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## UN-MAKING A MURDERER: NEW MEDIA'S IMPACT ON (POTENTIAL) WRONGFUL CONVICTION CASES

Brandon Golob

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## UN-MAKING A MURDERER: NEW MEDIA'S IMPACT ON (POTENTIAL) WRONGFUL CONVICTION CASES

BRANDON GOLOB\*

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### I. INTRODUCTION

Murder and mass media have a torrid relationship. Crime has long captivated the public imagination and mass media have seized upon that

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interest. From newspaper to radio to television, coverage of criminal justice issues has been a staple of traditional mass media. Moreover, with the rise of new media outlets such as online television and podcasts, the public's fascination with criminal justice issues does not appear to be waning. Understanding how mass media can impact people's understanding of the legal system is crucial because laws inevitably affect people's day-to-day lives. Bearing in mind that a great deal of scholarship already explores how traditional mass media impact one's legal consciousness,<sup>1</sup> this article centers its analysis on the less-explored topic of how new media can sway the public's legal consciousness.

Much of this new media coverage of crime has been wrapped up in questions of innocence—after all, a classic whodunit narrative is a tried-and-true tool for sustaining audience engagement. Consider podcasts such as *Serial*, which follows the reinvestigation of Adnan Syed's alleged murder of Hae Min Lee. Or online television docuseries such as *Making a Murderer*, which details the story of Steven Avery, who was convicted of murdering Teresa Halbach after being exonerated for attempted murder and sexual assault of Penny Beerntsen. Both *Serial* and *Making a Murderer* became cultural phenomena in their own right, spurring countless conversations about the issues plaguing our criminal justice system. The potential sociocultural impacts of media have been studied extensively, but questions about how new media may be impacting audiences are especially relevant when viewers are compelled to action after watching television. For example, following the release of Netflix's *Making a Murderer*, over 100,000 people signed a petition seeking a pardon of Steven Avery for his alleged involvement

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1. See generally Travis Dixon, *Black Criminals and White Officers: The Effects of Racially Misrepresenting Law Breakers and Law Defenders on Television News*, 10 MEDIA PSYCHOL. 270, 271 (2007); George Gerbner et al., *Living With Television: The Dynamics of the Cultivation Process*, in PERSPECTIVES ON MEDIA EFFECTS 17–40 (Jennings Bryant & Dolf Zillman eds., 1986); George Gerbner et al., *Growing up with Television: Cultivation Processes*, in MEDIA EFFECTS: ADVANCES IN THEORY AND RESEARCH 43–67 (Jennings Bryant & Dolf Zillman eds., 2002); Michael Hughes, *The Fruits of Cultivation Analysis: A Reexamination of Some Effects of Television Watching*, 44 PUB. OPINION Q. 287, 287–02 (1980); Michael Morgan & James Shanahan, *The State of Cultivation*, 54 J. BROADCASTING & ELECTRONIC MEDIA 337–55 (2010); W. James Potter, *Cultivation Theory and Research: A Conceptual Critique*, 19 HUM. COMM. RES. 564–601 (1993).

in the murder of Teresa Halbach.<sup>2</sup> However, as has been established, viewer involvement, as seen through *Making a Murderer*, is not an uncommon case; from online television series to podcasts, the world of law continues to fascinate and invigorate laypeople with its true crime narratives. Thus, this article focuses its analysis on how new media portrays cases of potential wrongful convictions and whether a public response to these representations can lead to real-world change. New media can open the eyes (and ears) of countless individuals, but can it ultimately help those who have been wronged by our criminal justice system?

Part II of this article provides an overview of legal consciousness. Part III offers a brief history of the impact of traditional mass media on legal consciousness. Part IV analyzes public response to new media representations of potential wrongful convictions, with a specific focus on *Serial* and *Making a Murderer* as case studies due to their notable audience size. This article then offers future research suggestions and concludes that we must be conscientious of the potential ramifications that new media coverage of such stories may have on our society's understanding of legal justice.

