



Why plead guilty?

Some 160,000 Americans behind bars may have admitted crimes they didn't commit.

Here's why they do it

BY ANTOINE GOLDET

1 On a stifling afternoon in the summer of 1996, Rodney Roberts pleaded guilty to kidnapping someone. He had never met the victim, nor had he held her against her will. Yet this is what he told the judge in the cramped
5 Essex County, New Jersey, courtroom. His public defender had convinced him the alternative was **1**.

Roberts heard there was overwhelming evidence for him raping a teenager. He remembers his defender saying, 'Admit to kidnapping, and they'll drop the rape
10 charge.' Feeling trapped by the system, he feared decades of imprisonment if he asked for a trial because he had been found guilty and had been imprisoned for rape by a jury ten years earlier. 'I knew I was innocent, but I had to choose between Satan and Lucifer.'

15 Roberts's case isn't unique. In 1996, 92% of convictions in Essex County rested on plea agreements. That number was 98% in 2014, so only 2% of defendants had trials. Today, more than two million Americans are jailed after a plea agreement. It's estimated that 2% to
20 8% of convicted criminals are innocent of the crimes to which they pleaded guilty. For each of these wrongful convictions, the real perpetrators continue walking the same streets **2**.

The case

25 The case began in Newark, May 1996. A teenager was grabbed by the neck by a man who threatened to shoot her if she screamed. Then he raped her. Seventeen days

later, police arrested Roberts a few blocks away from the crime scene. At the police station, an officer said he was
30 being arrested for a parole violation.

Roberts was jailed. He was familiar with captivity: at 19, he was convicted of rape. That victim testified Roberts was one of three who stole her car and raped her in 1986. Roberts was the lookout, but a jury found
35 him guilty of rape nonetheless. He got 20 years and was released on parole after seven.

After being released, Roberts found starting a new life proved difficult. He moved in with his girlfriend and the son who was born when he was jailed.

40 After some time, he managed to find two jobs, but his difficulties in securing the jobs and raising a child meant Roberts had failed to report to his parole officer **3**.

45 Under arrest for parole violation, he knew he could face another 20 months in jail. He hoped working two jobs and parenting might help him, but
50 when the police took him to the Newark Courthouse, Roberts wasn't only accused of parole violation but also of **4**.

He told anyone who would listen
55 that the police had arrested the wrong



guy. When the judge read the charges against him, Roberts pled not guilty. Public defender Charles Martone introduced himself to Roberts and immediately asked what kind of plea deal he would accept. 'No deal, I'm
60 not guilty,' Roberts responded. Roberts asked Martone the basis for the 5.

The plea deal

Martone soon returned with bad news. He said the rape victim knew Roberts and had identified him, and she was
65 ready to testify against him. His defender made Roberts's choice clear: accept a deal or be jailed for life. Because Roberts had been convicted of rape back in 1986, he felt the jury would never believe his innocence. Georgia State University professor Russell Covey said this is
70 a common quandary for past offenders. 'Those with criminal records are often manipulated to plead guilty in cases where the evidence wouldn't 6.'

Roberts understood the rape charge would be dismissed and the kidnapping charge downgraded. 'My
75 defender said the judge would record no one got hurt,' he says. 'That's why I pled guilty.' He was given a 7.

After his plea deal and conviction, Roberts found something shocking in his paperwork: prison had classified him as a sex offender. He asked advice from
80 fellow prisoners, but word spread rapidly, and other prisoners started beating him up, as they did with other rapists. Roberts fought back, earning him over 700 days in solitary confinement.

