

English 200

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Michael Politte: A Man Locked Away Unjustly but Finding Hope in New Plans for Release

There is no question that the lives of those in prison remain anything but tranquil and fulfilled. The deprivation of basic civil liberties and participation in daily life as a normal citizen is not only isolating but at times dehumanizing. However, it is essential to note that many of the crimes people commit demand the revocation of these liberties; this form of punishment sends a message to those in society that each person is expected to live by certain standards to maintain social order and respect human dignity. When these rules and standards are disregarded, people must face the consequences of their actions and be held accountable. Unfortunately, there are numerous individuals whose lives are put into turmoil as a result of wrongful convictions and imprisonments. These once just forms of civil punishments now become unlawful and degrading. This was the case for a man by the name of Michael Politte. As a result of numerous miscarriages of justice, an innocent man sits behind bars, accused of murdering his own mother; however, new plans of action offer a hopeful promise for the release and exoneration of Michael Politte.

A boy of fourteen years of age, Michael Politte would seem a normal teenager to any person walking down the street. However, the events of one December evening would completely shatter his image and the world as he knew it. The Midwest Innocence Project, a not-for-profit corporation geared towards freeing unlawfully imprisoned individuals, explains the whirlwind Politte found himself in just a matter of twenty four hours:

Michael Politte was only fourteen years old when he was accused of murdering his mother, Rita Politte. Michael and a friend were asleep in his home on December 5, 1998, when the two boys woke up and discovered that smoke was filling the trailer. Michael and his friend ran out of the room and discovered his mother's body on fire in the doorway to her bedroom. After the fire was extinguished, police arrived, and suspicion for the crime swiftly shifted to Michael. Interrogated just hours later, Michael never had a moment to grieve his mother, as he's been fighting for his freedom ever since. ("Michael Politte").

Simply trying to empathize with the horrors of losing a mother and home due to a fire remains difficult if not impossible, especially at so young an age. However, some questions need to be asked regarding the circumstances.

The first question that needs to be asked is, what reason did police have to place suspicion of the fire on Michael Politte? The article from the Midwest Innocence Project brings to light more intriguing information. It further elaborates, that various strategies used to figure out the source of the fire were used as evidence to convict Politte in 2002. A law enforcement official allegedly revealed that flame markings near and about the deceased mother seemed to suggest that solvents were utilized to either start or hasten a fire. The online article continues to suggest that the processes completed to verify this piece of evidence proved to be questionable. However, it's also mentioned that when examining Michael's footwear, propellant was affirmatively detected. This in fact seems to connect the fourteen year old boy to the scene of the crime ("Michael"). Here is one of many examples in which procedural law has the potential to shape the entire outcome of an individual's life, whether for good or bad. The first key to assessing a successful implementation of justice lies in how evidence is

gathered, processed, interpreted, and documented. As this swirls about, there lingers the reality that the person who's died was a woman and a mother.

It is said that a mother's bond to her child is stronger than that of a father's. If that's truly the case, then the necessity to properly grieve the death of a mother proves more critical for anyone, but most certainly for a fourteen year old boy. Modern medicine, psychology, and science imply the idea that while the grieving process is unique to each person, it must be dealt with in a proper manner. This may involve time, counseling, therapy, and numerous resources conducive to that person's needs and environment. Any traumatic situation(s) demands these and countless other forms of care, in order to ensure an individual's overall physical and mental wellbeing. Shannon M. Walsh (otherwise known as S.M. Walsh) has experience with entertainment, economics, and journalism. Writing for *Heavy.com*, an article she posted online gives the reader a brief explanation of Michael's whereabouts on the day of his mother's funeral by stating "Politte was not allowed to attend his mother's entire funeral. For the small portion that he was allowed to attend, he had to wear an orange jumpsuit, and his hands and feet were chained" (Walsh). Though no one can say for sure, this must have been an unbelievable pain for Michael Politte. Regardless of innocence or guilt, the idea of having to attend a family function (especially one so somber) in handcuffs, chains, and an orange jumpsuit must have been unbearable. How alienating a situation, given that his attire for the funeral might as well be a "guilty" verdict to his own family. Attending only a small portion of the funeral and then leaving abruptly does not sound like closure on any level.

