



Brandon L. Garrett

# CONVICTING THE INNOCENT

WHERE CRIMINAL

PROSECUTIONS

GO WRONG

# Convicting The Innocent Where Criminal Prosecutions Go Wrong

**Brandon L. Garrett**



## **Convicting The Innocent Where Criminal Prosecutions Go Wrong:**

**Convicting the Innocent** Brandon L. Garrett, 2012-09-03 On January 20 1984 Earl Washington defended for all of forty minutes by a lawyer who had never tried a death penalty case was found guilty of rape and murder in the state of Virginia and sentenced to death After nine years on death row DNA testing cast doubt on his conviction and saved his life However he spent another eight years in prison before more sophisticated DNA technology proved his innocence and convicted the guilty man DNA exonerations have shattered confidence in the criminal justice system by exposing how often we have convicted the innocent and let the guilty walk free In this unsettling in depth analysis Brandon Garrett examines what went wrong in the cases of the first 250 wrongfully convicted people to be exonerated by DNA testing Based on trial transcripts Garrett s investigation into the causes of wrongful convictions reveals larger patterns of incompetence abuse and error Evidence corrupted by suggestive eyewitness procedures coercive interrogations unsound and unreliable forensics shoddy investigative practices cognitive bias and poor lawyering illustrates the weaknesses built into our current criminal justice system Garrett proposes practical reforms that rely more on documented recorded and audited evidence and less on fallible human memory Very few crimes committed in the United States involve biological evidence that can be tested using DNA How many unjust convictions are there that we will never discover Convicting the Innocent makes a powerful case for systemic reforms to improve the accuracy of all criminal cases [University of Chicago Law Review: Volume 79, Number 2 - Spring 2012](#) University of Chicago Law Review, 2012-11-22 A leading law review offers a quality eBook edition This second issue of 2012 features articles and essays from internationally recognized legal scholars Authors include Eric Biber writing on variations in scientific disciplines experts and environmental law Frederic Bloom and Christopher Serkin on suing courts and takings of property Myriam Gilles and Gary Friedman on aggregating consumer litigation after the AT and David Skeel Jr on the possibility of bankruptcy for several U S states In addition the issue includes book review essays by Aziz Huq concerning the power and limits of the executive branch and by Laura Nirider Joshua Tepfer and Steven Drizin on convicting the innocent and false confessions Finally an extensive student contribution explores antitrust law state immunity from suit and state licensing boards In the eBook edition Tables of Contents are active including those for individual articles footnotes are fully linked and properly numbered graphs and figures are reproduced legibly URLs in footnotes are active and proper eBook formatting is used [Innocence Unveiled](#) Michele Ruyters, Gregory Stratton, Alyssa Sigamoney, Monique Moffa, Jarryd Bartle, 2025-08-25 The book examines the unique dynamics surrounding wrongful convictions particularly in Australia Transcending the established understanding of wrongful conviction that emerged from the US innocence movement the book provides a holistic insight into errors in the Australian justice and legal systems that lead to acknowledged and legally unacknowledged errors Built upon the experiences of the country s innocence projects the book moves beyond the established causal factors recognized in the international experience of wrongful conviction to highlight structural and

systemic elements that contribute to miscarriages of justice around the world By offering a global perspective on the struggles of the wrongfully convicted the book provides a nuanced discussion of why the innocent are convicted of crimes they did not commit and why overturning these errors is increasingly complex and difficult and more so outside of America It also presents the risk of wrongful conviction from the perspective of innocence project practitioners who work with cases that can progress through appeal structures and those that unfortunately do not meet the requirements despite evidence of their client s innocence Overall the book expands discussions of what factors contribute to wrongful conviction to support more advocacy research and policy reform across legal and justice systems *Wrongful Convictions in China* Na

Jiang,2016-08-08 The primary focus of this comparative and empirical work is to address wrongful convictions between China and common law countries in order to promote a better understanding of wrongful convictions in China s practice with the help of comparative analyses verifiable and empirical data and case studies It examines the scope of wrongful convictions and offers new insights into the worldwide movement to prevent them assesses how far it has progressed and what reforms are most needed The book suggests that adversarial and inquisitorial systems alike could benefit from this research and learn valuable lessons from one another on how to effectively reduce the risk of wrongful convictions **The Politics of**

