

Wrongfully Convicted, Rightfully Exonerated: The Lives of Cornelius Dupree Jr. and Anthony Massingill

by

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Abstract

This article provides an exploratory qualitative examination of wrongful criminal convictions. Using the stories of Cornelius Dupree Jr. and Anthony Massingill as case studies, we explore the extent to which eyewitness misidentification has led to the racially disparate treatment of Black males from the criminal justice system. We find that post-conviction DNA evidence and testing has had a profound effect on the vacated sentence and exoneration of Black males. Finally, we conclude that the terms “Black male”, “criminal suspect”, and “racial injustice” are so interwoven that only definitive DNA evidence and testing can correct this miscarriage of justice.

Keywords: Black males, Wrongful conviction, DNA evidence, Innocence Project, Criminal Justice Policy.

Introduction

“Injustice anywhere is a threat to justice everywhere.” In a powerful 1963 letter titled, *Letter from Birmingham Jail*, written by the Rev. Dr. Martin Luther King Jr. that contained the quote, he explained that if injustice affects one of us directly, it affects all of us indirectly. When King made this statement from the Birmingham jail during the heart of the Civil Rights Movement (CRM), he put the moral principle of justice in a broader context for American society.

The CRM, while influential in the economic, social, and political progress of Black Americans in the United States of America (USA), did not halt the blatant miscarriages of justice that continue to plague members of the Black community. One of the goals of the protests of the CRM was to address the racially disparate treatment of Black Americans at every stage of the criminal justice system. From arrests, convictions, and imprisonment, systemic racial bias embedded in the criminal justice system has compromised due process and disproportionately violated the civil rights of Black Americans, especially Black males. Every day in the USA, we find cases where Black males have been falsely charged with serious criminal offenses, spend decades in prison, and then walk away with no apology from the inequitable practices of the criminal justice system.

Since the mid-2000s, the Innocence Project, a non-profit legal organization committed to helping those wrongfully convicted in most cases with the help of forensic DNA testing and evidence, has played a significant role in overturning these false convictions. DNA testing and evidence has been used in criminal exonerations since 1989. It is widely accepted as a legal means to exonerate individuals wrongfully convicted. From 1989 to present, this forensic tool has led to the exoneration of more than 80 percent of post-conviction DNA exonerations in the USA.¹

Because of this, DNA testing and evidence has become the bridge of undeniable truth between eyewitness misidentification and freedom for Black males because the analysis of DNA is considered the most reliable forensic tool. According to University of Virginia law professor, Brandon Garrett, who specializes in DNA testing to prove wrongful convictions:

DNA has led to the creation of a new kind of civil rights movement around the issues and causes that contributed to these wrongful convictions. A movement has grown around trying to find [those wrongfully convicted] and trying to use DNA to secure their release. People like me are trying figure out how in the world this happened and how we can explain these cases and what we can do to prevent them from happening again.²

From 1989 to the early part of 2017, the National Registry of Exonerations, which collects and tallies information on all known exonerations in the United States of America (USA), has recorded 1,994 known exonerations.³ Black Americans comprise only 13 percent of the population, yet comprise roughly 48 percent of individuals who were exonerated.⁴ Black Americans convicted of either murder or sexual assaults were significantly more likely than their White counterparts to be exonerated.⁵

In 2016 alone, 166 exonerations were granted in the USA.⁶ The state of Texas had the most exonerations, 58, during the calendar year.⁷ Of the 58 exonerations, 34 were Black males (59%).⁸ Seventeen of the 166 were exonerated in whole or in part on DNA evidence (10%).⁹ Ten out of the 17 were Black males (59%).¹⁰ The state of Texas had no DNA exonerations; however, set a record, 70, for the most Conviction Integrity Unit (CIU) exonerations.¹¹ In general, DNA exonerations now account for 22 percent (442/1,994) of the total of exonerations since 1989.¹²

