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# Dead Wrong: Capital Punishment, Wrongful Convictions, & Serious Mental Illness

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- Definitions
- Scope of Problem
- SMI as a vulnerable population
- Data sources & methods
  - Results of NRE Data
  - Case Examples
  - Data from Case Examples
- Future Recommendations



### **Wrongful Conviction**

- The person convicted is factually innocent of the charges
- Procedural errors violated the convicted person's rights

### **Serious Mental Illness (SMI)**

- Mental, behavioral, or emotional disorder resulting in serious functional impairment, which substantially interferes with or limits one or more major life activities
- Major depression, schizophrenia, bipolar disorder, obsessive compulsive disorder, panic disorder, posttraumatic stress disorder, and borderline personality disorder

### **Capital Punishment**

- Can be charged by federal or state government
- Capital crimes, notoriously murder
- *Atkins v. Virginia*, 2002

# Prevalence

- National Registry of Exonerations (NRE): 2796 wrongfully convicted
- The Death Penalty Information Center: 166 defendants wrongfully convicted and sentenced to death
- 6% of innocent persons will be given a capital sentence
- Approximately 20 innocent persons believed to have been executed

WHY ARE PERSONS WITH SEVERE  
MENTAL ILLNESS AT RISK OF BEING  
WRONGFULLY CONVICTED?

# False Confessions

- 3 types of False Confessions
  - Voluntary
  - Coerced-compliant
  - Coerced-internalized
- Persons with SMI may confess:
  - Impaired mental state
    - Delusions
    - mania
  - Trouble Communicating
  - Due to coercive tactics
  - Unaware of rights



# Difficulty Assisting in Defense

- People with SMI have difficulty communicating with their attorneys as a direct result of the many different symptoms persons with SMI face such as:
  - Memory impairments, language deficits, limits in social functioning, lack of trust,, and an inability to understand abstract legal concepts





# Perceived as an Unreliable Witness

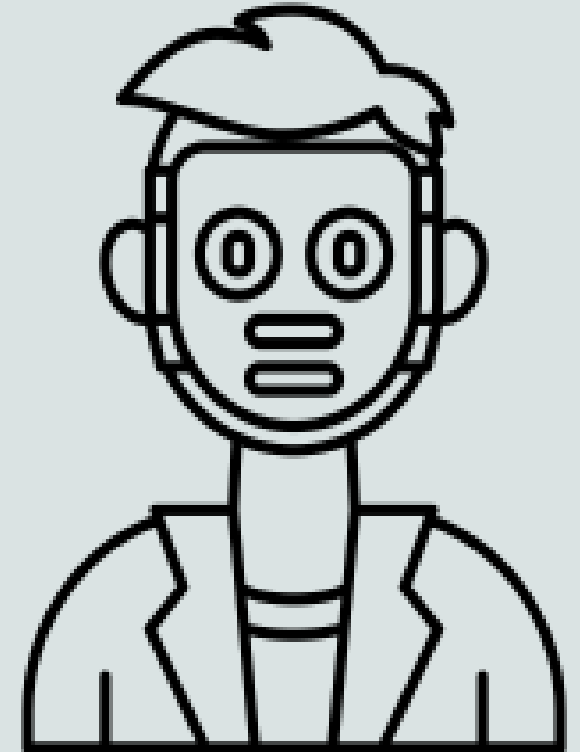
- Persons with SMI are often viewed as erratic, impulsive, and untrustworthy.
- They may act or react in ways that hurt their defense or may even contradict themselves due to confusion, fear, or fatigue.





# Falsely Appearing to Lack Remorse

- Symptoms of SMI can cause individuals to falsely appear to lack remorse.
- Related symptoms include catatonic behavior, emotional blunting and dysregulation, diminished facial expressions, and an inability to concentrate.



# Prejudices from Jurors & Judges

- A lack of understanding and education of SMI causes judges and jurors to assign negative biases towards persons with SMI.



# DATA & METHODS

- NRE: 146 exonerees had a mental disability
  - **45 of these SMI**
    - *26 CASE STUDIES*

Filter

☐ Or ☒ And

Reset All Filters

The Filter finds cases that contain any of the words you enter if you check **Or**, or all of them if you check **And**. It is not a search that works with quotation marks. It does work with truncation, but not with truncation symbols such as \* and !. It scans the Detailed and Summary Views, and the narrative summaries.

