

ENG 200

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### Michael Politte's Wrongful Conviction

It was the midst of another holiday's season in Potosi, Missouri in 1998. Just weeks from the Christmas holiday two teen boys lay sleeping in a double wide mobile home, awaiting for the sun to wake them from their sleep. Instead Michael Politte (just fourteen years of age at the time) and his friend Josh had awoken to the smell of smoke inside Michael's home. Michael's first instinct was to alert his mother. He made his way to the other end of the mobile home where he found himself stuck due to the disbelief of seeing his mother in flames. Michael stated in an interview in the MTV series "Unlocking the Truth," "I called out to her two, or three times and I didn't get no answer, and I dropped to my knees and I seen my mother laying right at the end side door, in her bedroom. From her waist up man she was on fire." Could miscarriages of justice have been responsible for the wrongful conviction of Michael Politte?

Months before the incident a divorce took place between Michael's mother Rita and his father Ed. Michael and his two sisters had felt they lost their father, their mother had just been murdered, and their brother a victim, and so a family was torn. Never given a second to mourn or grieve for his mother, the authorities had made their case early on. According to Tricia Bushnell, (a lawyer of the Midwest innocence project), "immediately they conduct a CVSA (voice stress analysis), which is a form of polygraph. Michael had failed as they detected deception in every question". This was of course immiscible in court due to being unreliable ("Unlocking"). Politte was held in a Juvenile detention facility following his mother's death,

where he had attempted suicide. Statements taken from him following the attempt were used in court. Three detention workers had testified Politte said, "I haven't cared since December 5<sup>th</sup>, that's when I killed my mom" ("Local"). The state considered this to be his confession, however, had misplaced the video evidence prior to the trial. A reason police were suspicious of Michael was due to his behavior following the tragedy. Police argued:

Michael's temperament in the immediate hours after Rita's death implicated him as a killer. Sheriff Ronnie Skiles said Michael was totally devoid of emotion after Rita's murder and spoke way to casually with his friend Josh Sansoucie. He also asked things that seemed too practical given the circumstances: Who gets Rita's truck?

So with what they have from a supposed confession and also his narcissism they built their case.

The trial began January 29<sup>th</sup>, 2002, just before Michael's eighteenth birthday (Heavy). There was not much evidence provided and so prosecution offered Politte a fifteen year sentence for voluntary man slaughter (which he refused). The state made their case primarily on the fire accelerant from the scene which is said to have matched that of which was on Michael's shoes. It took the twelve member jury less than five hours to make their decision. On January 31<sup>st</sup>, 2002 Michael Politte was found guilty of second degree murder and sentenced to life in prison.

The miscarriages of justice began with the few police reports that were made in regards to the murder of Michael's mother, which was primarily due to lack of investigation. Other factors indicating this were foot prints found on the scene. A set of boot tracks were found leading away from the trailer and Michael had not even owned a pair of boots. Ryan

Ferguson of MTVs "Unlocking the Truth" conducted an interview with Pasty and Chuck Skiles (aunt and uncle of Michael) who had been neighbors to him at the time of the crime. Pasty had stated, "A couple of people had seen a certain someone go down to the railroad tracks, walking in the middle of the field" ("Unlocking"). Patsy and Chuck claimed that for someone to be walking to the field in the morning instead of alongside the road was abnormal. Rita was also bludgeoned prior to being set on fire and the object used was never found. Not to mention prosecution misplaced clothes Michael was wearing that fateful day as well as his mother's fingernails. Her finger nails contained blood and possible skin tissue underneath the nail beds that could have been used as evidence to exonerate Michael. Not to mention, had there been blood underneath the nail beds Michael should have had some type of defensive wounds on himself, of which none were found. A key witness to the case, Josh, Politte's friend who had spent the night with him in the mobile home that night was never included in the trial. Michaels's father was also never considered a suspect. According to their former neighbor Melissa Mercer "the division of assets after his divorce from Rita did not go in his favor, and she got most everything" ("Unlocking").

