

“How Wrongful Convictions Happen by Looking at The Central Park Five”

**47078 | CAP 4800 | Senior Capstone
Brian Grill December 2nd, 2020**

Table of Contents:

- 1. Introduction: Begins on page 3**
- 2. Literature Review: Begins on page 5**
- 3. Analysis: Begins on page 7**
- 4. Conclusions & recommendations for future research: Begins on page 14**
- 5. Bibliography: Begins on page 17**

Introduction:

The estimated percentages of wrongfully convicted people hover between 2% and 10% according to the LA times. While this percentage might seem low to most people, that still equates to roughly 46,000 to 230,000 innocent people locked up in our prisons currently. This is a giant legal blemish that is never talked about unless in private under a hush tone. It is an uncomfortable truth that never makes it into the mainstream dialogues of our society. The fact of the matter is that somewhere in America there is at least one (if not more) person that is in prison for a crime that they did not commit. This senior capstone is going to shed on one of the most pivotal case of our time that deals with this uncomfortable reality. In this senior capstone we are going to be looking at the Central Park Five case, the medias portrayal of this case, and the political ramifications that stem from it. It will also leave the reader with a deeper understanding of how wrongful convictions happen as well as how these primary issues played out in the Central Park Five case.

The background research that will be conducted will be on the Central Park Five. There will be a deep dive into the facts behind this case and what landed innocent people behind bars, serving time for something that they did not do. We will analyze specifically what it was that enabled a court to put these individuals behind bars because these specific factors overlap into other wrongful conviction cases in the United States. Some of the things that we will look at are eyewitness testimonies, junk science, police coercion, and much more. These practices that lead to wrongful conviction are important to shed light on and educate ourselves to the reality of our justice system. Through the understanding of the most common tools used to convict someone can we fully see how they are wrongfully convicted. We will then do original research in the roll that the media had for these cases and if their rolls had a crucial part in the sentencing of these

people or not. Some of the sources that we will look at regarding wrongful convictions will be traditional media. Traditional media are things like newspapers and the cable news. The other form of media that we will touch on in this senior capstone are documentaries. Specifically, we will look at the documentary on the central park five case called “When They See Us”. This will allow for interesting comparisons to be drawn from the media narrative during the Central Park Five trial and the media as it stands today.

This analysis will be conducted through six sources. Three of these sources will be peer reviewed sources. One peer reviewed source that will be used is called “Guilty Until Proved Innocent: Wrongful Conviction and Public Policy”. Another one is called “Justifying Justice: Six Factors of Wrongful Convictions and Their Solutions”. The third peer reviewed source that will be used is called “Wrong Place, Wrong Time: The Central Park Five”. A fourth peer reviewed source that will be used is called “One Hundred Years Later: Wrongful Convictions after a Century of Research” By Jon B. Gould and Richard A. Leo. A fifth peer reviewed source that will be used is called “The Fight for Post-Conviction DNA Testing is Not Yet Over: An Analysis of the Eight Remaining Holdout States and Suggestions for Strategies to Bring Vital Relief to the Wrongfully Convicted”. The last peer reviewed article that we will look at is “The substance of a false confession” by Brandon L. Garrett. We will also look at three other sources that are not peer reviewed that can help us dive into the facts of these cases and the media's coverage of these cases at the time. One source will talk about the media's role in the Central Park Five Case. One final source will talk about our current president's article that he paid for calling for the death penalty for those young boys that did not commit the Central Park Five rape.

This paper will contribute to the existing literature by adding in a unique perspective to wrongful convictions that is lacking in this topic currently. This is the role that the media plays in

these cases. The media in a lot of these wrongful conviction cases plaster headlines that are devoid of facts but grab the reader's attention. Media is going to have an effect in these cases no matter what, and it is important to look at how their coverage was for these innocent individuals. This capstone project will analyze the facts of the case, the reasons an innocent person or group of people can be put behind bars, and show everyone how the media's narrative looked in the moment as well as the narrative it holds today.

