LOUISIANA SUPREME COURT

No. 2016-KP-1114

COREY WILLIAMS

V.

BURL CAIN, WARDEN

On an Application for a Writ to review the ruling of
The Second Circuit Court of Appeal, No. 50702-KW
and
The First Judicial District Court, Parish of Caddo, No. 193,258
Honorable Katherine Clark Dorroh, Presiding

BRIEF OF *AMICUS CURIAE* INNOCENCE PROJECT NEW ORLEANS

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BRIEF OF *AMICUS CURIAE* INNOCENCE PROJECT NEW ORLEANS

INTRODUCTION

Innocent people can falsely confess when they are interrogated. This is a particular danger when the person who is being interrogated is a child or suffers from an intellectual disability. Studies show that confessions give police, lawyers, trial and appellate judges, and even witnesses, a great degree of confidence in a suspect or defendant's guilt. This can cause courts to place less weight on other, contradictory, evidence or give less consideration to a constitutional challenge because of the effect of the confession on the reviewing court's assessment of the strength of the case. However, this creates a danger that an innocent person will be left to die in prison. In one case, *amicus curiae* Innocence Project New Orleans (IPNO) in fact proved through DNA testing that an innocent person with an intellectual disability did die in prison because of his false confession. Case law and academic studies from around the country also demonstrate the danger of relying on confessions made by children or people with intellectual disabilities.

Corey Williams was a child *and* had an intellectual disability when he was interrogated and confessed to the murder of Jarvis Griffin. IPNO is not filing this Brief to take a position on the guilt or innocence of Corey Williams and cannot say for sure whether or not Mr. Williams falsely confessed in this case, but it is clear that Mr. Williams has now presented a substantial *Brady* claim. The district court dismissed this claim with limited analysis and no evidentiary hearing. The Court of Appeal declined to substantively review this claim. In light, however, of the weight given to Mr. Williams's confession by the district court below, the similarities between this case and several of IPNO's cases that ended in the exoneration of the defendant, and the national recognition of the risk of children with intellectual disabilities falsely confessing, IPNO urges this Court to grant Mr. Williams's application for review and—at a minimum—decide to fully consider the merits of his *Brady* claim.

IPNO believes this Court should, unlike previous courts, give full and detailed consideration to the merits of Mr. Williams's *Brady* claim because, as this Brief argues, (I) false confessions happen and are a leading cause of wrongful convictions, (II) IPNO's experience and authoritative sources show that children and people with intellectual disabilities like Mr. Williams are particularly vulnerable to falsely confessing during custodial interrogation, (III) false confessions can misdirect police investigations and there is evidence that this occurred

during this case, and (IV) as a matter of law, the fact the defendant confessed does not mean that a constitutional violation did not occur at trial. These arguments are preceded by a short explanation of the facts relevant to this Brief. The arguments are relevant to the *Brady* claim because consideration of a *Brady* claim requires considering the strength or weakness of the evidence of the defendant's guilt presented at trial. *See United States v. Agurs*, 427 U.S. 97, 113 (1976). In this case, the evidence of Mr. Williams's guilt is primarily a confession.

STATEMENT OF RELEVANT FACTS

The purpose of this Brief is not to argue the facts of this case. However, in order to explain the basis upon which the arguments in this Brief are made, the following summary of facts relied on in this Brief is provided:

1. The only direct evidence that Mr. Williams perpetrated the first-degree murder at issue is his confession and the supposed eyewitness testimony of Chris Moore. *State v. Williams*, 2001-1650, p. 16-17 (La. 11/1/02); 831 So. 2d 835, 849. Police documents establish the police considered Mr. Moore a suspect in the murder and were skeptical of the allegations against Mr. Williams until Mr. Williams confessed.

