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William Howard-Waddingham

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Race, Wrongful Convictions, and Texas: An Analysis of the Impact of Juror and Defendant Ethnicity on Wrongful Convictions in Texas

William Howard-Waddingham

This study explored how different states are impacted by wrongful convictions, how different races are represented in Texas exonerations, and the connection between juror and defendant ethnicity in Texas wrongful convictions. This study employs a quantitative method. The study finds that Texas, New York, and Illinois are the states most impacted by wrongful convictions, that stark racial disparities exist in Texas exonerations, and that there is no connection between juror and defendant ethnicity in Texas wrongful convictions. These findings imply that House Bill 34 (a critical piece of Texas legislation that will be explored later in this study) will not be entirely successful from its lack of stipulations regarding racism, yet also clarify that racial discrimination does not originate with Texas's jurors, providing a direction for future research.

Keywords: Wrongful Convictions, Racism, Juror Discrimination, Defendant Ethnicity.

Introduction

Despite advancements for racial equality over the past half-century in the United States, racism remains a meaningful issue and continues to impact American society in a number of facets. For instance, implicit racial biases have often been conjectured to impact wrongful convictions in the United States. While wrongful convictions are an important issue in virtually every American state, they are a particularly pressing issue for Texas, as the state ranks first nationally for the greatest number of cases overturned by DNA evidence (The Innocence Project, 2009). According to Gould and Leo (2013), wrongful convictions are mainly attributed to perjured testimony, falsified confessions, or jailhouse informants. While Texas has recently established new legislation (House Bill 34) attempting to curb future wrongful convictions (The Innocence Project, 2017), it remains to be seen whether these new regulations will significantly mitigate wrongful convictions, especially for African

American men. While the new legislation deals with a number of the factors Gould and Leo (2013) mention, notably that of jailhouse informants and forced confessions, it fails to take into account any issues of racism. In not tackling racism, House Bill 34 lies contrary to the findings of Feagin (2013), who establishes that wrongful convictions in the United States have inordinately affected black men.

House Bill 34 has been uniformly praised for its initiative; however, far too little empirical work has been done to corroborate its actions and investigate the impact of race on wrongful convictions. I tackled this issue by questioning House Bill 34's effectiveness through a comparable analysis of wrongful convictions in Texas, while also searching for the causes behind racial discrimination in the Texas judicial system. This analysis was conducted with a quantitative approach. First, the analysis determines the states most impacted by wrongful convictions through a state-by-state analysis comparing exonerations to state population. Further, it compares the propor-

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tion population of each ethnic group in Texas to the percentage of wrongfully convicted people who are of the same ethnicity; this area of the study lent insight into the effectiveness of House Bill 34. Finally, it investigates the possibility of racism in past wrongful convictions by conducting a correlational analysis of all recorded wrongful convictions in Texas, examining the ethnicity of the defendant and the racial composition of the county where each trial was held and attempting to retrieve a connection between the two factors. Although the racial composition of the jury will not equally mirror the racial composition of each county, a good estimate of jury ethnicity can be retrieved utilizing this information (which will be further explained later in this study). While this study does not necessarily hold the answers to crafting a legislation which truly combats wrongful convictions, I hope that my findings provide insight into an important topic, and suggest whether or not House Bill 34 is worthy of the praise it has so far received.

Literature Review

Innocent Until Proven Guilty

The line between innocence and guilt is often blurred in the United States of America; for instance, Ferguson (2016) assesses that too often, the American precept of innocent before proven guilty is not upheld in American judicial systems. Hamer (2007) continues this narrative by establishing the increased prevalence of reverse burdens in Western judicial systems, a concept where the defendant is forced to prove innocence on a balance of probabilities instead of the prosecution establishing guilt beyond a reasonable doubt.

Prevalence of Wrongful Convictions

This worrying trend is reflected in the significant rates of wrongful convictions in the United States. For example, Gross, Jacoby, Matheson, Montgomery, and Patil (2005) find that 340 American inmates were exonerated from 1989-2003. Among this group, 80% had been imprisoned for more than 5 years, and the group had collectively spent 3400 years in prison (an average of 10 years per inmate) for crimes that they did not commit (Gross et al., 2005). Texas has par-

ticularly struggled with this issue, ranking first among American states in convictions overturned on DNA evidence (The Innocence Project, 2009). Additionally, Huff (2002) and Huff (2004) estimate an error rate of 0.5% in the American criminal justice system through a study of prosecutors, judges, and attorneys general. This error rate would result in 7500 wrongful convictions annually in index crime trials (index crimes being those of the highest severity in the United States) (Huff, 2002; Huff, 2004). The numbers would, in fact, be even greater for the entirety of the American justice system, as there would be wrongful convictions in non-index crimes.