## II. LEGAL CONSCIOUSNESS

Although legal consciousness has been defined in multiple ways, at the core of these definitions is a focus on individuals—more precisely, on the subjective experiences and perceptions an ordinary citizen has of law in his or her everyday life.<sup>3</sup> Moreover, socio-legal scholars such as

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2. Fiona Macdonald, *Anatomy of a Murder Story*, BBC (Jan. 8, 2016), <http://www.bbc.com/culture/story/20160108-anatomy-of-a-murder-story>.

3. See PATRICIA EWICK & SUSAN S. SILBEY, *THE COMMON PLACE OF LAW: STORIES FROM EVERYDAY LIFE* 35 (John M. Conley et al. eds., 1998) [hereinafter *COMMON PLACE*]; Dave Cowan, *Legal Consciousness: Some Observations*, 67 *THE MOD. L. REV.* 928, 929 (2004); Anna-Maria Marshall & Scott Barclay, *In Their Own Words: How Ordinary People Construct the Legal World*, 28 *LAW & SOC. INQUIRY* 617, 621 (2003); Laura Beth Nielsen, *Situating Legal Consciousness: Experiences and Attitudes of Ordinary Citizens about Law and Street Harassment*, 34 *LAW & SOC. REV.* 1055, 1087 (2000); see generally *LAW IN EVERYDAY LIFE* (Austin Sarat & Thomas R. Kearns eds., 1995); Austin Sarat, “. . . *The Law Is All Over*”: Power,

Laura Beth Nielsen have extended legal consciousness to include people's unconscious connections to law:

Legal consciousness also refers to how people do *not* think about the law; that is to say, it is the body of assumptions people have about the law that are simply taken for granted. These assumptions may be so much a part of an individual's worldview that they are difficult to articulate. Thus, legal consciousness can be present even when law is seemingly absent from an understanding or construction of life events.<sup>4</sup>

In short, legal consciousness recognizes the ubiquitous nature of law—the way its rules, systems, structures, shape people's day-to-day experiences in ways they may not be fully cognizant of. Granted, the ways in which ordinary people interact with the law, legal systems, and legal authority are as varied as those groups of people within it; ethnic, racial, cultural, and socioeconomic differences can all influence someone's relationship with the law. Even within groups that share common demographic characteristics, individual interactions with the law vastly differ in meaningful ways.

Due to the complexities of legal consciousness, studying this concept has been a challenge for legal studies scholars. Nevertheless, empirical legal researchers have found compelling ways to do so in an effort to help us understand the ways individuals and groups both perceive and experience the law.<sup>5</sup> For example, one useful typology for studying legal consciousness was developed by Ewick and Silbey. Their study distinguished three ways that people's legal consciousness is oriented: (1) *before the law*, which means people see law as objective, autonomous, legitimate, and majestic; (2) *with the law*, which means

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*Resistance and the Legal Consciousness of the Welfare Poor*, 2 YALE J.L. & HUMAN. 343–79 (1990).

4. See Nielson, *supra* note 3, at 1059.

5. Empirical research on legal consciousness has been conducted in areas as diverse as: street harassment (see Nielsen, *supra* note 3); divorce proceedings (see Austin Sarat & L.F. Felstiner, *Lawyers and Legal Consciousness: Law Talk in the Divorce Lawyer's Office*, 98 YALE L.J. 1663 (1989)); and same-sex couples seeking to legalize their union (see Kathleen Hull, *The Cultural Power of Law and the Cultural Enactment of Legality: The Case of Same-Sex Marriage*, 28 LAW & SOC. INQUIRY 629 (2003)).

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people see a utilitarian purpose in law and treat it ultimately as a game; and (3) *against the law*, which means people see law as inaccessible and are largely distrustful of it.<sup>6</sup> However, this typology should not be viewed as unbending because legal consciousness is “neither fixed, stable, unitary, nor consistent,” but rather, “may vary across time . . . or across interactions.”<sup>7</sup>

### III. IMPACT OF TRADITIONAL MASS MEDIA ON LEGAL CONSCIOUSNESS

Since their development, mass communication mediums have seized onto issues of law and justice, as discussed at the outset of this article. Criminal issues, both fictional and non-fictional, fascinate the public, and no media platform shows a likelihood to slow down its coverage of criminal matters. One does not need to look further than the ongoing public fascination over O.J. Simpson for an infamous example of how a single criminal case can be covered by virtually every type of traditional mass media. From film, to television, to books, the O.J. Simpson trial continues to be discussed, dissected, and debated more than two decades after its conclusion.