First, we will look at the literature and do a review that will show what commonalities exist between them. The main topics that we will focus on are: Defining and explaining what wrongful convictions are, showing how what causes them, and the central park five case. We will focus on each topic independently and evaluate which pieces of literature relate to these individual topics.

Literature Review:

A. Overview of wrongful convictions:

When researching texts that adequately explain what wrongful convictions are as well as getting a concrete definition of the term, I fell upon the article "Guilty Until Proved Innocent: Wrongful Conviction and Public Policy" By Bary W. Hancock and Paul M Sharp. This article provides a definition for wrongful convictions. Another article that is related to this topic is "One Hundred Years Later: Wrongful Convictions after a Century of Research" By Jon B. Gould and Richard A. Leo. This article does a fantastic job of explain what wrongful convictions are to layman that would not otherwise know.

B. Showing how wrongful convictions happen and what causes them:

When researching for articles that show us how wrongful convictions happen and what the causes to them are, I came across "Miscarriages of Justice in Potentially Capital Cases" By

Hugo Adam Bedau and Michael L. Radelet. This article goes deep into the causes that lead to the wrongful conviction of people and sadly the execution of innocent people in capital cases. Then we also have the article “The Fight for Post-Conviction DNA Testing is Not Yet Over: An Analysis of the Eight Remaining Holdout States and Suggestions for Strategies to Bring Vital Relief to the Wrongfully Convicted” By Rachel Steinback. This article gives a more nuanced view of what causes wrongful convictions from the premise that there is a lack of post-conviction DNA testing. This article does a great job at providing the reader with a deep understanding of one aspect of the causes of wrongful convictions. We also cannot forget to mention the article “Guilty Until Proved I Innocent: Wrongful Conviction and Public Policy” By Bary W. Hancock and Paul M Sharp. This article not only defines wrongful convictions, but also shows what causes them in great length. The article talks about eyewitness errors, police misconduct, and plea bargaining. Furthermore, the article “Justifying Justice: Six Factors of Wrongful Convictions and Their Solutions” By Colby Duncan, shows us six main contributors that cause wrongful convictions. He talks in depth about eyewitness misidentification, improper forensic, false confessions, informants, government misconduct, and insufficient lawyering. Finally, we have “The Substance of False Confessions” By Brandon L. Garrett. This shows us how specifically false confessions causes wrongful convictions. In this article we are presented with a similar form as the article by Rachel Steinback because it zooms in on one key issue and talks about it at great length.

C. The Central Park Five Case:

When starting this capstone on wrongful convictions, I knew that we would have to talk about the Central Park Five. This was one of the of the most grotesque versions of wrongful convictions that played out in our country. When doing so I came across the movie “When They

See Us” By Ava DuVernay. This is a Netflix series that takes a new look at the case in the present day. It shows us all the missteps and racist practices that lead to the teenagers being wrongfully accused of a crime that they did not commit. Obviously, the article “Op-Ed: How the media help drive harsh criminal justice policies” By Carroll Bogert is relatable to this topic on the Central Park Five cases as well, but adds in a different dimension which ties in the media narrative aspect to the case. We also must mention how the article “Trump Will Not Apologize for Calling for Death Penalty Over Central Park Five” By Tom Brenner because this brings the political side to the case as well. Overall, we can say that all the articles from the literature review have some form of commonality to this topic, because they each provide a dimension that relates to wrongful convictions which this case is about.

This literature review suggests that wrongful convictions is a popular topic among researchers across multiple disciplines. This topic as well as the Central Park Five case has been discussed at length for years now. What has not been talked about enough are the primary issues at the core of the Central Park Five case that holds consistent among many other wrongful conviction cases as well. Things like false confessions, government misconduct, and insufficient lawyering. To fill the gap in the research, this capstone will dive deep into these topics and how they relate to not only the Central Park Five case, but in wrongful conviction cases more generally. Now it is time to see how these articles about wrongful conviction are applicable to The Central Park Five Case.

