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Innocent Until Proven Guilty: The Representation of Wrongfully Convicted Women

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Innocent Until Proven Guilty: The Representation of Wrongfully Convicted Women

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. An examination of the four cases of exonerated women with the help of the Innocence Project will be conducted. First, utilizing official documents including court filings and rulings, the study will identify commonalities and difference that led to a case being chosen by the Innocence Project. Characteristics to be considered are: the crime(s) they were convicted of, the duration of sentences and 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.

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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. An examination of the four cases of exonerated women with the help of the Innocence Project will be conducted. 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) they were convicted of, the duration of sentences and 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) define it as "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. The cases of wrongful conviction that will 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 their efforts are commendable, women are underrepresented among these exonerations.

Although women make up a small portion of offenders behind bars, 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 female offenders are incarcerated based on violent offenses (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; which makes exonerations more challenging.
The Innocence Project identifies six main causes of wrongful conviction that will be discussed and analyzed. An analysis of the four female cases, who were 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 females. 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 Innocence Project has brought more attention to this miscarriage of justice by working to exonerate the wrongfully convicted, the issue of wrongful convictions within the United States 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 US. 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 (Schmalleger,
2009, p.39). Even with this small margin of error, thousands of innocent people have been and are being convicted.

This study did not, however, include defense attorneys in the sample (Huff et al., 2004). Defense attorneys were found to be more skeptical and were prone to believe that errors and inaccuracies occur in cases, when compared to other justice system officials (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. Police officers and prosecutors believed that errors occur at an extremely low rate, while judges tended to think errors occurred more than police and prosecutors, but less than defense attorneys. Taking that into consideration, one can conclude that the perceived frequency of wrongful convictions among justice system officials would be higher than one percent when including defense attorneys in the sample population.

Since there is no way of knowing how many wrongful convictions have occurred, 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 United States. Estimating the number of wrongful convictions has proven to be a difficult task, but not one that has not been attempted. 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, causing 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 adversarial 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. His photograph was used in a photo spread presented to Faye. She discarded Snyder’s picture, along with all others, not finding a match to her attacker. A few days later 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 Walter to forty-five years in prison. The strongest evidence against Snyder was Ms. Trester’s eyewitness testimony. It wasn’t 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.

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 change or alter details of the event, unknowingly. 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’s 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 very 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 gathered data from slides that had no evidence on them (Sheck 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 alone responsible for 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 and vice versa. 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 plead 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, where there was no other evidence to suggest the defendant was guilty and it had been proven, or was highly likely, that it was a false confession. The study examines the effect a false confession can have on the decision-making of juries and criminal justice officials, when evidence does not support false confession. Using field data, they found that with “near certainty” false confessions led to incarceration, guilty verdicts, wrongful conviction and a deprivation of liberty (Leo and Ofshe, 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. Police are not trained how to distinguish between a true or false confession when conducting an interrogation; nor are they trained 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 form of tunnel vision 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 and there have been times where suspects have falsely confessed, because they were mentally ill and did not fully understand the circumstances of the situation. 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 from men that served years in prison on rape and murder charges that they were innocent of. 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 murder and rape of the young woman. When the evidence did not implicate Williams as the criminal, police officers moved 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 onto another person Dick knew. This continued to happen until the officers coerced four false confessions and implicated three other, innocent, individuals (Confessions, 2009).

The case of the Norfolk Four is an extreme case that is used to establish the link between false confessions and wrongful convictions utilizing seven psychological processes (Leo & Davis, 2010). The first being 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 hard 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. Next, is a 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 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 Davis and Leo (2010) are “emotion, institutional influences on evidence production and decision making, inadequate or incorrect relevant knowledge and progressively constricting relevant evidence.” False confessions were taken under strong emotional distress with police officers being 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 of jailhouse informants is another source of wrongful conviction. Many problems and concerns arise with the use of jailhouse informant. In fifteen out of sixty-two cases, in which DNA was used to exonerate the defendant, an informant was used to convict the defendant (Scheck et al., 2003). Informants chose to inform on people for many different reasons, but 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 bias. 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 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. Pressures from society to solve crimes push officials towards informants when there is no victim or little evidence against a primary suspect. When working with a jailhouse informant there is usually some form of incentive for the informant. 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, 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”. He did exactly that within twenty minutes using a telephone, the name of an inmate and the crime the inmate was suspected of committing. Posing as a police officer and a bail bondsman he was able to get enough information 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 solidify 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 are the result when misconduct, negligence, and corruption occur among governmental officials. The Innocence Project considers this to be prosecutorial and law enforcement official misconduct. Prosecutors yield 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) contributes 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 polices 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 prosecutorial 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). Their 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. Also, many of the 707 cases were reviewed by appellate courts and the vast majority of cases are never reviewed, leaving a large number of cases excluded from the sample. 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 in 64% of the cases (Scheck et al. 2003). There are few consequences, if any, for prosecutors that misconduct themselves in court. Rarely are lawyers punished by the State Bar Association or the court system. This lack of discipline allows prosecutors to act unlawfully in court without fear of consequences. Along with prosecutorial misconduct is law enforcement official misconduct.

