

Tried and Convicted by Mistake

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women, all of whom claimed innocence and none of whom had criminal records of any kind. All four cooperated fully, believing that they had nothing to fear because they were innocent -- and all four were convicted based on the testimony of the two girls and medical testimony that the shape of their hymens confirmed that they had been abused. The film's title means to draw a parallel to the Salem witch trials, and it's a compelling comparison.

Rodriguez was tried first, having been arrested shortly after giving birth to her son, and after a trial characterized by homophobic slurs and innuendo about her lifestyle, she received a 37-year sentence. The three other women, Rodriguez's former girlfriend Kristie Mayhugh and domestic partners Anna Vasquez and Cassandra Rivera, were tried together and received 15-year sentences. All maintained their innocence and refused to plead out.

All of the women served significant time; Rodriguez was behind bars for the 17 years of her son's childhood, and Rivera had to leave her two children in the care of her mother for the remainder of theirs. One can scarcely imagine the trauma they all endured, and the impossibility of making sense of their experience. It was many years before a biologist in Ottawa took an interest

in the women's cases and began visiting and corresponding with them. He eventually convinced others to look at the cases, and ultimately the Texas Innocence Project succeeded in getting them reopened based on discrediting the medical evidence submitted against the women. The cases crumbled further when one of the two alleged victims, Stephanie, fully recanted her original story.

The film walks carefully through the stories of the women and grapples with the perplexing senselessness of their lot. Stephanie, now in her 20s, recounts how her father and paternal grandmother coached her to tell the story she did at age 9; one can scarcely imagine the courage it would take to acknowledge such a thing. The women are still in the fight for exoneration; they had to present their exoneration case to the same judge who tried the group of three in the first place, and he ruled that they were entitled to a new trial but not exoneration, evincing more concern for the medical expert's professional reputation than for the grievous losses experienced by these four apparently innocent young women.

So what do we do with cases like this? The first thing we must do is sit with their stories; we must learn to listen well. This film left me with many questions, but it provides a careful window into a story that, in the

end, can't be explained away. The filmmakers have spent the time needed to present this case in a way that honors its troubling complexity.

These events happened in Texas, but that does not give those of us outside of Texas any basis for consoling ourselves. Rather, this story is a window into how badly things can go wrong in our justice system, particularly when the defendants are from marginalized communities, as these women are. It depicts a dramatic example of how, once we have decided who is the perpetrator of a crime -- and that a crime occurred at all -- all of the energy goes toward proving that we are right, even in the face of significant evidence to the contrary. In these particular cases, it is very hard to see how a presumption of innocence was a robust concept.

We must sit with such questions if we have any hope of actually upholding, in any case, the values our justice system purports to serve. You can watch for release information at the film's website, southwestofsalem.com, and on its Facebook page.

Darleen Ortega is a judge on the Oregon Court of Appeals and the first woman of color to serve in that capacity. Her movie review column Opinionated Judge appears regularly in The Portland Observer. Find her movie blog at opinionatedjudge.blogspot.com.

Obituary

In Loving Memory James H. Brown

James H. Brown was born March 27, 1943 and died May 14, 2016.

He is survived by his wife, Mary Brown; daughters, Edith Michele Brown and LeAnne Marie Owens; and son, Eric Howard Brown.

There will be public viewing on Thursday, June 2, from 4 p.m. to 7 p.m. at Terry Family Funeral Home. A funeral service will be held on Friday, June 3, at 10:30 a.m. at Bethel AME Church, 5828 N.E. Eighth Ave., with military honors following at Willamette National Cemetery at 1:30 pm.

Arrangements by Terry Family Funeral Home.

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