However, as crucial as the media is for the public to receive information about legal issues, it also plays a large role in generating misunderstandings about the law. As law professor Sacha Coupet implies, the news is, quite simply, the window most people have on what is happening in the world and in the United States at large.<sup>8</sup> Because this is so, the media possesses great power over public opinion regarding issues with which people have limited personal exposure.<sup>9</sup> Questions of wrongful convictions are a prime example of these types of issues. The media takes part in shaping public perception with its

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6. See COMMON PLACE, *supra* note 3, at 47–48.

7. Patricia Ewick & Susan Silbey, *Conformity, Contestation, and Resistance: An Account of Legal Consciousness*, 26 NEW ENG. L. REV. 731, 742 (1991).

8. See generally Sacha M. Coupet, *What to Do with the Sheep in Wolf's Clothing: The Role of Rhetoric and Reality About Youth Offenders in the Constructive Dismantling of the Juvenile Justice System*, 148 U. PA. L. REV. 1303, 1330–31 (2000) (discussing the media's impact on public perception regarding the juvenile criminal justice system in the United States).

9. *Id.*

framing of such stories<sup>10</sup>—it operates by providing a narrative for a certain issue, commonly in an extremely reductive fashion: “News coverage often influences public attitudes by ‘priming’ popular perceptions through the weight of coverage attached to an issue. Popular attitudes typically reflect the claims and narratives about crime that dominate political rhetoric and media portrayals, rather than reacting to real changes in crime rates.”<sup>11</sup>

Another form of traditional mass media—television—has also been shown to impact people’s perceptions of crime. Since its conception, cultivation theory has postulated that exposure to television is correlated with distorted perceptions of reality.<sup>12</sup> Many of these misperceptions have to do with issues of crime and justice; after all, one of the foundational cultivation studies concluded that “ritualized displays of all violence (such as in crime and disaster, as well as in mass-produced drama) may cultivate exaggerated assumptions about the extent of threat and danger in the world and lead to demands for protection.”<sup>13</sup> Following the development of cultivation theory, numerous studies continued to apply it in an effort to unpack how television can lead to misperceptions about crime and other aspects of the law. In short, these studies suggest that people with greater exposure to television overestimated: (1) rates of crime and violence in society;<sup>14</sup>

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10. *See id.*

11. Barry C. Feld, *Race, Politics, and Juvenile Justice: The Warren Court and the Conservative “Backlash,”* 87 MINN. L. REV. 1447, 1526 (2003).

12. Amir Hetsroni & Riva H. Tukachinsky, *Television-World Estimates, Real-World Estimates, and Television Viewing: A New Scheme for Cultivation,* 56 J. COMM. 133, 133–34 (2006); Samuel D. Bradley, *Neural Network Stimulation Support Heuristic Processing Model of Cultivation Effects,* MEDIA PSYCHOL. 449, 449–51 (2007).

13. George Gerbner & Larry Gross, *Living with Television: The Violence Profile,* 26 J. COMM. 173, 193–94 (1976) [hereinafter *Violence Profile*].

14. *See* George Gerbner et al., *TV Violence Profile No. 8: The Highlights,* J. COMM. 171, 178 (1977); Robert M. Ogles & Glenn G. Sparks, *Television Violence and Viewers’ Perceptions of Criminal Victimization,* 16 MASS. COMM. REV. 2 (1989); W. James Potter, *The Relationships Between First- and Second-Order Measures of Cultivation,* 18 HUM. COMM. RES. 92, 93–94 (1991); W. James Potter, *Examining Cultivation from a Psychological Perspective,* 18 HUM. COMM. RES. 77, 97 (1991); W. James Potter, *The Linearity Assumption in Cultivation Research,* 17 HUM. COMM. RES. 562, 566 (1991).