Factors Influencing Wrongful Convictions

Through these disturbing statistics, a considerable degree of research has been undertaken to determine the contributing factors within cases of wrongful convictions. Most researchers agree on the basic factors involved in wrongful convictions. According to Acker (2009), Gould, Hail-Jares, and Carrano (2014), Gould and Leo (2010), Huff (2002), and Huff (2004), the most significant contributing factors to wrongful convictions include false confessions, tunnel vision (a phenomenon where police will acutely focus on one suspect while ignoring others), forensic error, ineffective assistance of defense counsel, prosecutorial error, and eyewitness mistakes. Additionally, Gould and Leo (2010) and Neuschatz, Lawson, Swanner, and Meissner (2008) charge that jailhouse informants (prisoners incentivized to lie under oath to convict a peer through the promise of lighter sentencing or increased privileges) often impact trials involving an innocent defendant through providing false testimony. Hewitt and Natapoff (2012) reaffirm this idea, as they find that informants are often used to develop cases and retrieve convictions; the authors also establish that these informants are often beneficiaries for “snitching,” as many have either received money or drugs (for drug-addicted informants) for their efforts. Moreover, lost confessions (the instances in which police are unable to withdraw a confession from a guilty suspect, forcing them to investigate innocents) can often cause police to charge an innocent person with a crime (Cassell, 1998). Since the majority of crimes are solved through police interrogation, lost confessions increase the chances that an innocent person will be

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charged when the guilty suspect is not (Cassell, 1998). Finally, Dervan and Edkins (2013) and Schneider (2013) point to the effect of plea bargain proceedings on an innocent defendant as an important factor in wrongful convictions. For instance, Dervan and Edkins (2013) undertook an empirical research study where over 50% of the innocent participants willingly admitted to guilt when they were offered a benefit (such as lighter sentencing or a lesser charge) for doing so.

House Bill 34

House Bill 34 tackles many of the factors influencing wrongful convictions (The Innocence Project, 2017). For instance, the legislation establishes clear guidelines for decreasing false confessions, mitigating errors in forensic investigation, decreasing the impact of eyewitness error, and regulating the use of jailhouse informants (The Innocence Project, 2017). In many facets, Texas has established the most comprehensive legislation in the United States to decrease wrongful convictions (The Innocence Project, 2017).

Factors Impacting Wrongful Convictions: Correlation or Causation?

However, while the factors previously analyzed have clearly been proven to correlate with wrongful convictions, various researchers conjecture there is no causal relationship between these factors and wrongful convictions. For instance, Gould et al. (2014) and Gould and Leo (2010) admit that their research was limited as they could not determine whether the factors were causal and could not determine whether the factors related to wrongful convictions were also existent in cases involving a legitimately guilty defendant.

Racism as a Causal Factor for Wrongful Convictions

Racism is still a significant issue in the United States of America 50 years after the Civil Rights Movement. For instance, although many fundamental aspects of racial inequity have been mended, inherent and systemic racial biases continue to exist. By utilizing the critical race theory (a critical societal analysis examining the relationship between law, race, and power),

Heilig, Brown, and Brown (2012) analyze that many issues of race still pervade Texas, as although African Americans are afforded many equal rights, they are still marginalized and are only given an “illusion of inclusion” (p. 1). Additionally, Horry, Wright, and Tredoux (2010) suggest that people will often hold inherently racial biases towards different ethnicities. Gross, Possley, and Stephens (2017) find that African Americans in the United States judicial system are impacted in numerous ways from racism, ranging from inherent and unconscious biases and institutional racism to explicit discrimination. These inherent and systemic could act as a cause towards Texas wrongful convictions. This idea is aided by the work of Gross et al. (2017), who empirically prove that wrongful convictions have repeatedly targeted African Americans. For example, African Americans comprise 47% of the 1900 exonerations recorded by the National Registry of Exonerations, despite only accounting for 13% of the American populace (Gross et al., 2017). Further, racial disparities in wrongful conviction rates exist for virtually every major crime (Gross et al., 2017). For murder, innocent African American defendants are 7 times as likely as innocent white defendants to be convicted of murder, African American inmates convicted of murder are 50% more likely to be innocent than fellow convicted murderers, and, while only 15% of murders by African Americans saw a white victim, 31% of wrongfully convicted African Americans were convicted for the murder of a white person (Gross et al., 2017). Sexual assault and drug crimes see similar racial disparities in their conviction and exoneration statistics (Gross et al., 2017). Feagin (2013) reaffirms the work of Gross et al. (2017), as he finds that wrongful convictions have specifically targeted African Americans. African Americans are also significantly more likely to be wrongfully convicted of crimes with a white victim, suggesting that race may act as a causal factor to wrongful convictions (Feagin, 2013).

Remaining Gap in Research

First, a gap in the research exists regarding the states most impacted by wrongful convictions. The Innocence Project (2009) found Texas to have the most wrongful convictions overturned by DNA evidence, but this literature review could not retrieve a study that has categorically examined this issue to retrieve

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the states most affected by wrongful convictions as a whole. As exonerations are prompted by many factors other than DNA evidence, for example through new or different testimony, The Innocence Project (2009)'s work will not have captured the full scope of American exonerations. For this reason, this study conducted a state-by-state analysis to determine the states with the greatest number of exonerations in American history; this finding gives clarity to future research on which states are important ones to analyze wrongful convictions within.

