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### Case Studies of Three Wrongful Convictions

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Case Studies of Three Wrongful Convictions

Kelsie Blood

Master of Science in Criminology & Criminal Justice

Merrimack College

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### **Abstract**

Although the criminal justice system is one of the most important systems in our society, it has its flaws. One role of the criminal justice system is to incarcerate people who have committed crimes in violation of criminal law. Unfortunately for thousands of individuals, the criminal justice system incarcerates people who are not guilty of those crimes. Wrongful convictions are a failure of our criminal justice system. There are different factors that contribute to a person being wrongfully convicted. These factors include eyewitness misidentification, inadequate or ineffective legal representation, DNA-or lack thereof, and official misconduct, or a combination of these. This paper employs in-depth case studies examining three different wrongful conviction cases. These cases are those of Francisco Vera, Marcus Lyons, and Michael Evans. Three men who had been wrongfully convicted of crimes they did not commit, and later exonerated. These case studies explore the factors that contributed to their wrongful conviction, the length of their sentence, and what led to their eventual exoneration. The case studies also dive into life after exoneration for these men, including what their life was like after being released, whether any help was provided to them re-entering the community, and whether they received any monetary compensation. The case studies, although focusing on three specific cases, shine light on the underlying issues of all wrongful convictions in the United States.

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### **Case Studies of Three Wrongful Convictions**

Wrongful convictions are a growing concern, although they have been occurring for as long as the judicial system has existed. Spending time in prison for a crime that you didn't commit seems unimaginable, and we would like to believe that it is something that would never happen. In reality, wrongful convictions are happening at a staggering rate across the United States. The way we can estimate just how many wrongful convictions there are is by the number of exonerations in the United States. Currently, there have been 2,622 exonerations in the United States since 1989, and the number is growing everyday (The National Registry of Exonerations, 2019). This number represents only the people who have been exonerated, not including the thousands of other individuals whose rights and freedom have likely been stripped from them when they were not deserving.

Recent data show that some type of misidentification played a role in nearly 75% of all exonerations until 2014 (The National Registry of Exonerations, 2019). New information has indicated that there were 151 exonerations in 2018 alone. Of those exonerations, 31 were based in part on mistaken eyewitness identifications (The National Registry of Exonerations, 2019). Moreover, according to the National Registry of Exonerations (2019), 107 exonerations involved official misconduct in 2018 alone. This was a record for a single year. These cases could include anything ranging from threatening witnesses to the falsification of test results by forensic analysts. But out of these cases, the most common misconduct reported was police or prosecutors concealing exculpatory evidence (The National Registry of Exonerations, 2019). This paper primarily focuses on three factors that lead to wrongful convictions and later exonerations, including eyewitness misidentification, official misconduct, and inadequate legal representation.

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## Literature Review

### Eyewitness Misidentification

According to the Center on Wrongful Convictions, eyewitness misidentification is the leading cause of wrongful convictions nationwide. Eyewitness misidentification encompasses a large percentage of the legal issues regarding wrongful convictions. Eyewitness misidentification is when at least one witness mistakenly identifies the individual as the person that the witness saw commit the crime in question (Center on Wrongful Convictions, n.d.). Eyewitness testimonies are heavily relied upon in court systems. Because of this, in cases where an eyewitness is mistaken, that testimony becomes the reason for an innocent person becoming convicted of a crime he or she did not commit. In over seventy percent of DNA based exonerations, eyewitness misidentification contributed to the conviction of the exoneree (Stenzel, 2017; The Innocence Project, 2020). Of course, not all misidentifications are malicious. In some cases, a mistake has been made with no ill intent. In 2016, unintentional misidentifications made up around 30% of the exonerations in the National Registry of Exonerations (Jackson & Gross, 2016). These unintentional misidentifications often happen when a crime occurs between two people who are strangers. For example, the most common types of crimes committed by a stranger are rape and robbery. In 2005, 88% of defendants who were convicted and later exonerated of these crimes had been convicted due to faulty identification by the victim of that crime (Stenzel, 2017).

