

Forensic Science



HIGH SCHOOL

Eyewitness &
Innocence
Project

Case Study



EYEWITNESS

« case study »

DIRECTIONS: ACTIVELY read the following passage about a case. Annotate as you read (answer questions, highlight terms, circle unfamiliar terms, star key ideas).



FOCUS ON:

eyewitness & memory

THE SCENE:

It was after midnight on a hot July night in 1984, Jennifer Thompson slept in her apartment. The North Carolina air was sticky with humidity when something awoke Jennifer, she lazily opened her eyes and caught a glimpse of a man in her room. Disoriented, she screamed. The man menacingly commanded in a raspy voice, "Shut up or I'll cut you". He put a knife to her throat, pinned her arms down to the bed and then raped her.

The 22 year old was determined to not only survive the terrifying ordeal but to help the police capture her assailant. As he raped her she studied his face in quiet determination. She memorized the almond shaped eyes, the thin dark mustache, the high broad cheek bones and the full lips of the man who would forever haunt her nightmares. She tricked him into stepping into the light so she could better see him; see what clothing he was wearing, assess his height.

Jennifer made the decision that she would try to escape. She told the stranger that she needed to get a drink of water. He agreed, she went to the kitchen and turned on the light, the attacker stayed around the corner. She noted that the back door was ajar, that must have been where he entered.

1. Mark the location of North Carolina on the map.



2. What did the perpetrator say to the victim?
3. What physical description did Jennifer memorize.
4. Why do you think that the attacker stayed around the corner when Jennifer turned on the Kitchen light?

Jennifer made as much noise as possible in the kitchen; she turned on the water, open and closed cabinets and threw ice in the sink, and then she made a break for it. She darted out the back door and into the night. She ran for a nearby house and began banging on the doors and windows. An older couple who lived at the house let her in and called police.

The Aftermath:

It was around 4 am when the police took Jennifer to the hospital for a rape kit to be performed by a doctor. A rape kit is done so that evidence might be collected and stored. It was at the hospital that Jennifer spoke with Detective Mike Gauldin who told her that the woman who was crying loudly in a hospital room a few down from her own had also been raped that night.

Following her hospital visit Jennifer was driven to the police station where she was asked to make a statement describing her ordeal several times. She began the process of completing a composite sketch remembering the individual features of the man who attacked her. It was during this initial police interview that a phone call came in and after a few questions to Jennifer it was evident that the rape kit that was done at the hospital was done incorrectly and incompletely. She was driven to a second hospital where the entire forensic medical exam was repeated.

A few more days passed and Jennifer was asked to comb through a police book of men who had been arrested in the area. The photo-lineup is often used to help narrow down suspects. Jennifer meticulously went through the photographs, taking her time to look each one over and then she paused at one. She identified one man in the photos as her attacker. She identified Ronald Cotton.

A week went by and police asked Jennifer Thompson to come in for a live lineup identification. Six men stood in a line, Jennifer was safely behind 2-way glass. Each man held a number card and was asked to step forward and repeat the line "Shut up or I'll cut you".

5. How did Jennifer trick her attacker?

6. How many victim's were there that night?

7. After her physical exam what was Jennifer asked to complete?

8. What is a composite sketch?

9. How do you think Jennifer felt when she found out she had to have a second medical exam?

10. After a composite sketch is created what is the next step that is completed by an eyewitness?

11. What step comes after that?

12. Why did the men in the line up have to say "shut up or I'll cut you"?

Jennifer recognized her rapist. She told Detective Mike Gauldin that number 5, Ronald Cotton, was the man in her apartment that night. The police told Jennifer it was the same man she had picked out during the photo lineup.

Life in Prison:

Ronald Cotton was 22 when he was arrested for the rape and burglary of Jennifer Thompson. He was sentenced to life in prison but Ronald Cotton maintained he was innocent. The second woman who had been raped the same night as Jennifer had picked a different man out of the line up but that evidence was not allowed to be heard in the Thompson trial. Cotton kept busy in prison, he wrote to family, to lawyers and to newspapers always claiming that he was serving time for a crime he didn't commit.

Bobby Poole:

A year in prison passed and then while working in the kitchen one day Ronald Cotton was introduced to a new inmate, Bobby Poole. Poole had been sent to prison for the rapes of two women. Everyone noticed that the two men looked similar, in fact people often called one of them by the other's name. It wasn't long before Ronald Cotton started hearing rumors that Bobby Poole was bragging that Cotton was serving time for rapes that he (Poole) had committed.

Appeal after appeal was made for a new trial and eventually in 1987 was granted. Cotton's lawyers talked about the circumstantial evidence linking their client to the crime (he owned a similar black flashlight to the one the assailant used). They brought up Bobby Poole and his stories of raping women and getting away with it. Jennifer was asked to come back in for another identification. With Bobby Poole in the courtroom she once again pointed at Ronald Cotton as her rapist. This time the second victim also identified Cotton and he was sentenced on additional counts of rape and burglary. His sentence? Life plus 54 years.

