

Wrongful Convictions
Program in Criminal Justice
Fall 2016
Rutgers, The State University of New Jersey
Syllabus

Monday and Wednesday, 5 pm to 6:20 pm

Location: Tillett Hall, Room 226

Instructor: Elizabeth Weill-Greenberg

Email: elizabethwg@gmail.com

Office Hours: Monday's, 3:45-4:45 pm, location: TBD

(If you cannot make my office hours but would like to meet please let me know! I'll try to find a time that works for you!)

Course Overview: This course will cover the causes of wrongful conviction, including eyewitness misidentifications, false confessions, racism, media bias, and faulty forensic science. Case studies will be used to illustrate these causes. The course will include both lectures and discussions so please come prepared to discuss assigned readings so you can help contribute to an informed and interesting discussion!

Readings:

- **Required Books:**

Picking Cotton by Ronald Cotton and Jennifer Thompson

The Wrong Guys: Murder, False Confessions, and the Norfolk Four by Tom Wells and Richard Leo

- **Articles:**

All articles are linked to from the syllabus or can be found on SAKAI

- **Recommended Reading:**

I have listed some readings as *recommended* for those who are particularly interested in a topic and would like to learn more.

Guest Lectures:

It is important to view innocence in the context of the criminal justice system and not to use it to justify (even tacitly) inhumane treatment of those who are guilty. To help us with this, we will be hearing from the following guest lecturers throughout the semester. This will also be an opportunity to talk with people working in the criminal justice reform field:

- Justina Otero, Director of NeighborCorps, a New Jersey based organization that helps people coming home from jail rebuild their lives.

- David Rothenberg, Founder of The Fortune Society, a New York based organization dedicated to providing housing, education and job training to formerly incarcerated people.
- Meagan Glaser, Deputy State Director, New Jersey, Drug Policy Alliance, a New Jersey based organization that works towards the decriminalization of drugs.
- Elyla Huertas, Paralegal and Rebecca Livengood, Skadden Fellow with the ACLU-NJ, a civil liberties group that works on a number of issues, including prison conditions in New Jersey.

Grading: Your grade will be determined by:

20% Attendance (please see Attendance Policy below)

15% October 3 Written Assignment (250 words)

15% October 10 Written Assignment (500 words)

20% November 23 Midterm Written Assignment (3-5 pages)

15% November 30 Written Assignment (250 words)

15% Final Exam (in-class, short essay)

An extra credit assignment is available and is due November 9. Details are below.

Attendance Policy:

Students are expected to attend all classes; if you expect to miss class, please use the University absence reporting website <https://sims.rutgers.edu/ssra/> to indicate the date and reason for your absence. An email is automatically sent to me. To receive an A in attendance you are only permitted to miss three classes.

If you must miss more than three classes for medical reasons or due to a personal emergency, please let me know. No one should attend class if they are feeling sick - it's not good for you or those around you!

Academic Honesty

Please familiarize yourself with the Rutgers University policies and procedures on academic honesty, available at

http://academicintegrity.rutgers.edu/files/documents/AI_Policy_9_01_2011.pdf

Plagiarism is the use of another person's words, ideas, or results without giving that person appropriate credit. To avoid plagiarism, every direct quotation must be identified by quotation marks or appropriate indentation and both direct quotation and paraphrasing must be cited properly according to the accepted format for the particular discipline or as required by the instructor in a course. Some common examples of plagiarism are:

- Copying word for word (i.e. quoting directly) from an oral, printed, or electronic source without proper attribution.

- Paraphrasing without proper attribution, i.e., presenting in one's own words another person's written words or ideas as if they were one's own.
- Submitting a purchased or downloaded term paper or other materials to satisfy a course requirement.
- Incorporating into one's work graphs, drawings, photographs, diagrams, tables, spreadsheets, computer programs, or other nontextual material from other sources without proper attribution.¹

If you have any questions, please feel free to ask for guidance from me.

Accommodations: If you require special accommodations, please let me know:
<https://ods.rutgers.edu/my-accommodations>.

Student Services: Information on student services can be found at the end of the syllabus.