Analysis

The Central Park Five case is the zenith of wrongful conviction cases and provides an excellent example of the ways that wrongful convictions happen. One of the first elements of wrongful convictions that pertain to the Central Park Five case is the idea of false confessions.

Four of the five young men in this case would ultimately make a false confession, so it is important to start for this element first. According to “The Substance of False Confessions” by Brandon L. Garrett, lengthy interrogations like the ones the young men were faced with bring about different types of false confessions. In the article it states “These exonerees’ confessions were likely all what Kassin and Wrightsman term coerced compliant confessions, referring to those in which the subject complies with law enforcement pressure during the interrogation process.” (Garrett, 1063). There is also a term called “stress compliant” false confessions where the stress of the interrogation secures a confession. This is not considered illegal coercion, surprisingly. This is another factor for the young men’s false confessions. It is hard to judge because the only recorded part of the Central Park Five case was the part where they confess and not of the interrogations themselves. We do however know that the police lied to Yusef Salaam in his interrogation telling him that they had his fingerprints on the jogging shorts of the victim. This was considered legal in this instance but draws a fine line between lying and coercing the suspect during interrogations. Another type of false confession that is brought up in the Garrett article is coerced or persuaded false confessions. This is when the suspect is convinced during the interrogation that they in fact did something illegal and confess to that which they did not actually do. This was one of the biggest arguments made by the advocates for the central park five children.

It is important to note what a confession is because this give context when we ask why the jurors would base their decision on the boy's false confessions. The idea of admitting to something that you did not do is very hard to believe to the average person. Most people do not understand that this is very possible and is usually stemming from an intense interrogation that has police lying and presenting evidence to you that says you did the crime when you never did

it. It is also a statement that is filled with vivid details and often details only the perpetrator could have known. They are statements that contain remorse and apologies. This is exactly what it looked like for Korey Wise who would confess on tape saying “this was my first rape and it’s going to be my last. I am sorry. I’m not going to do this again.”. It is also tricky for judges and juries to believe it was a false confession when they only see the confession on camera, but never see the 14-30-hour interrogation that led each one of the boys there.

Another important piece to false confessions involves Miranda rights. These are given to any suspect before interrogations so that they are completely aware of their rights before anything else happens. This is such an important step in the process because if they are not read and illegal activity or evidence is elicited, the prosecutor will not be able to present that evidence the suspect gives at trial against them. The exclusionary rule is the rule that prohibits illegally obtained evidence from being admitted at trial such as evidence obtained in an illegal search. Therefore, the Miranda rights are such an important step. In the Central Park Five case, the boys as well as their parents all waived their Miranda rights. This brings up an interesting issue that is discussed in Brandon L. Garretts article. In the article it talks about specific cases where the waiver of the suspects Miranda rights played a detrimental role in their cases at trial. It states “Although the Miranda warnings did not benefit any of these innocent suspects, the waiver of those rights impeded later efforts to challenge their false confessions. Illustrating the dispositive role that provision of Miranda warnings can play, in David Vasquez’s case, there was a partially recorded interrogation in which outright feeding of facts was apparent from the recording.” (Garrett, 1093). This all played a critical role for the central park five children because they would waive their Miranda rights and then give false confessions. This combination made it extremely difficult for their defense attorneys at trial to sway the jury.

Government misconduct is one of the most egregious parts to the story that is the central park five. According to Colby Duncan in “Justifying Justice: Six Factors of Wrongful Convictions and Their Solutions”, government misconduct “can be defined as overly suggestive witness coaching, offering incendiary and inappropriate closing arguments, or failing to disclose critical evidence to the defense.” (Duncan, 98). One of the worst people in this case that fits this definition is the district attorney at the time Elizabeth Lederer. She along with the prosecution presented evidence that did not conclude that the boys committed the assault but placed them as accomplices to the crime. Their false confessions were presented as each of them implicated each other. It would not be years later that one of the pieces of evidence the prosecution presented at trial was incorrect. This was the hair that suggested to be the victims found conveniently on the Defendants. This would be proved wrong years later by DNA evidence. DNA evidence also proved that the semen in Meili’s rape kit did not match any of the Defendants but matched the real perpetrator Matias Reyes. This leads to the next issue in wrongful conviction cases and one that played a role in the Central Park Five case which was invalid forensic science. The worst part about all of this is that the prosecutors knew at the time that the DNA evidence did not match any of the boys. Their rational behind this was that the boys might not have done the acts themselves but were hiding the identity of some sixth person that was with them that night.