Note: An asterisk (\*) in the column to the right of the "DNA" column means that the case is not included in the Innocence Project's list of DNA exonerations because post-conviction DNA evidence was not central to establishing innocence, and other non-DNA factors were essential to the exoneration.

Last Name	First Name	Age	Race	ST	County of Crime	Tags	OM Tags	Crime	Sentence	Convicted	Exonerated	DNA	*	MWID	FC	P/FA	F/MFE	OM	ILD
Count= 2800																			
Abbitt	Joseph	31	Black	NC	Forsyth	CV, IO		Child Sex Abuse	Life	1995	2009	DNA		MWID					
Abdal	Warith Habib	43	Black	NY	Erie	IO	OF, WH, NW, WT	Sexual Assault	20 to Life	1983	1999	DNA		MWID			F/MFE	OM	
Abernathy	Christopher	17	White	IL	Cook	CIU, CV, H, IO	OF, WH, NW, INT	Murder	Life without parole	1987	2015	DNA			FC	P/FA		OM	
Abney	Quentin	32	Black	NY	New York	CV		Robbery	20 to Life	2006	2012			MWID					
Acero	Longino	35	Hispanic	CA	Santa Clara	NC, P		Sex Offender Registration	2 years and 4 months	1994	2006								ILD
Adams	Anthony	26	Hispanic	CA	Los Angeles	H, P	OF, WH, NW, WT	Manslaughter	12 years	1996	2001					P/FA		OM	
Adams	Cheryl	26	White	MA	Essex	F, NC, P		Theft	Probation	1989	1993					P/FA			
Adams	Darryl	25	Black	TX	Dallas	CIU, IO, NC, P		Sexual Assault	25 years	1992	2017	DNA	*			P/FA			
Adams	Demetris	22	Black	IL	Cook	CIU, IO, NC, P	OF, WH, NW	Drug Possession or Sale	1 year	2004	2020					P/FA		OM	
Adams	Don Ray	32	Black	PA	Philadelphia	H	OF, WH, NW, WT	Murder	Life	1992	2011					P/FA		OM	
Adams	Jarrett M.	17	Black	WI	Jefferson	IO, NC		Sexual Assault	28 years	2000	2007					P/FA			ILD
Adams	Johnathan	12	White	GA	Carroll	CV, H, P	OF, NW, INT	Murder	1 year	2005	2006				FC			OM	
Adams	Johnny	52	Black	TX	Harris	CIU, NC, P		Drug Possession or Sale	90 days	2009	2016						F/MFE		
Adams	Kenneth	21	Black	IL	Cook	CDC, H, IO, JI	PR, OF, WH, NW, KP, WT	Murder	75 years	1978	1996	DNA		MWID		P/FA	F/MFE	OM	

•**CDC:** Co-Defendant Confessed

•**CIU:** Conviction Integrity Unit

•**CV:** Child Victim

•**F:** Female Exoneree

•**H:** Homicide

•**JI:** Jailhouse Informant

•**NC:** No Crime Case (no crime occurred, fabricated)

