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Zealous grilling by police tainted 38 murder cases; SPOTLIGHT ON FALSE CONFESSIONS

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At least 38 false or questionable murder confessions have been thrown out by Broward County courts, rejected by juries or abandoned by police or prosecutors since 1990, The Herald has found.

In the first comprehensive review of murder confessions in South Florida, The Herald found repeated examples of illegal interrogation, coercive questioning and flawed fact-checking. In at least six cases, innocent people languished in jail while likely killers escaped detection.

The review comes as a federal judge weighs the case for releasing Timothy Brown, imprisoned since 1991 in the murder of a Broward sheriff's deputy, convicted solely on the strength of a confession that may be false.

In case after case revisited by The Herald, Broward homicide detectives:

- * Jailed people for confessions that were wrong on such basic facts as the year of the crime, the city, the name of the victim or the weapon used. Among them: Antwoin Ricks, who confessed in 1997 to killing a man in Pompano Beach. Broward sheriff's detectives charged him and a codefendant, Lamonda Giles, with a murder in Dania Beach. The men were cleared a few days later.

- * Took illegal confessions from people who had asked for attorneys or had invoked their right of silence. In 1998, murder suspect Pui Kei Wong told Hollywood detectives through an interpreter, "I don't want to talk." Detectives continued to question him. A judge threw out the confession.

- * Gained confessions from suspects who were in no condition to confess. When Moshe Bitoun confessed to the Fort Lauderdale police in 1997, he was high on morphine and didn't know what day it was. A jury acquitted Bitoun.

- * Took questionable murder confessions from the homeless, from boys as young as 15 and from men with a mental age as low as 7. Jerry Frank Townsend, with an IQ of 58, confessed falsely to murders in Broward, Miami-Dade, Tampa and San Francisco.

Although Miami detectives were involved in the Townsend confessions, there have been fewer highly publicized false-confession cases in Miami-Dade County.

NATIONAL REPUTATION

Broward, however, has attracted a national reputation for questionable confessions. DNA testing in 2000 and 2001 exonerated Townsend, whose confessions mostly involved Broward murders, and Frank Lee Smith, who had spent years on Death Row for a murder conviction built upon a purported confession. Smith died in prison.

Prosecutors and law enforcement leaders concede the reality of false confessions but point to the vast majority of Broward murder confessions that stand up to scrutiny.

'I think most detectives are honorable and decent human beings,' said Brian Cavanagh, a veteran Broward homicide prosecutor. 'They are not, in any way, shape or manner, seeking to have somebody confess to something they did not do. Ever.'

CENTRAL PARK JOGGER

False confessions captured national headlines last week with the DNA exoneration of five teens imprisoned for the notorious 1989 rape of an investment banker who was attacked while jogging in New York City's Central Park. In Chicago, Detroit, San Diego and elsewhere, bad confessions also have been exposed.

Confessions are among the most potent tools in police work, a virtual guarantee of conviction in murder trials. Prosecutors point to layers of constitutional safeguards that are meant to protect defendants against confessing falsely.

But the newfound ability to match bodily fluids or hair to a suspect's unique genetic code, known as DNA testing, has exposed false confessions around the nation, freeing dozens of inmates previously thought to be guilty beyond question.

'Interrogation is about getting confessions, not about solving the crime,' said Richard Ofshe, a false-confession expert at the University of California, Berkeley. 'It's very simple why people falsely confess: because of police misconduct.'

The 38 tainted or questionable confessions found by The Herald include:

- * Fourteen confessions rejected by police or prosecutors because of evidence that pointed to a different killer. Six of those confessions to different slayings came from a single man, Townsend.

- * Nine confessions rejected by juries, which acquitted murder defendants after reading or hearing incriminating statements.

- * Fifteen confessions overturned by judges because of constitutional violations by detectives, ranging from illegal arrests to ignored requests for attorneys.

At least a half-dozen confessed killers who were charged with murder have been determined to be unquestionably innocent.

John 'Woody' Wood confessed twice to the murder of Christopher Morris in 1990 before detectives released him and arrested three other people: the victim's parents and a hired hit man. Wood contends that detectives terrified him into confessing and then taught him details only the killer could know.

Jennifer Wilkinson gave a confession implicating herself and her boyfriend -- the father of her unborn child -- in a 1998 home-invasion murder. Almost a year later, prosecutors cleared them and charged a different person.