There are also other elements that come into play when considering why misidentification is so common. One of these factors is what is known as an estimator variable, such as the lighting when the crime occurred (Stenzel, 2017). Estimator variables that lead to a misidentification are unintentional and cannot be controlled by the criminal justice system. On

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the other hand, there are cases where misidentification is not so innocent. System variables are those that can be controlled by the criminal justice system, and ones that affect the reliability of an identification. System variables include things such as instructions given to the witness prior to a lineup and fillers that are purposely chosen for the lineup (Stenzel, 2017). This would be an example of when the line between unintentional and intentional gets crossed. When government officials go beyond suggestiveness and deliberately try to get an identification from a witness, then it becomes what is known as tainted identifications (Jackson & Gross, 2016). There are different paths that tainted identifications can take. The first one being that the police, either intentionally or unintentionally, manipulate the witness into thinking that he or she saw a suspect he or she didn't actually see. Second, police convince the witness that he or she is sure this particular suspect is guilty, which can influence the witness to lie and identify the suspect in order to help the police get the conviction. And third, which is very common, witnesses can be incentivized in order to falsely identify a witness. For example, if I was being held on drug charges, I could be promised that all charges will be dropped if I testify that I saw a certain person, at a certain place, at a certain time. Or on the other hand, I could be threatened that my charges will be increased if I don't do as the police say (Jackson & Gross, 2016).

### **Official Misconduct**

For the purpose of this study, official misconduct can be defined as the significant abuse of authority or judicial process by police or prosecutors that in turn played a role in the exoneree's conviction (The National Registry of Exonerations, 2019) The focus of this study is going to be on police and prosecutorial misconduct. As already mentioned above, many of the misidentifications occurred because of some form of police misconduct. When a police officer asks the suspect to involve themselves in an investigation, wrongfully so, and promises the

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suspect benefits in return, or threatens the suspect if he or she does not do so, that is 100% police misconduct. Unfortunately, there are several other ways that police misconduct can occur. There have been cases where police will perjure themselves in the court in order to get a conviction. They will write false information in their reports, stating that they witnessed criminal conduct that never occurred. In cases of wrongful convictions, police have been found planting evidence on the defendants and lying about how they found that particular contraband, or even lying and saying they found contraband when none was present (Covey, 2013).

Police perjury is not the only cause of wrongful convictions under police misconduct, although it makes up a good amount of it. Similar to how police may influence or pressure someone into believing they saw someone at a scene of a crime, there have also been circumstances where police have pressured innocent people into confessing to crimes they did not commit. There are several techniques the police can use to instigate a false confession from someone. It could be intimidation, questioning for long extended hours, sleep deprivation, or even physical or mental abuse. However, some false confessions actually occur because the police simply lie about what suspects actually say (Covey, 2013).

Prosecutorial misconduct is another issue that contributes to a large number of wrongful convictions. Justice Sutherland once defined prosecutorial misconduct as “overstepping the bounds of that propriety and fairness which should characterize the conduct of such an officer in the prosecution of a criminal offense” (Joy, 2006, p. 204). There are several ways in which the prosecution can engage in misconduct in their practices. It is possible for the prosecution to purposely insinuate things to mislead the jury, to bully and argue with the witness, threaten witnesses with the loss of immunity, knowingly use a perjured testimony, suppressing evidence favorable to the accused, among others (Joy, 2006). One study that examined the first 62 people

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who were exonerated through DNA evidence found that there was prosecutorial misconduct in 26 (41.9%) of the cases (Joy, 2006). These exonerations included prosecutorial misconduct that involved the fabrication of evidence and making false statements to the jury.

### **Inadequate Legal Representation**

Most people are aware of the Sixth Amendment of the U.S. Constitution which states that individuals accused of crimes have the right to assistance of counsel. In 1963, the right to be provided representation for those who cannot afford it themselves was given to us by the U.S. Supreme Court in *Gideon v. Wainwright*. The problem with this is that there is a severe lack of funding for public defenders and court appointed attorneys, leaving indigent defendants with inadequate representation. Inadequate or ineffective legal representation can be defined as poor or insufficient counsel provided to the defendant (Innocence Project, 2020).

There are three scenarios that usually happen when a person is appointed a public or court appointed attorney. The first being, the attorney is adequate and does a good job defending their client, making for a successful case. Another route that happens is the attorney is incompetent, unable to do their job to the extent that is necessary, which results in an unfair trial for the defendant. The third, is when the public defender is just simply overwhelmed. There are hundreds of cases flowing in at a time, and taking on multiple cases at once can overburden the attorney, making it difficult to give each case their full attention.