2. In denying Mr. Williams's *Brady* claim, which was predicated in part on evidence showing that Mr. Moore (rather than Mr. Williams) was the perpetrator, the district court significantly relied on the fact Mr. Williams had confessed. For example, the court justified denying one aspect of Mr. Williams's *Brady* claim by stating "Corey Williams confessed to the murder. He admitted his guilt." *Ex. 10 at 7; R. 433.*[1] And, in the Court of Appeal, the State placed heavy reliance on Mr. Williams's confession. *See Ex. 22 at 13, 14, 18, 20; R. 383-409.*

3. Mr. Williams was less than a month past his sixteenth birthday when he was interrogated and eventually confessed. The taped statements at issue were taken on January 5, 1998, and document that Mr. Williams was born sixteen years and twenty-three days earlier on December 13, 1981. *Ex. 14 at 1; R. 489.*

4. Mr. Williams is a person with an intellectual disability. This issue was litigated when Mr. Williams sought *Atkins* relief from his death sentence. The presiding district court judge (now-Justice Crichton) found "Corey Williams is mentally retarded as defined by law."[2] *State v.*

[1] Citations in the form "Ex.. # at #; R. #" referr to the exhibit numbers, page numbers within the exhibit, and record numbers of the exhibits in the appendix volumes filed with Mr. Williams's Application to this Court.

[2] The term "mentally retarded" has been replaced by the term "intellectually disabled." *See Hall v. Florida*, 134 S. Ct. 1986, 1990 (2014). The two terms describe the same phenomenon. *Id.* This Brief uses the term "intellectually disabled" unless quoting a source that uses a different term.

Williams, Caddo Parish Case No. 193,258 at *1 (Feb. 20, 2004).[3] Additional discussion of the specific findings concerning Mr. Williams's intellectual disability are contained in Section III(C) of the Argument in this Brief.

ARGUMENT

I. False confessions are proven to occur.

A growing body of empirical evidence proves that a confession does not always mean the confessor is guilty. The national Innocence Project maintains data on every DNA-proven wrongful conviction in the country. It reports that in 96 of the 341 DNA-proven wrongful convictions the conviction was caused at least in part by a false confession or admission.[4] In other words, a false confession or admission contributed to over a quarter of all DNA proven wrongful convictions.

In addition to the data maintained by the Innocence Project, the National Registry of Exonerations tracks information on all U.S. exonerations, whether or not proven by DNA evidence.[5] The National Registry of Exonerations has data on 1809 exonerations and reports that in 227 of these cases the exonerated defendant confessed or made a statement against interest.[6]

The National Registry of Exonerations lists five Louisiana cases in which defendants were exonerated after making false confessions or statements against interest (as noted in the Motion for Leave to File, IPNO was counsel of record in four of these cases). These five cases

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[3] This ruling is included in Mr. Williams's appendices. *Ex. 17; R. 850-58.*

[4] *See* Innocence Project, The Cases, Exonerated by DNA, http://www.innocenceproject.org/all-cases/ (last visited June 2, 2016).

[5] The National Registry of Exonerations defines an exoneration as follows:

> A person has been exonerated if he or she was convicted of a crime and later was either: (1) declared to be factually innocent by a government official or agency with the authority to make that declaration; or (2) relieved of all the consequences of the criminal conviction by a government official or body with the authority to take that action. The official action may be: (i) a complete pardon by a governor or other competent authority, whether or not the pardon is designated as based on innocence; (ii) an acquittal of all charges factually related to the crime for which the person was originally convicted; or (iii) a dismissal of all charges related to the crime for which the person was originally convicted, by a court or by a prosecutor with the authority to enter that dismissal. The pardon, acquittal, or dismissal must have been the result, at least in part, of evidence of innocence that either (i) was not presented at the trial at which the person was convicted; or (ii) if the person pled guilty, was not known to the defendant, the defense attorney and the court at the time the plea was entered. The evidence of innocence need not be an explicit basis for the official action that exonerated the person.

National Registry of Exonerations, Glossary, https://www.law.umich.edu/special/exoneration/Pages/glossary.aspx (last visited June 2, 2016).

