



LNDN PSCI 3121

Wrongful Conviction

Global Seminar in London

Summer 2018

Faculty name	:	Professor Justin Brooks
Class times	:	9:00 am–12 pm except for days with field activities, which will last 4-5 hours plus travel time, and the last class which runs from 9:00 am – 1:00 pm
Classroom location	:	TBD
Office Hours	:	By appointment

Course Description:

Wrongful Conviction is a universal problem that in recent years has received a great deal of attention from the media, legislatures, and courts around the world. From the Netflix series “The Making of a Murderer” to the NPR podcast “Serial,” there is a growing fascination with how people are wrongfully convicted and the processes and procedures used to right these wrongs. This course is taught by a law professor who has spent his career litigating wrongful conviction cases and directing the California Innocence Project. It is designed to provide students with an overview of the issues and case law related to wrongful convictions through the use of interactive exercises, lectures, readings, videos, and case studies.

Course Aims:

This course is aimed at students with an interest in human rights and focuses on aspects of law associated with wrongful conviction, and important area of human rights law. The course is suitable for those who do not come from a legal background. While there will be some formal lecturing, the course will be taught interactively with students engaging in exercises, debates and presentations. The goal of this course is that students gain an understanding of this dynamic and ever growing area of law.

Requirements and Prerequisites:

There are no prerequisites and all students interested in this topic are invited to participate.

Learning Outcomes:

By the completion of this course students should be able to:

- a) State the basic procedural process for litigating a wrongful conviction.
- b) State the leading causes of wrongful convictions.
- c) Debate the policy issues behind police investigation procedures.
- d) Draft basic case briefs.
- e) Argue both sides of a wrongful conviction case.
- f) Analyze statutory reforms in the wrongful conviction area.
- g) Explain current best practices for identifications and obtaining confessions.
- h) Present a Supreme Court oral argument.

Class Methodology:

This course will employ diverse techniques to facilitate learning. Students will be assigned readings, online tasks and video presentations. The courses aim to develop skills and knowledge through flexible delivery which will include formal lectures, guest lectures, active learning, collaborative group work, facilitated group discussion, field activities and other structured activities. Questioning, discussion and interactive activities such as presentations, quizzes and debates will be integral to the delivery of lectures. Lectures will be supplemented by relevant field activities, led by the instructor, with these field activities forming an integral part of the course.

Field Components

CAPA provides the unique opportunity to learn about the city through direct, guided experience. Participation in field activities for this course is required. Students will actively explore the Global City in which they are currently living. Furthermore, they will have the chance to collect useful information that will be an invaluable resource for the essays/papers/projects assigned in this course.

The assigned field component(s)* are:

- a. Public gallery viewing of a court case
- b. Visit to the London based Innocence Project and other similar organizations
- c. More to be determined closer to the time, potentially a walking tour exploring the history of crime and punishment in the UK

*Field components listed in the syllabus are provisional as the program will take advantage of opportunities to engage with course themes as they appear.

Students are also strongly encouraged and in some cases required to participate in **co-curricular** program activities that complement the field trips and the course themes. These will be highlighted at the start of the course based on the events taking place at that time.

Final Exam

The Final Exam will consist of two parts: short answer (45minutes) and essays (2 hours). The short answers will require the student to draw upon the readings, classroom exercises, and field activities to answer definitional type questions (e.g. distinguish between a habeas petition and an appeal). The essay questions will require the students to apply doctrine they have learned to a set of facts and/or discuss policies related to the course materials.

Assessment/Grading Policy:

Descriptor	Alpha	UK	US	GPA
Excellent	A	75+	93+	4.0
	A-	70-74	90-92	3.7
Good	B+	66-69	87-89	3.3
	B	63-65	83-86	3.0
	B-	60-62	80-82	2.7
Average	C+	56-59	77-79	2.3
	C	53-55	73-76	2.0
Below Average / Poor	C-	50-52	70-72	1.7
	D+	46-49	67-69	1.3
	D	40-45	60-66	0.7
Fail	F	<40	<60	0

Grade Breakdown and Assessment of Learning Outcomes:

Assessment Task	Grade %	Due Date
Class participation/Small group discussion	20%	Weekly
Oral presentations	40%	Weekly
Final Exam	40%	Final Class

Dress Code:

Smart casual for visiting the law courts.

Required Readings:

Wrongful Convictions: Cases and Materials, Second Edition, Brooks (Vandeplas Publishing 2014). Available at www.Amazon.com

Course Schedule:

Class One — Introduction (No Reading)

Classes Two and Three — Notorious Cases of Wrongful Conviction (pages 1-37)

- a. *Marion v. Nebraska, 20 Neb. 233 (1886).
- b. *Chamberlain v. The Queen (1984) 153 C.L.R. 521.
- c. People v. Wise, 752 N.Y.S.2d 837 (N.Y. 2002).
- d. Carter v. Rafferty, 621 F.Supp 533 (D.N.J. 1985).

Classes Four and Five – Ineffective Assistance of Counsel (pages 83-146)

- a. Powell v. Alabama, 287 U.S. 45 (1932).
- b. Gideon v. Wainwright, 372 U.S. 335 (1963).
- c. *Strickland v. Washington, 466 U.S. 668 (1984).
- d. *Miller v. Anderson, 255 F.3d 455 (7th Cir. 2001).
- e. State v. Harrison, 404 S.W.3d 830 (2012).
- f. Missouri v. Frye 132 S.Ct. 1399 (2012).