We also see this in the form of police coercion during the children's interrogations. They would lie, express sympathy and present false evidence to the young boys all to get them to confess to something that they did not do. These five kids would be under intense pressure for about 14 to 30 hours and lied to by these police officers that once they were at their lowest point, they would be given an offer that they cannot pass up. It would be presented to them that if they

cooperate and confess then they can go home. Once they saw this way out, they would jump on it. Once that intense social pressure was lifted, they would all instantly recant their statements that they made.

Another issue that is common with wrongful conviction cases and the central park five case is the issue of insufficient lawyering. Insufficient lawyering usually is when a new or inexperienced defense counsel is representing an individual in a case that has many issues, nuances, and unfamiliar legal questions. Young and inexperienced legal counsel that is given a wrongful conviction case to work with are usually not educated enough in real world legal practice to provide adequate verdicts for their innocent clients. Some issues related to insufficient lawyering are things like failing to do proper fact-finding, addressing the limits of the prosecutors, addressing the limits of the investigators, and more. We saw insufficient lawyering in the central park five case. One example was Peter Rivera who represented Santana in the case. He would never present an alternative theory for what happened on the night of the attack for his client and would instead argue that his client was questioned without his father being present which led to the incriminating statements that were made. Robert Burns was the attorney who represented Salaam who was caught falling asleep in court during the case on more than one occasion. That clear display of apathy toward his client and the court is even worse than insufficient lawyer, it is a complete lack of respect. In the second trial we saw Howard Diller who was Richardsons defense attorney and Colin Moore who represented Korey Wise. They each had a completely different approach which would fracture the defense team. Moore wanted to do heavy cross-examinations of the victim and Diller would threaten to move for a mistrial if Moore grilled the victim. The issue with Moore's approach is that it is going to make the defense look terrible that they would be pressing the victim of a rape and assault on the stand. Despite all

of this, Moore would follow through and Diller would opt for focusing on the circumstances around the dubious recorded confessions. There was a complete lack of pointing out the suspect DNA evidence and no real effort to stop the prosecution presenting non-probative evidence to the jury as probative. There was also not enough fervency when it came to showing exculpatory evidence. One part of insufficient lawyering is the fact that they might not be able to get an accurate conviction for their client or demonstrate to the court that the process of secure their clients conviction was flawed. In “Miscarriages of Justice in Potentially Capital Cases” By Hugo Adam Bedau and Michael L. Radelet they state “It might be excessive-for example, if the defendant is really guilty of second-degree murder but was convicted of first-degree murder; or the jury might have been right to conclude that the defendant committed the fatal act, but wrong to reject a defense of insanity or self-defense; or a conviction that is factually accurate might have been obtained in violation of the defendant's constitutional rights.” (Bedau and Radelet, 129). This stems directly from the problem of inexperienced legal counsel.

Invalid forensic science according to Colby Duncan in “Justifying Justice: Six Factors of Wrongful Convictions and Their Solutions” is “The second most frequent contributor to wrongful convictions is perhaps unexpected for some people because science is often found to be the most reliable.” (Duncan, 95). The issue with invalid forensic science comes from misstatements or misrepresentation of scientific evidence by forensic experts. Things like bite marks, shoe prints, microscopic hair comparison and more are examples of forensic science that are easily misconstrued. Misstatements or misrepresentations of scientific evidence include non-probative evidence being shown as probative. Probative evidence is evidence that serves to establish or prove the truth. Non-probative evidence is the opposite of that. There is also the issue of exculpatory evidence being discounted. Exculpatory evidence is that clears the accused

of their guilt. This evidence was presented with the hair sample and rape kit that was discussed above. There was also the issue of a rock found near the scene of the crime that had blood as well as hair on it. It was presented as evidence at trial and was suggested to have come from the victim.

