

When the Accusation Becomes the Investigation

Wrongful Convictions, False Allegations, and the People We Leave Behind

By: Michael P Andrews

August 2026

For most of my life, I believed that if you were innocent, eventually the truth would save you.

I believed investigators investigated.

I believed prosecutors looked at both sides.

I believed that when evidence did not fit the accusation, somebody somewhere in the system would stop and say, “Wait a minute. Something is wrong here.”

That belief sounds almost naïve to me now.

I know better because I lived it.

Before I became the accused, I had experience in law enforcement and private investigations. I understood investigations from the outside. I believed evidence mattered. I believed inconsistencies mattered. I believed an investigator's job was not to prove an accusation but to determine what actually happened.

Then I became the suspect.

Everything changed.

When you are accused of a sexual offense, particularly one involving a child, there is an enormous emotional reaction attached to the allegation before anyone ever examines whether it is true. People hear the accusation and recoil. I understand that. These are horrific crimes. Real victims deserve to be heard, protected, and treated with dignity.

But the seriousness of an accusation is precisely why the investigation has to be better, not worse.

We cannot allow the horror of the allegation to become a substitute for proof.

That is where I believe we are failing.

Thousands of Innocent People Have Already Been Proven Innocent

This is not some theoretical argument about whether the criminal justice system *might* convict innocent people.

We already know it does.

The National Registry of Exonerations currently reports **3,842 exonerations since 1989**, representing more than **35,983 years lost** to wrongful convictions. Think about that for a minute. Thirty-five thousand years of human life taken from people whom the system eventually acknowledged should not have been convicted. ([National Registry of Exonerations](#))

Those numbers should terrify us.

And here is the part people need to understand: 3,842 is not necessarily the number of innocent people who were convicted.

It is the number we have **found**.

There is a massive difference.

An innocent person does not automatically receive an exoneration simply because he is innocent. Someone has to discover new evidence. Someone has to preserve the DNA. Someone has to obtain the records. Someone has to find the witness who finally tells the truth. Someone has to convince an attorney or an innocence organization that the case deserves years of work. Then someone has to convince a prosecutor or judge to reopen a conviction that the justice system has already declared finished.

What happens to the innocent prisoner who has none of that?

What happens when there is no DNA?

What happens when the evidence was destroyed?

What happens when witnesses die?

What happens when nobody cares enough to look?

He stays in prison.

That is the horrifying part.

Researchers studying death-sentenced defendants tried to estimate the hidden error rate. A 2014 study published in the *Proceedings of the National Academy of Sciences* estimated that if everyone sentenced to death remained under a death sentence indefinitely, at least **4.1 percent** would eventually be exonerated. The researchers expressly described that as a conservative estimate for death-sentence cases. That number should not simply be applied to every criminal conviction in America, but it demonstrates something incredibly important: the exonerations we actually observe can substantially understate the underlying number of wrongful convictions. ([PubMed Central \(PMC\)](#))

That matters.

Because somewhere tonight there is an innocent person lying on a prison bunk who does not have DNA evidence coming to save him.

He does not have a documentary crew.

He does not have a famous attorney.

He does not have an Innocence Project lawyer reviewing his case.

He has a DOC number.

And hope is running out.

Innocent People Even Plead Guilty

One of the biggest misconceptions about wrongful convictions is this idea that an innocent person would never plead guilty.

I used to think that too.

Then I sat in jail facing decades in prison.

The Innocence Project's historical database of 375 DNA exonerations through 2020 found that **44 of those innocent defendants had pleaded guilty** to crimes DNA ultimately showed they did not commit. The same database documented false confessions as a contributing factor in 29 percent of those DNA exoneration cases. ([Innocence Project](#))

Why would an innocent person plead guilty?

Fear.

Risk.

Pressure.

Because the decision being presented is sometimes not, “Are you guilty or innocent?”

The real decision is: “Do you want to take this deal and eventually go home, or gamble the next thirty years of your life on twelve strangers?”

Those are completely different questions.

I know because I had to answer them.

In my case, I was facing nearly thirty years of imprisonment and a mandatory minimum sentence measured in decades if convicted. On the morning my case was supposed to go to trial, I was offered a dramatically reduced sentence. I repeatedly told my attorney that I was innocent and that I wanted a trial. He eventually suggested an Alford plea, which allowed me to continue maintaining my innocence while accepting the negotiated consequences. According to my own account of that day, what finally broke me was being told that I was not going to receive a fair trial.

