

Center on Wrongful Convictions

December 22, 2015

Hon. John R. Kasich, Governor  
State of Ohio  
Riffe Center, 30th Floor  
77 South High Street  
Columbus, Ohio 43215-6117

Re: Tyra Patterson Clemency Application

Dear Governor Kasich:

As organizations, advocates and scholars dedicated to advancing women's rights, equality and criminal justice reform, we are concerned about the injustices women face in the criminal justice system, particularly as they have become the fastest growing segment of the prison population. Although we have deep respect for our criminal justice system, there is no disputing that sometimes the system fails. Because we believe that Tyra Patterson has suffered a miscarriage of justice, we urge you to grant her clemency.

Tyra, who was nineteen at the time of her arrest and who is now forty, has spent all of her twenties and thirties incarcerated for crimes she has maintained she did not commit. Several facts suggest that her innocence claim is well founded. First, Tyra called 911 immediately after the shooting to report the gunshot that killed the victim in her case. Tyra's 911 call was powerful evidence that she had not acted in concert with the real culprits, who admit they fled to a motel to use drugs and have sex while Tyra, whom the culprits say did not participate in the crimes, summoned help. The jury did not hear about this 911 call at trial. Now, however, we understand that six of Tyra's trial jurors who heard her 911 call for the first time in 2013 support Tyra's release. They have submitted affidavits indicating that they never would have voted to convict her had they known of her 911 call.

Next, although Tyra ultimately confessed to robbing one of the victims of a necklace, the circumstances of that confession give reason to suspect the confession was false. For example, one of the victims testified at Tyra's co-defendant's trial that another individual, not Tyra, stole the necklace that Tyra confessed to grabbing from one of the victims. Also, Tyra's co-defendants have all stated she did not participate in the robbery. None of the co-defendants was a friend of Tyra's, so we see no motive for them to lie about her participation. When combined with the 911

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call and Tyra's assertion that she told her attorneys several times that she was innocent and only confessed because she felt pressured by the police, this additional information suggests that Tyra's confession lacked veracity. However, Tyra's trial attorneys failed to challenge the circumstances of her confession.

Nor did Tyra's attorneys call an expert in false confessions, otherwise educate the jury about false confessions research, or call Tyra herself to the stand to testify to the circumstances of her confession. We know that false confessions occur. According to the National Registry of Exonerations, a project hosted by the University of Michigan Law School and co-founded with the Center on Wrongful Convictions at Northwestern University School of Law, defendants falsely confessed in 12.7% of the known exonerations in the United States since 1989. More specifically, 16.6% of wrongfully-convicted women falsely confessed. This says nothing of wrongful convictions that occurred before 1989, or later wrongful convictions that have not yet been uncovered. Much scientific research exists on interrogations and false confessions, and defendants deserve to have their juries informed on this research before those juries make their ultimate decisions. Access to competent legal counsel is a critical issue faced by low-income women across the country. And for Tyra, who grew up in extreme poverty, this inequity could have meant the difference between acquittal and decades of imprisonment. The clemency process is Tyra's only remaining option to rectify these issues and gain her freedom.

We wish to highlight the struggle of women in proving actual innocence. Women make up only 9.2% of the known exoneration cases in the United States. The rate of incarceration for women in this country has increased exponentially in recent decades, yet the number of women exonerated remains relatively low. It is unlikely that the criminal justice system gets it more right with women than with men. Rather, wrongfully convicted women often face more of a challenge in attempting to demonstrate their innocence.

It is well known that DNA evidence is considered the gold standard for exonerations in the world of innocence work. In fact, advances in DNA evidence first shed light on the possibility that individuals had been wrongfully convicted of serious crimes. However, DNA played a role in only 7% (11 of 157) of female exonerees' cases. In sharp contrast, exculpatory DNA evidence was available in 26.7% (413 of 1545) of male exoneration cases. Unfortunately, women tend not to be convicted of the types of crimes for which exculpatory DNA evidence is available, and without this type of evidence, it is exceedingly difficult to prove innocence such that one would prevail in a court of law. Similarly, we understand that no DNA evidence exists in Tyra's case, and she will never be able to prove with absolute certainty that she is innocent. Clemency exists



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for the very purpose of showing mercy where there is a compelling reason to believe that an innocent person has been wrongfully convicted.

While we acknowledge that Tyra cannot prove definitively that she is innocent of the crimes the jury convicted her of committing, there is another compelling reason why we urge you to commute her sentence and release her. Tyra has served two decades in prison for a murder that another individual indisputably committed. Even if a teenaged Tyra Patterson had robbed a victim of a necklace before the shooting, Tyra has served more than enough time in prison to account for her responsibility in that crime. In fact, one of Tyra's co-defendants, Joseph Letts, who one might argue had the same level of accountability as Tyra, was released from prison in 2007. Mr. Letts, who was one of the individuals who fled the crime scene to do drugs and have sex as one of the victims died, served approximately twelve years for aggravated murder and aggravated robbery. Even if you believe Tyra is guilty, two decades of prison time for the individual who sought help for the victims certainly has been sufficient time to both punish Tyra for the crimes for which she was convicted, and provide for rehabilitation.

