

## Guilty Pleas and False Confessions

People who contact the Registry with questions about false confessions often assume that guilty pleas *are* false confessions. That's understandable: in both instances, a person admits to committing a crime.

**Guilty pleas and confessions, however, are very different.** A confession is *evidence*, however powerful, that must be considered with other evidence. It does not directly determine the outcome of a case.

A guilty plea, on the other hand, is not evidence, but a formal agreement by the defendant to entry of a judgment of guilt. It produces the conviction directly.



[Josue Ortiz](#) falsely confessed and pled guilty to manslaughter in 2006. He was exonerated in 2015.

**False confessions are relatively infrequent.** Confessions by innocent suspects usually follow prolonged interrogations. Police only have time to do that in the most serious cases. As a result, 70% of exonerations with false confessions are murder cases.

**Guilty pleas, by contrast, account for 95% of all criminal convictions.** Unlike extracting confessions (which is expensive), obtaining guilty pleas *conserves* resources by avoiding trials. Defendants face immense system wide pressure to take pleas and most succumb.

**All the same, guilty pleas and false confessions are related.**

As we [discuss elsewhere](#), 40% of exonerations with guilty pleas are drug cases, most of which come from a single county in a short period. We'll ignore them for the moment and focus on non-drug exonerations.

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***An exoneree who falsely confessed is more than three times more likely to plead guilty to a crime she didn't commit than an exoneree who did not confess.***

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For all non-drug cases, 10% of exonerations include guilty pleas (156/1543). Among exonerees who falsely confessed, the proportion of guilty pleas jumps to 25%

(54/215), while exonerees who did not confess only pled guilty 7% of the time (102/1328). In other words, an exoneree who falsely confessed is more than three



[Juan Silva, Sr.](#) (right) with his son, falsely confessed and pled guilty to manslaughter. His case is unusual. He confessed and pled guilty not because of pressure, but to protect his son, who actually committed the crime. He was exonerated in 2015. *(photo from fox6now.com)*

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The reason is evident: **People who falsely confess are likely to believe that they have no meaningful chance of winning at trial.** They are right. Convincing jurors that a confession is false is no easy task.

We know from hundreds of exonerations that under the right circumstances, people do falsely confess. But many people, maybe most, still believe that innocent people do not confess to crimes they did not commit. It's hardly surprising that a

**substantial number of innocent defendants who falsely confess plead guilty.**

**That number may be much higher than we report.** The only false convictions that we can count are those that result in exoneration. [We know](#) that innocent defendants who plead guilty face high barriers to exoneration. The same is true for those who confess to crimes they did not commit.

It may be that innocent defendants who falsely confess plead guilty in much greater numbers than we know. We don't see them because they are so unlikely to be exonerated at all.