Though the events in Michael Politte's life remain hard to swallow, new facts surfacing, bring to light a different side to this troubled teenager. Numerous sources appear to indicate

that Michael had an obsession with fire, and police documents recorded during investigations seem to confirm the allegations. Matthew Scott Donnelly, an online writer for MTV's television and news website, comments on the Politte case by stating, "Michael was enthralled with his lighter and would flick it against the couch for his own amusement. This small anecdote eventually became the origin of the fire-obsessed narrative police applied to Michael" (Donnelly). While it's arguable that many adolescents sift through countless phases such as a brief fascination with fire and other forces of nature, Michael's interest in fire has led him down a road of disaster. The Midwest Innocence Project caught onto this fact as well. They tell us that, "Michael and his friends had previously been known to fill up their free-time in their small, rural town playing with homemade firecrackers, which the prosecution twisted to imply that Michael would have chosen fire as a means to kill his mother, despite any clear motive" ("Michael Politte"). Is this innocent childhood fun, or the training of a future killer? The very fact that Michael would play with fire so close to household furniture such as couches raises red flags over who is really in control of the household. Perhaps his mother did not notice or couldn't control at times his very dangerous behavior. What if his playing with fire for fun resulted in an accident gone wrong, and as a result, he is now paying the consequences?

Regardless of the speculation, more attention has been focused on the so called fire tests performed on the day of the alleged murder. Robert Langdon and Mark Emison operate a prestigious law firm by the name of Langdon and Emison, and deal particularly deal with "fuel-fed- fire cases". This law firm has found success all the way to the Supreme Court, fighting and winning the Baker versus General Motors case, with unanimous support from the Judges on the bench. Partnering with the Midwest Innocence Project, the firm became intrigued by Michael's

case and decided to review it from top to bottom. One particular area of concern was the fire investigation and analysis. Bringing in the most renowned experts in that field, the firm uncovered some startling and unsettling details. In an online page dedicated to Michael Politte's case, Mark Emison, one of the attorneys reviewing the files states, "A proper, scientific analysis of the chemical test results done at the time prove there was no gasoline on Michael's shoes[...] The tests only found solvents used in the shoe manufacturing process" (Emison Mark, Robert Langdon). If this is the case, then certain aspects of procedural law have been seriously violated. How could something like this slip under the radar? Emison also states, "The fire investigation and evidence presented against Politte at trial are central issues in his innocence case; for example, at Politte's trial, the prosecution presented that Politte had gasoline on his shoes. Michael Politte's legal team strongly contests that fire evidence." (Emison Mark, Robert Langdon). It would appear that Emison and his team would have good reason to contest such evidence. If there's something that was overlooked, perhaps now is the time to address it?

Before one assumes that Michael Politte is an angelic boy with no blemishes, new evidence was discovered showing a new rebellious side to the teenager. Doug Smith, a writer for the *Daily Journal Online* posted an article on February 1, 2002, highlighting how Richard Hicks a member of the prosecution, presents evidence towards Michael Politte's alleged character behind closed doors. In addition to fire evidence, Hicks reveals to the court the new details:

During the course of the investigation various questionable substances were turned up and eventually confirmed by Michael himself. Those substances consisted of Cannabis and contraceptives. In addition to these materials found, Michael's overall attitude displayed a lack

of sorrow throughout the events unfolding. The only time a display of concern surfaced, was around thirty days after the fire and alleged murder took place. Unfortunately, it was apparently noted that Michael made a rather questionable comment that appears to admit responsibility for his mother's death. This occurred on that same day he seemed to show some sort of emotion over the events unfolded (Smith, Doug).

This evidence does raise some concerns over the case as a whole. While many might simply perceive this as a teenager going through a normal rebellious phase, this could reflect the possibility that due to the rebellious stage, Michael Politte could have killed his mother. However, the lack of emotional response by him could easily be argued that he was in a state of shock. After all, what is the proper way to respond to such traumatic circumstances? Perhaps, the pressing circumstances limited his ability to fully process what was occurring.

Countless attempts in the past to free Michael Politte have proven unsuccessful due to a variety of difficulties and roadblocks. Part of the problem stemmed from a lack of upkeep in the first attempts of maintaining public awareness. Depending on the case and its circumstances, public awareness can be both a positive and negative tool in freeing a person. It is most resourceful when it comes to a more critical aspect of any litigation: fundraising. Since legal fees add up quickly, public awareness brought about through social media, the press, and word of mouth allow for more attention to be drawn to fundraising events or charities devoted to covering these costs.

One tool utilized by Michael Politte would be considered somewhat unconventional by some, but it served as a hope for him to gain national traction and support: tv documentaries. This might have proven successful, but turned out to be one of many failed attempts.

