



SEASON 5 EPISODE 7

How Jailhouse Informants Rig the Justice System

For four decades, testimony from jailhouse informants has been the source of public scandal in criminal cases across the U.S. Research shows juries find these witnesses credible, even when they know informants benefit from their cooperation with prosecutors. The impact of this practice is hard to calculate. Reporter Rhana Natour looks at critical cases in North Carolina, Pennsylvania, and California, to shed light on the issue.

Mitzi Miller:

I'm Mitzi Miller, and this is 70 Million. In criminal cases, getting irrefutable evidence of a crime is the surest way to victory. It's also the hardest thing to do, given the often complex nature of crimes, the misinformation provided by contradictory testimony, the potential for institutional corruption, and the limits of a stressed legal system. But there's an extra judiciary, if questionable, method used by investigators and prosecutors to gain leverage and win cases, [jailhouse informants](#). They are incarcerated persons who testify against fellow inmates in exchange for a reduced time, a dropped charge, material benefits, or special privileges. It is a practice that defense attorneys and defendants say is rigged and unreliable, and that prosecutors argue is typically just a minor piece of evidence in criminal cases. Reporter Rhana Natour finds out more.

Earnest Andrews Testimony:

Can you tell the panel, as best you remember, the things that you were convicted of?

Earnest Andrews:

Armed robber, kidnapping, assault with a deadly weapon in 68. In the '70s, various accounts of worthless checks.

Rhana Natour:

What you're hearing is the testimony of a jailhouse informant named Earnest Andrews.

Andrews Testimony:

Do you remember him coming down and talking to you?

Andrews:

I remember him coming down and wanting to talk.

Natour:

In 1991, Earnest Andrews was an inmate in Wake County Jail in North Carolina, in with another man named [Greg Taylor](#), who was the primary suspect in the [high-profile murder](#) of 26-year-old Jacquetta Thomas. The documentary [In Pursuit of Justice](#) documented this case, which began with a grisly discovery on the morning of September 26th, 1991.

CBS Los Angeles Clip:

The Raleigh Police Department is investigating the death of a young Black woman whose body was found early this morning on Blunt Street.

Natour:

Detectives quickly honed in on Taylor along with Taylor's friend, Johnny Beck, when they found his abandoned car not far from the crime scene. Then 29 year old Greg Taylor was an unlikely murder suspect. He had all the trimmings of a middle class suburban life, a full-time job, a tidy home, a wife, and an eight-year-old daughter. In the documentary, Greg Taylor's daughter Kristen Puryear recalls a pretty typical childhood.

"In Pursuit of Justice" Documentary:

He was a good dad, goofy and fun. And I remember sitting up and watching cartoons with him and Scooby Doo. And we would have fun, and we just did normal family stuff. We went camping. We went on trips. We went to Carowinds and to the beach. My grandparents still have a trailer at the beach, so we'd go to the beach a lot and go and just do family stuff.

Natour:

To investigators, Taylor insisted that he was an [innocent man](#). In the documentary, Taylor and Johnny Beck recount what they would eventually tell investigators happened that night. They said they were parked in a cul-de-sac doing drugs in Taylor's SUV. At the end of the night, Taylor and Beck realized their car was stuck in the mud, so they set out on foot. It was along this path that they saw something.

Greg Taylor:

And this time what caught my eye was a hand. I told Johnny, I said, "Johnny, that's probably a body, and I think they might be dead."

"In Pursuit of Justice" Documentary:

Moved it before we really kind of figured out that it was a body. It was like, "Yo, just let's come on. Let's go. Let's go. Because I know what RPD is going, you're the first suspect. You are the suspect." So I said, "Just leave it. Let's come on man, let's go. Don't call no police or nothing."

Natour:

When Greg Taylor returned the next morning, he stumbled into an active crime scene and some very suspicious detectives. Prosecutor's theory of what happened that night was that Johnny Beck and Greg Taylor committed the murder together, but the forensic evidence was light. There was no blood spatter in their car and their DNA was not found on the victim. There was a single spot in the car that lab results indicated was human blood. After spending two years in jail, charges against Beck, Taylor's friend, were dismissed due to lack of evidence. But things turned out differently for Greg Taylor due to a jailhouse informant's testimony in [his case](#).

