



False Justice: Eight Myths that Convict the Innocent

Jim Petro , Nancy Petro

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Compelling and engagingly written, this book by former Attorney General of Ohio Jim Petro and his wife, writer Nancy Petro, takes the reader inside actual cases, summarizes extensive research on the causes and consequences of wrongful conviction, and exposes eight common myths that inspire false confidence in the justice system and undermine reform. Now newly published in paperback with an extensive list of web links to wrongful conviction sources internationally, "False Justice "is ideal for use in a wide array of criminal justice and criminology courses.

Myth 1: Everyone in prison claims innocence. In fact, guilt is usually clear and undisputed either because the criminal was caught in the act, left substantial evidence, or made the decision to take a plea. While taking a plea does not assure guilt, often a combination of the above reveals the soundness of the defendant s decision to plead rather than go to trial. Lauren McGarity, a mediator, conflict resolution expert, and educator who has worked with hundreds of Ohio inmates for ten years, dispelled this myth for us in "False Justice."

Myth 2: Our system almost never convicts an innocent person. We mined and share the research and opinion of both conservatives and liberals, and we have concluded that the 311 persons exonerated of serious felonies to date, December 12, 2013, by DNA technology (which was first employed in criminal forensics in the U.S. in the late 1980s) must be the tip of the iceberg, a phrase commonly mentioned in our research. Following the Elkins experience, Nancy and I suspected a substantial number of innocent people in our prisons, but our research required that we frequently revise our thinking upward. Estimates have ranged from, conservatively, about one thousand to as many as tens of thousands of innocent people in American prisons today. We believe and research and logic suggest that our system convicts innocent persons far more frequently than most imagine and that most Americans, if more fully informed, would consider this a national travesty.

Myth 3: Only the guilty confess. Stephen Boorn confessed to a murder in Manchester, Vermont, even though there was no trace of evidence, including a body. Boorn is not alone. "False Justice" explores what prompted Christopher Ochoa and others falsely accused of murder to incriminate themselves. We explore why the Miranda warning failed in these cases to provide intended protections.

Myth 4: Wrongful conviction is the result of innocent human error. As chief legal officer of Ohio, I supervised a staff of 1,250, including 350 lawyers, who managed more than 35,000 active legal cases at a time. Yet I was totally unaware of the extent of wrongful criminal conviction, and was disappointed to learn that misconduct by police and prosecutors has contributed to many wrong verdicts. In the first edition of "False Justice" we noted that official misconduct was identified early as a contributor in DNA-proven wrongful convictions. Prosecutorial misconduct was a factor in thirty-three of the first seventy-four DNA exonerations (44.6 percent) and police misconduct was present in thirty-seven, or exactly half of those cases.³ Subsequent exonerations have supported the finding that official misconduct is a significant contributor to wrongful conviction. The National Registry of Exonerations reports at this writing (Dec. 14, 2013) 564 known cases of official misconduct both police and prosecutor and in some cases both in its universe of 1,262 exonerations, or in 44.6 percent of known exonerations since 1989.⁴ This book challenges thinking on what tactics should and should not be dismissed as "human error."

Myth 5: An eyewitness is the best testimony. Mistaken eyewitness testimony, a contributor in 75 percent of wrongful convictions, was the prevailing contributor to wrongful conviction in the cases of Elkins, Green,

Gillispie, and others included in the book. "False Justice" shares highlights of what we now know about memory and how this has shaped legislative and procedural reforms that will enable more accurate capture of eyewitness testimony.

Myth 6: Conviction errors get corrected on appeal. The long, difficult, and expensive struggle to reverse a conviction is demonstrated in the Boorn, Elkins, Green, and Gillispie cases. Our appeals process addresses only certain errors that may have occurred in preparation of the case or in the courtroom. Post-conviction relief is difficult to attain in a system that properly seeks finality in the criminal process. The other route to correcting a conviction error is through new evidence, which, as indicated in Elkins and Gillispie, must meet specific requirements that are very difficult to achieve.

