

Forum on Eyewitness Mis-Identification and Wrongful Convictions

On March 20, 2012, the Pennsylvania Innocence Project and Arcadia University cosponsored an educational forum, open to the public, on the pitfalls associated with eyewitness identifications in criminal prosecutions. The panel, moderated by John Noakes, Provost, Arcadia University, included Marissa Bluestine, the Project's Legal Director, Vincent Moto, Pennsylvania DNA Exoneree, Paul Hetznecker, civil rights and criminal defense attorney, Allen Stewart, Montgomery County Sheriff's Office, Barbara Nodine, PhD., Professor of Psychology, Arcadia University, and Hon. Paul Tressler, Judge, Montgomery County Court of Common Pleas.

Mr. Hetznecker emphasized the weight juries place on in-court positive eyewitness identifications. However, Ms. Bluestine's PowerPoint presentation illustrated that, of the over 290 people who have been proven innocent by DNA evidence for crimes of which they were convicted, 75% of the cases involved the testimony of an eyewitness or victim who positively identified the exoneree as the perpetrator of the crime. Prof. Nodine explained that the human memory does not act like a video recorder of an event, and Ms. Bluestine referred to studies that show both that a person's memory of an event dissipates within 24 hours and once a person identifies a suspect, even if erroneous, the memory cannot be changed.

Those factors came to bear in Vincent Moto's case. Identified on the street as the person who raped her six months before, the victim then positively identified Mr. Moto at trial. Subsequent DNA evidence exonerated Mr. Moto, but not before he had been convicted and served ten and a half years in prison for a crime he did not commit.

The panelists also discussed the best practices that should be implemented to limit both misidentifications prior to trial and the undue weight placed on eyewitness identifications at trial. Ms. Bluestine pointed to the report of the Pennsylvania Advisory Committee on Wrongful Convictions, which recommends the introduction of a comprehensive set of procedures requiring the best practices in use in the administration of photographic and live lineups. She also noted that Pennsylvania is the only state that does not allow the defense to introduce expert testimony on memory to discredit eyewitness testimony.

Finally, Ms. Bluestine announced the Project's launch of a comprehensive campaign to support innocence legislation and policies in the Commonwealth of Pennsylvania. The Act4Innocence in Pennsylvania Campaign has two main components: Act4Innocence: act4innocence.com and NoBar4Innocence: nobar4innocence.com, and you can read more about the campaign on our blog at <http://innocenceprojectpa.wordpress.com/2012/03/16/act4innocence-in-pennsylvania-launch-eyewitness-mis-identifications-wrongful-convictions/>