

**“IS ANYBODY OUT THERE?”**  
**“DOES ANYBODY HEAR ME?”**  
**“DOES ANYBODY EVEN CARE?”**

\* Hebrews 13:3 “Remember Those in Prison as if You were Their Fellow Prisoner.”

\* The American criminal-justice system is far too often a source of injustice for the innocent rather than justice for the guilty. Despite all the alleged protections built in to the trial process, the sad fact is that a person facing criminal charges is actually presumed guilty until proven innocent rather than presumed innocent until proven guilty. As a result, it is conservatively estimated that several thousand Americans each year are convicted of serious crimes they did not commit. Some are even convicted of crimes that “never” ever even occurred. And for every innocent person convicted, several others are unjustly arrested and then put through needless trauma before being released. Many of those who are wrongly convicted end up paying for someone else’s crime with several years of their lives.



\* A suspect's confession sets in motion a virtually irrefutable presumption of guilt among criminal justice officials and lay jurors. As a result, a suspect whom confesses will be treated more harshly at every stage of the criminal process. Once police obtain a confession (and their preconceived bias is confirmed), they invariably shut down their investigation, clear the case as solved, and even if the suspect's guilt is far from certain – make no effort to pursue other possible leads. Because they are reluctant to admit their mistakes and are committed to the belief that innocent people do not falsely confess, police almost never consider the possibility that they may have extorted or coerced a false confession from an entirely innocent suspect, and the District Attorney almost never considers the possibility that they may be prosecuting an innocent defendant based on a police-induced false confession. If the defendant retracts his confession, police and prosecutors dismiss the recantation with condemning ridicule. Prosecutors tend to make the confession the dramatic centerpiece of their case; charge the defendant with the highest possible offense, set of offenses or number of counts that the law allows. Because they are so committed to a belief in the suspect's guilt, once a confession is obtained, police and prosecutors selectively ignore virtually any evidence that fails to fit their presumption of guilt. They justify even the most innocent case contradictions as evidence of the suspect's guilt that corroborates his confession. All criminal justice officials assume the guilt of any defendant who has confessed and treat him more harshly as a result just as the police and prosecutor do. Defense attorneys are more likely to pressure their clients to waive their constitutional right to trial and accept a plea bargain to a lesser charge all because they realize that the defendant's confession, even if coerced and unreliable, virtually ensures his or her conviction. Judges are conditioned to disbelieve claims of innocence and almost never suppress confessions, even the highly questionable ones. If the defendant's case goes to trial, the jury will treat the confession as proof of the accused's guilt more than more any other type of evidence, especially if the confession receives negative pretrial publicity.

\* The government considers innocent people in prison as collateral damage. They are simply the cost of enforcing law and order!

\* Wrongful convictions represent a double failure of justice: not only is an innocent person wronged, but a guilty person is allowed to go free

\* Major contributing factors to wrongful convictions are such as: presumed guilt, mistaken identification, ineffective counsel, eyewitness perjury, fabrication of evidence, false confessions, judicial/prosecutorial misconduct, police misconduct, fabricated-fitted expert and forensic evidence, along with many other reasons and facts that contribute to miscarriages of justice. Most wrongful convictions involve more than one underlying cause, and some involve many factors. In most cases it wouldn't be fair to point the finger solely at a single factor- that is, police, prosecutors, defense attorneys, trial judges, juries, medical experts, appellate courts, or legislators. Wrongful convictions are a team sport! As it stands, the responsible Parties are very seldom held accountable, voted out of office, dismissed, disciplined, or subject to civil damages. Most often they never even admit their mistakes, or apologize for them. No official investigation ever gets to the bottom of the matter; no public report gives the reasons for the errors; and no legislation corrects the recurring under-lying causes. So, the errors persist and are repeated. A wrongful conviction case serve as a microcosm of what goes on every day in the administration of justice all across this country.

\* No innocent citizen of the country should be subjected to uncorrected wrongful incarceration because of the "powers" that be are so arrogant as to refuse to accept even the possibility that wrongful convictions occur. Are we not taught at an early age to believe in the police and the courts of this country?

\* In any case that has heavy pressure to produce a closure, a convict (intentional) at all costs mood exists. Police then delude themselves into believing that a suspect is guilty, corrupt themselves by taking unlawful steps to ensure the conviction; Courts then deluding themselves into believing the police then declare the convictions to be just and satisfactory even though they are not.

\* Wrongful convictions can result from both intentional and unintentional causes that can occur in every stage of the criminal justice process. Mistakes that happen early in the process can influence and compound problems in later the stages.

\* In wrongful convictions, statistical patterns alone do not tell the extremely painful stories of innocent defendants who have been railroaded to prison. Permanent emotional scarring and dysfunction, reputations, are despoiled and changed forever, many times health and even loss of life occurs – forever! All through wrongful convictions. The presumption of guilt never really ever goes away even after a verdict of acquittal or exoneration.

\* Innocence is not a legal issue. It's merely a word that by itself will get you nowhere in the legal system. If carries no magic or power at all. Using it gets you nothing. Our criminal justice system is set up to convict, not correct false-wrongful convictions. In 2010, there is no Court where an innocent person can go, as a right, to prove his innocence and be released from prison.

\* Innocent citizens in prison? The latest Georgetown Law Review study finds 0.5% of all convictions, or 5,000 a year in this nation appear to have a high statistical probability of being wrongful convictions. Right now, right at this very moment as you read this, at least 100,000 people, men and women are imprisoned by some local, state, or federal agency wrongfully, without recourse at law. If the government can do that to any on single innocent person, it can do it to you and your other family members.