Classes Six – Police and Prosecutorial Misconduct (pages 147-191)

- a. Chambers v. Florida, 309 U.S. 227 (1940).
- b. *Commonwealth v. Smith, 615 A.2d 321 (Pa. 1992).
- c. *Jacobsen v. United States, 503 U.S. 540 (1992).
- d. Brady v. Maryland, 373 U.S. 83 (1963).
- e. In the Matter of an Investigation of the West Virginia State Police Crime Laboratory, Serology Division, 438 S.E.2d 501 (W. Va. 1993).

Classes Seven and Eight –The Law of DNA (pages 393-436)

- a. R. v. Pitchfork (Eng. 2009).
- b. *Third Judicial District et. al. vs. Osborne, 129 S.Ct. 2308 (2009).
- c. Grier v. Klem, 591 F.3d 672 (2010).
- d. California Penal Code Section 1405
- e. California Penal Code Section 296
- f. *Richardson v. Superior Court, 183 P.3d 1199 (2008)

Field Activity

Class Nine – Eyewitness Testimony (pages 193-268)

- a. *United States v. Wade, 388 U.S. 218 (1967).
- b. *Manson v. Braithwaite, 432 U.S. 98 (1977).
- c. State v. Henderson, 2009 WL 510409 (N.J. 2009).
- d. State v. Cotton 351 S.E.2d 277(1987).

Class Ten – False Confessions (pages 269-313)

- a. *Greenwald v. Wisconsin, 390 U.S. 519 (1968).

- b. Crane v Kentucky, 476 U.S. 683 (1986).
- a. *Washington v. Commonwealth, 323 S.E.2d 577 (1984).
- b. Commonwealth v. DiGiambattista, 813 N.E.2d 516 (2004).
- c. State v. Scales, 518 N.W.2d 587 (Minn. 1994).

Classes Eleven – Evidentiary Standards and Science (315-391)

- a. *Daubert v. Merrell Dow Pharmaceuticals, 509 U.S. 579 (1993).
- b. *Ragland v. Commonwealth, 191 S.W.3d 569 (Ky. 2006).
- c. Jackson v. Day, 121 F.3d 705 (1997).
- d. United States v. Hebshie, 754 F.Supp.2d 89 (2010).
- e. Willingham v. Cockrell, 61 Fed.Appx 918 (2003).
- f. State v. Edmunds, 746 N.W.2d 590 (2008).

Field Activity

Class Twelve – Innocence, Parole, Clemency, and Compensation (pages 437-482)

No reading

At the end of this class, students should be able to: state the rules associated with parole; articulate the issues associated with an innocence claim and parole; and explain the various issues and rules associated with raising innocence in a parole hearing. Final exam will take place at the end of this class.

Attendance, Participation & Student Responsibilities

Attendance: CAPA has a mandatory attendance policy. Attendance is taken at the beginning of every class. Unauthorized absence from class will result in a reduction of the final grade and potentially a failure for the course.

Missing classes for medical reasons: If you need to miss a class for medical reasons or for a family emergency, **you must send an e-mail** to excused.absence@capa.org to let CAPA know at least one hour in advance of your class or meeting. Note that calling the CAPA Centre (0207 370 7389) is acceptable only if you do not temporarily have access to the internet. An e-mail is still required as quickly as you can get access to the internet again. You will need to provide evidence of the reason for your absence. Unexcused absences will result in a grade reduction. In the event of a missed class or field trip, it is your responsibility to contact your instructor and make up any missed assignments.

Class Participation: Students are expected to participate actively and critically in class discussions, and the participation portion of the class will be graded accordingly. Students must read assignments BEFORE the class, and come in on time.

Participation is a vital part of your grade: students are expected to participate orally in seminars and in online forums and discussions in a critical and evaluative manner; to interact with the faculty and fellow students with respect and tolerance; and to actively engage in discussion. Derogatory or inflammatory comments about the cultures, perspectives or attitudes of others in the class will not be tolerated.

Academic Integrity: A high level of responsibility and academic honesty is expected. Because the value of an academic course depends upon the absolute integrity of the work done by the student, it is imperative that a student demonstrates a high standard of individual honor in his or her scholastic work and class behavior. Plagiarism, self-plagiarism and cheating can result in dismissal from the program.

Self-plagiarism, copying an assignment entirely or partially to submit to a different class in an attempt to receive credit twice for one piece of work is unacceptable and considered cheating by duplication. Students risk receiving an "0" for any assignments in which they have duplicated their own work.

All substantial writing assignments (typically anything worth 20% or more of the final course grade) will be run through the plagiarism checking software Turnitin when submitted via CANVAS. See CAPA's Academic Standards and Policies for more information and resources on plagiarism.

Use of electronic equipment in class: All devices such as laptops, i-pods, i-pads, netbooks, notebooks and tablets, smartphones, cell phones, etc. are **NOT** allowed unless you have express permission from the faculty

or you have been instructed to do so. If you require an accommodation to use any type of electronic equipment, inform the Associate Director of Academic Affairs at the beginning of Term.

Late Submission: Late submission of papers, projects, journal entries, pieces of homework and portfolios is only permitted with prior approval. A request must be made to the relevant Faculty member no later than two days prior to the due date. Late submission without prior approval will result in a full alpha grade penalty. In either case, work cannot be submitted after feedback has been provided to the rest of the class on the relevant assessment or one week after the due date whichever comes first, after which point a grade of F will be given for the assessment.

Behavior during Examinations: During examinations, you must do your own work. Unless specifically instructed by the lecturer or instructor, talking during an exam is not permitted, nor may you compare papers, copy from others, or collaborate in any way. Any failure to abide by examination rules will result in failure of the exam, and may lead to failure of the course and disciplinary action.