Fire identification was the spine or foundation of the prosecution's case made against Politte. According to Michaels's legal team "A proper, scientific analysis of the chemical test results done at the time prove there was no gasoline on Michael's shoes" (Emison). The tests only found solvents used in the shoe manufacturing process, no one thought to consider asking him why he would have any type of accelerant on his shoes. Josh and Michael were burning stuff down on the railroad tracks the day prior to the murder of his mother. Politte was labeled a fire obsessed teen which had a huge say in his conviction. Fire and explosions

expert Paul Bieber stated “connections police drew between Michael’s fire fixation and evidence plucked from Rita’s crime scene seemed forced.” Bieber stated, “Twenty years ago, the supposed science held even less credence” (Emison). “Bieber argued Polittes’s supposed obsession with fire functioned as proverbial house of cards, and with these two crucial elements to the case, debunked everything should have collapsed” (Emison). Michael should have been re-tried or exonerated after the accelerant test on his shoes came back negative.

Let’s not forget in the mobile home that day there were three individuals at the scene of the crime. Michael had his older friend Josh with him and both were woken up by the smell of smoke. Josh had been offered immunity by authorities to admit himself or Michael had killed Michael’s mother. Josh was never given a moment in the trial to speak, nor were any of his claims of Michael’s innocence acknowledged from the justice system. The fact that the system had chosen to believe what they wanted, despite Josh’s efforts to convince them otherwise, could be why they would not let Josh speak at the trial. Josh never veered from his first statement he made saying that they both had nothing to do with it. Officials didn’t even consider that essential to the case, even though he was a witness to the fire.

Every day since December 5<sup>th</sup>, 1998 Michael has been fighting to claim his innocence. Having already twenty one years in prison, Michael has one more shot at proving his innocence. Michael’s case was chosen by the Midwest Innocence Project and they currently are representing him as his legal team. Until further notice an innocent man sits in a cell and a family longs for the truth and justice. Marc Silver, of the Washington post states “three to five percent of prisoners are estimated to be innocent, but that adds up to 60,000 people stuck in hell because the courts failed them” (Silver). Michael is unfortunately a representation of a

large portion of our population that we don't have sufficient resources to exonerate. There are more cases; like Michael Politte's, that entails countless miscarriages of justice.

Just Imagine having your freedom stripped. Now imagine almost achieving proximity to freedom just to find out you're still nowhere near close to being free. This is the position Michael Politte is in every day as he wakes up in his cell at Jefferson Correctional Facility. Surrounded by concrete walls and criminals, Michael was forced to grow up at an extremely early age. Reflecting back to his trial, Michael was offered a plea deal of serving fifteen years for voluntary man slaughter. Michael, however, stuck true to his original statement of innocence and turned down the offer. He is now serving life in prison for the murder of his mother. After multiple failed attempts at exoneration, Michael Politte, with the help of a new plan and new found evidence, may have another chance.

One attempt at exoneration was through social media. Michael's sisters Chrystal and Melonie Politte had created Facebook and Twitter accounts titled "Justice for Michael Politte." This was unsuccessful due to the number of followers or supporters they had that visited the pages. It could have also been unsuccessful because of the insufficient amounts of information on the pages themselves. Next a petition was created on *Change.Org* which had a total of 6,315 supporters. The petition was created in 2016, shortly following the air of the MTV series "Unlocking the Truth." On the petition's page Michael's eldest sister Chrystal Politte comments:

"This fourteen year old was convicted on ASSUMPTION with NO DNA, NO EVIDENCE, false testimony, and no proper investigation was done on this case" ([change.org](http://change.org)). The petition was unsuccessful due to limited clarification or evidence in regards to various miscarriages of justice Chrystal Politte had referred to.

Another attempt which was never seen through, was an appeal Michael's father Ed was going through with after hiring an attorney to overturn Michael's case. In the MTV series it is mentioned that Michael made the decision to no longer speak with his father. This is due to Michael's father failing to sign a form which was critical to an appeal process. Michael's father had claimed to have forgotten. Mistake or no mistake, Michael's plan towards freedom was once again delayed and as a result the relationship with his father hindered. In search of anyone to assist him in his fight to prove his innocence, Michael had found the Midwest Innocence Project. When MTV series of "Unlocking the Truth" aired, Michael's attorney, Tricia Bushwell, claimed: "Filing a motion was critical for Michael's case. Nothing can be left out. If he leaves something out, he doesn't get to file again" ("Gates"). However Michael now claims that the Midwest Innocence Project has yet to do much for his case either. Michael claims: "I have been sitting here, with this evidence in my attorney's hands for three years. I have been constantly lied to by Tricia Bushwell and the Midwest Innocence Project. As I sit here, right now, I cannot tell you where my case stands" (letter).