13. What did the detective say after Jennifer picked Ronald Cotton in the live lineup?

14. What sentence was Ronald Cotton given for the rape and burglary of Jennifer Thompson.

15. Who did Ronald Cotton write to trying to proclaim his innocence?

16. What was Bobby Poole in jail for?

17. What did people notice about Bobby Poole & Ronald Cotton?

18. What is circumstantial evidence? (look it up if you need)

19. Who did Jennifer Thompson identify as her rapist at her trial?

20. What was the new sentence?

21. How do you think Jennifer Thompson felt having to go through the trial again for her rape?

DNA

Years went by, Ronald Cotton remained in jail proclaiming his innocence. He clung to the Bible and the hope that eventually the truth would set him free. And in 1994 he thought he might have a way.

The OJ Simpson case was all over TV in 1994 & 1995. The entire country was mesmerized by the American icon that was on trial for the grizzly murder of his ex-wife and her friend. At the center of the trial was a new type of evidence, DNA (DeoxyriboNucleic Acid). The public was just starting to understand the power of DNA evidence and one man in particular was paying close attention, Ronald Cotton. With the help of his lawyers Cotton was eventually able to have the rape kits from that night in 1984 tested for DNA. Much of the DNA had already degraded in the years that had passed but just enough remained to yield results. Ronald Cotton's DNA did not match the kits, but Bobby Poole's did!

Free at Last!

On June 30, 1995 Ronald Cotton was finally free! A month later the state of North Carolina would officially pardon him. He would also receive \$110,000 from the state for his wrongful conviction.

Eventually Ronald Cotton got married and had a family. He began to work for LabCorp. The same company that had handled his DNA evidence.

He met Jennifer Thompson face to face where she apologized for her mistake. Ronald Cotton found the strength to forgive her. Cotton and Thompson have since teamed up with the Innocence Project to give talks around the country about their story and the need for reform when it comes to eyewitness identification in our criminal justice system.

How Did Jennifer Make a Mistake?

Psychologists have long known that our memories are more like a "Wikipedia" page and less like a tape recording. Memories are malleable, they can

22. What case introduced DNA evidence to the world?
23. When the rape kit DNA was tested what did it show?
24. Approximately how long did Ronald Cotton spend incarcerated?
25. How much money from the state did Ronald Cotton receive PER YEAR that he was in jail.
26. What do Jennifer Thompson and Ronald Cotton do now to ensure no one else undergoes the same ordeal they did?
27. What does it mean that our memories are like Wikipedia pages and not tape recordings?

change over time. Experts need to treat memories of eyewitness like a crime scene and be extremely careful that they do not unintentionally influence the memories.

So what mistakes were made in the Ronald Cotton case? The first issue was the way Jennifer was shown a photo lineup of potential suspects. Experts now know that directions to the eyewitness should clearly state that the perpetrator may not be in the lineup. Additionally, the photos should only be shown one at a time so that they witness is not comparing the photos to one another. In Jennifer's case she was shown groups of photos in a row and not given instructions about the suspect potentially missing from the pictures. Experts know that when lineups are done this way the witness is likely to pick the person that most likely resembles the actual perpetrator, in her case Ronald Cotton.

An additional step that should have been taken in the Jennifer Thompson case is the administration of a Double Blind lineup. This means that the officer who is conducting the lineup has no connection to the case, they do not know who the suspect is. The witness should be told that the officer is not connected to the case and therefore no biases can be presented to the witness. When Jennifer was told she picked the same man in the photo and live lineup her false memory of Ronald Cotton as her rapist became solidified so that later it was only his face she would picture.

According to the Innocence Project (a non-profit that is committed to righting wrong convictions, often through DNA), DNA evidence has exonerated over 250 innocent people. In those cases over 75% were convicted due primarily to eyewitness misidentification.

28. What should be told to the eyewitness during a photo lineup?

29. How should the photos be presented to the eyewitness?

30. What is a double blind lineup?

31. What is the name of the officer that was investigating Jennifer's case (hint: he was at the hospital). What was the name of the officer that administered her lineup?

32. What did the positive feedback Jennifer received do?

33. How many people have been exonerated by DNA evidence **and** how many were convicted due to faulty eyewitness testimony?

34. What does exonerated mean? (look it up if you need to)

Your Thoughts...

React to the story of Ronald Cotton & Jennifer Thompson. *How did it make you feel that an innocent man spent time in jail? Would you be able to forgive Jennifer? What implications does this story have for people on death row who were convicted due to eyewitness accounts?*