WRONGFUL CONVICTIONS SEMINAR
Course Number 450-001
Fall Session 2018

Katie Monroe
kmonroe5@gmu.edu
202-997-9132

Course Objectives

This course will focus on systemic errors in our criminal justice system that lead to the conviction of innocent people. You will learn about the causes and consequences of wrongful convictions, as well as about legal remedies available for correcting wrongful convictions and policy reforms for preventing them. You will also be introduced to innocence case investigation and post-conviction procedure.

Specific learning goals include: (1) exposure to all aspects of post-conviction innocence claims, including substantive causes of wrongful convictions and procedural mechanisms for litigating those claims; (2) introduction to essential and transferrable lawyering skills, such as investigative methods, fact development, persuasive storytelling, identification of legal issues, and fact and theory development; and (3) basic understanding of laws and policy reforms aimed at improving the accuracy and reliability of the criminal justice process.

Required Reading

- **Actual Innocence** by Jim Dwyer, Peter Neufeld and Barry Scheck
  (Available on Amazon at: [https://www.amazon.com/dp/0451209826/?tag=googhydr-20&hvadid=229191974857&hvpos=1t4&hvnetw=g&hvrand=15191421014499313999&hvpose=&hvptwo=&hvqmt=e&hvdev=c&hvlocint=&hvlocphy=9008162&hvtargid=kw-d-344103676921&ref=pd_sl_1gorwrwg9l_e_p38])
- **Weekly Class Readings** (outlined in syllabus below and otherwise assigned)

Recommended Resources

- **Websites**
  - [www.innocenceproject.org](http://www.innocenceproject.org) (Innocence Project)
  - [www.innocencenetwork.org](http://www.innocencenetwork.org) (Innocence Network)
  - [https://www.law.umich.edu/special/exoneration/Pages/about.aspx](https://www.law.umich.edu/special/exoneration/Pages/about.aspx) (National Registry of Exonerations)

- **Books**
  - *Convicting the Innocent: Where Criminal Prosecutions Go Wrong* by Brandon Garrett
  - *Surviving Justice* edited by Lola Vollen & Dave Eggers
  - *The Innocent Man* by John Grisham
  - *False Justice* by Jim and Nancy Petro
  - *Picking Cotton* by Jennifer Thompson & Ronald Cotton
• Videos
  - After Innocence
  - The Trials of Darryl Hunt
  - The Central Park Five
  - Conviction
  - A Case for Innocence

Virginia Case Studies

Marvin Anderson, Michael Hash, Thomas Haynesworth, Mike McAlister, and the Norfolk Four. We will also examine recent cases from other jurisdictions. Any materials relating to these cases will be distributed in class.

Class Meetings

Thursdays, 6:00-7:50pm
Hazel Hall

Guest Speakers

Jennifer Thompson
Chris Turner
Others TBD

Grading

Attendance and class participation – 30%; final paper – 70%

Syllabus & Class Readings

Thursday, August 16 - Introduction to Wrongful Convictions, Post-Conviction Process & the Innocence Movement

Read Before Class:
  - Findley, Defining Innocence, 74 Albany L. Rev. 1157 (2011)
  - Risinger, Convicting the Innocent: An Empirically Justified Wrongful Conviction Rate, 97 J. Crim. Law & Criminology 761 (2007)
Thursday, August 23 - Impact of Wrongful Convictions on the Original Crime Victims & Other Justice Stakeholders

Read Before Class:
- Office for Victims of Crime Project Narrative: Responding to Original Victims in Wrongful Conviction Cases (will be provided)

Thursday, August 30 - Legal Remedies for Post-Conviction Claims of Innocence: DNA Testing Statutes, Writs of Factual Innocence & Habeas Corpus

Read Before Class:

Thursday, September 6 - Legal Remedies for Post-Conviction Claims of Innocence (Continued)

Thursday, September 13 - The Police Investigation: Tunnel Vision, Preservation of Evidence and Official Misconduct

Read Before Class:
- Evans-Smith v. Taylor, 19 F.3d 899 (4th Cir. 1994)
Thursday, September 20 - Mistaken Eyewitness Identification

Read Before Class:
- Manson v. Brathwaite, 432 U.S. 98 (1977)
- Identifying the Culprit: Assessing Eyewitness Identification, National Academy of Sciences (selected sections for discussion will be provided in advance)

Thursday, September 27 - Flawed Forensic Evidence & Forensic Fraud

Read Before Class:
- Frye v. United States, 293 F. 1013 (D.C. Cir. 1923)
- Strengthening Forensic Science in the United States: A Path Forward, National Academy of Sciences (selected sections for discussion will be provided)

Thursday, October 4 - Police Interrogations & False Confessions

Read Before Class:
- Greenwald v. Wisconsin, 390 U.S. 519 (1968)

Thursday, October 11 - Prosecutorial Mistakes & Misconduct: Suppression of Exculpatory Evidence & Reliance on Incentivized or Perjured Testimony

Read Before Class:
- Brady v. Maryland, 373 U.S. 83 (1963)
- Napue v. People, 79 S. Ct. 1173 (1959)
- Giglio v. United States, 92 S. Ct. 763 (1972)
- Connick v. Thompson, 131 S.Ct. 1350 (2011)

**Thursday, October 18 - Ineffective Defense Counsel**

*Read Before Class:*
  o Bibas, The Psychology of Hindsight and After-the-Fact Review of Ineffective Assistance of Counsel, 2004 Utah L. Rev. 1

**Thursday, October 25 - Investigating Post-Conviction Innocence Claims: The Paper Trail**

No required reading.

**Thursday, November 1 - Investigating Post-Conviction Innocence Claims: The People Trail**

No required reading.

**Thursday, November 8 - Post-Exoneration Issues**

*Read Before Class:*

**Thursday, November 15 - Going Forward: Policy Reforms to Prevent Wrongful Convictions & The Importance of Diverse Voices**

*Read Before Class:*
  o Innocence Project Fact Sheets (will be provided)
  o Mending Justice: Sentinel Event Reviews, National Institute of Justice (available at https://ncjrs.gov/pdffiles1/ncj/247141.pdf)

**Thursday, November 22 - Thanksgiving Holiday, No Class**

**Thursday, November 29 - Reading Day, No Class**

**Thursday, December 6 - Introduction & Overview of Final Paper**