

Perspectives

False Confessions From 53 Persons With Intellectual Disabilities: The List Keeps Growing

Robert Perske

DOI: 10.1352/2008.46:468–479

Today, persons with intellectual and related disabilities are being seen as citizens in full standing in their own neighborhoods. We see them on the street, on buses, in restaurants—even attending classes in their own neighborhood schools and working at jobs they are able to do.

It wasn't always that way. In earlier years they were seen as objects of rejection. Most were removed from their communities and sent to live in large, out-of-the-way, state-funded institutions. Now that they are back in the midst of our neighborhoods, we are learning to understand and support them as never before.

Most—but not all—seek to be friendly with local police officers. They do it because they need to depend on authority figures around them to live in the community successfully. Police officers need to know that some tend to be overly vulnerable and pliable when placed under pressure in interrogation rooms. In such a situation they may say whatever these authority figures want to hear. They will even confess to crimes they did not commit.

Today, 53 persons with intellectual and developmental disabilities have confessed to serious felonies—murder, rape, arson, and robbery—that they did not commit. These cases have been extracted from three sources: They come from my own 30-year collection of files and from sifting through a list of all false confessors produced earlier by two of the top experts on all false confessions (Drizin & Leo, 2004). More recently they have been sifted from a constant stream of false confession reports flowing out of the Center on Wrongful Convictions at Northwestern University's School of Law. All of the 53 individuals have been legally exonerated.

The number of persons on this list will increase in the years to come. For example, I can name 15 other false confessors with intellectual disabilities I believe to be innocent, but they will not be placed

on this list until they have been exonerated by a formal legal action.

Six factors gleaned from this list may be worth pondering:

1. Almost half have been exonerated by DNA tests.
2. In some cases, the real perpetrators finally confessed to the crimes in question.
3. Most of the exonerations took place since 1990.
4. In all cases, a defense lawyer was not present during the interrogations.
5. These cases cry out for the nonstop video-taping of suspects in interrogation rooms.
6. Officers need to learn how easy it is to get false confessions from some suspects with intellectual and related disabilities.

The confessors are listed alphabetically along with the state and year in which they confessed. The specific disability mentioned in each document has been placed between quotation marks.

Cleared When Real Perpetrator Confesses: Gabriel Baddeley (2001, Washington)

Baddeley, Age 19, “with fetal alcohol effect” was coerced into confessing to setting fire to the high school where he was a student. Two years after his conviction, a young woman in therapy voluntarily came forward with evidence showing that she was the true arsonist (Courtney, 2004).

Murder by Thermostat: Eunice Baker (1999, New York)

A 23-year-old woman “with IQ tests in the 70s,” was hired to baby sit a 3-year-old child on a

hot summer night. The child died in her bedroom from hyperthermia. A state trooper coerced Baker into confessing that she willfully turned up the thermostat to kill the child. At trial, she could not describe or show how to adjust a thermostat. In addition, a technician described that there was a short in the home's heating system. Baker was convicted of second-degree murder, apparently for failing to react properly to the overheated environment. After she spent nearly 5 years behind bars, the conviction was thrown out (Chittum, 2000; Nogas, 2000a, 2000b).

Murder of an Infant Who Never Existed: Medell Banks, Victoria Banks, Dianne Tucker (1999, Alabama)

While in jail awaiting trial for an unrelated crime, Victoria Banks claimed to be pregnant. She did it to garner sympathy and get out of jail. The ploy worked. Later, when a sheriff asked her about the baby, she told him that the baby had died. She, her husband, Medell, and her sister, Dianne Tucker, "all with mental retardation," underwent intensive questioning over 5 days until they confessed to murdering the infant. Later, it was discovered that Victoria had undergone a tubal ligation 4 years earlier and was unable to have children (Luo, 2002).

A Murder That Never Occurred: Leonard Barco (1985, New Jersey)

Barco's girlfriend was found dead in her car. Bruising on the victim's neck and chest led investigators to believe she had been strangled. During interrogation, Barco, "with IQ 57," confessed to beating her to death with a stick. He spent 8 months in jail awaiting his trial. His public defender finally called for a reexamination of the woman's body and found she had actually died from a lethal level of alcohol. The bruising was consistent with injuries typical of alcoholics. The murder charges were dropped (Associated Press, 1986).

Saved by DNA: Corinthian Bell (2000, Illinois)

After his mother was murdered, Bell, "a man with mild retardation," endured over 50 hours of questioning before he finally confessed. DNA evidence exonerated the man after he spent 17 months in jail (Scharnberg & Mills, 2002).

Saved by DNA: Melvin Bennett (1990, North Carolina)

A 7-year-old girl was raped and murdered. Bennett, "diagnosed as mentally retarded," confessed to both crimes. DNA evidence finally excluded him. Bennett spent 2 years in jail before a jury acquitted him (Aheran, 1998).

In Custody 14 Years With No Trial: Floyd Lee Brown (1993, North Carolina)

Brown, a man "with an IQ of 50" was arrested and questioned for the beating death of an 80-year-old woman. Two detectives wrote a "full confession" in perfect English grammar that Brown could not read. In no way did it match Brown's halting, sparsely worded repetitive speech. He was placed in custody in a state mental hospital because he was not competent to stand trial. In the meantime, both detectives were convicted for taking bribes from other jail inmates. No physical evidence connected Brown to the murder. The judge found the investigation "so shoddy," he ordered that murder charges against Brown be dropped (Thompson, 2007).