According to the National Registry of Exonerations, from 1989 to 2014, only 52 individuals in Texas were exonerated due to DNA testing and evidence, with 32 (62%) of the individuals being Black males.¹³ In 2015 alone, the state set a record with 54 exonerations. Black males accounted for 52 percent (28) of DNA exonerations.¹⁴ From 1989 to 2014, the Dallas County District Attorney's office in Dallas, Texas handled half of the cases involving Black males during this time period, which raised concerns of systemic racist practices.¹⁵ In 2015, Dallas had no exonerations. The majority of the cases in 2015 came from the Harris County District Attorney's office in Houston, Texas, which recorded the most exonerations in the USA. In total, there were 42 vacated sentences.

To address these growing concerns, Black state legislators have introduced legislation targeting eyewitness misidentification to limit the number of Black males wrongfully accused and convicted. For example, in 2011 and 2015, Texas state senator, Rodney Ellis was able to pass substantive criminal justice reform legislation. In 2011, he introduced SB 121, which addressed eyewitness misidentification. This law requires all Texas law enforcement agencies in the state to adopt written eyewitness identification policies. In 2015, he introduced SB 487, which sets to improve access to DNA testing. This law allows a judge to grant DNA testing when there is a “reasonable likelihood” the evidence will lead to exoneration.¹⁶ It was signed into law on May 22, 2015 to address the states’ egregious record of wrongful convictions.

This article provides an exploratory qualitative examination of wrongful criminal convictions. Using the stories of Cornelius Dupree Jr. and Anthony Massingill as case studies, we explore the extent to which eyewitness misidentification has led to the racially disparate treatment of Black males from the criminal justice system. We find that post-conviction DNA evidence and testing cleared both men who were victims of the stark racial disparity in wrongful convictions. Mr. Dupree and Mr. Massingill provide in-depth interviews that allow the reader to better understand the failures of eyewitness misidentification, flawed forensic evidence, time spent in prison, the importance of DNA testing and evidence, and the judicial process leading up to their exonerations.¹⁷

Background: The Wrongful Convictions

On November 23, 1979, in Dallas, Texas, Mr. Dupree along with his friend, Anthony Massingill, allegedly accosted a 26-year-old white woman and her male friend. According to court records, the couple stopped at a local convenience store to buy cigarettes and use the pay phone. As they walked backed to their car, Dupree and Massingill held them at gunpoint, forced the male victim to drive his car with them inside and then robbed the couple. Moments later they ordered the male victim out of the car and raped the female victim at a nearby park. After the attack, the female victim made her way to the highway and was found unconscious by a police patrol car passing later that night.¹⁸

A week later, Dupree and Massingill were stopped on their way to a party approximately two miles from the scene of the alleged crime. Police officers stopped and frisked the two men claiming they looked similar to suspects in a separate sexual assault case. During the stop, police recovered a handgun from Massingill that gave them cause to place the two men under arrest. The following day, in a photo line-up of six pictures, the female victim positively identified both Dupree and Massingill as suspects. However, the male victim was unable to positively identify either of the two men.

Nearly four months later at the initial trial, both victims positively identified Dupree and Massingill as the suspects. The male victim testified he suffered from a stigmatism that prevented him from identifying the two men the day after the crime. Despite the female victim's positive identification of the two men at the trial, she repeatedly misidentified a photo of Massingill as Dupree during an earlier identification hearing while both men were present in the courtroom.¹⁹ This inconsistency did not have doubts among the prosecutor, defense attorney, nor the judge. In fact, the prosecutor in the case heavily relied on the photo identification in the courtroom trial.

Subsequently, after the jury deliberation, both Dupree and Massingill were found guilty and were both convicted of the aggravated robbery. Neither was tried for the rape case due to potential additional trial expenses and the prosecutor's belief that the rape charge would not render any additional sentencing time. At the age of 20, Cornelius Dupree, Jr. was sentenced to 75 years in prison for aggravated robbery with a deadly weapon. Anthony Massingill, 18-years-old at the time, was sentenced to three 10-year terms and a life sentence for aggravated robbery with a deadly weapon.²⁰ This would be the start of their new lives —two young Black men behind bars, losing any and all opportunities for a full, productive life. Instead, the systemic and institutional racism that exists within the criminal justice system deprived them of that life and returned a life consumed by many years of prison-time and court appeals.

