

crimes, but later were exonerated. Before Dr. Kassin testified before the jury, the solicitor objected to Dr. Kassin testifying about “cases that don’t involve this particular case” because they were irrelevant. The trial judge stated “Just object to the things you want...let’s try to keep it as much as you can to something that fits the facts of this case generally.”

Dr. Kassin testified that he reviewed the videotape of the interview that Officer McHale conducted of Appellant on Friday, and that he was concerned that the techniques used by McHale could lead to a coerced confession. Dr. Kassin testified in great detail about coerced confessions. However, on redirect when he was asked to give “anecdotal examples of false confession” the judge stated “I’m not going to allow it unless you got a case exactly like this.” Dr. Kassin went on to say “there’s a case in Indiana that’s very similar. There’s a case in Connecticut...” The solicitor objected again.

Despite these objections, the record reflects that in fact Dr. Kassin was allowed to testify about specific cases of false confession. For example, Dr. Kassin testified that there were incidences of people confessing to a “shaken baby” case when the child died of other causes. He testified that sometimes someone confesses to a murder and some time later the victim turns up alive, so no crime was ever committed. Dr. Kassin testified about the “Innocence Project” in which DNA testing has exonerated people convicted of crimes and that 22% of the people had given false confessions. Finally, Dr. Kassin testified that people can give very detailed false confessions. For example, a man accused of killing his mother gave a reason for killing her as well as the

infallible. The man told the police that he could not have killed his mother. But the interrogator told him that “people black out these sort of things.” The man then said “Well, then I guess I must have done it.”

⁵ The Indiana case involved a man who was accused of killing his daughter and throwing her into a lake. The man confessed to the police that he clubbed the girl to death, which was consistent with what was known about the crime at the time. However, when the body was analyzed, it turns out she was stabbed to death, not clubbed to death. So, the actual confession did not match the facts of the case.