Saved by DNA: Keith Brown (1991, North Carolina)

A woman was raped. Brown, a man "who is mentally retarded," confessed and was given 35 years in exchange for pleading guilty. After spending 6 years in custody, he was exonerated through DNA, which identified the true perpetrator (Associated Press, 1997).

Beaten Into Confessing: Timothy Brown (1991, Florida)

A sheriff's deputy was murdered in his patrol car. Brown, age 15, "with an IQ of 57," was arrested, shackled to the floor, beaten, and threatened with the electric chair until he confessed. No physical evidence tied him to the crime. A confidential informant led investigators to focus on a sheriff's deputy, who later admitted that he had killed his fellow officer (de Vise & De Marzo, 2002; McMahon & Friedberg, 2002).

Spends 14 Years on Death Row Due to Shoddy Police and Prosecutorial Efforts: Albert Ronnie Burrell (1986, Louisiana)

Burrell, “an illiterate man with mild retardation” was actually one of two persons in totally different settings who were convicted of murdering the same elderly couple. Both ended up on death row. After officials recently reexamined the case, they agreed that it should never have been brought to a grand jury. Scattered bits of evidence only complicated the case. For example, Burrell’s ex-wife told an officer that her ex-husband did the crime. She said it to gain full custody of their son. In addition, an obscure affidavit from an earlier prosecutor stated that he moved the cases along to avoid embarrassing the sheriff at that time (Barrouquere, 2003; Baughman & Guarisco, 2001).

Saved by DNA: Allen Jacob Chestnut (1998, Maryland)

A man was stabbed to death. Police arrested 16-year old Chestnut after observing a fresh cut on his hand and blood on his clothes. After 15 grueling hours of questioning, the teenager confessed to the murder. After 6 months in jail, Chestnut was excluded as the killer by DNA (Richissin, 1998).

Cleared When Real Killer Confessed: Antwon Coleman (1990, Missouri)

A homeless man was beaten to death. Coleman, 17, later confessed to the murder. According to his lawyer, this teenager “with learning disabilities” would have “confessed to anything.” Five teenagers in all were charged and held in custody for 6 weeks before one of them, the true perpetrator, confessed and pled guilty (Sorkin, 1990).

Russian Roulette Goes Wrong: Ricky Cullipher (1996, Virginia)

Cullipher was hanging out with friends when one of them was crippled by a gunshot wound to the head. After hours of intense questioning, the 16-year-old “learning disabled” teenager confessed and was convicted at trial. Later, the victim was caught on videotape saying he actually shot himself during a game of Russian roulette. A judge threw out the conviction and prosecutors refused to retry the case (Roberson & Lenz, 2001).

Bystander Speaks Up: Gerald Delay (1992, Kansas)

The victim was shot with an antique ball-and-cap pistol. The killers pulled out the victim’s teeth, sliced off his tattoos, lashed him to a steel beam, and threw him into the river. After his body was recovered, Delay, “a man with mental retardation,” was questioned and he confessed to the crime. A bystander who witnessed the crime finally overcame his fear and told police what really happened. Charges against Delay were dismissed (Fry, 1993).

Man Describes Own Arrest and Interrogation: Michael Fitzpatrick (1999, New York)

This man “with autism” was questioned about a bank robbery. He signed a confession, but no record was made of the actual interrogation. Interestingly, Fitzpatrick, a man with remarkable weaknesses and strengths, possessed an uncanny knack for recall. He wrote a detailed 6-page summary of what went on between him and the interrogating police chief. In his summary, Fitzpatrick said that the chief “told me that he would talk to me like a father to a son. So I said, ‘Okay, Dad.’” Five months later, the real bank robber confessed. He stated that he could not stand seeing a person with an intellectual disability go to prison for a crime he, a serial bank robber, committed (O’Brien, 1999).

Saved by DNA: Michael Gayles (2001, Michigan)

Gayles, 18, with “an IQ of 71,” underwent 36 hours of interrogation before finally confessing to the rape and murder of a 12-year-old girl. He signed a typed confession that he could not read. Two weeks after his arrest, DNA evidence exonerated Gayles and he was released (Kresnak, 2001).

Tries to Give Right Answer Even When It Is Wrong: Ozem Goldwire (2006, New York)

Goldwire, 28, “a man with a developmental disability with autistic features,” was battered by questions from three high-pressure detectives, and he worked and worked on his answers until each one was precisely what the officers wanted to hear.

After 21 hours in such a confessional pressure cooker, Goldwire was charged with strangling his sister to death and was jailed for a year and 11 days. By then, both the prosecutors and defenders saw that the confessions were so “preposterous” that a state supreme court judge released the man “because he was innocent.” “Here we had the ingredients of the perfect storm for false confessions,” said the judge. Goldwire’s lawyer claimed that the detectives “lacked the necessary training for questioning suspects with special needs and are too eager for an arrest.” Goldwire’s family is suing the NYPD detectives who forced the confession (Dwyer, 2007; Marzulli, 2008).