Police misconduct includes an array of actions including: coercing false confessions, providing rewards to informants for their 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 the 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), a lawyer is 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. Bad lawyering from defense attorneys has been proven to be yet another cause of wrongful convictions. Many defendants are not able to afford defense attorneys and are forced 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 overworked, having multiple cases and are paid less than private practicing attorneys or prosecutors.

The defendant that cannot afford to pay for an attorney is forced to be represented by whomever the court assigns to the case. When a lawyer is found to be incompetent, overburdened or ineffective, innocent defendants suffer. Failure to prepare for trial, talk to expert witnesses, investigate the case, call witnesses, or make a favorable jury selection are, all examples of bad lawyering. In the case of Dennis Williams, the ineffective defense attorney, Archie Weston, nearly sent an innocent man to death row.
Archie Weston was representing Williams 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 eyewitness account, and never consulted forensic scientists about evidence presented at trial (Scheck et al., 2003). Overall, Weston seemed to be incompetent in defending Williams. After being convicted, Williams eventually received another trial, based on the fact that Weston was in the process of being disbarred. The courts did give Williams a new trial, but never admitted that Weston was an ineffective lawyer. This particular situation with Williams is another example of a male wrongful conviction.

Women that have been wrongfully convicted have not been studied to the extent of their male counterparts.

The Innocence Project is responsible for 289 exonerations, four of them being women. This is a relatively low number, representing approximately 1% of exonerates. In 2009, women made up approximately 7% of the prison population in federal and state prisons (West, 2010) and by 2010, made up approximately 12% of inmates in local jails (Minton, 2011). From 1970 to 2007, Ruensink 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 difference that appeared, based on gender, 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 for 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
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. Under privileged 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) suggests
that mandatory sentencing for drug offenses has been a contributing factor in the increase
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.

Within the criminal justice system, differences in the treatment of offenders based on
gender, has been an issue. 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. Prisoners and jails are not generally equipped to accommodate the large number of pregnant inmates and there have been noted issues of sexual harassment of 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, when 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.

**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 in front of 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, 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 heard charges against Gray, because her testimony was admissible against her, while another jury heard charges 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. 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 urges to cooperate and speak, along with an overnight stay with an officer at a hotel, could have led to a false confession being coerced. The confession was difficult for prosecutors to overlook and while charges against Jimmerson were dropped, charges were brought against Gray. Paula Gray did falsely confess, but 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 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 that have not been pardoned or 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. Paula Gray is one of first women to be exonerated by the Innocence Project. Debra Shelden, Kathy Gonzalez and Ada JoAnn Taylor would later join the ranks of exonerated women in 2009.

*Beatrice Six*

In 1989, in Beatrice, Nebraska, six people were convicted for the rape and murder of Helen Wilson. Joseph White, Thomas Winslow, James Dean, Ada JoAnn Taylor, Debra Shelden, and Kathy Gonzalez were the six individuals convicted and were known as the Beatrice Six. All three women (Gonzalez, Shelden and Taylor) plead guilty and testified against their co-defendant Joseph White, in order to receive shorter sentences. These women were not exonerated until 2009, serving between five and nineteen years a piece. According to the Innocence Project, the cause of their wrongful conviction was due to 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 cooperation would be taken into consideration pending his current
charges. Taylor and White were later interrogated, leading 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 murder. 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 the blood type found at the crime scene, Searcey began to look for another accomplice whose blood type did match. Searcey began to interview people that 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 through her 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 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 couldn’t 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. 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 blood work led Gonzalez to believe she couldn’t 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, the individual could not have done any actions in order to bring that conviction upon themselves; such as, fabricate evidence or make a false statement. This does not include a situation in which an individual was coerced by law enforcement officials and fabricated a false confession. If the individual was serving time for another charge concurrently, that they were not exonerated for, they are no longer eligible for compensation. If the exoneree is able to meet these conditions, they are able to
receive a maximum of $500,000 in compensation. In order to receive this compensation, the exoneree 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 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 on-going (The Associated Press, 2012) and Shelden 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; in the case of Paula Gray, she had additional charges of rape and perjury. According to the Bureau of 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 four women that have been 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.