\* Innocent citizens in prison? The courts refuse to recognize innocence as a constitutional right and thus preserve the finality of the state convictions. The courts hold the states interest in keeping down the cost of convictions justifies the quick end of Appeals to convictions to save the state's money and resources. Is it more expensive to keep an innocent person in prison for many years to life, than to give him a chance to prove his innocence and be released.

\* No government has a legitimate interest in the finality of the conviction and imprisonment of an innocent person!

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\* Although a person can hope against hope, the rate of success on Direct Appeals is very low. Post-Conviction Appeals also have a very low success rate, and will have nearly “NO” success at all if a person has a political issue entwined in their case.

\* For an innocent person the two most dangerous and ultimately depressing words in the language of law are, “harmless error.” These are the magic words that the Appeals Courts use to absolve the police officers and prosecutors, etc; of all the misconduct. Harmless to everyone except the defendant.

\* The pain from a wrongful conviction is all the more tormenting when accompanied by the realization that it was brought on by a public official to whom society had entrusted the fair and just enforcement of its laws.

\* Police, Prosecutors, Judges, go unchecked and unpunished for all their misconduct, and run wild over Defendant’s rights with impunity. A minimum of 80,000 is the number of innocent souls living a hellish nightmare of wrongful incarceration in these man-made hells on earth all across this nation. The upper end of the estimate could be as high as 160,000.

\* A stated 70% of Prosecutors and Judges commit Felony Crimes (violate constitutional rights of the accused) during trials.

\* Once you are accused – unqualified Court-appointed attorneys cause convictions of innocent defendant!!!

\* Even though every Defendant has an absolute constitutional right not to testify at his trial, many experienced trial lawyers believe that jurors invariably think a Defendant who fails to testify has something to hide, even though it may be by the advise of the Court appointed lawyer.

\* Nearly all legislators are attorneys, and, attorneys protect attorneys! Judges and District Attorneys were and are attorneys. How does the brotherhood of attorneys protect its brethren? Simply, they do not provide a remedy at law, and do not even address the problem at all! Because of this, thousands of the unconstitutionally convicted citizens, “innocent citizens,” will continue to suffer in prisons, leaving old, broken spirits, hurt, and disillusioned, and then replaced by new victims of injustice.

\* Many members of the public realize that the criminal justice system tends to protect its own. Police stick together; Prosecutors gather to ward off any legal challenge, and Judges tend to uphold the decisions of other Judges – tendencies that will make it all the more difficult for the wrongly convicted person to prove his innocence.

\* In *Herra v. Collins*, 506 U.S. 809 (1992), Chief Justice Rehnquist stated that because innocence is not specifically mentioned in the Constitution, a claim of innocence does not arise to a constitutional level, and that the right of an innocent citizen not to be imprisoned is not guaranteed by the



Constitution. Neither does the Constitution Specifically discuss abortion, adoption, false imprisonment, marriage, nor incest, but each of these had been found to have constitutional rights.

\* In this country, there is no Court rule in any state or Federal Court which allows an incarcerated citizen who has obtained new evidence proving his or her innocence, where that evidence is non-DNA nature, to present that evidence before a Judge and receive a review of that new evidence and the case, as a matter of right.

\* If a Defendant pleads innocent, he is in denial. Appearing before the Parole Board, he may not show remorse, thereby lessing his chances of getting out of prison.

\* The Prosecutor has his own stable of doubtful expert witnesses. Deceitful and lying experts are so much a part of the routine that no one really notices. Many expert witnesses will say anything the District Attorney wants them to. Prosecution expert witnesses offer scientifically doubtful, but, prosecution evidence.

\* The Prosecutor with his stable full of expert witnesses has a generous budget to pay those outside as needed to present their case. Defense attorneys have no such luxury unless the client has considerable resources, so their use of experts is limited, if it exists at all.

\* Sometimes the key witness is intentionally lying – to protect himself, or for the prosecution, or some other someone or purpose. False witnesses serve a common law enforcement means to strengthen cases providing what is otherwise lacking: a confession! The damage that “false witnesses” do in all wrongful convictions is severely devastating with forever life altering changes to the Defendant and his or her family.

\* Too many cases are now hidden from public scrutiny by being designated as being “unpublished.” Unpublished opinions hide a nightmare of prejudicial decisions not based on the law, but on political strategy and on what the Judges predecide what they want their decisions to say. Unpublished decisions are seldom well researched and even less frequently does the Judge who wrote the opinion appear to have more than a sketchy grasp of the facts of the case. Without an intimate knowledge of the facts it’s impossible to apply the law correctly to those facts. They also know that human nature will see to it that few of you will ever check out what is written here and find out its all true!!! These wrongful, unconstitutional convictions are allowed to stand uncorrected due to the Judge-made “comity” policies in effect between the Federal and the state governments. Comity = courtesy; a willingness to grant a privilege, not as a matter of right, but out of good will. Courts of one state jurisdiction as a matter of right, but out of good will. Courts of one state jurisdiction will give effect to laws and judicial decisions of another state Court or jurisdiction, not as a matter of obligation, but out of mutual respect.

\* Not all trials take place in the open. In a convenient arrangement for anyone with something to hide, every Court has a secret justice system where aspects of cases are resolved behind closed doors, called secrecy agreements, because they put a lid on bad publicity.

\* Justice is not democratic, it’s local. A courtroom reflects the values and expectations of the community around it. If a community is corrupt, so are its courts. If a community is honest, its legal system usually is.

\* Undoing wrongful convictions represents a personal and professional triumph, because more often than not, it could not be achieved without close collaboration involving many people. Some strangers and often at least one of them an “angel” investigative reporters or columnists who pursued the truth and helped correct an injustice. Publicity plays a large role in the making of a successful wrongful conviction claim, because quite simply without strong media support along with their legal assistance, some wrongly convicted would never stand a chance, never be cleared, never be freed!!!!