People sitting comfortably outside the criminal justice system may say, “I would never take that plea.”

Maybe.

But make that decision while sitting in jail.

Make it after months without your family.

Make it knowing that losing means decades in prison.

Make it when the attorney standing beside you—the person supposedly protecting you—is telling you that you are going to lose.

Then tell me how easy the decision is.

I maintained my innocence.

I still do.

But fear is powerful.

The criminal justice system knows that.

False Accusations Exist. That Should Not Be Controversial.

We have somehow reached a point where merely acknowledging that false accusations exist can get someone accused of attacking victims.

That makes no sense.

Two things can be true at the same time.

People are sexually assaulted.

People also make false accusations.

Recognizing the second fact does not erase the first.

One frequently cited study examined 136 sexual-assault reports made to a major Northeastern university during a ten-year period. Eight—**5.9 percent**—were classified as false allegations. The authors, reviewing previous research as well, reported estimates generally falling between **2 and 10 percent**. ([NSVRC](#))

I am not going to manipulate that statistic and tell you it means every allegation is probably false.

It doesn't.

But nobody should manipulate it in the opposite direction either.

Five point nine percent is not zero.

More importantly, a case that has not been proven false is not automatically a case that has been proven true. Criminal investigations produce unresolved cases, unsubstantiated cases, cases where evidence is insufficient, cases that never proceed, and cases where nobody ever discovers what really happened.

That uncertainty is exactly why evidence matters.

And we do not have to rely solely on statistics. There are actual human beings whose lives were destroyed by accusations that were later admitted to be false.

Brian Banks was a promising high-school football player when he was accused of rape. He accepted a plea rather than risk a potentially devastating sentence and spent years imprisoned and under supervision. Years later, his accuser contacted him and recanted. His conviction was ultimately overturned. The University of California's description of the National Registry of Exonerations specifically notes that Banks was exonerated after his accuser admitted that she had lied. ([ABC News](#))

Imagine losing those years.

Imagine everyone calling you a rapist.

Imagine your career disappearing.

Imagine your family living with it.

And then imagine hearing years later that the accusation was not true.

Gary Dotson's case is even harder to ignore. According to the National Registry of Exonerations, the woman who accused him of rape later revealed that the rape had never occurred and that she had invented the story. Dotson had been convicted largely on her identification, assisted by forensic testimony that the Registry describes as false. DNA evidence eventually established his innocence. ([National Registry of Exonerations](#))

Then there is the Duke lacrosse case, right here in North Carolina.

Three Duke University lacrosse players were accused of rape in 2006. The case exploded across national television. Their names and photographs became synonymous with an allegation long before the legal process had run its course. The North Carolina Attorney General ultimately declared the players innocent in 2007 after the case collapsed.

Then, eighteen years later, the accuser publicly admitted that she had fabricated the story.

She said the players had not raped her.

Eighteen years later.

The Associated Press reported her admission in December 2024. ([AP News](#))

How much damage can happen in eighteen years?

That is why I refuse to accept the argument that false accusations are something we are not supposed to discuss.

We have to discuss them.

Not because real victims do not matter.

Because **truth matters**.

And Sometimes the Person Making the Accusation May Believe What They Are Saying

This subject gets even more complicated when children are involved.

Not every inaccurate statement is an intentional lie.

That distinction is critical.

A child can provide inaccurate information without intentionally fabricating anything. Adults can do the same thing. Human memory does not operate like a surveillance camera. We do not record an event and later push play.

Memory is reconstructive.

That fact has been studied for decades.

One of the most famous demonstrations came from psychologists Elizabeth Loftus and John Palmer. Participants watched automobile accidents and were later asked questions about what they had seen. Simply changing the wording of a question—using a stronger verb such as “smashed” rather than a more neutral description—affected estimates of vehicle speed. A week later, participants exposed to the stronger wording were also more likely to report seeing broken glass even though there had been none. ([CiNii Research](#))

Think about what that means.

A question asked **after** an event can affect how the event is later remembered.

Now put that knowledge into a child-abuse investigation.

