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# INNOCENT UNTIL PROVEN GUILTY: THE REPRESENTATION OF WRONGFULLY CONVICTED WOMEN

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## ABSTRACT

The Innocence Project has exonerated only four women out of their first 250 cases. Even with the increase in media attention, wrongfully convicted women are still underrepresented among exonerees. This study will examine the four cases of exonerated women with the help of the Innocence Project. First, utilizing official documents including court filings and rulings, the study will identify commonalities and differences that led to a case being chosen by the Innocence Project. Characteristics to be considered are: the crime(s) the individuals were convicted of, the length of sentences, whether DNA testing was used to exonerate them, or if another type of error was exposed. Second, to understand the context in which the case was selected, an examination of the representation of the women by the media and in popular literature will be conducted, utilizing discourse analysis. Finally, this research will provide recommendations that suggest improvements to the case selection process.

## INTRODUCTION

A wrongful conviction can be defined in a number of ways. Huff, Rattner, and Sagarin (1996) write that “convicted innocents... are people who have been arrested on criminal charges... who have either pleaded guilty to the charge or have been tried and found guilty; who, notwithstanding plea or verdict, are in fact innocent” (p.10). For the purpose of this research, the term “wrongful conviction” will not include persons that accepted a plea bargain in order to avoid a harsher sentence, who were actually innocent. In this

*Julie M. Krupa*

study, the cases of wrongful conviction to be examined are those that have been exonerated by the Innocence Project.

The Innocence Project was founded in 1992 by Barry C. Scheck and Peter J. Neufeld at the Benjamin N. Cardozo School of Law at Yeshiva University. This organization was created to help innocent prisoners exonerate themselves through DNA testing. The organization has helped exonerate 289 innocent people, five of which did not involve the use of DNA evidence ("Know the cases," n.d.). The five exonerations made without DNA testing were all cases that involved men. While the efforts of the Innocence Project are commendable, women are underrepresented among these exonerations.

Although women make up a smaller portion of incarcerated offenders, the number of female prisoners in state and federal prisons increased an alarming 832% between 1977 and 2007 (West and Sabol, 2008). Although the Innocence Project has exonerated over 250 people, only four of them have been women. According to the Bureau of Justice Statistics (2008), approximately 35% of women are incarcerated based on violent offensea (p. 22). Women do not traditionally commit violent crimes, and so as a result there is a lack of DNA evidence present in female cases. This lack of DNA evidence makes exonerations among women more challenging.

The Innocence Project identifies six main causes of wrongful conviction that will be discussed and analyzed in this paper. An analysis of the four female cases exonerated through the Innocence Project, will be examined, utilizing the paradigm created by Meda Chesney-Lind. Chesney-Lind has worked to expose gender discrepancies within the criminal justice system, specifically looking at gender biases towards women. Chesney-Lind has drawn attention to the absence of consideration for women in policies, procedures and theories. This work expands on Chesney-Lind by adding the exoneration to the list of gender discrepancies with the criminal justice system.

## **REVIEW OF LITERATURE**

Wrongful convictions are becoming a more prominent topic of discussion in the domain of criminal justice. While the In-

nocence Project has brought more attention to this miscarriage of justice by working to exonerate the wrongfully convicted, the issue of wrongful convictions within the American criminal justice system has been debated for decades. Studies on wrongful convictions can be found as far back as 1932, in Edwin Borchard's work *Convicting the Innocent: Sixty-five Actual Errors of Criminal Justice*. While we know that wrongful convictions happen, it is hard to know exactly how many have occurred in the U.S. In a study conducted by Huff, Rattner and Sagarin (2004), prosecutors, judges and law enforcement officials were surveyed to determine an estimate for the rate of wrongful convictions in felony cases. After gathering data, they estimated an error of 0.5%. Assuming that 0.5% of cases in the US are wrongfully convicted, about 7,500 people convicted of index crimes were innocent. Index crimes are considered to be murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft and arson, as defined under the FBI's Uniform Crime Reporting Program (Schmallegger, 2009, p.39). Even with this small margin of error, thousands of innocent people have been and are being convicted.

This study did not include defense attorneys in the reporting sample (Huff et al., 2004). When compared to other justice system officials, defense attorneys were found to be more skeptical and were prone to believe that errors and inaccuracies occur in cases (Smith, Zalman & Kiger, 2011). The Smith, Zalman and Kiger study expanded upon the work of Ramsey and Frank (2007) by looking at the perceptions of justice system officials when examining six areas of process that can cause errors to occur. These areas of potential error were: (1) eyewitnesses, (2) forensic experts, (3) prosecutors, (4) police, (5) defense attorneys and (6) judges. Defense attorneys perceived a higher estimate of error occurring in comparison to police officers, prosecutors and judges' estimates. Police officers and prosecutors believed that errors occur at an extremely low rate, while judges tended to think errors occurred more often. Overall, defense attorneys believed that errors occurred at the highest rate. Taking that into consideration, one can conclude that the perceived frequency of wrongful convictions among justice system officials would be higher than

*Julie M. Krupa*

one percent when including defense attorneys in the sample population.

Since there is no way of knowing how many wrongful convictions have occurred in the United States, one must rely on these studies to get a general idea of what the number could be. Huff (2004) explains that no systematic data on wrongful convictions is kept in the US. Studies have been conducted in order to determine the estimated number of wrongful convictions in the US. Poveda (2001) conducted a study using multiple methodologies to estimate the “dark figure” of wrongful convictions. Wrongful convictions are referred to as a “dark figure”, because there is no way to determine the frequency at which they occur. In order to measure the undiscovered cases of wrongful conviction, he used official statistics on court-ordered discharges and inmate self-reported surveys. After examining official documents from the Department of Correctional Services, Poveda found an error rate of 1.4% in murder convictions. These results are comparable to those found by Huff’s survey of justice system officials. By extracting data from the RAND Inmate Survey, taken by male prisoners in multiple jurisdictions, Poveda concluded that about 15% of inmates claimed they did not commit the crime they were convicted for (Poveda, 2001, p. 701). The reliability of the survey and validity of responses was checked before analyzing the data. Using two different methodologies, Poveda formulated an error rate that ranged from 1-15%. Although this range is relatively large, it supports the existence of wrongful conviction within the criminal justice system.

There are many factors that can lead to an innocent person being wrongfully convicted. In many cases, multiple errors or inaccuracies occur, leading to the conviction of an innocent person. Huff (2004) narrows the causes of wrongful convictions in the US to: eye witness error; overzealous or unethical police and prosecutors; false and coerced confessions and improper interrogations; inappropriate use of jailhouse informants; ineffective assistance of counsel; forensic errors; incompetence and fraud; and the ad-

versarial system (p. 110). The Innocence Project highlights six major causes of wrongful conviction: (1) eyewitness misidentification, (2) unvalidated or improper forensic science, (3) false confession, (4) government misconduct, (5) informants and, (6) bad lawyering (“Understand the causes,” n.d.). Examining DNA exoneration cases since 1992 shows that eyewitness misidentification was involved in the vast majority of wrongful convictions (Wells, Memon & Penrod, 2006). Jurors tend to place strong confidence in eyewitness testimony, when in reality it can be manipulated by many unconscious factors, making it unreliable.

The case of *Commonwealth v. Walter Tyrone Snyder* is an example of how eyewitnesses can make detrimental mistakes (Scheck, Neufeld and Dwyer, 2003). Faye Trester was the victim of a rape that occurred in her home in Washington, D.C. Her face was covered with a cloth throughout the assault and the lights were off; she did not get a clear view of the attacker. Walter Snyder lived across the street from Faye and agreed to have his prints and photo taken by the police. His photograph was one of seven presented to Faye in the hope that she might be able to identify her attacker. Faye discarded Snyder’s picture, along with all others, not finding a match to her attacker. A few days later, however, Faye called the police and told them that her neighbor, Walter Snyder was her attacker. The detective working the case arranged for Ms. Trester and Mr. Snyder to cross paths, informally, in the police department, where she identified him as her attacker immediately. Ms. Trester’s testimony was a strong element of the prosecution and influenced the jury enough to sentence Snyder to forty-five years in prison. The strongest evidence against Snyder was Ms. Trester’s eyewitness testimony. It was not until years later that Walter was eventually exonerated through DNA evidence. There were other errors that occurred in the case, but Faye Trester was clearly mistaken in her identification of Walter as her attacker (Scheck et al., 2003, 59-100). This is just one example of how eyewitness testimony cannot be relied upon without regulations and procedures implemented into the identification processes, such as lineups and photo spreads.