Myth 7: It dishonors the victim to question a conviction. "False Justice" reveals that, contrary to a popular opinion, only a minority of convicted persons claim innocence and represent cases that are worthy of post-conviction DNA analysis. Prosecutors who oppose access to post-conviction DNA evidence, which could conclusively prove guilt or innocence, frequently claim that this would dishonor the victim. Public safety requires that we abandon this myth, or understand that by allowing the real perpetrators to escape justice, we contribute to an increase in crime and victims. How does "that" honor victims?

Myth 8: If the justice system has problems, the pros will fix them. While most men and women who work in the criminal justice system are well meaning, committed, and deserving of our respect, they typically do not have the authority, resources, perspective, time, or inclination to change the system. "False Justice" recommends reforms achieved through legislation, policy, and court opinion. However, these will not occur with any urgency until conventional wisdom catches up with the truths revealed in this DNA age. Therefore, it will take us everyday American citizens not the pros, to accelerate this process. By abandoning myths and advocating reforms, we will not only reduce the destruction that comes with wrongful conviction but will also make the United States safer."

False Justice: Eight Myths that Convict the Innocent Details

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Naomi says

Alright..I am just getting into this book and, as a Libertarian, already think I am going to have a BIG problem with it...Really, Mr. Petro..the DNA collection of ALL convicted criminals, violent and non-violent & misdemeanors and nonviolent felons...there is big brother government stepping on the lives of private citizens yet again...I agree with the use of DNA in solving crimes, but let's let Law Enforcement do some of the work without stepping on private citizens and then get the DNA from suspects~with their permission or a warrant~ to rule them out.

There is so much to say as to why I think this book is so bad and poorly written, but I won't. This book is so bad on multiple, multiple levels, it isn't worth the paper it is written on! So, again, thank God for libraries!

ETA(07/03/2011) I think it is bizarre when a book is clearly getting bad ratings due to poor or unpopular reviews that all of a sudden, phantom members "pop" up to praise these books...GR members know what these phantom members look like: recently joined; no GR friends; have only one book(which would be that authors book that of course they thought was amazing!) that they have ever read and currently have no books on their TBR list. Hmmmmmm, simply bizarre.

Jeremy Stock says

What an excellent read! - Informative, personal, powerful...

Jim & Nancy Petro tell not only a story born of years of experience as a prosecutor and even Attorney General - but it covers the errors of thinking and practice that lead (again and again) to wrongful convictions of innocent people.

Please read this book. If you think that Wrongful Convictions are a fiction.... or if you think they're just about as rare as a Bears superbowl appearance.... read this book.

Sara Ann says

This is a must read for every single American! Having seen first hand some of the flaws in our current criminal justice systems and how easily an innocent person can be accused, convicted and sentenced for a crime should scare us all. This book is a call to action for all of us to be aware and active in holding "the system" accountable to be fair and honest in the pursuit of justice. For me it clearly lays out how easily juries can be mislead into finding a defendant guilty and the uphill battle to overturn a conviction. Many crimes never have DNA evidence which makes the likelihood of reversing the conviction much much more difficult.

Any day we could be called for jury duty and be expected to be fair, unbiased, attentive, thoughtful and

honest throughout the trial process all in the name of "fairness." We go as our civic duty call upon us to do willingly assuming everything is in place for us to be able to make the right decision with regards to someones guilt or innocence. We are to assume the defendant, innocent until proven guilty, and that is where the problems can begin. Jim and Nancy Petro help readers to understand some of the many tools used to sway the jury to a guilty verdict from the very minute the apparent crime happened right up to the closing arguments. False Justice helps to reveal it is not what is being said to the jury but more importantly what is not being said. Read, learn, enjoy and become a voice to prevent the wrongful convictions before it is to late for anyone in this tragic situation. Great book!!

Donna Fabris says

False Justice reads like a legal thriller, and it's true! Jim and Nancy Petro explore the causes of wrongful convictions that result in innocent persons spending years, sometimes decades, in prison while the guilty persons are free to commit more of their vicious crimes. The authors relate in detail the cases of three convicted men who were totally innocent of the crimes for which they were imprisoned. They describe the processes by which these men were returned to freedom, due to ther steadfast claims of innocence and to the efforts of citizens devoted to the cause of justice.

