

CRIM 495-DL1

Capstone Course on Wrongful Convictions



CRIM 495-DL1; Spring 2021 – Online
CLASS MEETS ON **BLACKBOARD COLLABORATE**, WHICH IS ACCESSIBLE
THROUGH BLACKBOARD (UNDER COURSE TOOLS) – be sure to join the
class with the appropriate date and Thur. recitation time.

- Tues: 9:00-10:15am—Prof. Redlich
- Thurs: Recitation, 9am-10:15am OR 10:30--11:45—Prof. Smedley

Professor: Dr. Allison Redlich
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Telephone: 703-993-5835
Office hours: By appointment—always happy to meet

Recitation Instructor: Emily Smedley
Email: esmedley@gmu.edu
Office hours: By appointment

Required Readings:

1. **TEXTBOOK:** Norris, R.J., Bonventre, C.L., & Acker, J.R. (2018). *When justice fails: Causes and consequences of wrongful convictions*. Durham, NC: Carolina Academic Press.

2. Readings Posted on Blackboard (by assigned week)

Recommended Readings:

Students interested in further reading may consider the following resources:

- Cutler, B.L. (ed.) (2012). *Conviction of the innocent: Lessons from psychological research*. Washington, DC: American Psychological Association.
- Garrett, B.L. (2011). *Convicting the innocent: Where criminal prosecutions go wrong*. Cambridge, MA: Harvard University Press.
- Gould, J.B. (2008). *The innocence commission: Preventing wrongful convictions and restoring the criminal justice system*. New York: New York University Press.
- Redlich, A.D., Acker, J., Norris, R. J., & Bonventre, C. (2014). (Eds). *Examining wrongful convictions: Stepping back, moving forward*. Durham, NC: Carolina Academic Press.

Internet resources: The Internet offers many sites with a variety of legal resources, including primary legal authorities (constitutions, statutes, administrative regulations, and judicial decisions) and secondary legal authorities (law review articles, encyclopedia articles, American Law Report annotations, and others). Such references are available, for example, at Findlaw: www.findlaw.com, and through LexisNexis, and LegalTrac. Relevant information on wrongful convictions can be found at Web sites, as well, including those of the National Registry and Exonerations (<http://www.law.umich.edu/special/exoneration/Pages/about.aspx>) and the Innocence Project (<http://www.innocenceproject.org>), which also links to many other projects and exoneree Web sites; Northwestern University's Center on Wrongful Convictions (<http://www.law.northwestern.edu/cwc/>); the Justice Project (<http://www.thejusticeproject.org/>); and the Death Penalty Information Center (<http://deathpenaltyinfo.org/>).

Course Overview and Objectives

This Capstone course is designed to offer an overview of wrongful convictions. We will examine the prevalence of wrongful convictions, how wrongful arrests and convictions occur (contributing factors), how the criminal justice system responds (through court decisions, legislation, and administrative initiatives), and how legal decisions affect the direction of scientific research and vice versa. This is an interdisciplinary course for students who are interested in criminal justice, psychology, and legal issues. At the end of the course, students will have acquired an understanding of case law and research on wrongful convictions, and specific knowledge about eyewitness accuracy, false confessions, snitches, the roles of the police, prosecutors, defense counsel, and courts in helping cause, prevent, and correct wrongful convictions, forensic evidence issues, and the consequences of wrongful convictions, among other issues.

This class is also designated as a Mason Impact course. Mason Impact is an initiative of the Provost that "prepares students to tackle significant global questions and challenges by investigating meaningful questions, engaging multiple perspectives and creating new knowledge within the context of Undergraduate Research, Civic Engagement, Entrepreneurship, and Global Activities." For more information, visit, <https://provost.gmu.edu/initiatives/mason-impact>



The university requires students to complete a Synthesis course. According to the university catalog: "The purpose of the synthesis course is to provide students with the opportunity to synthesize the knowledge, skills and values gained from the general education curriculum. Synthesis courses strive to expand students' ability

to master new content, think critically, and develop life-long learning skills across the disciplines. . ." Upon completing a synthesis course, students will be able to:

1. Communicate effectively in both oral and written forms, applying appropriate rhetorical standards (e.g., audience adaptation, language, argument, organization, evidence, etc.)
2. Using perspectives from two or more disciplines, connect issues in a given field to wider intellectual, community or societal concerns
3. Apply critical thinking skills to evaluate the quality, credibility and limitations of an argument or a solution using appropriate evidence or resources"

Therefore, this course focuses on development of critical thinking skills, use of empirical methods to evaluate and compare different approaches to justice, and communication of your analysis and conclusions.

