

By Tracy M. Grayson



The recent cases of Dominique Strauss-Kahn, the West Memphis 3, and Giovanni Ramirez powerfully indicate just how unjust the justice system can be. Can you imagine spending months, years or even decades in jail or prison, or being executed, for something that you did not do? For most people, it's probably unimaginable, but it was all-too-real for these individuals and many more like them.

In May 2011, Dominique Strauss-Kahn, the wealthy then-managing director of the International Monetary Fund (IMF) and the man expected to challenge current French president Sarkozy in upcoming elections, was accused of sexually assaulting a housekeeper at the Sofitel Hotel in New York City. He was charged with attempted rape and false imprisonment and was looking at spending 20 or more years in prison. The housekeeper told investigators that Strauss-Kahn had tried to force her to perform oral sex, but when district attorney Cyrus Vance, Jr.'s office dug deeper into their investigation, they soon realized they were dealing with a witness with very little credibility. The woman had told them a story of being gang-raped by soldiers in her native Guinea, but ultimately it was determined that the story was completely made up. Because there were no independent witnesses and no physical evidence, on August 23 the DA dismissed the charge.

Another false-accusation case recently in the news involves the West Memphis 3, who were also wrongly convicted. In 1993, three teenagers, Damien Echols, Jessie Misskelley, and Jason Baldwin, were arrested after being accused of killing three 8-year-old boys in west Memphis, Tennessee. The prosecution's theory was that the three men killed the little boys as a part of some Satanic ritual, but many West Memphis 3 supporters contend that the sole basis for this belief was the young men's preference for heavy metal music and black clothing. When the trial concluded in 1994, all three men were convicted and ended up serving 18 years in prison. One of the defendants, Echols, even spent time on death row.

During the police investigation of the case, defendant Misskelley confessed that he and the other two suspects had attacked, raped and killed the three boys. However, over the years, supporters of the convicted men, including members of famous bands--the Dixie Chicks, Pearl Jam, and Metallica, among others--have emphasized that Misskelley was coerced into a confession by police officers who took advantage of the fact that he is mentally disabled. Misskelley later recanted his confession.

On August 19, the West Memphis 3 were freed after the Arkansas Supreme Court determined that DNA testing conclusively excluded all three defendants as possible suspects. Interestingly, a defense attorney for one of the defendants stated that hair found on a cord used to bind the victims belonged to the stepfather of one of the little boys. The defense attorney's investigator also located witnesses who said that the stepfather was the last adult seen with the victims the night they were killed.

In a highly publicized case involving the severe beating of San Francisco Giants fan Bryan Stow at Dodgers stadium on March 31, 2011, after arresting Giovanni Ramirez, Los Angeles Police Department chief Charlie Beck emotionally stated at a May press conference, "I believe we have the right guy." Two months later, Charlie Beck and Los Angeles Mayor Antonio Villaraigosa issued statements indicating that Ramirez had been fully exonerated, and that two other men had been arrested for beating Stow. Beck was forced to admit that his own investigators were likely overselling the weak evidence they had gathered against Ramirez.

Each of these cases demonstrates that the justice system is far from perfect. What if the case against Giovanni Ramirez had not been so highly publicized? What if Ramirez had not retained a high-profile attorney to work his case? The defense lawyer for Dominique Strauss-Kahn stated that it was a rush to judgment for New York DA Vance to file charges against his client. Apparently, LAPD chief Charlie Beck made the same mistake in arresting and accusing Ramirez. After all, the evidence against Ramirez consisted primarily of eyewitness identifications, which many experts believe are often unreliable.*

Yet these three cases are not unusual. In fact, the historical record is replete with people accused of crimes for which they were either later exonerated or where a great many people believe they did not commit the charged crime(s). The Scottsboro Boys, Sacco and Vanzetti, Alfred Dreyfus, Elmer "Geronimo" Pratt, Dr. Samuel Sheppard, the Salem Witch Trials, Rubin "Hurricane" Carter, and Mumia Abu-Jamal are just a few examples. Countless other people suffered similar injustices during both the Jim Crow South era and the Civil Rights Movement.

The case of Lee Harvey Oswald, who was accused of killing U.S. President John F. Kennedy, but claimed he was merely a patsy, is perhaps the most hotly debated who-dunnit ever.

There are many non-profit organizations whose sole aim is to fight for innocent people's freedom after they have already been convicted. One such organization is the Innocence Project, which was founded by attorneys Barry Scheck and Peter Neufeld to help people wrongly convicted, which they do largely through the use of DNA testing.

Granted, such organizations have been very successful at what they do. However, you don't want to wait until you are convicted to challenge coercive police tactics designed to induce people to confess; to conduct DNA testing; to exclude unreliable eyewitness identifications; or to fully investigate victims who are lying through their teeth.

You need to zealously fight your case right now, while the case is still pending, not years after you have rotted in prison. Remember, for some people their exoneration came too late because they were executed. That's why it is crucially important to have an experienced, skilled, and aggressive attorney fighting to win your case.

*As a matter of fact, on August 24, 2011, New Jersey Supreme Court chief justice Stuart Rabner authored a 134-page opinion inaugurating new procedures for New Jersey courts expanding hearings regarding the reliability of eyewitness identifications as well as expanding the volume and detail of information provided to jurors on the subject. Said Rabner, "study after study [has] revealed a troubling lack of reliability in eyewitness identifications." The New Jersey Supreme Court is expected to have national implications because the court is considered a trailblazer, according to many legal commentators. Some expect that the United States Supreme Court will follow the New Jersey court's example.

Tracy M. Grayson is a criminal defense and civil rights attorney in Los Angeles who has successfully tried dozens of serious and violent felony and "life in prison" cases, including murders, attempted murders, gang cases, etc. He can be contacted at tgrayson@tracygraysonlaw.com, or view

his website at www.tracygraysonlaw.com