*Julie M. Krupa*

Eyewitness misidentification was present in approximately 75% of cases that have been exonerated by the Innocence Project (“Understand the Causes,” n.d.). Eyewitness testimony relies on the accuracy of human memory and has a considerable impact on the jury (Loftus & Ketcham, 1991). An individual’s memory is not permanent, and while recollecting a memory one can unknowingly change or alter details of the event. Having the ability to precisely recollect an event is critical for an eyewitness, but making mistakes while recollecting a memory is a normal occurrence of the human memory (Loftus & Ketcham, 1991, p. 22). An eyewitness’ memory can be affected by event factors as well. “Event factors” are described as factors that affect the perception of an event, such as lighting, level of noise or if violence was present. Event factors can cause memories to be distorted or perception to be altered (Loftus & Ketcham, 1991, p. 23). An eyewitness’s recollection of an event can be altered in many unconscious ways, making their testimony unreliable.

Along with eyewitness misidentification, improper forensic science, or “junk science,” can also lead to a wrongful conviction. While forensic science has exonerated many people, it is also the reason why some individuals were wrongfully convicted in the first place. Next to eyewitness testimony, DNA evidence has an extremely powerful impact on a jury and their verdict. Improper forensic science contributed to over 50% of wrongful convictions that were exonerated through DNA testing (“Understand the cause,” n.d.). Corrupt forensic scientists, such as Fred Zain, have altered their testimony or results and influenced cases in the prosecution’s favor.

Fred Zain worked as a forensic scientist with the West Virginia Police Department. Zain was well liked and worked on and/or testified in over a hundred cases before he was exposed as a fraud. In the case of Glen Dale Woodall, Zain had falsely testified against Woodall. Zain testified that the semen obtained from the victims, matched that of Woodall. Woodall was convicted, but was later exonerated, calling Zain’s expertise into question. The American Association of Crime Lab Directors helped to conduct an investigation into testimony and evidence presented by Zain in thirty-six cases.

The investigation revealed that Zain had falsified data in every case for a period of ten years (Scheck et al., 2003, p. 146). Zain had failed organic chemistry, an FBI course on forensic science, and had fabricated test results (Scheck et al., 2003, p. 147). Forensic science can be as damaging to a defendant as it can be beneficial.

Fred Zain is an example of one “bad apple” that used false forensic science to bring about a wrongful conviction. William Thompson (2009) does not believe that it is just one incompetent forensic scientist that is the cause of wrongful convictions. Using organizational theory, he moves away from individual failures and examines what makes these failures more common in institutions. Thompson develops the hypothesis that the quality of forensic science work is intimately connected to the quality of the legal system in a given jurisdiction (Thompson, 2009). Therefore, when forensic science is exposed to more scrutiny by the legal system, it will improve. Thompson also goes on to equate “system failure” to the interaction between units, such as the forensic scientists and police officers. He argues that a DNA analyst does not need to know what the witness said prior to writing a report. Too much communication between units can create a bias and alter evidence (Thompson, 2009, p. 1049-50). The DNA analyst can be influenced by information provided to them from police officers about a particular case.

The act of falsely confessing is a hard concept for jurors to understand. It is counterintuitive that an innocent individual would lie and say that s/he committed a crime. The reality is that false confessions are a main cause of wrongful convictions, and have occurred in about 25% of the cases that have been exonerated by the Innocence Project (“Understand the causes,” n.d.). The prevalence of false confessions is another “dark figure” within the criminal justice system. This number continues to remain a mystery, as “(1) no organization keeps statistics on the number of interrogations and confessions or evaluates the reliability of confession statements; (2) many interrogations are not recorded, and (3) the actual truth of what happened many remain in dispute after a defendant has pleaded guilty” (Leo and Ofshe, 1998, p. 431-32).

Leo and Ofshe (1998) identified sixty cases in which false confessions were used to convict a defendant, in which there was



*Julie M. Krupa*

no other evidence to suggest that the defendant was guilty and it had been proven, or was highly likely, to have been a false confession. The study examines the effect a false confession can have on the decision-making of juries, and other criminal justice officials, when the evidence does not support a false confession. Using field data, Leo and Ofshe found that with “near certainty,” false confessions led to incarceration, guilty verdicts, wrongful conviction and a deprivation of liberty (1998, p. 492). Jurors and criminal justice officials put so much weight on these false confessions that they disregarded strong evidence of the defendant’s innocence.

False confessions stem from improper police interrogation techniques. Many police officers are not trained on how to distinguish between a true or false confession when conducting an interrogation. They also lack training in how to avoid eliciting a false confession or what causes a false confession. Sensory deprivation can occur in interrogations when police are “certain” they have the right person, and are persistent on getting a confession out of a suspect. When this occurs, it is unlikely that officers will take new evidence into consideration, or cease in their motivation to get a suspect convicted. The mental state of the suspect must be taken into consideration when interrogations are conducted. The presence of a mental illness in a suspect may increase the odds of eliciting a false confession. Many states do not require interrogations to be recorded, which would be relatively helpful in court when arguing that a confession was false.

The case of the Norfolk Four involved the murder of a woman and four false confessions; the innocent men served years in prison on rape and murder charges. Daniel Williams was immediately considered to be the primary suspect, solely based on a statement regarding his sexual interest in the deceased. After a very lengthy, aggressive, sleep deprived interrogation by Detective Ford, Williams confessed to the rape and murder of the young woman. When the evidence did not implicate Williams as the criminal, police officers moved on to his roommate Joseph Dick. Officers quickly coerced a false confession out of him, and upon realizing that Dick could not have been the murderer, moved on to another person Dick knew. This continued until the officers

coerced four false confessions and implicated three other innocent individuals in the crimes (*Confessions*, 2009).

The case of the Norfolk Four is an extreme example used to establish the link between false confessions and wrongful convictions utilizing seven psychological processes (Leo & Davis, 2010). The first is the role of *misleading evidence*, which occurred when Detective Ford told Williams private details about the case. Detective Ford then continued to interrogate Williams and convinced him that he told Ford those details first. This is difficult to defend against if the interrogation is not recorded. The second psychological process is *tunnel vision* and *confirmation bias*; the detectives exhibited this throughout the investigation, refusing to admit the innocence of any of the suspects. Third is *motivational bias*, which refers to the way present goals direct attention, interpretation, and information processing. As Williams was interrogated, his initial goal would have been to maintain his innocence. As the detective started using more coercive techniques, Williams' goal may have changed to avoiding the death penalty (which he was repeatedly threatened with). This change in goals led to a false confession.

The last four psychological processes identified by Leo and Davis (2010) are "emotion, institutional influences on evidence production and decision making, inadequate or incorrect relevant knowledge and progressively constricting relevant evidence" (p.10). False confessions were taken under strong emotional distress, with police officers trained to use those emotions to their advantage. Finances and incentives can directly affect the production of evidence. Some court ordered defense lawyers do not have the funds to have forensic testing done, while some prosecutors have financial incentives to get a quick conviction. Many police officers lack the knowledge on how to avoid eliciting false confessions during interrogation. Also, without knowledge of false confessions defense attorneys may not be inclined to believe their client's innocence. If the defendant does not falsely confess to the crime, there is the opportunity to use a third party to make that implication.

The use of testimony obtained from jailhouse informants is another source of wrongful conviction. In fifteen of sixty-two

*Julie M. Krupa*

cases in which DNA was used to exonerate the defendant, an informant had been used to convict the defendant (Scheck et al., 2003). Informants chose to inform on people for many different reasons, but their motives are usually based on personal gain. Informants are usually rewarded for their testimony and cooperation. They can receive money, a shorter sentence, avoid arrest or incarceration completely, or feel as though they are “working the system.” Either way, this makes jailhouse informants’ testimony highly unreliable and biased. Zimmerman (2008) identifies four problems that are facilitated by informants: (1) officially rewarding informants despite the inaccuracy of their information or their motivation for providing it; (2) promoting law enforcement’s use of informants; (3) providing judicial protection for informant confidentiality and security, and (4) maintaining a systemic environment that tends to value speed over accuracy (p. 56-57).