Table 1

Wrongfully Convicted Women Exonerated by the Innocence Project

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

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 these media outlets. 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 is no follow up. In each issue, the magazine features short stories about the experiences that specific exonerees have had; none of the women were chosen for these pieces. This lack of representation is also demonstrated in television shows and newspaper articles.

*The Exonerated*

*The Exonerated* is a film that aired in 2005, on Court TV, depicting the experiences of five men and one woman that 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 convicted of murder and sentenced to the death penalty. Sunny Jacobs, a mother of two children, was not officially married, yet she considered Jesse Jacobs to be her husband. When Sunny 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 that was involved in illegal activities. This acquaintance, Walter Rhodes, agreed to give Sunny, her husband and her children a ride. At that time, Rhodes was on parole and hand a gun in the vehicle with him. When they stopped to take a break from driving, two police officers spotted the gun and started giving the small group orders. At this point Rhodes shot the two officers and continued to order Sunny, her children and husband into the officers’ car. Law enforcement officials eventually caught up with the group and took Sunny, Jesse, and Rhodes into custody. Rhodes then fabricated a testimony stating that Sunny and Jesse committed the murders.

Sunny and her husband were then charged with the double murder of the police officers. Throughout the film, Sunny mentions 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, Sunny, who was charged with murder.

Sunny is depicted as having many qualities that are characteristic of a traditional, female gender role. Traditionally, the majority of women portrayed an expressive role, whereas the majority of men exhibited 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). Sunny 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 marriage 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 behind bars. Her financial status is expressed in situational factors throughout the film. Her husband, being unable to travel home, unable to fix the car and being forced to stay with an acquaintance, are all indicators of her financial status. Sunny has been presented as a mother with low income. 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 to the law. Her parents knew that they could try and get a better lawyer, but thought that her court appointed lawyer would do fine. This is another example of how Sunny is presented as having little knowledge about legal proceeding, based the rearing of her parents.
**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. The article was written in anticipation for 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 consequences of Taylor recanting her testimony, the article states that she could be charged with perjury. These statements, by officials, call Taylor’s innocence into question. Taylor’s lifestyle, at the time of the murder, is illustrated in the article presenting Taylor in a negative light. It reports that she frequently abused drugs and alcohol and got into bar fights, prior to her conviction. It also states that she considered herself to be a “violent drunk” (Duggan, 2009, para. 40). It later states that she creased this behavior and had future plans of going to college. The statement about Taylor’s past calls her character into question and leads the audience to think negatively about her. Debra Shelden, Taylor’s co-defendant, is also discussed in a local paper.
The Journal Star, another local 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. The article claims that Shelden stated that "she [Shelden] 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.

In another article, published in the Beatrice Daily Sun, the author discusses the innocence of the six individuals accused of the murder and rape of Helen Wilson (Hansen, 2008). The article tells the audience who the real offender was and the mistakes that took place that led to the six being wrongfully convicted. Throughout the article, the women are mentioned sparingly. They are discussed only when speaking about who was exonerated and what they were charged with. Debra Shelden is the only exception to this and is brought up a third time in the article. The author mentions that Shelden, even after being exonerated, still believed that she was somehow involved in the crime. Jerry Soucie, an attorney for the Nebraska Commission of Public Advocacy, claimed that Shelden's perceived involvement was due to interrogation techniques. During interrogation, a psychologist told the accused that they did commit the crimes and they 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). This is the third article that calls Shelden's cognitive abilities into question. Aside from identifying the true offender and causes of the wrongful conviction, the article spoke of Thomas Winslow and his experiences as a wrongfully convicted individual. The author describes the presence of
Winslow’s family at a press conference and how he has found a job. Winslow’s reaction to the exoneration and feelings about the wrongful conviction were also discussed; there was no further mention of the wrongfully convicted women.

