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Wrongful Convictions and Systemic Failures: In Reference to Stephen King's Shawshank Redemption

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A simple rock hammer can go a long way if you put it to good use. "Shawshank Redemption" by Stephen King is about Andy Dufresne and his wrongful imprisonment. Andy Dufresne, a wealthy banker, is imprisoned for the murder of his wife and her lover. The story is narrated by Neiman-Marcus, aka "Red," as he's called in Shawshank. He is the guy that can get it for you, anything you might want, need, or desire. Andy only ever asked Red for two things, a rock hammer, for he was a geology man, making small sculptures out of rocks, and a poster of Rita Hayworth. These, along with his intellect, were the only things he needed to bring justice to himself and get satisfying revenge. Like any other convict, Andy, too, was not believed when he said he was innocent, neither by the court nor by Red, because "everyone in prison is an innocent man". Shawshank redemption is an insight into a life of a prisoner who was wrongfully convicted and imprisoned. The story portrays the struggles of prisoners and how the entire system has failed. Every character of this tale depicts a different problem of the system and its effects. Even though the line "everyone in prison is an innocent man" is said sarcastically, one cannot help but wonder how many others were in the same situation as Andy, just having a bad day in court or their truth not being convincing enough to a bench of jurors. As for Andy Dufresne, when he saw no other way, he took matters into his own hands.

Keywords: *wrongful convictions, redemption, imprisonment.*

INTRODUCTION

The value of human life cannot be measured by an act that may or may not have been committed by one. The right to life and liberty is a fundamental human right given to every human being, not because they are citizens of a particular country, or belong to a specific faith, race, sex, or any other category, but merely because they exist, as humans. In the case of thousands of innocents rotting in prisons all over the world, simply due to insufficient counsel, a weak case, poverty, or many other factors, is violative of all their human rights. Right to life does not only mean keeping a person alive; it means having the right to live one's life freely, certainly not paying the price of a crime one did not commit. Wrongful imprisonment does not only affect one's physical state but also has a drastic effect on the mental stability of a person. Prison changes a man, often, an honest man who enters prison leaves an offender. In the words of Dufresne, "on the outside, I was an honest man, straight as an arrow, I had to come to prison to be a crook". Andy worked towards the improvement of Shawshank and its prisoners. He went to great lengths to give the prison basic developments, but at every step, he was met with obstacles and corruption.

Among the multiple factors that amount to a person being wrongfully imprisoned, it was a combination of a few for Andy. Lack of evidence, multiple witness testimonies, Andy's vague memory, and the inconvenient missing of the murder weapon, all of which led to an extremely strong case for the prosecution. Andy Dufresne was almost an emotionless man, "the most self-possessed" as Red described him. When he took the stand, he was given a chance, to tell the truth and defend himself. Convince the jury with all that he has got, for his life was quite literally on the line. According to Red, "if he had cried on the witness stand...I don't believe he would have gotten the life sentence he wound up with", but Andy "told his story like a recording machine" as though he did not care what the jury thought, he knew it was the truth, and it was enough. It was not. All these factors played a significant role in the imprisonment of Andy.

When we talk about false imprisonment with regard to the real world, we see cases like Madhubala Mandal of Assam, who was wrongfully arrested and detained for 3 years, Vishnu

Tiwari of Uttar Pradesh spent 20 years in prison due to the lack of financial stability to hire competent counsel. Syed Wasif Haider was labelled a terrorist by the media, spent 8 years in prison before getting acquitted, Munawar Farooqi, Lateef Ahmad Waza, and many more. The justice system fails when it imprisons people for a crime they did not commit, it fails when it causes distress not only to the arrest but also to everyone in their social circle. These errors Tigger every person out there, because if these people are convicted without having committed the crime, so can anyone else. The system that was created to protect, serve justice and maintain peace and goodwill among people, fails when it comes to these blunders – the blunders of justice. No amount of compensation can match the physical, and psychological stress one goes through and the life one has lost.

As mentioned, every character of Shawshank Redemption highlights a different problem of this system and its effect on the lives of the prisoners. Along with the characters, the situations can be correlated to what has taken place in actuality. The reforms that Andy brought, the corruption that is traced from the guards up to the warden. The unfortunate events that gave Andy the final push to go down the tunnel and do what he eventually did, all form the basic plot of the novel. Andy was compelled to be his own knight in shining armour, for no one else could help him but himself. The consequences of Andy's plan were so well calculated that it served justice to the offenders, and none of it tracked back to him, truly a phenomenal piece of fiction. Inter-relating the events of the novel with similar events in the world will be the aim, which in turn will bring out the changes needed to be brought. Along the way, the author will cover the lives of the Shawshank prisoners, the struggles with the system, and the aftermath of the events.