The university also requires students to complete a [Writing-Intensive](#) course in their major, as part of Mason Core. Writing-intensive courses must "devote significant time to instruction on writing and how to complete assignments successfully. . . Students are required to revise at least one substantive assignment in the course based on instructor feedback . . . [and that assignment should be] divided into sequenced sections that receive feedback and can be revised."

This course fulfills the Writing Intensive requirement in the CLS major. It does so primarily through the research paper due at the end of the semester and developed through a process of drafting, feedback, and revision. This course provides instruction on writing skills in general, and instruction, review, and revision of the specific written products required in this course (the report section drafts and the final report, as well as the weekly reading summaries).

Course Requirements

Attendance and Participation (10% of final grade)

- Attendance: It is very important to come to class (both Tuesdays and Thursdays). Attendance for each class will be taken and will be incorporated into your final grade (5%). Late arrivals and early departures will also affect this portion of your grade.
- Participation: It is also important to participate in class and be engaged in the discussions. This class will be taught like a seminar, discussion class and less like a lecture. Reading critically and analytically will help you with class participation and discussion, which is expected and makes up 5% of your final grade. This 5% will be graded by participating in class discussions, asking questions, and generally demonstrating that you have read—and absorbed—the readings.

Weekly Readings and Summaries (20% of final grade)

- Students *must* read the assigned material prior to each Tuesday class and demonstrate their having done so by participating in class discussions. Students must have access to the weekly readings for every class.

- Students should post a summary for EACH assigned reading on the Monday prior to each Tuesday class.
 - Each summary should be *around* 150 words. (Further instructions given at Thurs. recitation.)
- Summaries will begin Week 2 and continue through the end of the semester. They are **due on Mondays by 12pm**. First one is due Monday, February 1 (on the Week 2 readings).
- Summaries must be uploaded as **Word** documents to Blackboard (pasting into text boxes does not allow for comments).
- Summaries will be graded as 0 = not done; 1 = check minus (done incorrectly or incompletely; done with little to no effort; typos and grammatical errors); 2 = check (satisfactory); 3 = check plus (excellent). EACH summary will get a score of 0 to 3.
- Summaries will be a key resource for your research paper, parts of which are due throughout the semester.

Weekly Quizzes (20% of final grade)

- To further encourage critical thinking and engagement with the material (not just passive absorption of it), there will be weekly quizzes based on the readings. When reading, you should analyze, not just skim; make sure you understand the authors' point, think about questions for discussion, relate the reading to real-world events, critically analyze the method or results of a study, point out contradictions, etc.
- There will be a total of 12 quizzes (beginning Week 3, Feb. 9). Your 10 best quiz grades will factor into your final grade. This means you can miss two quizzes without adversely affecting your grade (though I do not recommend this strategy). Quizzes will occur at the beginning of Tuesday classes (Feb. 9 onward). If you are late to class, you may not be able to take the quiz and will receive a 0 for that day's quiz grade.
- The quizzes will be short, and if you have done the readings, should be relatively straightforward.

Research Paper (50% of final grade; breakdown below)

- Students will write a research paper addressing a specific case of wrongful conviction. The paper consists of three parts: 1) a description of the case; 2) a thorough analysis of the factors in the case that led to the wrongful conviction (i.e., an analysis of the three issues you used to choose your case; see below); and 3) a discussion of prescriptive measures (reforms) that might help prevent similar miscarriages of justice in the future that stem from your chosen case, the literature on your three factors, or both.
- Feedback will be given on all sections, and more detailed rubrics will be posted on Blackboard.
- All sections (except final, revised paper) due by 5pm on the date indicated. All sections turned in via Blackboard.

Case/paper topic and Keywords (5% of grade)

Due Feb. 11

Students must have their cases approved. Keywords are words you use to conduct literature searches in library databases. Your list should include 5 to 10 keywords.