Funding also contributes to the issue because if public defenders do not have funding then they do not have the adequate resources to do the investigating that is necessary to build a case. They are not able to utilize the same funds that a private attorney may use to their advantage. Some examples of inadequate legal defense include failure to present defense witnesses, failure to seek DNA or serology testing, failure to object to prosecution



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arguments/statements, and failure to interview/cross examine witnesses (West, 2010). Out of the first 255 DNA exonerees, 21% raised claims of ineffective assistance of counsel (West, 2010).

Unfortunately, eyewitness misidentification, official misconduct, and inadequate legal representation are factors that contribute to wrongful convictions more often than not. The three case studies that were examined all included at least one of these three things, contributing to the wrongful conviction of innocent men. For Francisco Vera, mistaken witness ID, and inadequate legal defense put him behind bars for 17 years. Michael Evans was falsely convicted due to all three factors, mistaken witness ID, inadequate legal defense, and official misconduct. He was sentenced to life, and spent 26 years behind bars for a crime he did not commit. Marcus Lyons was behind bars for 3 years and spent nearly 16 years on parole, and his conviction was due to mistaken witness ID and official misconduct.

### **Methodology**

In this research on wrongful convictions, in-depth case studies were conducted. A case study is best described as a research method in which there is a detailed and up-close examination of a particular case. For this purpose, individual cases of people who have been wrongfully convicted of crimes they didn't commit were researched. Each individual and individual case was thoroughly examined, including socio-demographic factors such as age and race, as well as the crimes they were convicted of and the evidence against them or lack there-of. The details of their trials, which factors likely contributed to their wrongful convictions, and whether the exonerees received compensation were investigated. Information for this study was gathered from publicly available data. The data was made available through various websites that collect information on wrongful convictions and exonerations across the United States, such as

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the Innocence Project, the National Registry for Wrongful Convictions, and the Center on Wrongful Convictions.

### **Case Study 1: Francisco Vera, Illinois**

#### **Alleged Crime**

Late at night on September 3, 1990, Francisco Vera, a Hispanic male, and his friends were leaving a party at a nearby church. Shortly after leaving, they were attacked by a group of Italian-Americans that were intoxicated after drinking at a bar in the area. Both parties began striking each other, the Italian-Americans used a board from a bench and Vera used the keys from his keychain. While all of this was happening, a person in a blue van pulled up to the scene, shot twice into the air, and then once into the crowd. Joseph Dzialo (one of the Italian-American attackers) was struck by the bullet in the head injuring him but not fatally. The blue van sped away.

After Dzialo was hit, Vera and his friends jumped into Vera's brown and white van and drove away. When the police were called, witnesses explained that the driver drove off in a blue van. Minutes later, a blue van that fit the description from the shooting was stopped for a traffic violation only a few blocks away from where the shooting occurred. Humberto Beltran was the driver of this blue van, and was not questioned about the shooting at all. Police then traced the license plate of the brown and white van that belonged to Vera. Vera told the police about the fight and he was immediately handcuffed and put in a police car.

Two of the Italian-Americans (who were the attackers) were brought to Vera's house and identified Vera's van and Vera himself as the gunman. When Vera was brought to the police station, three more witnesses verified Vera as the gunman. Vera's hands were tested and came

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back positive for gunpowder residue. At 29 years old, Vera was charged with attempted murder and aggravated battery with a firearm.

### **Pre-trial and Trial**

Before Vera's trial began, his lawyer and a private investigator provided photos of both Beltran and Vera to two witnesses who had previously identified Vera as the gunman. When these photos were shown, the witnesses were unable to identify who the gunman was due to the overwhelming similarities between Beltran and Vera. Also, John Rea (the private investigator) found a member of the Italian-American attackers that was not interviewed by the police. This person was shown the two photos of Beltran and Vera, and identified Beltran as the gunman.

Vera was advised by his lawyer to secretly tape conversations that were had with Beltran and two other people who were in Beltran's van the night of the shooting. The conversations that took place were in Spanish, and the two other people besides Beltran both confirmed that it was Beltran who fired the weapon, making him the gunman not Vera. Beltran did not deny firing the gun and only claimed that he didn't remember what happened.

