

Austin Public Safety Commission      June 4, 2012

# YOGURT SHOP MURDERS CASE

## *Texas Monthly*

(01/01/01) After a lengthy investigation that was at times scattershot, overly aggressive, and just plain incompetent, Austin police say they've caught the three young men who killed four teenage girls in an "I Can't Believe It's Yogurt!" shop in 1991.

## *Austin Chronicle*

(04/18/08) The state's case against the four is almost entirely circumstantial, relying heavily on two "confessions" provided by Springsteen and Scott, obtained by Austin police in 1999 after lengthy, and arguably coercive, interviews during which the two, separately, incriminated not only themselves but also each other for the crime. (To be clear, Springsteen and Scott were not the only two to confess; police collected at least 50 confessions – some far more compelling in detail than those of the defendants.) But the state fudged the law by using portions of one man's confession as evidence in the trial against the other, denying each defendant's Sixth Amendment right to confront witnesses against him.

## *Austin Chronicle*

(cont'd.) [The cases were booted] back to Travis Co. for further proceedings – but without the ability to bolster their cases by placing into evidence the confession of a nontestifying co-defendant. (Both men recanted the substance of their statements and maintain their innocence.) Importantly, there was no physical evidence found at the crime scene directly linking any of the defendants to the murders. There are fingerprints, for example, that have never been matched to anyone. The existence of physical evidence belonging to persons unknown has long been a key to the defense and was at the center of arguments during a pretrial hearing Tuesday.

## *Austin American-Statesman*

(03/01/09) Seven former jurors in the trials of two co-defendants convicted in the grisly Austin yogurt shop murders would not vote for the same verdict after learning of recent DNA findings.

(06/28/09) Travis County DA Rosemary Lehmberg said she remains convinced the men are guilty. But the newly discovered DNA, the limits on the use of the confessions and the absence of fingerprints, a murder weapon or any other evidence tying Scott, Springsteen or their friends to the crime makes it clear that prosecutors would face significant challenges in convincing jurors of their guilt beyond a reasonable doubt.

# Evidence Problems

- Fire and water damage to the crime scene
- Poor crime scene control
- Hold-back evidence became public
- No physical evidence
- No witnesses to the crime
- Murder weapons never recovered
- Investigator leakage during interrogations
- Unmatched DNA

## Scott Interview (09/14/99)

84. Rob told me to stop and stay right there and not let anyone out the back.

124. One of the girls was already dead.

125. I think Maurice shot that one.

160. Rob was standing right there and he had the small semiautomatic gun.

169. I looked at Forrest and then I looked at the floor board and picked up the lighter fluid.

172. Rob told me to burn the place.

# Springsteen Interview (09/15/99)

Springsteen: I think, that Maurice and Forrest just started attacking this chick.

Springsteen: Maurice had the .22 and Forrest had the .380, that's what I think.

Det. Merrill: Did Maurice have sex with one?

Springsteen: I'm sure he did, uh, he... yes, yes.

Det. Merrill: Did Mike?

Springsteen: I think he tried but I don't think he could.

# False Confessions

25% of wrongful convictions have involved some form of false confession. Reasons include:

- Misunderstanding the situation or ignorance of the law
- Compromised reasoning ability due to stress, exhaustion, mental limitations, or poor education
- Devious interrogation techniques, such as untrue statements about incriminating evidence
- Real or perceived intimidation by police
- Fear of a harsher punishment

# Tunnel Vision

“Tunnel vision is insidious.... It results in the [police] officer becoming so focussed upon an individual or incident that no other person or incident registers in the officer’s thoughts.... [and] the elimination of other suspects who should be investigated.”

*Thomas Sophonow Inquiry (2001)*

# Groupthink Problems

- Close-mindedness
- Selective information gathering
- Self-censorship
- Expert opinions ignored
- Shared illusion of unanimity
- No contingency plans

# Dangers of Overconfidence

“The Disease of Certainty is fatal to investigations. Both inexperienced and seasoned officers can catch this contagious disease, and it can spread throughout a team. It occurs when officers feel so convinced of their own beliefs that they allow themselves to become tunnel-visioned about one conclusion and ignore clues that might point them in another direction. Those who resist the disease may be ridiculed and ostracized for their supposed lack of understanding and inability to see the truth if all of their coworkers share the same beliefs and assumptions about the investigation” (Doolittle, 2012).