

The Pumphrey Law Firm Scholarship
Kristina Brennan

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Topic: What is a False Accusation and how can a False Allegation impact the life of the accused?

In our modern-day legal system, the vast majority of participants attempt to comfort themselves in the ideology that justice always prevails. That is, except when it doesn't. A false accusation can turn a normal life into an existence of hell. The legal system is not perfect, and justice extends so far as reasonable doubt. The reality is that the accused face an uphill battle in proving their innocence. Without a candid conversation of the realities that plague some of the accused, that dialogue is essentially meaningless.

A false accusation puts the integrity of the accused on display. The thought of overwhelming blame burying an innocent is a concept most would abhor. The issue becomes one of thought versus action. The thought is not many people falsely accuse others when they know the individual is innocent, but in actuality the accused are falsely accused constantly. Whether that be through unreliable eyewitness testimony or a lack of DNA testing leading to possible exoneration, false accusations run rampant in the legal system. A false accusation is weighted primarily through the voice projected behind it. If the accusation comes from a well-respected, integral member of the community, then the accused is all but written off if their status proves incomparable. This societal habit of attributing credibility to those who simply look the part is an injustice which is fundamental to the wrongful prosecution of many Americans.

I cannot pretend to understand what it feels like to be falsely accused. Recently I watched "Dream/Killer", a documentary based on a true story. A young man named Ryan Ferguson was accused of murder and sentenced to forty years in prison. At the time, he was just nineteen years old. The trial and resulting appeals have become the platform for: awareness of prosecutorial misconduct, an active boys club curtailing justice, and a father's dedication to his son. A judge is accused of knowingly fabricating evidence that put Mr. Ferguson behind bars for almost ten years. The crux of this case rested on two eyewitnesses and Mr. Ferguson's supposed accomplice's testimony. Most people would assume this little evidence could never convict an individual, yet a group of Mr. Ferguson's peers felt otherwise. Both witnesses later recanted in court asking for Mr. Ferguson's forgiveness. Both witnesses were on probation at the time and claimed the prosecutor unduly influenced their testimony. These witnesses were of low education with prior records and didn't want to get into any more trouble, so they told the prosecutor what he wanted to hear despite the fact none of it was true. The prejudice against Mr. Ferguson was constant throughout this ordeal. The bias began when Mr. Ferguson's bail was set at \$20 million – the highest bail in the United States for one count of murder. A Missouri state appeals court overturned Mr. Ferguson's murder conviction and released him the same day, finding that the prosecutor turned judge withheld material evidence from the defense. Mr. Ferguson's attorney, Kathleen Zellner, said it best, "it shouldn't be this hard".

Volunteering with the Innocence Project has given me a new perspective of the criminal justice system. During this experience, I spent hours searching through documents containing conflicting statements. The goal was to find the truth, which was a tedious yet rewarding task. A false accusation moves in stages. First, there is the stench of the false accusation hanging over an accused individual's head. Regardless of whether or not this accusation proves truthful, there is

the aftermath of dealing with those who will potentially never look at you the same. A false accusation gains speed as the pressure mounts to dole out punishment to those deemed fit. The consequences that follow from one action can have ramifications for decades to come. The last stage of being falsely accused happens alone. It is the time spent wondering why this is happening to you. It is the obsessive need to rationalize this series of unfair events. Although it is suffered alone, it prepares the individual for prison because they place themselves there internally first.

Whenever I ask my friends to empathize with the accused, I usually get a mixed response. The visualization process for me is quite simple. I think of the life I am working so hard for: financial security for my father, a thriving legal career, and a family. Now, I imagine what would happen if a false accusation derailed any of my dreams. Other factors pop into my head, such as whether or not I can afford an attorney, whether or not I am strong enough to face my accuser, and whether or not people will judge me based solely on my exterior. Pretending that all of these roadblocks will not stop me, I think to the future and a whole new set of trials endure: who would ever hire me, who would ever marry me, and most importantly, who would ever sincerely believe me? This mindset is what scares me. Stepping into the shoes of the falsely accused shows me that the justice system not only steals time from its participants, but also little pieces of their identity. There is no set recourse on how to ever get those pieces of themselves back.

Shedding light on the ramifications of a false accusation is essential in pursuing the equilibrium of the justice system. It is easy to judge a person based on one assumption, and when that assumption assumes the form of guilt, there is no quick road to recovery. It is the duty of our generation of attorneys to restore the respect of this profession in treating every participant equally, for the pursuit of justice.