Beginning with Dupree, while serving time in prison, he tried to appeal his sentence by filing three separate petitions for a writ of habeas corpus.²¹ Initially, the board denied two of the three appeals because Dupree refused to participate in a sex offender rehabilitation program.²² Logically, the question arises, why did he have to participate in sex offender rehabilitation program if neither one of the two young men were even convicted of rape? It is clear that the Texas judicial system failed him.

In May 2005, Mr. Dupree filed his third writ of habeas corpus. This appeal did not challenge the instant conviction from the initial trial, but instead, challenged the legal coercion of the parole board attempting to force Mr. Dupree to admit guilt of the rape and enroll in a sex offender rehabilitation program.²³ According to Mr. Dupree, at the parole hearing he said to a female member of the board, "Ma'am, I'm in prison for robbery, a robbery that I didn't do. You want to give me parole but you [also] want me to go to a sexual offender class. I said I can't do that and she sent me back to prison for six more years." Mr. Dupree further explained:

In so many words, what they [the prosecutor] did was, they hid it [the rape case] away. Because see if it never [came] forward, then I can't use that. All those years, I was trying to deal with the robbery aspect of it and the eyewitness misidentification and all of that. I never thought about dealing with it from the rape perspective, because it was dismissed.

When asked whether he regretted the decision to not accept the early release, Mr. Dupree hardheartedly said, “No. I don’t regret any of it.”

In 2006, Dupree wrote to the Innocence Project of New York after his third unsuccessful appeal to the Texas Court of Criminal Appeals. The Innocence Project helped by reopening Dupree’s aggravated robbery case in July 2007, and then petitioned for DNA evidence from the vacated rape case. The Innocence Project found that pubic hair combings and cuttings were still available from the crime.²⁴ The Southwest Institute of Forensic Sciences (SWIFS) in Dallas still had available samples from the rape kit performed the night of the crime. In addition, a reference sample was obtained from Mr. Dupree after the crime, which was available for a comparison.²⁵ This newfound evidence restored hope for Dupree.

In the midst of the appeals and legal proceedings, Mr. Dupree remained confident he would be fully exonerated of the alleged aggravated robbery. During the time of the appeal denials, even when the parole board offered to grant parole if he participated in a sex offender rehabilitation program, his faith never wavered. “I believe that was a test of my faith through God,” he said about rejecting the offer for an early release. Mr. Dupree believed that participation would be an admission of guilt. Mr. Dupree went on to say, “Because I wanted to get out...I could have easily accepted it, but I rejected it... rejecting it allowed everything to open up,” which provided exoneration and full freedom.

Nearly two years later, Mr. Dupree was granted parole. On July 22, 2010, he was paroled from prison after serving 30 years of a 75-year prison sentence. Almost two weeks later, he was conclusively excluded based on DNA evidence.²⁶ On January 4, 2011, state District Judge Don Adams declared Mr. Dupree innocent of all charges. Months later the Texas Court of Criminal Appeals fully exonerated Mr. Dupree in response to a motion by the Innocence Project.²⁷ The time spent in prison dealt a mighty blow to his life course and development. “[I]t was like a nightmare,” described Mr. Dupree when putting in plain words what it felt like being incarcerated for a crime he did not commit. “No one really cared or believed that I was innocent...only I knew I was wrongfully convicted.”

Anthony Massingill

Anthony Massingill, the younger of the two, and convicted with the heftier sentence, had a hard time behind bars as well, saying that it was very “difficult.” He explained that he had to “go through a lot of difficult things,” as he attempted seven times to appeal his sentence. Massingill’s story of how he was found to be innocent is in some ways similar to that of Cornelius Dupree Jr. The glaring similarity is that both men were told to participate in a sex offender rehabilitation program and register as a sex offender for an early release before eventually being exonerated through DNA evidence and testing.