[6] *See* National Registry of Exonerations, Browse Cases, Detailed View, https://www.law.umich.edu/special/exoneration/Pages/browse.aspx (last visited June 2, 2016).

are *State v. Reginald Adams*, Orleans Parish Case No. 278-951, *State v. Dennis Brown*, St. Tammany Parish Case No. 128-634, *State v. Travis Hayes*, Jefferson Parish Case No. 97-3780, *State v. Anthony Johnson*, Washington Parish Case No. 89-CRC-39701, and *State v. Damon Thibodeaux*, Jefferson Parish Case No. 96-4522. As discussed in more detail below, these five false confession cases include two in which the defendant, like Corey Williams, was a child and had an intellectual disability.

II. Corey Williams's youth and intellectual disability made him particularly vulnerable to falsely confessing.

IPNO's own experience and considerable academic study show that there is a significant chance that—as a child with an intellectual disability—Corey Williams could have confessed to a crime committed by someone else.

A. IPNO's Experience with False Confessions, Children, and Intellectual Disability[7]

In 2007, IPNO's client Travis Hayes was exonerated after ten years in prison. Mr. Hayes was convicted largely due to a taped confession he gave during a custodial interrogation. *See State v. Hayes*, 2001-736 (La. App. 5 Cir. 12/26/01); 806 So. 2d 816. Like Mr. Williams, Mr. Hayes did not confess during his first taped statement. Like Mr. Williams, Mr. Hayes was a child when interrogated. Like Mr. Williams, Mr. Hayes had an IQ consistent with an intellectual disability. Like Mr. Williams, during post-conviction proceedings Mr. Hayes presented significant evidence that someone else committed the crime for which he had been convicted. Mr. Hayes would have died in prison for a crime he did not commit if the post-conviction court had not allowed extensive evidentiary hearings and then weighed the favorable evidence the jury did not hear against the confession of a child with an intellectual disability and decided Mr. Hayes's conviction must be vacated.

In 2005, IPNO's client Dennis Brown was exonerated after twenty years in prison for a crime that DNA evidence proved he did not commit. At trial, the State relied on the allegation that Mr. Brown made an unrecorded admission to the crime. Like Mr. Williams, Mr. Brown was a child when interrogated. Like Mr. Williams, there is evidence Mr. Brown was intellectually disabled. Mr. Brown would have died in prison if a court had not found that, despite his alleged

[7] Further information on each of the cases discussed in this subsection can be found on IPNO's website. *See* Innocence Project New Orleans, Exonerees / Clients, Exonerees Profiles, http://www.ip-no.org/exoneree-profiles (last visited June 2, 2016).

confession, there was enough doubt about his guilt that the State should pay for DNA testing of available evidence. This DNA testing proved Mr. Brown innocent.

IPNO's Mississippi casework also includes a notorious example of the danger of wrongly relying on confessions by people with intellectual disabilities.[8] Bobby Ray Dixon confessed to a role in a rape and murder. He pled guilty and received a life sentence in 1980. Like Mr. Williams, Mr. Dixon suffered from a debilitating intellectual disability. In 2010—despite the fact that Mr. Dixon had not only confessed, *but had pled guilty*—the District Attorney agreed that there was a sufficient possibility Mr. Dixon was innocent that available evidence in the case should be DNA tested. DNA testing proved Mr. Dixon was innocent and implicated a serial rapist who had been active in the area at the time. By the time that the DNA results came back, however, Mr. Dixon was suffering from terminal brain cancer. Mr. Dixon was released from prison, but did not live to see his formal exoneration in December 2010. Two other men, Phillip Bivens and Larry Ruffin, also falsely confessed to the same crime as Mr. Dixon and were convicted, but later proved innocent. Like Mr. Williams and Mr. Dixon, there is evidence that Mr. Ruffin had an intellectual disability. Tragically, Mr. Ruffin died in prison in 2002 after his conviction, which was based entirely on false confessions, had been unquestioningly affirmed by the Mississippi Supreme Court. *See Ruffin v. State*, 447 So. 2d 113 (Miss. 1984). He was posthumously exonerated in 2011.