The Langdon and Emison Law Firm, working with the Midwest Innocence Project on freeing Michael Politte, describe in detail on their website the manner in which Michael Politte told his story for a tv series sponsored by MTV:

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." The docu-series was co-hosted by Eva Nagao and Missouri exoneree Ryan Ferguson, who served eight years in the same prison where Politte is today. The show also featured MIP executive director, Tricia Bushnell. The MTV series made public many question marks surrounding the fire investigation and analysis used to convict Politte. Langdon & Emison and the Midwest Innocence Project have brought in the two of the nation's top fire science experts to review Politte's case. (Emison Mark, Robert Langdon).

It is essential to note that Trishna Bushnell is Michael Politte's attorney working on behalf of the Midwest Innocence Project. This is key because having Michael Politte commenting on his own case in front of a national audience could prove devastating if he makes a statement that could potentially further incriminate him.

Airing Michael's story on MTV's series "*Unlocking The Truth*" proved to be ineffective. This could be in part because MTV is primarily an entertainment industry. In an online article by the History Channel, the television station's earliest days are recollected:

In MTV's early days, its programming consisted of basic music videos that were introduced by VJs (video jockeys) and provided for free by record companies. As the

record industry recognized MTV's value as a promotional vehicle, money was invested in making creative, cutting-edge videos. Some directors, including Spike Jonze (Being John Malkovich, Three Kings) and Michel Gondry (Eternal Sunshine of the Spotless Mind), worked on music videos before segueing into feature films. In the 1980s, MTV was instrumental in promoting the careers of performers such as Madonna, Michael Jackson, Prince and Duran Duran, whose videos played in heavy rotation ("MTV Launches").

Given MTV's history in pop culture, many might find it easy to view Michael's situation indifferently or as simple entertainment. Furthermore, spreading his story across the nation may make it harder to find an impartial jury in any future attempts of retrial and exoneration.

Other factors that hindered Michael Politte's path towards release and exoneration were websites and social media pages created to raise public awareness on his behalf. While a positive initiative in the beginning, these attempts failed from a lack of consistent updates and public engagement. One such example includes a website titled *freemichaelpolitte.org*. Developed to promote the release of Michael Politte, it currently sports a logo replicating the MTV documentary show "*Unlocking The Truth*" which aired Michael's case, and it provides numerous links to different web pages including a site encouraging the public to sign a petition on Michael's behalf. Prior to this link, a brief description stated, "We hope you will consider signing Mike's change.org petition by clicking on the link below" ("FreeMichaelPolitte-The Official Website"). Unfortunately, it appears that all the links provided for the petition as well as other social media

sites proved inactive, outdated, or shut down. In particular, the link supposedly leading to the petition leads instead to an error page or one that states the petition has been closed.

It appears there were approximately more than six thousand petitions calling for the release of Michael Politte, but no reason was given as to why the petition pages were shut down. Other links lead to the websites of the Midwest Innocence Project, Facebook, and Twitter accounts, but these sites appear to have remained inactive for three years or longer. To this day, these sites continue to remain stagnant. These social media and petition website resources have provided very little impact because the people behind the scenes were not aggressive enough in getting the message across to the public. If public support is to be maintained, it is key that information and updates be posted on a continual basis. There appears to be no indication as to where Michael's case currently stands or will stand in the near future. Remaining silent for three or more years online might indicate to individuals currently learning about Michael Politte, that his case has been settled or that any additional support is unnecessary. Such an attitude allows for Michael Politte to be swept under the rug and forgotten by the public.

One option remains available to those wrongfully convicted: seeking a presidential or gubernatorial pardon appears to offer a road of hope for freedom. While such a plan seems logical as a last ditch effort for Michael Politte, there are various factors that would prevent this plan from ever taking root. The United States Department of Justice's website, which is where inquiries and petitions are requested to obtain pardons, offers some insight into the reasoning why a presidential pardon remains illogical for this circumstance. Their online article goes on to state, "Under the Constitution, only federal criminal convictions, such as those adjudicated in the United States District Courts, may be pardoned by the President.

Accordingly, if you are seeking clemency for a state criminal conviction, you should not complete and submit this petition” (“Pardon Information and Instructions”). Michael Politte’s case would not be considered a federal criminal conviction as it does not cross state lines. Furthermore, the website goes on to state that those filing for a presidential pardon must undergo at least a five year waiting period to become eligible (“Pardon Information and Instructions”). This period would be too long and is not a guarantee that a pardon will even be granted. Given these facts, it would seem logical to appeal to the state of Missouri for a full pardon.