Saved by DNA: Robert Gonzales (2005, New Mexico)

This 19-year-old man “with mental retardation and an IQ range of 51–65,” was interrogated for the rape and murder of an 11-year-old girl on Halloween night. Although no physical evidence connected the man to the murder, he confessed to raping and slaying the young girl in her trailer home. Fortunately, DNA found on the victim was run through the FBI’s Combined DNA Index System (CODIS). It excluded Gonzales and identified the real killer (Sandlin, 2008).

Freed After Real Perpetrator Confessed: Anthony Gray, Jr. (1991, Maryland)

Police interrogators convinced this man “with learning disabilities and borderline mental retardation” that two other suspects implicated him in a woman’s rape and murder. In his compliant way, Gray confessed to being their “look out.” He spent 6 years in prison before the real perpetrator confessed to the crime (Richissin, 1999).

Saved by DNA: Paula Gray (1978, Illinois)

Police picked up this 17-year-old “with mental retardation” for questioning based on a tip. After 2 nights of intense questioning, Gray confessed that she was with four men who had abducted a man and woman, raped the woman, and killed them both. Under pressure, she fingered four men as perpetrators. All were convicted. Seventeen years later, DNA revealed that Gray and the four men were

innocent. The same evidence implicated the real perpetrators who eventually confessed (Frievoegel, 2000).

Saved by DNA: Travis Hayes and Ryan Matthews (1997, Louisiana)

A grocer was shot four times for refusing to turn over the day’s cash receipts to a bandit wearing a ski mask. The perpetrator threw away the mask after leaving the crime scene and diving into an open window of a fleeing car. Two 17-year-olds “with mild retardation,” Ryan Matthews and Travis Hayes, were interrogated for the crime. Matthews refused to confess. Hayes, on the other hand, caved in after 6 hours of intensive pressure and trickery and told the detectives that he only drove the car while Matthews went into the store. Matthews received a death sentence. Hayes received life without parole. Many months later, the discarded ski mask was tested for DNA, and saliva incriminated another man. Both men have now been freed (Innocence Project, 2008).

Saved by DNA: Alejandro “Alex” Hernandez (1984, Illinois)

This 20-year-old man was questioned about a break-in, kidnapping, rape, and murder of a 10-year-old girl. Hernandez, “whose IQ had been measured at various times in the mid-and-low 70s,” under tremendous pressure by interrogators, finally exclaimed, “All I did was hold her down.” After 12 years on death row, Hernandez was freed when DNA identified the real perpetrator. *Postscript:* After the confession was given, one of the top interrogators in Illinois decided to go out on his own and corroborate it. He found solid evidence showing that Hernandez was elsewhere when the crime was committed. After giving his report, his superiors ordered him to keep quiet. In addition, one of the top assistant attorney generals refused to defend the conviction and was rebuked for it. Consequently, both resigned and Illinois lost two of its most dedicated and honest crime fighters (Frisbie & Garrett, 1998; Perske, 2005).

Saved by DNA: Ladell Hughes (2003, Illinois)

This 15-year-old was brought to the police station and questioned regarding a prostitute who was

raped and beaten into a coma so severe that she could not recall the incident later. Hughes signed a confession that was written out by detectives. Although Hughes was “a severely developmentally disabled boy” who could not read or write, the confession was very detailed. Finally, DNA proved his innocence and he was released (Ferguson, 2008).

Saved by Honest State Attorney: Harold Israel (1924, Connecticut)

A beloved priest was gunned down on the main street of a big city, and a chorus of citizens cried out for the capture and punishment of the killer. Eight days later, the police captured “a transient indigent and a person of low mentality of the moron type.” In a 10-point report, law officers identified seven witnesses, a pistol, an empty shell, and a signed confession. The county state’s attorney took the report, read it thoroughly, and then announced that he would speak for his whole department at the man’s arraignment. At the arraignment, he announced that he was dropping the case. He spoke without notes for 90 minutes, discrediting every piece of evidence against Israel. Afterward, the audience in the courtroom applauded. Subsequently, this attorney was shunned severely by his own political party. Even so, in 1933, the president-elect of the United States appointed him as his first attorney general. Thirty years later, a witness to the shooting, who had been threatened to death if he ever spoke out about it, finally stepped forward. He named the real killer (Perske 2005; Zeldes, 1994).

Judge Attacks Shoddy Confession and Suppresses It in Pretrial Hearing: Terric Jeffrey (2003, Florida)

Jeffrey, a “mentally retarded” 18-year-old was brought to the police station and accused of beating to death his girlfriend’s 13-month-old son. The baby was the grandson of a police officer in the same city. After his forced confession was signed, a public defender viciously attacked it line by line and finally got the judge to do the same. The officers coached Jeffrey about what to say. They led him to believe he could go home if he said he hit the child by accident. On the witness stand, the officers failed to agree as to who said what. The judge found that Jeffrey merely “parroted” what the officers told him to say. The judge called the whole

investigation a “shameful embarrassment.” He suppressed the confession and declared strongly that it was not voluntary. Because the investigating officers had little or no corroboration, the case was dropped. After 3 years in jail waiting for trial, Jeffrey was a free man. Even so, the judge made one final statement that the police department is now taking to heart. He said, “Prior to this hearing, I was not convinced that it might be good police practice to videotape the entirety of a defendant’s interrogation.” After listening to those investigators on the stand, he changed his mind (Nesmith, 2006).