Digital Free Classroom: I understand that many students use laptops to take notes in class. However, often laptops are used to multi-task (check email, social media) and so I ask that all laptops and phones be stowed away in backpacks during class. If you have a medical need or special circumstance requiring the use of these devices during class please talk to me. I will provide each student with his or her own notebook for note-taking.

Copious note-taking in class is not necessary or encouraged as all lectures will be on SAKAI. Rather than try to take notes on everything that is said I would prefer students focus on participating in the discussions, absorbing the material and asking questions. This class is about developing critical thinking skills and understanding the concepts covered. For more information on how laptops can distract from classroom learning I refer you to this study: *In Class Laptop Use and its Effects on Student Learning*
<http://www.sciencedirect.com/science/article/pii/S0360131506001436>

Schedule of Classes and Assignments

September 12: Course Introduction and Overview of the Scientific Method

Unit 1: Eyewitness Misidentifications

September 14:

¹ http://academicintegrity.rutgers.edu/files/documents/AI_Policy_9_01_2011.pdf Updated with the University's current language on July 13, 2012. S. Lawrence

- Recognition by Paul Kix:
<http://www.newyorker.com/magazine/2016/01/18/recognition-annals-of-justice-paul-kix>

September 19: The Case of Jennifer Thompson and Ronald Cotton

- Picking Cotton (Part One)

September 21:

- Picking Cotton (Part Two)
- Jennifer Thompson's Opinion Piece: I Was Certain But I Was Wrong:
<http://www.nytimes.com/2000/06/18/opinion/i-was-certain-but-i-was-wrong.html>

September 26: Expectations for Written Assignments and How to Read Court Opinions

September 28:

- Picking Cotton (Part Three)

Assignment Due October 3: Using Thompson's Opinion Piece, *I was Certain But I was Wrong*, answer the following questions: What is Thompson's thesis (claim)? What evidence does she provide for her thesis? (About 250 words)

Recommended Readings on Eyewitness Misidentifications:

- Post Identification Feedback:
<http://www.innocenceproject.org/causes-wrongful-conviction/the-eyewitness-post-identification-feedback-effect-15-years-later-theoretical-and-policy-implications-1>
- Cross Racial ID:
<http://www.post-gazette.com/science/2010/12/26/Looking-across-the-racial-divide-How-eyewitness-testimony-can-cause-problems/stories/201012260195>
- Overview of Problems with Eyewitness Identification:
Oregon v. Lawson Appendix (pages 53-80):
<http://www.publications.ojd.state.or.us/docs/S059234.pdf>

Unit 2: False Confessions Unit

October 3:

- The Interview: <http://www.newyorker.com/magazine/2013/12/09/the-interview-7>
- False Confessions: Causes, Consequences, and Implications for Reform by Saul Kassin:
[http://web.williams.edu/Psychology/Faculty/Kassin/files/Kassin%20\(2008\)%20-%20APS%20CD.pdf](http://web.williams.edu/Psychology/Faculty/Kassin/files/Kassin%20(2008)%20-%20APS%20CD.pdf)

October 5: The Case of the Norfolk Four

- The Wrong Guys, Chapters 1-3

October 10:

- The Wrong Guys, Chapters 4-5

Assignment Due October 10: Explain three situational pressures that contributed to Danial Williams' false confession. Explain three dispositional vulnerabilities that contributed to Danial Williams' false confession. (About 250 words)

October 12:

- The Wrong Guys, Chapters 6-7

October 17:

- The Wrong Guys, Chapters 8-9

October 19:

- The Wrong Guys, Chapters 10-11

October 24:

- The Wrong Guys, Chapters 12-13

Recommended Readings:

Sleep Deprivation and False Confessions:

- <https://www.sciencedaily.com/releases/2016/02/160208182902.htm>
- <http://www.sciencemag.org/news/2016/02/feeling-sleepy-you-may-confess-crime-you-didn-t-commit>

October 26: Innocence in the Context of the Criminal Justice Lecture:

- Meagan Glaser, Deputy State Director, New Jersey, Drug Policy Alliance
- Elyla Huertas, Paralegal, NJ-ACLU and Rebecca Livengood, NJ-ACLU Fellow

October 31: Class cancelled - Happy Halloween!

