From last time

• Abigail Baird, google “Why do teenagers do stupid things” and her name...

• Her presentation about the shark tank study at a New Hampshire legislative hearing got them to raise the age for trial in adult courts from 16 to 18.

• Many states allow juveniles to be tried in adult court...
Anthony Ray Hinton

• 1985, I was still in grad school… He got out last April, 2014: 30 years, 28 on Alabama’s death row: solitary confinement in a 5x8 cell
• Lots of web sites / news stories about him, here is one:
• If you want to write him a card or a note, give them to me at lecture on Monday and I will mail a big packet. He would like that I think.
• Questions and comments about his talk…
Wrongful Convictions not that rare

• Bryan Stevenson: Why was it so easy to convict him with no evidence, but so hard to get him out?

• Some surprising but not uncommon features:
  – Motivated testimony by inmates or others facing legal trouble
  – Interrogations including lies, etc. (plus illegal things; interrogators are ALLOWED to lie to you.)
  – Suppression of evidence

• Note: Walter McMillan would be in jail if he had been sentence to LWOP; the trial was re-done because the judge over-ruled the jury to impose death
Walter McMillan

• DPIC # 50:

• Anthony Hinton, # 152

• Levon Jones, # 127 (*Last Lawyer* case)

• Harold Wilson #120 (Philadelphia, triple knife slayings, discussed before)
National Registry of Exonerations

- www.exonerationregistry.org/
- 1,733 exonerations as of today, since 1989
- Leading Contributing Factors:
  - False Accusation, Perjury
  - Official Misconduct
  - Mistaken Witness ID
  - Misleading Forensics
  - False Confession
Ndume Olatushani

- Formerly known as Erskine Johnson
- St Louis projects, arrested in 1983 for a crime in Memphis TN, and he was in jail until 1 June 2012...
- Almost 27 years in prison
- 19 on death row
- “Alford Plea” – not listed as an exoneree
Alford Plea

• I maintain my innocence, but I recognize that given the evidence to be presented, a jury would most likely convict me. Therefore I plead guilty without acknowledging guilt.

• Case against Olatushani fell apart. Sentence dismissed, new trial mandated. Why not drop the charges?
  – Fear of a civil law suit
  – Bargain: a judge can keep you in prison pending trial, based on prosecutor’s arguments. 3 years waiting for the next trial, or immediate plea?
  – He had already turned down a 20-year deal which would have given parole after 7 years, before he served 27 years. This time he took the deal.
  – Deal includes provision, he can never sue the state.
  – He is not officially an exoneree and does not appear on those lists.
Prosecutorial Immunity

• Immunity for official actions.
• Imagine you are a DA and you investigate 3 people for murder, eventually dropping the charges against 2 and charging the 3rd one. Can the other 2 sue you for ruining their lives? No. (Otherwise, who would be a DA?)
• British common law: you cannot sue the judge who did you wrong. It was all in his official duties.
• The bar is extremely high: willful misconduct, disregard of the law, etc.
• (Except Duke Lacrosse.) Note: they never spent a night in jail! But they collected over $50M and the DA lost his bar license. He served 1 day in jail.
Finality

• At some point, many people say, the appeals have to stop and the judgment of the trial judge and jury have to be considered to be final.
• Finality is an important concept.
• But what if new evidence is discovered?
• What if the new evidence shows official misconduct?
• “Motion for Appropriate Relief” – how you do this even when “all your appeals are exhausted.”
• This can indeed drag on. Is that good or bad?
Race of Inmate and Victim

• For next week, go to my web page for articles. Under the article you have to read for class, which covers the entire US, there is some press coverage.

• Also one state at-a-time reports using the same data, and press coverage from those reports.

• The DA in Ferguson, MO called me “bogus.” Ouch!
Yesterday’s paper in Akron OH

- Cleveland, Ronnie Bridgeman, Wyle Bridgeman, and Ricky Jackson, 1975 to 2015: 40 years each.

From today’s News and Observer, death case in Durham.
Another suspected criminal in the news