Introduction and Purpose of Paper (5% of grade) **Due Feb. 25**
Draft an Introduction to your paper, which includes a broad-based statement about wrongful convictions in general, the case you are analyzing, and your three chosen factors. Also include a purpose: one or two sentences about what you plan to accomplish in the paper or what you want the reader to learn by reading the paper (e.g., In this paper, I will provide a detailed analysis of the case of.....; The purpose of this paper is to fairly present....").

Part 1: Case Description (10% of grade) **Due March 11**
The description of the case should be thorough but should focus on the errors that you will analyze. [~2-3 pages double-spaced]

Part 2: Analysis of Errors/Role (10% of grade) **Due April 8**
The analysis of errors/role should be considered the “meat” of your paper. Your analysis should be in-depth and tied to appropriate legal, scientific, and policy sources (your assigned readings and readings you find on your own). THIS ANALYSIS IS NOT ABOUT YOUR CHOSEN CASE. Rather, you are reviewing the research on your 3 chosen factors per the scholarly literature. [~4-5 pages double-spaced]

Part 3: Reforms (10% of grade) **Due April 22**
The discussion of prescriptive measures/reforms should also be grounded in legal and empirical research. You should discuss three reforms that can help to prevent wrongful convictions based on your case and/or your three chosen factors. You do not have to ‘invent’ never-before proposed reforms, but if you do, your recommendations should be feasible and be able to reasonably be put in place. Your recommended reforms must be justified—i.e., explain why (with support from the literature) each one will help to prevent wrongful convictions. [~3-4 pages double-spaced]

Final Paper [revised based on feedback] (10% of grade) **Due May 6**
Every day the paper is late will result in the dropping of one letter grade for the paper. Students should post final papers to Blackboard by 5pm on 5/6/21.

The paper must be based on research comprised primarily of scholarly references, including appropriate legal materials, social scientific and/or natural scientific sources, and policy materials. Newspaper and other reference sources (like Wikipedia) also may be used, as appropriate, but should be used sparingly. Papers should be approximately 12-15 double-spaced pages (not including references). **DO NOT exceed 15 pages of text.** References should be in APA format. All authorities must be appropriately cited and also included in References section.

How to Choose Your Case: The National Registry of Exonerations lists more than 2,700 exonerations
<https://www.law.umich.edu/special/exoneration/Pages/about.aspx>
--Go to 'Using the Registry', then 'Browse the Cases – Detailed View'

To choose your case, pick any combination of 3 of the following:

1. Age of the defendant (juvenile versus adult*)
2. Race of the defendant (minority*)
3. Child sex abuse hysteria case (Tag, CSH)
4. Female exoneree (Tag, F)
5. Jailhouse Informant (Tag, JI) [*do not choose in combo with #9, P/FA*]
6. Guilty plea (Tag, P)
7. Mistaken Witness Identification (MWID)
8. False Confession (FC)
9. Perjury or False Accusation (P/FA) [*do not choose in combo with #4, JI*]
10. False or Misleading Forensic Evidence (F/MFE)
11. Official Misconduct (OM)
12. Inadequate Legal Defense (ILD)
13. Death Sentence (within sentence column)

You can select on these to create a list of cases that have all of your 3 chosen factors. Within that list, you can choose the case you want to do your paper on. For example, if I select Black, FC, and F/MFE, a total of 33 cases are eligible. It would be best to select a case that has more, rather than less, information.

****The case descriptions provided by the National Registry are quite brief. After you choose a case that interests you, you should google the name to find out more details**

Grades

The course components (attendance/participation; reading summaries; weekly quizzes, and research paper) will be weighted as described above to determine your final grade, which will be assigned according to the following scale:

A+	97-100%	(4.0)	C+	77-79%	(2.33)
A	93-96%	(4.0)	<i>outstanding</i>	C	73-76% (2.0) <i>average</i>
A-	90-92%	(3.67)		C-	70-72% (1.67)
B+	87-89%	(3.33)	D	60-69% (1.0) <i>marginal</i>	
B	83-86%	(3.0)	<i>good</i>	F	0-59% (0) <i>failing</i>
B-	80-82%	(2.67)			

Policies

****Students *must* use their MasonLive email account to receive University information, including messages related to this class.**

Student Comportment

To be courteous to others, please treat others with respect during class discussions (e.g., no cell phones; side conversations; early departures). Please be on time; this is a 9am class and this is when we will start. Late arrivals are distracting, and if frequent, will not be accepted (i.e., you will not be allowed to attend class that day).