Moreover, while extensive research has been undertaken on the factors related to wrongful convictions and some research has been undertaken on potential causal factors, a significant gap remains in the research, particularly pertaining to racism. For instance, this literature review could only retrieve one empirical, statistically proven, study directly linking wrongful convictions with racism, in the work of Gross et. al (2017). Even with the work of Gross et. al (2017), it was not discovered what prompted the racial disparities in wrongful convictions, as it was only established that a correlation between race and wrongful convictions existed, not why it existed or what caused it. This study attempted to fill this gap by thoroughly investigating one potential factor of wrongful convictions of African Americans. It did so through investigating potential juror discrimination by linking the ethnicity of jurors with the race of the wrongfully convicted defendant. This study also extended the work of Gross et al. (2017) by replicating their work on a smaller scale by examining the racial disparity of wrongful convictions in Texas. While this study does not empirically prove racism in the Texas judicial system, it provides further insight into wrongful convictions and helps to assess the potential success of House Bill 34 in deterring future wrongful convictions.

Method

This study was conducted with a quantitative approach. It first sought to find the states most impacted by wrongful convictions by conducting a state-by-state analysis. This analysis compared the percentage of American wrongful convictions attributed to each state to the percentage of the American population each state accounts for. To study the connection be-

tween race and wrongful conviction, the study first retrieved all Texas exonerations listed by the National Registry of Exonerations, subdivided them based on the race of the defendant, and established the percentage of the sample that was African American. It then contrasted this percentage with the percentage African American population of Texas (utilizing information from the United States Census Bureau) to discover whether African Americans are inordinately affected by wrongful convictions in the state. This process was repeated with whites, Hispanics, and all other ethnicities that have been wrongfully convicted in Texas. These steps mirrored those taken by Gross et. al (2017) but analyzed a narrower sample (Gross et al. (2017) analyzed the United States as a whole while this research just examined Texas).

Furthermore, this study individually analyzed each Texas exoneration by retrieving the race of the defendant and contrasting that with the racial composition of the county where the defendant's trial took place. While many would assume that the racial composition of each jury would match the racial composition of the county, Wheelock (2011) presents a different view. Through an empirical study, Wheelock (2011) discovered that African Americans are severely underrepresented in Georgia juries, as the percentage of African Americans in juries is just under $\frac{1}{3}$ less than the overall percentage of African Americans in Georgia; it was also found likely that similar disparities would exist in other Southern states, including Texas. African American underrepresentation on juries is often owed to the practice of peremptory challenges, which allow for candidate jurors to be barred from jury duty without reason (Naidoff, 2013). Naidoff (2013) reaffirms the work of Wheelock (2011) by assessing that whites are severely overrepresented on criminal trial juries in Texas. One example is of Dallas County, which has dismissed 92% of potential African American jurors by peremptory challenges; only 2.8% of jurors in criminal trials were African American (Naidoff, 2013) despite the county being 23.5% African American (United States Census Bureau, 2016). While research has not been undertaken to allow for a completely accurate assessment of the racial composition of juries in Texas (except for in Dallas County), the estimate of Wheelock (2011) is likely a fair approximation for most Texas exonerations as Wheelock (2011) suggests that African Americans

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are barred from jury duty at similar rates across the Southern region of the United States. Therefore, this study estimated that the percentage African American population is reduced by $\frac{1}{3}$ in each jury in every county besides Dallas County (where I can use exact statistics) while white participation is increased by $\frac{1}{3}$ (while not perfect, Wheelock (2011) suggested that white often fill the spots of the underrepresented African American jurors, a sentiment also expressed by Naidoff (2013)). This study used a correlational method to assess the change in the rates of wrongful convictions of different ethnicities to the racial disparity of the county and the projected racial disparity of each jury. This method was ideal, as it allowed for quantitative assessment of a potential factor related to wrongful convictions in Texas, allowing for one to establish whether the race of the juror and the defendant has impacted rates of wrongful conviction. Through the correlational method, it became clear whether increased rates of white jurors, for example, results in increased rates of wrongful convictions of African American defendants, shedding light on the potential impact of juror discrimination.

This research filled a gap in the knowledge regarding the causations of wrongful convictions in Texas and helped to assess House Bill 34's effectiveness. While this research would not seek to empirically prove that Texas juries are inherently racist, it helped clarify whether race impacts wrongful convictions in Texas and whether House Bill 34 will be an effective deterrent to wrongful convictions in the state.