(2) the likelihood of personal victimization;<sup>15</sup> and (3) the number of people working as lawyers.<sup>16</sup>

Granted, when developing cultivation theory in the late 1970s, Gerbner and Gross were not intending to advance arguments about legal consciousness—after all, the theoretical concept of legal consciousness did not even gain footing until the 1980s.<sup>17</sup> Regardless, their contentions were about consciousness in general: “The substance of the consciousness cultivated by TV is not so much specific attitudes and opinions but more basic assumptions about the ‘facts’ of life and standards of judgment on which conclusions are based.”<sup>18</sup> Thus, the conclusion can be simplified as such: television exposure impacts people’s assumptions about the facts of life, and because a large amount of television covers matters of the law, people’s knowledge of the facts of law is being misshapen. This leads to the crucial question: If one’s knowledge of the law is incorrect, will their interactions with the law also falter?

#### IV. NEW MEDIA REPRESENTATIONS OF (POTENTIAL) WRONGFUL CONVICTIONS

Cultivation theory has been studied in conjunction with questions of law and justice since its inception. Social scientists have investigated time and again how representations of lawyers and criminal cases on screen can reshape viewers’ images of their legal systems. Moreover, in recent years, there has been a renewed interest in cultivation theory due to the rise of online television and other new media.<sup>19</sup> However, a

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15. See Ogles & Sparks, *supra* note 14, at 2; see generally Michael Morgan, *Symbolic Victimization and Real World Fear*, 9 HUM. COMM. RES. 146, 150–54 (1983) (showing an association between television viewing and perceived personal vulnerability); James Weaver & Jacob Wakshlag, *Perceived Vulnerability to Crime, Criminal Victimization Experience, and Television Viewing*, 30 J. BROADCAST & ELECTRONIC MEDIA 141, 153 (1986).

16. Michael Pfau et al., *Television Viewing and Public Perceptions of Attorneys*, 21 HUM. COMM. RES. 307, 312, 326 (1995).

17. Susan S. Silbey, *After Legal Consciousness*, 1 ANN. REV. L. & SOC. SCI. 323 (2005).

18. *Violence Profile*, *supra* note 13, at 175.

19. See Jasmine Labine, Master’s Theses, *Cultivation in an On-Demand Era: Television Consumption, Explicit and Implicit Attitudes Towards Lesbian, Gay, and*

relatively unexplored cultivation topic—both historically and contemporarily—is wrongful conviction. Although potential wrongful conviction cases have been covered by film, television, and online television extensively (in both non-fictional and fictional contexts),<sup>20</sup> scholars have not explored how these representations affect peoples' understanding of wrongful conviction. Thus, there exist important questions about how new media may be influencing viewers' familiarity with this already hotly debated legal area. However, as posited at the outset of this article, such questions become even more pertinent when viewers are compelled to take action after being exposed to the media.

The list of new media covering potential wrongful conviction cases is lengthy: from podcasts (e.g., *Serial*, *Actual Innocence*, *Undisclosed*) to online docuseries and documentaries (e.g., *Making a Murderer*, *Amanda Knox*), the public has been recently bombarded with opportunities to learn about potential wrongful conviction cases. However, I will focus my analysis on *Serial* and *Making a Murderer* because: (1) it is beyond the scope of this article to cover all the new media covering potential wrongful cases and the actions people have taken after being exposed to such media; (2) *Serial* and *Making a Murderer* are each one of the most recognizable series within their respective new media format; and (3) *Serial* and *Making a Murderer* both mobilized audiences to action—most notably, public petitions demanding retrials and/or some form of exoneration.

#### A. *Serial*

There are numerous ways to measure the success of *Serial*, which followed the case of Adnan Syed, a young man who was sentenced to life plus thirty years in prison for the murder of his then-girlfriend, Hae

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*Bisexual Individuals*, 716 SCHOLARWORKS AT W. MICH. U. 1, 21, 40 (2016); see generally Hey Yeung Lau, *Cultivation Effects of Television Broadcasting and Online Media*, in NEW MEDIA, KNOWLEDGE PRACTICES AND MULTILITERACIES 13–21 (2015).