During his time spent in prison, there were two opportunities to be granted parole had Mr. Massingill complied with participating in a sex offender rehabilitation program and registered as a sex offender for an early release. He refused to register as a sex offender therefore being denied early release and parole from the Texas Court of Criminal Appeals. When asked about his refusal to admit guilt for freedom, Mr. Massingill expressed that he “didn’t regret it all.” In 2014, the Dallas County District Attorney’s Conviction Integrity Unit alongside Mr. Massingill filed a petition for a writ of habeas corpus using the overturning of Dupree’s conviction as the basis to vacate the case. Later that year, the Texas Court of Criminal Appeals vacated his conviction, however, instated a new sentence for Massingill because of his involvement in another case prior to being arrested in 1979. During the initial trial, both cases were joined together to enhance his sentencing. On October 17, 2014, he was fully exonerated. After serving 35 years in prison, Massingill was finally freed of the 1979 rape – robbery crime. According to Mr. Massingill, “We were [both] innocent, but didn’t no one want to listen to us.”

Despite reaching out to the Innocence Project, they did not assist Massingill on his case. This left his loved ones and him to fight for his innocence. According to Mr. Massingill:

They didn’t help me. I did this on my own... And [the] bad thing about it is I don’t have enough money to buy a lawyer or hire a lawyer. So I’m going with a lawyer that really basically pro bono.

When asked would he consider talking to the Innocence Project to help with his case, Mr. Massingill replied:

I’ve tried. I mean [my fiancée] went online and talked to Someone. I have talked to someone and they never got back in touch with me. I’ve talked to a bunch of lawyers. A lot of them say man, ‘I will take your case for \$15,000,’ which I don’t have...I still get frustrated at times because you know I want this nightmare to be over with.

Although the Innocence Project has certain criteria in place before considering a case, it remains unclear as to why the organization did not help with the case of Mr. Massingill. There was compelling evidence from the case of Mr. Dupree that he, as well, was innocent of the crimes and needed legal representation from an attorney or entity familiar with the DNA exoneration process. The revelations from the Dupree case would have easily helped to prove that Massingill did not commit the alleged crimes for which he served 35 years in prison.

Cross-Racial Eyewitness Identification

Numerous studies over the decades have shown that cross-racial eyewitness identification, when the witness and suspect are different races, is unreliable (see recent studies; Zalman, Larson, and Smith 2012; Young and Hugenberg 2012; Smith and Hattery 2011; Ask and Granhag 2010; Susa, Meissner, and Heer 2010; Marcon, Meissner, Frueh, Susa, and MacLin 2010; Evans, Marcon, and Meissner 2009; Rhodes, Locke, Ewing, and Evangelista 2009; Edlund and Skrowronski 2008; Brigham 2008). The cross-race effect (CRE), a component of eyewitness identification that suggests people are better at recognizing faces from their own race, is most researched using Black and White participants. In the majority of studies, White eyewitnesses were more likely to exhibit a bias toward alleged Black suspects. In general, White participants in such studies (also called the “cross-race effect” and “own-race” effect) most recognized members of their own race and ethnicity posing a significant concern when attempting to identify members of another race and ethnicity. As a result, cross-racial eyewitness identification is the leading contributor to false convictions. It fails to secure justice for the disproportionate number of Black males wrongfully accused and convicted in the USA.