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Results

Table 1			
<i>Prevalence of Wrongful Convictions Per State</i>			
State	# of Wrongful Convictions	Percentage of USA Exonerations Attributed to State	State Proportion of American Population:
Texas	337	15.7%	8.8%
New York	255	11.9%	6.1%
Illinois	214	10.0%	3.9%
California	195	9.1%	12.2%
Michigan	84	3.9%	3.1%
Florida	70	3.3%	6.5%
Pennsylvania	68	3.2%	3.9%
Ohio	63	2.9%	3.6%
Massachusetts	61	2.8%	2.1%
North Carolina	60	2.8%	3.2%
Louisiana	56	2.6%	1.4%
Wisconsin	56	2.6%	1.8%
Virginia	51	2.4%	2.6%
Washington	48	2.2%	2.3%
Missouri	46	2.1%	1.9%
Oklahoma	34	1.6%	1.2%
Georgia	32	1.5%	3.2%
Indiana	32	1.5%	2.1%
New Jersey	30	1.4%	2.8%
Alabama	27	1.3%	1.5%
Tennessee	26	1.2%	2.1%
Maryland	25	1.2%	1.9%
Arizona	22	1.0%	2.2%
Connecticut	21	1.0%	1.1%
District of Columbia	20	0.9%	0.2%
Mississippi	18	0.8%	0.9%

Utah	16	0.7%	1.0%
Oregon	16	0.7%	1.3%
Iowa	14	0.7%	1.0%
Nevada	14	0.7%	0.9%
Kentucky	13	0.6%	1.4%
Montana	13	0.6%	0.3%
Minnesota	13	0.6%	1.7%
Kansas	10	0.5%	0.9%
Nebraska	10	0.5%	0.6%
West Virginia	10	0.5%	0.6%
Alaska	8	0.4%	0.2%
Arkansas	8	0.4%	0.9%
Colorado	8	0.4%	1.7%
South Carolina	7	0.3%	1.5%
New Mexico	7	0.3%	0.6%
Rhode Island	5	0.2%	0.3%
South Dakota	5	0.2%	0.3%
North Dakota	4	0.2%	0.2%
Wyoming	4	0.2%	0.2%
Hawaii	3	0.1%	0.4%
Maine	3	0.1%	0.4%
Delaware	2	0.1%	0.3%
Idaho	2	0.1%	0.5%
New Hampshire	1	0.05%	0.4%
Vermont	1	0.05%	0.2%
Total	2148	100%	100%

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All data in Table 1 was collected from the National Registry of Exonerations (2018) and the United States Census Bureau (2017). The data in Table 1 was ordered from high to low of the number of wrongful convictions in each state. As seen in Table 1, there have been 2148 recorded exonerations of wrongfully convicted inmates in the United States of America. Texas has accounted for 337 of these exonerations - 15.7% of all American wrongful convictions, and the most of any state. This comes despite Texas accounting for a mere 8.8% of the United States population. These discrepancies also exist in the states with the second and third most wrongful convictions in Amer-

ican history: New York and Illinois. New York has accounted for 11.9% of American wrongful convictions but only 6.1% of the American populace; meanwhile, 10% of all American wrongful convictions have taken place in Illinois despite the state only representing 3.9% of the US population. While small discrepancies exist within other states, all are relatively minor; the percentage each other state accounts for American wrongful convictions lies fairly close to its proportion of the American population, as shown in Table 1.

Table 2			
<i>Wrongful Convictions by Race in Texas</i>			
Race	# of Wrongful Convictions	Percentage of Texas Exonerations Attributed to Each Ethnicity	Ethnicity Proportion of Texas Population
African Americans	163	48.4%	12.6%
White	103	30.5%	79.4%
Hispanic	63	18.7%	2.3%
Asian	7	2.1%	4.8%
Other	1	0.3%	0.9%
Total	337	100%	100%

All data in Table 2 was collected from the National Registry of Exonerations (2018) and the United States Census Bureau (2017). The data in Table 2 was ordered from high to low of the number of wrongful convictions of each ethnicity. Within Texas wrongful convictions, there are sharp discrepancies between ethnic prevalence in the Texas populace and the proportion that differing ethnicities account for Texas wrongful convictions, as evidenced in Table 2. These clear disparities exist for African Americans, whites, and Hispanics. For instance, African Americans only account for 12.6% of the Texas populace, yet account for 48.4% of all Texas exonerations. Whites comprise 79.4% of Texas's population, but only 30.5% of Texas's exonerations. Finally, Hispanics represent only 2.3% of the Texas population but account for 18.7%

of Texas exonerations. These stark disparities do not exist within the other ethnic groups that have experienced Texas wrongful convictions, as Asians comprise 4.8% of Texas's population and 2.1% of wrongful convictions, while other ethnicities (such as Indigenous Americans, Alaskans, or Pacific Islanders) account for 0.3% of Texas wrongful convictions and 0.9% of the populace.