Saved by DNA: David Allen Jones (1992, California)

Jones, a man with “IQs ranging from 60 to 73 and unable to read words longer than four letters,” was picked up and questioned about three murders and a rape. He confessed to all of them and was convicted in 1995. Because he confessed, little attention was paid to the blood and hair samples taken in the case. Later, the samples and DNA connected the crimes to another man. Looking back at the interrogation transcripts, it became clear that Jones merely repeated fictions created by the interrogators. A lawyer selected by the police commission to investigate the case stated that the interrogators “could have convinced Jones he was Spiderman had they chosen to do so.” Sadly, while the wrong man was in prison, the real perpetrator succeeded in raping and murdering 10 other women (Blankstein, Gorman, & Larrubia, 2004).

Saved by DNA: William M. Kelly, Jr. (1990, Pennsylvania)

Police claimed that “mildly retarded” Kelly told them things about a rape and murder of a woman that only the killer could know. They also claimed that Kelly led them to the murder site. DNA excluded him and identified the real murderer. Kelly was released after 3 years in prison (Shellem, 2003b).

Freed After Real Perpetrator Confessed: Charles King (1992, Illinois)

After a 9-year-old girl was strangled, King, a man with an “IQ of 57” was picked up and ques-

tioned for 3 days. He then signed a confession he could not read. After, in jail, he kept asking for his crayons and coloring books. After King spent 13 months in jail, the real killer confessed. After a year and a month, King was released (King, 1998).

Saved by DNA: Barry Laughman (1987, Pennsylvania)

This man, “with an IQ of 70,” was convicted of raping and murdering an elderly woman. He confessed after a state trooper convinced him that his fingerprints were found at the murder site. After 16 years in prison, Laughman was exonerated by DNA evidence (Shellem, 2003a).

Saved by DNA: Matthew Livers (2006, Nebraska)

In April 2006, the sheriff in a rural southeast Nebraska county announced that Livers, 29, confessed to the fatal shooting of a wealthy farm couple in their home. He also named a cousin as an accomplice. The confession came after 11 hours of tough interrogation and threats of the death penalty. According to a public defender and psychologist, “Livers was tired, hungry, and frightened. By confessing, Livers thought that the interrogation would cease, and he would be allowed to return home.” Psychological assessments revealed that Livers was “learning disabled all of his life, had low intellectual functioning and was highly compliant, allowing him to fall prey to overzealous investigative tactics.” By June 2006, the sheriff’s department announced that two teenagers on a crime spree from Wisconsin turned out to be the real killers; DNA testing connected them to the crime. The public defender and a psychologist for the defense wrote a brilliant, step-by-step account of all that happened in the case, which has been featured in the monthly magazine of the National Association of Criminal Defense Lawyers (Bear & Bresler, 2007).

Saved by DNA: Ryan Matthews (1997, Louisiana) See Travis Hayes.

Eager to Please Police Officers: Godfrey G. Miller, III (2004, Maryland)

Twelve days after a man was beaten to death in a rooming house, police officers picked up Miller,

a 20-year-old man with “IQ 66–69,” who almost immediately confessed to the crime. After Miller spent 269 days in jail, the confession fell apart and the real killer was arrested. Normally, defense lawyers feel a sense of satisfaction from such victories and then go on to other cases—but not Miller’s lawyer. He was angry. He went before the city council and castigated the police department’s handling of the case. According to the lawyer, Miller had no police record or history of substance abuse. “He had only good experiences with the police—making him eager to please them, which led to the confession.” Even then, Miller’s lawyer did not stop. He said that he would like to see “an experienced counselor with the mentally disabled train officers in questioning such suspects.” The lawyer then demanded money from the city to help put Miller’s life back together again. All this led to a shouting match in the council chambers, with Miller’s lawyer threatening to sue. Later, the chief of police promised to conduct an investigation of city officers involved in Miller’s case (Chansanchai, 2004; Lyons, 2004).

Saved by DNA: Calvin Ollins (1986, Illinois)

This 14-year-old “with an IQ between 65 and 70” was one of four teenagers who confessed to raping and murdering a medical student. Investigators said that if he signed the confession he could go home. He signed. After 15 years in prison, Ollins was cleared by DNA and was freed (Possley & Mills, 2001).

Shortest Confession Ever: Brian Oltmanns (1992, South Dakota)

Oltmanns, 28, was unconscious when he was rescued from an apartment building fire that killed two elderly apartment residents. This man “with cerebral palsy and mild retardation” was hospitalized for 3 weeks for carbon monoxide poisoning, smoke inhalation, and burns. While he was still in a groggy state, police interrogated him and got him to scrawl a single sentence on a piece of paper: “I accidentally started the fire with lighter fluid and match.” No other evidence tied him to the arson. He was charged with two counts of first-degree murder, two counts of second-degree murder, and arson. Two years later, a court threw out the confession (Trautmann, 1994).

A Mile From the Crime: Don Olmetti (1997, Illinois)

A teacher was murdered. Police picked up 16-year-old Olmetti on the basis of a tip. The teenager, “who is borderline mentally retarded,” was questioned by the police for 18 hours before confessing to the crime. Teachers at another school one mile away then certified that Olmetti was with them at the time of the crime. Despite this alibi, he spent 2 full years in jail before the charges were dropped (Rossi & Tucker, 1997).