Our online meetings are directly equivalent to us meeting in a classroom on campus. Although we are meeting remotely, you should be in a space that is free of distractions and that is solely devoted to this class. A positive and productive classroom experience overall depends on each of us being able to concentrate on the class material and participating fully in the face-to-face discussions and classroom exercises. For the most part, I expect **CAMERAS TO BE ON**. I understand that there may be a minute here and there where you need to turn it off. Please do mute your microphone when not speaking to reduce background noise.

Incompletes

Incompletes will not be given in this course except under rare circumstances that require documentation and adherence to University policies.

Academic Code

The GMU academic honor code can be found [here](#). The code outlines proscribed conduct with regards to cheating and plagiarism. Please note that cheating or plagiarism in this class will result in appropriate penalties that may include failing the course. Three fundamental and rather simple principles to follow at all times are that: (1) all work submitted be your own; (2) when using the work or ideas of others, including fellow students, give full credit through accurate citations; and (3) if you are uncertain about the ground rules on a particular assignment, ask for clarification. Plagiarism means using the exact words, opinions, or factual information from another person without giving the person credit. Writers give credit through accepted documentation styles, such as parenthetical citation, footnotes, or endnotes. Paraphrased material must also be cited, using APA format. If you have any doubts about what constitutes plagiarism, [please see me](#).

If you have a documented learning disability or other condition that may affect academic performance you should: 1) make sure this documentation is on file with Office of Disability Services (SUB I, Rm. 4205; 993-2474; <https://ds.gmu.edu/>) to determine the accommodations you need; and 2) talk with me to discuss your accommodation needs.

Notice of mandatory reporting of sexual assault, interpersonal violence, and stalking: As a faculty member, I am designated as a "Responsible Employee," and must report all disclosures of sexual assault, interpersonal violence, and stalking to Mason's Title IX Coordinator per University Policy 1412. You may seek assistance from Mason's Title IX Coordinator, Jennifer Hammat, by calling 703-993-8730 or email cde@gmu.edu. If you wish to speak with someone confidentially, please contact one of Mason's confidential resources, such as Student Support and Advocacy Center (SSAC) at 703-993-3686 or Counseling and Psychology Services (CAPS) at 703-993-2380. The 24-hour Sexual and Intimate Partner Violence Crisis Line for Mason is 703-380-1434.

Class Schedule and Reading Assignments
 (subject to change/additions)

****READINGS MUST BE COMPLETED BEFORE EACH TUESDAY CLASS**

**All articles (*but not textbook chapters*) are posted on Blackboard in the Week they appear

Wk #	Dates	Topic(s)	Readings	Notes
1	Jan. 26 Jan. 28	Overview of Wrongful Convictions	NO READINGS	
2	Feb. 2 Feb. 4	Prevalence of Wrongful Convictions	1. Chapter 1 in textbook 2. Gross, S. R. (2008). Convicting the innocent. <i>Annual Review of Law and Social Science</i> , 4, 173-192.	Reading Summary assignments begin – due every <u>Monday</u> by 12pm
3	Feb. 9 Feb. 11	Eyewitness Identification	1. Chapter 2 in textbook 2. The National Council of Research (2015). <i>Identifying the culprit: Assessing eyewitness identification</i> . Introduction.	Weekly Quizzes begin – every <i>Tuesday at 9am</i> Case and Keyword Assignment due 2/11
4	Feb. 16 Feb 18	False Confessions	1. PP. 55-63; 64-68; 73-76 in textbook 2. Kassin, S.A. (2017). False confessions. <i>Wiley Interdisciplinary Reviews – Cognitive Science</i> .	*Guest speaker: Dr. Saul Kassin; False Confession expert
5	Feb. 23 Feb. 25	Child Victim / Witnesses	1. Wood, J. M., Nathan, D., Nezworski, M. T., & Uhl, E. (2009). Child sexual abuse investigations: Lessons learned from the McMartin and other daycare cases. In B. L. Bottoms, C. Nadjowski, & G. S. Goodman (Eds.), <i>Children as victims, witnesses, and offenders: Psychological science and the law</i> (pp. 81-101). NY: Guilford Press.	Introduction and Purpose of Paper assignment due 2/25
6	Mar. 2 Mar. 4	False Guilty Pleas	1. PP. 63-64; 68-72; 76-77 in textbook	

