



[1]

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

PUMPHREY LAW SCHOLARSHIP – DECEMBER 9 2019



PUMPHREY LAW
CRIMINAL DEFENSE

Charles, Jonathan Paliyath
UNIVERSITY OF FLORIDA | JOHNNYCHARLES21@UFL.EDU

Prompt: Write a typed essay, 800-1000 words, on the following topic: *What is a False Accusation and how can a False Accusation impact the life of the accused?*

A False Accusation is one in which a person intentionally tells a lie regarding some accusation of another in order to deal the accused some sort of consequence for their supposed actions. Something that many people may not realize is that false accusations occur informally in everyday life constantly. Blame is placed on people by others with little, if at all, facts or substantial backing that can justify the allegation. And the reason for this naiveté, in my opinion, is that the ramifications of such an informal allegation are typically very mild. One may lose rapport or ruin someone else's mood, but beyond this and some similarly minor effects, there is nothing substantial that arises from the false accusation.

However, this is certainly not the case when the false accusation has been placed in a formal setting, namely a judicial one. These legal climates are committed to correcting past and preventing future injustice. Consequently, the individuals granted the authority in these courts are not looking to provide a "slap-on-the-wrist" judgement; these are potentially serious cases that affect the lives of one or more individuals in ways that can be extremely life-altering. Consequently, substantial and appropriate judgements are to be delivered to the accused if a guilty charge is found. And of course, this is only fair and is outlined by the U.S. Constitution's allowance that every person is entitled to a **fair** hearing by an **impartial** tribunal. The words in bold are so integral to this process, and where the notion of false accusations directly attack the backbone of our nation's principles.

A false allegation in a court of law is typically done in order to sway the court with emotion in cases where one person's word is given precedence over that of another without substantiating proof. Therefore the cases we see this occurring most often are those associated with child abuse, sexual abuse and assault, and even instances of police brutality. A child's word versus that of an adult when the child claims to be the victim carries significantly more weight than that of the adult, and therefore the child can often be granted the benefit of the doubt regarding some of their claims. This also holds true for sexual assault cases, particularly when a woman is the victim. This is because in cases like these where personal identity and privacy are so harshly violated, and the ramifications of being found guilty of such a crime are so severe, we believe that supposed victims who come forward and report the crime are doing so to genuinely seek help from a powerful authority: the law. And due to the nature of the crimes, we tend to side

with the victim simply because the risk of opposing the victim when they were actually telling the truth are substantial to our social capital and reputation. But this leaves a huge vacuum where potential foulplay can run rampant.

Individuals that hold severe animosity towards another can abuse the vacuum listed above in order to deliver their own form of “justice” on the person. They report crimes or act as key witnesses on trials where their word is simply all that is needed to sway the jury and deliver a guilty verdict, despite the lack of proper evidence that finds the defendant guilty beyond reasonable doubt. And these allegations are severe in the highest regard, where the sentence for a federal sexual assault charge can be delivered for a maximum of 20 years, and some child abuse cases delivering lifetime sentences. So in all simplest terms, a false accusation can send a wrongfully convicted defendant into the correctional system for the rest of their life.

But let’s assume that the defendant was delivered a sentence of 5 years for a wrongful accusation of sexual assault. They begin their time in a federal penitentiary at the age of 25, serve their sentence, and are allowed to be admitted back into society at the age of 30. One, they now have a felony charge under their belt. Two, they carry around the title of a registered sexual offender as well. All of their friends, family, and sometimes even community know why they were indicted, given the huge attention the media gives to sexual assault cases. And like it was stated previously, the consolation our society gives abuse victims is extremely high, and we completely admonish those convicted of these crimes. Of course this is the humane thing to do, there is no question. But we cannot determine the difference between a true and a false abuse victim. We simply treat them equally and without question. So this recently released individual with their crimes cannot continue in their previous career: no employer who cares about public opinion will keep a sexual offender as an employee. Future employers will have the same reaction, and will not have too much issue in rejecting them as a candidate for work. They now have designated places where they can live (can’t be too close to gathering places for children). And these people even now carry grounds to lose custody over their children simply because of this title, no matter how well they act as a parent/guardian.

Essentially, a victim of a wrongful accusation stands to lose their entire way of life and reputation. All that they’ve worked for; aspired to be; relationships they’ve had, stand to be lost simply because of another’s bias and malice. And despite the legal recourse that is available, no judgement of a court can forcefully change the public’s perception and bring back someone’s reputation.

References

“Legal Recourse When Falsely Accused of a Crime.” NOLO: All-Law (2019, June 11). Retrieved November 15, 2019, from <https://www.alllaw.com/articles/nolo/personal-injury/legal-recourse-falsely-accused-crime.html>.

“The Unseen Impact of False Allegations in Sex Crimes.” Pumphrey, J. B. M. (2019, June 10). Retrieved November 15, 2019, from: <https://www.pumphreylawfirm.com/blog/the-unseen-impact-of-false-allegations-in-sex-crimes/>

“The Impact of Being Wrongly Accused: Victims' Voices.” Hoyle, C., & Burnett, R. (2018, July 27). Retrieved November 15, 2019, from <https://www.law.ox.ac.uk/content/impact-being-wrongly-accused-victims-voices>.

“False Accusations Are Evil--There Must Be Consequences.” McAllister, D. C. (2018, October 11). Retrieved November 15, 2019, from https://www.realclearpolitics.com/2018/10/11/false_accusations_are_evil--there_must_be_consequences_455773.html

Media:

[1] - <https://depositphotos.com/233535956/stock-photo-hands-handcuffs-ink-black-white.html>