

# DOES OUR CRIMINAL JUSTICE SYSTEM CONVICT INNOCENT PEOPLE?

**Yes.** Our criminal justice system makes mistakes. When death is the punishment, the stakes are frighteningly high.



## Kansas Mistakes Lead to Wrongful Conviction Compensation Law: HB 2579

- **14 Kansas cases are listed in the National Registry of Exonerations.** These 14 were innocent yet sentenced to prison in Kansas. The cases are from nine different Kansas counties.<sup>1</sup>
- **3 Kansas first degree murder cases are in the Exoneration Registry:** Floyd Bledsoe (Jefferson) and Lamonte McIntyre (Wyandotte), Olin Coones (Wyandotte). Bledsoe was released in 2015 and McIntyre in 2017 and Coones in 2020.<sup>2</sup> To date, Kansas has not had an exoneration of a death sentenced person.
- In 2018, the Legislature passed and Governor Colyer signed **HB 2579, a compensation bill** for persons who were innocent and sent to prison.

14

wrongful convictions  
in Kansas

*"Years taken from men and women who have been wrongfully convicted cannot be given back."*

Governor Jeff Colyer when signing HB 2579

## National Death Row Exonerations Continue to Climb

- **186 persons were released from death row** in the US from 1973 to Dec. 1, 2021, due to wrongful convictions.<sup>3</sup>
- **1 out of every 25** people sentenced to death is most likely innocent.<sup>4</sup>
- **78%** of the states with the death penalty as of Dec. 1, 2020 have had an exoneration from death row.<sup>5</sup>

186

U.S. death row  
exonerations.

*Our system of justice is administered by human beings—judges, prosecutors, defense lawyers, experts, members of law enforcement, and jurors—who make mistakes despite their best efforts and intentions."*

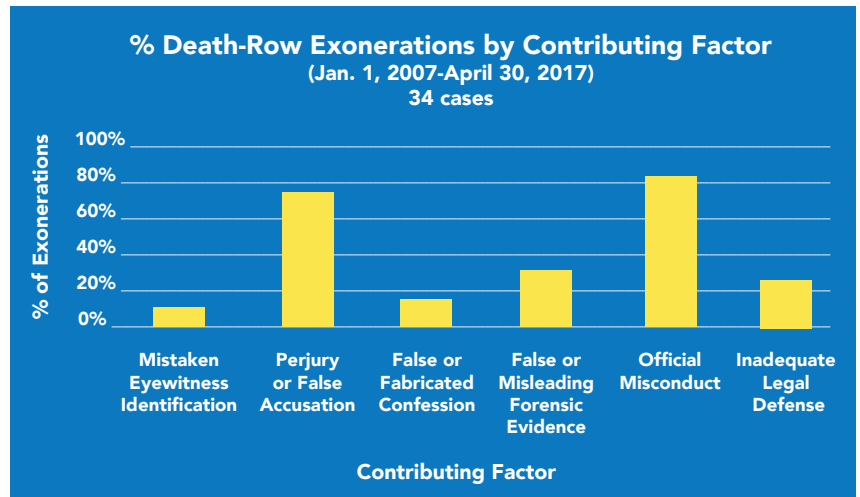
Harold Wilson, Kirk Bloodworth and Ray Krone,  
death row exonerees

## Factors that Cause Innocent People to be Convicted and Sentenced to Death

By category, the leading contributing causes of wrongful conviction in the death-row exonerations between 2007 and April 2017 were<sup>6</sup>:

- Official Misconduct (82.4%)
- Perjury or false accusation (76.5%)
- False/misleading forensic evidence (32.4%)
- Inadequate Legal Defense (23.5%)
- False/fabricated confession (17.6%)
- Mistaken eyewitness ID (11.8%)

Some cases had more than one causative factor.



## Executed Despite Strong Evidence of Innocence

- **20 persons** are listed on The Death Penalty Information Center having been executed in the period 1983 to 2020 despite strong evidence of innocence. They were in 7 different states.<sup>7</sup>
- **Ruben Cantu** was one of these executed with doubt about his guilt. The DA in his case, Sam Millsap, now admits he never should have sought death.<sup>8</sup>



Ruben Cantu

*“Both of us have been involved in the execution of men who may well have been innocent.”*

**former District Attorneys Sam Millsap and Grant Jones, Houston Chronicle 12/13/2012**

**HASN'T SCIENCE (DNA)  
ELIMINATED THE RISK OF  
WRONGFUL CONVICTION?**

**NO!**

New research has called into question the reliability of some use of DNA tests to definitively identify suspects in criminal investigations. DNA testing is a human endeavor, and therefore subject to human error just like everything else. It is quite useful in excluding individuals, but its reliability in identifying a perpetrator is far from perfect.

A mere **29 of the 186+ exonerees** from death row had DNA as a major factor in their exoneration.<sup>9</sup>

1. <https://www.law.umich.edu/special/exoneration/>
2. <https://www.law.umich.edu/special/exoneration/>
3. <https://deathpenaltyinfo.org/policy-issues/innocence>
4. Proceedings of the National Academy of Sciences, Gross et al, March 25, 2014
5. <https://deathpenaltyinfo.org/policy-issues/innocence>  
Of the 27 states with a current death penalty law, 21 have had an exoneration.
6. <https://deathpenaltyinfo.org/causes-wrongful-convictions>
7. <https://deathpenaltyinfo.org/policy-issues/innocence/executed-but-possibly-innocent>
8. <https://deathpenaltyinfo.org/policy-issues/innocence/executed-but-possibly-innocent>
9. <https://deathpenaltyinfo.org/policy-issues/innocence>