The impact of racial bias in eyewitness misidentification is an important criminal justice issue. In nearly half of wrongful convictions, cross-racial eyewitness identification was the primary form of evidence at trial without other corroborative evidence. According to a 2017 report by the National Registry of Exonerations, eyewitness misidentifications do not fully explain the racial disparity in exonerations, however, remains the leading cause of wrongful convictions in USA.²⁸ For instance, Smith and Hattery (2011) in their study of race, wrongful conviction, and exoneration, confirms that *race* is the leading determinant in wrongful convictions. In direct relation to the cases of Dupree and Massingill, a study conducted by Marcon et al. 2010, which examined timing characteristics such as the viewing time after a crime, found that the CRE was significant when the retention interval is lengthened. Again, before the initial trial, the male victim in the case was unable to positively identify either of the two men the day following the incident. Yet, months later at the trial, he positively identified both Dupree and Massingill as the suspects of the crime.

When Mr. Dupree and Mr. Massingill were asked do they believe that eyewitness misidentification contributed to their wrongful convictions, Mr. Dupree indicated, “Yes, it is a race problem. White eyewitnesses are likely to pick the blacks in the line-up.” Mr. Massingill responded by saying, “Yes, it does. I mean because the system should not judge your life. In the biblical days, [even] the Bible told us that we should not accuse anyone just by one witness.” Their analysis is consistent with the past literature. Furthermore, Dupree stated, “If you look at your stats, you will see where most of your victims [wrongfully convicted], most of your exonerees, or people who were wrongfully imprisoned are African-American or people of color.”

Mr. Dupree followed that analysis with the stern belief that police and prosecutorial misconduct, as well, often leads to eyewitness misidentification. He explained:

I believe that it is misidentification, but I don't think it's on the level in which people believe it to be. I think a lot of that is coerced. I think you have a lot of quote, unquote law enforcement officers and lawyers that have a racial issue. They have a problem with African-Americans. When it's an African-American involved in a crime...I think they are just trying to clear the books and get a conviction...That's why so many people, especially African-Americans are behind bars for crimes they didn't commit...Like I said, I think in a lot of cases victims are coerced into picking out [African-American] people.

When you get a closed case...[the prosecutor] can put that before the media. [It] says we have this person in custody for this crime so [we can] close the case...but it's actually not the guy. And you give the [wrongfully convicted] 30 or 40 years...The case is kind of swept under the rug.

C. Ronald Huff (2004), in his article on wrongful convictions, also cites that the inflation of eyewitness misidentification is due to unethical and overzealous actions practiced by law enforcement officers and prosecutors. In these cases, eyewitness accuracy is compromised to accomplish the goal of conviction.

Judicial Process

When asked did he believe there was support from his attorney, Mr. Dupree said, “[The attorney] didn't do anything...I mean the support wasn't actually there.” During the initial trial, he recalls only seeing his attorney twice. According to Mr. Dupree, “Each time nothing was said to get me to believe [my attorney was] actually in my corner. It was pretty much formalities.” He indicated that the legal actions of his attorney played a significant role in the outcome. There were no challenges to the validity of the probable cause stop or substantial questioning of the discrepancy in the photo line-up. He went on to say, “I had no hope in my attorney. I had no faith in my attorney... everything seemed to be basic procedure.” Mr. Massingill's sentiments toward his attorney were the same as Mr. Dupree. He also felt that his attorney provided no support at all. In fact, he exclaimed about his attorney that:

He didn't believe that I didn't do the crime... he didn't give me no support at all. In fact, I kept telling my mom and my sister kept telling my mom [that] the lawyer not for [us]. He didn't believe me. He thought that I [did] the crime.

On April 3, 1980, when the judge handed down the sentence of 75 years in prison for aggravated robbery, Mr. Dupree described the emotion of hearing the sentence as a "nightmare." Prior to the incident, he had a fond impression of police officers and the legal system influenced by his liking of the Perry Mason show. That opinion changed when Dupree became a victim of the system. "Since I fell in the grips of the [criminal justice] system, it allowed me to see things from a different perspective," said Mr. Dupree. Similarly, Mr. Massingill's thoughts on hearing that he was sentenced to three 10-year terms and a life sentence for aggravated robbery with a deadly weapon were:

They gave me life...It wasn't a robbery they said [we] had done. [They said] it was a robbery and rape...I didn't believe it. I mean, I didn't think that I was going to be found guilty for something I didn't do...I was sad, hurt, [and] disappointed.

