwhile, at the mall James and his friend, Roger Scott, were being questioned by the police.

The next day Roger was questioned by Phoenix Detective Armando Saldate, Jr. During the interrogation Roger confided the location of the child's body, some twenty miles in the desert. There the police found Christopher's bullet-ridden body. Three bullets had pierced his skull. According to Saldate, Roger confessed that he and James killed Christopher with Debra's knowledge to collect on a \$5,000 insurance policy.

Saldate later interrogated Debra while she was visiting her father in Florence, Arizona. During that interrogation, which was not recorded or witnessed by any other parties, Saldate claimed Debra admitted to conspiring to have her son killed. During the trial he also testified that she let him see her breasts and offered sex in return for releasing her. Although there was no physical or forensic evidence connecting her to the crime, in October 1990 Debra was convicted by a jury of capital murder, child abuse, kidnapping, and conspiracy and sentenced to death. In separate trials, James and Roger were also found guilty and sentenced to death.

The possibility of being found innocent seemed remote in 1993 when the Arizona Supreme Court upheld her convictions and sentence. It wasn't until March 2013 that Debra finally received some good news. The US Court of Appeals for the Ninth Circuit set aside her convictions and sentence and ordered a new trial after it was discovered that Saldate had lied under oath about the confession and had a history of lying. He had even received a five-day suspension for lying to his superiors when he took "liberties" with a female motorist whom he had stopped. Although the prosecution was aware of the transgressions of its star witness, no knowledge of the officer's past was made available to Debra's defense counsel during the trial.

Debra was released on bond in September 2013, but her ordeal was not over. When it became apparent that the Maricopa County District Attorney's office intended to retry her case, her attorneys filed a motion to dismiss the charges. They contended that to retry her would be tanta-

mount to double jeopardy given the serious nature of the prosecutorial misconduct. In January 2014 the Maricopa County Superior Court denied the motion. Later that same year the Arizona Court of Appeals overturned the Superior Court's decision and ordered the charges dropped. With only one option left, prosecutors appealed to the Arizona Supreme Court, which refused to review the case. Finally, Debra was officially exonerated when Superior Court Judge Rosa Mroz dismissed the charges against her on March 23, 2015.

Now fifty-one years of age, Debra, who spent twenty-two years of her life on death row, struggles to find a peaceful resolution to her life. A psychiatrist is helping her come to grips with her circumstances. Nonetheless, she admits that she feels "like a stranger in her own city" as she attempts to adjust to the changes in society that occurred during her absence (Ahmed and Botelho, 2015; Associated Press, 2015; Kiefer, 2015; Possley, 2015a).

The Prevalence of Wrongful Convictions in the United States

Any attempt to count wrongful convictions in the United States is subject to uncertainty. Because programs such as the Innocence Project tend to focus on cases involving murder and rape, which are more likely than other offenses to elicit strong sanctions, many wrongful convictions involving less serious offenses are undoubtedly overlooked. Furthermore, preoccupation with these male-dominated crimes decreases the probability that the defendant will be a woman. Because a conviction for a less serious crime may culminate in probation or a suspended sentence, a wrongly convicted defendant may have little incentive to seek redress (Gross et al., 2005). Additionally, if the wrongly convicted defendant has a checkered past, a legal remedy may not appear to be a realistic option. Even the use of statistics on successful appeals to approximate the frequency of wrongful convictions is problematic. As Marvin Free and Mitch Ruesink (2012) note: "innocence alone does not guarantee a successful appeal and a successful appeal does not necessarily demonstrate *factual innocence*, given that convictions may be overturned on the basis of procedural errors alone" (p. 4).

Determining the extent to which these miscarriages of justice permeate the US criminal justice system is made even more arduous because scholars have used different definitions, employed different methodologies, and made different assumptions in estimating the scope of the problem. While the actual number of wrongful convictions is unknowable, many scholars have estimated that from 3 to 5 percent of

all convictions may involve a faulty finding of guilty (Gould and Leo, 2010). Because the known wrongful convictions tend to be concentrated among murders and rapes, we know relatively little about convictions for lesser crimes. Although Samuel Gross (2008) suggests that errors may be less common among the less serious offenses, Jon Gould and Richard Leo (2010) argue that errors may be more pronounced in cases involving less serious felonies and misdemeanors. They speculate “that errors are more common, and more commonly accepted, in cases where neither police nor prosecutors have as much time, resources, or pressure to investigate cases thoroughly and in which the lesser stakes of punishment do not command as many or as zealous advocates to investigate postconviction” (Gould and Leo, 2010, p. 836).

Known cases of wrongful convictions in the United States can be obtained from several sources. The Innocence Project, for instance, contains data on DNA exonerations. According to that website, 316 individuals have been exonerated through DNA testing as of April 2014. Eighteen of the exonerations involved cases in which the defendant had received a death sentence. African Americans were disproportionately represented among the DNA exonerations: over 60 percent of the cases involved African American defendants (Innocence Project n.d. d).

The Death Penalty Information Center (DPIC) contains information on Americans on death row who have “been acquitted of all charges related to the crime that placed them on death row, or had all charges related to the crime that placed them on death row dismissed by the prosecution, or been granted a complete pardon based on evidence of innocence” since 1973 (Death Penalty Information Center, n.d.). As of April 2014, the DPIC lists the exoneration of 144 individuals who were serving time on death row. Slightly over half of the wrongfully convicted inmates were African American.

Created by Hans Sherrer in 1997, the forejustice.org website contains in excess of 4,600 wrongful conviction cases from more than 110 countries. Almost 2,800 cases are from the United States, some dating back to the early seventeenth century. Approximately 60 percent of the US cases involve wrongful convictions for murder and rape/sexual assault (Forejustice, 2014).

The Center on Wrongful Convictions at Northwestern University has tracked wrongful convictions since its inception in 1998. A list of known exonerations from the United States is broken down by state and the District of Columbia, although little information is available on most of the cases listed at the website.

Arguably the most complete listing of US exonerations since 1989

is available from the National Registry of Exonerations (NRE), a joint effort between the law schools of the University of Michigan and Northwestern University. Launched in May 2012, the NRE lists 1,325 exonerees—only 8 percent of which were women—as of March 2014. African Americans composed 46 percent of those exonerated. Slightly over three-fourths of the wrongful convictions were for either homicide or sexual assault, and 28 percent of the cases were exonerated at least in part by DNA evidence (National Registry of Exonerations, n.d. f).