Michael claims the Midwest Innocence Project has not been of any help to him. Finally, Politte's case gained national recognition when it was selected as one of three wrongful conviction cases featured in The MTV hit show "Unlocking the Truth". Although the series did not accomplish exoneration out right they did bring a lot of more interested eyes to the case. However, as stated from Eva Nagao (cast of "Unlocking the Truth), "We are not working for you. We are not working for your legal team. We are working to investigate the truth of your case." It was made clear from the beginning and early on that the show was not goal oriented

towards achieving Michael's freedom. Producers of "Unlocking the Truth" made sure Michael understood their intentions.

Now a new plan is being instilled to exonerate Michael. First, additional awareness needs to be created. In order to accomplish this, an act of determination, such as gathering supporters for a silent march, could be a great help in the awareness process. Supporters could march outside the doors of the correctional facility Michael is being held in. The march could potentially get the attention of the media who will surely seek out a response from the correctional facility. "You don't have to say anything to be a light. Sometimes a fire built on a hill will bring interested people to your campfire" (Alder). The march itself is the fire on the hill and would luckily be enough to grab the attention of others. Words would have made everything all too excessive and can be easily misinterpreted. People pry naturally so for the simple fact someone could see a group of individuals together and instantly internally be asking themselves "I wonder what they're doing?" People could just be interested in what the gathering of the group consisted of, and so awareness is raised that easily.

Next funds need to be raised in order to establish a re-vamped legal team to pursue a retrial for Michael's case. To raise funds a support page like "Go Fund Me" would need to be created. On the "Go fund me" page, prior to viewers making a donation you have the option of giving them a biography of the cause they will be showing support for. To get donations rolling in, a goal on the amount wished to be achieved needs to be established. Sharing the page across social media platforms for existing supporters to contribute, will bring the finish line a bit closer. With a plan such as this rolled out, Michael's exoneration seems almost full proof. However, there also has to be some type of new essential piece of evidence in order for the

court to even consider the retrial. The evidence must be undeniable. Michael's case was primarily built upon the fire evidence which fell short of proof and is why they had offered the original plea deal.

There were also suspects who had more motive to kill Rita Politte than her fourteen year old son; they were never looked into by authorities. In the MTV series neighbors made claims weeks prior to Rita's murder that a man was going door to door asking women who answered if they were Rita. However, this suspicious activity was never reported. Throughout the series you find out that a relative of Ed Politte (Michael's father), Johnny Politte is in fact the person whom the neighbors were referring that was going door to door. Witnesses claim to have seen him crossing the field the morning of Rita's murder to get over to the train tracks. Johnny refused to speak with anyone in regards to what he was doing out that morning crossing the field (Gaudiner). Which makes him a key suspect.

Due to unreliable fire identification, lack of investigation and even attempted coercion Michael Politte faces life in prison for a crime he did not commit. After multiple failed attempts at exoneration, Michael Politte with the help of a new plan and evidence may have another chance. Michael needs to incorporate a Writ of Habeas Corpus to his plan. A Writ of Habeas Corpus is a court order demanding that a public official deliver an imprisoned individual to the court and show a valid reason for that person's detention ("Writ"). In order to make this the next step in bringing about a retrial for Michael's case, a Habeas Corpus petition must be submitted. The court typically conducts a hearing on the matter where both the government and inmate can present evidence. Reliefs for an inmate consist of a declaration of rights, an order halting illegal conditions of confinement, reduction in sentence or release from prison



("Writ"). With this strategized plan it would be astonishing if Michael Politte is once again unsuccessful. If unsuccessful, Michael will go on to become a part of the three to five percent of the population in the U.S. estimated to be incarcerated and innocent ("Gates"). No "justice" will be served, and the system will only continue to make these mistakes.

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