According to Mr. Massingill, this just proved once again that the "system was still broken." He went on to say about the court system that "there is always four sides to the story. Meaning my side, their side, the truth, and the court side. So, it's always different when it comes to the court system."

Continued Legal Process and Unsuccessful Appeals

As noted, on three separate occasions, Mr. Dupree attempted to appeal his sentence. The Dallas County Writ Office denied him each time.²⁹ During our interview, he was asked about the three unsuccessful appeals. When asked whether he believed freedom would have ever been obtained, Mr. Dupree replied, "Yes." He provided an analogy to explain his confidence:

That's what kept my fire burning is that I had the faith. I couldn't tell you when, but I just knew there was a key to the lock that would set me free. It was just a matter of me finding out where that key was and which key actually fits my lock.

When Mr. Massingill was asked about his seven unsuccessful appeals and whether he believed freedom would have ever been obtained, he replied, "No." He provided an explanation of his feelings:

I got everything done on my seventh appeal...I didn't believe in the system no more because there was proof [of my innocence] and the [DNA showed] that. I didn't do it but they still didn't want to [release] me.

Mr. Massingill went on to describe how his faith in God never wavered and he believed that freedom was upon him:

So on my seventh appeal, I said [to my fiancée] I'm coming home soon. Before they even gave designated issues and overturned the case. Cause I prayed over it and I knew that this here was going to be the one.

Mr. Dupree said that during the unsuccessful appeals he would visit the recreation room at the prison, which served as a makeshift law library. In the recreation room, other inmates would research and share information about their cases. Those who had been locked up the longest were most knowledgeable and helped younger inmates. He explained:

[In the recreation room] you have an older guy that has been doing it for a while. He can take [a younger guy] directly to what he needs or what he's looking for...A new guy comes in and he's got to start from scratch...So me going there all the time, some guys were familiar with my case and what I was looking for.

It was in this supportive environment that another inmate told him about the Innocence Project. According to Mr. Dupree, “One day a guy presented to me the Innocence Project. That was the key I was looking for.”

In 2006, he wrote to the Innocence Project of New York. Barry Scheck and Peter Neufeld started the Innocence Project in 1992. Its goal is to uphold the integrity of the criminal justice process by overturning wrongful convictions through DNA testing and evidence. When Mr. Dupree was asked how influential was the Innocence Project in his case, he explained they were “very important.” Prior to the Innocence Project, “there was no other entity... the justice system had failed [me]. I wrote numerous letters to all different types of entities.” Mr. Dupree said that he was encouraged when he found out that the Innocence Project worked pro bono. “You see some cases are a lot easier than other cases,” he stated. There was a difficult twist to his case that needed the expertise of an organization who used DNA evidence to exonerate. Mr. Dupree went on to say, “Keep in mind, my case didn’t have any DNA...When I wrote to the Innocence Project in New York, they provided [that type of legal expertise]. You know they had to go back...get my records...they had to do the research.”

As mentioned above, Mr. Massingill did not have the help of the Innocence Project to represent him. As a result, he had to fight and learn the law on his own and relied on the Dallas County District Attorney’s Conviction Integrity Unit to be exonerated.

The Role of DNA Testing and Evidence

The sentiments of Mr. Dupree and Mr. Massingill are in line with a disproportionate list of Black males wrongfully convicted in which DNA testing led to their exoneration. Both men during their interviews expressed the importance of DNA testing and evidence. In a 2017 report titled, *Race and Wrongful Convictions in the United States*, there have been 444 post-conviction DNA exonerations in the USA.³⁰ Black males represent 61 percent (262) of those wrongfully convicted, in comparison to 32 percent (136) for White males, and seven percent (32) for Hispanic males.³¹ Fourteen females were exonerated.