Greg Taylor Innocence Hearing:

The testimony you give the court should be the truth, the whole truth, and nothing but the truth, so help you, God?

Andrews:

Yes, ma'am.

Natour:

Ernest Andrews would testify that Taylor admitted to killing Jacquetta Thomas while they were in jail together. This is Greg Taylor.

Taylor:

To listen to Ernest Andrews, get up on this witness stand and put his hand on the Bible and say these things that I know are completely false, and I certainly never told him or anyone else. I was sitting there looking at a person that I've never seen before in my life, the person of this character I've never seen before in my life, and it just really was shocked that someone had it in themselves to do something like this.

Natour:

Taylor and his attorney at the time thought Ernest Andrews criminal history would speak for itself.

Taylor:

So this is a person, Ernest Andrews, who I believe he'd served 12 years in prison for various crimes, crimes of deceit, forgery, obtaining property by false pretenses.

Natour:

But soon Taylor realized this was a miscalculation.

Taylor:

The prosecutor is lending his credibility to this person. When a person held in such high esteem as a prosecutor is putting a jailhouse witness on the stand in order to help prove his case, I believe he's giving all of his credibility and esteem, lending it to that jailhouse witness. And I really felt as that trial went on and listening to these witnesses, how much of a factor that is that this prosecutor would put this person on the stand. And I really felt like that gave the jury all they needed to believe this witness.

Natour:

In a criminal case like Greg Taylor's, the question of a jailhouse informant's credibility, first falls on the prosecutor. And for this type of witness, figuring out credibility can be a complicated endeavor because often it's just the informant's word. Inmates aren't allowed to have cell phones in jail, so they can't just surreptitiously record a conversation or get it in an email or text. So how does a prosecutor even begin to figure out if an informant is being truthful? To answer this question, I turn to prosecutor John Flynn. He is a district attorney of Erie County in upstate New York and the president of the National District Attorney's Association, which represents prosecutors across the country.

John Flynn:

The first aspect that we use to parse through, or analyze, the credibility is whether or not the jailhouse informant could have garnered that information from any other source. Is it possible that the jailhouse informant could have picked that up in the media somehow? They could have got it from a third party, a

friend, a relative, a family member, and if you come to the conclusion that the only logical place that this jailhouse informant could have gotten the information from was directly through the defendant, then obviously that makes it credible initially. The second thing that you want to parse through is does the jailhouse informant have a motive to make it up? What kind of goes with that is what kind of deal do they want in order to give you what you might want as a prosecutor?

Natour:

Criminal justice reform advocates take issue with the last part of what Flynn said, "The prospect of a deal." Even if a prosecutor never broaches a deal out loud, it's well understood that they have the power to make an informant's life easier. A reduced prison sentence, a change in immigration status, and what's left unsaid does not need to be revealed to a jury. At trial informants can say, and often do, that they have nothing to gain by testifying. I ask Flynn about that too. One criticism about jailhouse informants is that there's a lack of transparency in front of jurors, so I'm wondering what you have to say to that?

Flynn:

There can be concerns to jailhouse informants, but to start off with a foundational inherent unreliability, I'm going to strongly disagree with that. The undercurrent is always going to be there. The undercurrent being that the jailhouse informant is perhaps going to get something in exchange for their testimony and I appreciate that. But the other side of that undercurrent is the overwhelming tendency in human nature to talk and to, a lot of times, say things that are not in your best interest. Our mission is to ensure that justice is done and a jailhouse informant can be a part of ensuring justice.

Natour:

Once a prosecutor puts a jailhouse informant on the witness stand, their next most important job is to convince the jury they are credible.

Jeffery Neuschatz:

They absolutely believe them. There'd be no reason for them to be used if they weren't believed.

Natour:

Psychologist Jeffrey Neuschatz and Jonathan Golding co-wrote the book, [Jailhouse Informants: Psychological and Legal Perspectives](#), their research shows that juries find informant testimony convincing across the board. Even when they know the informant is getting benefits for their cooperation. Here's Jeffrey Neuschatz.