The women that were wrongfully convicted for the murder of Helen Wilson were discussed among local newspapers. In one of the articles, the women were out shadowed by their male co-defendants and were not mentioned more than two or three times; while the author wrote about the experiences of the wrongful conviction with a male co-defendant. Ada JoAnn Taylor was described as someone that abused drugs and alcohol, before her conviction, and Debra Shelden’s mental abilities were questioned. There is little mention of Kathy Gonzalez, the third female co-defendant, in any of the local journals. It can be concluded that these articles discussed negative aspects of these women’s lives. However, this is not always the case among women that have been exonerated. Beverley Monroe has proven to be an exception to this representation.

_Beverly Monroe_

Beverly Monroe was convicted of murder in 1992. She was sentenced to twenty-two years in prison, having served elven before she was exonerated in 2002. CBSNews ran a news report, _Living a Life Sentence_, discussing Monroe’s experience as being wrongfully convicted. In the report, she is described as “an accomplished middle class mom” (2009). She states that 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 troubles that she has had after 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). Beverly Monroe is distinctly different from the previously discussed cases. The majority of the wrongfully convicted women discussed in this study, were undereducated and/or low income.

However, 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, she was discussed in a local newspaper. A local journal reported on an incident involved with Krystyna Drewnowska, the woman carrying De la Burde’s unborn child, and Monroe. At this point in time, Monroe had been charged with the murder of De la Burde and was awaiting trial. Monroe was believed to have 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). Law enforcement authorities had not released what they believed to have been the motive in the murder, but the article describes De la Burde’s friends’ thoughts. De al Burde’s friends stated that “Ms. Monroe was enraged over his [De la Burde] relationship with Ms. Drewnowska 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 portrays her as a suspect that murdered out of anger.

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 has someone that 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 a phenomenon. After her exoneration, she is described as middle class citizen that holds a Master’s degree in chemistry. The other wrongfully convicted women were either considered to be low income or be 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 the psychologist of Gage County sheriff’s office and her financial status was not commented on (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 film The Exonerated. Ada JoAnn Taylor suffered from a history of mental illness and drug abuse. The financial and intellectual status of Kathy Gonzalez is not commented on, 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). All four women were convicted of murder charges, which Ruesink and Free conclude is the leading cause of wrongful conviction among women, along with child abuse. 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, when 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 Exonerate and reports by conducted by news networks CBS and ABC. In the film The Exonerated one woman, Sunny Jacobs, narrated the story of her wrongful conviction. Jacobs was depicted as a wife and mother of low income. Situational factors throughout the film depicted her low financial status. She is also seen as naive and lacking knowledge about legal proceedings. She is also depicted as a woman 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 expressed. Debra Shelden is deemed as being of "low intelligence" by several articles. 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. This is a trigger that 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 a 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 borrowing money over $100,000 and
never having repaid it. With the exception of Beverley Monroe, the majority of the women were either considered to be of low intelligence, of low income, or both.

The criminal justice system demonstrates biases towards women in their lack of rehabilitation programs, correctional procedures and sentencing. It has been found that there is a bias towards women among 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 exonerations. 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. Beverley Monroe was interviewed on for special report on CBS News, a national news network. Monroe’s high education and middle class social economic status was identified by the interviewer. Monroe was given a personal interview, discussing her case and the challenges she had faced after exoneration. The four women exonerated by the Innocence Project were not publicized on national networks in such a manner. These innocent women were described as either low income or of low intelligence and were not given the same media attention as Monroe. This is evidence of a class bias among exonerated women and their 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 is calculated 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 that are 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 that have been wrongfully convicted.

The current study does have limitations and 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 in order to base this study on. Since the four cases that were analyzed involved male co-defendants, media attention seemed to focus on the men. This 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 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 if women are more susceptible to being coerced while being interrogated. Compensation laws are not required of states and some exclude exonerates that “contributed” to their conviction, meaning false confessions (“News and resources”, n.d.). An examination of 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 if 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 number within 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 an unintentional gender bias in accordance to the media and wrongful convictions.
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