In the report, it was again shown that eyewitness misidentification is the leading contributor to false convictions in 79 percent (228/289) of the total sexual assault exonerations.³² Fifty-nine percent of sexual assault exonerees were Black, in comparison, 34 percent were White.³³ The descriptive profile of an exoneree in the USA is of a Black male convicted of sexual assaulting a White female who has served 13.3 years in prison due to being wrongfully convicted from eyewitness misidentification.³⁴

This finding leads us to ask, what was the real reason the prosecutor in the initial trial did not want to pursue the rape case? Even from the rape kit on the night of the crime, SWIFS in the Dupree case was able to show that the blood test would have excluded both men. A more thorough investigation by the prosecutor would have shown that neither man was responsible for this crime. This reinforces Mr. Dupree's earlier assertion that some prosecutors are only concerned with "a closed case."

When asked about the importance of DNA evidence and testing, Mr. Dupree stated, "I think it's vitally important...In my case in particular, it freed me. [It freed] the wrong person [convicted of the crime]." He went on to say:

I was in prison for robbery, which did not consist of a DNA [test]. Because the actual rape case was never tried, they dismissed it. I tried to explain to the parole board to open the case and look at the DNA evidence. It's going to show I didn't rape the lady. If I didn't rape the lady, then I didn't rob the guy.

Overall, DNA testing played a major role. I mean if it had not been for DNA, I wouldn't be here. Not being here as freely. I would probably be here on parole, on a monitor, and had to register as a sex offender. You know my life wouldn't be so simple.

When Mr. Massingill was asked about the importance of DNA evidence and testing, he stated, "DNA showed that I didn't actually do the crime." This powerful evidential resource proved the innocence of both men. In both cases, DNA testing and evidence overturned their convictions. In sum, Massingill said that he was "thankful that DNA had come into effect because it [could] solve a lot of cases. It has really helped black men who are incarcerated for crimes they didn't commit."

Conclusion

This chapter has analyzed the racially disparate treatment of Black Americans from the criminal justice system by analyzing post-conviction DNA exonerations. In our comprehensive interviews with Mr. Dupree and Mr. Massingill, we see how the failures of the criminal justice system led to the wrongful arrests, convictions, and imprisonment of these two Black men.

Both men were victims of derelict law enforcement, eyewitness misidentification, harsh sentencing, and the historical stereotype of Black males being portrayed as hypersexual predators who target White women. Each are common weapons against Black masculine bodies that exacerbates the disparate rate of incarceration.

When analyzing racial disparities in criminal justice outcomes, the lives of Mr. Dupree and Mr. Massingill represent illustrative examples of a flawed criminal justice system. Take, for example, on the day both men were arrested, the police officers claimed that they looked similar to suspects in a separate sexual assault case. Elizabeth A. Gaynes (1992), in her article about the urban criminal justice system, argues that “young” plus “black” plus “male” equals “probable cause.” Second, in the photo line-up of six pictures the following day, the female victim positively identified both Dupree and Massingill, whereas, the male victim was unable to positively identify either of the two men. Finally, perhaps the most startling, yet also common admission from both Mr. Dupree and Mr. Massingill in the interviews was that they believed their attorneys in the initial trial did not support their claims of innocence. The whole criminal justice process was bitterly tainted with systemic racial bias that marred its legitimacy to bring justice for both men.

Mr. Dupree and Mr. Massingill will forever stand as symbols of the racial injustices that plague the American criminal justice system. The terms “Black male”, “criminal suspect”, and “racial injustice” are so interwoven that only definitive DNA evidence and testing can correct this miscarriage of justice. But thanks to the Innocence Project, the District Attorney’s Conviction Integrity Unit, and such entities, these men along with the support of family members and loved ones are able to salvage some sort of human dignity in the face of losing a significant amount of time as a free man in American society. Both men were wrongfully convicted, but rightfully exonerated.