A frightened parent asks a question.

Then another.

Then the other parent asks.

Then a nurse asks.

Then a police officer asks.

Then someone asks the child to explain it again.

Then somebody unintentionally supplies information in the question.

By the time the trained forensic interviewer sits down with that child, what exactly is being recalled?

The original event?

The conversations afterward?

A combination?

That is not an accusation against the child.

It is a scientific question about reliability.

And reliability should matter enormously in a criminal case.

This Is Why We Have Forensic Interview Protocols

The federal government's own criminal-justice resources recognize these concerns.

The Office of Juvenile Justice and Delinquency Prevention's guidance on child forensic interviewing recommends open-ended questioning and cautions against unnecessary duplicate interviews. It specifically notes that more focused questioning can produce erroneous responses when children feel pressure to satisfy an interviewer. ([Office of Justice Programs](#))

The National Institute of Child Health and Human Development developed interviewing methods specifically designed to obtain more accurate information from children by encouraging recall rather than supplying cues through interviewer questioning. ([NICHD](#))

Research examining investigative interviews has likewise identified problematic questions that presume something happened before the child has actually said it happened, or that introduce highly specific details. Previous research cited in that work found those forms of questioning capable of producing false-event narratives. ([Office of Justice Programs](#))

That does **not** mean every child who has previously been questioned is lying.

It does not mean every inconsistency proves an allegation false.

It means exactly what I keep saying:

Investigate it.

Reliability is evidence.

The history of the questioning is evidence.

Who spoke to the child first matters.

What they asked matters.

How they asked it matters.

Whether information was introduced matters.

Whether the story changed after those conversations matters.

A good investigator should want to know all of that.

What Happened in My Case Is Why This Subject Became Personal

When the allegation in my case first surfaced, my reaction was immediate.

Stop questioning the child.

Call law enforcement.

That is what I told the adults around her.

I believed proper procedure would protect everyone involved, including me.

Instead, according to the account and discovery I describe in my first chapter, the child was questioned by family members before law enforcement became involved, and she had interactions involving hospital staff and deputies before the State's forensic interview. The forensic interviewer then treated the interview as though she were dealing with an uncontaminated initial disclosure rather than fully exploring the effect of the prior questioning.

That bothered me then.

After studying forensic interviewing, it bothers me even more now.

Because the question is not simply whether you “believe” an accuser.

The question is whether you can determine how reliable the information is.

Those are not the same thing.

My case also contained an inconsistency that I still cannot understand investigators brushing past. The initial timeline placed an alleged incident during a period when I was in New York attending my mother's funeral. Rather than that fact bringing the investigation to a halt long enough to carefully reassess what was being alleged, I came away believing that the timeline simply shifted and the investigation continued.

That should be exactly the moment an investigator becomes curious.

Maybe there is an innocent explanation for the inconsistency.

Maybe there isn't.

But you investigate it.

You do not take evidence that conflicts with the allegation and simply find a way around it.

That is not investigation.

That is confirmation.

The Evidence You Refuse to Examine Matters Too

One of the things I learned from working as an investigator is that exculpatory evidence does not always walk into your office carrying a sign that says, “THIS PROVES INNOCENCE.”

Sometimes you have to look for it.

Sometimes the most important question is not what investigators discovered.

It is what they **chose not to investigate**.

In my case, there was an allegation involving an electronic communication. I maintained that the message did not exist. Electronic devices were available that potentially could have corroborated or disproved what was being alleged. According to my chapter, I voluntarily offered the devices for examination, but investigators did not perform the forensic examination I expected them to perform. I later learned during civil litigation that the Sheriff had decided not to examine my phone because he had been told the message had been deleted.

That logic still amazes me.

If someone says a digital message existed and the accused says it did not, why would you not want the device?

Look.

Find out.

Maybe it hurts the accused.

Maybe it clears him.

That should not matter to the investigator.

The investigator's loyalty should be to the truth.

That is the problem I keep coming back to. Once law enforcement decides the allegation is true and begins looking only for evidence supporting that conclusion, contradictory evidence becomes an inconvenience.

There is a name for that danger: tunnel vision.

And innocent people can disappear inside it.

We Have Seen This Before

America has already lived through periods when accusations involving children overwhelmed careful investigation.