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Table 3

Wrongful Convictions by County: The Effect of Juror and Defendant Ethnicity

County	Projected Proportion of White Jurors	Projected Proportion of African Jurors	Projected Proportion of Minority (non-white) Jurors	Proportion of African American Exonerations	Proportion of Minority (non-white) Exonerations	# of African Americans Wrongfully Convicted	# of Whites Wrongfully Convicted	# of Hispanics Wrongfully Convicted	# of Others Wrongfully Convicted
Harris 2013-2018	76.6%	13.2%	23.4%	51.1%	74.4%	46	23	18	3
Harris 2005-2012	62.9%	12.6%	37.1%	78.1%	87.5%	50	8	6	0
Dallas 1995-2004	75.9%	2.8%	24.1%	73.3%	86.7%	11	2	1	1
Harris 1995-2004	65%	12.2%	35%	44.4%	77.8%	4	2	3	0
Bexar 1995-2004	71.3%	4.8%	28.7%	0%	83.3%	0	1	5	0
Montgomery 2013-2018	87.9%	2.9%	12.1%	0%	25%	0	3	1	0
Travis 1995-2004	71.3%	6.2%	28.7%	25%	50%	1	2	1	0
Galveston 2013-2018	86.6%	8.7%	13.4%	66.7%	66.7%	2	1	0	0
Montgomery 2005-2012	84.9%	2.9%	15.1%	0%	33.3%	0	2	0	1
Dallas 2013-2018	80.4%	2.8%	19.6%	0%	100%	0	0	0	2
Bexar 2005-2012	75.4%	5.0%	24.6%	0%	50%	0	1	1	0
Galveston 2005-2012	81.7%	9.2%	18.3%	50%	100%	1	0	1	0
Lamb 1995-2004	77.5%	2.9%	22.5%	0%	100%	0	0	2	0
Montgomery 1995-2004	89.5%	2.3%	10.5%	0%	0%	0	2	0	0
San Jacinto 2005-2012	85.6%	6.9%	14.4%	0%	0%	0	2	0	0
Tarrant 1995-2004	75.5%	8.5%	24.5%	0%	0%	0	2	0	0
Angelina 2005-2012	82.1%	10.0%	17.9%	0%	0%	0	1	0	0
Bexar 2013-2018	80.9%	5.1%	19.1%	0%	0%	0	1	0	0