Factors Associated with Wrongful Convictions

The wrongful conviction literature has typically ignored issues of gender and race. Consequently, the underlying causes have not been adequately addressed. Societal issues such as the marginalization of women and minorities and institutional racism are potential explanatory variables that have been mostly unexplored by scholars in the field. Thus legislation that is neither gender- nor race-neutral, selective law enforcement, the underrepresentation of women in the areas of policing and judicial positions of authority, and the societal double standard that imposes greater responsibility on women for the protection and care of their offspring may precede a false conviction by disproportionately involving these individuals in the judicial system. Drug legislation, in particular, has adversely affected women and minorities (Beckett et al., 2006; Bush-Baskette, 1998; Lurigio and Loose, 2008; Mauer, 1999; Tonry 1994, 1995, 2010, 2011). Although these issues are important precursors to wrongful convictions, researchers have tended to focus on those factors that enhance the probability of a wrongful conviction *after* the individual has come to the attention of the criminal justice system. Among the more frequently documented factors are witness errors (including mistaken and deliberate misidentification), false confessions, prosecutorial and police misconduct, use of informants or snitches, perjury by criminal justice officials, forensic errors (including misrepresentation of forensic findings and the use of junk science), ineffective assistance of counsel, and insufficient evidence to support a conviction.

Witness Error

Research suggests that witness error is the most common factor in many wrongful convictions (Scheck et al., 2003). According to the Innocence Project (n.d. e), witness error was a factor in approximately three-fourths of all convictions that were overturned through DNA evidence.

However, the extent to which witness error accompanies wrongful convictions may vary by type of offense and the gender of the defendant. Witness error was a recurring theme in almost 93 percent of the wrongful rape and sexual assault convictions but only 43 percent of the wrongful murder convictions of African American men (Free and Ruesink, 2012). In contrast, an examination of wrongly convicted women by Mitch Ruesink and Marvin Free (2005) revealed that witness error was present in less than one-fifth of their cases.

The misidentification of suspects is a problem that is recognized by many professionals in criminal justice. C. Ronald Huff, Arye Rattner, and Edward Sagarin (1996) found that witness error was perceived as the most important factor associated with wrongful convictions by criminal justice personnel in their survey. Unintentional witness error can be influenced by psychological, systemic, societal, and cultural factors. For instance, exposure time, level of illumination, observer distance, amount of violence, and postevent factors are psychological variables affecting the accuracy of the identification. Some of the systemic factors that can affect one's perception include lineups in which only one person resembles the alleged perpetrator and lineups in which the suspect is of a different race than others. Personal prejudice, stereotypes, and expectations based on past experience represent potentially important societal and cultural influences (Ruesink and Free, 2005). Cross-racial identifications are especially problematic. Many misidentifications have occurred when white eyewitnesses have attempted to identify black subjects (Meissner and Brigham, 2001; Rutledge, 2001).

False Confessions

False confessions represent another factor that commonly appears in the wrongful conviction scholarship (Gould and Leo, 2010; Leo and Davis, 2010; Ofshe and Leo, 1997). The degree to which false confessions contribute to wrongful convictions varies considerably in the research. An investigation in Illinois revealed that false confessions played a role in over half of the wrongful convictions (Warden and Fredrickson, 2012). Nationally, approximately a fourth of all DNA exonerations are the result of false confessions (Innocence Project, n.d. f). Yet false confessions are less prevalent when non-DNA wrongful convictions are examined. The National Registry of Exonerations reports that false confessions were present in only 16 percent of the exonerations in the United States from 1989 to 2012 (Gross and Shaffer, 2012). Apparently, the importance of this factor also varies according to the type of offense with which the defendant is charged. False confessions were a con-

tributing factor to wrongful murder convictions in 18.4 percent of the cases involving African American men, whereas they were found in only 10 percent of the cases involving rape and sexual assault (Free and Ruesink, 2012).

Scholars have observed a number of factors that may affect the probability of a false confession. The age and mental capacity of the defendant appear to be associated with the likelihood of falsely confessing. Samuel Gross and Michael Shaffer (2012) found that juveniles were five times more likely than were adults to confess falsely. Similarly, mentally challenged defendants were nine times more likely than those without such deficiencies to confess to a crime they did not commit. Extended interrogations are also more likely to produce false confessions. In addition, duress, coercion, intoxication, a misunderstanding of the law, fear of the police, threat of a long sentence if a confession is not forthcoming, and a misunderstanding of the situation may increase the probability of a false confession (Innocence Project, n.d. f).

Prosecutorial and Police Misconduct

Prosecutorial and police misconduct are among the most frequently encountered factors associated with wrongful convictions. Barry Scheck, Peter Neufeld, and Jim Dwyer (2003) report that prosecutorial misconduct was present in 42 percent of the DNA exonerations they investigated. Furthermore, police misconduct was a factor in half of the cases. An extensive analysis of over 4,000 state and federal appellate rulings in California from 1997 through 2009 by the Northern California Innocence Project disclosed that prosecutorial misconduct was present in 707 cases. In about 20 percent of these cases prosecutorial misconduct was deemed so harmful to the defendants that the courts “set aside the conviction or sentence, declared a mistrial, or barred evidence” (Ridolfi and Possley, 2010, p. 4). More recently, an examination of wrongly convicted African American men revealed that prosecutorial and police misconduct were present in 36.2 percent and 38.5 percent of the murder cases, respectively. Less prevalent in sexual assault cases, prosecutorial misconduct and police misconduct occurred in approximately 15 percent and approximately 23 percent of the cases, respectively (Free and Ruesink, 2012).

Nevertheless, the full impact of prosecutorial misconduct cannot be ascertained by merely analyzing known wrongful convictions. In numerous instances it goes undetected or, if detected, it is tolerated without penalty. The doctrine of “harmless error” has been used to allow trials to continue or to uphold convictions (Weinberg, 2003). The

Northern California Innocence Project, for instance, found that approximately 80 percent of their prosecutorial misconduct cases resulted in rulings that the misconduct was harmless and the defendant still received a fair trial (Ridolfi and Possley, 2010).