Catherine says

Excellent, eye-opening and thought provoking book on areas of weakness in our criminal justice system. Jim Petro, politician and former Attorney General for Ohio, along with his wife Nancy, lay out clearly explained "myths" that can, and have, led to the conviction of the innocent. Using actual cases as examples, Mr. Petro clearly explains how these weaknesses continue to reside in criminal investigations and trials. Must reading for anyone with an interest in or involvement in criminal justice.

Bert says

Jim & Nancy Petro's inspirational book takes a critical look at how common misperceptions make it harder for our criminal justice system to deliver reliable results. This is a "must read" not merely for criminal justice professionals but for all Americans. Chock full of scientific documentation but easy for civilians to read, and hard to put down. 5 stars!!!

Gloria Wolk says

Excellent explanation as to why too many police, prosecutors, and judges are eager to convict someone who may be innocent, why police and prosecutors withhold evidence of the innocence, why judges favor prosecutors and why, once DNA proves a person's innocence, prosecutors and judges continue to conspire to keep the wrongly convicted in prison.

That would be depressing and frightening, but the authors also recommend how the injustice system can be fixed. And this is the important message. Those who read my novel, "Accidental Felon," ask these questions.

"Fatal Justice: Eight Myths that Convict the Innocent" answers both questions as few authors can do. Jim Petro is former attorney general of Ohio. He describes in this book how he first realized there were serious wrongs with the justice system and how, step-by-step, he became involved in the Innocence Project.

This is not a preachy or scolding book. It is as if Jim Petro was sitting by your fireside telling you stories, stories of how he became aware, stories of people who were actually innocent and kept in prison for years after their innocence was established, and the fight by Innocence Project attorneys and law students to force the judicial system to operate as it should.

bup says

I have rarely been so affected by a book. It's not sensationalist in the least - I need to make that clear. It's written by a no-nonsense, Republican, pro-death penalty former attorney general (of the state of Ohio) and his wife, but it has moved this jaded reader.

False Justice, in 250 short pages (really - it's not dense), covers more topics and astounding problems with the post-conviction (and some pre-conviction) justice system than I can cover in a review, but it'll wake you up.

Look up Dean Gillispie. He's an almost certainly innocent man who's been in prison for more than twenty years (and still is) whose situation the state of Ohio refuses to revisit. Understandably, a conviction requires real respect, or the justice system wouldn't mean so much.

But things switch too much after conviction, and the authors argue persuasively that judges and prosecutors let human nature influence their thinking too much, and get defensive and competitive about not examining old cases.

I'm torn between swapping this on my book swap site (there's a wait list for it), and forcing everyone I know to read my copy while I watch them. The book is that important. I'm also trying to get the National Forensic League (my kid's a high school debater) to create debate topics on this, since the next generation's lawyers and policy makers are disproportionately in that crowd today.

If I can't convince you to read at, will you at least read this? **DNA hasn't found all the wrong convictions - all it's done is make evident a real problem in the system. *Biological evidence exists for fewer than 10% of cases, and for old cases, even that's often gone or contaminated.* DNA has allowed people to say for sure that the system got some set of convictions wrong, and look at what led to those convictions.**

The 3 top types of unreliable evidence -

1) Scarily, eyewitness testimony is incredibly unreliable. And witnesses get more confident about it as time goes on, because of the failings of human memory. Confidence is not at all correlated with accuracy in fingering suspects out of lineups.

2) Confessions are incredibly unreliable. They are often done to get a plea deal, or even in prison to get parole sooner, or after more than ten hours of interrogation where the suspect can't think straight. In 25% of *exonerations* proven by DNA, the suspect had confessed!

3) Snitches (people who finger someone else to get a plea, or cellmates who want prison benefits) are incredibly unreliable. Surprised? Me, either. But courts totally respect their testimony.