IPNO's experience shows that a confession made by a person who was a child when interrogated and/or who suffers from an intellectual disability *cannot* bar full review of a case when evidence of innocence can be developed or has come to light after trial. Accepting such confessions without question *does* cause innocent people to die in prison. IPNO's experience with such false confessions is backed up by considerable additional evidence.

B. Youth and False Confessions

Mr. Williams was a child just a few weeks past his sixteenth birthday when he was interrogated and confessed. Law enforcement and courts both recognize that children are particularly vulnerable to falsely confessing during custodial interrogations and empirical evidence backs them up.

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[8] The case received substantial media coverage. *See, e.g.*, Campbell Robertson, *30 Years Later, Freedom in a Case With Tragedy for All Involved*, N.Y. Times, Sept. 17, 2010, at A12; Jerry Mitchell, *Convictions Overturned: Imprisoned Men Free at Last*, Clarion Ledger, Sept 17, 2010.

The widespread recognition by law enforcement of the vulnerability of children during interrogation includes The International Association of Chiefs of Police's statement that "[o]ver the past decade, numerous studies have demonstrated that juveniles are particularly likely to give false information—and even falsely confess—when questioned by law enforcement." Int'l Ass'n of Chiefs of Police, *Reducing Risks: An Executive's Guide to Effective Juvenile Interview and Interrogation* (2012). A national survey of police officers also shows general recognition among law officers that young people are vulnerable during police interrogations. N. Dickon Reppucci, Jessica Meyer & Jessica Kostelnik, *Custodial Interrogation of Juveniles: Results of a National Survey of Police*, in Police Interrogations and False Confessions: Current Research, Practice, and Policy Recommendations 67 (2010). Reid and Associates, *the* major trainers of law enforcement in interrogation techniques, also recognize the vulnerabilities of children and the intellectually disabled during interrogation:

> Exercise extreme caution when interrogating juveniles, suspects with a lower intelligence or suspects with mental impairments. This class of suspects is more susceptible to false confessions and, therefore, the investigator should be cautious in utilizing active persuasion such as discouraging weak denials, overcoming objections or engaging in deceptive practices. Proper corroboration of a confession will be critical with this group of suspects.[9]

There is no meaningful dispute among law enforcement as to whether children like Corey Williams are unusually vulnerable to falsely confessing; it is accepted fact.

The U.S. Supreme Court has also long recognized that children are especially likely to react to interrogation by falsely confessing. In *Haley v. Ohio*, 332 U.S. 596, 599-600 (1948), the Court suppressed a fifteen-year-old boy's confession given during police interrogation, because a youth—an "easy victim of the law"—could succumb to coercion during the police interrogation process if he were left without adequate protections. The Court stated "that which would leave a man cold and unimpressed can overawe and overwhelm a lad in his early teens." *Id.* at 599. Fourteen years later, in *Gallegos v. Colorado*, 370 U.S. 49, 54 (1962), the Court suppressed a teenager's confession despite the fact it was given almost immediately after the defendant had been taken into custody. The Court held:

> [A] 14-year-old boy, no matter how sophisticated, is unlikely to have any conception of what will confront him when he is made accessible only to the police . . . [W]e deal with a person who is not equal to the police in knowledge and understanding of the consequences of the questions and answers being recorded and

[9] Reid and Associates, Investigator Tips, The Reid Technique: A Position Paper, http://www.reid.com/educational_info/r_tips.html?serial=20150501-1&print=[print] (last accessed June 2, 2016).

> who is unable to know how to protect his own interests or how to get the benefits of his constitutional rights.

Id. The Court later affirmed that the privilege against self-incrimination protects children in juvenile court in *In re Gault*, 387 U.S. 1, 42-57 (1967). In so doing, the Court explained that "common observation and expert opinion" both compel the conclusion that one should "distrust" the interrogation-induced confessions of young people. *Id.*

Consistent with these earlier cases, the Court recently issued an opinion that was founded squarely on the principle that children and teenagers are particularly likely to make involuntary and false confessions. In *J.D.B. v. North Carolina*, 131 S. Ct. 2394, 2399 (2011), the Court held that a child's age is properly considered during a *Miranda* custody analysis, because "children will often feel bound to submit to police questioning when an adult in the same circumstances would feel free to leave." The Court reiterated that custodial interrogation can induce false confessions at an alarming rate and it emphasized that this problem is "all the more acute" when the subject is a child because young persons are "most susceptible to influence and outside pressures." *Id.* at 2401, 2405 (internal quotations omitted).