Prosecutorial misconduct can manifest itself in myriad ways, the most typical of which involves withholding exculpatory evidence (Gould and Leo, 2010). Many illustrations of this kind of misconduct exist in the literature. For example, it may involve inappropriate behavior during grand jury proceedings; dismissal of potential jurors based on their race, ethnicity, or gender; harassment or bias toward the defendant or defense attorney; use of known false or misleading evidence; withholding relevant information about the prosecution's witness (e.g., the witness received immunity or other incentives in return for testifying); and the use of improper closing arguments (Gershman, 1991; Huff et al., 1996; Weinberg, 2003). Additionally, prosecutors may mischaracterize the facts or evidence of the case, mishandle evidence, and badger, threaten, or tamper with witnesses (Davis, 2007). In contrast, police misconduct may involve "coaching" the witness in identifying a particular suspect during a lineup; use of deceit, force, threat, or brutality to secure a confession; planting evidence at a crime scene; mishandling physical evidence; and threatening a potential witness for the defense (Free and Ruesink, 2012).

Use of Informants or Snitches

The use of an informant or snitch has been implicated in a number of wrongful convictions, although the pervasiveness of this problem appears to vary considerably in the literature. For instance, the Innocence Project reports that informant testimony was a factor in over 15 percent of the wrongful conviction cases involving DNA evidence (Innocence Project, n.d. h). In many cases the jury had not been informed that the informant/snitch had been paid to testify against the defendant or had been released from prison in exchange for the testimony and therefore had an incentive to lie. Data from the Center on Wrongful Convictions suggest that the problem of using testimony from an informant/snitch is even more prevalent. Of the 111 death row exonerations examined in their report, snitch testimony was present in almost 46 percent of the cases, making it the most common factor in death penalty wrongful convictions (Warden, 2005). When wrongly convicted cases are restricted to African American men, the extent to which the use of informants/snitches results in wrongful convictions varies by type of offense. Informant/snitch testimony was present in one-third of the

black male wrongful murder convictions but in only one case involving wrongful sexual assault convictions (Free and Ruesink, 2012).

Racial disparity in drug enforcement is exacerbated by police use of informants/snitches. Loyola University Law Professor Alexandra Natapoff (2009) contends that because the police tend to focus their attention on high-crime urban communities, which are typically heavily populated with people of color, minority citizens are under closer scrutiny than their more affluent white counterparts residing in the suburbs. Since many police informants also reside in these high-crime areas and since they often have an incentive to lie, they are frequently unreliable sources of information. The overexposure of these minority inhabitants means that “false accusations, mistaken warrants, erroneous raids, and wrongful convictions associated with snitches will be more frequent in communities in which the practice is prevalent” (Natapoff, 2009, p. 113).

Perjury by Criminal Justice Officials

Perjured testimony from law enforcement, attorneys, and judges either before or during a trial has been identified as a factor in some wrongful convictions. Although not exclusively the province of wrongful drug convictions, some of the more notable mass drug arrests in the United States have been the product of perjury by criminal justice officials. In 1999 in the small town of Tulia, Texas, for example, forty-six people (thirty-nine of whom were African American) were arrested on drug-related charges based solely on the perjured testimony of Tom Coleman, an undercover police officer. Although none of the suspects possessed drugs at the time of the arrests, some received sentences of up to ninety years (Blakeslee, 2002). Coleman was eventually convicted of aggravated perjury and sentenced to ten years of probation (Stecklein, 2009). The impact of this failed drug bust on women is discussed in greater detail in Chapter 4.

Another miscarriage of justice involving perjured testimony occurred in 2005 in Mansfield, Ohio, where twenty-three people were arrested on alleged drug transactions set up by a paid informant, Jerrell Bray. By May 2007, seventeen of those arrested had been convicted on federal drug charges and sentenced to prison (sixteen of those convicted were African American). Bray was later arrested for an unrelated crime and while incarcerated confessed that he and Lee Lucas, a longtime Drug Enforcement Administration (DEA) agent, fabricated their stories to secure convictions. Bray was eventually charged with two counts of perjury and five counts of deprivation of civil rights and received a fifteen-year sentence. In contrast, Lucas, who had also been suspected of

lying in some Florida drug cases when he was assigned to the Miami DEA office, received an eighteen-count indictment by a federal grand jury for perjury, making false statements, and violating the civil rights of three people. In 2010 Lucas was acquitted of all charges. That same month, Richland County, Ohio, sheriff's deputy Chuck Metcalf was found guilty of perjury for lying during the trial of one of the individuals convicted. He was subsequently sentenced to twelve weekends in jail for his role in the frame-up (Caniglia, 2009; Kroll, 2008e; Krouse, 2010a, 2010b; Love, 2009; Turner, 2009).

Forensic Errors

Flawed analysis of the biological evidence, misleading or false interpretations of the results, the mishandling of forensic evidence, and the use of questionable forensic evidence have all contributed to wrongful convictions. Fingerprinting analysis, traditionally one of the most common practices for identifying suspects, has recently been criticized for "a lack of validity testing and an absence of validated standards for declaring a match" (Gould and Leo, 2010, p. 852). Bite mark analysis, hair comparison analysis, and serology analysis (used to determine if a suspect and the perpetrator share the same blood type) are also unreliable. Furthermore, DNA testing can result in a false positive. Large-scale errors in forensic testing have been reported by the Federal Bureau of Investigation ("Errors at F.B.I.," 2003) and the US Army Criminal Investigation Laboratory (Taylor and Doyle, 2011). Several states have also discovered such problems as "contaminated evidence, mislabeled blood samples, falsified DNA data, inflated statistical matches of DNA evidence, and questionable testimony by forensic experts or laboratory managers" (Free and Ruesink, 2012, p. 10).

The role of forensic errors in wrongful convictions appears to fluctuate depending on the offense. An examination of US exonerations from 1989 through 2012 disclosed that false or misleading forensic evidence was present in 37 percent of the sexual assault cases, 23 percent of the homicide cases, and 21 percent of the child sex abuse cases. Forensic errors were additionally present in 17 percent of other violent crimes. Conversely, forensic problems were present in only 6 percent of the wrongful convictions for robbery and 3 percent of the wrongful convictions for nonviolent offenses (Gross and Shaffer, 2012). Forensic issues are also frequently among the factors cited in DNA exonerations. The Innocence Project (n.d. g) found that unvalidated or improper forensic science was present in about half of the false convictions overturned by DNA evidence.