The problems this book outlines (there are many others) still go on today - DNA hasn't changed it.

Please read this book.

Melissa Andrews says

Great read on the horrors that await you should you be unlucky enough to be convicted for a crime you didn't commit. These myths show how easy it is, despite the good intentions of the justice system, for an innocent person to be convicted of a crime, and then how astronomically difficult it is for that person to attempt to prove his/her innocence. I learned a lot about DNA evidence and how eyewitness testimony can be easily contaminated. I will be carefully monitoring my local elections and encouraging the politicians who serve me to vote for simple things that can help improve the system - like video taping police interrogations.

The authors are detailed in their explanations, but the book is not difficult to understand, which is good because you are clearly able to see what the issues are.

Show less

Ryan Routh says

The fact that this book exists is as impressive as the book itself. Petro's GOP credentials make him an arguably unlikely author of a pro-innocence book, but he explains the small government, fiscal conservative approach that got him there. The best part of the book are the stories of his involvement in individual cases and how he came to his current stance on assisting prisoners in exonerations where the evidence points in that direction. The story of his political assault on the Summit County prosecutor in the Elkins case is particularly good. Some of the writing is clunky and, as a politician, Petro self-aggrandizes a bit too much. And the scientific overview is just the wrong length -- long enough to start to get boring, but too short to tell you anything you weren't already expecting. But certainly it is hard to read this book and not be a little more aware of how many innocent people are in prison.

Megan says

False Justice presents compelling evidence that wrongful convictions occur with an alarming frequency here in the United States. Jim Petro and Nancy Petro highlight a few specific cases to show the personal side of this problem, but they also present a lot of data and professional analysis. (Sometimes the chapters focused on statistics and data crunching were a dry read, but the book did a good job of returning to stories and clear examples before long.) Even more importantly, *False Justice* eloquently argues that it is the responsibility of all American citizens to understand why wrongful convictions occur and to examine the widely-held "common knowledge" myths that contribute to this flawed administration of justice. Our country's justice system is ultimately our responsibility, and it's important for us to know how it works and how it *doesn't* work.

I think this book could be well-used in college-level criminal justice classes, and I think excerpts from it could be used quite effectively in high-school government classes. Additionally, while descriptions of the crimes in question are written with a moderate tone, the details are sometimes very vivid and may prove to be a difficult read for survivors.

Note: I received a copy from the authors through the First Reads program here at Goodreads.

Jim Traxler says

An eye-opening book!

I had no concept of how many wrongful convictions have taken place in our justice system and how resistant the system is to take steps to exonerate innocent people in prison. The book carries even more weight when you realize that it is written by a Republican who is a former Attorney General. Jim and Nancy Petro, you have my deepest respect and admiration for your advocacy to correct this disturbing problem.

Laura says

Justice is an issue that is near to my heart. Having lived and worked overseas in some of the poorest parts of the world, I have been confronted with and fought against injustice on many levels, especially in dealing with corrupt governments and unjust economic structures.

This book hit home in a new way for me on the topic of justice in areas that I had not considered before. It was a compelling and gracefully written delineation of some of the problems our criminal justice system faces here in the US. I think this book would be a great resource for classroom discussions, as well as for personal enrichment. I hope that it is successful in raising awareness and influencing public opinion on these important issues.

Although I expected to like the book and learn some things from it, I did not expect to enjoy it and be as personally challenged by the topic as much I was.

Marie says

Fantastic book revealing the flaws of our justice system. Not just for lawyers this book tells truly compelling stories - very easy to read, I read this in one sitting. I recommend this to lawyers, law students, and anyone interested in a fascinating, and also educational, read.

Heather says

Since I already agree with what the author has written, reading this book was a little bit more of a chore than I wish it had been. There are real problems with our criminal justice system. I wish it were an issue everyone cared about. Awareness to the problem is so needed. Petro does a good job of putting the reader in the

middle of these cases using his personal experience. There is a human face to put with these cases of injustice. I'd recommend "False Justice" to anyone.