Saved by DNA: Ronald Paccagnella (1995, Wisconsin)

A 78-year-old woman was raped and murdered. Police canvassed the neighborhood and found bloodstained clothing in Paccagnella’s boarding house room. This “man with an IQ of 61” was taken in for questioning. As pressure in the interrogation room mounted, the man asked if he could go home if he apologized to the victim. That statement was taken as a confession. He spent 10 months in jail before DNA testing showed that the blood on the clothing was his own. A month after Paccagnella’s release, the real killer was identified and convicted (Doege, 1996).

A Bizarre Confession 9 Years After the Crime: Roland Douglas Phinney (1989, Massachusetts)

In 1980, a 22-year-old nursing student was viciously bludgeoned to death with a blunt object in her bedroom. Her roommate found her covered with blood. She was rushed to the hospital but died 5 hours later. The case grew cold until a detective reopened it in 1989. Then, he ignored many important leads and focused only on Phinney, then 47, “a man with borderline mental retardation,” who lived in the house next door. The detective conducted a face-to-face interrogation for 12 hours. Of course, there was no videotaping in those days, so no judge or jury actually saw and heard what really went on in that interrogation room. Even so, the confession that was printed by the detective and signed by Phinney was bizarre. According to the confession, Phinney sneaked into the victim’s house with his camera and flash attachment and found the woman asleep. He crept up to her, raised her night-

gown, pulled down her underwear, and prepared to take pictures of her “private parts.” Then she woke up. He panicked and beat her to death with his camera and flash. It had to be a terrible beating because blood was spattered on the walls and the 10-foot-high ceiling. Although no physical evidence tied him to the crime, his signed confession prompted a jury to find him guilty. Phinney was sentenced to life without parole. In 2004, a superior court judge overturned the conviction. In 2006, the Supreme Judicial Court upheld the lower court’s decision. Phinney was let out on bail to live at home with an electronic monitoring bracelet attached to him at all times. In 2008, the murder was retried. A national expert on false confessions studied the confession. Then, on the witness stand, the expert discussed it line by line and ripped it to shreds. The jury deliberated for 10 hours and then declared Phinney innocent. At 65, and after spending 19 years in prison, he was a free man (Redmond, 2008).

“I’ll Say So if You Want Me to”: Melvin Reynolds (1979, Missouri)

On May 26, 1978, a 4-year-old child was carried away and murdered. Then came a tip that Reynolds, 25, a man with “mild mental retardation,” could be the killer. The police did everything possible to get “the right words” out of Reynolds, including two polygraph tests, hypnosis, and sodium amytal injections. Seven months later, Reynolds was brought in for a marathon interrogation that lasted 14 hours. “Reynolds finally looked up like a dog with his ears pressed against his head and said, ‘I’ll say so if you want me to.’” The next day, the chief called a press conference and announced that the case was solved. Reynolds was convicted. Four years later, a serial killer confessed to an FBI agent that he killed the child. Reynolds was released, but the police chief felt miffed by the agent’s actions. Being a political power, the chief pressured the FBI to transfer the agent who had upset his own strong beliefs. The agent was transferred from Missouri to Hawaii (Ganey, 1989).

Confesses to Murder That Happened in U.S. While Vacationing in Brazil: Roberto Rocha (2002, Georgia)

Rocha, a 20-year-old man with “mental disabilities who reads at the third grade level,” con-

fessed to being present during the murder of a 15-year-old girl and helping to dispose of the body. He confessed even though he and his family flew to Brazil 3 days before the girl's murder and returned 8 days after her body was found. Even so, the district attorney refused to drop the charges for 15 months. The legal director of a center for wrongful convictions spoke out on national television about the case:

The interrogation was brutal and all of it was captured on tape. It is a classic example of a mentally disabled suspect's eagerness to comply with the demands of angry, shouting, accusatory interrogators using minimization and maximization, interrupting denials, and other confrontational tactics during a 2 hour plus interrogation. (ABC, 2006; Williams, 2005)

Saved by DNA: Lafonso Rollins (1993, Illinois)

After a series of sexual assaults on elderly women in a public housing complex for senior citizens, police arrested this 17-year-old "special education student with seriously limited reading and writing skills." During the interrogation, he signed confessions for three assaults and was charged with four. Police told him he could go home if he signed them. Rollins was sentenced to 75 years. The defense attorney planned to have DNA tests conducted, but he was suspended indefinitely for "multiple acts of neglect" before the tests could be performed. Eleven years later, new DNA tests showed Rollins was innocent of all the crimes and he was freed. The city settled the wrongful conviction by awarding Rollins \$9 million (Washburn, 2006).

A Spring Break Misfire: Donald Shoup (1996, Florida)

On a Friday in March, a Canadian student on spring break was fatally shot in the back of the head. On Saturday, the police picked up odd, loquacious, happy-go-lucky, beach-loving, 18-year-old Shoup. By 3:00 a.m. on Sunday morning, the police received a full confession. When the police gave the confession to the media, it was revealed that Shoup had "an I.Q. of 62." Three weeks later, the real shooter and two accomplices were charged with the murder. Even so, Shoup was not released until August (Ditzler, 1996; Holland, 1996).