Neuschatz:

The reason they're believed is because people, they believe reflexively confessions, even if it's not a confession from the actual person, and not only do they hear if it matches the facts of the case. And then you have a jail informant going up there and saying, and they say this regularly, "I'm putting my life in jeopardy by doing this. I'm making myself a target in jail." And because they're doing that, it makes them seem like they're giving testimony against their own self-interest. What makes it even more believable.

Natour:

This is Jonathan Golding.

Jonathan Golding:

There's a theory in psychology called the Story Model Theory of jury decision making, and the jailhouse informant fits perfectly into what Jeff was just saying. You, as a juror, you're building up a story of what happened and each side has their own story. But when that prosecution builds that case and this jailhouse informant is giving the secondary confession, everything ties in. It's a little story. Everything ties in to say, "You know what? This guy probably did it."

Natour:

It is nearly impossible to understand the true impact that jailhouse informants have on our criminal justice system because so little government data exists on their use. There is no federal agency that tallies the number of times jailhouse informants appear in criminal cases. Prosecutors don't typically keep track of this information either even for their own records. Organizations like the Innocence Project are pushing to change that, but only four states, Connecticut, [Maryland](#), Minnesota, and Oklahoma require law enforcement authorities to [document the use of jailhouse informants](#) in statewide tracking systems. Throughout the last four decades, jailhouse informant testimony has been a reoccurring source of public scandal.

CBS Los Angeles Clip:

The Department of Justice is looking into allegations as to whether defendant's constitutional rights were violated here in this county.

Natour:

That's a CBS Los Angeles news story about a 2014 scandal in Orange County, California. Public defenders discovered that for years, sheriff's deputies planted informants in the cells of defendants in high profile cases as they awaited trial. A prosecutor directly coordinating with a jailhouse informant to elicit damning statement from another inmate is a potential constitutional rights violation. If a prosecutor is questioning an inmate, that inmate has a constitutional right to counsel, but if a prosecutor secretly uses an informant to do that for them, the inmate being targeted doesn't know he has these rights because he thinks it's just a conversation with an inmate. [In Orange County the sheriff's office also maintained a secret database that tracked jailhouse informants](#). It included discoverable evidence that should have been handed over to opposing counsel. An ACLU lawsuit alleges that at least 140 cases were tainted by this practice. In Florida, there was [the epic saga of Paul Skalnik](#), a prolific conman, sex offender, and what is known as a serial jailhouse informant. In a six-year span from 1981 to 1987, Paul Skalnik testified, or provide information in, at least 37 cases in one Florida County. His testimony helped send four defendants to death row. A [2019 New York Times magazine story](#) chronicled how Skalnik was able to get out of jail by providing informant testimony, which allowed him to commit more crimes, including sexually molesting a 15-year-old girl. Jeffrey Neuschatz says the true impact of Skalnik's testimonies may not ever be known.

Neuschatz:

We only know about the cases that he actually testified in. How many cases do you think there were where people took pleas and didn't go to trial, but we have no information about that he also was going to be a key witness and the evidence was presented to the defense saying, "We have this guy that said," so they decided that, "Look, we have no other alternative other than to get the best deal we can."

Natour:

Until his death in 2020 Skalnik maintained that he did not lie on the stand. His story, however, highlighted the problems with using serial informers and spurred debate in state legislatures across the country about tracking and collecting data on them. Despite these scandals, prosecutors still use serial informers today.

Golding:

Because they'll say, "Look, Jonathan's willing to admit all of his past criminal conduct. That must mean he's an honest guy because he's telling you all this. So now you should believe what he has to say." When of course there's no way to prove I'm telling the truth.

Natour:

Since the first person was exonerated of a [wrongful conviction using DNA evidence in 1989](#), there have been [over 370 DNA based exonerations in the U.S.](#), many of which involved false informant testimony. In [a 2004 study, the Center for Wrongful Convictions](#) found that false informant testimony was the leading known cause of wrongful conviction in death penalty cases since the U.S. resumed capital punishment in the 1970s. Today about one in five death row exonerations involve false testimony from a jailhouse informant. Even when authorities act lawfully, defense attorneys, defendants, and criminal justice reform advocates argue that jailhouse informants are inherently rigged witnesses. Are they supposed to be believed when they stand to gain from their testimony? And then there are cases where law enforcement is accused of crossing a legal red line.

