

Wrongful Convictions
Southern Illinois University School of Law
Fall 2019

Professor: Angela Hill
Time/Place: Mondays 6-8:30 pm, Lesar 164
Office Hours: Thursdays, 5:30 pm – 7:30 pm, Faner 4343
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Course Description and Objectives: According to the National Registry of Exonerations, there are more than 1,400 recorded exonerations and an unknown amount of individuals who remain in prison for crimes that they did not commit. The objectives of this course include: understanding the various causes of wrongful convictions (false confessions, ineffective assistance of counsel, unreliable witness identifications, junk science, public corruption, etc.); understanding current law and criminological research on wrongful convictions; and applying that law and research to real-life wrongful conviction stories.

Required Reading:

1. *Actual Innocence* by Barry Scheck, Peter Neufeld, and Jim Dwyer. (“AI”)
2. Cases and Readings posted on TWEN
3. You may also need the ability to buy/rent videos throughout the semester.

Class Attendance: You are expected to attend classes on a regular basis and to be on time. Absences in excess of three (3) classes will be dealt with in accordance with the law school rules and are likely to result in a grade reduction or withdrawal from the course. Attendance will be taken twice for each class, once before and once after break. You are responsible for making sure you sign in each day and for keeping track of your absences. Your signature on the attendance sheet constitutes a representation that you have read the assigned material and are prepared to discuss it in an intelligent fashion. Being prepared also means that you have completed any written assignments on a satisfactory basis. If I call on you and I judge that you are unprepared, I reserve the right to mark you as absent for that class and to deduct participation points. If you are unprepared for class but would like to attend and receive the benefit of the class discussion: (1) do not sign the attendance sheet; (2) give me a note at the start of class with your name and the date. A day of “noting out” counts as one of your permitted absences.

Workload Expectation: The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), “a ‘credit hour’ is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours (at a minimum) of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different

amount of time.” This is a 3-credit hour online class, meaning that the amount of assigned reading and out of class preparation should take you about 6 hours for the week. Applying the ABA standard to the number of credits offered for this class, you should plan on spending a total of 9 hours per week (lecture, video, reading & class preparation) on course-related work.

Make-up Classes: To ensure compliance with ABA Standard 304, this class is required to hold additional class session(s) or to engage in out-of-class assignments to make up for the Labor Day holiday on Monday, September 2 and the Veteran’s Day holiday on Monday, November 11. We will discuss the makeup options on the first day of class.

Professional Behavior: You are expected to be courteous and respectful to everyone in the class at all times, including conduct both in and out of the classroom and on social media. During this class, we will discuss many topics on which personal and political views are likely to vary greatly. In order to test ideas, I strongly encourage open discussion and the expression of different viewpoints in a professional, respectful, and civil manner. While in the classroom, you are expected to keep distractions to a minimum, turn off any noise-making devices, and give the class your full attention. You may use laptops in the classroom for note-taking and other class-related tasks. However, other uses of technological devices are likely to be distracting and possibly even offensive to other persons in the classroom and are therefore prohibited. If I believe there is a problem with improper laptop usage in class, I reserve the right to ban the use of laptops. If it is absolutely necessary for you to enter or leave the classroom while class is in session, please do not disrupt the class upon entering or exiting the room.

TWEN: You should register for this course on TWEN no later than the first week of classes. I will post the syllabus and reading assignments on TWEN, as well as other relevant material and information. You will be expected to check TWEN at least weekly and are responsible for any materials posted on TWEN. I will also periodically send class-related e-mails to the address you list on TWEN, so be sure you list an email address that you check regularly.

Class Recordings: SIU School of Law records all classes at the law school. I do not allow students to video or audio record my in-person lectures.

Evaluation: Your grade will be based on four main components. First 10% of your grade will be based on your attendance and class participation, including your participation in class discussions and your preparation for and participation in simulation exercises during class (mock oral arguments, mock cross-examinations). Participation points for above average class participation are awarded in my discretion based both the quality and quantity of a student’s participation in the class discussion and activities. Each student begins the semester with five class

attendance points; one point is deducted for each half of class missed (up to two points per class). Second, there will be a timed Multi-State Essay Exam (MEE)-style question that will be worth 15% of your grade. Third, there will be a take-home mid-term writing assignment worth approximately 30% of your grade. Fourth, there will be a final take-home writing assignment worth approximately 45% of your grade. The final writing assignment will be distributed during the last week of classes and will be due during the final exam period. More information will be provided regarding these assignments at the appropriate time. I also reserve the right to administer ungraded individual or group assignments throughout the semester.

Plagiarism: Plagiarism is contrary to the SIU School of Law Honor Code (http://www.law.siu.edu/_common/documents/rules-code/honor-code.pdf). Any student who plagiarizes will receive an “F” for the course and be reported to the law school for academic misconduct. For a definition of plagiarism, review SIU’s plagiarism guidelines, <http://siusystem.edu/about/section91.shtml>, or contact me directly.

Emergency Procedures: Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT's website at www.bert.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency. Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

Disability Policy: Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. <http://disabilityservices.siu.edu/>. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations.

Saluki Cares: The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or siucares@siu.edu, <http://salukicare.siu.edu/index.html>.

Schedule (Subject to Change):

Date	Topic	Reading:
Week 1 Aug. 19	Syllabus, Course Overview, Introduction to Wrongful Convictions, CJ System Overview	<ul style="list-style-type: none"> • AI: Intro • https://www.law.umich.edu/special/exonerati on/Documents/exonerations us 1989 2012 full report.pdf • Review www.innocenceproject.org and https://www.law.umich.edu/special/exonerati on/Pages/about.aspx
Week 2 Aug. 26	Criminal Justice Process	<ul style="list-style-type: none"> • AI Chapter 1 • Jon B. Gould & Richard A. Leo, <i>One Hundred Years of Getting It Wrong</i>, 100 J. Crim. L. & Criminology 825 (2010). • <i>Gibson v. State</i>, 758 So. 2d 782 (La. 2000). • <i>Imbler v. Pachtman</i>, 424 U.S. 409 (1976). • <i>Buckley v. Fitzsimmons</i>, 509 U.S. 259 (1993).
Week 3 Sept. 2	Appellate, State Post-Conviction & Habeas Review	<ul style="list-style-type: none"> • Stephanie Roberts Hartung, <i>Missing the Forest for the Trees: Federal Habeas Corpus and the Piecemeal Problem in Actual Innocence Cases</i>, 10 Stan. J. Civ. Rts. & Civ. Liberties 55 (2014). • <i>Corbin v. State</i>, 585 So. 2d 713 (Miss. 1991). • <i>Tucker v. Palmer</i>, 541 F.3d 652 (6th Cir. 2008). • <i>People v. Coleman</i>, 996 N.E.2d 617 (Ill. 2013). • <i>Herrera v. Collins</i>, 506 U.S. 390 (1993). • <i>In re Davis</i>, 130 S. Ct. 1 (2009) (concurrency). • <i>McQuiggin v. Perkins</i>, 569 U.S. 383 (2013).
Week 4 Sept. 9	Eyewitness Misidentification	
Week 5 Sept. 16	False Confessions	
Week 6 Sept. 23	Official Misconduct	

Week 7 Sept. 30	Informants	
Week 8 Oct. 7	Junk Science	
Week 9 Oct. 14	Incompetent Defense	
Week 10 Oct. 21	Plea Bargaining	
Week 11 Oct. 28	Race	
Week 12 Nov. 4	Death Penalty	
Week 13 Nov. 11	Executive Clemency, Innocence Commissions, Post-Exoneration	
Week 14 Nov. 18	TBA	