Ineffective Assistance of Counsel

Incompetent lawyering by the defense counsel can take many forms. Some of the more common manifestations of ineffective assistance of counsel include failure to appear for hearings, falling asleep during the trial, failure to investigate alibis, and failure to consult experts on forensic issues. The Innocence Project reports that in one case, legal representation by the defense counsel was so inadequate that an attorney was disbarred after completing a capital case (Innocence Project, n.d. b). Among the factors that may contribute to ineffective legal representation are inadequate funding for indigent clients, a failure to monitor the quality of legal representation provided by defense attorneys, a lack of motivation, and the presumption of guilt that pervades the criminal justice system (Bernhard, 2001; Gould and Leo, 2010).

The prevalence of ineffective assistance of counsel is probably minimized in much of the wrongful conviction research because it is difficult to demonstrate when appealing a decision. In 1984 the use of this argument was further diminished when the US Supreme Court ruled in *Strickland v. Washington* (466 US 668, 104 S. Ct. 2052 [1984]) that for ineffective assistance of counsel to be the grounds for an appeal, the appellate court must be convinced that if the defense attorney had pursued a more rigorous course of action the verdict would have been different. Moreover, the justices ruled that in ascertaining the effectiveness of counsel, "A court must indulge a strong presumption that counsel's performance was within the wide range of reasonable professional assistance." A recent investigation of DNA exonerations in which potentially innocent defendants raised claims of ineffective assistance of counsel reveals the extent to which these claims are rejected by appellate courts. Of the fifty-four cases that qualified, forty-four were rejected. Three additional cases were either deemed harmless errors or were remanded to lower courts for further review. Only seven cases (13 percent) resulted in the appellate courts concurring with the appellants (West, 2010).

The extent to which ineffective legal counsel appears in the literature varies considerably. Whereas Hugo Bedau and Michael Radelet (1987) found this problem in less than 3 percent of their wrongful convictions, an investigation of capital appeals revealed that ineffective assistance of counsel was the primary contributing factor to false convictions (Liebman et al., 2000). Moreover, Scheck and colleagues (2003) observed ineffective assistance of counsel in 27 percent of the cases exonerated through DNA evidence. Free and Ruesink (2012) found that ineffective lawyering was present in 11.5 percent and 11 percent of wrongful murder convictions and wrongful sexual assault/rape

convictions, respectively, in their study of wrongly convicted African American men.

Insufficient Evidence to Support a Conviction

Though considerably less prevalent than the preceding factors, insufficient evidence to support a conviction is a possible factor in wrongful convictions. This factor is easily overlooked, in part because wrongful conviction research tends to focus on high-profile cases such as murder and rape that may have ample evidence. It may also be undercounted because a determination of the sufficiency of the evidence is more subjective than many of the other factors discussed here. Regardless, there are documented instances in which appellate courts have acknowledged that a defendant was found guilty without enough evidence to support the conviction. The limited scholarship examining this factor suggests that both the offense and the race of the defendant may be important. Whereas insufficient evidence was a factor in 5.7 percent of the wrongful murder convictions involving African American men, it represented less than 1 percent of the wrongful convictions for rape and sexual assault among this population (Free and Ruesink, 2012). Among women, distinct racial differences have been observed. Ruesink and Free (2005) found that insufficient evidence did not appear among the list of factors for any of the African American women in their sample, yet insufficient evidence was present in 15 percent of the cases involving white women.

The Special Case of Wrongfully Convicted Women

Despite recent growth of scholarship in this area, little research has focused on potential gender differences among wrongful convictions. Because the most egregious wrongful convictions have involved murder and rape—offenses that are predominantly the domain of men—the issue has been framed as a male problem.¹ The occasional female wrongful conviction to come to light is thus seen as the exception rather than the rule. Consequently, the potential significance of wrongful convictions involving women has been largely ignored by scholars until recently.

Although most of the literature has concentrated on wrongly convicted men,² the limited scholarship in this area points to nuanced differences between men and women who have been wrongly convicted. As noted already, female exonerees are considerably more likely than their male counterparts to be wrongly convicted of nonexistent crimes. In a recent NRE study, only 15 percent of the male exonerees and 58 per-

cent of the female exonerees had been convicted of a crime that never occurred. NRE data further reveal that women are much more likely than men to be wrongly convicted of violent crimes against children: over half versus 18 percent, respectively (National Registry of Exonerations, 2013).

Another area in which wrongful convictions of men and women differ involves the availability of DNA evidence from the crime scene. Women, for instance, are more likely than men to be incarcerated for offenses in which biological evidence that could be used to verify their innocence is unavailable. Whereas DNA evidence is routinely gathered in male-dominated murder and rape cases, it is not typically collected in drug offenses and nonviolent crimes for which female prisoners are more likely to be incarcerated (Konvisser, 2012; Smith and Hattery, 2011). Since the Innocent Project accepts only those cases in which DNA evidence can be tested to prove innocence, the probability of a wrongful conviction involving a woman being selected is substantially lower than that involving a man.

Nor are all female wrongful convictions alike. Although the scholarship in this area is sparse, it appears that there are racial differences in the types of crimes which lead to wrongful conviction. In particular, white women are more likely than black women to be wrongfully convicted for some form of child abuse. Conversely, black women are more likely than their white counterparts to be falsely convicted for drug offenses (Free and Ruesink, forthcoming; Konvisser, 2012; Ruesink and Free, 2005). Racial differences have also been observed regarding the relative importance of the factors associated with wrongful convictions. Perjury by criminal justice officials, for example, appears to be a more frequent factor associated with wrongful convictions among black women than among white women. In a recent study perjury by criminal justice officials was found in 53 percent of the wrongful convictions involving black women. In contrast, this factor was found in only 4 percent of the cases in which white women had been wrongly convicted (Ruesink and Free, 2005).