Federal Judge Vacates Murder Conviction of "Mentally Retarded" Inmate: Charles Singletary (2005, New York)

A district judge abruptly ruled that Singletary, now 50 and "a retarded man with an IQ of 63," should be freed immediately. The judge claimed that a high-pressure detective tricked Singletary into confessing that he strangled his niece to death in 1995. Although he could not read, Singletary signed a confession and was partially videotaped while he cried and said he wanted to borrow money for drugs and tried to scare her into doing it by putting his hands around her neck. He said he did not mean to kill her. He was convicted for "depraved indifference murder" and sentenced to 20 years to life. None of the lawyers in early hearings mentioned his "mental retardation." Even so, the current attorney's habeas petition argued that Singletary's mental condition should have been obvious to all who were involved in the case. No physical evidence connected him to the murder. Singletary stated later that the detective said something like, "Who are they going to believe, the white man with the badge or the black man on welfare" (Perrotta, 2005).

Saved by DNA: Lourdes Torres (2007, New York)

"Illiterate, mentally retarded," and an illegal immigrant from Mexico, this 31-year-old woman sat in prison for 4 years for confessing to the murder of her former 49-year-old boyfriend. The confession was received after 14 hours of interrogation. Torres claimed that the police promised to let her go if she confessed. Later, it was clear that there were elements in the confession that did not equate with the way the murder really happened. Then came DNA evidence showing that two men were the killers. Although Torres confessed that the murder took place in the kitchen, the blood of all three men was found in other rooms. On reception of this evidence, prosecutors dropped the case (Dienst, 2007).

Saved by DNA After 22 Years in Prison: Jerry Frank Townsend (1979, Florida)

His defenders called him "a human parrot." When he was questioned about the murders of six

women, 38-year-old Townsend, a man “with an IQ of 56,” confessed to all of them. A judge ordered his release after DNA evidence excluded him from all the murders. His defense lawyers claimed that he confessed to detectives “because he wanted to please them” (Farrington, 2001; Friedberg & Smith, 2001).

Murder of an Infant Who Never Existed: Diane Tucker (1999, Alabama) See Medell Banks.

Saved By DNA: David Vasquez (1984, Virginia)

Detectives approached Vasquez, 37, “a man with mental retardation,” while he was cleaning tables at a McDonald’s restaurant. They asked him to come to headquarters with them. With a tape recorder running, the detectives described to Vasquez the murder of a woman who had been raped and strangled with a venetian blind cord. They then confronted him and told him they had evidence to show that he was the killer. Too naïve to believe that policemen would lie, he broke down and cried for his mother. Three intense interrogations took place. During the third one, he went into a dream-like state. His meek, pleading voice became low pitched and steady as he described how he killed the woman. Later, the police connected the crime to the real perpetrator with the first successful use of DNA testing. Vasquez received a pardon on January 4, 1989, 5 years to the day after the detectives approached him at McDonald’s (Mones, 1995; Priest, 1989).

Saved by Good Neighbors: Delbert Ward (1990, New York)

The four Ward brothers—William, 67; Delbert, 59; Lyman, 62; and Roscoe, 70—operated their ramshackle farm like their deceased father did for many years. They did it even though they were “illiterate and mentally retarded.” Then William died in his bed. When the police arrived, Delbert was taken to a state trooper barracks and forced to confess to killing him by somehow putting his hand over the mouth and nose of his brother. The neighbors rejected the services of a court-appointed lawyer, took up collections, and gained the services of a skilled criminal trial lawyer. During the trial, the

neighbors packed the courtroom. The jury voted to acquit (Perske, 1991).

Saved by DNA: Douglas Warney (1996, New York)

At Age 34, Warney confessed to murdering a prominent civil rights activist. His lawyers contended that the admission was “riddled with errors, and was the rambling of a man with an IQ of 68.” Early attempts to gain DNA testing were rebuffed by the state supreme court. In 2004, the court stated that, “Warney’s defense had not met the legal threshold to require testing, and that claims that tests could show someone else has committed the killing were too speculative.” Even so, the New York City-based Innocence Project took on the case and produced a DNA test that excluded Warney. It also identified the real killer, who was already in prison for another conviction (Craig, 2006).

Saved by DNA: Earl Washington, Jr. (1983, Virginia)

This 23-year-old man “with mental retardation” took the blame for every crime mentioned by police interrogators, including three break-ins, two malicious woundings, an attempted rape, two actual rapes, two robberies, burglary, and capital murder. He was tried for capital murder and was sentenced to death. In 1985, Washington was only days away from execution when a fellow death row inmate sounded the alarm that Washington was about to die without a lawyer. For the next 17 years, a group of lawyers and citizen advocates battled for Washington’s life. At long last, a series of DNA tests (some hidden by the state) showed that Washington was innocent (Edds, 2003).

Cleared When Real Killer Confesses: Robert Wilkinson (1975, Pennsylvania)

A home was firebombed and five people died. Wilkinson, “a man who is mentally retarded,” was picked up and taken to the police station. There, he was stomped and beaten with a blackjack by investigators and told that he would never see his wife and child again if he did not confess. After 15 months in jail, a judge threw out Wilkinson’s confession, finding that he signed a confession he could

not read. Later, a neighbor confessed to the crime (Radelet, Bedau, & Putnam, 1992).

