

CRIMINAL DEFENSE LAW FIRM

- State-Bar Certified Criminal Law Specialists
- Selected to "Best U.S. Law Firms: Top 1%"
- Pre-Court Defense Work, Trials, Appeals
- All Criminal and DUI Defense Cases
- California and Federal Courts



WHAT CAUSES JURIES TO CONVICT THE INNOCENT?



Proving a defendant's innocence after a wrongful conviction is very challenging. It is the trial lawyer's responsibility to zealously advocate to preclude such a tragedy.

Wrongful convictions are a reality in criminal court. Anywhere from 2% to 10% of convictions may be wrongful, which means that up to 300,000 innocent people have been convicted for crimes they did not commit according to some studies.

Wrongful convictions have things in common -- because the same several factors often lead to these wrongful convictions, including:

- *False Confessions:* In 2015, almost 20% of exonerations were for convictions where defendants were forced to confess to a crime they did not commit. The trial lawyer must thoroughly examine the circumstances surrounding the interrogation, including rely on false confession experts, to ascertain whether the client repeated what the police told him because he wanted out of the interview room. Suspects may say what the police want because they are intimidated, coerced, or simply exhausted after hours at the police station. According to the Innocence Project, false confessions were found to be a leading cause of wrongful convictions.
- *Coerced Guilty Pleas:* Defendants are often advised by prosecutors and their own lawyers to accept plea deals, while protesting their innocence. The law allows the accused to accept deals because they feel it is in their best interest to do so, and it is very difficult to undo a guilty plea after its entry. Prosecutors may threaten extremely harsh sentences after trial, which can scare a defendant into taking a plea deal.
- *Faulty Eyewitness Identification:* Eyewitnesses are human, and research demonstrates that eyewitness identification can be flawed. A trial lawyer has the right to request a line-up at the jail, before court, to determine whether the witness can pick out his client. In court, with the client being the only defendant at counsel table, the witness' knee-jerk reaction may be to identify the person sitting next to defense attorney. The jury is even advised to view eyewitness identification with

suspicion. In the heat of the moment, it is not easy to remember details that seemed inconsequential, so our brain fills in gaps with what it believes might have happened.

- *Flawed Forensic Evidence:* Improper forensic science is a leading cause of wrongful conviction. Crime scene analysts and forensic experts in DNA, hair, fiber, print, and other physical evidence may be too close to the police agency and feel some bias in presenting favorable opinions. Numerous analysts nationally, at both state and federal level, have admitted to stretching the truth and presenting flawed opinions to juries leading to wrongful verdict. A defense attorney must re-test with his own expert witnesses all the government forensic conclusions before trial, to preclude flawed testimony. Too often, forensic experts speculate when they testify, asserting conclusions that are not accurate to help the prosecutor, but presented to the juries as fact.

At our firm, in 2017 alone, we handled several cases involving innocent clients, including (1) a federal racketeering case where the defendant was found not guilty - defendant had been facing a minimum of 5 years in prison, (2) a sexual assault and kidnapping case where the alleged victim made false claims - defendant released after months in jail, and (3) a murder case where the suspects used lawful self-defense in preventing an armed robber from taking their marijuana at gunpoint - defendants released after 48 hours.



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