The Kern County, California child-sex-abuse prosecutions of the 1980s are one disturbing example. According to the National Registry of Exonerations, at least thirty defendants were convicted in a series of related cases, with others accepting plea bargains. More than twenty imprisoned defendants were eventually exonerated. In most of those exonerations, children who had testified about abuse later recanted, and the Registry reports evidence that complaining witnesses—some extremely young—had been coerced or persuaded by authorities into making false accusations. ([National Registry of Exonerations](#))

Read that again.

People went to prison.

Years passed.

Then the system had to confront the possibility that the very interviewing process used to establish the accusations had helped create unreliable evidence.

We are supposed to learn from history.

Instead, sometimes I think we simply convince ourselves that the mistakes of the past cannot happen anymore because today's investigators have newer technology and better training.

Technology does not eliminate tunnel vision.

Training does not eliminate bias.

A badge does not eliminate human nature.

Neither does a law degree.

An Accusation Is Supposed to Begin an Investigation

This is the heart of the issue for me.

An allegation should begin the investigation.

It should not **become** the investigation.

Once a person reports sexual abuse, law enforcement has an obligation to take that allegation seriously. Of course they do.

But “take seriously” cannot mean “assume true.”

Those are two completely different concepts.

Taking an allegation seriously means protecting potential victims, preserving evidence, identifying witnesses, examining electronic records, testing timelines, documenting prior disclosures, separating witnesses when appropriate, using trained interviewers, examining alternative explanations, looking for corroboration, and—yes—looking for evidence that might demonstrate the accused person could not have committed the crime.

That last part seems to disappear sometimes.

An investigator should be trying to prove himself wrong.

That is how good investigations work.

You develop a theory and then attack it.

If the theory survives, it becomes stronger.

If it collapses, thank God you discovered that before putting an innocent person in prison.

People Accused of Sexual Crimes Are Not Always Given a Fair Chance

I am going to say something that some people will not like.

I believe people accused of sexual crimes are sometimes not given a fair chance.

That belief comes from my experience.

I am not claiming that every sexual-assault defendant is innocent. That would be ridiculous.

I am not claiming every accuser is lying.

I am saying the accusation itself carries so much emotional power that the presumption of innocence can become theoretical instead of real.

Constitutionally, you are presumed innocent.

Practically?

You may discover something very different.

I wrote in my first chapter that many defendants learn that the first person they have to convince of their innocence is their own attorney. When your own lawyer begins from the assumption that conviction is inevitable, advocacy can turn into negotiation very quickly.

I lived that.

I was told I would not receive a fair trial.

Think about that statement.

Not, “The evidence is overwhelming.”

Not, “We discovered physical evidence that proves you did this.”

I was told I would not receive a fair trial.

There is something profoundly wrong when an innocent person, or any person maintaining innocence, begins to believe that the accusation itself has become impossible to overcome.

But I Am Not Going to Twist Research to Fit My Argument

This is important because credibility matters to me.

I am not going to tell you that research proves the #MeToo movement automatically causes juries to convict defendants accused of sexual assault.

It doesn't.

In fact, one 2020 California Law Review study comparing mock-juror responses from a 2019 survey with an earlier 2010 study found **lower**, not higher, willingness to convict in the later group despite similar assessments of the likelihood of guilt. The author specifically warned against interpreting that result as meaning #MeToo would reduce convictions in every sexual-assault case. Interestingly, the experiment also found differences depending on whether the alleged victim was male or female, demonstrating how complicated juror decision-making actually is. ([California Law Review](#))

Why include a study that does not perfectly support my position?

Because that is exactly the point.

Evidence should not be manipulated to fit a narrative.

Not by me.

Not by prosecutors.

Not by police.

Not by defense attorneys.

Not by advocates for victims.

Nobody.

The #MeToo movement did important things. It exposed real abuse. It gave people who had remained silent the courage to speak. Society needed to hear many of those stories.

But a social movement and a criminal courtroom serve different purposes.

“Listen to people who report abuse” can be a reasonable social message.

“Presume the defendant guilty” cannot be a legal standard.

The moment we confuse those things, due process begins disappearing.

False Accusations Hurt Real Victims Too

There is another reason we should be willing to discuss false allegations openly.

They damage genuine victims.