Empirical studies of false confessions further illustrate the heightened risk of false confessions from youth. The leading study of 125 proven false confessions—cited by the Supreme Court in *J.D.B.*, 131 S. Ct. at 2401, and *Corley v. United States,* 556 U.S. 303, 321 (2009)—found that 63% of false confessors were under the age of twenty-five and 32% were under eighteen.[10] Steve Drizin & Richard Leo, *The Problem of False Confessions in the Post-DNA World*, 82 N. C. L. Rev. 891, 945 (2004). In another study, which examined 340 exonerations that had taken place since 1989, researchers found that juveniles under the age of eighteen were three times as likely to falsely confess as adults; 42% of juvenile exonerees had falsely confessed compared to only 13% of wrongfully convicted adults. Samuel R. Gross et al., *Exonerations in the United States, 1989 Through 2003*, 95 J. Crim. L. & Criminology 523-53 (2005). Another study revealed that juveniles between the ages of twelve and sixteen were far more likely to falsely confess than young adults between the ages of eighteen and twenty-six; a majority of the juvenile participants in that study complied with a request to sign a false confession without uttering a word of protest. *See* Allison D. Redlich & Gail S. Goodman, *Taking Responsibility For an Act Not Committed: Influence of Age and Suggestibility*, 27 L. &

[10] By way of comparison, contemporaneous statistics show juveniles make up only 8% of the individuals arrested for murder and 16% of the individuals arrested for rape in the United States. See Howard Snyder, *Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, Juvenile Arrests 2004* (Dec. 2006).

Hum. Behav. 141, 150-51 (2003). And, a recent study examining 103 wrongful convictions of factually innocent teenagers and children found that a false confession contributed to 31.1% of the juvenile cases studied, as compared against only 17.8% of adult wrongful convictions. Joshua A. Tepfer, Laura H. Nirider & Lynda Tricarico, *Arresting Development: Convictions of Innocent Youth*, 62 Rutgers L. Rev. 887, 904 (2010).

C. Intellectual Disability and False Confessions

In addition to being a child, Corey Williams also suffered from intellectual disability at the time of the crime and his interrogation. As discussed above, there has already been a finding on this point, which was made after an extensive evidentiary hearing. *Williams*, Caddo Parish Case No. 193,258. The court specifically found there was "consistent," "compelling" and uncontested evidence that Mr. Williams had an IQ in the "mentally retarded" range (below 70). *Id.* at 4. It also held there was consistent evidence of "low adaptive functioning of Mr. Williams as well as peculiar and inappropriate misbehavior." *Id.* at 5. And, it noted there was evidencethat Mr. Williams was "a 'yes man'" and had previously "taken the rap" for someone else in an unrelated case. *Id.* at 6. Mr. Williams's confirmed intellectual disability makes him especially vulnerable to falsely confessing.

As noted above, Reid and Associates recognize the vulnerability of the intellectually disabled to falsely confessing. The Supreme Court also recognizes people with intellectual disabilities are especially vulnerable to falsely confessing. *Atkins v. Virginia*, 536 U.S. 304, 320 (2002) (finding unconstitutional the practice of executing people with mental retardation, in part because those individuals are particularly prone to falsely confessing). And, the same empirical evidence that establishes youth is one characteristic found in false confessors also shows that intellectual disability or mental illness is the other characteristic that makes a person especially vulnerable to falsely confessing.