These problems exist because of the profitable relationship between police officers, prosecutors and informants. Most law enforcement officials take a conventionalist view and think that informants are necessary to the criminal justice system (Farris, 1988; Harney and Cross, 1968). Law enforcement officials can use informants in a number of different ways and informants are valuable to prosecutors when they are aiming for a conviction. When there is no evidence or witness to a crime, public officials can feel pressured to use informants. This creates a “win-win” situation for the prosecutor and informant, where both receive desired outcomes. In many instances, importance is placed on gaining a conviction rather than on conducting a fair and just trial.

This “win-win” situation promotes the use of jailhouse informants, no matter how invalid their testimony tends to be. Leslie Vernon White, a jailhouse informant, demonstrated how easily a “confession” can be fabricated and used to benefit him (Scheck et al., 2003). After White revealed many secrets about “snitching” he was asked to demonstrate his ability to create a “confession.” Using information such as the name of an inmate and the crime he was suspected of, White gained other detailed information about the case. White used a telephone and made calls posing as a police officer and a bail bondsman. He was able to get enough informa-

tion about the victim's injuries, and the case, to create a "confession." White also talked about involving a second inmate to help reduce their sentence (or some other desired reward), and further solidified the primary person's story. Out of the cases exonerated by the Innocence Project, over 15% involved the testimony of an informant against the defendant ("Understand the causes," n.d.). The use of unreliable jailhouse informants is an example of prosecutorial misconduct.

Government misconduct is yet another cause of wrongful conviction. Wrongful convictions may result when misconduct, negligence, and corruption occur among governmental officials. The Innocence Project considers this to be prosecutorial and law enforcement official misconduct. Prosecutors wield a considerable amount of power and discretion in the courtroom. They are able to determine what crime the defendant will be charged with, what type of plea bargain will be offered, if any, and are responsible for convincing the jury of the defendant's guilt if the case goes to trial. Prosecutorial misconduct is a prevalent issue within our criminal justice system.

Peter Joy (2006) attributes prosecutorial misconduct to three institutional conditions: "vague ethics rules that provide ambiguous guidance to prosecutors, cast discretionary authority with little or no transparency, and inadequate remedies for prosecutorial misconduct" (p. 400). Joy (2006) argues that although ethical guidelines exist for prosecutors, they are vague and do not provide adequate guidance in decision making. Given the large amount of discretion that prosecutors wield, many of their decisions are based upon personal judgment. Prosecutors decide what evidence to present to the jury and have the power to determine what evidence is considered to be exculpatory. These decisions are made in private and are not reviewed, or even known, by the public. The National District Attorneys Association (NDAA) and American Bar Association (ABA) recommend that prosecutors adopt a handbook detailing policies and exercise of prosecutorial discretion, but it is not mandatory (p. 419-421). Finally, Joy draws attention to the lack of discipline that occurs for prosecu-

*Julie M. Krupa*

torial misconduct. Prosecutors, normally, have protection against civil lawsuits, which decreases liability for misconduct (p.424). An absence of regulation of prosecutorial misconduct can lead the public to lose trust in the criminal justice system and the administration of justice.

From 1997 to 2007, prosecutorial misconduct occurred in 707 cases in California (Ridolfi & Possley, 2010). Ridolfi and Possley's Misconduct Study reviewed rulings of state and federal criminal cases in which the courts made specific findings of prosecutorial misconduct. This number is an underrepresentation of cases involving misconduct, considering that 97% of cases never go to trial. In approximately 77% of cases where misconduct was present, the courts considered it to be a "harmless error" and upheld the conviction.

This "harmless error" is a means of the criminal justice system excusing government misconduct, without having to reverse or retry a case. Of the first seventy-four cases that were exonerated through DNA forensics by the Innocence Project, government misconduct played an important part in the conviction of 64% of the cases (Scheck et al. 2003). There are few consequences, if any, for prosecutors who engage in misconduct. Lawyers are rarely punished by the State Bar Association or the court system. This lack of discipline often allows prosecutors to act unlawfully in court without fear of consequences. The issue of misconduct is not confined to the courtroom, but can also be found among law enforcement officers, as well.

Police misconduct includes an array of actions including: coercing false confessions, providing rewards to informants for unreliable testimony, failing to hand over exculpatory evidence, and implying suggestion when conducting line-ups or photo line-ups ("Understand the causes," n.d.). These are only a few examples of documented police misconduct, and while many law enforcement officers are trustworthy and honest, one act of misconduct can lead to a wrongful conviction. Since law enforcement officers are so involved in apprehending an offender, there are many opportunities for misconduct to occur. Police are responsible for arresting the offender of a crime, interrogating suspects, conducting

line-ups, talking to witnesses, and many other details relating to a case. One example of police misconduct which occurred in the case of the Norfolk Four, was Detective Robert Glen Ford using improper interrogation techniques on men that later falsely confessed. This is not to say that law enforcement officers and prosecutors are the only members of the courtroom workgroup responsible for initiating a wrongful conviction.

According to Scheck et al. (2003), lawyers are not found to be ineffective if they pass the “breath test” (p. 237-38). This means that if the lawyer is simply breathing, they are considered to be effective in the eyes of the law. Unprofessionalism from defense attorneys has been proven to be yet another cause of wrongful convictions. Many defendants are unable to afford defense attorneys and choose to be represented by court appointed attorneys. While prosecutors enjoy public support, a good salary, and funding for resources, defense attorneys find themselves in quite the opposite situation. On average, public defenders are over-worked, having multiple cases, and are paid less than private practicing attorneys or prosecutors.

The defendant who cannot afford to pay for an attorney is represented by whomever the court assigns to the case. When a lawyer is found to be incompetent, overburdened or ineffective, innocent defendants may suffer. Failures to prepare for trial, talk to expert witnesses, investigate the case, call witnesses, or make a favorable jury selection are all examples of poor lawyering. The case of Archie Weston is an example of how an ineffective lawyer was nearly responsible for sending an innocent man to death row.

Archie Weston was representing a defendant in a capital case involving the rape and murder of two people in Illinois. Throughout the trial, Weston made poor jury selections, failed to bring attention to an important timing issue involved in an eye-witness account, and never consulted forensic scientists about evidence presented at trial (Scheck et al., 2003). Overall, Weston seemed to be incompetent. After being convicted, the defendant eventually received another trial, based on the fact that Weston was in the process of being disbarred, but the court never admitted that Weston was an ineffective lawyer. This particular situation

Julie M. Krupa

is another example of a male wrongful conviction. Women who have been wrongfully convicted have not been studied to the extent of their male counterparts.

The Innocence Project is responsible for 289 exonerations of previously convicted defendants, four of whom are women. This is a relatively low number, representing approximately 1% of exonerees. In 2009, women made up approximately 7% of the prison population in federal and state prisons (West, 2010), and by 2010, women made up approximately 12% of inmates in local jails (Minton, 2011). From 1970 to 2007, Ruesink and Free, Jr. (2007) identify forty-two women as being wrongfully convicted in their study *Wrongful Convictions Among Women: An Exploratory Study of a Neglected Topic*. This is one of the very few articles that discuss the topic of wrongfully convicted women. Using databases from the Center for Wrongful Convictions and Forejustice, this study identifies the women that were exonerated in the US. Findings show that the majority of women were convicted for either murder or child abuse, followed by drug offenses. The number one offense that men were wrongfully convicted of was also murder, but only 7% were wrongfully convicted of child abuse. Another gender-based difference that appeared was the cause of wrongful conviction. For women, in 86% of the cases, the most common factor was unethical police and/or prosecutors, referred to as “government misconduct and false confession,” according to the Innocence Project. In contrast, men were more likely to be convicted based on eyewitness error, which was the second most common cause of wrongful conviction among women. This study gives a general idea of what offenses women are most likely to be convicted of and the causes behind those wrongful convictions.