Unit 3: The Central Park Five: Race and the Media's Role in Wrongful Convictions

November 2:



- *Recommended Viewing:* The Central Park Five documentary by Ken Burns (available on Netflix)

November 7:

- How Our Fear of Wilding Colored the Central Park Five Case:
<http://grist.org/cities/how-our-fear-of-wilding-colored-the-central-park-five-case/>
- Wolf Pack: The Press and the Central Park Jogger:
<http://www.usprisonculture.com/blog/wp-content/uploads/2012/08/wolfpack.pdf>

November 9:

- Enabling False Confessions:
http://fair.org/media_criticism/enabling-false-convictions/

Extra Credit Due November 9: Summarize *Enabling False Confessions* by Jon Whiten (<http://fair.org/extra/enabling-false-convictions/>) into about 500 words: What is the article's thesis (claim)? How does the author attempt to prove his thesis? What evidence does he raise to support his thesis? Those who answer the question fully and accurately will receive a half grade bump to their final grade.

Unit 4: Tunnel Vision

November 14:

- Mistakes Were Made (But Not by Me): Why We Justify Foolish Beliefs, Bad Decisions, and Hurtful Acts (Available on SAKAI under Belynda Goff Readings)
- A Grave Injustice in Arkansas:
<https://hannahcriley.wordpress.com/2015/02/05/a-grave-injustice-in-arkansas/>

November 16:

- Guest Lecturer: Former Innocence Project Senior Case Analyst Edwin Grimsley to present on race and wrongful convictions

Please read the following articles by Edwin in preparation for his lecture:

- What Wrongful Convictions Teach Us About Racial Inequality:
<http://www.innocenceproject.org/news-events-exonerations/what-wrongful-convictions-teach-us-about-racial-inequality>
- African American Wrongful Convictions Today:
<http://www.innocenceproject.org/african-american-wrongful-convictions-today/>
- Lessons About Black Youth and Wrongful Convictions: Three Things You Should Know:

<http://www.innocenceproject.org/lessons-about-black-youth-and-wrongful-convictions-three-things-you-should-know/>

November 21: **Tunnel Vision Unit** (continued)

- Court Opinions on Belynda's Case, one affirming her conviction, one ordering that she receive a new trial (Available on SAKAI under Belynda Goff Readings)
- Judge Sonia Sotomayor Denied My Appeal and I Spent 16 Years in Prison For a Crime I Didn't Commit by Jeff Deskovic:

http://www.alternet.org/story/141197/judge_sonia_sotomayor_denied_my_appeal_and_i_spent_16_years_in_prison_for_a_crime_i_didn't_commit

Midterm Due via email on November 23: Choose one of the following questions to answer in a 3-5 page paper. Please use APA format:

1. Choose one of the defendants in the Norfolk Four (other than Danial Williams) and explain why he confessed to a crime he did not commit. Discuss both the dispositional vulnerabilities and situational pressures. Was the confession coerced compliant or coerced internalized, or some combination? How did their innocence put them at risk of falsely confessing. Please explain.
2. Did race play a role in the media coverage of the Central Park Five? If so, how did it play a role? Please explain. Please discuss and examine any language and/or framing that you believe was racially biased. *Please cite from your sources. (The New York Times coverage of the Central Park Five is on SAKAI under Central Park Five readings.)*
3. Select news reports on an arrest, trial and/or conviction (choose 3-5 stories total, it need not be on the same case. You can also choose coverage of the Central Park Five case.) Analyze this coverage: How much space (words, paragraphs) is attributed to each party? Is evidence viewed critically? What impression is given to the reader - guilt, innocence, or neutral? How is this impression conveyed? What questions are not asked? How could the reporting be improved? Use *Enabling False Confessions* by Jon Whiten as a guide for your analysis. Please include copies of the news reports as an attachment to your paper. *Please cite from your sources. If you need help choosing articles to examine, please let me know.*
4. View the movie, Inside Out. How does the movie portray memory? How does this portrayal conflict with the lessons learned from eyewitness misidentification cases? How could the movie have portrayed memory in a more accurate

manner? (For assistance, check out this piece on the subject:

<http://www.northwestern.edu/newscenter/stories/2015/06/opinion-suntimes-danie-pixar.html>)

5. Discuss how Ronald Cotton was misidentified by Jennifer Thompson. What factors led to the misidentification? How was her identification strengthened? How did she fail to identify the true perpetrator?