In 1992, Vera went on trial and elected to have his case decided by a judge without a jury. During the trial, the evidence was conflicting. Some people testified that they saw Beltran as the gunman, while others testified that they saw Vera as the gunman. Although, one person who testified that Vera was the gunman said he left in a blue van (which Vera did not). The recordings of the conversations where Beltran was noted as the gunman that Vera recorded were not admitted into evidence.

### **Sentencing Outcome**

On December 29, 1992, Vera was acquitted of the attempted murder charge, but convicted of aggravated battery with a firearm and sentenced to 17 years in prison. Jenner &

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Block Law Firm handled Vera's appeal pro bono. Three years after Vera was sentenced, the Illinois Appellate Court overturned Vera's conviction, ruling that Vera's trial attorney provided inadequate legal assistance. Not only had Vera's lawyer failed to provide a Spanish-to-English translation for the tapes Vera recorded, which led to them being barred from evidence, but the lawyer also failed to introduce other impeachment evidence or clarify an inconsistency that resulted in the disregard of testimony where Beltran was identified as the gunman.

On January 8, 1996, Vera was released on bond. Two years later in February of 1998, Vera went on trial a second time defended by the attorneys from Jenner & Block. There were three prosecution witnesses that identified Vera as the gunman, and there were three defense witnesses that said Beltran was the gunman. Beltran's ex-girlfriend also testified that she was watching Vera get punched when the shots were fired and he did not have a gun in his hand. Most importantly, Dzialo's friends (the man who was shot in the head) identified a photo of Beltran as being the gunman.

Eight years after the crime, and 6 years after being wrongfully convicted, Francisco Vera was acquitted by a jury after deliberating for only 40 minutes. After Vera was rewarded his freedom, he went on to attend driving school after being funded by several anonymous donors. Vera had a successful career as a driver for many years. He sought a pardon on the basis of actual innocence in 2000 but the petition was denied. Vera filed a second petition and is awaiting a decision. As for Beltran, the actual gunman, he was never charged in the shooting. Eyewitness misidentification and inadequate legal defense took 8 years of Vera's life.

The main issue in this case was the lack of adequate legal representation for Vera. It was the lawyer's idea to record the conversation between Vera and Beltran in the first place. Why he did not request a translation of the recording so that it could be admitted into evidence is

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unknown. That would have tremendously helped Vera's case, seeming how on the recording Beltran doesn't even deny that he was the one who did it. There was another witness who was going to testify that Beltran was the gunman, but because his defense team for some reason, was unable or unwilling to clarify some inconsistencies, the witness was disregarded. The issue of inadequate legal defense is a difficult one because sometimes it is unintentional, and other times the defense lawyers are just simply not doing what they should be doing.

### **Case Study 2: Michael Evans, Chicago**

#### **Alleged Crime**

On January 14, 1976, 9-year-old Lisa Cabassa and her 11-year-old brother Ricky were walking to a friend's house when Lisa decided to turn back due to a headache. Ricky went forward, and returned home later that night to find out his sister had never returned home. The family called police and reported Lisa missing. Around 3:00 am the next day, Lisa's body was found in an alley near her house. It was determined that she had been sexually assaulted and strangled. Investigators determined that it took more than one person to commit these crimes.

A couple days later a woman named Judith Januszewski, who worked at a real estate office near the crime scene, phoned Frank Martin. Frank Martin had advertised a \$5,000 reward in the case. Judith told the police that on the night of the crime she saw two black youths struggling with a young white girl. Judith provided descriptions and composite sketches were composed of the two black youths. Several weeks later, Judith identified one of the youths she saw as Michael Evans, who was a 17-year-old black male that Judith knew. Michael Evans was arrested the next day and indicted for rape, kidnapping, and murder.

Keith Jones, who was a friend of Michael Evans, told police that Evans was responsible for the crime, and that a young black man named James Davis was responsible as well. Jones

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also mentioned that the other male in the sketch looked like someone he knew named Paul Terry. In November of 1976, Judith identified Terry and Davis in a lineup, and based solely on this fact, Terry and Davis were charged with rape, kidnapping, and murder.

### **Pre-trial and Trial**

After interrogating and questioning Michael Evans, prosecutors and police claimed that Evans confessed to the crime, yet Evans denies that ever happened. Before the trial began, the judge granted a motion to suppress the statement that was allegedly made by Evans. Evans also waived his right to a jury and went straight to trial before Judge Earl E. Strayhorn.

