

EXTRACTS

Guilty Until Proven Innocent

by
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Scott Zirus is an Australian National wrongfully convicted by the State of Texas. This Thesis exposes the truth behind his actual innocence, and explores the phenomenon responsible for the systematic convictions of thousands of innocent people in the United States. From cognitive bias, emotional reactivity, cold pleas to false confessions, this Thesis is a scathing but honest indictment of the current state of the US Judicial System.

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The following is an extract from the "Preface":-

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PREFACE

I am INNOCENT - but how do I prove it? How do I unravel the devil's knot that has become my life? To attempt to understand the sudden change that had ripped me from my familiar world, and plunged me into the darkest saga of my life, is to realize to enormity of what has happened to me. I am far from happy with the suffering forced upon me, but I refuse to be defeated by it.

I had always believed that if you did nothing wrong you could never get in trouble with the law. That naive perspective is now dead. I inevitably see the world in a much different light. At times I feel overwhelmed by a sense of powerlessness and futility. You can't spend any amount of time in a foreign prison without it corroding away at the very essence of your soul.

No matter how insurmountable a task it may seem, I can not for a moment fall silent about the truth. Silence in the face of evil, is evil itself. I know my innocence can not be suppressed forever. One day the truth will set me free.

Logic dictates that only a fool could be so bold and expose himself to such scrutiny and expect to survive if he was guilty - but I am no fool. I can, and indeed must, do this because I am actually innocent. The only thing that allows me to be held captive for a crime that never occurred is the suppression of truth.

Since the U.S. Courthouse doors have been slammed in my face, and as such I have been denied the undisputable Right to prove my innocence in a Court of Law, I shall instead seek justice in the court that essentially sealed my fate - The Court of Public Opinion...

The following are extracts from "Chapter Three: THE SCIENCE BEHIND FALSE CONFESSIONS"

DO INNOCENT PEOPLE FALSELY CONFESS?

Decades ago, commentators and courts doubted whether false confessions existed. Postconviction DNA testing has definitively proved that suspects do falsely confess, with tragic wrongful convictions as a result.

Unfortunately, there are a disturbing number of known cases in which defendants confessed - only later to be exonerated. 15% to 25% of DNA-exonerated defendants had confessed prior to their trials. That means that potentially one-in-four innocent people unequivocally proven innocent actually confessed to a crime they didn't commit. The problem of false confessions is complex and multifaceted, and it indicates that there are holes in various "safety nets" built into the criminal justice system in America. A surprising signal that has emerged in several recent empirical studies: that innocence may put innocent people at risk during a criminal investigation, often to their own detriment.

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The paradoxical effect of innocence putting innocent people at risk may reside in part in the phenomenology of innocence, which leads innocent people to make bad decisions in their own behalf. This mental state leads those who stand falsely accused to believe truth and justice will prevail. To be sure, innocent suspects, like their guilty counterparts, are motivated in part by strategic self-presentation concerns. Reflecting a fundamental belief in a just world and in the transparency of their own blameless status, however, those who stand falsely accused also have faith that their innocence will become self-evident to others. As a result, they cooperate with police, often not realizing that they are suspects, not witnesses; They waive their rights to silence, counsel, and a lineup; they agree to take lie-detector tests; they vehemently protest their innocence, unwittingly triggering aggressive interrogation behavior; and they succumb to pressure to confess when isolated, trapped by false evidence, and offered hope via minimization and the leniency it implies. Yet without independent exculpatory evidence, their innocence is not easily detected by others...

The following is an extract from "Chapter Four: THE FALSE CONFESSION"

THE CONTEXT

For a long time I did not understand why I gave a false confession. I had stopped thinking about any long-term consequences and eventually told Officer McCoy what he wanted to hear so I could go. Naively I was under the impression that I could catch a later flight home where I knew I could resolve this misunderstanding. My actions proved self-defeating even though at the time I felt it was the path of least resistance. Afterwards I felt betrayed, tricked, ashamed, and weak. When I began researching the science behind false confessions it wasn't initially to prove my innocence. It was to reconcile the internalized conflict that arose from being manipulated to admit something happened when it did not. What I discovered blew me away. A bittersweet sense of relief washed over me - I wasn't alone! It was more common than the general public knew. Unfortunately my false confession still stands as one of the greatest obstacle to gain support for my innocence. This is why I have dedicated so much to explaining how and why innocent people confess.

Although my recorded interrogation lasted a total of 1 hour, 6 minutes, the reader should remain mindful that the process to break me down began the moment I was arrested - not just in the interrogation room itself. In the hours before the interrogation I was thrust into a state of despair. The security of my familiar world came to a sudden and dramatic halt. I had been forced to experience things I thought could never happen to me - The initial shock of the allegations and arrest; being handcuffed and placed in feet chains; being locked in a cell that reeked of urine with 'unsavory' characters; that feeling of imminent danger upon my life; the numerous strip searches; the magistration; and the 2 hour drive to Kerrville (handcuffed the entire time) - plus I had a hangover and I hadn't eaten since the night before. These are all the elements that compounded McCoy's interrogation techniques...

The following is an extract from "Chapter Six: THE COLD PLEA OF GUILTY"

"Only free men can negotiate;
Prisoners cannot enter into contracts"
- Nelson Mandela

THE COLD PLEA OF GUILTY

I have been harshly judged for accepting a plea bargain for a crime I did not commit. The common stream of logic is - "if he wasn't actually guilty, he wouldn't accept a plea bargain admitting such" - But that logic ignores the inherently coercive reality of incarceration.

When you are deprived of your liberty, you don't have the capacity to enforce your will. You are denied your natural power to decide what to eat, what to wear, whom you associate, even when you defecate. Any attempt to impose your will upon the State is met with threat or physical force. Yes, in principle you may have "Rights", but you're often incapable to enforce them.

A plea bargain is a negotiated contract - But to negotiate without coercion, the two parties must be on near equal playing fields. This is not possible when a person is physically, mentally, and spiritually restrained by the State.

How do you negotiate with your captors? Prisoners cannot enter into contracts because they have not the ability to negotiate. They are inherently denied the ability to confer with the State in a meaningful manner as to arrive at a mutually agreed settlement. It is pure coercion.

Most people who judge me so harshly have never felt the chafe of handcuffs, or the anxiety of being locked in a cell - void of stimulation for months on end - Yet alone experienced the demoralization of being stigmatized by the allegations of some socially unacceptable act. They are quick to declare what they would do from a freeworld perspective - "I would say no, I would refuse" - and I did. But it was for naught. They fail to realize that the free-will they enjoy ends at those gates. In essence, I was a slave long before I was convicted. It was simply a process of breaking me down to accept it on their terms. Was I weak, or was I simply human? Either way, I was eventually broken by the State...