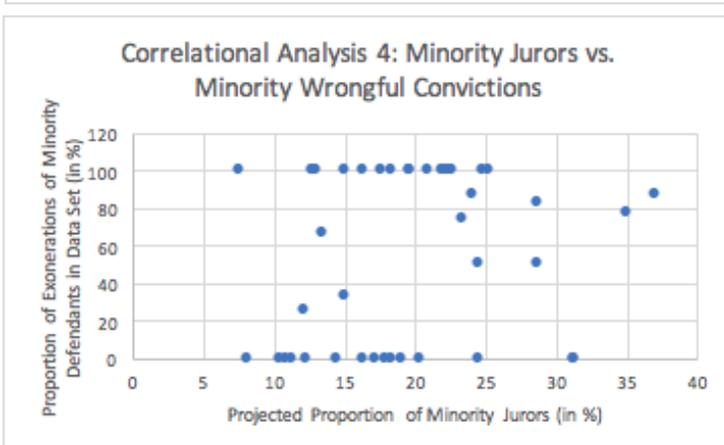
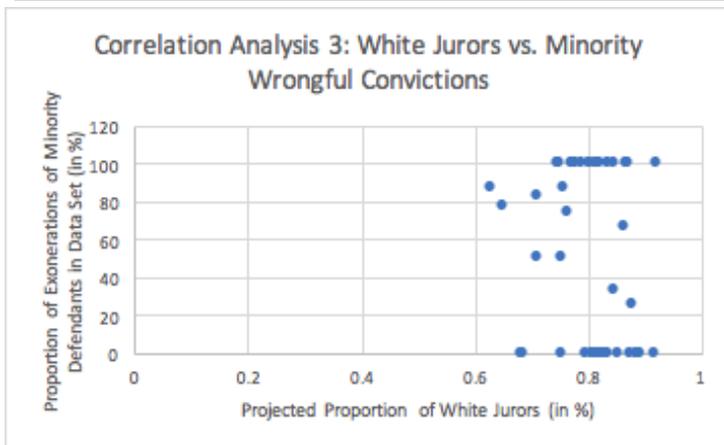
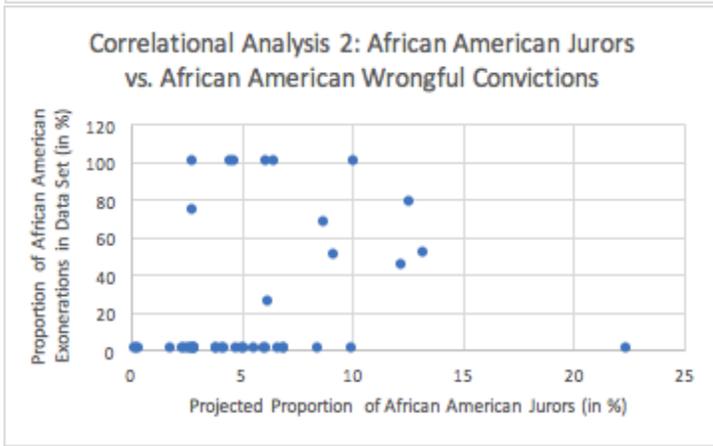
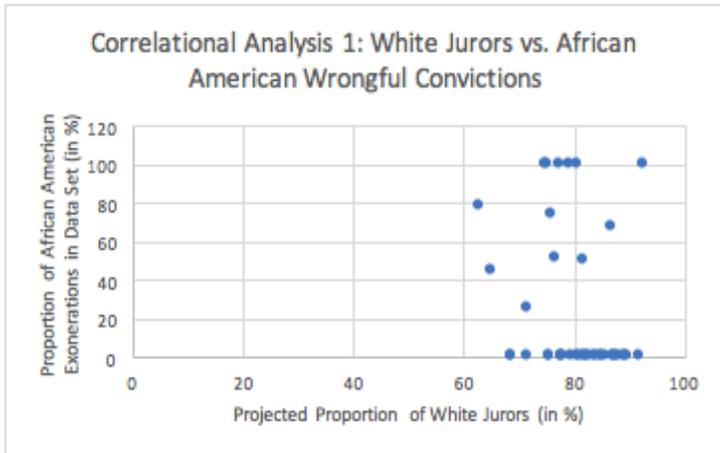
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Brown 2005-2012	87.7%	2.4%	12.3%	0%	0%	0	1	0	0
Cameron 2005-2012	87.2%	0.33%	12.8%	0%	100%	0	0	1	0
Collin 2013-2016	75.1%	6.1%	24.9%	100%	100%	1	0	0	0
Denton 2013-2018	79.6%	6.1%	20.4%	0%	0%	0	1	0	0
Denton 2005-2012	77.8%	5.6%	22.2%	0%	100%	0	0	1	0
Denton 1995-2004	83.7%	3.9%	16.3%	0%	0%	0	1	0	0
Ellis 2005- 2012	81.6%	6.0%	18.4%	0%	0%	0	1	0	0
Hale 1995- 2004	68.7%	3.9%	31.3%	0%	0%	0	1	0	0
Hidalgo 1995-2004	78.0%	0.17%	22%	0%	100%	0	0	1	0
Jefferson 1995-2004	68.5%	22.4%	31.3%	0%	0%	0	1	0	0
Lavaca 2013-2018	80.4%	4.5%	19.6%	100%	100%	1	0	0	0
Leon 1995- 2004	87%	6.9%	13%	0%	100%	0	0	1	0
McLennan 1995-2004	77.3%	10.1%	22.7%	100%	100%	1	0	0	0
Midland 2013-2018	84.9%	4.1%	15.1%	0%	100%	0	0	1	0
Nueces 2013-2018	88.7%	2.6%	11.3%	0%	0%	0	1	0	0
Nueces 2005-2012	82.8%	2.7%	17.2%	0%	0%	0	1	0	0
Nueces 1995-2004	74.8%	2.8%	25.2%	100%	100%	1	0	0	0
Sabine 2013-2018	92.4%	4.7%	7.6%	100%	100%	1	0	0	0
Shelby 1995-2004	79.1%	6.5%	20.9%	100%	100%	1	0	0	0
Upshur 1995-2004	89.1%	6.7%	10.9%	0%	0%	0	1	0	0
Van Zandt 2005-2012	91.8%	1.8%	8.2%	0%	0%	0	1	0	0
Webb 1995- 2004	82.3%	0.27%	17.7%	0%	100%	0	0	1	0
Williamson 2013-2018	83.7%	4.2%	16.3%	0%	100%	0	0	1	0

All data in Table 3, Figure 1, Figure 2, Figure 3, and Figure 4 was collected from the National Registry of Exonerations (2018) and the United States Census Bureau (2016). The data in Table 3 was list-

ed first by the number of wrongful convictions per county, then alphabetically, then reverse-chronologically. Each county was further categorized through restricting the years in which it was examined. It was

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restricted by rounding it towards the nearest analysis undertaken on the racial disparity of each county, using the 2000 census, the 2010 census, and the 2016 American Community Survey (United States Census Bureau, 2016). Table 3 only examined Texas exonerations from 1995 onwards, as the 2000 census is the most recent publicly available census providing county racial disparity information; despite attempts to retrieve information from earlier censuses, I was unable to. As referenced previously, the proportion of African American jurors in Table 3 was projected by multiplying the African American population of each county by 0.667; the lost African American juror population was added to the white population to project the proportion of white jurors. Projected minority juror population was calculated by subtracting the projected white juror population from 100. These steps were taken in accordance to the work of Wheelock (2011) to attempt to accurately project juror ethnicity populations. The only exception to this was for projecting juror population in Dallas county, as the work of Naidoff (2013) allowed for exact knowledge of juror population in Dallas county. There were four correlational analyses conducted after the data was collected, as illustrated above. The correlational analyses were all conducted using the data from Table 3. The first correlational analysis (Figure 1) analyzed the connection between the projected proportion of white jurors (independent clause) and the proportion of wrongful convictions of African Americans per county (dependent clause); this found no correlation. The second correlational analysis (Figure 2) analyzed the connection between the projected proportion of African American jurors (independent clause) and the proportion of wrongful convictions of African Americans per county (dependent clause); this found no correlation. The third correlational analysis (Figure 3) analyzed the connection between the projected proportion of white jurors (independent clause) and the proportion of wrongful convictions of minorities (all non-white ethnicities) per county (dependent clause); this found no correlation. The fourth correlational analysis (Figure 4) analyzed the connection between the projected proportion of minority jurors (independent clause) and the proportion of wrongful convictions of minorities per county (dependent clause); this found no correlation.