The significance of race in wrongful convictions varies along gender lines as well. Black women constituted 28 percent (Konvisser, 2012) and 35.7 percent (Ruesink and Free, 2005) of the total number of wrongfully convicted women in two investigations. However, an NRE investigation primarily composed of men found that 47.3 of the exonerees were black (National Registry of Exonerations, 2013). It thus appears that black males are more likely than their female counterparts to be found among the known cases of wrongful conviction.

The Study

Identifying and Researching the Cases

The Internet is replete with websites purporting to exhibit cases involving wrongful convictions, yet the inability to ascertain the veracity of the data through independent sources inhibits the utility of these websites. To maximize the probability of including only those cases in which convicted defendants are factually innocent, the wrongful convictions analyzed in this book were primarily obtained from six websites that are frequently cited in the wrongful conviction scholarship. Databases from the Center on Wrongful Convictions, the Innocence Project, the Death Penalty Information Center, the National Registry of Exonerations, and *forejustice.org* were critically scrutinized for wrongful conviction cases from the United States in which the defendant was a woman. In addition, *Justice Denied*, an electronic and print magazine devoted exclusively to false convictions, was examined to supplement information obtained from the previous sources. Although the websites have limitations, collectively they represent a reliable repository of information on known wrongful convictions in the United States.

Computer searches were used to identify magazine and newspaper articles pertaining to the cases. When feasible, we sought to reconcile contradictory information and/or incomplete data by contacting journalists and attorneys familiar with the false convictions. To locate wrongful convictions that were excluded from the six main websites, we also conducted several computer searches using generic terms (e.g., wrongful conviction, false conviction, innocent) to identify individuals who were factually innocent but not formally cleared of their charges. After the case identification phase was terminated in 2013, a select number were investigated in greater depth through phone conversations with the individual who had been erroneously convicted. (The terms “false convictions” and “erroneous convictions” are used interchangeably to refer to wrongful convictions.) To limit the sample to more contemporary cases, only known false convictions since 1970 were selected. This resulted in a usable sample of 163 women. For more detailed information on the methodology and selection of websites, please refer to Appendix A.

Characteristics of the Sample

Table 1.1 contains a detailed breakdown of the sample characteristics. The 25.8 percent representation by black women in the sample compares favorably to the 28 percent figure reported by Konvisser (2012), although it is considerably lower than the 37 percent figure reported by Ruesink and Free (2005). However, if only those cases in which it was

Table 1.1 Sample Characteristics and Findings (N = 163)

Characteristic	Percentage of Cases
<i>Race</i>	
White	57.0
Black	25.8
Other	4.3
Unknown	12.9
<i>Most Serious Charge</i>	
Murder	36.8
Child abuse	27
Drugs	12.3
Fraud	3.1
Manslaughter	2.5
Arson	1.2
Burglary	1.2
Rape	<1
Robbery	<1
Other	14.7
<i>Sentence</i>	
Not sentenced	6.1
Probation	6.1
Fine only	1.2
Fine and community service	<1
Suspended sentence	1.2
<1 year	3.7
1–5 years	11
6–10 years	13.5
11–15 years	4.3
16–20 years	5.5
>20 years	13.5
Life	24.5
Death	3.7
Other	<1
Unknown	4.3
<i>Years in Jail/Prison</i>	
0	14.7
<1 year	8.6
1–5 years	38.7
6–10 years	12.9
11–15 years	4.3
16–20 years	6.7
>20 years	2.5
Incarcerated	5.5
Unknown	5.5 ^a
<i>Age When Convicted</i>	
Mean age: 33 years old	
Range: 11–61 years old	
Unknown	16%

Table 1.1 Continued

Characteristic	Percentage of Cases
<i>Age When Released</i>	
Mean age: 39.1 years old	
Range: 14–69 years old	
Not released	6.1
Executed	<1
Not applicable	15.3
Unknown	12.3
<i>Exonerated Through DNA Testing</i>	
Yes	4.3
No	95.7
<i>Factors Related to the Wrongful Conviction</i>	
Prosecutorial misconduct	40.5
Police misconduct	30.1
Eyewitness error	23.9
Forensic errors	21.5
Perjury by criminal justice officials	20.2
Ineffective assistance of counsel	19
False confession	17.2
Informant/snitch	13.5
Insufficient evidence	13.5
Other	28.2
Unknown	<1

Note: a. There was one case involving nine years of house arrest.

possible to determine the racial identity of the innocent are used in ascertaining the racial breakdown of the sample, then black women constituted 29.6 percent of the sample, a figure that lies between that recorded by Konvisser (2012) and Ruesink and Free (2005).

An analysis of the most serious charge among the sample reveals that murder and child abuse are the two most common offenses resulting in a false conviction. Collectively, they compose nearly two-thirds of the cases in the sample. The third most common charge involved drugs but it was present in only about one-eighth of the cases. A particularly interesting characteristic of the female wrongful convictions is the diversity of the offenses with which women are charged. Almost 15 percent of the women were charged with crimes not included among the nine offense categories selected for the study. Hence female wrongful convictions tend to exhibit greater offense diversity than those typically attributed to male wrongful convictions.

The most common sentence among the falsely convicted women was a life sentence. Virtually one of every four cases involved this sentence. An additional 13.5 percent received sentences in excess of twenty years. The death sentence was very rare, occurring in less than 4 percent of the cases. Though 6.1 percent of the sample was either not sentenced or placed on some form of probation, the overall distribution of sentences reveals that wrongly convicted women typically received rather harsh sanctions for their alleged transgressions.

Despite the somewhat lengthy sentences that many women received, the actual jail and prison time was typically short. Almost 15 percent of the women were never incarcerated, and an additional 8.6 percent were incarcerated for less than one year. The most common period of incarceration was one to five years. Practically one in four women in the sample fell into this category. In other words, 62 percent of the women spent zero to five years in jail or prison even though their sentences were frequently long. These findings notwithstanding, four women (2.5 percent) were falsely imprisoned for over twenty years and nine women (5.5 percent) remained in prison during the time of the investigation.

It was possible to determine the age at conviction for 84 percent of the sample. Those cases revealed a mean age of thirty-three years with a range from eleven to sixty-one years of age. The mean age, nevertheless, was somewhat misleading as the most common age was twenty-nine ($n = 11$), followed by twenty-three ($n = 9$) and twenty-six ($n = 8$). Moreover, the largest category was women in their twenties ($n = 48$). Women in their thirties made up the second largest category with forty cases.