And rehabilitate herself she has. Tyra has transformed herself over the past two decades from a nineteen-year-old sixth grade dropout, to an educated, productive woman. While in prison, Tyra earned her GED, received recognition for completing numerous programs, earned a license in a trade, and earned her paralegal's certificate. Though she has had a couple of missteps along the way, Tyra has made the best of her situation in prison. It is clear that continuing to incarcerate her is unnecessary even if you are not completely convinced of her innocence.

Today, Tyra is an extraordinary woman supported by many. She deserves a chance to live her remaining years realizing her dream: to work with teens and encourage them to stay in school and remain drug-free. She will have a much better chance to improve her productivity and effect change if she is released. Granting clemency for Tyra will make our society better, stronger, and more just. We urge you to commute her sentence to time served, and release her from prison.

Sincerely,



Center on Wrongful Convictions Women's Project  
Bluhm Legal Clinic  
Northwestern University School of Law

## Signatories to Tyra Patterson Support Letter

### Organizations

Ms. Foundation for Women

The Innocence Project

Ohio Innocence Project

Ohio Public Defender, Wrongful Conviction Project

Arizona Justice Project

California Innocence Project

Connecticut Innocence Project

Florida Innocence Project

Illinois Innocence Project

Montana Innocence Project

Oregon Justice Resource Center (Oregon Innocence Project)

Wisconsin Innocence Project

Urban Justice Center

Gideon's Promise

### Individuals

Jim Petro, former Ohio Attorney General; co-author, *False Justice: Eight Myths That Convict the Innocent*

Nancy Petro, co-author, *False Justice: Eight Myths That Convict the Innocent*

Marcia D. Greenberger, Co-President, National Women's Law Center

Mark Godsey, Daniel P. and Judith L. Carmichael Professor of Law and Director, Lois and Richard Rosenthal Institute for Justice/Ohio Innocence Project, University of Cincinnati College of Law

Nancy Duff Campbell, Co-President, National Women's Law Center

Barry Scheck, co-founder, The Innocence Project, New York, New York

Bryan Stevenson, Founder and Director, Equal Justice Initiative; MacArthur Fellow; Professor of Clinical Law, New York University School of Law

Douglas Berman, Robert J. Watkins/Procter & Gamble Professor of Law, The Ohio State University, Moritz College of Law

Deborah J Merritt, John Deaver Drinko/Baker & Hostetler Chair in Law, The Ohio University Moritz College of Law

Amna Akbar, Assistant Professor of Law, The Ohio State University Moritz College of Law

Kari Bloom, Legislative Liason, Ohio Public Defender

Verna L. Williams, Judge Joseph P. Kinneary Professor of Law, Co-Director, Center for Race, Gender, and Social Justice, University of Cincinnati College of Law

Kristin Kalsem, Charles Hartsock Professor of Law, Co-Director, Center for Race, Gender, and Social Justice, University of Cincinnati College of Law

Emily M.S. Houh, Gustavus Henry Wald Professor of Law and Contracts, Co-Director, Center for Race, Gender and Social Justice, University of Cincinnati College of Law

Janet Moore, Associate Professor of Law, University of Cincinnati College of Law

Yolanda Vasquez, Assistant Professor of Law, University of Cincinnati College of Law

Marianna Bettman, Professor of Practice, University of Cincinnati College of Law

Yolander G. Hurst Ph.D., Associate Professor and Chair, Department of Criminal Justice, College of Social Sciences, Health, and Education, Xavier University

Richard Bales, Dean, The Ohio Northern University Pettit College of Law

Charles J. Ogletree, Jr., Jesse Climenko Professor of Law and Director, Charles Hamilton Houston Institute for Race & Justice, Harvard Law School

Intisar Rabb, Professor of Law, Harvard Law School

Jonathan Rapping, Founder, Gideon's Promise; MacArthur Fellow; Professor of Law, John Marshall Law School

Paul Butler, Professor of Law, Georgetown University Law Center

Abbe Smith, Professor of Law, Georgetown University Law Center

Kristin N. Henning, Director, Juvenile Justice Clinic, Professor of Law, Georgetown University Law Center

Randy Hertz, Professor of Clinical Law, New York University School of Law

Kim Taylor-Thompson, Professor of Clinical Law, New York University School of Law

Anthony C. Thompson, Professor of Clinical Law, New York University School of Law

Jenny M. Roberts, Professor of Law and Associate Dean, American University, Washington College of Law.

