

Incarceration of the Innocent:
Why 40% of America's Prisoners Believed to Be
Innocent Are Imprisoned.

If an accused Citizen is factually innocent, but is wrongfully convicted based largely on circumstantial evidence — so he challenges the conviction based on lack of proof (i.e. "insufficient evidence") of guilt — one would think that an IMPATIAL Appellate Court giving an OBJECTIVE Review of the Evidence away from the passion of the Trial, and Prosecutor's zeal, would readily see "reasonable doubt," and ORDER the Innocent Citizen set free, right. So, WHY does basically EVERY Scholarly study ever done consistently estimate approximately 35%-45% of Prison Inmates are factually Innocent of the crimes they are serving time for in prison?

Actually, I can tell you from my own personal experience, and extensive self-education in law (accumulated from hundreds of thousand of hours of reading Case Law, legal Treatises and Law Articles over 35 years of confinement) that there are a few easily identified reasons.

MOST instances of Innocent Citizens remaining in prison wrongfully, is because Appellate Courts do NOT review Evidence "Impartially" NOR in an "Objective" manner. Since around 1920-24, the Appellate Courts consider Evidence literally "in a light most favorable to the State Prosecutor's view." (Some Courts use the term, "most favorable to the verdict;" and/or "viewed with the strongest agreement with the State;" but it's tomAtoes and tomAtoes.) The thrust is — Appellate Courts automatically assume all the State's/Prosecutor's conclusions, as to what the evidence, whether circumstantial or parol evidence, proved or meant or indicated is true and correct — and ONLY if the accused can present STRONG and CONVINCING argument or proof to negate such "Judicial Presumption" with the conviction be vacated!

Actually — the VERY FIRST time this Court-created rule of evidentiary review was used (as far as my research can discover) in a June 11, 1892, Case out of the Federal District Court for the Northern District of Ohio — In re Corning, 51 F. 205 — which was to determine if the government had “sufficient evidence” to charge a crime by indictment. Sometime between 1892 and 1924, the Courts began applying this review principle to “insufficient evidence” claims in criminal TRIALS — but exactly when is hidden in a fog of legalese.

So — for most innocent citizens left in prison; it's simply a matter of Appellate Court APATHY to an Appellant's plight and factual innocence — and, the Court System following an unconstitutional Agenda to empower and unquestioningly favor the Police State Authority. (This is especially egregious and shocks decency in Texas, because Texas is the ONLY State in America which allows convictions to be had on strictly and exclusively CIRCUMSTANTIAL evidence alone. And — as ~~anyone~~ knows — circumstances can and do usually support more than one possible set of events leading to any given occurrence of an event.)

Appellate Courts REFUSING to give impartial and objective review of prosecution evidence probably accounts for the continuing confinement of around 70% of the factually innocent in prison.

Probably another 20% had accepted some form of “Plea Bargain” under which the Accused plead guilty, even though she/he KNEW themselves to be innocent, because they were charged with an extremely serious crime they KNEW that they had no hope of defending themselves ~~against~~ — so rather than risk a huge sentence — they accepted the wrongful confinement over a shorter period in exchange for saying themselves guilty (even though they were not).

The final 10% are invariably Citizens with mental disorders that left them clueless — they confess to anything Authorities tell them they did. I'm constantly shocked and amazed by this category, because even in prison these Citizens are clearly NOT People who belong in prison. I sat one day and watched Prisoner "Doe", for example, eat a pint of ice cream he'd got from Commissary — then he quietly layed the empty carton under the seat of mortally ill Prisoner "Smith"; then snuck back to his seat. Then "Doe" yells, "Hey — who the hell got my ice cream?!" Looking around — he storms over to stand over Smith and shouts, "You took my ice cream, Crazy!" as he points to the empty carton under "Smith's" feet. "Smith" looks confused — then he says to "Doe", "I'm sorry — I don't remember — I'll go get your ice cream back;" then goes to Commissary carrying the empty carton to buy "Doe" a pint of ice cream! Can you imagine how easy it must have been for the big bad Police to send that Prisoner "Smith" to prosecution?

Trial or Appellate Court — there is no such thing as a "presumption of innocence" in America's Courts; regardless of the propaganda; if an Accused Citizen does not have SOMETHING to prove innocence — She/he is going to be found guilty whether it's a Judge or Jury Trial, because the Prosecutor need only present a "Circumstantial Scenario", or have ONE Cop say in his opinion You're guilty. Then You'll have years of Appeals ahead... best You learn the Law, too, because no Court-Appointed Attorney is going to fight for You as You can fight for Yourself.

Into my Fifth year of wrongful confinement — I remain in THE LIGHT's Truth and Love.

Logan 
Hebrews 13:2-3