Judith Januszewski's credibility was called into question when it was discovered that during the time Judith claimed to see the young men with the little girl, she was actually at the real estate office where she worked. Police later altered their time records to corroborate Judith's story, to make it seem like the abduction happened later than what the family of Lisa reported. Regardless, Judge Strayhorn found Evans guilty on June 17, 1976.

Before the sentencing was declared, the prosecution revealed that Judith had received money from the State's Attorney's Office for relocation. Due to this not being mentioned prior to the trial, Strayhorn ended up vacating Evan's initial conviction due to prosecutorial misconduct, and Evan's case was given a retrial with the cases of Terry and Davis as co-defendants. Prosecutors dropped the charges against Davis before the trial began because Keith Jones later recanted his statement.

### **Sentencing Outcome**

Evans and Terry were not so lucky, and were tried and convicted. On May 27, 1977, both men were sentenced to concurrent terms of 200 to 400 years for murder, 75 to 150 years for aggravated kidnapping, 75 to 150 years for rape, and 50 to 100 years for deviant sexual assault.

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On December 4, 1979, the Illinois Appellate Court declared that Judith's testimony was not reason for doubt in the defendant's guilt. The conviction stood for nearly 25 years. Then in 1994, Thomas Breen who was the lead prosecutor in the case, but at the time a defense attorney, revisited both convictions. Breen asked Karen Daniel, who was staff counsel for the Center on Wrongful Convictions, to look into getting DNA testing on the semen recovered from the victim. Come September of 2002, DNA results excluded Evans, Terry, and Davis as sources of the semen. Unfortunately, it was not until August of 2003 that prosecutors dismissed the charges, but fortunately, Evans and Terry were freed.

Two years later in 2005, Governor Rod Blagojevich pardoned Evans on the basis of actual innocence. Evans was given \$161,005.24 from the Court of Claims. Later in 2006, Evans lost a federal civil rights suit against the Chicago Police Department and several officers, for claiming he confessed when he did not, amongst other things. Terry also received \$161,005.24 from the Court of Claims. After witnessing Evan's failure to win his case against the Police Department, Terry settled a claim in state court for \$2.7 million in 2009.

This case is a perfect example of official misconduct. No one knows what happened in that interrogation room with the officers and Evans, and it becomes a case of "he said, she said." There are police officers claiming that Evans confessed to a crime, and then you have Evans, a black man, claiming that never happened. Luckily, the motion was filed to suppress the statement that Evans allegedly made, so it was not brought into consideration during court. However, the police still lied in order to convict someone for the sexual assault and murder of young girl.

There are so many issues with what happened with this particular eyewitness. Judith claimed she saw the crime, but in reality, she simply could not have. There was no possible way

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that she could have because it was proven that at the time Judith was working at her real estate office. That alone opens up several issues and concerns. Why did Judith lie? Did someone tell her to do this? Also, when Judith's credibility was called into question, the police altered their records. Lisa's family reported her missing at a certain time, but police went back and changed the report to a later time. They did this so it would corroborate Judith's story of seeing the men and the young girl together. Why did the police do that? Were they working with Judith? There are so many sketchy things that happened in this case, that make you question just what the police and officials will do in order to get a conviction.

### **Case Study 3: Marcus Lyons, Illinois**

#### **Alleged Crime**

On November 30, 1987, a rape was reported by a white woman to the Woodridge police around 11:20 pm. The victim says she was relaxing in her apartment when a man knocked on her door. The man identified himself as "Mr. Williams" and said he lived downstairs. This man asked to borrow a plunger, and when the victim said she didn't have one, he asked to use her bathroom. The victim let the man into her apartment, and sat back down on her couch. The man approached her, forced her to take her robe off, and raped her.

After the man left, the victim put her clothes back on, then took them off later to shower, and left the clothes on the bathroom floor. After her shower, the victim put on clean clothes and called a friend to come over until the victim eventually called the police. The police arrived, interviewed the victim, a picture of the clothes on the bathroom floor was taken, and then the clothes were placed in a bag and brought to headquarters as evidence. James Grady was the detective who took the victim to the hospital where a sexual assault kit was preformed. Grady



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then took the kit and the victim's underwear to police headquarters and placed them in the same locker that the clothes on the bathroom floor had been stored in.