When the murder confession of Peter Dallas was proved false, a special prosecutor turned around and charged him with perjury for the tainted statement.

MURKIER CASES

Innocence or guilt is less clear in most of the other cases reviewed by The Herald. In some instances, a suppressed or overturned confession spared an innocent man from prison. In others, tainted confessions spoiled legitimate cases against murderers.

Some confessions collapsed because of rudimentary factual errors.

Antoine Gilliam confessed in 1998 to strangling a girl in a polka-dot dress. The victim wore a blue denim jumpsuit.

Townsend confessed to murdering a white girl in a black dress at night in 1973. Prosecutors charged him with the murder of a black girl in sky-blue shorts in broad daylight in 1979.

George "Stet" Blancett confessed in 1994 to firing his gun from the window of a Century Village work truck years earlier. Prosecutors charged him with a 1980 murder. Records subsequently showed Blancett wasn't working at Century Village at that time.

Some confessions fell apart because detectives violated the most basic constitutional protections against self-incrimination, the standards enshrined in the Miranda rights.

Osvaldo Almeida, 20, confessed to murder after asking detectives, "What good is an attorney going to do?" Detectives didn't reply. The Florida Supreme Court ruled that the question deserved an answer.

MANY EXPLANATIONS

Police and prosecutors offer myriad explanations for the rejected confessions, conceding error in some cases, blaming unsympathetic judges or juries in others and claiming that some so-called confessions weren't really confessions at all.

One "confession" reviewed by The Herald, that of Frank Lee Smith, turned out to be nothing more than an oblique admission of guilt -- at best. Detectives claimed Smith blurted out that a witness couldn't have seen him at the crime scene because it was dark. He never told police he was the killer. But court papers characterized the outburst as a confession, and the statement helped put an innocent man on Death Row for 14 years. Smith died of cancer months before his exoneration.

But in at least two cases -- the false confessions of Antwoin Ricks and John Wood -- detectives say it was their efforts that freed the innocent men. Investigators contend it was they who determined that the statements were not credible.

A few South Florida law enforcement agencies have embraced a possible solution to the problem of false confessions: taping interviews with murder suspects in their entirety. Broward State Attorney Michael Satz is a vocal proponent of taping. At least one department -- Miramar police -- adopted a new policy last fall of taping all interviews from start to finish in direct response to appeals by Satz.

OPPORTUNITIES FEW

"We may only get one shot at a particular person. And we've got to do it right, and we've got to do it legally," said Lt. Mark Smith, who leads the Hollywood police homicide squad, which tapes most -- though not all -- interrogation-room conversations.

While two states -- Minnesota and Alaska -- require police to record every word spoken in an interrogation room, Florida law does not require detectives to capture even the final version of confessions on tape.

In court, it is the detective's word against that of the person accused of a killing. The accused seldom prevails.

Police and prosecutors consider confessions an indicator of guilt as potent as DNA evidence.

'When a man says he committed a crime voluntarily and freely, I don't know of any better evidence that you're going to get in a case,' prosecutor Thomas Kern told jurors at the 2001 murder trial of Durrell Leo Smith.

Yet, at least nine Broward juries have acquitted murder defendants who had confessed. Among them: Durrell Smith, who was acquitted even after two BSO detectives took the stand and said Smith had confessed to the murder. The jury didn't buy their testimony, defense attorneys said.

Broward County is only one flash point in a nationwide false-confession debate.

In Chicago, the center of a false-confession maelstrom that led to a moratorium on executions, The Chicago Tribune last year found at least 247 murder cases with incriminating statements that were thrown out by courts or which failed to secure convictions. Chicago reported 666 homicides in 2001. Broward County, in contrast, reported 90 homicides last year.

SURPRISED BY DATA

Police, prosecutors and defense attorneys all said they were surprised at the number of rejected confessions uncovered by The Herald. Conventional wisdom suggests that trial judges almost never suppress murder confessions, juries seldom ignore them, and Florida's conservative appellate panels rarely overturn them.

'Some of the judges, they are so afraid of the political consequences of going against police officers,' said Johnny McCray, a defense attorney based in Pompano Beach. 'Nobody wants to be seen as anti-law enforcement, or pro-crime.'