November 23: No class (Friday schedule)

Thanksgiving Recess -- November 24-27
Enjoy! :)

Unit 6: Forensic Science and the Scientific Method

November 28: Fingerprints

Assigned Reading:

A Brief History of Forensics:

<https://www.washingtonpost.com/news/the-watch/wp/2015/04/21/a-brief-history-of-forensics/>

Memorandum Decision (Bryan Rose):

<http://media.trb.com/media/acrobat/2007-10/33446162.pdf>

Recommended Reading: Fingerprints Meet Daubert: The Myth of Fingerprint “Science” is Revealed:

http://www.clpex.com/Information/USvMitchell/RobertEpstein/Robert_Epstein_CA_law%20Review.pdf

Assignment Due November 30:

A victim is carjacked and reports the crime to the police. Two hours later the car is found in a parking lot. A latent thumb print is lifted off the steering wheel. It is run through the Automated Fingerprint Information System. The system produces ten people who are potential matches to the thumb print.

Out of the 10 people, the fingerprint examiner declares the print a match to Shane Mack. Develop three arguments as to how Shane can be innocent of the carjacking. (about 250 words)

November 30: Shaken Baby Syndrome

Assigned Reading:

Brief in Support of a New Trial for Audrey Edmunds:

[http://www.ga-innocenceproject.org/images/SBS%20Seminar-10.12.11/Plunkett%20Supplemental%20Materials/Plunkett%20Zip%20File/Motions/Edmunds%20\(WI\)/Edmunds%20motion,%202007-01-24.pdf](http://www.ga-innocenceproject.org/images/SBS%20Seminar-10.12.11/Plunkett%20Supplemental%20Materials/Plunkett%20Zip%20File/Motions/Edmunds%20(WI)/Edmunds%20motion,%202007-01-24.pdf)

December 5: Final Exam Review

December 7: Shaken Baby Syndrome

No assigned reading

December 12: Innocence in the Context of the Criminal Justice System:

- David Rothenberg, Founder of The Fortune Society
- Justina Otero, Director of NeighborCorps

December 14: Discussion based class: How can we prevent and overturn wrongful convictions? How do wrongful convictions fit into the larger issue of criminal justice reform? Bring your thoughts and ideas!

Have a great winter break! :)

Student-Wellness Services:

Just In Case Web App

<http://codu.co/cee05e>

Access helpful mental health information and resources for yourself or a friend in a mental health crisis on your smartphone or tablet and easily contact CAPS or RUPD.

Counseling, ADAP & Psychiatric Services (CAPS)

(848) 932-7884 / 17 Senior Street, New Brunswick, NJ 08901/ rhscaps.rutgers.edu/

CAPS is a University mental health support service that includes counseling, alcohol and other drug assistance, and psychiatric services staffed by a team of professional within Rutgers Health services to support students' efforts to succeed at Rutgers University. CAPS offers a variety of services that include: individual therapy, group

therapy and workshops, crisis intervention, referral to specialists in the community and consultation and collaboration with campus partners.

Violence Prevention & Victim Assistance (VPVA)

(848) 932-1181 / 3 Bartlett Street, New Brunswick, NJ 08901 / vpva.rutgers.edu/

The Office for Violence Prevention and Victim Assistance provides confidential crisis intervention, counseling and advocacy for victims of sexual and relationship violence and stalking to students, staff and faculty. To reach staff during office hours when the university is open or to reach an advocate after hours, call 848-932-1181.

Disability Services

(848) 445-6800 / Lucy Stone Hall, Suite A145, Livingston Campus, 54 Joyce Kilmer Avenue, Piscataway, NJ 08854 / <https://ods.rutgers.edu/>

The Office of Disability Services works with students with a documented disability to determine the eligibility of reasonable accommodations, facilitates and coordinates those accommodations when applicable, and lastly engages with the Rutgers community at large to provide and connect students to appropriate resources.

Scarlet Listeners

(732) 247-5555 / <http://www.scarletlisteners.com/>

Free and confidential peer counseling and referral hotline, providing a comforting and supportive safe space.