

“True Conviction” Resource Guide

This guide has been created to accompany the Independent Lens broadcast of the documentary film, “True Conviction,” on PBS stations nationwide starting on April 30, 2018.

<http://www.pbs.org/independentlens/films/true-conviction/>

Independent Lens is television’s largest showcase of independent documentary film. It airs Monday nights on most PBS member stations. [Check your local listings](#), and don’t miss an episode!

In this guide, you’ll find the following materials:

- Sample discussion questions for “True Conviction” watch parties
- Facts about wrongful convictions and exonerations
- Sample social media posts
- Sample letters to the editor
- Resources and background information
- Ideas for involvement

We dedicate this resource guide to the memory of **Johnnie Lindsey**, who passed away on February 2, 2018 at the age of 65 after battling liver cancer. He spent 26 years in prison as an innocent man and was exonerated in 2008.

Prepared by the Texas Coalition to Abolish the Death Penalty, April 2018.

Sample Discussion Questions for “True Conviction” Watch Parties

The following questions are provided as potential conversation-starters for watch parties. Pick the questions that will resonate the most with you and your guests.

- What thoughts/feelings/reactions did “True Conviction” evoke for you?
- What scenes and images in the film stand out for you?
- What stories or perspectives resonated with you?
- What questions does the film raise for you?
- What new information about the criminal justice system did you learn from viewing this film?
- What new understandings about the experiences and needs of exonorees did you gain from viewing this film?
- How did House of Renewed Hope’s investigation into the case of Max Soffar impact your perspective on the death penalty?
- Did their investigation cast doubt on the integrity of Soffar’s conviction? Was the death penalty an appropriate punishment in his case?
- What are your thoughts on the way Texas compensates individuals who were wrongfully convicted?
- What improvements would you like to see in the criminal justice system to prevent future wrongful convictions?
- How can we address the causes of wrongful convictions?

Facts about Wrongful Convictions and Exonerations

- According to the National Registry of Exonerations, since 1989, **332 people** who were convicted of serious crimes in Texas have been exonerated. Factors contributing to their wrongful convictions include mistaken witness identification (a factor in 73 cases), false or misleading forensic evidence (155), perjury or false accusation (73), false confession (7), inadequate legal defense (47), and/or official misconduct (67). DNA evidence played a role in 59 exonerations. Most cases included more than one contributing factor.
- **54 individuals in Dallas County** have been exonerated of serious crimes since 1989; many of those exonerations were based on DNA evidence.
- Since 1973, **161 individuals** – including 13 people in Texas – have been released from death rows nationwide due to evidence of their wrongful conviction.
- There is strong evidence that the State of Texas has executed at least **six innocent men**: Carlos Deluna (executed in 1989); Ruben Cantu (1993); Gary Graham (2000); Odell Barnes (2000); Claude Jones (2000); and Cameron Todd Willingham (2004).
- In 2017, the National Registry of Exonerations recorded **139 exonerations** in the United States, including 84 cases involving official misconduct by police, prosecutors, or other government officials. Last year also saw record highs for the number of cases with mistaken eyewitness identifications (37); false confessions (29); and perjury or false accusations (87).
- Of the **98 violent crime exonerations** in 2017, four men were freed from death row
- The states with the **most exonerations were Texas (23)**; Illinois (21); Michigan (14); New York (13); California (9); Massachusetts (5); Louisiana (4); Montana (4); and Ohio (4).
- DNA testing is often lauded as the scientific cure-all for wrongful convictions, but it played a small role in recent exonerations. **Just 13% of exonerations in 2017** relied on genetic analysis.
- Since 1990, the State of Texas has paid a total of **\$109 million in compensation to 109 wrongfully convicted women and men...** and counting.
- In Texas, an individual who is declared by a judge, prosecutor, or appellate court to be “actually innocent” is eligible for a lump sum payment equal to **\$80,000 for each year of wrongful incarceration**. Exonorees also become eligible for monthly annuity payments for the rest of their lives unless they are later convicted of a felony.