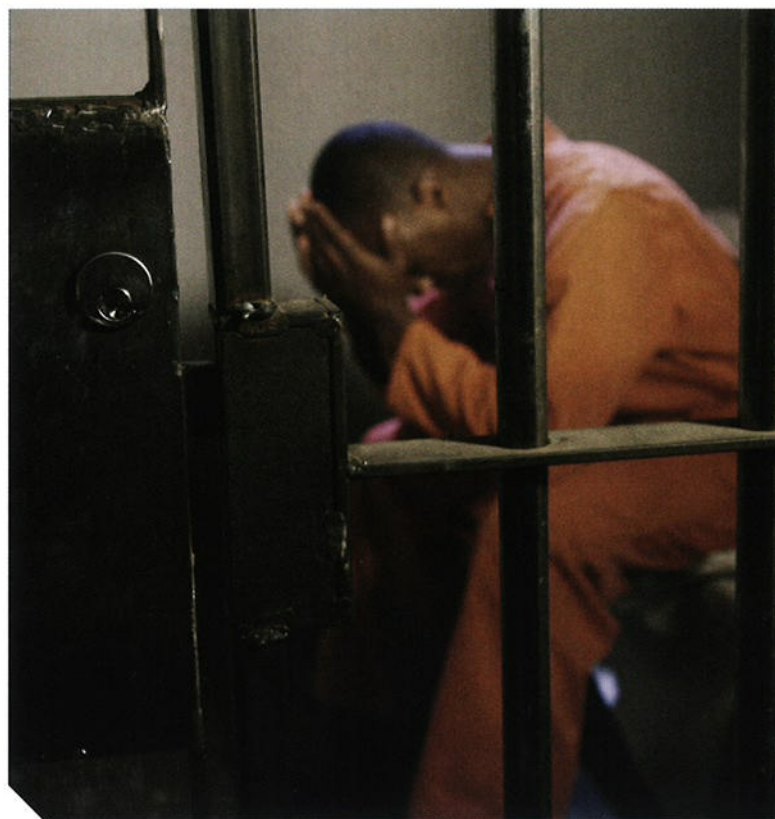
After half his sentence, Roberts had his first parole
85 hearing. When a parole committee member mentioned the rape, he answered, 'I didn't plead guilty to that.' The committee said that the police report was the information they had to go by. Roberts wouldn't admit to the crime or show regret – both things parole boards
90 listen for as they assess whether prison time has changed a person. Consequently, he was 8.

Roberts felt cheated by justice and decided to take matters into his own hands. In 2001, he filed to withdraw his guilty plea. 'I didn't trust public defenders at that
95 point and had to be my own lawyer.' Within days, the motion was denied. Realising he might have to serve the whole term, Roberts spent most days at the library studying law to challenge his sex offender status.

At the end of his seven-year sentence, however, the civil division of the attorney general's office in New Jersey had lodged a detainer against him – a red flag suggesting he should not be released. Instead, he was moved to a prison that housed sexually dangerous criminals. His sentence was changed to life because he refused to admit to 9.

A change of fortune

After nine years, Roberts got his first good news: an investigator uncovered new information after finding and interviewing the rape victim. She told



him she 'didn't even know anyone had been arrested
115 for the crime' and denied having identified anyone. The investigator also noticed the police report mentioned a rape kit, which hadn't been 10.

Roberts got to work again. In 2006, he asked to withdraw his guilty plea again, based on the lack of
120 evidence for the rape that made getting out of jail almost impossible. His request was denied again. It took two appeals and four more years for the court to take another look at 11.

When that day came, in 2010, the victim and Roberts
125 were both present in court. The victim didn't recognise Roberts. Charles Martone also testified; he didn't remember Roberts's case, but remembered a workload of up to 120 cases per day. 'I was told to negotiate pleas with all defendants,' he testified. 'If they weren't guilty,
130 they could ask for trial.' But Martone said he would never have misled a client – and the judge believed him.

For the third time, Roberts appealed. A new judge and a new lawyer were assigned to the case. In 2013, Roberts – now 17 years behind bars – met Michael
135 Pastacaldi, a young private attorney who handles cases from the state on a contract basis. He wasn't convinced of Roberts's innocence. 'Why would someone plead guilty to something they didn't do?' he remembers thinking. 'It sounded like sour grapes.' But the lawyer put
140 aside his scepticism. He focused on the rape kit, which was found still sealed. The DNA in it 12.

On March 14, 2014, Roberts was finally freed. Today, when he talks today about the police, defenders, and judges responsible for 18 years imprisonment, there is
145 no anger. Instead, he thinks this system, designed to discourage defendants from going to trial, is to blame. 'It started to become less and less about me,' he says. <<

