

Daniel Gwynn Blog Update  
Date: 3/31/12

Subject: 2011 Joint State Government Commission on Wrongful  
Convictions

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° Causes of wrongful convictions have been recurrently found, but convictions based partly or completely on false confession or other incriminating admissions have been shown to comprise a substantial percentage of the DNA exoneration cases in the United States. Of these 273 exonerations, Innocence Project lists 66 of the in which a false confession or other incriminating admission contributed to the conviction. Of the 11 exonerations from PA., four are listed for a false confession or other incriminating admission as having contributed to the conviction. Innocence Project, Know the Cases, <http://www.innocenceproject.org/know/search-profiles.php>

° Much of modern police interrogation relies on psychological manipulation and interpretation. The US Supreme Court sanctioned the use of an outright lie in 1969 and has not revisited the issue.

° Since 1989, 34 states and the District of Columbia have been witness to 273 postconviction DNA exonerations.

° Causes of wrongful convictions are commonly determined to be mistaken eyewitness identifications; false confessions; perjurious informant testimony; inaccurate scientific evidence; prosecutorial and defense lawyer misconduct; and inadequate funding for defense services.

° The Commonwealth of PA. has had 11 convicts exonerated partly or totally on the basis of DNA. Absent this DNA, there would be no compelling reason to recognize their factual innocence. Another source identifies 33 convicts in our Commonwealth who have been exonerated based partly or totally on evidence of actual innocence, although not all are due to DNA.

° Overzealous and grossly negligent police work contributed to the old cases of erroneous convictions as well as to the more recent ones. Just as with the recent exonerations based on DNA analysis postconviction, the old cases had false confessions, frequently from those with inferior intelligence. The old cases resultant from unreliable expert evidence are equivalent to more recent exonerations in which convictions were at best partly based upon invalid or unvalidated scientific assertions. Another contemporaneous cause of these erroneous convictions is also an older cause: poor persons receiving inadequate defense. Another old phenomenon that still persists is finality of judgment after which courts maintain their incompetence to set aside unjust verdicts or correct substantial errors leaving executive clemency as the only available remedy.

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Common Causes of Wrongful Convictions

<u>Postconviction DNA Exonerations</u>	<u>Total</u>	<u>Eyewitness Misidenti- fication</u>	<u>Invalid Science</u>	<u>False confession or other In crim- inating Admission</u>
Nationally (also PA)	273	193 (73%)	125 (46%)	66 (24%)
PA	11	9 (82%)	3 (27%)	4 (36%)

	<u>Government Misconduct</u>	<u>Informants</u>	<u>Bad Lawyering</u>
Nationally	46 (17%)	32 (12%)	13 (5%)
PA	4 (36%)	4 (36%)	0 0

Many wrongful convictions had more than one cause that contributed to the erroneous conviction. Innocence Project