One study found that 69% of wrongfully convicted people with intellectual disabilities and 70% of wrongfully convicted people who were mentally ill had falsely confessed, which was almost *seven times* the rate at which people who lacked either of these characteristics and had been wrongfully convicted had falsely confessed. Gross, *supra* at 545. Another study found that people with intellectual disabilities are over *ten times* more prevalent among known false confessors than they are in the population as a whole. Drizin & Leo, *supra* at 970-71. Given this data, it "seems beyond legitimate debate that mentally retarded suspects are likely to confess

falsely . . . far more frequently than do suspects of average and above-average intelligence." Morgan Cloud et al, *Words Without Meaning: The Constitution, Confessions, and Mentally Retarded Suspects*, 69 U. Chi. L. Rev. 495, 503 (2002).

Considering all of this information, the confession of a child with an intellectual disability that lacks objective corroboration should be treated with significant skepticism. Unfortunately, Corey Williams's confession has not, thus far, been treated with the well-warranted skepticism it deserves.

III. A false confession can misdirect a police investigation.

A confession can *direct* an entire police investigation if investigators *assume* the confession to be true and act accordingly. So, a false confession can *misdirect* an entire police investigation if investigators *mistakenly assume* the confession to be true and acting accordingly.

There are several published studies on how a confession can influence other evidence during investigations, which were recently summarized in a publication of the American Psychological Association. *See* Saul Kassin, *Why Confessions Trump Innocence*, 67 Am. Psychol. 431, 437 (2012). These studies include a 1994 experiment with polygraph examiners, which found a significant change in how polygraph examiners classified results that had previously been considered inconclusive if they were told the examinee had confessed. *Id.* The studies also include a 2006 experiment with fingerprint examiners, which found a 17% overall change from previously correct results if the examiner was told the suspect had confessed or had been definitively excluded as the perpetrator. *Id.* And, a 2009 study of eyewitnesses to a staged crime found that, among witnesses who were shown a lineup *not* containing the apparent perpetrator and correctly did not make an identification, half, after having been told a participant in the lineup confessed, changed their answer to wrongly identify the confessor as the apparent perpetrator. *Id.*

IPNO's own casework also shows how a confession can misdirect an investigation and prosecution. The clearest example of this is the case of Bobby Ray Dixon, Larry Ruffin, and Phillip Bivens, discussed above. During the initial investigation, the victim's child, who witnessed the crime, made clear that *a single person* committed the crime.[11] Despite this fact, after the majority of the confessors ultimately implicated *three people* in the crime, law enforcement investigated and prosecuted on this theory and ignored the evidence contradicting

[11] This fact was even alluded to, but ignored, by the reviewing court. *Ruffin*, 447 So. 2d at 114.

this and the lack of evidence corroborating this. Other law enforcement actions in this case also show how false confessions can come to dominate an investigation. Mr. Ruffin's first confession contained verifiable facts that were determined to be false. Investigators responded to this by re-interrogating Mr. Ruffin and obtaining a second confession with different verifiable facts that were also determined to be false. At this point, instead of considering that Mr. Ruffin's confession of guilt might be entirely false, police interrogated Mr. Ruffin's friends and obtained two more false confessions that also implicated Mr. Ruffin. At no point after Mr. Ruffin first confessed did law enforcement examine the possibility of a different perpetrator and so did not investigate an active serial rapist with connections to the victim's family. Only after a DNA database search identified the serial rapist thirty years later was it determined that he, and not Mr. Ruffin and his friends, perpetrated the crime alone.

Consistent with this, there is evidence in Mr. Williams's case that the police investigation was directed by the fact Mr. Williams confessed and so could have been misdirected by a false confession. As discussed throughout the first assignment of error discussing the *Brady* claim in the Writ Application filed on Mr. Williams's behalf with this Court, there is evidence the police initially believed Christopher Moore, not Corey Williams, perpetrated the shooting. Then, however, Mr. Williams confessed. At this point, because of the confession of a child with an intellectual disability, the police not only stopped meaningfully pursuing Mr. Moore as a suspect, they also omitted information that implicated Mr. Moore or impeached his credibility from their summaries of the case facts. Even if there was no other withheld evidence in this case, this, at an absolute minimum, warrants a full evidentiary hearing in the court below.