LITERATURE REVIEW

In *Understanding the Effects of Wrongful Imprisonment*¹, the author Adrian T. Grounds discusses the alarming rate at which the wrongful imprisonments in judiciaries around the world are increasing. He says “There have been occasional, vivid accounts in the media of the psychological suffering and adjustment difficulties experienced by individuals the following

¹ Adrian T. Grounds, 'Understanding The Effects Of Wrongful Imprisonment' (2005) 32 Crime and Justice <<http://www.jstor.org/stable/3488358>> accessed 07 April 2022

release when their convictions have been over-turned” analysing the after-math of the years spent by innocents in prison for a crime they did not commit and how their mental health takes a toll. Such miscarriages of justice are discussed in the cases of eighteen men who were released after serving long sentences in prison. A descriptive study and psychiatric assessments of such convicts are presented by the author. This journal article added to the credibility of the argument of the systemic failure discussed in this research paper.

Author Joshua Klein, in *Two Cultures of Punishment*,² discusses the two varying norms of prisons and imprisonment sentencing in America and Europe. How the sentencing and imprisonment is intense in the States than in Europe where they don't differentiate between the crime and the criminal as it is done in Europe. The criminal is considered and regarded as the criminal act that he committed and nothing beyond that, not even has a human who is also entitled to basic human rights. Whereas in Europe, the sentence is ordered appropriately, the criminal still has rights and membership in society. This article contributed to how criminals should not be viewed in the same light as the crime committed, especially when it is a maiden crime of that person.

In the article *One Hundred Years Later: Wrongful Convictions After A Century Of Research*³, co-authors, Jon B. Gould and Richard A. Leo, analyse research covering an entire century focusing on the causes and the consequences of wrongful convictions in the judicial system of America. This century's worth of research includes a range of research done on wrongful convictions. It analyses the mistakes and errors made by the justice system and its repercussions that were faced by the wrongful convicts and converse certain methods and strategies using which the quality of research in this area can be improved in future research. The authors examine how the traditional ways of collecting evidence that builds a case against an innocent contribute somewhat majorly to such convictions. Factors such as false confessions, perjury, inefficient counsel, false eyewitnesses or misidentification by the

² Joshua Kleinfeld, 'Two Cultures Of Punishment' (2016) 68 (5) Stanford Law Review <<https://www.jstor.org/stable/43921016>> accessed 08 April 2022

³ Jon B. Gould & Richard A. Leo, 'One Hundred Years Later Wrongful Conviction After A Century of Research' (1973) 100 (3) The Journal of Criminal Law and Criminology <<https://www.jstor.org/stable/25766110>> accessed 08 April 2022

eyewitness, errors by the forensic reports, all of these, unfortunately, strengthen a case against an innocent person. As also seen in the current case of Andy Dufrene.

Further, Siôn Jenkins, in his article, *Miscarriages of Justice and the Discourse of Innocence: Perspectives from Appellants, Campaigners, Journalists, and Legal Practitioners*⁴, examines the opinions and viewpoints of journalists, legal professionals, and victims of wrongful convictions themselves on the misunderstanding and miscommunication by professionals and officials of the system. This misunderstanding leads to the imprisonment of an innocent for years of his life. The article also analyses the concern of compensation that had been a topic of a ruling of the Supreme Court at the time of the article. The author argued that this ruling only confuses the legal professionals with regards to compensation which increases the anxiety in wrongful convicts and in some cases elongates their sentences.

Michael Naughton writes the article, *Criminologizing Wrongful Convictions*⁵, to address the issue of the absence of serious engagement in wrongful convictions by criminology. The article addresses this in a two-fold manner, starting with the rule-breaking by the police officers and prosecutors and their contribution to the wrongful convictions and how this should be considered a crime. The author moves on to discuss the extent to which criminal justice officials can cause harm to the victims of wrongful convictions. The remedies that should be provided for the victim who was not lucky enough to be acquitted are discussed in *Postrelease Remedies for Wrongful Conviction*⁶ published by the Harvard Law Review Association. It speaks about the remedies that must be available for victims of wrongful convictions after they are released from prison after serving their full sentence. This is indeed a need of the hour.

In cases of persons even less fortunate than to make it out of prison alive, the innocents who are wrongfully on death row. Paul Craig Roberts talks about the causes of such convictions and the repercussions of time-sensitive matters of death row victims in *The Causes of*

⁴ Siôn Jenkins, 'Miscarriages Of Justice And The Discourse Of Innocence: Perspectives From Appellants, Campaigners, Journalists, And Legal Practitioners' (2013) 40 (3) Journal of Law and Society <<http://www.jstor.org/stable/43862360>> accessed 08 April 2022

⁵ Michael Naughton, 'Criminologizing Wrongful Convictions' (2014) 54 (6) British Journal of Criminology <<http://www.jstor.org/stable/43819246>> accessed 20 April 2022