Every Brian Banks case gives someone an excuse not to believe the next legitimate victim.

Every fabricated accusation becomes ammunition for people who want to dismiss all accusations.

Every investigator who knowingly ignores contradictory evidence weakens public confidence when investigators later ask us to trust them in a legitimate case.

Truth protects victims.

Truth also protects the accused.

Those interests are not enemies.

If someone committed a sexual assault, I want a competent investigation that proves it.

I want evidence preserved.

I want the witness properly interviewed.

I want electronic records examined.

I want the case strong enough to survive cross-examination.

And if the accused did not commit the crime, I want exactly the same investigation to discover that before his life is destroyed.

That is justice.

Recantations Must Be Investigated Too

There is another uncomfortable truth worth acknowledging.

Just because someone later recants an accusation does not automatically mean the original accusation was false.

People can recant truthful allegations because of family pressure, fear, financial dependence, intimidation, reconciliation, or any number of other reasons.

That means a recantation deserves the same thing an original accusation deserves:

Investigation.

Corroboration.

Evidence.

Brian Banks's case did not end merely because somebody changed her mind. There was additional evidence surrounding the recantation and prosecutors ultimately agreed that his conviction should be overturned.

Gary Dotson eventually had scientific evidence.

The Duke lacrosse case had already collapsed under scrutiny long before the accuser's later admission.

That distinction matters.

My argument is not “believe recantations.”

My argument is **stop blindly believing anything**.

Investigate.

There Are People Sitting in Prison Right Now Who Will Never Be Exonerated

This is the part that bothers me most.

The National Registry can count exonerees.

It cannot count the innocent people we have not discovered.

By definition, we do not know who they are.

Some are probably serving short sentences and will finish them before anyone could reopen their cases.

Some accepted pleas.

Some have no biological evidence capable of being tested.

Some were convicted on testimony alone.

Some will eventually stop filing appeals.

Some will lose contact with their families.

Some will die in prison.

That is why the 3,842 known exonerations should never make us comfortable.

They should make us uncomfortable.

Every one represents a system failure significant enough that an innocent person made it all the way through investigation, charging, prosecution, and conviction before somebody finally corrected the mistake. ([National Registry of Exonerations](#))

And sometimes the system fought the correction.

That should tell us something.

We Have Built Protections for Accusers. We Need to Remember the Accused Has Rights Too.

This country has spent decades improving how we treat victims of sexual violence.

Many of those reforms were desperately needed.

People reporting sexual assault should not be mocked, humiliated, ignored, or automatically dismissed because they delayed reporting or because their behavior does not fit somebody's stereotype of how a victim is "supposed" to act.

But protecting accusers does not require abandoning the accused.

The accused has constitutional rights for a reason.

The presumption of innocence exists for the ugly cases too.

Reasonable doubt exists for accusations that make us angry.

Cross-examination exists for witnesses we instinctively want to believe.

The right to counsel exists when society already thinks the defendant is guilty.

Due process is easy to support when we like the defendant.

Its value is proven when we don't.

If our constitutional protections only apply comfortably to people accused of crimes that do not disgust us, they are not constitutional protections at all.

They are popularity contests.

What I Wish Had Happened

I sometimes think about what I expected the investigation in my own case to look like.

I expected investigators to examine the timeline.

I expected them to investigate witnesses who could confirm or contradict the allegations.

I expected them to examine devices.

I expected them to document who had questioned the child before the forensic interview.

I expected inconsistencies to generate questions.

I expected investigators to be as interested in evidence supporting innocence as evidence supporting guilt.

I did not expect anyone to take my word simply because I denied the allegation.

That would not have been fair either.

I wanted them to investigate.

That is all.

In my first chapter I wrote that the deeper I dug through discovery, the more I came to believe that obvious leads had never been meaningfully pursued. I also acknowledged something important about evidence that people often misunderstand: individual facts may not prove innocence by themselves, but they can still demand further investigation.

That is the standard I am arguing for.

Not automatic disbelief.

Not automatic belief.

Investigation.

We Have to Be Willing to Say Two Things at Once

Real victims exist.

False accusations exist.

Children can truthfully disclose abuse.

Children can also provide inaccurate information after suggestion, pressure, misunderstanding, repeated questioning, or contamination.

Defendants lie.