The victim described "Mr. Williams" as a black man between 25 and 30 years old, around 5'9 and approximately 200 pounds. He was wearing brown polyester pants and a blue parka with a fur collar. The victim claimed she burnt the jacket with her cigarette. The police created a composite sketch based on the victim's description of her assailant. The manager of the apartment complex where the crime occurred and the victim's neighbor both told police that the sketch resembled Marcus Lyons, who was the only black man that lived in the complex. Lyons allowed police to search his apartment. The police found polyester pants, but the pants were too small to fit a 200-pound man. They also found a blue nylon jacket, but it did not have fur on the collar. Although Marcus Lyons denied committing the crime, he had no alibi for the night of the crime.

The victim was later shown six photographs, including a picture of Lyons where he was wearing a white shirt and tie. The other five photographs shown were mugshots, Marcus' photo was the only one that was not. The victim identified Lyons as her attacker from the photographs shown to her. Detective Grady took the rape kit and the clean underwear the victim put on after her shower to the crime lab for forensic analysis, but not the clothes that were on the bathroom floor. The next day, Lyons stood in a live lineup with five other men. Lyons was the only man who was included in the photos that were shown the victim the previous day. The victim again identified Lyons as her attacker, even though he was a slim 165 pounds, when the woman said her attacker was 200 pounds.

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### **Pre-Trial and Trial**

The results from the forensic analysis on the rape kit came back reporting nothing of significance. A polygraph test was conducted on Lyons, and the results showed that he seemed deceptive when he denied committing the crime. On December 16th, the grand jury of DuPage County indicted Lyons with two counts of criminal sexual assault and one count of unlawful restraint. In October of 1988, Lyons' trial began. During the trial, the prosecution introduced the rape kit and the underwear that was put on after the shower into evidence, but the clothes that were on the bathroom floor were not mentioned. Lyons' defense lawyer and the prosecution both were under the impression that the clothes admitted into evidence were the ones that the victim put on immediately after her rape and before she took a shower. Detective Grady was in the courtroom, knew the truth and did nothing to try and correct the misinformation.

### **Sentencing Outcome**

Lyons was found guilty on all counts and was sentenced to 6 years in prison on October 19, 1988. Lyons hired a lawyer to appeal the conviction, but George C. Howard, who was previously reprimanded for neglecting another client, did not file the appeal. On March 5, 1991, Marcus Lyons was released from prison. Thirteen days later, Marcus attempted to crucify himself on a cross he made himself from railroad ties. Police officers arrived shortly after Lyons had nailed one foot to the cross and escorted him away.

In 2005, Lyons learned that not all of the physical evidence available in the case had been tested. Lyons turned to the Waukegan law firm of Stone & Associates for help in pursuing justice for what happened to him. This law firm filed a motion for DNA testing of the untested items and it was granted. Two years later in 2007, the results of the tests showed that the evidence could not have possibly come from Marcus Lyons. During the time of the crime, DNA

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testing was not around, but blood testing was. The results from the DNA testing revealed that if blood testing had been done during the time of the crime, Marcus Lyons would have been eliminated as the assailant from the beginning.

In 2007, after filing for post-conviction relief, Marcus Lyons' conviction was vacated and the charges against him were dismissed. In 2008, a petition was filed by those involved in the Northwestern University School of Law's Center on Wrongful Convictions. Illinois Governor Rod Blagojevich granted Lyons a pardon on the basis of actual innocence. Lyons was then compensated by the Illinois Court of Claims with \$85,350. A federal lawsuit was brought against the Village of Woodridge, Detective Grady, and several others for malpractice, depriving Lyons of his rights. During this case, it was discovered that the person responsible for the semen was identified as a man who was not Lyons, but unfortunately, due to the statute of limitations, the man was unable to be prosecuted. Finally, in June of 2012, a settlement was reached for Lyons' federal civil rights case of \$5 million dollars.

There are several different aspects that contributed to the arrest and conviction of Marcus Lyons. Eyewitness misidentification, official misconduct, and also inadequate legal representation. When the police officers were showing pictures to the victim, it makes no sense that Lyons' picture was the only one that was not a mugshot. This makes his picture different from all of the pictures, biasing the victim in favor of identifying Lyons. Next, of the men in the live lineup, Lyons was the only one there who the witness had previously seen a picture of. This misidentification may not have been intentional, but the seed was planted in the victim's brain to have already noticed Marcus on several occasions.