“If You Just Tell Us We Can All Go Home”: Johnny Lee Wilson (1986, Missouri)

A 79-year-old woman was burned alive in her home. Based on a tip, the police interrogated Wilson, a 20-year-old with “organic brain damage and mental retardation.” A tape recording of the interrogation showed how detectives blatantly spoon-fed the words they wanted Wilson to say. They promised that if he said them, “We could all go home.” Later, a judge unwittingly scared Wilson into pleading guilty by telling him that if he went to trial he could be sentenced to death. Wilson pled guilty. Later, the real killer, doing time for a similar murder in Kansas, confessed to the murder of the woman in Missouri. Still later, the governor pardoned Wilson. In his pardon, he said, “It is evident that the only facts this mentally retarded man knew about this hideous crime were the facts given to him by investigators who felt pressure to solve the case quick” (Carnahan, 1995; Perske, 1994).

Saved by DNA: Dan Young (1990, Illinois)

After firefighters put out a fire in an abandoned building, they found the burned naked body of a 39-year-old woman. She died from a head wound and was strangled. Later, a 16-year-old was picked up and questioned until he confessed. He said that a 19-year-old man and Young, 31, had been with him. They were coerced into confessing as well. However, it was discovered that the 16 year old was already in police custody at the time of the crime, leaving the other two to answer for the murder of the woman. Young, a man “with IQ 56 who couldn’t read or write anything other than his name,” spent more than 12 years in prison before DNA tests excluded him. After being released, Young said his years behind bars had been harrowing. Other inmates stole from him and fought with him. The stress, he said, made him want to just stay in his cell and sleep his life away (Mills & Coen, 2005).

A Personal Reflection

My editor helped me do the final proof. I read the article line by line off the computer screen

while she followed along with a copy of the manuscript in front of her. Interestingly, we had to stop every now and then so she could recover from her shock and sadness over what happened to these 53 persons with intellectual and developmental disabilities. One cannot help but wonder if such anguish might someday lead to the end to these awful miscarriages of justice.

References

- ABC/TV. (2006, March 30). *Primetime: False confessions*.
- Aheran, L. (1998, November 15). Rough justice: Bad cases make good lawyers. *Greensboro News & Record*. Farmington Hills, MI: Gale Group.
- Associated Press. (1986, January 10). *Man spends eight months in jail, trial begins in murder that never occurred*.
- Associated Press. (1997, July 8). DNA analysis 6 years later reverses fortunes. *Tampa Tribune*.
- Barrouquere, B. (2003, November 23). Number of wrongful convictions in La. immense. *Baton Rouge Advocate*.
- Baughman, C., & Guarisco, T. (2001, March 20). Justice for none. *Baton Rouge Advocate*.
- Bear, J., & Bresler, S. (2007, December). Overshadowing innocence: Evaluating and challenging the false confession. *The Champion: National Association of Criminal Defense Lawyers*.
- Blankstein, A., Gorman, A., & Larrubia, E. (2004, October 25). How wrong man was convicted in killings. *Los Angeles Times*.
- Carnahan, M. (1995, September 29). *A statement from Governor Mel Carnahan re: Johnny Lee Wilson*. Jefferson City, MO: Office of the Governor.
- Chansanchai, A. (2004, October 27). Former suspect’s lawyer demands \$200,000 from city. *Baltimore Sun*.
- Chittum, S. (2002, April 8). Baker gets 15 years to life. *Binghamton Press & Sun Bulletin*.
- Courtney, R. (2004, April 3). Man with fetal alcohol effect cleared of arson. *Yakima Herald-Republic*.
- Craig, G. (2006, May 16). Innocent man freed after 10 years in prison. *Rochester Democrat and Chronicle*.
- de Vise, D., & De Marzo, W. (2002, May 30). Behan probers expand inquiry. *Miami Herald*.
- Dienst, J. (2007, January 25). *Woman cleared of murder*. New York: WNBC.com.