20. See, e.g., 10 RILLINGTON PLACE (Columbia Pictures 1971); THE THIN BLUE LINE (HBO Video 1988); PARADISE LOST: CHILD MURDERS AT ROBIN HOOD HILLS (Docurama 1996); MAKING A MURDERER (Netflix 2015); see generally RICHARD A. LEO, POLICE INTERROGATION AND AMERICAN JUSTICE (2008).

Min Lee. From a quantitative perspective, *Serial* is one of the most successful podcasts of all time: following its release in 2014, it reached five million downloads faster than any other podcast ever had.<sup>21</sup> It also spawned several spinoff podcasts, both related and unrelated to Syed's case.<sup>22</sup> Rabia Chaudry, a friend of Syed's and the first person to bring his case to the podcast's producer, was quick to seize on the public's captivation with the podcast. Chaudry started a petition on Change.org, urging the Maryland judicial system to re-open Syed's post-conviction proceeding. In the petition, Chaudry argued that the podcast, along with other media, brought to light new information that "upends previous court rulings that Mr. Syed is guilty beyond a reasonable doubt of the premeditated murder of Hae Min Lee."<sup>23</sup> The petition ultimately gained the backing of 31,699 supporters, but it was not the only online attempt to mobilize the audience that made this podcast strikingly popular. A Subreddit thread about the podcast has over 50,000 subscribers,<sup>24</sup> two Facebook pages titled "Free Adnan Syed" and "Free Adnan" have more than 8000 followers each,<sup>25</sup> and a crowdfunding platform raised over \$200,000 for Syed's legal defense.<sup>26</sup> Moreover, the Twitter hashtag #freeadnan is still used regularly, with Chaudry recently tweeting, "All I know is OJ Simpson got parole and Adnan is

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21. Stuart Dredge, *Serial Podcast Breaks iTunes Records as it Passes 5m Downloads and Streams*, THE GUARDIAN (Nov. 18, 2014), <https://www.theguardian.com/technology/2014/nov/18/serial-podcast-itunes-apple-downloads-streams>.

22. *The State v. Adnan Syed*, UNDISCLOSED (Apr. 13, 2015), <http://undisclosed-podcast.com/episodes/season-1/>; *The Serial Dynasty*, TRUTH AND JUSTICE (Apr. 29, 2015), <http://www.serialdynasty.com/transcripts.html>; *From Serial and This American Life*, S-TOWN (Mar. 28, 2017), <https://stownpodcast.org/>.

23. Rabia Chaudry, *A Fair Trial for Adnan*, CHANGE.ORG, <https://www.change.org/p/friends-of-adnan-syed-a-fair-trial-for-adnan> (last visited Jan. 21, 2018).

24. *Adnan Syed Appeal/Cross*, REDDIT, <https://www.reddit.com/r/serialpodcast/> (last visited Jan. 21, 2018).

25. *Free Adnan Syed*, FACEBOOK, <https://www.facebook.com/Free-Adnan-Syed-1500199870269408/> (last visited Nov. 5, 2017); *Free Adnan*, FACEBOOK, <https://www.facebook.com/FreeAdnanTrust/> (last visited Nov. 5, 2017).

26. Dennis Robinson, *The Adnan Syed Trust*, LAUNCHGOOD, [https://www.launchgood.com/project/the\\_adnan\\_syed\\_trust#/](https://www.launchgood.com/project/the_adnan_syed_trust#/) (last visited Jan. 21, 2018).

still in prison.”<sup>27</sup> This is not to suggest that the creation of the twelve-part *Serial* podcast and subsequent mobilizing by listeners was in vain: Adnan was ultimately granted a new trial due to ineffective assistance of counsel. Many have argued that Syed’s new trial was a product of *Serial* because request for a new trial was not granted until “after the record-setting podcast sent thousands of internet sleuths digging through the details of the murder of Hae Min Lee 17 years ago.”<sup>28</sup>

### B. *Making a Murderer*

*Making a Murderer*, a Netflix docuseries which followed the alleged involvement of Steven Avery and Brendan Dassey in the murder of Teresa Halbach, set the Internet afire with demands for justice. Approximately one month after the release of the ten-part docuseries, almost twenty million people in the United States had watched the show.<sup>29</sup> In the wake of its success, audiences were quick to act: a White House petition asking for Avery to be pardoned received over 100,000 signatures,<sup>30</sup> a similar Change.org petition received over 500,000 supporters,<sup>31</sup> and a Change.org petition to exonerate (or grant a new trial) for Dassey received over 93,000 supporters.<sup>32</sup> Other online

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27. Rabia Chaudry (@rabiasquared), TWITTER (July 20, 2017, 8:09 PM), <https://twitter.com/rabiasquared/status/888234525532225536>.

