

Good example of research paper on the case of christopher ochoa

[Law](#), [Criminal Justice](#)



One of the most difficult aspects of modern society is how can law enforcement and the criminal justice system do to protect the public, punish the wrong-doers and make certain that those punishments are appropriate in severity for the crime committed. Issues of justice and ethics within the criminal justice system continue to be fought on a daily basis. Of course the ideal situation is, when a crime is committed the perpetrator is identified, arrested, they confess to the crime they committed, they have a trial, where his or her guilt is not doubted, they do their "time," and we all move on from their; justice has been served for the victim and the wrong-doer. However, most police cases, especially, those involving serious crimes, like armed robbery, rape and murder, are not that cut and dry or black and white. The investigations can yield little evidence, perpetrators seldom confess and guilt and innocence is determined by the verdict, not the actual facts. That said law enforcement is encouraged to get confessions. Unfortunately, they may employ harsh methods and mislead suspects in order to get to a confession, whether the person they are questioning is actually guilty or not. On the other side of that same coin, many innocent suspects questioned feel so threatened by their questioners that they offer a false confession just to get it all over with. That said in neither of these cases is justice being served, the wrong people are convicted of crimes they did not commit and the wrong-doer is still dangerous and running loose on the streets (Leo and Drizin 1). One such case, that caused the conviction and a 13 year prison sentence based on false confessions to police, is the case of Christopher Ochoa.

Nancy DePriest worked at a local Pizza Hut in Austin, Texas. In 1988, she was attacked, robbed, tied with her own undergarments, raped and murdered.

Christopher Ochoa and friend Richard Danzinger were employees of another local Austin Pizza Hut. They were overheard toasting the fellow employee's death, they were questioned by police. After being interrogated Ochoa confessed to his and Danzinger's involvement in the crime. They had planned to rob the store, rape the woman and he told police he killed her because she recognized him. He later changed his story saying that he did not rape DePriest, but he did shoot her; for this reason Ochoa faced trial for murder and Danzinger for the rape. All the while, Danzinger had never denied his innocence and even offered an alibi. All the same both men were ultimately convicted and would be given life sentences (The Innocence Project 1). The only physical connection to Danzinger and Ochoa was a single pubic hair that appeared similar to Danzinger and the semen found was "compatible" with Danzinger's. However, it is important to remember that DNA testing was barely beginning its applications in the field of law and justice (Leo and Drizin 1). Years later, a man named Achim Marino, serving time for his own crimes had adopted religion and sobriety; as part of that process he needs to confess and admit the wrongs he committed on others. He wrote a letter to the District Attorney's Office where he confessed to the rape and murder of Nancy DePriest in 1988. Eventually, a review and reconsideration of the case, with the help of the Innocence Project, a group dedicated to undoing the damage of false confession and convictions using more modern techniques. Newer testing approached verified that neither Ochoa nor Danzinger could have been the rapist of Nancy DePriest. Law enforcement wanted to interview the two falsely accused men, unfortunately, Danzinger had received serious head injuries while in prison

and was housed as a mental patient at another facility. Ochoa, however, contacted the Innocent Project and with their help his case was overturned in 2002 (The Innocence Project 1).

Why would anyone confess to a crime that they had absolutely nothing to do with? After all a signed and dated confession is incredibly damaging to anyone who hopes to be found not guilty of the crimes they are accused of. Once a person has confessed that is how everyone else around them will treat them. According to research once the accused has submitted a confession it can easily bias judges, witnesses and juries against them, especially if they retract the confession and want to prove their innocence (Kassin 112). Experts argue that there are three types of false confessions motivated by different things. Some people offer a “voluntary false confession,” which is given by someone who knowingly admits to a crime they did not commit for the fame and notoriety that may come with it. Other people facing long hours of harsh interrogation and endless questioning leads to a “compliant false confession,” which happens when the accused simply wants the interrogation to end; if they give the interrogators what they want this will all be over. A “persuaded false confession” occurs when the accused actually start to doubt themselves and actually may start to believe they are guilty. There are many confessions that are gained because the police literally believe beyond the shadow of a doubt that the person they are interrogating is guilty and the focus is on them and no one else. Finally, and probably the most common of false confessions motivators is “coercion error,” which refers to confessions that are gained through the intimidations and relentless interrogation of the accused (Hritz, Blau and Tomezsko 1). At

this stage law enforcement may lie about suspects, evidence and even facts of a case to point guilt to the interrogated and force the accused to admit their guilt. It is the latter that motivated Christopher Ochoa.

While being interrogated Ochoa was told that they had rock-solid evidence against him and that if he went to trial the state of Texas would no doubt call for the death penalty. They told Ochoa if he just confessed to the crime then the death penalty would be taken “ off the table.” Ochoa was far more afraid of the death penalty than jail time (The Innocence Project 1). He confessed to end the questioning but, also, to avoid going to trial, compete with solid physical evidence and receiving a sentence of death. The Innocence Project explains that since their launch, that nearly 300 convicted inmates were released due to their innocence. This leads researchers to argue that many of the cases that resulted in conviction were based on the popular but very new DNA evidence (Herbert 1). There are many that are calling for a revisitation and reconsideration of more and more cases every year.

If Achim Marino, who was already serving a three consecutive life sentences, has not written the letter that he did, then Ochoa would never have been vindicated as innocent and released. Instead he would still be serving a life long prison term for a crime that he had nothing to do with (The Innocence Project 1). The solution to this problem, the experts offer, is for all police interrogations to be recorded, that way they can be reviewed to determine if coercion is motivating confessions or if it is a genuine confession (Leo and Drizin 1). The implementation of the “ Miranda rights” is to help someone accused or arrested to understand their rights. Most people are familiar with the “ you have a right to remain silentetc,” now popularized on law themed

television and film. However, the problem is that law enforcement officers sometimes to take advantage of loopholes and will work to get an accused person to waive those rights. This is also an issue that could be eliminated if regular interrogation monitoring is implemented (Cassell and Haymen 839). In the end, Christopher Ochoa, is just one of many people who have been falsely accused, falsely identified and, ultimately, to falsely confess and take responsibility for a crime that they did not commit. In fairness, the faith placed in early DNA testing may have been incredibly misleading; today people know otherwise and should take responsibility for the many people that may have been falsely identified by such testing and used to force a coerced confession out of for the last 20 years. The purpose of criminal justice is not just to solve cases, but to actually find the people who commit those crimes and hold them accountable for their actions and offer the victims of crimes solace and a feeling that justice has been served. Justice cannot be served if the wrong individuals are confessing and serving jail time for crimes that they did not commit; at the same time the actual perpetrators are freed from their responsibility. The case of Christopher Ochoa should be seen as a learning experience, an opportunity to undo a wrong, but also, a chance to improve interrogation techniques and establishing means to avoid, both, false confessions and false convictions.

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