The age at release was additionally calculated. Excluded from this analysis were those cases in which individuals were never incarcerated, those cases in which individuals remained incarcerated, a single case in which the woman had been executed, and cases in which it was impossible to establish the age at release. Of the remaining 107 women, the mean age at release was 39.1 years old and the range of ages extended from 14 to 69 years. The most common age was thirty-seven ($n = 8$), followed by forty-four ($n = 7$) and thirty-three ($n = 6$). A further breakdown of the data discloses that the largest category was women in their thirties ($n = 39$), and the second largest category was women in their forties ($n = 27$).

The role of DNA testing in the exonerations was also examined. DNA evidence was at least partially responsible for the determination of innocence in only 4.3 percent of the cases. Conversely, almost 96 per-

cent of the women were cleared without the advantage of DNA testing. This finding suggests that future female wrongful conviction cases will not be the beneficiaries of increased reliance on DNA evidence to prove innocence to any great extent.

The Findings

Gender Differences. As in male false convictions, female false convictions frequently result from multiple factors that coalesce to produce the erroneous conviction. An examination of the factors related to the wrongful convictions discloses that prosecutorial misconduct (40.5 percent) tops the list. This percentage approximates the 42 percent figure reported by Scheck and colleagues (2003) in their examination of predominantly male DNA exonerations. The second most frequent contributing factor to female wrongful convictions is police misconduct, present in 30.1 percent of the cases. When contrasted with the DNA exoneration study mentioned previously, it appears that police misconduct plays a more instrumental role in male false convictions. The earlier study found that police misconduct contributed to the miscarriage of justice in half of the DNA exonerations.

Eyewitness error was present in almost one-fourth of the cases in the sample, making it the third most frequently occurring factor. This number compares favorably with an earlier study by Ruesink and Free (2005) that reported the presence of eyewitness error in 19 percent of female wrongful convictions. When compared to the recent findings by Gross and Shaffer (2012), however, eyewitness error appears to be more problematic in male wrongful convictions than in female wrongful convictions. Their investigation of predominantly male exonerations disclosed that mistaken witness identification was a contributing factor in 43 percent of their cases. Eyewitness error may exert an even greater impact on false rape and sexual assault convictions involving African American men. Free and Ruesink (2012) report that eyewitness error was present in almost 93 percent of the cases in which African American men had been wrongly convicted of rape and sexual assault. Furthermore, eyewitness error was present in almost 43 percent of their wrongful murder convictions, making this the most common factor among wrongly convicted black men for both offense categories.

Forensic errors represent the fourth most frequently occurring factor in the sample, being found in 21.5 percent of the cases. A comparable figure was reported by Gross and Shaffer (2012) in their predominantly male sample. Closely following forensic errors are perjury by criminal

justice officials, which prevailed in 20.2 percent of the cases. Ineffective assistance of counsel was present in 19 percent of the cases. The extent to which gender differences exist between these two factors is unclear. Gross and Shaffer (2012), for instance, report that perjury or false accusations were present in over half of their exonerations, although their variable was more broadly conceived than that used in this investigation. Moreover, as observed earlier, because of its subjective nature, ineffective assistance of counsel tends to be underreported, thereby precluding an analysis of gender distinctions.

The seventh most common factor associated with wrongful convictions in the sample was false confessions. Slightly over 17 percent of the cases included this factor. Whereas a much smaller percentage was reported by Ruesink and Free (2005) in their investigation of falsely convicted women, this percentage is close to the 15 percent found in exonees in the study by Gross and Shaffer (2012). The importance of false confessions in male wrongful convictions, however, appears to vary by offense (Free and Ruesink, 2012; Gross and Shaffer, 2012).

Of the major factors associated with false convictions, the use of an informant/snitch and insufficient evidence to support a conviction were present in the smallest number of cases. Each factor appeared in 13.5 percent of the wrongful convictions. Whereas a slightly lower percentage of incidents involving an informant/snitch was documented by Ruesink and Free (2005) in their investigation of wrongfully convicted women, the frequency with which this occurs in studies analyzing predominantly male wrongful convictions has varied widely (see, for example, Innocence Project, n.d. h; Warden, 2005).

The extent to which gender differences exist in cases in which there is insufficient evidence to support a conviction is difficult to evaluate. It is likely that much of the wrongful conviction literature neglects this factor given its tendency to focus on high-profile cases such as murder and rape in which there is potentially a greater abundance of evidence. Nonetheless, some evidence suggests that falsely convicted men are less likely than falsely convicted women to be affected by this problem. In Free and Ruesink's (2012) study of wrongfully convicted African American men, for example, insufficient evidence to support a conviction was present in only 5.7 percent of the murder convictions and less than 1 percent of the rape and sexual assault convictions.

Of special interest in this investigation is the fact that factors other than those commonly examined in the literature were present in 28.2 percent of the female false convictions. The variety of factors indicates a greater constellation of factors are responsible for the wrongful convic-

tion of women than for men. The results of this investigation thereby suggest the need to expand the range of factors examined in female wrongful convictions beyond those typically associated with this miscarriage of justice.

Racial Differences. Some interesting results emerge when racial differences are examined (see Table 1.2). Two particularly noteworthy findings involve racial differences in drug violations and child abuse offenses. While 38.1 percent of the black women were falsely convicted of drug violations, only 3.2 percent of their white counterparts were falsely convicted of this offense. Huge racial differences were apparent among wrongful child abuse convictions as well. Almost 38 percent of the white women were charged with this offense compared to slightly over 2 percent of the black women. Although modest differences prevailed among the remaining offenses, the miscellaneous category (other) exhibits racial differences. Whereas slightly over one of every ten white women was falsely convicted for a crime that fell outside the nine offense categories used in this research, almost one of every five black women was falsely convicted of a miscellaneous crime.