28. Sam Levin & Baynard Woods, *Adnan Syed, Subject of Serial Podcast, Granted a New Trial*, THE GUARDIAN (June 30, 2016), <https://www.theguardian.com/tv-and-radio/2016/jun/30/adnan-syed-judge-grants-new-trial-serial-podcast-baltimore-murder-case>.

29. Amelia McDonnell-Parry, ‘*Making a Murderer*’ One Year Later: *Everything to Know*, ROLLING STONE (Dec. 16, 2016), <http://www.rollingstone.com/culture/news/making-a-murderer-one-year-later-everything-to-know-w455262>.

30. Maane Khatchaturian, ‘*Making a Murderer*’ White House Petition Reaches Goal of 100,000 Signatures, VARIETY (Jan. 6, 2016, 8:27 AM), <http://variety.com/2016/digital/news/making-a-murderer-white-house-petition-steven-avery-pardon-1201673219/>.

31. Michael Seyedian, *President of the United States: Free Steven Avery*, CHANGE.ORG, <https://www.change.org/p/president-of-the-united-states-free-steven-avery> (last visited Mar. 24, 2017).

32. Michael Seyedian, *President of the United States: Free Brendan Dassey*, CHANGE.ORG, <https://www.change.org/p/president-of-the-united-states-free>

attempts to bring exposure to Avery and Dassey's cases include: a Subreddit thread with nearly 60,000 subscribers,<sup>33</sup> a "Free Steven Avery" Facebook page with over 4300 followers,<sup>34</sup> a "Free Brendan Dassey" Facebook page with over 7600 followers,<sup>35</sup> and more across a multitude of social media platforms.<sup>36</sup> However, unlike the petition for Adnan's retrial, the Avery and Dassey petitions missed the mark. They were directed to the President of the United States, a government official who lacks any authority over state crimes. The Obama administration made this clear when it responded to the petitions by clarifying what presidential pardoning power entails.<sup>37</sup> Despite this fact, the Seventh Circuit ultimately overturned Dassey's conviction based on the finding that Dassey was coerced to confess.<sup>38</sup> Avery is still in prison, but his attorney Kathleen Zellner published a 1272-page motion for a new trial in June 2017; in it she claims Halbach's ex-boyfriend killed her.<sup>39</sup> More recently, Zellner announced publicly that she will give a \$10,000 cash prize to anyone who is able to prove Avery

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brendan-dassey-46cbf6b6-538a-4b0e-a043-7a56b06b54b1 (last visited Mar. 24, 2018).

33. *Making a Murderer*, REDDIT, <https://www.reddit.com/r/MakingAMurderer/> (last visited Nov. 22, 2017).

34. Free Steven Avery (@SupportForStevenAvery), FACEBOOK, <https://www.facebook.com/SupportForStevenAvery/> (last visited Mar. 27, 2018).

35. Free Brendan Dassey (@FreeBrendan), FACEBOOK, <https://www.facebook.com/freebrendan/> (last visited Mar. 27, 2018).

36. @FreeBrendanNow, TWITTER, [https://twitter.com/freebrendan now?lang=en](https://twitter.com/freebrendan%20now?lang=en) (last visited Jan. 18, 2018); @freesteveavery, TWITTER, <https://twitter.com/freesteveavery?lang=en> (last visited Jan. 18, 2018); *Help Free Steven Avery*, CROWD FUNDER, <http://www.crowdfunder.co.uk/help-free-steven-avery> (last visited Jan. 18, 2018).

37. Michael Seyedian, *Steven Avery Supporters: Rally for Brendan Dassey*, CHANGE.ORG (Jan. 8, 2016), <https://www.change.org/p/president-of-the-united-states-free-steven-avery/u/14878114>.