## WOMEN IN THE CRIMINAL JUSTICE SYSTEM

As a feminist criminologist, Meda Chesney-Lind has studied the treatment of girls and women in the criminal justice system. Her publications draw attention to inequalities in the sentencing of women (Chesney-Lind, 1997), and how institutions have overlooked the needs of female offenders (Chesney-Lind, 1998). Chesney-Lind (2000) states that because women do not make up a



large portion of prisoners, and the vast majority of female offenders have not committed violent crimes, they are “forgotten.” In *The Female Offender: Girls, Women and Crime* (1997), Chesney-Lind discusses how theories and research on crime have historically ignored women. Underprivileged and unemployed women are prone to become involved in prostitution and drug use and are victimized in the process (p. 137-142). Chesney-Lind argues that the increased population of female offenders can be attributed to the “tough on crime” attitude that has been implemented by law enforcement agencies. Chesney-Lind (1997) also suggests that mandatory sentencing for drug offenses has been a contributing factor in the increased incarceration of women (p. 151). Even though the incarceration of women has increased, it appears that women are still ignored within the criminal justice system.

The difference in the treatment of offenders based on gender has been an issue within the criminal justice system. Chesney-Lind suggests that female offenders have been ignored within the criminal justice system, due to the lack of gender differentiation in correctional programs and procedures. Prisons and jails are not generally equipped to accommodate the large number of pregnant inmates and there have been noted issues of sexual harassment toward female inmates. Procedures such as strip searches have been perceived as problematic for women that have a history of sexual trauma (Chesney-Lind, 1998, p. 70). These gender discrepancies within the criminal justice system demonstrate the lack of forethought in regards to the management of female offenders. The Florida Law Review (1990) found that women had less access to rehabilitation and work release programs, compared to their male counterparts. Also, incarcerated men were more likely to be released early due to overcrowding, while women often served their full term. These inconsistencies are also exhibited in the exoneration of the wrongfully convicted. Women make up approximately 1% of exonerees within the Innocence Project’s database (“Know the cases,” n.d.), but make up 7% of the prison population (West, 2010). This underrepresentation of female exonerees is an illustration of the effect of gender bias practices within the criminal justice system.



*Julie M. Krupa*

## **Analysis of Cases**

Paula Gray, Debra Shelden, Ada JoAnn Taylor and Kathy Gonzalez are the only four women that the Innocence Project has exonerated. Shelden, Taylor and Gonzalez were all involved in the same case, along with three men. All four women were involved in murder/rape cases where the causes of wrongful conviction were due to false confessions and improper forensic science. In the case of Paula Gray, these were not the only causes behind her wrongful conviction. Court documentation was used to analyze the cases and what led to the wrongful convictions of the women involved.

## **Ford Heights Four**

Paula Gray was convicted of murder, rape, and perjury in 1979 at the age of eighteen. She was sentenced to fifty years in prison and was not exonerated until 2002. Gray was considered to be “borderline mentally retarded,” but her competency was not questioned during the trial (U.S. ex rel. Gray v. Director, Dept. of Corrections, State of Ill., 1984). Gray was involved in a case known as the “Ford Heights Four,” where Lawrence Lionberg and Carol Schmal were murdered and Ms. Schmal was raped. There were many causes of this wrongful conviction including: eyewitness misidentification, false confession, bad lawyering, and improper forensic science (“Know the cases,” n.d.). During the trial, Gray was tried along with co-defendants Dennis Williams, Willie Rainge and Kenneth Adams.

Paula Gray initially testified against Dennis Williams, Willie Rainge, Kenneth Adams and Verneal Jimmerson, stating that she witnessed them commit murder and rape. After testifying before a grand jury, she later recanted her testimony at a preliminary hearing. She stated that she knew nothing about the crimes committed and her testimony was coerced by law enforcement officials. Without Gray’s testimony, the charges were dropped against Jimmerson. Three months later, Paula Gray was charged with the murder of Lawrence Lionberg and Carol Schmal, as well as rape and perjury. In September 1978, Gray, Williams, and Rainge were represented by the same lawyer, Archie Weston. The

four defendants were tried at the same time, by the same judge, but by different juries. One jury only heard charges against Gray, because her testimony was admissible against her. A second jury heard charges brought against her three co-defendants. In January 1979, Paula Gray was found guilty and sentenced to fifty years in prison (People v. Jimmerson, 1995). There were four main factors that attributed to the wrongful conviction of Paula Gray and her co-defendants.

Charles McCraney was a strong witness for the prosecution against Paula Gray, which led to the misidentification of the defendants. Mr. McCraney testified against Williams, Rainge, and Adams, placing them at the scene of the crime, all of whom Gray falsely confessed to being with at the scene. Evidence would later show that he was incorrect in his identification of the men (People v. Williams, 1991). When Gray falsely confessed to police, she implicated herself and Williams, Jimmerson, Rainge, and Adams in the rape and double murder. Court documents show that Paula's mother was insistent that she cooperate with the police and "tell them everything" (People v. Gray, 1980). Her mother's urging to cooperate and speak, along with an overnight stay with an officer at a hotel, could have led to the false confession being coerced. The confession was difficult for prosecutors to overlook, and while charges against Jimmerson were dropped, charges were brought against Gray. While Paula Gray did falsely confess, what the Innocence Project describes as "bad lawyering" was also evident throughout the trial.

Archie B. Weston did a less than adequate job of defending Gray and her fellow co-defendants. Archie failed to create a diverse jury and allowed the prosecutor to create a jury of eleven white jurors and one African American woman (Scheck et al. 2003). This could have been considered unfavorable for the four African American defendants. Along with the failure to question forensic experts and bring attention to issues with Mr. McCraney's testimony, Weston was inattentive, as he was in the middle of a financial crisis and had disbarment charges brought against him (Scheck et al. 2003). All of this happened when Weston was representing

*Julie M. Krupa*

Paula Gray and her co-defendants. The final cause contributing to the wrongful conviction of Paula Gray was improper forensic science. During the trial, hair collected from the backseat of Williams's car was presented and said to match the victims' hair. This further incriminated Gray and Williams, but years later it was discovered that the hairs did not match the victims' (Scheck et al. 2003).

In 1982, Williams and Rainge received the right to a new trial based on the ineffectiveness of their defense attorney. Gray then agreed to testify against Williams, Rainge, and Jimmerson in exchange for her release from prison. However, when she testified she falsely stated that she would not be receiving anything for her testimony ("Meet the Exonerated," 2006). Eventually, DNA testing was done and proved that the four men and Paula Gray had no involvement in the murder and rape that occurred in 1978. Gray was officially pardoned in 2002 by Illinois Governor George H. Ryan ("Meet the exonerated," 2006). When pardoned, Gray was automatically qualified to receive \$100,000 in compensation and would have been able to file a civil suit as well. Her male co-defendants received a settlement of approximately \$36 million ("Meet the exonerated," 2006).

Compensation laws for the state of Illinois were reformed in 2009. Under the new compensation statutes, an individual is only eligible to receive compensation if they receive a pardon from the governor or a certificate of innocence from a Circuit Court. Exonerees who served up to five years are eligible to receive \$85,350; five to fourteen years are eligible for \$170,000; and fourteen years or more are eligible for \$199,150 (705 ILCS 505-8). Along with monetary compensation, the exonerated (if they were pardoned or have a certificate of innocence) will receive job search and placement services (20 ILCS 1015-2). Re-entry services are the only services available to exonerees who have not been pardoned nor received a certificate of innocence (20 ILCS 1710-125). These compensation laws are very strict and obtaining a pardon is rare among exonerations. Also, the difference between five and fourteen years is rather large, yet exonerees still receive the same compensation, regardless of length of time served. Paula Gray is one of first women to be exonerated by the Innocence

Project. Debra Shelden, Kathy Gonzalez and Ada JoAnn Taylor would join the ranks of exonerated women in 2009.

### **Beatrice Six**

Six people were convicted for the rape and murder of Helen Wilson in Beatrice, Nebraska in 1989. Joseph White, Thomas Winslow, James Dean, Ada JoAnn Taylor, Debra Shelden, and Kathy Gonzalez, the six individuals convicted, were known as the “Beatrice Six.” All three women (Gonzalez, Shelden and Taylor) pled guilty, and testified against their co-defendant, Joseph White, in order to receive shorter sentences. These women were not exonerated until 2009, after having served between five and nineteen years, respectively. According to the Innocence Project, the cause of their wrongful conviction was false confessions and improper forensic science (“Knowing the cases,” n.d.).