Missouri’s Department of Corrections website offers some basic information in regards to requesting a pardon and the overall effect it will have on that individual’s record. In a small section titled FAQs, some questions and answers describe the typical outcome a pardon granted would have on an individual. The article states “Q: Will a pardon expunge my record? No. The criminal history record maintained by the Missouri State Highway Patrol will be updated to include pardon information, but it will still be maintained as an open record and will be available to the general public” (“Executive Clemency”). It would be most ideal for Michael Politte to have his name cleared, be released from prison, and expunge his record completely. The process of requesting a pardon does not necessarily guarantee that one will be given by the state. This would waste huge portions of time, money, and resources that could be utilized for other important aspects of Michael Politte’s case.

While the suggested attempts above appear to have failed or have little hope of success, there are still other options available to Michael Politte that might offer a chance at freedom and the clearing of his name. Learning from previous mistakes and retaining the strategies already

proven effective, new plans of action will be utilized to address the first failed attempt of raising public awareness for Michael Politte's cause. This involves revamping and modifying various social media sites already set up and maintaining an active presence on a consistent basis. New updates must be posted to remind people that he is still in need of support. Depending on the particular path his case will take, updates should be posted on a minimum of a monthly basis. Partnerships should also be developed with local businesses to help raise awareness through the sale of their products about Michael Politte. If possible, it may be beneficial to have them endorse various charitable events created for fundraising purposes or by providing services and products to accommodate them. Additional steps to raise awareness might also include public sit-ins, charity auctions, printed clothing with messages, and local news media outlet briefs. These methods utilize tools already set up and simply modify or enhance their capacity of service to the fullest extent possible.

Finally, the largest hurdle to securing Michael Politte's road to freedom involves addressing numerous legal challenges and the court system. This will involve having Michael's attorneys requesting the courts for a retrial of the entire case using a completely new set of jurors. Requests like this typically involve transferring the case out of state or to a different court outside of the local area in which it was previously tried. Doing this will ensure that the jury might be able to reconsider some of the evidence already presented to the courts. Such evidence includes but is not limited to the chemical tests performed on Politte's shoes in a search for accelerants that might have started the fire. Emison and Langdon, a law firm working with Tricia Bushnell on behalf of Michael Politte, state, "A proper, scientific analysis of the chemical test results done at the time prove there was no gasoline on Michael's shoes. The tests only found

solvents used in the shoe manufacturing process” (Emison). Perhaps, a jury with little to no bias or knowledge of the case, might be able to render a verdict taking in this account with a fresh perspective. Furthermore, many details were not processed properly during the investigation, and many quick conclusions were drawn without care. Emison and Langdon sum it up perfectly when they state "Michael Politte's wrongful conviction is a disturbing example of the state taking a young man's life away because of tunnel vision and unreliable evidence" (Emison). Though requesting a retrial and relocation of the jury might seem a tall order, it remains the only key to provide an opportunity to clear Michael’s name and ensure his release. Taking into consideration public awareness increased as a result of the MTV documentaries aired and social media efforts, the chance of having a largely unbiased jury still remains high if the case is relocated. The legal team will have to work at reexamining all aspects of procedural law and try to comb the case for any new evidence or witnesses. In addition to these tasks, the legal team must begin filing appeals and petitions to the court requesting retrials, relocation, and a completely new jury. Essentially, one could argue that the task is to press the reset button and begin again.

Among the countless demons Michael Politte has had to fight, the biggest of them all is serving time in prison for a crime he did not commit. Having been robbed of his teenage years, adulthood formation, and a mother who cannot defend either herself or her own son, he must now reckon with the reality of lost time that can never be returned. No one can truly comprehend the mental anguish of this young man’s tumultuous life. To add insult to injury, a vast majority of the evidence presented to the courts was the result of erroneous interpretations and numerous violations of procedural laws. The criminal justice system has clearly demonstrated its incapability of keeping the wrong people off the streets and protecting

the basic civil liberties of ordinary law abiding citizens. It should be noted that this could be in part due to the fact that the justice system remains extremely overburdened and backlogged with endless cases. Quite simply, it has bitten way more than it can chew, leaving many innocent people on the back burner of society's radar. Michael Politte remains an example of those individuals helplessly tossed into a life beyond the realms of normal and forced to fend for themselves. One can assume that the only source of motivation for Michael Politte is the simple fact that he desires justice to be served for both himself and his mother Rita Politte. Despite enduring unlawful punishments, the new plans of action put in place might hopefully pave the way for his future release and exoneration. Michael Politte's freedom shapes not only his personal life, but it also affects the very integrity of the justice system along with a heartbroken family seeking answers for a lost loved one. The key to this path is to press the reset button on the entire case and have it reviewed with a fresh pair of eyes. Only then can the fate of a long battle fought since December 5, of 1998 come to a close. What better time than now to rise up from those dreadful ashes of that fateful night?

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