A breakdown of the sentences for wrongfully convicted white and black women discloses some racial differences as well. White women were more likely than their black counterparts to receive long sentences. For instance, 16.1 percent of the white women received a sentence in excess of twenty years. The comparable figure for black women was 11.9 percent. Moreover, nearly one-third of the white women in the sample were sentenced to life in prison compared to less than one-eighth of the black women in the sample. The greater presence of white women in these categories is largely a function of their greater representation among the cases involving murder and child abuse, offenses that are likely to elicit harsh sanctions. Nevertheless, white and black women had similar chances of receiving a death sentence: 4.3 percent of the white women and 4.8 percent of the black women were sentenced to death.

When the analysis turns to cases in which women received some form of probation or incarceration for less than a year, white women again fared worse than their black counterparts. Almost 12 percent of the black women received probation compared to only 4.3 percent of the white women. When the data are further disaggregated, it is discovered that this discrepancy is due primarily to a high concentration of drug cases among black women. Four of the five black probation cases involved violations of drug laws. White women were additionally less likely than black women to receive sentences of less than one year. A

Table 1.2 Comparative Statistics for White and Black Women
(*N* = 135; white = 93; black = 42)

	White	Black
<i>Most Serious Charge</i>		
Murder	39.8%	33.3%
Child abuse	37.6%	2.4%
Drugs	3.2%	38.1%
Fraud	4.3%	—
Manslaughter	1.1%	4.8%
Arson	1.1%	2.4%
Burglary	1.1%	—
Rape	1.1%	—
Robbery	—	—
Other	10.8%	19.0%
<i>Sentence</i>		
Not sentenced	3.2%	7.1%
Probation	4.3%	11.9%
Fine only	1.1%	2.4%
Fine and community service	1.1%	—
Suspended sentence	2.2%	2.4%
<1 year	1.1%	9.5%
1-5 years	10.8%	9.5%
6-10 years	12.9%	11.9%
11-15 years	2.2%	7.1%
16-20 years	5.4%	9.5%
>20 years	16.1%	11.9%
Life	32.2%	11.9%
Death	4.3%	4.8%
Other	—	—
Unknown	3.2%	—
<i>Years in Jail/Prison</i>		
0	12.9%	16.7%
<1 year	4.3%	21.4%
1-5 years	40.9%	35.7%
6-10 years	16.1%	4.8%
11-15 years	6.5%	—
16-20 years	5.4%	11.9%
>20 years	3.2%	2.4%
Incarcerated	7.5%	7.1%
Unknown	3.2%	—
<i>Age When Convicted</i>		
Mean age	34.9 years old	29.4 years old
Range	16–61 years old	11–57 years old
Unknown	16.1%	—
<i>Age When Released</i>		
Mean age	41.9 years old	35.8 years old
Range	19–69 years old	14–57 years old
Not released	7.5%	7.1%
Executed	—	2.4%
Not applicable	14.0%	21.4%
Unknown	12.9%	—

Table 1.2 Continued

	White	Black
<i>Exonerated Through DNA Testing</i>		
Yes	5.4%	2.4%
No	94.6%	97.6%
<i>Factors Related to the Wrongful Conviction</i>		
Prosecutorial misconduct	36.6%	57.1%
Police misconduct	34.4%	33.3%
Eyewitness error	26.9%	16.7%
Forensic errors	28.0%	11.9%
Perjury by criminal justice officials	14.0%	42.9%
Ineffective assistance of counsel	18.3%	21.4%
False confession	19.4%	11.9%
Informant/snitch	15.1%	16.7%
Insufficient evidence	9.7%	14.3%
Other	34.4%	16.7%
Unknown	—	—

scant 1.1 percent of the falsely convicted white women received this sentence, whereas 9.5 percent of the black women received an identical sentence.

In general black women were more likely than white women to be incarcerated for shorter periods of time. Over 38 percent of the wrongfully convicted black women spent either no time in jail or prison or less than one year. In contrast, only 17.2 percent of the wrongfully convicted white women fell into one of these categories. Although white women were somewhat more likely than black women to be released within one to five years, the percentage of white women spending six to ten years, eleven to fifteen years, and more than twenty years in prison exceeded that of black women. Despite these apparent racial differences, the probability of white and black women remaining incarcerated was virtually the same: 7.5 percent of the white women versus 7.1 percent of the black women were still in prison at the time of the investigation.

Table 1.2 further discloses that black women are convicted at younger ages than their white counterparts. The average age at conviction for black women was 29.4 years; the average age for white women was 34.9 years. Overall, almost 60 percent of the black women in the study were convicted prior to turning thirty. In contrast, 27.9 percent of the white women in the investigation were less than thirty when convicted. Similarly, among those released black women were released at an earlier age than their white counterparts. The mean age at which black

women were released was 35.8 years, whereas the mean age at which white women were released was 41.9 years. Furthermore, 47.6 percent of the black women were released prior to turning forty, compared with 32.3 percent of the white women released prior to their fortieth birthday.

Because DNA testing is increasingly being used to exonerate the innocent, the sample was examined to determine the extent to which DNA evidence contributed to the exoneration of innocent women. DNA tests were responsible for only a small fraction of all known female wrongful convictions. Slightly over 5 percent of the white women and only 2.4 percent of the black women were cleared through DNA technology. These low figures reflect gender differences in the offenses for which wrongly convicted men and women are charged. False convictions of men typically involve murder or rape, offenses for which the collection of usable DNA is more likely to occur. Although DNA is likely to be found in child abuse cases involving sexual abuse, but because many instances of such abuse did not actually occur, there is no DNA to use for ascertaining innocence. Collectively, these low percentages indicate that wrongful convictions of women have not benefited from the increased reliance on DNA testing to the degree that male wrongful convictions have. Nor are they likely to in the immediate future, given gender differences in offending.

Racial differences also exist when factors related to the wrongful conviction are examined. While prosecutorial misconduct was the single most common factor in both female false convictions, this factor was more prominent among black women than white women. Prosecutorial misconduct was present in 57.1 percent of all black cases compared to 36.6 percent of all white cases. Perjury by criminal justice officials was also more prevalent among cases involving black women. Whereas perjury by criminal justice officials was found in only 14 percent of the white wrongful convictions, it appeared as a factor in 42.9 percent of the black wrongful convictions. The enhanced presence of this factor among black women was largely attributable to cases involving drug violations. Furthermore, insufficient evidence to support a conviction was slightly more noticeable among black false convictions.