Franklin Lee Evidentiary Hearing:

We're here today in the matter of Stokes versus [inaudible 00:16:59]. We're having a hearing today because there may be witnesses who have some relevant information.

Natour:

In 2021, Willie Stokes had already been in jail for 37 years when the key witness who had accused him of murder, a jailhouse informant named Franklin Lee admitted, during a hearing set to reexamine Stokes case that his testimony was a lie, elicited by prosecutors. This is Lee's account on how they did that.

Lee Evidentiary Hearing:

What was the offer that they made you

Franklin Lee:

Sex, drugs, and the deal.

Lee Evidentiary Hearing:

What did they tell you with respect to whatever deal that they were going to offer you?

Lee:

Well, they said I wouldn't do no more than two to five, the most seven years.

Lee Evidentiary Hearing:

Okay, what did the detectives want in exchange for the deal?

Lee:

They wanted me to lie on Willie Stokes.

Natour:

The story Lee goes on to tell here took place in 1984, Lee was awaiting trial in a Philadelphia jail for rape and murder charges. That is when he alleges detectives threatened him into providing false informant testimony and also offered up [some very unorthodox benefits](#), sex in the interview rooms of a police administration building. Lee also said that detectives provided a sex worker and condoms for one of these visits. Samantha Melamed, an investigative reporter with the Philadelphia Inquirer, got a tip about these claims. She was skeptical at first. It all sounded so outlandish.

Samantha Melamed:

Why would that happen? Who would think to do this? I don't know. But the more I looked into it, the more I really came to believe that that was what in fact was happening.

Natour:

Melamed uncovered accounts from the 80s and 90s that two Philadelphia homicide detectives, [Ernest Gilbert and Larry Gerard, made deals with people awaiting trial](#). In some instances, knowing the testimony was false,

Melamed:

They would offer them a sort of stick or a carrot deal. And the deal was that, "If you're not going to cooperate that you could potentially face very serious prison time. But if you help us out, we can arrange for you to get leniency in your case and we can also offer you a perk, which is you can have access to sex or drugs or both in the interview room of the Philadelphia Police Homicide unit."

Natour:

For those being offered the deal, no did not appear to be an option.

Melamed:

It was like, "Do you want to be the framer? Do you want to be the one that's framed?" And I think that is how all of these guys described it to me. They really felt coerced. They felt they had no choice. Yes, they were getting this benefit that they could go down to the police headquarters and have some intimate time with their partner or with a prostitute in the interview room or maybe in a hotel room. It was something that at the end of the day, they were really felt trapped in the system.

Natour:

Eventually Melamed found at least a dozen people who have claimed in affidavit's, testimony, or in inquire interviews that the same Philadelphia Homicide Detectives facilitated sexual encounters in exchange for cooperation. Melamed spoke to one man, Bobby Mickens for a Philadelphia Inquirer video interview.

Bobby Mickens:

The detective let your girlfriend come down. Some guys would just visit them, some guys would be intimate with them. That type of thing was going on real heavy at the time. I asked him, "Can my girlfriend come down?" And they let her come down there and the see-through glass that they normally have where they can see, they had that covered up with some type of paper or whatever, but they let you do your thing, whatever you do. I had testified in several cases and then I was taken to court and they gave me time served.

Natour:

And Melamed also unearthed corroborating evidence.

Melamed:

In the cases where there were evidentiary hearings on these cases, not only did the former informants come in to testify, but some of the women who had participated in this came in to testify. There were logs from the police headquarters showing that the women had been brought in to visit. The homicide detectives who oversaw those visits did testify and I believe that they said they were just allowing the women to bring them sneakers, to bring them dinner. And one of the women who testified was asked, "Were you just bringing dinner?" And she said, "No, I was dinner."

Natour:

She also found that some of these informants were used in multiple cases.

Melamed:

They produced seemingly serial informants who would testify against multiple defendants in multiple murder cases and some of those people would even help recruit other people. One man told me that he was put in the back of a van driving from the Philadelphia jails, which is in the Northeast Philadelphia, it's about a half hour, 40 minutes from the police headquarters and he had the ride down to convince this other guy that he better also jump on board.

Natour:

Franklin Lee's testimony that pinned the murder on Stokes that happened at a pretrial hearing. At trial, Lee had a dramatic change of heart. He recanted his testimony against Stokes on the witness stand.

