WRONGFUL CONVICTIONS
Fall 2010
Class Syllabus
Professor Tiffany R. Murphy
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Class Meetings: Mondays & Wednesday 1:00 pm to 2:15 pm (Room 2-200A)

Course Rationale and Materials:
Wrongful Convictions will encompass a study of the substantive causes of wrongful convictions and the procedural mechanisms allowing for the litigation of actual innocence claims. The focus of this class is the methodology used to investigate and develop claims of actual innocence. During the course of the semester, students will review actual cases of wrongful convictions and processes necessary for exoneration. Towards the end of the semester, state and federal post-conviction remedies will be covered.

Textbooks:  The Innocent Man by John Grisham
Actual Innocence by Barry Scheck, Peter Neufeld, & Jim Dwyer

Course materials may be found on Blackboard.

Grading:
75% of your grade is determined by your Final Project (Case Assessment)
25% of your grade is determined by class participation

Internet Use Policy – If you are caught on the internet during class discussion, the first offense is a warning. The second time, your participation grade will drop.

Final:  Case Assessment
Each student will be assigned an actual case from the Midwestern Innocence Project. The case file will include trial transcripts, a completed questionnaire, and correspondence, along with some police reports, appellate briefing and miscellaneous files. Your assignment will be to review the materials and draft a case assessment comprised of the following sections: a procedural history of the case, a summary of the trial facts leading to the conviction, the causes of wrongful

1 Both the Innocent Man and Actual Innocence can be purchased from your local bookstore or Amazon.com.
conviction, an investigative plan, and how innocence can be established. All provided materials are confidential and are protected by attorney/client privilege.²

Criteria used to grade Case Assessment:
- Writing (see attached writing guidelines posted on Blackboard)
- Research on the topic (proper citations required)
  - The vast majority of the materials will be given to you from the class and your actual case file. However, you may find additional helpful information using Lexis or Westlaw and other court related websites.
  - I will review and provide edits on drafts up to November 24, 2010, but not after.³
- The paper is due on December 16, 2010!⁴

Research and Writing Credit:
The Research and Writing Credit may be satisfied with the case assessment. However, you must do additional outside research and go through the editing/rewrite process in order to satisfy the requirement. You may continue to work on this paper after Wrongful Convictions ends in order to meet the requirements for this paper. Please see me outside of class to sign necessary documentation or to answer any questions.

Participation:
Please read each assignment with care before class. Classroom time will primarily entail discussing the assigned readings, including an in-depth analysis of the assigned cases and application of the principles derived therefrom.

A vital part of the classroom experience is participation by all members of the class. It not only facilitates consideration of substantive law, but it is also essential preparation for your future as practicing attorneys. I encourage all students to express their views, and I encourage students to use other students’ comments as a springboard for further discussion. I expect, however, that all students will treat speakers and their comments with respect. Failure to so act may affect your final grade.

² You may not discuss any aspect of your case and the related files with anyone not in the class or not employed by the Midwestern Innocence Project. You may not disclose any of the materials to anyone not employed by the MIP or in the wrongful conviction class.
³ It behooves you to get your drafts in to me early. The closer to the deadline that you wait diminishes the amount of edits and comments I can provide and return the paper to you by Thanksgiving.
⁴ There will be no exceptions for a late paper! It must be received in hardcopy in my mailbox at UMKC by 5 pm, or via email by 11:59 pm on Thursday, December 16, 2010.
Because preparation is critical for classroom participation, I expect everyone to be prepared to discuss the assigned readings each day of class. If you are unprepared due to an emergency or other unavoidable problem, please inform me before class. If you are unable to inform me before class, please inform me immediately after class. Otherwise, if you are called upon and are unprepared, it will affect your grade.

During class, please silence or turn off all cell phones, beepers, PDAs and similar electronic communication devices. If an emergency requires otherwise, please advise me in advance. Use of laptops to take notes during class is permitted. Please refrain from sending emails, instant messaging, using the internet, or playing games during class. Such actions distract you, your classmates around you, and me, all of which I consider disrespectful. If I determine that you are repeatedly acting in a disrespectful manner, it will affect your grade.

Disabled Student Services

UMKC endeavors to make all activities, programs and services accessible to students with disabilities. A Campus Coordinator for Disabled Student Services is available to arrange for reasonable accommodations. If you need accommodations, it is important that you contact the Coordinator as soon as possible to arrange for providing appropriate documentation and the prescribing of reasonable accommodations in the classroom and for exams. For information call (816) 235-5696. Speech and hearing impaired use Relay Missouri, 1-800-735-2966 (TT) or 1-800-735-2466 (Voice.) For questions or further information, see Adela Fleming in the Law School Administrative Suite.
WEEK I

OVERVIEW: LESSONS FROM INNOCENCE CASES & HOW DO THEY GET THERE?

