

“He said he did it.” Did he? By: Monte E. Hester; Feb. 2008

Champion, a magazine published by the National Association of Criminal Defense Lawyers, in its December, 2007 issue, contains an article regarding false confessions.

A review of this article is must for criminal defense lawyers.

The article points out that a great majority of lay people and many criminal justice officials believe that it is not possible for someone to confess to a crime he did not commit.

The value of this article is to provide resources that may enable you, on behalf of your client, to establish that a confession is indeed false.

Evidence is available that will inform jurors and judges of what occurs during police interrogations. They will learn how police are trained to interrogate suspects -- which include techniques that are highly manipulative and deceptive, including stress-inducing techniques and strategies in which interrogators are trained -- in order to obtain confessions which may well be false.

There are several studies which support the necessity of evidence to explain the unreliability of confessions under certain circumstances. These studies offer more than adequate proof of the propriety of such evidence. For example, in 2000, Barry Scheck, Peter Neufeld and Jim Dwyer reported on the first 62 cases in the United States involving wrongful conviction established through DNA exonerations beginning in 1989; by September, 2007, the number of DNA exonerations had grown to 207. False confessions were directly related to 15-20 percent of these wrongful convictions. This percentage, as amazingly large as it is, is consistent with reports from other studies.

We have had occasions to utilize this type of evidence in our practice. The opportunity to use it successfully is better than ever. The article provides some great ideas on how to be successful in offering expert evidence which will demonstrate the probability of a false confession.

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