Lee Evidentiary Hearing:

Why'd you change your mind?

Lee:

I changed my mind because once I talked to my mother, she told me, "I didn't raise you like that. Allowing a man, because you got yourself in a jam." She said, "Is it true? Did he tell you that?" I said, "Nah, Mom. He didn't tell me that." And she said, "Well, you go and tell the truth." I said, "If I tell the truth they going to roof me. They going to give me 30, 40 years." She said, "I couldn't care to give you a 1,000 years. Go in there and tell the truth." And that's what I did at a his trial.

Natour:

Ultimately, Franklin Lee was charged with perjury for lying at the preliminary hearing, the one where he pinned the murder on Stokes. But Stokes was charged anyway, life without parole. But prosecutors never told Willie Stokes and his attorneys that Franklin Lee was charged with perjury. Information Stokes could have used in his appeal litigation. In 2022, a judge vacated Willie Stokes's murder conviction, citing a reasonable probability he would've been acquitted without Lee's testimony. After 37 years, [Willie Stokes was a free man](#). During Lee's testimony a year earlier, it seemed important to Lee that he addressed Stokes directly.

Lee:

And I'd like to for the record, if I can, apologize to Mr. Stokes and his family for the problem I caused. Sincerely.

Lee Evidentiary Hearing:

Mr. Stokes, did you hear his apology? Let the record show that he's crying so I'm going to take his tears to indicate he's accepting.

Natour:

The two detectives at the center of these claims, Ernest Gilbert and Larry Gerard are deceased. The official reaction when these allegations first came up in the 1990s is unclear. For instance, when a man named Arthur Lester argued that his confession was coerced as a result of these benefits, the government did not contest that these detectives offered inmate sex benefits and Lester's conviction was overturned. But when asked directly about these deals in media interviews, the Philadelphia Police Department denied the allegations and one of the name detectives, Larry Gerard called them, "Ludicrous." Current officials told the Philadelphia Inquirer that they can't speak to the veracity of these claims, but point to the reforms that have been put in place since like increased efforts to videotape interrogations. Both the Philadelphia Police Department and the District Attorney's office did not respond to 70 Millions request for comment. For Samantha Melamed, however, the coercion of witnesses is far from ancient history.

Melamed:

I think that you can go into any Philadelphia courtroom today and you can still see cases where there are allegations of coercion by witnesses. I've covered cases within the past year where there were such allegations, not of sex for lies, but of coercion and of threatening behavior and of fabrication. So I think things have gotten better. I think that they're right and I think it would be a lot harder to pull off a sex for lie scheme today, but I don't think everything is solved either.

Taylor:

There's no fair way to put a jailhouse informant on the stand, so therefore they should not be allowed.

Natour:

Here's Greg Taylor.

Taylor:

The jailhouse informant didn't exist at the time of the crime. The jailhouse informant didn't exist at the time of arrest. In some cases the jailhouse informant didn't even exist at the time the case was

scheduled for trial. So up until that point there's a certain amount of evidence and that should weigh into whether or not the case should be brought to trial. Jailhouse informant, as icing on the cake, so to speak, that would be the most I would ever want to see somebody from a jail cell testify.

Natour:

In 2009, Taylor's case went before the [North Carolina Innocence Inquiry Commission](#), a state agency that [investigates post-conviction innocence claims](#). It's separate from the typical appeals process. [Greg Taylor had exhausted those](#). Taylor's Innocence Inquiry Hearing was among the first of its kind in the U.S. and at various points during the proceedings the novelty showed.

Taylor Innocence Hearing:

Sir, are you ready to proceed?

Taylor:

Yes sir.

Taylor Innocence Hearing:

All right.

Taylor:

Thank you, Your Honors. This is a new procedure and it's a new process and I'm not exactly sure exactly what to do at this point.

Natour:

The three judge panel only takes on cases with a factual claim of innocence where the defendant claims they had nothing to do with the crime. Although the research shows that juries often believe jailhouse informant testimony, these judges seem skeptical of Ernest Andrew's version of events. In one incredible moment during the proceedings, a judge interrupts Andrews to remind him of the stakes involved.

Taylor Innocence Hearing:

Mr. Andrews?