In contrast, eyewitness error was more likely to be found among white wrongful convictions than among black wrongful convictions. Present in almost 27 percent of the white cases, eyewitness error was a factor in only 16.7 percent of the black cases. The difference is primarily attributable to the large number of child abuse cases involving white women in which easily manipulated children were used as eyewitnesses to the alleged crime. False confessions were also more prevalent among

wrongly convicted white women. This factor appeared in almost 20 percent of the white cases but less than 12 percent of the black cases. Similarly, forensic errors were more prominent in white wrongful convictions. Forensic errors were factors in 28 percent of the white false convictions compared to almost 12 percent of the black false convictions. This factor was primarily associated with wrongful murder convictions for both groups. All of the black wrongful convictions in which forensic errors were found involved murder and almost 70 percent of the white wrongful convictions in which forensic errors were found involved murder.

Factors related to the false convictions of women exhibited some similarities as well. For instance, police misconduct was nearly identical for both groups: 34.4 percent of the white wrongful convictions versus 33.3 percent of the black wrongful convictions. The use of an informant or snitch, moreover, was present in 15.1 percent of the white false convictions and 16.7 percent of the black false convictions. An often overlooked variable—ineffective assistance of counsel—was additionally present in similar percentages for white and black women. Ineffective assistance of counsel was a factor in 18.3 percent of the miscarriages of justice involving white women and 21.4 percent of those involving black women.

Of special significance is the extent to which factors not typically examined in the wrongful conviction literature appeared among the wrongly convicted women in this study. Factors other than those enumerated were present in 34.4 percent of the white false convictions but only 16.7 percent of the black false convictions. These figures suggest the need to expand the number of factors examined in wrongful convictions when analyzing women, especially when the defendants are white women.

Focus and Scope of the Book

Throughout the book, cases involving falsely convicted women in the United States are critically examined to enhance the reader's comprehension of the dynamics through which these women have come to be wrongfully convicted. With an emphasis on gender and racial differences, the discussions focus on both the nuanced differences and similarities between these women and other known false convictions. Through an in-depth examination of numerous wrongful convictions, the reader is exposed to the diversity of circumstances surrounding these miscarriages of justice. To personalize the experience that these women

underwent, some analyses include personal statements from the innocents themselves. It is hoped that cumulatively these findings will promote a clearer understanding of the intricate nature of female wrongful convictions while concomitantly encouraging further exploration of this topic.

It is also important to note what this book isn't. It is not meant to be a theoretical essay since the research in this area is still in its infancy. Furthermore, it is not meant to be an exhaustive investigation of all wrongly convicted women in the United States since 1970, as only known false convictions available electronically were included in the sample. Because many wrongful convictions involving women are unknown and many more may not be obtainable through computer-based searches, there are limitations to the sample. That being said, the websites utilized and the supplemental information make this sample arguably one of the most exhaustive searches of female wrongful convictions currently available.

In this chapter the reader was exposed to some background information on wrongful convictions. We began with a discussion of the Choctaw Three in Alabama and highlighted the history of wrongful convictions in the United States. The chapter then examined the prevalence of false convictions and looked at the factors commonly associated with them. Finally, we concluded with an analysis of 163 female wrongful convictions by examining gender and racial differences.

Chapter 2 focuses on women who have been wrongfully convicted of some form of child abuse. Perhaps nowhere is the contrast between male and female wrongful convictions more apparent than in the examination of offenses associated with the abuse of children. Although relatively few men have been falsely convicted of these abuses, a much larger number of women appear in the wrongful conviction scholarship. A strong racial divide exists among the women erroneously convicted of this offense. Whites greatly outnumber their black counterparts. Chapter 2 analyzes this phenomenon from a gender and race perspective.

One area where there is overlap between male and female wrongful convictions involves murder. Although criminal justice data for any given year reflect the fact that arrests for murder predominantly involve males, an appreciable number of women in the study were erroneously convicted of this crime. Chapter 3 examines those cases in which women were wrongfully convicted of murders they did not commit. When women kill, it is often someone they know intimately, making their murders (and convictions) qualitatively different from that of many men. This chapter scrutinizes the circumstances surrounding the cases and examines similarities and differences between men and women.

For many decades the United States has been aggressively waging a war on drugs. Only recently has the nation begun to reconsider the wisdom of this approach. Although typically the individuals appearing in the wrongful drug convictions have been men, many women (particularly black women) have become victims of this country's preoccupation with drug prevention and use. Contrasts between wrongful drug convictions involving men and women are discussed in Chapter 4. Racial distinctions among the women in the study are also analyzed.

Chapter 5 explores cases in which women have been falsely convicted for crimes not delineated in the previous chapters and reviews numerous offenses for which women have been erroneously convicted. The diversity of these crimes demonstrates the need for investigations of wrongfully convicted women to go beyond the typical offenses of murder, rape, and drugs which permeate much of the literature of their male counterparts.

Finally, Chapter 6 summarizes the major findings and suggests directions for future scholarship in this area. Similarities as well as differences between wrongly convicted men and women are discussed, as are racial differences within female wrongful convictions.

The book additionally contains two appendixes. Appendix A includes a more detailed discussion of the research methodology employed in the study. Appendix B enumerates the entire sample of wrongfully convicted women analyzed herein. A succinct overview of the main characteristics of each case accompanies each entry.

Notes

1. Perhaps nowhere is this more self-evident visually than in the book *The Innocents* (Simon et al., 2003). Prominently appearing on the dust jacket are pictures of forty-five individuals who have been wrongfully convicted and whose stories appear in the book. Buried among the photographs of the forty-four falsely convicted men is a single photograph of a falsely convicted woman.

2. Some contemporary books that have examined wrongful convictions involving men include Connery (1996), Protes and Warden (1998), Scheck et al. (2000), Mello (2001), Johnson and Hampikian (2003), Edds (2003), Cohen (2003), Jankin (2004), Grisham (2007), Budd and Budd (2010), Burns (2011), Rooney (2011), Masters and Lehto (2012), and Free and Ruesink (2012). Particularly noteworthy among this collection is *The Innocent Man*, authored by John Grisham. Although Grisham is best known for his legal fiction novels, this *New York Times* bestseller is a true story involving a wrongly convicted Oklahoma man.