⁶ 'Postrelease Remedies For Wrongful Conviction' (1961) 74 (8) Harvard Law Review <<https://www.jstor.org/stable/1338375>> accessed 08 April 2022

*Wrongful Conviction*⁷. He mentions how the opinions that stand against the concept of death row and strengthened due to these wrongful convictions. Arye Rattner in *Convicted but Innocent: Wrongful Conviction and the Criminal Justice System*⁸, start with the history of wrongful convictions and how they have always been taking place since the beginning of the legal system. The author moves on to discuss how the convict in such cases are innocent and the criminal justice system. In a slight shift in perspective, *Prosecutors And Victims: Why Wrongful Convictions Matter*⁹ by Jeanne Bishop and Mark Osler, discusses the contributions of prosecutors and crime victims and how these two categories can be used as the primary ingredient in bringing about an effective reform in the system.

*Habeas Corpus: The Dilemma of Actual Innocence*¹⁰ by Sara Rodriguez and Scott J, is a paper relating the writ of Habeas Corpus, which provides a person the right to be presented before a court for a hearing and not being detained illegally, to the case of Andy Dufrene in Shawshank Redemption. It questions the system, as in a system, which finds an actual innocent guilty, how does the same system effectively provide the public to present their case effectively before a learned and objective bench? Moving to an article written from the perspective of India, Udai Yashvir Singh, and Smita Singh write in *Right to Compensation for Wrongful Prosecution, Incarceration, and Conviction: A Necessity of the Contemporary Indian Socio-Legal Framework*¹¹, they discuss the pertinent issue of contemporary Indian Socio-Legal framework, that is the concept of compensation to be awarded to the victims of wrongful convictions. The paper focuses on the “aspect of victim compensation” and discusses the scope of prisoners who are innocent and undergoing long sentences of wrongful incarceration and the effect of

⁷ Paul Craig Roberts, 'The Causes of Wrongful Conviction.' (2003) 7 (4) The Independent Review <<https://www.jstor.org/stable/24562560>> accessed 09 April 2022

⁸ Arye Rattner, 'Convicted But Innocent Wrongful Conviction And The Criminal Justice System' (1988) 12 (3) Law and Human Behaviour <<http://www.jstor.org/stable/1393679>> accessed 09 April 2022

⁹ Jeanne Bishop & Mark Olser, 'Prosecutors and Victims: Why Wrongful Convictions Matters' (1973) 105 (4) The Journal of Criminal Law and Criminology <<https://www.jstor.org/stable/26402743>> accessed 09 April 2022

¹⁰ Sara Rodriguez & Scott J. Atlas, 'Habeas Corpus: The Dilemma Of Actual Innocence' (2008) 34 (2) American Bar Association <<https://www.jstor.org/stable/23800773>> accessed 09 April 2022

¹¹ Udai Yashvir Singh & Smita Singh, 'Right To Compensation For Wrongful Prosecution, Incarceration, And Conviction: A Necessity Of The Contemporary Indian Socio-Legal Framework' (2021) 4 (2) IJLMH <<https://www.ijlmh.com/paper/right-to-compensation-for-wrongful-prosecution-incarceration-and-conviction-a-necessity-of-the-contemporary-indian-socio-legal-framework/>> accessed 09 April 2022

this wrongful incarceration on them. The paper gave this research a perspective that can be applied to India and be more relatable to the cases of persons discussed further in this paper.

ANALYSIS

Stephen King in the book *Shawshank Redemption* writes about one Andy Dufrene. The story of Andy Dufrene, who is wrongfully imprisoned in Shawshank prison, is one that can be related to numerous cases that have taken place around the world in actuality. An inefficient counsel and a bad day in court where everything he did that fine night worked together against him, to finally convict him with two life sentences, for his wife and her lover. Andy told the truth on the stand, and so did the eye-witnesses who saw him purchase bullets for his gun that night and drink his sorrows in a bar. But the missing piece to this puzzle that would've stopped this conviction and perhaps deprive the world of this literary masterpiece is the missing murder weapon. The gun which was used to murder Andy's wife and her lover was not to be found even after an extensive search in the Royal River in which Andy threw the revolver a day before the murders. According to Andy, the gun not being found was "decidedly inconvenient" as he was innocent. All these factors including Andy's faded memory of that night due to the drinking, helped the prosecution make a concrete case against him. He did not remember buying any towels, the towels which were used to muffle the sound of the gunshots. His words were misconnected, when he had told the bartender that what he was going to do, could be read in the next day's newspaper, he was referring to his suicidal urges, but was portrayed as he was about to commit this very murder. Owing to all this evidence and the scale heavily stacked against Andy Dufrene, he was put away in Shawshank prison. Any reasonable person, when reading a case so strongly against a person, would never believe in his innocence, just like no one did for Andy, his innocence was confirmed years later.