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Notes

¹ For a full report, see Gross, S. R., Possley, M., and K. Stephens. 2017. “Race and wrongful convictions in the United States.” *National Registry of Exonerations*. Available at: https://www.law.umich.edu/special/exoneration/Documents/Race_and_Wrongful_Convictions.pdf (March 7)

² See Catlett, L. 2007. “DNA testing marks beginning of a new civil rights movement.” *UVA Lawyers*. Available at: <http://www.law.virginia.edu/html/alumni/uvalawyer/f07/dnatesting.htm> (Fall 2007).

³ As of February 26, 2017. See the 2016 National Registry of Exonerations list. Available at: https://www.law.umich.edu/special/exoneration/Documents/Exonerations_in_2016.pdf.

⁴ *Ibid*, Race and wrongful convictions in the United States

⁵ *Ibid*, Race and wrongful convictions in the United States

⁶ *Ibid*, 2016 National Registry of Exonerations list

⁷ *Ibid*, 2016 National Registry of Exonerations list

⁸ *Ibid*, 2016 National Registry of Exonerations list

⁹ *Ibid*, 2016 National Registry of Exonerations list

¹⁰ *Ibid*, 2016 National Registry of Exonerations list

¹¹ *Ibid*, 2016 National Registry of Exonerations list

¹² *Ibid*, Race and wrongful convictions in the United States

¹³ *Ibid*, Race and wrongful convictions in the United States

¹⁴ See the 2015 National Registry of Exonerations list. Available at: http://www.law.umich.edu/special/exoneration/Documents/Exonerations_in_2015.pdf.

¹⁵ See Moffeit, M. 2013. “A twist for the lock-’em-up state: More Texas law enforcers are refusing to throw away the key – for the innocent.” *The Dallas Morning News*. Available at: <http://watchdogblog.dallasnews.com/2013/04/a-twist-for-the-lock-em-up-state-more-texas-law-enforcers-are-refusing-to-throw-away-the-key-for-the-innocent.html> (April 9).

¹⁶ For a full transcript of SB 487: An ACT relating to postconviction forensic DNA analysis, see the Texas State Legislature website: Available at: <http://www.legis.state.tx.us/tlodocs/84R/billtext/pdf/SB00487I.pdf#navpanes=0>.

¹⁷ The interview of Cornelius Dupree Jr. was conducted on July 2, 2015. The interview of Anthony Massingill was conducted on September 19, 2015.

¹⁸ The following document, Writ No. W79-12900-RI(D); Cause No. F79-12900-RI, contains a detailed account of the events leading to the wrongful conviction of Mr. Cornelius Dupree Jr. (and Mr. Anthony Massingill). Innocence Project attorneys filed this memorandum in support of the application for a writ of habeas corpus. The document is available at: http://www.innocenceproject.org/files/imported/dupree_petition_memo-1.pdf

¹⁹ *Ibid*, Writ No. W79-12900-RI(D)

²⁰ *Ibid*, Writ No. W79-12900-RI(D)

²¹ A writ of habeas corpus is a legal means to challenge the legality of the application of the law.

²² *Ibid*, Writ No. W79-12900-RI(D)

²³ *Ibid*, Writ No. W79-12900-RI(D)

²⁴ *Ibid*, Writ No. W79-12900-RI(D)

²⁵ *Ibid*, Writ No. W79-12900-RI(D)

²⁶ *Ibid*, Writ No. W79-12900-RI(D)

²⁷ *Ibid*, Writ No. W79-12900-RI(D)

²⁸ *Ibid*, Race and wrongful convictions in the United States

²⁹ See the following document, Writ No. W79-12900-RI(D); Cause No. F79-12900-RI, application for a writ of habeas corpus. The document is available at:

http://www.innocenceproject.org/files/imported/dupree_writ_cover_form.pdf.

³⁰ *Ibid*, Race and wrongful convictions in the United States

³¹ *Ibid*, Race and wrongful convictions in the United States

³² *Ibid*, Race and wrongful convictions in the United States

³³ *Ibid*, Race and wrongful convictions in the United States

³⁴ *Ibid*, Race and wrongful convictions in the United States