			<p>2. Wilford, M. & Khairalla, A. (2019). Innocence and Plea Bargaining. In V. Edkins & A.D. Redlich, <i>A system of pleas: Social science's contribution to the real legal system</i> (pp. 132-150). NY: Oxford Univ. Press.</p> <p>3. Lynch, T. (2003). The case against plea bargaining. <i>Regulation</i>, 24-27.</p> <p>4. Sandefur, T. (2003). In defense of plea bargaining. <i>Regulation</i>, 28-31.</p>	
7	Mar. 9 Mar. 11	Forensic Science Evidence	<p>1. Chapter 4 in textbook</p> <p>2. Chapter 1 of National Academy of Sciences report: Strengthening forensic science in the United States: A path forward.</p>	<p>*Guest speaker: Dr. Glinda Cooper, Director of Science and Research, Innocence Project</p> <p>Case Description assignment due 3/11</p>
8	Mar. 16 Mar. 18	Incentivized Informants and Snitches	<p>1. Chapter 5 in textbook</p> <p>2. Neuschatz, J.S., Jones, N., Wetmore, S.A., & McClung, J. (2012). Unreliable informant testimony. In B. Cutler (Ed.), <i>Conviction of the innocent: Lessons from psychological research</i> (pp. 213-238). Washington, DC: APA Press.</p> <p>3. Johnston, R. J. (1997 Winter). Paying the witness: Why is it OK for the prosecution, but not the defense? <i>Criminal Justice</i>, pp. 21-24.</p>	
9	Mar. 23 Mar. 25	Government Actors: Police and Prosecutors	<p>1. Chapter 6 in textbook</p> <p>2. Gershman, B. (2007). Litigating <i>Brady v. Maryland</i>: Games prosecutors play. <i>Case Western Reserve Law Review</i>, 57, 531-565.</p>	<p>*Guest Speaker: Clayton Drummond</p>
10	Mar. 30 Apr. 1	Defense Attorneys	<p>1. Chapter 7 in textbook</p>	

			2. Bach, A. (2009). What's a defense? <i>Ordinary injustice: How America holds court</i> (pp. 11-76). NY: Henry Holt and Company.	
11	Apr. 6 Apr. 8	Death Penalty & Detecting and Correcting Miscarriages of Justice	1. Scheck, B., Neufeld, P. and Dwyer, J. (2003). Ch. 11. <i>Actual innocence: When justice goes wrong and how to make it right</i> . New York, NY: Penguin. 2. Acker, J. R. (2009). Actual innocence: Is death is different? <i>Behavioral Sciences and the Law</i> , 27, 297-311. 3. Chapter 9 in textbook	Analysis of Errors assignment due 4/8
12	Apr. 13 Apr. 15	The Aftermath of Wrongful Convictions: Reintegration and Compensation	1. Chapter 10 in textbook 2. Scott, L. (2010). "It never, ever ends": The psychological impact of wrongful conviction. <i>American University Criminal Law Brief</i> , 75, 1229-1241.	*Guest speakers: Professor Robert Norris and Andrew Madrigal
13	Apr. 20 Apr. 22	No-Crime Cases & Actual Perpetrators: Public Safety and Monetary Considerations	1. Chapter 8 in textbook 2. Chapter 11 in textbook 3. Norris et al. (2019). The criminal costs of wrongful convictions: Can we reduce crime by protecting the innocent? <i>Criminology and Public Policy</i> , 19., 367-388.	Reforms assignment due 4/22
14	Apr. 27 Apr. 29	Wrongful Convictions: Continuing and Future Challenges	1. Chapter 12 in textbook	
	May 6			<i>Final Revised Research Paper due by 5pm, 5/6</i>