Sample Social Media Posts for “True Conviction”

Spread the word about “True Conviction” on social media before, during, and after the PBS broadcast. Re-post from the following Twitter accounts or create your own tweets, based on the samples below.

Suggested Twitter handles to follow:

@Convictionfilm
@DPIInfoCtr
@exonerationlist
@HRenewed Hope
@IndependentLens
@TCADP

Sample tweets focused on wrongful convictions in Dallas County:

Did you know that 54 individuals have been exonerated of serious crimes in Dallas County?
@Convictionfilm @IndependentLens

54 individuals in Dallas County have been exonerated of serious crimes since 1989; many of those exonerations were based on DNA evidence. @Convictionfilm @IndependentLens

Sample tweets focused on exonees:

65 years. That's how long Christopher Scott @HRenewedHope, Johnnie Lindsey, & Steven Phillips spent wrongfully incarcerated. Watch @Convictionfilm tonight on PBS to learn more!

Learn more about the work of Christopher Scott @HRenewedHope, Johnnie Lindsey, and Steven Phillips tonight on PBS @Convictionfilm @IndependentLens

Sample tweets to post during the broadcast:

Christopher Scott @HRenewedHope spent 12 yrs wrongfully incarcerated; learn about his work to fight injustice & stop wrongful convictions right now on PBS! @Convictionfilm @IndependentLens @HRenewedHope

Johnnie Lindsey spent 26 yrs wrongfully incarcerated; learn about his work to fight injustice & stop wrongful convictions right now on PBS! @Convictionfilm @IndependentLens @HRenewedHope

Steven Phillips spent 26 yrs wrongfully incarcerated; learn about his work to fight injustice & stop wrongful convictions right now on PBS! @Convictionfilm @IndependentLens @HRenewedHope

Sample Letters to the Editor

We encourage you to submit letters to the editor of your local newspaper after viewing “True Conviction” to increase awareness of wrongful convictions. Most newspapers set a 150-word limit. Check the submission guidelines of your paper for details.

Letter #1

Dear Editor,

Since 1989, 54 individuals have been exonerated of serious crimes in Dallas County. This includes Christopher Scott, Johnnie Lindsey, and Steven Phillips, who collectively spent 65 years wrongfully incarcerated.

On April 30, PBS aired the documentary film “True Conviction,” which tells the incredible story of Scott, Lindsey, and Phillips and their lives after exoneration. The three men founded House of Renewed Hope, an investigative organization that fights to prevent and overturn wrongful convictions.

Texas has made efforts to right the wrongs of our past, but as this documentary proves, there is still much work to be done to prevent future injustices and support the members of our community who have lost so much at the hands of the criminal justice system.

Your name
City and state

Letter #2

Dear Editor,

More than 300 individuals have been exonerated of serious crimes in Texas. Recently, the National Registry of Exonerations released its report on the number of exonerations in 2017. With 23 exonerations, Texas continues to lead the nation in wrongful convictions.

The extraordinary documentary “True Conviction,” which aired on PBS on April 30, tells the story of three Texas exonorees: Christopher Scott, Johnnie Lindsey, and Steven Philips, who collectively spent 65 years wrongfully incarcerated. Since exoneration, they created House of Renewed Hope, an organization that works to fight injustice. Through their investigative efforts, they work to correct the errors of the innately flawed criminal justice system.

Texas has made efforts to right the wrongs of our past, but as this documentary proves, there is still much work to be done to prevent future injustices and support the members of our community who have lost so much at the hands of the state.

Your name
City and state

Resources and Background Information

Visit the websites of the following organizations – and following them on social media – to learn more about their efforts to overturn wrongful convictions and reform the criminal justice system.

Organizations

House of Renewed Hope @HRenewedHope

Dallas County exonorees Christopher Scott, Johnnie Lindsey, and Steven Phillips founded House of Renewed Hope in 2010 “to fight for social justice for the wrongfully accused and convicted.” Together, they raise awareness of wrongful convictions, implement reforms, and advocate on behalf of those who are still incarcerated due to flaws in the criminal justice system. They also investigate individual cases. Since House of Renewed Hope’s inception, the non-profit organization has received nearly 300 claims of innocence.

