

## New Project Aims for Innocent Women’s Liberation

BY ROB WARDEN

Julie Rea’s 10-year-old son, Joel, was stabbed to death shortly before daybreak on October 13, 1997, in their home in Lawrenceville, Illinois. Rea, a PhD student at Indiana University, told police an intruder had committed the crime, but they didn’t believe her. She was convicted and sentenced to 65 years in prison—but was exonerated nine years later, thanks to new evidence indicating that in fact an intruder had committed the crime.

Kristine Bunch’s three-year-old son, Tony, died of carbon monoxide inhalation when fire engulfed their trailer home in Decatur County, Indiana, on June 30, 1995. Within hours investigators jumped to the conclusion that Bunch had set the fire—despite the lack of any discernible motive. She was convicted and sentenced to concurrent prison terms of 60 years for murder and 50 years for arson. Twelve years later she was exonerated as a result of developments in arson science that essentially left

no doubt that the fire had been accidental.

Tabitha Pollock’s three-year-old daughter, Jami Sue, was killed in the early morning hours of October 10, 1995, at their home in Kewanee, Illinois. Although there was no question that the death occurred at the hands of Pollock’s live-in boyfriend, Pollock was charged with first-degree murder and aggravated battery on the theory that she

Pollock’s immediate release. A conviction cannot stand on what someone “should have known”—proof of actual knowledge is required—and, in Pollock’s case, the court found nothing suggesting that she knew her boyfriend endangered her daughter.

Nicole Harris’s four-year-old son, Jaquiri, was strangled to death on May 14, 2005, with an elastic cord from a fitted sheet in

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“should have known” the boyfriend posed a danger to her daughter’s life. She was convicted by a jury and sentenced to 36 years in prison. Seven years later the Illinois Supreme Court threw out the conviction outright, barring a retrial and ordering

the bedroom he and his six-year-old brother shared in the family’s apartment on the South Side of Chicago. The older brother, who had seen what happened, said the death occurred accidentally when Jaquiri was playing Spider-Man. However, after 27 hours of unrecorded police interrogation, Harris, a recent college graduate, confessed, whereupon the medical examiner, who initially had ruled the death accidental, reclassified it as a homicide. At Harris’s trial the judge barred the older brother’s exculpatory testimony on the grounds that, because he said he believed in Santa Claus and the Tooth Fairy, he was too young to distinguish between truth and fiction. Harris’s jury found her guilty, and the judge sentenced her to 30 years in prison. She was freed this year, after the US Court of Appeals granted her a new trial—holding that the trial judge had wrongly excluded the brother’s “critical exculpatory evidence.”

The cases of Rea, Bunch, Pollock, and Harris—clients of the Bluhm Legal Clinic’s



*Kristine Bunch is greeted with a hug upon her release from prison in August 2012. (Photo: Jean Lachat)*



Nicole Harris, center, with her cousins following her release from prison in February 2013.  
(Photo: AP Photo/Chicago Sun Times, Brian Jackson)

Center on Wrongful Convictions (CWC) at Northwestern University School of Law—spurred Center attorneys Karen Daniel and Judy Royal (JD '81) to launch the nation's first innocence project devoted to identifying and

exonerating wrongfully convicted women.

What's the need for a special project for women?

"The simple answer," said Daniel, "is that women's cases are different. Startling similarities arise in wrongful convictions of women—circumstances rarely seen in men's cases. All four women we have represented, for instance, were single mothers. By all accounts, they loved their children. They had no motives, no psychological issues. But, instead of being able to grieve for their children, they became secondary victims."

The result, of course, is devastating. "The only thing worse than having a loved one murdered," Royal said, "is to have a loved one murdered and then be wrongfully convicted of the crime, and that has happened in all of the women's cases in which the Center on Wrongful Convictions has been involved." As Tabitha Pollock puts it, "I not only lost my daughter, I lost custody of my sons as well. It has meant everything to have Northwestern here with me on my side."

Daniel and Royal note that innocent women sometimes are convicted of crimes that hadn't even occurred—as illustrated by Bunch's convictions for arson and murder in the wake of what in reality was a tragic accidental fire. Another example is the case of Audrey Edmunds, who, though not a CWC client, joined Daniel, Royal, and CWC women clients at Northwestern Law

for the launch of the Women's Project in November 2012.

Edmunds was a Wisconsin stay-at-home mom and daycare provider convicted in 1996 of violently shaking a six-month-old girl in her care, resulting in the child's death. She was exonerated in 2008, thanks to the Wisconsin Innocence Project, which marshaled an impressive body of scientific evidence that had emerged in the intervening years supporting her claim of innocence. Based on the new science, the Wisconsin

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Appellate Court ruled that there had been a shift in mainstream medical opinion as to the causes of the baby's injuries.

Because the evidence used to convict women is often entirely circumstantial—rarely is there DNA, for instance—rectifying their wrongful convictions can be complicated. Daniel and Royal also point out that, in what have proved to be wrongful prosecutions of women, prosecutors have used gender-biased evidence and argument. At Rea's trial, for instance, her former husband was allowed to testify—falsely and

irrelevantly—that she had contemplated aborting her pregnancy 11 years earlier.

The prosecutor suggested in his closing argument that Rea had committed the murder to make more time to pursue a modeling career.

In addition to representing imprisoned women with strong innocence claims, the Women's Project will conduct research into gender-specific factors involved in women's wrongful convictions. "We think it's possible that many women respond

differently to interrogation than do men," said Daniel.

A widely used police manual states that innocent persons generally respond self-righteously

and aggressively to an accusation, but Daniel thinks that many innocent women might not respond that way. "Certainly much of what goes on in criminal law is based on what a 'normal' person would do in a given situation, but these rules don't apply across the board—and may apply even less to women." ■

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*Rob Warden is co-founder and executive director of the Bluhm Legal Clinic's Center on Wrongful Convictions.*