

Common Threads in In Spite of Innocence

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The book In Spite of Innocence, written by Michel Radelet, Hugo Bedau and Constance Putnam, is a collection of cases in which innocent victims were prosecuted and convicted of crimes they didn't commit. In the third part, cases involving corruption were used to emphasize the horrors of being arrested and tried for a crime for which you are innocent. A number of common themes come up in many of the cases. For example, the accused was often interrogated without the benefit of legal counsel and evidence was often lost or misinterpreted in order to secure a conviction. It is only by examining the themes common to several of these cases that we can develop a more just system of criminal investigation.

The first case examined is that of the state of Illinois vs. Lloyd Eldon Miller Jr. In November 1955, Miller was arrested for the murder of Janice May, a youth from Canton, Illinois. While there was no evidence linking Miller to the crime, he became the principal suspect because he left town the same night as the murder. Miller said that he left town to avoid being sued for child support, but after two days of intense interrogation Miller confessed. The reason Miller confessed is that he was presented with false evidence and was then told that the jury would go easier on him if he confessed.

A series of errors in procedure including the use of perjured witnesses and ignoring scientific findings led to Miller being sentenced to death by electrocution. Fortunately, after eleven years and seven stays of execution, Miller was cleared of all charges. In this case, the desperation of the police to arrest a suspect led them to ignore the evidence and almost cost an innocent man his life.

The second case presented in this section is that of the state of Louisiana vs. Mary Kay Hampton. On New Year's Eve, 1951, Benjamin Yount and Hermine Fielder disappeared and later were found dead. A complete lack of material evidence had the police completely stumped. The police appeared to catch a break when Emmet Monroe Spencer, a convicted murderer, accused his girlfriend, Mary Kay Hampton, of the murder. Their inability to crack the case led the police to ignore the fact that it was Mary Kay who sent Spencer to prison and the fact that Spencer got several details of the crime wrong. Finally, after weeks of interrogation, Mary Kay broke down and confessed

after being repeatedly threatened with the death penalty. Because she confessed, there was no trial and the fact that there was no evidence against her ever came before a jury.

Finally, five years later, a team of lawyers who had taken up her cause presented enough evidence that the prosecutor offered a commutation of sentence rather than admit to wrongfully convicting Mary Kay.

In this case, the inability of the police to make any progress in a difficult case led them to not only ignore the evidence but also common sense. Mary Kay's imprisonment is incomprehensible to anyone who knows all of the details of the case. Even a brief examination of the character of Spencer demonstrates his obvious character faults.

In the next case, a poor uneducated black man was convicted of the murder of two white people in Georgia, 1974. While some evidence did connect Jerry Banks to the murders of Marvin King and Melanie Hartsfield, police misconduct during interrogation, tampering with forensic evidence and a lawyer who was eventually disbarred led to Jerry banks being falsely convicted of murder.

Only after six years of incarceration and countless appeals was Banks released. Eventually, the state was forced to examine the new evidence presented by Banks' new lawyer. In this third trial, new witnesses saying that the very evidence that made the crime so atrocious, namely the time required for Banks to reload his shotgun, contradicted the testimony of a new witness, a local sheriff. Add the new testimony with the already weak case against Banks, and you can see why the state was forced to drop all charges against Banks.

Understandably, Banks life was ruined. Soon after he was released, his wife left him, prompting him to commit murder-suicide. His children later sued the state for mishandling the case due to racial prejudice.

Once again, the police are guilty of forcing the facts to fit their theory of the crime. Had they conducted a more open-minded and honest investigation, they should have discovered the very evidence that eventually freed him. The evidence was not hidden or hard to interpret, but the police and the media were unable to overlook their racial prejudices and accept Banks' story as reality.

One last case demonstrates the danger of forcing evidence to fit theories. William Staga was killed on the 25 of December 1971. The police followed the trail of the evidence to Lawrence Reyes, who readily confessed to the crime. Apparently, Staga was a friend of Reyes, but Reyes killed Staga following an unexpected homosexual advance. Juan Venegas, a friend of Reyes who was visiting for the vacation, was also arrested despite the fact that both his and Reyes' testimony agreed that Venegas had nothing to do with the crime. However, since forensic evidence

suggested that two people were involved in the crime, it was automatically presumed that Venegas was lying. Both men were convicted of murder (p. 188-189).

Two years later, the Supreme Court overturned Venegas' conviction because of lack of evidence. We must therefore ask, if there was insufficient evidence to protect the conviction from appeal, how could there have been enough evidence to warrant an arrest or a conviction in the first place. Juan Venegas was the victim of guilt by association. The police believed that he must be guilty and tried to shape the evidence accordingly (p. 189). Venegas later went on to become a lawyer and sued the state and the police department (p. 190).

In all of these cases, the criminal justice system was corrupt. Maybe not through any overt act, but failure to examine the evidence with an open mind makes it impossible to receive a fair trial. In our society, we pride ourselves on the idea that the accused are innocent until proven guilty. These cases and countless others show that even in societies with ideals as lofty as these can easily be forgotten when an atrocity has occurred and a scapegoat is needed to sooth public opinion. We must keep in mind the words of Sir William Blackstone, an English jurist: "It is better that ten guilty persons escape than that one innocent suffer."¹

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Radelet, Michel L. Hugo Bedau, Constance Putnam, In Spite of Innocence
Northeastern University Press 1992.

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