Finally, when we look at how the central park five were able to be exonerated for the crimes that they were accused of, we must thank the role that post-conviction DNA testing played. In “Justifying Justice: Six Factors of Wrongful Convictions and Their Solutions” by Colby Duncan, he states the way post-conviction DNA testing is “granted as long as the following is determined: the evidence is available and in a condition that would permit DNA testing; the evidence in question has been subject to a chain of custody that establishes it has not been altered in any way; the identity of the perpetrator of the crime is a significant issue in the case; the convicted person demonstrates that the DNA testing would be relevant to the issue of identity; the requested DNA testing results would raise a reasonable probability that the convicted person’s verdict or sentence would have been more favorable if the testing results had been available at the time of the conviction; the evidence had either not been tested previously or this requested testing would provide results that have a reasonable probability of contradicting past results; the requested testing employs a method generally accepted within the scientific community; and the motion is not made solely for the purpose of delay.” (Duncan, 100). The way post-conviction DNA testing pertained to the central park five case was when the DNA profile obtained from the spermatozoa in the rape kit matched the profile of Matias Reyes. There was also the Mitochondrial DNA testing of the hairs found on one of the defendants that was revealed to be completely unrelated to the victim. As you will remember, one of the government misconducts points made above was the hair that was found on one of the defendants being

presented at trial by the prosecution as being the victims. Then there was further testing of hairs found on the victim that would come back as a match for Matias Reyes. The rock that was also brought up on trial was shown to have no relation to the victim or the defendants as well.

There are many pieces that come into play when wrongful convictions happen. It would be almost impossible to talk about every detail that leads to a wrongful conviction, so we are forced to talk about an abated list like the ones discussed above. Specifically, in the Central Park Five case we saw false confessions, Miranda rights issues, government misconduct, insufficient lawyering, invalid forensic science, and post-conviction DNA. These are some of the most common reasons wrongful convictions happen. It only takes one of these to lead to a wrongful conviction and in the Central Park Five case, we had at least six. There is no doubt that these young men were going to be convicted of a crime that they did not commit based on the principals discussed above.

Conclusions and Recommendations for Future Research

It is important to note that even though wrongful convictions still happen, there is a lot that is being done to end them. One of the first things that we see is states enacting statutes that give wrongfully convicted folks the ability to be compensated. These compensation statutes vary from state to state. In California for example it is called Cal Penal Code Section 4900 to 4906. The people who are eligible to get compensated under this statute are people who get pardoned and people declared innocence based on factual evidence. There is a 2-year filing window that starts after the judgment of acquittal or discharge was given or after their pardon was granted. They also make exceptions for starting the filing window once the wrongfully convicted person is released from prison. The maximum amount that they are awarded is \$140 dollars per day of

incarceration. This does not include civil litigation that the wrongfully convicted person will most likely make after they are released.

Another change that has occurred to help combat wrongful convictions and specifically false confessions is requiring interrogations to be completely recorded. Now in over 20 states there are laws that require the interrogations to be recorded from start to finish. These states say that from the time a reasonable person in the subject's position would consider themselves to be in the custody of the law enforcement officer or agencies and is being questioned to elicit incriminating responses is the time that electronic recording should begin. This benefits the innocent person because it creates a record of the entire interrogation and what led up to the confession. It also helps to protect a suspect's rights during the interrogation process. We also see that it prevents the use of coercive techniques that might be used normally by the government official when there is no recording being taken. Finally, it also shows prosecutors, judges and juries when the suspect has a mental limitation or other vulnerabilities that would make them more susceptible to producing a false confession.

On the other side it is also benefiting law enforcement as well. Recording the interrogation prevents disputes from suspects that did do the crime from saying that the government official conducted themselves improperly during the interrogation. It makes a record of the statements made during the interrogation, so this makes it harder for the defendant to change his or her account of the events. Generally, it gives the public more piece of mind to be able to see and hear the interaction for themselves as well.