The murder and rape of Helen Wilson took place in 1985, but arrests were not made until 1989. A newly-hired deputy sheriff, Burdette Searcey, asked for the files on the homicide case. Searcey had previously conducted interviews of potential suspects in 1985, while posing as a private investigator. In 1989, Searcey later claimed that an informant provided him with evidence that indicated that Joseph White, Ada JoAnn Taylor, and Thomas Winslow were involved in the murder. This was the first implication that Ada JoAnn Taylor was involved in the murder of Helen Wilson. At the time, Winslow was being held in jail pending other charges and was interviewed by Searcey. Searcey used leading and suggestive questions and told Winslow that if he cooperated, his actions would be taken into consideration pending his current charges. Taylor and White were later interrogated, which led to Taylor’s false confession (Winslow v. Smith, 2009, p. 10-13).

Ada JoAnn Taylor falsely confessed to the crime, but was unable to supply the law enforcement officials with any accurate or corroborating information about the murder. Throughout the interrogation Searcey supplied Taylor with information about the crime. Taylor was later manipulated by law enforcement officials into identifying Winslow as an accomplice to the murder and rape. After discovering that none of the three suspects matched

*Julie M. Krupa*

the blood type found at the crime scene, Searcey began to look for another accomplice whose blood type did match. Searcey interviewed people who knew Winslow, Taylor, and White. He eventually came upon Debra Shelden, who was a previous roommate of Ada JoAnn Taylor and the wife of Clifford Shelden, who was in jail with Winslow at the time.

Debra Shelden was interrogated and falsely confessed to being an accomplice of White, Winslow and Taylor. Debra Shelden provided incorrect information about the murder and claimed that it was only the four of them that committed the crime (Winslow v. Smith, 2009, p.13-15). When Searcey found out that she did not match the blood type found at the crime scene, he questioned Shelden again. Shelden claimed that in dreams she was able to remember another person being present; this person was James Dean. When Dean was taken into custody, he initially denied being involved, but later confessed to being an accomplice in the murder. In a second interview Dean said that he remembered more through dreams, as well, and remembered Kathy Gonzalez being present (Winslow v Smith, 2009).

Kathy Gonzalez lived in the same building as the victim, Helen Wilson, and knew Joseph White and Ada JoAnn Taylor. Dean stated that she walked in while Wilson was being raped. Initially, Shelden said nothing about Gonzalez, but later remembered her presence through a dream. Gonzalez denied involvement, but was pressured by law enforcement officials to confess. The law enforcement officials stated that, based on her blood type, she could not be excluded and that several other people were testifying that she was present. Gonzalez eventually accepted a plea agreement and pled guilty (Winslow v. Smith, 2009).

Searcey conducted multiple interviews with the women in order to coerce false confessions that corroborated his theory of the crime. In the beginning of the investigation, the actual murderer was eliminated as a suspect due to improper forensic science tests done on semen found at the crime scene. Improper bloodwork convinced Gonzalez she could not have been excluded as an accomplice, and led to her guilty plea. Joseph White was tried and found guilty of first degree murder. In 2008, White was

exonerated through DNA evidence. DNA testing showed that the blood and semen found at the crime scene matched Bruce Allen Smith, who had died in 1992. Through this DNA testing there was no evidence relating the three women and three men to the murder and rape of Helen Wilson, and they were exonerated.

The state of Nebraska revised their compensation laws for the wrongfully convicted in 2009, creating the Nebraska Claims for Wrongful Conviction and Imprisonment Act. In order to be eligible for compensation, an individual must have been “pardoned by the Board of Pardons, the court vacated the conviction, or the conviction was reversed or remanded for a new trial and the subsequent conviction was not obtained” (Nebraska Act, 2009). Also, individuals could not have facilitated the conviction against themselves, such as fabricate evidence or make a false statement. This does not include a situation in which individuals were coerced by law enforcement officials and fabricated a false confession. If the individuals were serving time for another charge concurrently that they were not exonerated for, they are no longer eligible for compensation. Exonerees who meet these conditions are eligible to receive a maximum of \$500,000 in compensation. In order to receive this compensation, exonerees must go through the legal process of proving their innocence, even after exoneration. White was the first to receive a settlement of \$500,000 and Winslow subsequently received \$180,000. Gonzalez has been the only woman to receive any compensation, at \$350,000 (Sherrer, 2011). Taylor is currently filing for \$500,000 and the case is ongoing (The Associated Press, 2012). Sheldon has not filed for any compensation (Duggan, 2010, para. 5).

While four women have been exonerated using DNA testing, three women were involved in the same case. There have only been two distinct cases where women have been exonerated through the Innocence Project. Further analysis shows several commonalities that exist between the two cases. This includes the crimes the women were convicted of, cause of the wrongful conviction and the presence of male co-defendants. The four women were all charged with aiding and abetting murder; Paula Gray had additional charges of rape and perjury. According to the Bureau of

Julie M. Krupa

	Conviction	Sentence	Year of Conviction	Year of Exoneration	Causes of Wrongful Conviction	DNA Testing	Compensation
<b>Paula Gray</b>	Murder, Rape, Perjury	50 Years	1979	2002	Eye witness misidentification, False confession, Bad lawyering, Improper forensic science	Yes	Yes
<b>Ada Taylor</b>	Aiding and abetting 2 <sup>nd</sup> degree murder	40 years	1990	2009	False confession, Improper forensic science	Yes	On-going
<b>Debra Shelden</b>	Aiding and abetting 2 <sup>nd</sup> degree murder	10 years	1990	2009	False confession, Improper forensic science	Yes	Did not file
<b>Kathy Gonzalez</b>	Aiding and abetting 2 <sup>nd</sup> degree murder	10 years	1990	2009	False confession, Improper forensic science	Yes	Yes

Table 1. Wrongfully Convicted Women Exonerated by the Innocence Project

Justice Statistics, approximately 35% of women in prison were incarcerated for violent offenses, while the majority of women were convicted of property or drug offenses (West & Sabol, 2008, p. 22). These four women were all convicted and exonerated of violent offenses, which is not representative of the female prison population. Also, false confession and improper forensic science were common causes of wrongful conviction among these women. This differs from men, who represent the majority of exonerees, in that the leading cause of wrongful conviction is eyewitness misidentification. Lastly, all four of the women had male co-defendants. In the course of the exoneration, it was only through the males' DNA that the women were exonerated. DNA testing was used to exclude the male co-defendants as the offenders and because the men were exonerated, the women could no longer be connected to the crime. In these two cases, the men had to have been cleared of all charges initially before the women could have been dismissed as perpetrators. Table 1 displays the attributes of the cases of the four women exonerated by the Innocence Project, including the conviction(s), sentence, year of conviction and exoneration, cause of wrongful conviction, presence of DNA testing, and whether compensation was acquired.

## **REPRESENTATION OF WOMEN**

Organizations such as the Innocence Project and the Center of Wrongful Convictions have worked to expose the matter of wrongful convictions within our society. Even with these organizations and stations broadcasting stories of exonerated individuals, women are scarcely represented in news articles, television or documentaries. Displayed on the Innocence Project's website are videos of interviews with exonerees. Out of the thirteen videos that are posted, not a single one displays a female exoneree ("News and Resources," n.d.). In the Innocence Project magazine, Shelden, Taylor and Gonzalez are listed among the exonerees of 2009, but there has been no follow up. In each issue, the magazine features short stories about the experiences of specific exonerees; none of the women are represented in these pieces. This lack of representation is also demonstrated in television shows and newspaper articles.



Julie M. Krupa

## ***The Exonerated***

*The Exonerated* is a film that aired in 2005 on Court TV, depicting the experiences of five men and one woman who were wrongfully convicted and sentenced to death row. The stories of the wrongfully convicted are based on court documents, depositions and letters. Sunny Jacobs is the only woman represented in the film. She was wrongfully convicted of murder and sentenced to the death penalty. The mother of two children, Jacobs was not legally married, yet considered Jesse Jacobs to be her husband. When Jacobs went to pick up her husband in Florida, her car died. The family was unable to make it home and was forced to stay with an acquaintance, Walter Rhodes, who was involved in illegal activities. Rhodes agreed to give the family a ride. Rhodes, who was on parole, had a handgun in his vehicle. When they stopped to take a break from driving, two police officers spotted the gun. Rhodes shot the two officers and ordered Sunny, her children and husband into the officers' car. Law enforcement officials eventually caught the group and took Sunny, Jesse and Rhodes into custody. Rhodes then fabricated his testimony, stating that Sunny and Jesse committed the murders.