Andrews:

Yes, Sir?

Taylor Innocence Hearing:

See that man over there with the blue shirt and tie?

Andrews:

Yes, Sir.

Taylor Innocence Hearing:

He's been in prison 18 years.

Andrews:

Yes, Sir.

Taylor Innocence Hearing:

In large part, I read the trial transcript, and large measure upon your sworn testimony. Are you sticking with your sworn testimony today?

Andrews:

Yes, Sir.

Taylor Innocence Hearing:

You're not taking it back in any way?

Andrews:

No, Sir.

Taylor Innocence Hearing:

And you realize today the full impact of your testimony on him?

Andrews:

Yes, Sir.

Natour:

The proceedings also revealed that a state lab that handled Taylor's case misrepresented test results that droplet in Taylor's car that tested positive as human blood, follow up tests came back negative. It was not human blood at all, but those results were not reported at the time. Now, in order for Taylor's 1993 conviction to be vacated, all three judges on the panel didn't just have to find that Greg Taylor was not guilty on all charges. They had to unanimously find Taylor innocent, a much higher bar. On February 17th, 2010, the judges announced their decision to a courtroom packed with spectators who were hanging on every word they were about to say.

Taylor Innocence Hearing:

The decision: Judge Howard Manning Jr. rules that Gregory F. Taylor has proved by clear and convincing evidence that Gregory F. Taylor is innocent. Be quiet. Of the charge of first degree murder of Jacquetta Thomas on September 26th, 1991. This court is now adjourned sine die.

Taylor Innocence Hearing Crowd:

Thank you.

Natour:

After 17 years, Greg Taylor was released from prison. It's been more than a decade of freedom for Taylor who spoke to me from his home on the island of Maui where he spends half the year. Taylor did get a large settlement from the state of North Carolina for his wrongful conviction, just over \$5 million. But that of course can't buy back, lost time. Nor can it buy justice for Jacquetta Thomas, whose murder

remains unsolved these days Taylor tries to spend as much time as possible with his daughter and two grandchildren. He's become an advocate of sorts. Here he is speaking at Wake Technical Community College in North Carolina in 2017.

Taylor:

Sorry about that. I tend to pace, but never wider than a 60-square-foot area, which is what I'm used to.

Natour:

He currently sits on the board of the [North Carolina Center For Actual Innocence](#), which works to identify and advance worthy claims of credible innocence.

Taylor:

And when I first approached the police, I believed in the system and my experience was what I saw on TV was that the detectives got it right, the jury got it right, and injustice was always served.

Natour:

And occasionally Taylor shares his own story in the hopes it will open more pathways, in other states, for the wrongfully accused to have their cases reevaluated.

Taylor:

The appellate process is not even about guilt or innocence. It's about procedure. And whether or not I was legally wrongfully convicted is what it amounted to.

Natour:

That is all of course until the white beaches of Maui come calling.

Miller:

Today, only 11 states have any type of regulation on the use of jailhouse informants. Criminal justice reform advocates say they are not looking to ban the use of this practice, but to even the playing field between the government and defendants. The ideal way to do this, those advocating for reform say, include a statewide system that tracks the use of jailhouse informants and disclosure provisions, mandates that require prosecutors disclose any plans to use an informant to the defense in a timely manner. In 2018, Illinois passed what is considered [the strongest regulation on jailhouse informants](#) to date. The law requires a judge evaluate a jailhouse informants truthfulness in a pre reliability hearing before their testimony can be admitted in murder, sexual assault, and arson cases. The statute also [requires prosecutors tell the defense of any informant witness plans](#) at least 30 days before trial. They are also required to disclose benefits and other cases in which they've testified. More states may be enacting their own reforms. Lawmakers in Michigan and Kansas are working on jailhouse informant legislation and plan to introduce these measures for consideration in late 2022 or early 2023.

Thanks to Rhana Natour for that story. For more information, toolkits, and to download the interactive transcript for this episode, visit [70millionpod.com](#). 70 Million is an open source podcast because we believe we are all part of the solution. We encourage you to use our episodes and supporting materials in your classrooms, organizations, and anywhere they can make an impact. You may rebroadcast parts of, or entire episodes of, our five seasons without permission. Just please drop us a line so we can keep track.

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