<https://www.facebook.com/houseofrenewedhope/>

Texas Coalition to Abolish the Death Penalty (TCADP) @TCADPdotORG

TCADP is a statewide grassroots advocacy organization that is transforming the death penalty landscape. TCADP strategically aligns with local, state, and national partners to reduce use of the death penalty in Texas and, ultimately, end the practice of capital punishment altogether.

www.tcadp.org

Innocence Project of Texas

Innocence Project of Texas is a nonprofit human service organization that provides investigation and legal assistance to low-income Texas citizens who were convicted of crimes they did not commit. They currently have more than 500 cases in line for review.

<https://innocencetexas.org/>

Texas Innocence Network @Texas Innocence

Created in 2000, the Texas Innocence Network, based at the University of Houston Law Center, is Texas’ oldest innocence network. The Capital Division represents death-sentenced inmates in their state and federal habeas appeals. The Non-Capital Division works to exonerate inmates who did not commit the crimes for which they were wrongfully-convicted. In order to fulfill its mission, the Non-Capital Division evaluates, investigates, and litigates claims of actual innocence. Letters from inmates and their agents are initially reviewed to ascertain whether an actual innocence claim that falls within project parameters has been presented.

<http://texasinnocencenetwork.com/>

Death Penalty Information Center (DPIC) @DPInfoCtr

The Death Penalty Information Center is a national non-profit organization serving the media and the public with analysis and information on issues concerning capital punishment. DPIC maintains a list of death row exonorees and provides a description of each exoneration and criteria for inclusion on the list.

<https://deathpenaltyinfo.org/innocence-and-death-penalty>

National Registry of Exonerations @exoneratationlist

The National Registry of Exonerations was founded in 2012 in conjunction with the Center on Wrongful Convictions at Northwestern University School of Law. The Registry provides detailed information about every known exoneration in the United States since 1989 – cases in which a person was wrongly convicted of a crime and later cleared of all charges based on new evidence of innocence. The Registry also maintains a more limited database of known exonerations prior to 1989. The most recent report from the Registry is available here: <https://www.law.umich.edu/special/exoneration/Documents/ExonerationsIn2017.pdf>.
<https://www.law.umich.edu/special/exoneration/Pages/about.aspx>

Proclaim Justice

Proclaim Justice, Inc. is a 501(c)(3) dedicated to winning freedom for inmates who are factually innocent of the crimes for which they were convicted.
<http://www.proclaimjustice.org/>

Witness to Innocence @WTIUSA

Witness to Innocence is the only national organization in the United States composed of and led by exonerated death row survivors and their family members. It aims to abolish the death penalty by empowering its members to become effective leaders in the abolition movement. WTI actively challenges political leaders and the public to grapple with the reality of a fatally flawed criminal justice system that sends innocent people to death row. It also seeks ways to support death row survivors and their loved ones as they confront the challenges of life after exoneration.
www.witnesstoinnocence.org

Recent history of Texas Legislation relating to wrongful convictions

The Texas Legislature, which meets every other year in odd-numbered years, has worked diligently over the past five years to address issues related to wrongful convictions. Below is a snapshot of bills that were signed into law in 2013, 2015, and 2017.

The following bills were signed into law in 2013:

- Senate Bill 1292, which requires any available DNA evidence in capital murder cases in which the state is seeking the death penalty to be tested before trial.
- Senate Bill 344, which gives defendants greater access to the courts if they can provide scientific evidence that: (1) was not available to be offered by a convicted person at the convicted person's trial; or (2) contradicts scientific evidence relied on by the state at trial. This is Article 11.073 in the Texas Code of Criminal Procedure.
- The Michael Morton Act (Senate Bill 1611), which requires prosecutors to turn over all evidence, not just potentially exculpatory evidence, to defense lawyers. The bill aims to prevent wrongful convictions like that of Michael Morton, who spent nearly 25 years in prison for the murder of his wife before DNA evidence exonerated him in 2011. According

to the *Texas Tribune*, this constituted the first significant reform to Texas discovery laws since 1965. It was the first bill then-Governor Rick Perry signed into law in 2013.