Results Alignment

These findings fill a gap in prior research, as they extend and expand on areas of prior research in the field. While the extent of wrongful convictions in the United States are widely known, this is the first known state-by-state breakdown of wrongful convictions. Further, while work has been done on a national scale to analyze the racial disparity of wrongful convictions, in the work of Gross et al. (2017), this is the first known research that has analyzed the racial composition of wrongful convictions in Texas. Through finding stark discrepancies between racial population and racial proportion of wrongful convictions, it confirms that exploring potential race-related motives in Texas wrongful convictions is an important area of study. Finally, through analyzing the connection between racial composition of jury members and the racial disparity of wrongful convictions on a county-by-county basis, this research attempted to provide quantitative answers to an unexplored area of literature surrounding wrongful convictions. It has long been speculated that race may factor into wrongful convictions, such as in the work of Gross et al. (2017), yet no quantitative research had been undertaken to attempt to find the cause of the lopsided wrongful convictions of minorities.

Discussion

Major Results

In the course of this study, three significant results were drawn from the data collected. First, it was established that Texas is disproportionately affected by wrongful convictions in the United States, as the state has registered the greatest amount of exonerations of any American state; the proportion of American exonerations it accounts for also outstrips the proportion of the American populace Texas accounts for. While The Innocence Project (2009) found that Texas accounted for the most wrongful convictions overturned by DNA evidence of any American state, this research clarified that Texas also has the most exonerations of any state, filling a gap in the research.

Further, it was discovered that races are impacted in different ways by wrongful convictions in Texas.

First, this study found that African Americans comprise nearly half of all Texas exonerations, despite only accounting for a small percentage of the Texas population. It also found that whites are severely underrepresented in Texas wrongful convictions, as they make up a far smaller proportion of exonerations than they do of the Texas population. Lastly, it established that Hispanics are also disproportionately affected by wrongful convictions, being wrongfully convicted even at rates higher than that of African Americans in Texas. These findings filled a gap in research regarding Texas wrongful convictions by providing the first known analysis of the ethnic disparity of Texas exonerations.

Finally, this study discovered that juror ethnicity does not correlate to rates of wrongful convictions of non-white defendants. In four correlational analyses undertaken, it was discovered that no correlation existed in the following relationships: white jurors and African American defendants, African American jurors and African American defendants, white jurors and minority defendants, and minority jurors and minority defendants. This filled a gap in the research, as little empirical work has been conducted to analyze the potential effect of racism in wrongful convictions. Through this finding, it seems clear that Texas jurors are not motivated by racism.

Implications

The findings of this study are meaningful as they shed light on a number of pertinent issues. First, it confirms that Texas has the most exonerations of any state, making it a topical state to examine wrongful convictions within. As wrongful convictions are clearly a significant issue in Texas, it is evident that research should continue to be conducted to evaluate the factors influencing wrongful convictions in the state.

Further, the findings of this study clearly evidence a stark racial disparity in Texas wrongful convictions. From this, it appears probable that racial discrimination factors into wrongful convictions in Texas, making it clear that House Bill 34 will not completely tackle the causes of Texas wrongful convictions. This is important as it can act as a guide for future research: while it has now been determined that race impacts wrongful convictions in Texas, further work can be done to clarify where the racial discrimination originates within.

THE IMPACT OF ETHNICITY ON WRONGFUL CONVICTIONS IN TEXAS

While House Bill 34 is undoubtedly an excellent piece of legislation that tackles many causes of wrongful convictions and will likely help to mitigate future wrongful convictions, through failing to account for racism it leaves the legislation lacking in its quest to dramatically change Texas's judicial landscape.

Through analyzing the connection between juror ethnicity and defendant ethnicity, this study looked into one potential area of racial discrimination in the Texas judicial system: jurors. To show signs of potential racism, a positive correlation should have existed between white jurors and African American exonerees or between white jurors and minority exonerees. Further, racism could have been suggested through a negative correlation between African American jurors and African American exonerees or between minority jurors and minority exonerees. Ultimately, no correlation was found in any of the analyses. Through this finding, it seems largely confirmed that racial discrimination within the Texas judicial system does not originate within jurors, meaning that one potential cause of racism has likely been eliminated.