•**P:** Guilty Plea Case

•**IO:** Innocence Organization

•**PR:** Prosecutor Misconduct

•**OF:** Police Officer Misconduct

•**WH:** Withheld Exculpatory Evidence

•**NW:** Misconduct That Is Not Withholding Evidence

•**KP:** Knowingly Permitting Perjury

•**WT:** Witness Tampering Or Misconduct Interrogating Co-defendant

•**INT:** Misconduct In Interrogation of Exoneree

•**MWID:** Mistaken Witness Identification

•**FC:** False Confession

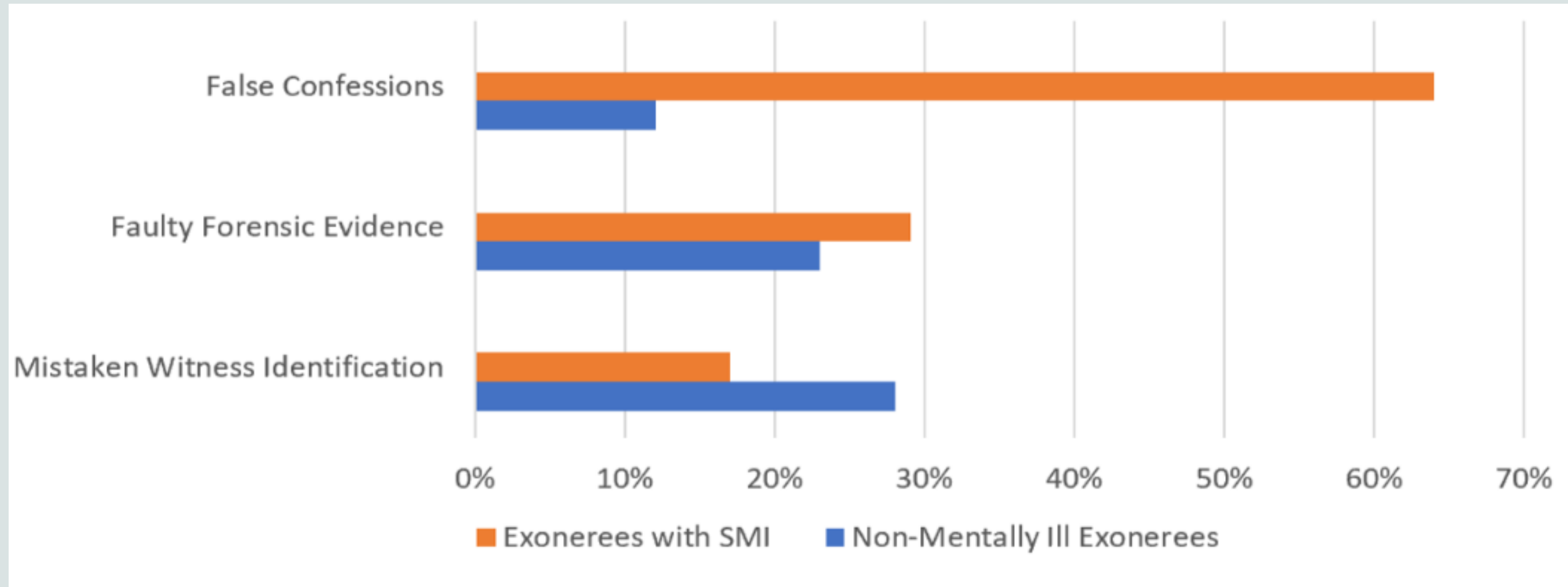
•**P/FA:** Perjury or False Accusation

•**F/MFE:** False or Misleading Forensic Evidence

•**OM:** Official Misconduct

•**ILD:** Inadequate Legal Defense

## Disparities Between Sources of Wrongful Conviction Amongst Exonerees



**Bivariate Analysis: Assessing for Disparities Between Sources of Wrongful Conviction Amongst Exonerees (N = 2403).**

	Exonerees with SMI (Total=45)	Non-Mentally Ill Exonerees (Total=2358)			
Sources of Error	N (%)	N(%)	$\chi^2$	df	<i>p</i> value
False Confessions	29 (64%)	287 (12%)	105.65	1	< .001
Faulty Forensic Evidence	13 (29%)	551 (23%)	2.48	1	.115
Mistaken Witness Identification	8 (18%)	671 (28%)	.75	1	.387





Sources of wrongful conviction (N = 26)

Sources of Wrongful Conviction	N (%)*
False Confession	25 (96.2)
Ineffective Assistance of Counsel	2 (7.7)
Police Misconduct	6 (23.1)
Prosecutorial Misconduct	3 (11.5)
Mistaken Eyewitness Identification	3 (11.5)
Total Sources	39

Type of SMI (N = 26)

Type of SMI	N (%)*
SMI (Unspecified)	4 (15.4)
Schizophrenia	15 (57.7)
Personality Disorder	2 (7.7)
Posttraumatic Stress Disorder	3 (11.5)
Bipolar Disorder	5 (19.2)
Depression	4 (15.4)
Total Diagnosis	33

*Note: Total exceeds case number size of 26 due to some individuals having more than one SMI diagnoses.  
\* Each percentage was calculated based off of the 26 exonerees suffering from that condition.*

**Benjamin Harris**  
**Ricky Newman**  
**Frank Lee Smith**

# Moving Forward: Strengthening Current Safeguards

- Insanity Defense
- Mitigation Specialists
- *Ford v. Wainwright*

# Moving Forward: Implementing Reforms to Protect Persons with SMI

- Extending *Atkins v. Virginia* to SMI
- Taping Interrogations
- Altering current interrogation practices
- Providing mandatory counsel during interrogations
- Prompt DNA testing
- Education and Awareness

QUESTIONS?

THANK YOU!

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