- Ditzler, J. (1996, March 18). Man admits killing breaker during robbery. *Daytona Beach News Journal*.
- Doerge, D. (1996, October 31). Man pleads guilty in Cudahay murder; guilt-ridden suspect says he caused a death once blamed on someone else. *Milwaukee Journal-Sentinel*.
- Drizin, S., & Leo, R. (2004, March). The problem of false confessions in the post-DNA world. *North Carolina Law Review*, 82(3).
- Dwyer, J. (2007, June 16). Considering the crime; not the suspect. *New York Times*.
- Edds, M. (2003). *An expendable man: The near execution of Earl Washington Jr.* New York: New York University Press.
- Farrington, B. (2001, September 29). Retarded man cleared of murder sues over 22 years in prison. *Sarasota Herald Tribune*.
- Ferguson, R. (2008, April). *Family's belief in boy's innocence vindicated: DNA clears teen charged with beating woman.* Chicago: NBC5. Available at: www.nbc5.com/video/5347877/index.html?taf=chi
- Filosa, G. (2004, August 10). Gretna man exonerated in murder. *New Orleans Times-Picayune*.
- Friedberg, A., & Smith, J. (2001, June 16). Townsend released: Judge cites "an enormous tragedy." *South Florida Sun-Sentinel*.
- Frievogel, W. (2000, April 30). Lessons from 13 innocent men. *St Louis Post-Dispatch*.
- Frisbie, T., & Garrett, R. (1998). *Victims of justice.* New York: Avon Books.
- Fry, S. (1993, October 14). Man testifies in Wakarusa River death. *Topeka Capital-Journal*.
- Ganey, T. (1989). *Innocent blood: A true story of obsession and serial murder.* New York: St. Martin's.
- Holland, J. (1996, August 1). Former spring break murder suspect freed. *Daytona Beach News Journal*.
- Innocence Project. (2008, August 6). *The Innocence Project—Know the cases.* New York: Author.
- King, C. (1998, April 12). Confession of multiple child killer frees retarded man after a year of confinement. *St. Louis Post-Dispatch*.
- Kresnak, J. (2001, February 27). Some question cops' methods when grilling youth. *Detroit Free Press*.
- Luo, M. (2002, July 7–9). Justice in a small town. *AP News wires*.
- Lyons, S. (2004, October 5). Charges dropped in fatal beating. *Baltimore Sun*.
- Marzulli, J. (2008, January 14). Cops made autistic Brooklyn man confess to sister's slay, says lawsuit. *New York Daily News*.
- McMahon, P., & Friedberg, A. (2002, February 22). Prisoner says confession forced—Man convicted in 1990 shooting of deputy alleges officers beat and threatened him. *Ft. Lauderdale Sun Sentinel*.
- Mills, S., & Coen, J. (2005, February 1). Twelve years behind bars, now justice at last. *Chicago Tribune*.
- Mones, P. (1995). *Stalking justice: The dramatic story of the detective who first used DNA testing to catch a serial killer.* New York: Simon & Shuster.
- Nesmith, S. (2006, October 26). Mentally retarded man cleared of murder, abuse charges. *Miami Herald*.
- Nogas, C. (2000a, February 11). Baker denies killing girl. *Binghamton Press & Sun Bulletin*.
- Nogas, C. (2000b, February 15). Psychologists disagree on meaning of baby sitter's I.Q. test. *Binghamton Press & Sun Bulletin*.
- Nogas, C. (2004, February 14). Baker freed in death. *Binghamton Press & Sun Bulletin*.
- O'Brien, J. (1999, September 22). Accused worries about his job; police chief: "I've never had a case like this." *Syracuse Post-Standard*.
- Perrotta, T. (2005, April 22). Judge vacates murder conviction of a mentally retarded man. *New York Law Journal*.
- Perske, R. (1991). *A town fights for Adelbert Ward. Unequal justice: What can happen when persons with retardation or other developmental disabilities encounter the criminal justice system.* Nashville: Abingdon Press.
- Perske, R. (1994, February 20). Johnny shouldn't be in jail: No physical evidence has ever connected him to the murder. *Kansas City Star*.
- Perske, R. (2005). Unlikely heroes. *Mental Retardation*, 43, 369–375.
- Possley, M., & Mills, S. (2001, January 27). Report alleges crime lab fraud; scientist is accused of providing false testimony. *Chicago Tribune*.
- Priest, D. (1989, July 16). At each step, justice faltered for Virginia man. *Washington Post*.
- Radelet, M., Bedau, H., & Putnam, C. (1992). *In spite of innocence.* Boston: Northeastern University Press, p. 353.
- Redmond, L. (2008, March 5). Professor: Murder confession coerced by interrogation. *Lowell Sun*.

- Redmond, L. (2008, March 11). Acquitted in retrial after spending 16 years in jail. *Lowell Sun*.
- Richissin, T. (1998, November 20). Held without proof, boy free; he's jailed 6 months, even after DNA test debunks evidence. *Baltimore Sun*.
- Richissin, T. (1999, February 6). Trying to right an injustice. *Baltimore Sun*.
- Roberson, H., & Lenz, K. (2001, May 25). Ricky free: Judge says Cullipher deserves new trial; prosecutor drops case. *Hampton Roads Daily Press*.
- Rossi, R., & Tucker, E. (1997, April 5). Suspect in murder of teacher was on school suspension. *Chicago Sun-Times*.
- Sandlin, S. (2008, June 28). Slaying suspect freed. *Albuquerque Journal*.
- Scharnberg, K., & Mills, S. (2002, January 5). DNA voids murder confession. *Chicago Tribune*.
- Shellem, P. (2003a, November 11). DNA test in, Laughman may be freed. *Harrisburg Patriot-News*.
- Shellem, P. (2003b, November 30). False confessions spur calls to tape interrogations. *Harrisburg Patriot-News*.
- Sorkin, M. (1990, July 17). Teens cleared of killing homeless man in Alton. *St. Louis Post-Dispatch*.
- Thompson, E. (2007, September 8). Judge releases Floyd Brown. *Associated Press*, Durham, NC.
- Trautmann, M. (1994, August 25). Nelson drops charges against arson suspect. *Sioux Falls Argus Leader*.
- Washburn, G. (2006, January 27). Wrongfully convicted man gets \$9 million. *Chicago Tribune*.
- Williams, C. (2005, May 25). Free from suspicion. *Atlanta Journal Constitution*.
- Zeldes, J. D. (1994, December). Connecticut's most famous nolle. *Connecticut Bar Journal*, 68, 443–455.

Author:

Robert Perske (E-mail: Rperske@aol.com), Journalist, Author, and Advocate Worker, 159 Hollow Tree Ridge Rd., Darien, CT 06820.