Angela Davis, Professor of Law, American University Washington College of Law

Ann Shalleck, Professor of Law and Carrington Shields Scholar American University, Washington College of Law

Brenda Smith, Professor of Law, American University, Washington College of Law

Michael Pinard, Professor of Law and Co-Director, Clinical Law Program, University of Maryland Francis King Carey School of Law

Lee Kovarsky, Professor of Law, University of Maryland Francis King Carey School of Law

Renée M. Hutchins, Professor of Law, University of Maryland Francis King Carey School of Law

Leigh Goodmark, Professor of Law, University of Maryland Francis King Carey School of Law

Jennifer Kreder, Professor of Law, NKU Chase College of Law

Michael Whiteman, Associate Dean and Professor of Law, NKU Chase College of Law

Michael Mannheimer, Professor of Law, NKU Chase College of Law

Mark Stavsky, Professor of Law, NKU Chase College of Law

Jennifer Kinsley, Associate Professor of Law, NKU Chase College of Law

Amy Halbrook, Associate Professor of Law, NKU Chase College of Law

Barbara McFarland, Assistant Professor of Law, NKU Chase College of Law

Ursula Doyle, Assistant Professor of Law, NKU Chase College of Law

Joanna Grossman, Sidney and Walter Siben Distinguished Professor of Family Law, Maurice A. Deane School of Law, Hofstra University

Andrea Roth, Assistant Professor of Law, UC Berkeley School of Law

Theresa A. Newman, Duke Law Center for Criminal Justice and Professional Responsibility (Duke Law Wrongful Convictions Clinic).

J. Janewa Osei-Tutu, J.D., LL.M., Associate Professor of Law, Florida International University College of Law

Angela Onwuachi-Willig, Charles M. and Marion J. Kierscht Professor of Law University of Iowa College of Law

Priscilla Ocen, Associate Professor of Law, Loyola Law School, Los Angeles

Anthony Paul Farley, James Campbell Matthews Distinguished Professor of Jurisprudence  
Albany Law School

Carla Pratt, Nancy J. LaMont Faculty Scholar and Professor of Law, Penn State University,  
Dickinson School of Law

Margaret Drew, Associate Professor and Director of Clinics and Experiential Learning,  
University of Massachusetts School of Law

Tamar R. Birkhead, Director of Clinical Programs and Associate Professor of Law, University  
of North Carolina School of Law

L. Song Richardson, Professor of Law University of California, Irvine School of Law

Sahar F. Aziz, Associate Professor, Texas A&M University School of Law

Laurie Shanks, Clinical Professor Emerita of Law, Albany Law School

Mae Quinn, Professor of Law, Washington University School of Law

Karen Pita Loor, Clinical Associate Professor of Law, Boston University School of Law

Angela Campbell, Ph.D, Assistant Professor of Education, Cabrini College

Michele E. Storms, Assistant Dean for Public Service & Executive Director, William H. Gates  
Public Service Law Program, University of Washington School of Law

Douglas Lasdon, Executive Director, Urban Justice Center

Joe Bodenhamer, Office of the Ohio Public Defender, Director, Wrongful Conviction Project,

Joanna Feigenbaum, Assistant State Public Defender, Office of the Ohio Public Defender,  
Wrongful Conviction Project

Darcy McGraw, Connecticut Innocence Project

Keith A Findley, Assistant Professor and Co-Director, Wisconsin Innocence Project,  
University of Wisconsin Law School

Lauren Kaeseberg, Staff Attorney, Illinois Innocence Project  
Amber Polk, Illinois Innocence Project

Kiran Desai, Illinois Innocence Project

Mac Leverenz, Illinois Innocence Project

Courtney Reed, Illinois Innocence Project

Will Teichmann, Illinois Innocence Project

Brian Cunningham, Illinois Innocence Project

Renee Chacko, Illinois Innocence Project

Shayla Cothran, Ohio Student Association

Prentiss Haley, Ohio Student Association

Sarah Chu, M.S., Senior Forensic Policy Advocate, Innocence Project

Darcy McGraw, Director, Connecticut Innocence Project/Post Conviction Unit

Sarah Henry, Cincinnati Attorney

Julie Jonas, Minnesota Innocence Project

Valena Beety, Director, West Virginia Innocence Project

Laura Caldwell, Director, Life After Innocence, Loyola University Chicago School of Law

Seth Miller, Florida Innocence Project

Danielle McDonald, Ph. D., Associate Professor, Department of Political Science and Criminal Justice, Northern Kentucky University

Alexis J. Miller, Ph.D., Associate Professor, Department of Political Science and Criminal Justice, Northern Kentucky University

Dr. Nicole Carter, Director, Women's Center, Wright State University

Chinonye Chukwu, Assistant Professor, Motion Pictures, Wright State University

Steven Bognar, Lecturer, Film Maker in Residence and Film Community Outreach Liason, Wright State University

La Fleur Small, Associate Professor, Sociology and Anthropology, Wright State University