- Expansion of the authority and budget of the Texas Forensic Science Commission (Senate Bill 1238).

The following bills were signed into law in 2015:

- House Bill 48, establishing a commission to examine cases of exonerations and propose measures to prevent wrongful convictions. The Timothy Cole Exoneration Review Commission was named for Timothy Cole, who died in prison before DNA evidence exonerated him.
- Senate Bill 487, increasing access to post-conviction DNA testing. Specifically, the new law authorizes a defendant to submit to the convicting court a motion for forensic DNA testing of evidence for which there is a reasonable likelihood of containing biological material.
- House Bill 2150, overhauling the grand jury system from an outdated system that let judge-appointed commissioners pick jurors, a practice that was rife with potential for conflicts of interest, to a more random process that draws jurors from broader pools of potential candidates.

In 2017, Texas Governor Greg Abbott signed into law House Bill 34, which implements many of the recommendations of the Timothy Cole Exoneration Review Commission, including:

- regulating the use of jailhouse informants;
- requiring police to record all custodial interrogations for suspects in serious felony cases;
- strengthening the use of eyewitness identification best practices;
- and tasking the Texas Forensic Science Commission to study drug field test kits and crime scene investigations.

More information on Max Soffar

In “True Conviction,” the investigators at House of Renewed Hope reexamine the case of Max Soffar. Soffar died of complications from liver cancer in prison on April 24, 2016 after spending 35 years on death row in Texas. He was 60 years old. The U.S. Court of Appeals for the Fifth Circuit was scheduled to hear oral argument in his case, including evidence that might have overturned his conviction, just two days later.

No physical evidence connected Soffar to the murders of three people in a bowling alley in Houston in 1980. He also bore no resemblance to the description of the perpetrator provided by eyewitness and surviving victim, Greg Garner. Soffar’s conviction and death sentence hinged solely on a confession he gave to police – one of three inconsistent statements he provided

after three days of intense interrogation. Substantial evidence pointing towards an alternative suspect, Paul Dennis Reid, was never considered by a jury.

Soffar's attorneys asked the Texas Board of Pardons and Paroles to recommend then-Governor Rick Perry commute Soffar's death sentence so that he could live his final days at home. Many prominent individuals, including former district attorneys, judges, faith leaders, former Texas Governor Mark White, and former FBI Director William S. Sessions supported Soffar's clemency petition.

The Texas Board of Pardons and Paroles denied the petition, citing the absence of an execution date. In November 2014, clergy members and ACLU representatives delivered more than 116,000 signatures on a petition spearheaded by Sister Helen Prejean, which called on then-Governor Perry to allow Soffar to die at home. The Governor's Office did not respond.

You'll find additional information about Soffar from the following organizations and media outlets:

- ACLU: <https://www.aclutx.org/en/cases/state-texas-v-max-soffar>
- *Dallas Morning News Editorial*, "Is this the type of execution Texans are comfortable with?", August 2014; <https://www.dallasnews.com/opinion/editorials/2014/08/13/editorial-is-this-the-type-of-execution-texans-are-comfortable-with>
- Innocence Project: <https://www.innocenceproject.org/texas-inmate-dies-death-row-despite-indicators-innocence/>
- *Texas Monthly*, "Max Soffar Dies in Death Row Hospital," April 25, 2016 <https://www.texasmonthly.com/the-daily-post/max-soffar-died-on-death-row/>

Ideas for Involvement

After watching “True Conviction,” we hope you’ll be inspired to take action! Here are just a few ideas for your involvement:

- Learn more about the organizations listed on pages 6-7 and support their work.
- Follow these organizations on Twitter and Facebook and share posts with your social media networks.
- Submit a letter to the editor of your local newspaper about the film. See the samples on page 5; customize the letter for your own county or state.
- Write to your elected officials (including state legislators and district attorneys) to express your concerns about wrongful convictions.
- Learn about the system of compensation in your state (if any).
- Send a message of support and encouragement to the House of Renewed Hope.
- Spread the word about “True Conviction” and encourage others to watch the film!

Thank you!