Another factor that is being enhanced is on the topic of post-conviction DNA testing. Even though all fifty states have statutes to address post-conviction DNA testing, it still has a lot of problems. Most of the laws require the wrongfully convicted person to solve the crime and

prove that the DNA evidence promises to implicate someone else. There are also still laws that do not permit access to DNA if the defendant originally pled guilty. More generally we see laws that do not include proper safeguards for the preservation of DNA evidence.

Some of the changes that are being pushed are things like having a reasonable standard to establish proof of innocence when an individual is petitioning for post-conviction DNA testing. There are also talks about allowing access to post-conviction DNA testing when it can establish innocence for the person even if that person has already done their time and it free. The biggest one is abolishing “sunset provisions” or any absolute deadlines on the access to post-conviction DNA testing. Another big change that is being fought is forcing government officials to preserve as well as catalogue biological evidence for the entire time the individual is incarcerated and for as long as they experience consequences of the wrongful conviction. This includes when they are on probation, parole, or registered as a sex offender. Finally, there is talks about allowing convicted persons to appeal orders that deny them DNA testing as well.

It is also important to pay respect to some groups that are advocating for the wrongfully convicted and providing legal support to those that are innocent. The Innocence Project is one of the preeminent leaders in the fight for the wrongfully convicted. They were founded in 1992 by Peter Neufeld and Barry Scheck at the Cardozo School of Law. They not only provide legal defense but have played an active role on the legislative front as well. They have handled some of the biggest wrongful conviction cases out there and handled them successfully. Their team of highly effective lawyers are the gold standard when it comes to criminal defense and these folks should be admired for the work that they do.

Finally, we have the National Legal Aid Society. Their mission is to provide justice to anyone who is wronged with or without money. This group has provided effective legal services

to the most vulnerable individuals. They are not there to make money off their client, and they give service to the people who cannot afford a lawyer. They are America's oldest as well as largest nonprofit association delivering legal services to those who cannot afford it. While they do not just focus on wrongful convictions, this does make up a large part.

Annotated Bibliography

Hugo Adam Bedau and Michael L. Radelet. "Miscarriages of Justice in Potentially Capital Cases". *Stanford Law Review*, Vol. 40, No. 1 (Nov, 1987).

This article is created by Hugo Adam Bedau and Michael L. Radelet. It comes from the *Stanford Law Review*, Vol. 40, No. 1 (Nov., 1987). Wrongful convictions are usually characterized as a miscarriage of justice and that is exactly what this article focuses on. We are first presented with the methodology. Then we are introduced to the concept of a capital case. Then we jump into a deep dive of what a miscarriage of justice is. This is where we are presented with the evidence behind a miscarriage of justice, the causes of these errors, and the discovery of these errors. On a more solemn tone we are shown how innocent people are unfortunately executed from the miscarriage of justices that took place in their specific cases. On a lighter tone however, the article concludes with possible remedies to the problem. This article relates to my senior project because it talks about wrongful convictions and the unfortunate causes that stem from this which can be executions of innocent people that are only found out after the fact. It provides a comprehensive overview of what a miscarriage of justice looks like and the causes of these miscarriages. It relates to my article by providing a look at the causes of these wrongful convictions that we will talk about through the lens of the Central Park Five case and the possible remedies to these wrongful convictions.

Rachel Steinback, *The Fight for Post-Conviction DNA Testing is Not Yet Over: An Analysis of the Eight Remaining Holdout States and Suggestions for Strategies to Bring Vital Relief to the Wrongfully Convicted*, 98 *J. Crim. L. & Criminology* 329 (2007-2008).