Relation to Past Literature

This study extended and clarified the work of a number of key pieces of literature. First, it extended the findings of The Innocence Project (2009) through clarifying how differing states are affected by wrongful convictions. The Innocence Project (2009) discovered that Texas has the greatest number of wrongful convictions overturned by DNA evidence in the United States, but had not determined that Texas accounted for the greatest number of overall exonerations. This study extended the work of The Innocence Project (2009) by proving that Texas was inordinately affected not only by DNA exonerations, but by wrongful convictions in general.

Further, this study narrowed the work of Gross et al (2017). Gross et al (2017) discovered in their work that African Americans compose 47% of all American exonerations; this study found the racial disparity of wrongful convictions in Texas, providing a more specific version of the research conducted by Gross et al (2017). It also extends the work of Gross et al (2017) through proving that race seemingly impacts wrongful convictions in Texas, as well as in the United States as a whole.

Moreover, this study relates to the work of Horry, Wright, and Tredoux (2010), who found that inherent biases often impact the means by which different ethnicities treat each other. Through the results of this study, it seems clear that this finding does not hold true in the Texas criminal justice system between jurors and defendants.

Finally, this study provides greater depth to the findings of Acker (2009), Cassell (1998), Dervan and Edkins (2013), Gould, Hail-Jares, and Carrano (2014), Gould and Leo (2010), Hewitt and Natapoff (2012), Huff (2002), Huff (2004), Neuschatz, Lawson, Swanner, and Meissner (2008), and Schneider (2013). These authors all conducted extensive research regarding the factors relating to wrongful convictions. This research extends their work by adding a factor that does not impact wrongful convictions, at least in Texas: juror and defendant ethnicity.

Limitations and Alternate Explanations

The results of this study are limited through a lack of information in certain areas of the research. First, although Texas has the most exonerations of any state, it is unknown whether Texas actually has the most wrongful convictions in the United States. One explanation could be that Texas is far more diligent in searching out wrongful convictions than other states, meaning that they would have obviously registered more exonerations. Unfortunately, without the proper information to determine if this is the case, it is impossible to know whether Texas has the most wrongful convictions of any state.

Second, and most importantly, was the lack of conclusive information regarding jury composition. While I was able to estimate jury composition, using the work of Wheelock (2011), it remains unclear whether the approximations were accurate. The situation in Dallas County clearly shows these limits. Dallas County was the only county with conclusive information regarding jury composition, through the research conducted by Naidoff (2013). In that study, it was found that African Americans only accounted for 2.8% of criminal jury members, despite African Americans composing 23.5% of the Dallas County population (Naidoff, 2013). Dallas County's African American proportion population is significantly greater than that of Texas overall (only 12.6% of Tex-

as's population is African American), making Dallas County one of the most African American counties in Texas. Despite this, Dallas County had the eight lowest projected total of African American jurors of all the counties examined in this study. Through these revelations, it becomes clear that similarly large disparities could exist in other Texas counties, and not follow the one-third-reduced rule of Wheelock (2011). Through this, it becomes unclear whether African Americans are barred from jury duty at similar rates to Dallas County in all of Texas. If so, this would suggest state-wide discriminatory practices against African Americans, making it impossible to determine if juror ethnicity played a meaningful role in wrongful convictions. Through this limitation, it is quite possible that the findings could conclude differently; with accurate statistics regarding juror ethnicity, it is well within the realm of possibility that the correlational analyses could find correlations.

Directions for Future Research

Future research on this topic should be defined by the clarifications provided by this study. The research conducted has evidenced that African Americans are disproportionately affected by wrongful convictions, but has also likely ruled out juror discrimination. For this reason, future research should delve further into other potential sources of racism within the Texas judicial system, such as institutional and systemic biases towards African Americans.

Conclusion

Through the course of this study, three significant inquiries were tackled. First, the study provided clarifications on the states most impacted by wrongful convictions through a state-by-state analysis comparing the proportion of American exonerations attributed to each state versus the proportion of the American populace each state accounted for. In this analysis, it was discovered that Texas, New York, and Illinois are the states most affected by wrongful convictions. Next, the validity of House Bill 34 was assessed through analyzing the racial disparity of wrongful convictions in Texas. As African Americans were found to be wrongfully convicted at inordinate rates, it seems likely that

House Bill 34 - which lacks stipulations to tackle factors of racial discrimination - will not be entirely successful. While it accounts for many factors influencing wrongful convictions, its failure to account for racism makes it lacking in its goal to drastically alter the landscape of Texas wrongful convictions. Finally, a potential source of racism within the Texas judiciary, juror discrimination, was thoroughly examined by comparing projected ethnic rates of jurors to rates of African American and minority wrongful convictions. Through the findings of the study, it seems probable that juror discrimination is not the cause of the disproportionate degree of wrongful convictions of African Americans, clarifying the field of literature and providing direction for future research.

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