Sunny and her husband were charged with the murder of the police officers. Throughout *The Exonerated*, Sunny Jacobs talks about her family and children. She is distressed by the idea of her children being without their parents and her husband being locked away. She describes herself as a "hippie and a peace and love kind of person" (*The Exonerated*, 2005). She assumed that the jury would see that she was innocent and let her go. The underrepresentation of wrongfully convicted women is demonstrated in this film by the presence of only one woman, Jacobs, who was charged with murder.

Jacobs is depicted as having many qualities that are characteristic of a traditional female gender role. Traditionally, women play an *expressive role*, while men exhibit an *instrumental role*. An *expressive role* is described as showing emotional sensitivity and nurturing, with a focus on maintaining relationships (Lemme, 2002, p. 103-04). Jacobs displays this throughout the film by talking about her children and worrying about her husband. She also portrays emotional sensitivity by discussing her attempts to keep her mar-

riage and love life alive through letters with her husband. She has a strong focus on the quality and maintenance of her relationships, even while she is incarcerated. Her financial status is expressed in situational factors throughout the film. Because her husband is unable to travel home and fix the car, Jacobs is forced to stay with an acquaintance, which illustrates her low-income status. One can also conclude that Sunny had a limited knowledge of the law and legal proceedings. Her assumption that the jury would know she was innocent based on her personality, presents Sunny as ignorant of the law. Her parents knew that they could try and get a better lawyer, but thought that her court-appointed lawyer would be sufficient. This is another example of how Sunny is presented as having little knowledge about legal proceedings, based on her parents' knowledge and assumptions about the legal system.

### **Beatrice Six Women**

In order to get a general idea of how Taylor, Shelden, and Gonzalez were presented in the media, exact phrases and themes regarding their intelligence, social economic status and behavior were recorded. The *Beatrice Daily Sun*, a local journal of Beatrice, Nebraska, reported on Ada JoAnn Taylor just before she was pardoned (Duggan, 2008). The article talks about the murder of Helen Wilson and Taylor's false confession. Written in anticipation of the pardon of Taylor's co-defendants, Joseph White and Thomas Winslow, Taylor states that she was lying when she testified in 1989 and she was going to tell the truth this time. Taylor claims that she was coerced, and that authorities gave her details about the case when interrogating her. The prosecuting attorney, Richard Smith, scoffed at these claims and stated that "The plea agreement was that she had to testify truthfully," (Duggan, 2008, para. 15). Smith's statement places doubt on Taylor's innocence. Burdette Searcey, the sheriff that led the investigation of the murder, stated that "the evidence will prove out as it did before" (Duggan, 2008, para. 35). Drawing attention to the consequences of Taylor recanting her testimony, the article states that she could be charged with perjury. These statements, made by officials, also call Taylor's innocence into question. The article draws attention to Taylor's questionable lifestyle at the time of the murder by reporting that

Julie M. Krupa

she frequently abused drugs and alcohol and got into bar fights. It also states that Taylor considered herself to be a “violent drunk” (Duggan, 2009, para. 40). Despite the fact that Taylor states that she has ceased this behavior and planned on going to college, the statements about her past call her character into question and lead readers to think negatively about her.

*The Journal Star*, another local Nebraska newspaper, reported on the “curious case of Debra Shelden” after she was pardoned (Duggan, 2009). The article reports that Shelden was having trouble remembering the actual events that occurred when Helen Wilson was murdered. When DNA testing proved that she was not involved in the crime, she still claimed that she had told the truth when she confessed to being an accomplice in 1989. In the article, Shelden states that “she must have been brainwashed,” when she was finally pardoned (Duggan, 2009, para. 16). The article calls Shelden’s cognitive abilities into question and suggests that she does not have a firm grasp of the actual course of events when the murder took place.

Another article published in the *Beatrice Daily Sun* discusses the innocence of the six individuals accused of the murder and rape of Helen Wilson (Hansen, 2008). The article identifies the actual murderer and details the mistakes that led to the six being wrongfully convicted. With the exception of the list of offenders and their original charges, the women are rarely mentioned. Debra Shelden is the only exception; the article suggests that despite her exoneration, she is still believed by many to have somehow been involved in the crime. Jerry Soucie, an attorney for the Nebraska Commission of Public Advocacy, claims that Shelden’s perceived involvement was due to interrogation techniques. During their interrogation, a psychologist told the six defendants that they did commit the crimes, but did not remember them because they were so heinous (Hansen, 2008, para. 35). In another article, Shelden is said to be of “low intelligence” (Barmann, 2011, para. 5), one of three articles that call Shelden’s cognitive abilities into question. Aside from identifying the true offender and causes of the wrongful conviction, the *Beatrice Daily Sun* article focuses on Thomas Winslow and his experiences as a victim of wrongful conviction. The article describes the presence of Winslow’s family at a press conference and informs readers that he has found a job. Winslow’s

reaction to the exoneration and feelings about the wrongful conviction are also discussed; there is no further mention of the wrongfully convicted women.

The women who were wrongfully convicted of the murder of Helen Wilson were of little interest to local newspapers, contributing to the lack of attention paid to female exonerees in the media. In one of the articles, the women were outshadowed by their male co-defendants and were not mentioned more than two or three times, while the experiences of their male co-defendants were covered in detail. Ada JoAnn Taylor was described as someone that abused drugs and alcohol before her conviction, and Debra Sheldon's mental abilities were questioned. There is little mention of Kathy Gonzalez, the third female co-defendant, in any of the local journals.

### **Beverly Monroe**

Beverly Monroe was convicted of murder in 1992. She was sentenced to twenty-two years in prison, having served eleven before she was exonerated in 2002. She was not exonerated by the Innocence Project, but provides us with an example of a female exoneree that has received the attention of a national television network. CBS News ran a news report, *Living a Life Sentence*, discussing Monroe's experience as wrongfully convicted woman. In the report, she is described as "an accomplished middle class mom" (2009). She states that before her conviction she was financially stable, owned her own home and had a good career. Monroe worked as an organic chemist and had a Master's degree in chemistry (Living a life, 2009). This personal interview also talks about the troubles that she has experienced since being exonerated, including finding a job. Carol Turowski, co-director of the Innocence and Justice Clinic, states that "most people don't visualize a Beverly Monroe when they think of a wrongful conviction" and "many people assume that only poor blacks are wrongfully convicted" (Hewlett, 2011, para. 15).

Monroe was not always portrayed as a successful chemist in the media. Prior to Monroe's trial and conviction for the murder of Roger De la Burde, a local journal reported on an incident involving Krystyna Drewnowska, the woman carrying De la Burde's unborn child, and Beverly Monroe. Monroe was believed to have

Julie M. Krupa

followed Ms. Drewnowska home in her car. The article describes Monroe as "...a 54-year old resident of Chesterfield who had been romantically involved with De la Burde for more than 10 years..." (Hodges, 1992, para. 6). Though law enforcement authorities had not suggested a motive for the murder, the article quotes a friend of the victim, who states that "Ms. Monroe was enraged over his [De la Burde] relationship with Ms. Drewnowsha and had learned about the pregnancy not long before he was killed." (Hodge, 1992, para. 7). This article does not comment on Monroe's successful career, and instead portrays her as a jealous, angry woman.

Another article discusses two lawsuits filed against Monroe after she was convicted of murder. Corinna De la Burde, Roger De la Burde's daughter, claimed that Monroe was loaned "\$155,000 that she [Monroe] hasn't repaid" (Winiecki, 1994, para. 17). The article states that another suit "asks Monroe to pay \$20 million in damages for financial and pecuniary loss...and damages suffered to the loss of De la Burde's company, counsel and comfort" (Winiecki, 1994, para. 18). This article seems to present Monroe as someone who needed financial assistance (through a loan) and someone that caused great financial suffering for the De la Burde family.