IV. Courts recognize a confession does not mean the defendant is guilty or that the defendant's rights were not violated at trial.

As the information discussed throughout this Brief establishes, a confession, even one that is legally admissible, is not a guarantee that the defendant is guilty or that a fully-informed jury will vote to convict. In recognition of this, courts around the country have acknowledged the possibility of false confessions and granted relief in cases in which the defendant confessed, but the jury did not hear reliable evidence.

Authorities ranging from the present day to before this country was founded recognize that false confessions happen and, also, that juries do not necessarily convict even when they learn the defendant has confessed. *See, e.g., Corley,* 556 U.S. at 320-21 ("[C]ustodial police

interrogation, by its very nature, isolates and pressures the individual . . . and there is mounting empirical evidence that these pressures can induce a frighteningly high percentage of people to confess to crimes they never committed." (internal quotation omitted)); *Atkins*, 536 U.S. at 320 n. 25 (2002) ("[E]xonerations include mentally retarded persons who unwittingly confessed to crimes that they did not commit."); *Crane v. Kentucky*, 476 U.S. 683, 689 (1986) ("Confessions, even those that have been found to be voluntary, are not conclusive of guilt."); *Gault*, 387 U.S. at 52 (stating "authoritative opinion has cast formidable doubt upon the reliability and trustworthiness of 'confessions' by children"); *Bram v. United States*, 168 U.S. 532, 546 (1897) ("I have known the prisoner disown his confession upon his examination, and hath sometimes been acquitted against such his confession . . ." (quoting 2 Matthew Hale, Pleas of the Crown 284 (1st ed. 1736))); *Edmonds v. Oktibbeha County*, 675 F.3d 911, 914-15 (5th Cir. 2012) (stating plaintiff's confession to police, though "false," was voluntary); *Johnson v. Riverdale*, 192 F. Supp. 2d 874, 875 (N.D. Ill. 2002) ("[Defendant]—even though innocent—confessed falsely to the murder."); *State v. Oakley*, 227 S.W.3d 58, 59 (Tex. 2007) (noting defendant confessed, pled guilty and testified against co-defendant, but was subsequently exonerated).

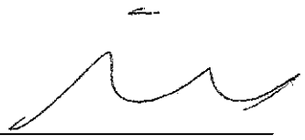
Consistent with this, courts have also made clear that a confession—even if found to be voluntary—does not preclude the possibility of a constitutional violation in a case. *See, e.g., Harris v. Thompson*, 698 F.3d 609, 631 (7th Cir. 2012) (reversing for erroneous exclusion of defense evidence and stating "[s]imply because a confession is in evidence does not make every violation of the accused's constitutional rights ipso facto a harmless error"); *Soffar v. Dretke*, 368 F. 3d 441, 478-79 (5th Cir. 2004) (holding jury not hearing evidence that contradicted defendant's confession undermined confidence in the outcome of the trial despite defendant having confessed to the crime); *Brown v. Dugger*, 831 F.2d 1547, 1550-55 (11th Cir. 1987) (holding admission of hearsay evidence and prosecutorial comment on defendant's silence not harmless despite defendant's confession); *Edmonds v. State*, 955 So. 2d 787, 791 (Miss. 2007) (holding admission of improper expert testimony and exclusion of admissible defense evidence reversible error despite defendant's confession).

Certainly, the fact that a defendant has confessed does not make it constitutionally acceptable for the State to withhold evidence from the defense and force the jury, without access to all the relevant evidence, to determine whether the defendant's guilt has been proved beyond a reasonable doubt.

CONCLUSION

When a defendant has confessed, it is easy for a court to decide they are guilty and that detailed review of a case is unnecessary. IPNO files this Brief to urge this Court not to do this. A confession does not establish that the defendant's guilt is certain or that their conviction is inevitable. This is particularly true when the confessor, like Corey Williams, was a child with an intellectual disability. This Court should review Mr. Williams's case.

Respectfully submitted,



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