Official misconduct and inadequate legal representation go hand in hand in this case. DNA testing was not around when this case was happening in the late 1980's, but blood testing

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was available. Instead of getting a blood test done to be absolutely sure that they were not prosecuting the wrong person, the state relied on the identification of a witness, who had suffered significant trauma, for their whole case. The clothes that they did test came back with absolutely nothing that could convict Lyons' of this crime, yet he still was convicted? Not only did the police officers bias the victim in favor of the identification of Marcus Lyons, but his defense team did nothing to defend him. If there had been a petition for a blood test, or the reliability of the identification called into question, or any number of other things that Lyons' lawyer could have done, he would not have spent those years behind bars. Unfortunately, because of the lack of officials doing their jobs to the fullest extent, the person who actually committed this crime was able to evade justice.

### **Discussion**

The number of wrongful convictions continues to rise day by day. It seems almost impossible to make this number come to a stop, especially with advances in DNA technology. However, there are ways to reduce the number of wrongful convictions this country faces. Whether it be eyewitness (mis)identification, official misconduct, or inadequate legal representation, there are policy and procedure recommendations that can help to improve the way the justice system through best practices in order to avoid the wrongful conviction of innocent persons. One of the ways is through the use of a double-blind administrator or the double-blind procedure. This is when neither the eyewitness nor the person administering the lineup is aware of who the suspect is. The hope is that with this, the administrator is unable to unintentionally or intentionally cue or influence who the eyewitness identifies as the suspect (Innocence Project, 2020).

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Another recommendation is known as lineup composition. This means that photographs that are shown to the victim or eyewitness should not draw undue attention to the suspect. For example, in the case with Marcus Lyons, when the photographs were shown to the victim, Lyons was the only one wearing a shirt and tie, while the other photographs were mugshots. This obviously makes Lyons' photo stand out to the person looking at them. Only 24 states in this country have implemented at least some of these reforms in hopes to reduce the number of mistaken eyewitness identifications. That leaves 26 states who have implemented these best practices. When it comes to reforms that may reduce official misconduct or inadequate legal defense, it becomes more complex.

Some people tend to believe that when a person is wrongfully convicted, and then exonerated of the crime and released from prison, that their lives just go back to normal. This could not be further from the truth. Spending time behind bars is a trauma in and of itself. You are removed from your surroundings, everyone you know, and the people you love. Your freedom is stripped from you and you are under constant supervision. When you are released, there are little services given to you to successfully reintegrate back into society. But if you are wrongfully convicted, and persecuted by the state and sentenced for a crime you did not commit, there is absolutely no reason why you should not be compensated for the mistake that someone else made. That person's life was extremely and unforgivingly altered, and changed forever.

When a person is exonerated, there are normally two compensation options for the time they spent in prison. Those options being exoneration statutes or civil rights claims. Exoneration statutes outline compensation that are given to exonerees no matter why the person was wrongfully convicted, but most times are limited due to caps on the amount a person may be able to receive per year in prison, or the total "award" a person can receive (Gates, 2019). This option

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is available for those who do not have civil rights claims or who would find it difficult to prove those claims. Only 35 states and D.C. have enacted any sort of exoneration statute.

The other 15 states have the option to receive compensation through a civil rights claim. This is when there has been some form of unconstitutional conduct by the state (Gates, 2019). Civil rights claims generally allow for greater compensation than an exoneration statute, but being able to prove the claim is a difficult task that not everyone can do. Not every wrongful conviction involves a constitutional violation, which is one of the requirements you have to prove in order to win a civil rights claim. Also, in order for a wrongfully convicted person to bring a civil rights claim, they must have had their conviction reversed or declared invalid (Gates, 2019). If neither of these things are attainable, then it is extremely difficult to win a civil rights claim and get compensation for the wrongful conviction.

It should not be the responsibility of those who have been wrongfully convicted to fight for their compensation. Compensation, at the least, should be given to them as a standard. The state and its officials are the ones who did wrong, and they should be the ones that have to pay for it, not the innocent. There are so many issues with the way the justice system is run and unfortunately, as detrimental as they are, wrongful convictions are just scratching the surface. The number of wrongful convictions will continue to rise as long as witnesses misidentify, officials engage in misconduct, and inadequate legal defense lawyers continue to represent clients.

## WRONGFUL CONVICTIONS

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