

# A Case of Wrongful Conviction



## This activity will help you to:

- Understand the factors that affect EWT
- Analyse real world events in terms of psychological theories
- Use psychological evidence to support arguments
- Evaluate research into EWT

Below is a description of a crime and subsequent conviction. The man who was convicted of the crime is protesting his innocence, and his legal team want to take the case to appeal in order to get the conviction overturned. You have been employed as a forensic psychologist to help the defence team with their appeal.

You will need to look at the circumstances surrounding the crime and conviction. You will need to:

- Identify the possible reasons why the conviction was not safe
- Be able to explain how the witnesses' testimony might have been distorted
- Use evidence from psychological studies to support the issues you raise

You will then need to produce a document presenting the results of your research. This should be 500-700 words long. In your document:

## You must...

- Identify the weaknesses and problems with the testimony used in the trial
- Link these weaknesses with the factors that affect EWT

## You should...

- Use brief summaries of relevant psychological research to back up the points and arguments you make

## You could...

- Explain the limitations of the claims and arguments you make by referring to the problems with the psychological research you have used.

## The Case of James Taylor

### The Crime

At 3.55pm on Thursday 28<sup>th</sup> September 1999, a man entered the West Bromwich branch of the Black Country Building Society on the high street. At the time there were three customers in the branch and one cashier working at the counter. The man approached the cashier and pushed aside the customer she was talking to. He then produced a handgun, which he raised in the air and shouted for the customers to lie down on the floor. They complied. He then pointed the gun in the face of the cashier and demanded that she fill a cloth bag with the cash from the till. At this point, the cashier activated the silent alarm, alerting the police. She complied with the man's demand and put around £1500 in mixed notes into the bag. The robber then shouted for the cashier to lie down on the floor behind the desk. He warned the customers not to move and ran out of the branch. Before running out, he fired his weapon into the ceiling.

## **The Witnesses**

Police questioned four witnesses who were present in the branch when the robbery took place. They were:

- Gillian Thomas – the cashier, a 28 year-old woman
- Mark Stevens – a customer, a 47 year-old small businessman
- Amil Gupta – a customer, a 68 year-old retired machinist
- Cathy White – a customer, a 19 year-old student

The witnesses were interviewed at the scene as a group. In this first interview, there was some inconsistency in their descriptions of the robber and what had happened. Although all the witnesses described a white man in his 30s with a local accent, two of the witnesses claimed he had brown hair, whilst the other two claimed he had blonde hair (although they weren't so sure). They were then taken to the police station and interviewed separately. The accounts they gave in the second interview contained fewer inconsistencies. All the witnesses now claimed the man had blonde hair. They were interviewed a third time some weeks after the crime occurred to see if they had recalled any more details. By this time, the police had identified James Taylor as a strong suspect and the witnesses were shown his picture to see if they could confirm that he was the man they remembered from the robbery. Mark Stevens and Cathy White stated that they thought it might have been him, but the remaining two witnesses were unsure. Subsequently, the witnesses attended the police station to take part in a line-up, at which all of them identified the man who was eventually convicted of the crime. This was several months after the crime.

Prior to the trial, the witnesses spent several hours with the prosecution lawyers, who took them carefully through their statements to the police and their identification evidence from the line-up.

## **The Accused**

James Taylor is a 32 year-old man with one previous conviction for robbing a sweet shop when he was 18. He served 18 months in prison for this crime, was released on parole and had not been in trouble with the police since. His name first came up in the investigation when the police received an anonymous tip off from a man with a local accent giving his name. Being unable to track Taylor down from his last known address, the police obtained a photograph and arranged for it to be shown on 'Crimewatch' along with an appeal for information. They also put the photo on a poster to be distributed in the local area and displayed in shops, community centres etc.

Taylor gave himself up to the police accompanied by his solicitor, in order to clear his name. He claimed that he had been in Wolverhampton at the time, but was unable to supply any witnesses to confirm his alibi.

## **The Trial**

The trial took place at West Bromwich crown court before a jury drawn from the local area. The judge turned down an application for the case to be heard elsewhere. At the trial, the Crown Prosecution Service did not put forward any forensic evidence to link Taylor with the scene of the crime. However, they argued that he was a local man with previous convictions who was unable to account for his whereabouts when the robbery occurred. Their case hinged on the testimony of the four witnesses, all of whom had identified Taylor in a line up. In court they confirmed their identifications. Gillian Thomas particularly impressed the jury, saying she was 'absolutely certain' that Taylor was the man who had held up the building society at gunpoint.

After deliberating for 45 minutes, the jury returned a guilty verdict. Sentencing Taylor to 5 years in prison, the judge commented that he wanted to send out 'a clear message' to other potential criminals that they would be caught, convicted and severely punished if they attempted to carry out similar crimes.