This article by Rachel Steinback focuses on a polarizing issue in the wrongful conviction vein which is about post-conviction DNA testing. A lot of wrongful conviction cases are settled through this avenue. Rachel Steinback knows this and has created an entire article talking about the eight states at the time of the article being published that have failed to pass this type of testing via statutes. This article goes into reviewing the various legal avenue that falsely convicted felons can seek and highlights the problems that arise. Furthermore, the article does an excellent job at highlighting the legal, social, and political issue that make post-conviction DNA testing such a contentious issue. It then wraps up with strategies for overcoming these obstacles. One part of that stands out from the rest of these articles is the discussion of alternative legal avenues that prisoners in these states with restrictive laws on post-conviction DNA testing can go through. This is important to note because we will dive into how difficult of a process it was for the victims in the Central Park Five case was to get their names cleared. This article is relevant to my senior capstone because it talks about a very important issue (post-conviction DNA testing) that is used to help exonerate these individuals in wrongful conviction cases. It will also be a critical source of knowledge that will help my round out my senior capstone when we start looking into the case of the Central Park Five and specifically when we look at the way that they were able to exonerate themselves from this crime.

Jon B. Gould, Richard A. Leo, *One Hundred Years Later: Wrongful Convictions after a Century of Research*, 100 *J. Crim. L. & Criminology* 825 (2010)

This article starts off with an introduction where the authors share how they are going to analyze a century's worth of research on the topic of wrongful convictions. They compare the many lessons that they uncover through this voluminous body of work. The article is separated into four sections. Part one is the introduction. Part two goes into the history of research on the topic of wrongful convictions. Through this historical context that they lay out for the reader can we fully appreciate the preceding literature. Part three goes into what we already know about wrongful convictions where they discuss things like the prevalence of wrongful convictions, the harms that come from wrongful convictions, the source of wrongful convictions and much more. Finally, in part four they touch on the ways that we can improve this situation currently. Ideas in this section center around making professional changes, policy changes, and political changes. This article relates to my senior capstone project because it is centered on the idea of wrongful convictions. This article will aid my research project in providing a historical lens to my topic as well as a different view of the changes that need to be made to stop the prevalence of wrongful convictions as well.

Barry W Hancock and Paul M Sharp, eds. "Guilty Until Proved Innocent: Wrongful Conviction and Public Policy" (From *Criminal Justice in America: Theory, Practice, and Policy*, P 213-225, 1996. See NCJ-160206)

This article which was produced by Huff et al. Is an important addition to my senior capstone. It goes into depth about what wrongful convictions are, how big of a problem it is, how wrongful convictions happen, and much more. This is a great foundational article because it starts out with defining what a wrongful conviction is and what that term means. As a layman myself, I appreciate the fact that it "hold me by the hand" and breaks down what this subject is and how big of an issue it has become. Then its deep dives into the specifics of how wrongful

conviction happen. This is the meat and potatoes behind securing wrongful convictions. Things that are discussed are things like Eyewitness Error, police misconduct, and plea bargaining. It also highlights the community pressure that comes with convictions. This is an interesting take in my opinion because it ties into my senior capstone topic on media narratives pushing these convictions. Overall, I think this article will provide a ton of information in regard to wrongful convictions as well as give me gold nuggets that tie into my original research on how the media pushes a narrative that perpetuates wrongful convictions forward.

Duncan, Colby (2019) "Justifying Justice: Six Factors of Wrongful Convictions and Their Solutions," *Themis: Research Journal of Justice Studies and Forensic Science*: Vol. 7, Article 6.

This article talks about the nitty gritty of wrongful convictions. While my first article "Guilty Until Proved Innocent: Wrongful Conviction and Public Policy" talks about wrongful convictions in a more general sense, this article takes a deeper dive into six main contributors. These are eyewitness misidentification, improper forensic, false confessions, informants, government misconduct, and insufficient lawyering. This article takes a good look at some aspects of wrongful convictions that are not talked about in my other articles which are improper forensics and insufficient lawyering. This is where this article plays an important role because improper forensic is a much more recent issue with wrongful conviction cases and insufficient lawyering is something that played a big role in the case that my senior capstone looks at which is the Central Park Five case. This is important and relates to my senior capstone because I get a good amount of knowledge on the topic of false confessions and government misconduct which is something that is a giant factor in the Central Park Five Case. This article will enable me to

provide a more comprehensive look at the Central Park Five case when it is broken down in my Senior Capstone.