Compared to the cases previously analyzed in this study, Beverly Monroe is unusual. After her exoneration, she is described in the media as a "middle class citizen that holds a Master's degree in chemistry." The other wrongfully convicted women described in this paper were either considered low income, or described as being of low intelligence. Paula Gray, at the time of conviction, was considered low income and "borderline mentally retarded" (U.S. ex rel. Gray v. Director, Dept. of Corrections, State of Ill., 1984). Debra Shelden was of low intelligence, according to a psychologist in Gage County sheriff's office, and her financial status is not given (Barmann 2011). Sunny Jacobs confessed to not being able to afford an attorney and based on situational factors, is perceived as low income throughout *The Exonerated*. Ada JoAnn Taylor suffered from a history of mental illness and drug abuse. The financial and intellectual status of Kathy Gonzalez is also not discussed, but a newspaper article stated that she had been working at a grocery store in 2009 (Huddle, 2010).

## DISCUSSION

This study has demonstrated the causes of wrongful conviction, and analyzed the four female cases exonerated by the Innocence Project. This analysis concluded that the most common offense women were wrongfully convicted of was murder. This coincides with the results found in Ruesink and Free's study (2008). Ruesink and Free discovered that the majority of exonerated women were charged with either murder or child abuse. All four women exonerated by the Innocence Project were convicted of murder. The common causes of wrongful conviction among the four women, as defined by the Innocence Project, were false confession and improper forensic science. This differs from men, who make up the majority of wrongful convictions, and are largely wrongfully convicted based on eyewitness misidentification ("Understand the Causes," n.d.). The sentences ranged from 10-50 years, and DNA testing was involved in the exoneration of all four women. All of the women were involved in cases of rape and murder, though women are not traditionally convicted for violent crimes. All four women were accompanied by male co-defendants and exonerated based on the DNA testing of the men. The women were therefore "exonerated by proxy," having been exonerated due to the fact that their male co-defendants were exonerated and they could no longer be linked to the crime they were convicted of.

An analysis of the representation of wrongfully convicted women in the media was conducted examining newspaper articles in the local area of the wrongfully convicted, the film *The Exonerated* and reports conducted by the media network CBS.

In the film *The Exonerated*, one woman, Sunny Jacobs, narrates the story of her wrongful conviction. Jacobs is depicted as a wife and mother of low income. Situational factors throughout the film illustrate her low financial status. She is also seen as naïve and lacking in knowledge about legal proceedings. She is shown in a traditional, expressive gender role.

In local newspaper articles, Ada JoAnn Taylor is presented as a woman with a "history of mental illness" and "drug and alcohol abuse;" her financial status is not discussed. Debra Sheldon is deemed as being of "low intelligence" by several articles.

*Julie M. Krupa*

In court documents, Paula Gray is described as being “borderline mentally retarded” and low income. The mental and financial status of Kathy Gonzalez is not commented on in the media. However, an article describes Gonzalez as working at a grocery store, which identifies Gonzalez as a member of the working class. Beverly Monroe is described in a personal interview as middle class, financially stable and well educated. However, prior to Monroe’s exoneration, she was presented as being romantically in love and “enraged” when finding out the man she was romantically involved with was having a child with another woman. Monroe was also described as having borrowed over \$100,000 and never having repaid it. With the exception of Beverly Monroe, the majority of the exonerated women were either considered to be of low intelligence, low income, or both.

The criminal justice system demonstrates biases towards women in its lack of rehabilitation programs, correctional procedures and sentencing. It has been found that there is a bias towards women in exonerations as well. The Innocence Project only accepts cases in which DNA testing can be used to prove innocence (“About,” n.d.). Approximately 64% of women in state prisons were convicted of non-violent crimes in 2010 (Guerino, Harrison, & Sabol, 2011). Many non-violent crimes lack evidence for DNA testing, placing women at a disadvantage for exoneration. Representing only 1% of exonerees within the Innocence Project, women are underrepresented and will remain so, based on current requirements for case selection by the Innocence Project.

The lack of legal assistance available for cases of wrongful conviction lacking DNA evidence creates an unintentional bias towards women. Based on this study, there has been a bias towards exonerated women, based on their representation in the media. Beverly Monroe was interviewed for special report on CBS News, a national news network. Monroe’s high level of education and middle class economic status were identified by the interviewer. Monroe was given a personal interview in which she discussed her case and the challenges she had faced after her exoneration. The four women exonerated by the Innocence Project were not publicized on national networks in such a manner. These innocent



women, who were described as either low income or of low intelligence, were not given the same media attention as Monroe. This is evidence of a class bias among exonerated women and in level of publicity in the media.

According to the Bureau of Justice Statistics (2011), there were approximately 112,822 female offenders in state and federal prisons at the end of 2010. Extrapolating from Huff, Rattner, and Sagarin's (2004) study on the prevalence of wrongful convictions, and applying the perceived rate of wrongful convictions to the number of women in prison, it can be said that approximately 564 women are wrongfully convicted each year. This number is reached by using the perceived error rate of 0.5% and applying it to the number of women in prison. In Poveda's study, an error rate of 1.4% was found in murder cases. Extrapolating from this information, there are approximately 142 women wrongfully convicted of murder. Poveda also found that 15% of inmates claimed innocence on self-reported surveys. Using an error rate of 15%, there are approximately 16,923 female inmates who have been wrongfully convicted.

The current study worked with a very small sample of women. Only one database, the Innocence Project, was used to examine the number of wrongfully convicted women. There was very little previous research on the topic of wrongfully convicted women on which to base this research. Since the four cases that were analyzed involved male co-defendants, media attention seemed to focus on the men. This has created a lack of literature, and accounts of wrongfully convicted women, to analyze. These findings may not apply to all female cases and the study would benefit from a larger sample of wrongfully convicted women.

Future research into the area of wrongfully convicted women is necessary in order to better understand the gender discrepancies within the criminal justice system. Since all four women falsely confessed, it would be helpful to understand the psychology behind false confessions and whether women are more susceptible to being coerced while being interrogated. Compensation laws are not required of states, and some exclude exonerees that "contributed" to their conviction, including those who gave false confessions ("News and resources," n.d.). An examination of



Julie M. Krupa

compensation laws and their shortcomings would help to expose gender discrepancies in legislation. Research into how women are represented in media prior to trial would establish typical gender depictions and demonstrate whether the jury pool is being affected by media depictions based on gender. Finally, there has been a lack of attention to women by official organizations dedicated to the exoneration of wrongfully convicted individuals.

Exonerations are a continuously growing phenomenon in the United States. Unfortunately, women are disproportionately represented among exonerees. Understanding the causes of this underrepresentation is essential in creating a just system. Little research has been conducted on this issue and my research sheds light on the unintentional gender bias in accordance to the media and wrongful convictions.

## REFERENCES

- 705 ILCS 505-8 (2008).  
20 ILCS 1015-2 (2008).  
20 ILCS 1710-125 (2008).  
The Associated Press. (2012 Mar 15). Motion to dismiss wrongful conviction suits rejected. *The Journal Star*. Retrieved from <http://journalstar.com/>.  
Balaban, B., & Buchman, A. (2005). *The Exonerated*. United States: Radical Media.  
Barmann, M. (2011, July 01). New lawsuit challenges wrongful conviction: Woman cleared in murder case files new case against Gage County. *Action 3 News*. Retrieved from <http://www.kmtv.com/>.  
Borchard, E. M. (1932). *Convicting the innocent: Sixty-five actual errors of criminal justice*. Garden City, NY: Doubleday.  
CBSNews. (2009, April 19). *Living a life sentence*. New York, NY: Columbia Broadcasting System.  
Center of Wrongful Convictions. (2006). *Meet the exonerated*. Retrieved from <http://www.law.northwestern.edu/cwc/exonerations/ilJimersonSummary.html>.  
Chesney-Lind, M. (1997). *The female offender: Girls, women, and crime*. (pp. 165-173). Thousand Oaks: Sage Publications, Inc.  
Chesney-Lind, M. (1998, December). The forgotten offender *Corrections Today*, 60(7), 66-73.  
Chesney-Lind, M. (2000, Feb). From bad to worse [Review of book *Harsh Punishment: International Experiences of Women's Imprisonment*]. *The Women's Review of Books*, (17)5, 7.  
The Confessions. (2009, Nov 09). *Frontline*. Public Broadcasting Service.  
Duggan, J. (2008, Aug 08). Woman in prison for '85 murder recants. *Beatrice Daily Sun*. Retrieved from <http://beatricedailysun.com/>.  
Duggan, J. (2009, May 10). Accompanying story: The curious case of Debra Shelden. *The Lincoln Journal Star*. Retrieved from <http://journalstar.com/>.  
Duggan, J. (2010, Jan 05). 5 wrongly convicted in Beatrice murder denied compensation. *The Journal Star*. Retrieved from <http://journalstar.com/>.