38. *Dassey v. Dittmann*, 860 F.3d 933, 983 (7th Cir. 2017).

39. Amelia McDonnell-Parry, *'Making a Murderer': Avery Lawyer Adds Allegations in New Court Motion*, ROLLING STONE (Nov. 2, 2017), <https://www.rollingstone.com/culture/news/making-a-murderer-avery-lawyer-adds-allegations-in-new-court-motion-w510878>.

is guilty of Halbach's murder by completing a 100-question test, "The Steven Avery Proof of Guilt Challenge."<sup>40</sup>

From a surface perspective, new media's coverage of potential wrongful convictions has been a beneficial tool in helping reform the criminal justice system. However, one who dives beneath the surface quickly discovers that new media's interaction with issues of criminal justice is complex and potentially damaging. In many ways, new media may be inheriting the past—the impact that traditional media have had on people's legal consciousness is well-documented, but what does this mean for new media? In other words, cultivation theory has been utilized in a plethora of studies to show how television distorted people's perceptions of the legal world, so it stands to reason that new media could have a similar impact. Simply put, we must remain open to the possibility that new media representations of criminal cases, regardless of how well they present 'truth,' may be distorting their audience's understanding of law. Returning to "Making a Murderer" as a case in point, recall how viewers rushed to sign a petition that sought a legal recourse that is not even possible (i.e., having the President of the United States pardon someone who committed a state crime). The spread of misinformation about the legal system may be one complication of new media, but there is also the potentially deeper issue identified by journalist Kathryn Schulz:

"Making a Murderer" [. . .] is far more concerned with vindicating wronged individuals than with fixing the system that wronged them. The series presents Avery's case as a one-off—a preposterous crusade by a grudge-bearing county sheriff's department to discredit and imprison a nemesis. (Hence the ad-hominem attacks the show has inspired.) But you don't need to have filed a thirty-six-million-dollar suit against law enforcement to be detained, denied basic rights, and have evidence planted on your person or property. Among

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40. Joyce Chen, *Steven Avery's Lawyer Zellner Offers \$10,000 in 'Proof of Guilt' Challenge*, ROLLING STONE (July 28, 2017), <http://www.rollingstone.com/culture/news/averys-lawyer-offers-10000-in-proof-of-guilt-challenge-w494834>.

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other things, simply being black can suffice. While Avery's story is dramatic, every component of it is sadly common.<sup>41</sup>

Put differently, new media projects that focus on a single criminal case may be distorting audience's perceptions of the criminal justice system by leading them to believe such cases are isolated instances of injustice. Research has yet to be done to explore the ways in which people are impacted by such representations of crime but considering the recent surge in popularity of law and justice stories across a variety of new media, there are ample opportunities for scholarly exploration with a high probability of fascinating findings.

#### V. CONCLUSION

Research on new media exposure and legal consciousness is in its nascent stages, with questions about innocence left virtually unexplored. This article and the future research it generates mark the first attempts to understand the potentially wide-reaching effects of law and justice stories being consumed via a variety of new media platforms. At first blush, increasing public knowledge about (potential) wrongful conviction cases is a worthy undertaking. However, we must also be wary of the potential negative ramifications of disseminating (mis)information about the criminal justice system. As evidenced by the public responses to *Serial* and *Making a Murderer*, new and emerging technologies have empowered people to take actions that may directly impact the actual lives of those who they know only through media representations.

The author of this article is currently undertaking a survey of new media users to begin exploring how their legal consciousness is affected by such media representations of law and justice issues. The survey measures participants' new media consumption habits (e.g., listening to podcasts, watching online television), and whether or not they took any action (e.g., signing an online petition, following a Facebook group) after being exposed to the media. It also asks them about their relationship with, and perceptions of, laws and legal systems. Ultimately, the goal is to help us understand the potential benefits and

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41. Kathryn Schulz, *Dead Certainty*, NEW YORKER (Jan. 25, 2016), <http://www.newyorker.com/magazine/2016/01/25/dead-certainty>.

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drawbacks of inviting the public into the lives of those resilient individuals who have been forever altered by our criminal justice system.