Garrett, Brandon L., *The Substance of False Confessions* (April 15, 2010). *Stanford Law Review*, Vol. 62, No. 4, 2010, Virginia Public Law and Legal Theory Research Paper No. 2010-2011.

This article was made by Brandon L. Garrett and is a part of the *Stanford Law Review* journal. In this comprehensive article we are shown specific topics like the characteristics of DNA exonerees' false confessions. This is where we are given general information about the characteristics that are present in these exonerees confessions. Then we are also given information about contaminated confessions. This gives a deep overview of things like law enforcements practices regarding contamination of confessions, corroborated and nonpublic facts, mistaken facts, guessed or public facts, inconsistencies, and lack of fit, and much more. It goes even deeper to talk about false confessions and constitutional criminal procedures. This topic has parallels with issues like Miranda warnings, using deceptive techniques, use of experts, and much more. This article is a comprehensive look into the legal side of false confessions. It is relevant to my senior project because the case that I am going to be discussing reveals heavily around false confessions. This is a comprehensive resource on this specific subject matter that will be used as an essential aid when I start breaking down the false confessions in my Central Park Five case.

Bogert, Carroll. (2019). "Op-Ed: How the media help drive harsh criminal justice policies". *Los Angeles Times*.

This article was created by the author Carroll Bogert who exposes how the media helps to drive harsh criminal justice policies. She starts off talking about the Central Park Five case and

how the media used hyperbolic language from the start of getting the story. They used language like “Wolf Pack’s Prey” and terms like “left for dead by a wolf pack of more than a dozen young teenagers”. In her article she is trying to show the reader that the media even when they are proven false in their reporting, show a lack of corrections to their original pieces. They buy to quickly into a narrative without having all the facts and don’t bother to make corrections when they are proven wrong! She suggests in this article that this type of media malpractice helps to perpetuate wrongful convictions when they are reckless in their reporting and unwilling to make corrections when they are wrong. This source is relevant to my project because it talks about the medias framing of cases that could lead to wrongful convictions like the case, I will be discussing in my capstone which is the Central Park Five case.

Ransom, Jan. (2019). “Trump Will Not Apologize for Calling for Death Penalty Over Central Park Five”. The New York Times.

In this article written by Tom Brenner, the author talks about how the President wouldn’t apologize for his comments that he made in 1989 about the five black and Latino teenagers that were wrongfully convicted of the raped of the central park jogger in New York City. This article lays out how the President took out a newspaper advertisement calling for the death penalty after the attacked happened. They also talk about how despite being a real estate developer at the time, he was able to gain widespread attention to this case and place a negative light on these teenagers. This article also gets into the details of the Central Park Five case that at pertinent to my senior project. I think that this is a great addition to my senior project because it talks about the media narrative, the case I will be using in my project, and will fill in key informational gaps when breaking down the case. This article also shows us how prominent figures in our culture

can affect a case without the facts and push a dangerous narrative that leads to wrongful conviction cases like the Central Park Five case.

DuVernay, Ava. (2019). "When They See Us". Netflix.

This movie is a Netflix film that shows the Central Park Five from a modern view. Now that the case has been resolved and we have new information of what happened, who committed the crime, and the resolutions of the wrongfully accused, we get a different view of this case.

This Netflix film does a deep dive into the events that led up to the wrongful conviction of these five young boys. It then shows how they were treated once they were arrested by the police. This film breaks it all down how it happened. It is disturbing at times and pulls at the heart strings...

This is the case because it finally reveals the actual story which was manipulated by the judicial system and the media. This relates to my project because it is a film that is exclusively based on the case that I will be discussing. It also gives us a great look at the case from a new set of eyes that has not been influenced by media bias or corrupt prosecutor or other government officials.

This film will be an excellent addition to my senior project because it gives a new media narrative. A lot of my paper will be talking about the negative media narrative that was spun about these young men. Now in 2020 we are faced with a new form a media narrative that provides us a great example of how the media should have treated this case from the very beginning.