

RESOURCE GUIDE

S5 E2: How Guilty Pleas Fastrack and Derail Justice



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ONE JAIL AT A TIME.

story

WHEN THEY TOLD ME THAT THEY WERE GOING TO MAKE SURE THAT I WAS NEVER GOING TO SEE MY DAUGHTER AGAIN, THEY CAN MAKE SURE THAT I EITHER SPEND THE REST OF MY LIFE IN PRISON, OR BE PUT TO DEATH FOR IT... IF I JUST TOLD THESE PEOPLE WHAT THEY WANTED TO HEAR, THEN I CAN GET HOME BACK TO MY BABY.

- ERIC WEAKLEY



ERIC WEAKLEY OUTSIDE HIS HOME IN WAYNESBORO, PA ON JULY 22ND, 2022
WAITING FOR HIS THREE DAUGHTERS TO COME OUTSIDE AND POSE FOR A PHOTO.
PHOTO CREDIT: JULIAN THOMAS

The Pressure to Plead

Under the US Constitution, each person is guaranteed the right to a fair trial, yet less than 3 percent of the accused get to actualize their rights in court. Instead, those accused of a crime plead guilty—bypassing a fair trial and admitting to a crime that they may or may not have committed. Guilty pleas can be a tactic used to avoid more serious charges, convictions, or time in prison. But more often than not, experts have concluded that defendants who choose to plead guilty are backed by a system that adds immense pressure on them to do so.

Why would the same system that established one's rights, be rigged to force one into waiving them? Ultimately, it's just extremely expensive and labor-inducing. Executive Director of the [Institute to End Mass Incarceration](#), Premal Dharia says, "the government literally can't afford to give everyone a free trial." Individual prosecutors handle thousands of cases each year, which take on average, over 250 days to resolve. According to [The National Registry of Exonerations](#), "Guilty pleas, by contrast, account for 95% of all criminal convictions. Unlike extracting confessions (which is expensive), obtaining guilty pleas conserves resources by avoiding trials. Defendants face immense system-wide pressure to take pleas and most succumb".

Another factor to keep in mind is the harsh reality of the potential sentencing when going to trial. John Gramlich, Senior Editor at the [Pew Research Center](#) wrote, "Among the most common is what critics refer to as the "trial penalty": Individuals who choose to exercise their constitutional right to trial can face much higher sentences if they invoke the right to trial and lose, according to a [2018 report by the National Association of Criminal Defense Lawyers](#)."

But what happens if the defendant is being accused of a crime they did not commit? What if they are sure that they did not do it, and were just *in the wrong place, at the wrong time*? That's precisely what happened to Eric Weakley, who went on to spend 7 years in prison for being coerced into pleading guilty to a crime he did not commit. Eric Weakley was 19 years old when he was being investigated for murder, and fell prey to the same tactics that many children and adults do each day to provide false confessions and plead guilty.

When under immense pressure from law enforcement, defendants, especially younger ones, are more likely to confess to something they didn't do, and due to the illusory truth effect, begin to believe the false confession themselves. Allison D Redlich at George Mason University shared a [study that concluded](#), "Younger and more suggestible participants were more likely than older and less suggestible participants to falsely take responsibility." And as the defendants are required to continue to repeat the false confession over many instances, they start to confuse it for reality. Aumyo Hassan and Sarah J Barber conducted a [cognitive research study](#) that showed that the illusory truth effect occurs as, "Repeated information is often perceived as more truthful than new information."

REFLECTION QUESTION:

What are some long-term consequences of those that serve or are exonerated from their time in prison under false convictions and plea deals? Are there organizations or structures in place in your local area to support their re-introduction into society?

PEOPLE DOING THE WORK

The Innocence Project

"The Innocence Project works to free the innocent, prevent wrongful convictions, and create fair, compassionate, and equitable systems of justice for everyone...Our work is guided by science and grounded in antiracism."

The National Registry of Exonerations

The mission of the National Registry of Exonerations is to provide comprehensive information on exonerations of innocent criminal defendants in order to prevent future false convictions by learning from past errors.

Justice Center

Advancing safety and second chances

We drive the criminal justice field forward by providing rigorous, objective research and convening state leaders from all three branches of government.

Institute To End Mass Incarceration

Helping to build power within and supporting the leadership of the communities most directly impacted by the penal system, we aim to eradicate mass incarceration, root and branch.

THE RESOURCES [FOR A FAIR TRIAL] ARE NOT UNLIMITED. AND SO, WE HAVE LANDED ON A PROCESS THAT MAXIMIZES COERCION, IN ORDER TO ACCOMMODATE THE LIMITED RESOURCES WE HAVE. THAT DOESN'T HAVE TO BE THE CASE, OF COURSE, THERE ARE LEVERS THERE FOR CHANGE.

- PREMAL DHARIA

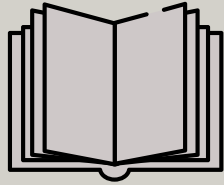


**PREMAL DHARIA AT A PARK NEAR HER HOME IN WASHINGTON DC ON AUGUST 11TH, 2022.
PHOTO CREDIT: JULIAN THOMAS**

LEARN MORE...

DEIDRE ENRIGHT SEATED OUTSIDE THE UNIVERSITY OF VIRGINIA SCHOOL OF LAW ON JULY 25TH, 2022.
PHOTO CREDIT: JULIAN THOMAS

Reading



[The National Registry of Exonerations Annual Report 2021](#)
by Newkirk Center for Science & Society at UC Irvine, the University of Michigan Law School & Michigan State University College of Law

[Guilty Pleas and False Confessions](#)
by National Registry of Exonerations

[Lower support for death penalty tracks with falling crime rates, more exonerations](#)
by Pew Research Center

[Why Teens Plea Guilty to Crimes They Didn't Commit](#)
by Brian Gallagher

Websites



[The National Registry of Exonerations](#)

[The Innocence Project](#)

[Justice Center](#)

Audio



[An Open and Shut Case, Reopened](#)
by 70Million

[The 94% - Plea deals](#)
by Justice In America



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