MONDAY


WEDNESDAY


E. The Innocent Man Chapters 1 – 4.

F. Actual Innocence Preface, Chapters 1 & 11.

WEEK II

PROCEDURAL HURDLES: STATE POSTCONVICTION REMEDIES

MONDAY

A. Missouri Court Rule 29.15

B. Missouri Court Rule 91

C. MO. Rev. Stat. §§ 547.035 & 547.037

D. Simmons v. White, 866 S.W.2d 443 (Mo. Sup. Ct. 1993).

WEDNESDAY

F. Troy Davis’ Amended Petition for Writ of Habeas Corpus filed November 6, 1996.

G. Order Denying Davis’ Amended Petition for Writ of Habeas Corpus filed on September 7, 1997.

H. *The Innocent Man*, Chapters 10-12.

WEEK III

PROCEDURAL HURDLES: FEDERAL HABEAS CORPUS

WEDNESDAY

A. 28 U.S.C. § 2241

B. 28 U.S.C. § 2254


F. *The Innocent Man*, Chapter 13

WEEK IV

PROCEDURAL HURDLES: NEWLY DISCOVERED EVIDENCE

MONDAY


**WEDNESDAY**


E. *In Re Troy Davis*, 130, S.Ct. 1; 557 U.S. ____ (2009).

F. *The Innocent Man* Chapter 14

**SUBSTANTIVE CLAIMS**

**WEEK V**

**CAUSES OF WRONGFUL CONVICTIONS: MISSTaken EYWITNESS IDENTIFICATION**

**MONDAY**

A. Thompson, “I Was Certain, but I Was Wrong,” *New York Times* (June 18, 2000).


**WEDNESDAY**

E. Innocence Project, Reevaluating Lineups: Why Witnesses Make Mistakes and How to Deduce the Chance of a Misidentification, (2009).


G. *Actual Innocence* Chapter 3
WEEK VI

CAUSES OF WRONGFUL CONVICTIONS: FALSE CONFESSIONS

MONDAY

A. Missouri Revised Statute § 500.700.


WEDNESDAY


H. *Actual Innocence* Chapter 4

I. *The Innocent Man* Chapters 5-6

WEEK VII

CAUSES OF WRONGFUL CONVICTIONS: UNRELIABLE FORENSIC SCIENCE

MONDAY


WEDNESDAY


F. Actual Innocence Chapters 5 & 7

G. The Innocent Man Chapters 7-8

WEEK VIII

CAUSES OF WRONGFUL CONVICTIONS: JAILHOUSE SNITCHES

MONDAY


B. United States v. Singleton, 165 F.3d 1297 (10th Cir. 1999) (en banc).

C. Motion to Preclude Creation of Snitch Testimony

D. Actual Innocence Chapter 6

WEDNESDAY


WEEK IX

CAUSES OF WRONGFUL CONVICTIONS: POLICE MISCONDUCT

MONDAY


WEDNESDAY

D.  NAACP Amicus Brief *In Re Troy Davis* pp. 13-16.


F.  *Actual Innocence*  Chapter 8

G.  *The Innocent Man*  Chapter 9

WEEK X

CAUSES OF WRONGFUL CONVICTIONS: PROSECUTORIAL MISCONDUCT

MONDAY


WEDNESDAY


WEEK XI

CAUSES OF WRONGFUL CONVICTIONS: INEFFECTIVE ASSISTANCE OF COUNSEL

MONDAY


WEDNESDAY

D. ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases. February 2003


G. Actual Innocence Chapter 9
WEEK XII

DNA EVIDENCE

MONDAY

A. NIJ, “Postconviction DNA Testing: A Recommendation for Handling Requests” (Executive Summary and chapters 1-6).

B. NIJ, “What Every Law Enforcement Officer Should Know About DNA Testing”

C. Actual Innocence  Chapter 2

WEDNESDAY


WEEK XIII

PRESERVATION OF EVIDENCE & POSTCONVICTION ACCESS TO DNA

MONDAY


WEDNESDAY


WEEK XIV

MONDAY

EXECUTIVE CLEMENCY


E. Governor Ryan’s Address at Depaul University School of Law

WEDNESDAY

LIFE AFTER EXONERATION


D. The Innocent Man Chapter 15-End