Accusers can lie.

Police officers can make mistakes.

Prosecutors can make mistakes.

Defense attorneys can make mistakes.

Experts can be wrong.

Jurors can be wrong.

Judges can be wrong.

And innocent people can end up in prison.

None of those statements should be radical.

They are simply descriptions of human beings.

The purpose of our criminal justice system is not to pretend human error does not exist.

The entire system is supposed to protect against it.

Justice Cannot Mean Choosing Which Innocent People Matter

I have no interest in creating a society where genuine sexual-assault victims are afraid to report what happened to them.

None.

But I also refuse to accept a society where protecting victims requires pretending false accusations never happen.

We can do better than that.

We must.

If an allegation is true, a thorough investigation helps prove it.

If it is false, a thorough investigation may expose it.

If a witness's memory has been affected by improper questioning, a competent forensic examination may identify reliability concerns.

If physical or digital evidence exists, examine it.

If evidence contradicts the theory of the prosecution, do not hide from it.

Follow it.

Wherever it goes.

That is what an investigation is supposed to be.

I Used to Believe the Truth Would Take Care of Itself

Before everything that happened to me, I believed truth had a certain power inside a courtroom.

I believed that eventually somebody would see it.

I believed innocence would somehow announce itself.

I do not believe that anymore.

Truth requires advocates.

Evidence requires people willing to look at it.

Constitutional rights require people willing to assert them.

And innocent defendants require a justice system willing to admit that the accusation might be wrong.

That is one of the reasons I began writing in the first place. In my chapter, I wrote that an informed defendant is harder to intimidate and better equipped to make decisions that may determine the rest of his life. I also wrote about meeting people incarcerated who barely understood why they had accepted the pleas that put them there.

Those people stay with me.

Some were probably guilty.

Some may not have been.

That is the uncomfortable truth about prison.

You do not know.

And sometimes neither does the system that put them there.

An Accusation Is Not a Conviction. A Conviction Is Not Always the Truth.

We have documentary proof of innocent people being convicted.

We have DNA proof.

We have documented false confessions.

We have witnesses who identified the wrong person.

We have forensic disciplines that were once presented to juries with confidence and later exposed as unreliable.

We have defendants who pleaded guilty and were later proven innocent.

We have accusers who eventually admitted that they fabricated allegations.

We have children whose accusations were later determined to have been influenced by coercive or suggestive interviewing.

All of it has happened.

Yet somehow, every generation convinces itself that *our* version of the justice system has figured it out.

It hasn't.

Human beings are still running it.

The greatest danger in criminal justice is certainty before investigation.

The moment investigators decide they already know what happened, evidence stops being evidence.

It becomes something to sort into two piles.

Things that support the accusation.

And things to explain away.

I know what it feels like to believe you are standing on the other side of that process.

I know what it feels like when facts that seem enormous to you appear meaningless to people who already believe the accusation.

I know what it feels like to face decades in prison while maintaining that you did not commit the crime.

And I know what it feels like to finally become afraid enough that the risk of trial becomes greater than your ability to keep fighting.

That experience changed me.

It is why I will keep saying something that should never have become controversial:

Believe evidence.

Listen to accusers.

Protect victims.

Protect children.

Take allegations seriously.

But investigate them.

Test them.

Challenge them.

Preserve the evidence.

Follow the science.

And never forget the person sitting at the defense table.

Because sometimes that person is guilty.

And sometimes he isn't.

The National Registry of Exonerations has already given us **3,842 reasons** to remember the difference.
([National Registry of Exonerations](#))

The ones that should keep us awake at night are the people whose names will never make that Registry.

The ones still sitting behind a concrete wall somewhere insisting that nobody listened.

The ones whose evidence disappeared.

The ones who took a plea because they were terrified.

The ones who never found the lawyer who would believe them.

The ones who will never receive the DNA test.

The ones who will never hear a witness say, years later, "I lied."

We cannot give those years back.

We cannot restore a childhood missed, a parent who died while someone was incarcerated, a marriage that collapsed, a career destroyed, or decades spent looking through prison bars.

That is why getting it right at the beginning matters so much.

An allegation deserves an investigation.

A victim deserves justice.

And the accused deserves justice too.

Those principles do not conflict.

They are supposed to be the same thing.

Justice.