When a new prisoner was brought to the prison, Connor Williams, a young thief jumps between prisons for always being caught in the act of stealing. His visit to Shawshank brought with him the truth and confirmation about what happened the night of the murders. When Connor was in another prison before Shawshank, his cellmate, a total psychopath, had confessed his crime to him in the dawn of the night. The crime, awfully similar to say the least,

he went on to exactly describe the crime scene of Andy's wife and her lover's murders. Andy, after hearing this, the hope he sparked, hope to re-open his case and get a fair trial this time around with all the evidence. The testimony of Connor Williams was his get-out-of-jail free card. Andy conversed the same to the Warden, for whom Andy had been laundering money into the account of a fictitious being of Andy's imagination. Connor was shot dead by the Warden the next day, covered the crime up by depicting it as an attempt to break out, and was shot down.

When we look at this very system, the depth to which the corruption runs might surprise you. When looking at cases that have happened in India and around the world, we see cases like Madhubala Mondal, a fifty-nine-year-old woman from Assam who was illegally detained and spent three years in jail, only to be found innocent later. India lacks a proper framework to provide relief to victims of wrongful convictions. We see a famous film named "Jai Bhim" in which the concept of wrongful imprisonment is shown in great detail. In the case of *Babloo Chauhan v N.C.T Delhi*,¹² it was held that wrongful convictions are a clear miscarriage of justice and the need for compensation to the victims is an urgent need in India. In the case of Saqib Rehman, the Supreme Court held that the accused was wrongfully imprisoned due to the fabrication of false evidence by the police. Even though India has the provisions of Habeas Corpus and the right to a speedy trial available to the citizens, in most cases, either due to no judicial representation, lack of knowledge of the law, or any other reason, these are not availed. India must work towards a proper system that can provide relief not mentally but financially to the victims who have spent their lives in prison due to the gross failures of the judicial system. The effect on mental health due to spending time in prison is beyond measurement.

A nineteen-year-old boy, Naseeruddin of Karnataka was arrested for being involved in bomb blasts that happened in Hyderabad, under the Terrorist and Disruptive Activities (Prevention) Act, 1987 (TADA). He spent twenty-three years fighting to prove his innocence. In another case, Ali Mohammad Bhat, a Kashmiri, also imprisoned for twenty-three years in the Lajpat Nagar blasts, was acquitted after he had lost his youth behind bars. Vishnu Tiwari was

¹² *Babloo Chauhan aka Dabloo v State Govt. of NCT of Delhi* (2018) 247 DLT 31

acquitted after twenty years in prison for a rape he didn't commit. There can be numerous cases mentioned for the same miscarriage of justice, Anjum Zamarud, Habib, Mohammad Amir Khan, Kali Ram, Prem Singh Gulati, and many more names of innocents which we may not even make the news because they still pay for a crime they didn't commit.

Even though suggestions have been made by the Law Commission in its august report, no concrete framework has been set up that is efficient and working in India. This results in the loss of the youth of thousands of Indians by this systemic failure. The International Covenant on Civil and Political Rights (ICCPR) directs the signatory countries to provide compensation to victims of such miscarriage, though India does not have any such right to compensation, the Supreme Court took it upon itself to compensate an ISRO scientist for his wrongful imprisonment, Nambi Narayanan, was compensated with fifty lakhs. The ratio of cases in which victims are compensated to that in which they are not is extremely devastating.

A much-needed initiative called the *Innocence Project* was launched in 1992, by Peter Neufeld and Barry Scheck. This project works towards the release of innocents locked in prisons by performing DNA testing and aims to bring changes and developments to the criminal justice system in order to prevent such injustices in the future. The project also provides the victims with social work and employment opportunities to build their lives outside of prison. This being based in America, does take it upon themselves to perform research and improve the judicial systems internationally. Such initiative gives the world hope, hope that even if their judicial system makes an error, there will be ways to rectify this error. Hope that the system has the potential to change and bring reforms in order to not give birth to any Andy Dufrene.

CONCLUSION

The researcher concludes with the information of numerous cases of people wrongfully imprisoned in jails in India. The paper has discussed the various factors that contribute to a wrongful conviction, rectifying and eliminating these factors must be a priority for the government, police officers, and most importantly, the judiciary. India is in desperate need of a project like the Innocents Project to be able to act in addition to the efforts of the judiciary and government. Owing to the many victims discussed in this paper, the right to

compensation is a must for the betterment of the lives of these victims after the injustice they have faced. Many names have even made it to the news and spoken about this injustice, maybe because they are still in prison, paying for a crime they did not commit. The need for reform in the system is the need of the hour, to prevent the future miscarriage of justice, wrongful convictions, and systemic failures. Such a reform will not compel the victims to resort to an escape by digging through a five-foot-thick wall using a simple rock hammer and twenty years, much like Andy Dufrene.