- Farris, James R. 1988. The confidential informant: Management and control. In *Critical Issues in Criminal Investigations*, edited by Michael J. Plamietto, 79-100. 2d ed. Cincinnati: Anderson.
- Florida Law Review. 1990. *Florida Supreme Court gender bias study, III: Gender bias in the criminal justice system*. P. 836-917.
- Guerino, P., Harrison, P.M., & Sabol, W.J. U.S. Department of Justice, Office of Justice Programs. (2011). *Prisoners in 2010*.
- Hansen, J. (2008 Nov 08). Helen Wilson's killer identified. *Beatrice Daily Sun*. Retrieved from <http://beatricedailysun.com/>.
- Harney, Malachi, and John Cross. 1968. *The informer in law enforcement*. 2d ed. Springfield, Ill.: Thomas.
- Hewlett, M. (2011, March 25). Woman's wrongful conviction shattered her view of the criminal justice system. *Winston-Salem Journal*. Retrieved from <http://www2.journalnow.com/>.
- Hodges, A. (1992, Aug 18). Woman believed Monroe tailed her. *Richmond Times-Dispatch*. Retrieved from <https://illiad.emich.edu/illiad/illiad.dll?SessionID=H174456611F&Action=10&Form=64>.
- Huddle, C. (2010, Nov 04). State to pay \$350K to woman wrongfully convicted of Beatrice murder. *The Journal Star*. Retrieved from <http://journalstar.com/>.
- Huff, C.R., Rattner, A., & Sagarin, E. (1996). *Convicted but innocent: Wrongful conviction and public policy*. Thousand Oaks, Calif.: Sage.
- Huff, C. R. (2004). Wrongful convictions: The American experience. *Canadian Journal of Criminology and Criminal Justice*, 46(2), 107-120. Retrieved from <http://proquest.umi.com.ezproxy.emich.edu/>.
- Innocence Project. (n.d.). *Know the cases*. Retrieved from <http://www.innocenceproject.org/know/>.
- Innocence Project. (n.d.). News and resources. Retrieved from <http://www.innocenceproject.org/news/>.
- Innocence Project. (n.d.). *Understand the causes*. Retrieved from <http://www.innocenceproject.org/understand/>.
- Joy, P.A. (2006). The relationship between prosecutorial misconduct and wrongful convictions: Shaping remedies for a broken system. *Wisconsin Law Review*, 26(2), 399-427. Retrieved from <http://hosted.law.wisc.edu/lawreview/issues/2006-2/joy.pdf>.
- Lemme, B.H. (2002). *Development in adulthood* (3<sup>rd</sup> ed.). Needham Heights, MA: Pearson Education, Inc.
- Leo, R. A., & Davis, B. D. (2010). From false confession to wrongful conviction: Seven psychological processes. *The Journal of Psychiatry and Law*, 38(1), 9-56. Retrieved from <http://proquest.umi.com.ezproxy.emich.edu/>.
- Leo, R. A., & Ofshe, R.J. (1998). The consequences of false confession: Deprivations of liberty and miscarriages of justice in the age of psychological interrogation. *Journal of Criminal Law and Criminology*. 88(2), 429-495. Retrieved from <http://www.jstor.org.ezproxy.emich.edu/>.
- Loftus, E., & Ketcham, K.(1991). The magic of the mind. *Witness for the defense: The accused, the eyewitness, and the expert who puts memory on trial* (p. 14-30). New York, NY: St Martin's Press.
- Michels, S. (2009, Jan 26). State seeks pardon for defendants wrongfully convicted in 1985 Nebraska murder. Retrieved from <http://abcnews.go.com>.
- Minton, T. D. U.S. Department of Justice, Office of Justice Programs. (2011). *Jail inmates at midyear 2010-statistical tables*.

Julie M. Krupa

- Nebraska Claims for Wrongful Conviction and Imprisonment Act (2009). 29-4601 to 29-4608. Retrieved from <http://www.innocenceproject.org/docs/laws>.
- People v. Gray, 87 Ill.App.3d 142, 408 N.E.2d 1150 (Ill.App. 1 Dist., 1980).
- People v. Jimmerson, 166 Ill.2d 211, 652 N.E.2d 278 (Ill., 1995).
- People v. Williams, 147 Ill.2d 173, 588 N.E.2d 983 (Ill., 1991).
- Poveda, T. G. (2001). Estimating wrongful convictions. *Justice Quarterly*, 18(3), 689-708. Retrieved from <http://proquest.umi.com.ezproxy.emich.edu/>.
- Ramsey, R., & Frank, J. (2007). Wrongful conviction: Perspectives of criminal justice professionals regarding the frequency of wrongful conviction and the extent of system errors. *Crime and Delinquency*, 53, 436-470.
- Ridolfi, K.M., & Possley, M. (2010). Preventable error: A report on prosecutorial misconduct in California 1997-2009. Retrieved from [http://law.scu.edu/ncip/file/ProsecutorialMisconduct\\_BookEntire\\_online%20version.pdf](http://law.scu.edu/ncip/file/ProsecutorialMisconduct_BookEntire_online%20version.pdf).
- Ruesink, M., & Free, Jr, M. D. (2007). Wrongful convictions among women: An exploratory study of a neglected topic. *Women and Criminal Justice*, 16(4), 1-23. Retrieved from <http://corwin.emich.edu/>.
- Scheck, B., Neufeld, P., & Dwyer, J. (2003). *Actual innocence: When justice goes wrong and how to make it right*. (pp. 59-94). New American Library.
- Schmallegger, F. (2009). *Criminology today: an integrative introduction* (5<sup>th</sup> ed.). Upper Saddle River, NJ: Pearson Education, Inc.
- Sherrer, H. (2011, Feb 4). Thomas Winslow awarded \$180,000 for 20 years wrongful imprisonment in Nebraska. *Justice Denied*, 41. Retrieved from [http://www.facebook.com/note.php?note\\_id=502078691946](http://www.facebook.com/note.php?note_id=502078691946).
- Smith, B., Zalman, M., & Kiger, A. (2011). How justice system officials view wrongful convictions. *Crime and Delinquency*, 57(5), 663-685. Retrieved from <http://cad.sagepub.com.ezproxy.emich.edu/content/57/5/663>.
- Thompson, W. (2009). Beyond bad apples: Analyzing the role of forensic science in wrongful convictions. *Southwestern University Law Review*, 37, 1027-1050. Retrieved from [http://www.swlaw.edu/pdfs/lr/37\\_4thompson.pdf](http://www.swlaw.edu/pdfs/lr/37_4thompson.pdf). U.S. ex rel. Gray v. Director, Dept. of Corrections, State of Ill., 721 F.2d 586 (C.A.Ill., 1983).
- Wells, G. L., Memon, A., & Penrod, S. D. (2006). Eyewitness evidence: Improving its probative value. *Psychological Science in Public Interest*, 7(2), 45-75. Retrieved from <http://www.jstor.org.ezproxy.emich.edu>.
- West, H. C. U.S. Department of Justice, Office of Justice Programs. (2010). *Prison inmates at midyear 2009-statistical tables*. Retrieved from <http://bjs.ojp.usdoj.gov/>
- West, H. C., & Sabol, W. J. U.S. Department of Justice, Office of Justice Programs. (2008). *Prisoners in 2007*. Retrieved from <http://bjs.ojp.usdoj.gov/>.
- Winiecki, S. (1994 June 10). Suits put new twists on De la Burde legacy- collector's art to be auctioned at fairgrounds. *Richmond Time-Dispatch*. Retrieved from <https://illiad.emich.edu/illiad/illiad.dll?SessionID=H174456611F&Action=10&Form=64>.
- Winslow v. Smith, 672 F.Supp.2d 949 (D.Neb., 2009).
- Zimmerman, C. S. (2008). From the jailhouse to the courtroom: the role of informants in wrongful convictions. In S. Westervelt & J. Humphrey (Eds.), *wrongly convicted perspectives on failed justice* (pp. 55-76). New Brunswick, N.J.: Rutgers University Press.