**Innocence** Robert J. Norris,William D. Hicks,Kevin J. Mullinix,2023-09-19 A demonstration of how wrongful convictions have transformed American criminal justice and how political ideology divides and shapes the innocence movement s fight for reform *Wrongful Conviction and Criminal Justice Reform* Marvin Zalman,Julia Carrano,2013-10-30 Wrongful Conviction

and Criminal Justice Reform is an important addition to the literature and teaching on innocence reform This book delves into wrongful convictions studies but expands upon them by offering potential reforms that would alleviate the problem of wrongful convictions in the criminal justice system Written to be accessible to students Wrongful Conviction and Criminal Justice Reform is a main text for wrongful convictions courses or a secondary text for more general courses in criminal justice political science and law school innocence clinics **Wrongful Convictions and Miscarriages of Justice** C.

Ronald Huff,Martin Killias,2013 This innovative work builds on Huff and Killias earlier publication 2008 but is broader and more thoroughly comparative in a number of important ways 1 while focusing heavily on wrongful convictions it places the subject of wrongful convictions in the broader contextual framework of miscarriages of justice and provides discussions of different types of miscarriages of justice that have not previously received much scholarly attention by criminologists 2 it addresses in much greater detail the questions of how and how often wrongful convictions occur 3 it provides more in depth consideration of the role of forensic science in helping produce wrongful convictions and in helping free those who have been wrongfully convicted 4 it offers new insights into the origins and current progress of the innocence movement as well as the challenges that await the exonerated when they return to free society 5 it assesses the impact of the use of alternatives to trials especially plea bargains in the U S and summary proceedings and penal orders in Europe in producing wrongful

convictions 6 it considers how the U S and Canada have responded to 9 11 and the increased threat of terrorism by enacting legislation and adopting policies that may exacerbate the problem of wrongful conviction and 7 it provides in depth considerations of two topics related to wrongful conviction voluntary false confessions and convictions which although technically not wrongful since they are based on law violations represent another type of miscarriage of justice since they are due solely to unjust laws resulting from political repression

*Flawed Convictions* Deborah Tuerkheimer, 2015 This book surveys the scientific cultural and legal history of Shaken Baby Syndrome from inception to formal dissolution It exposes extraordinary failings in the criminal justice system s treatment of what is in essence a medical diagnosis of murder Publisher s description

**The Oxford Handbook of Prosecutors and Prosecution** Ronald F. Wright, Kay L. Levine, Russell M. Gold, 2021-04-30 The power of the modern prosecutor arises from several features of the criminal justice landscape widespread use of law and order political rhetoric and heightened fear of crime among voters legislatures embrace of extreme sentencing ranges to respond to such concerns and the uncertain or limited accountability of prosecutors to the electorate the bar or other political and professional constituencies The convergence of these trends has transformed prosecution into an indispensable field of study This volume brings together the work of leading international scholars across criminology sociology political science and law along with contributions from reform minded practitioners to examine a variety of issues in prosecutorial behaviour and the institutional structures that frame their behavior The Handbook connects the dots among existing theoretical and empirical research related to prosecutors Major sections of the volume cover 1 prosecutor performance during distinct phases of a criminal case 2 the features of the prosecutor s environment both inside the office and external to the office that influence the choices of individual prosecutors and office leaders and 3 prosecutorial strategies and priorities when dealing with specialized types of crimes victims and defendants Taken together the chapters in this volume identify the founding texts discuss leading theoretical and methodological approaches explain the scope of unresolved issues and preview where this field is headed The volume provides a bottom up view of an important new scholarly field

**Questioning Capital Punishment** James R. Acker, 2014-06-13 The death penalty has inspired controversy for centuries Raising questions regarding capital punishment rather than answering them Questioning Capital Punishment offers the footing needed to allow for more informed consideration and analysis of these controversies Acker edits judicial decisions that have addressed constitutional challenges to capital punishment and its administration in the United States and uses complementary materials to offer historical empirical and normative perspectives about death penalty policies and practices This book is ideal for upper level undergraduate and graduate classes in criminal justice

*The Psychology and Sociology of Wrongful Convictions* Wendy J Koen, C. Michael Bowers, 2018-06-26 Wrongful convictions are the result of faulty or false scientific evidence in 50% of the cases Defense counsel is often at a great disadvantage in defending against evidence based on science Illusory Evidence The Psychology and Sociology of Wrongful Convictions is written for the

non scientist to make complicated scientific information clear and concise enough for attorneys and judges to master This is obtained by providing case studies to simplify issues in forensic psychology for the legal professional Increases the courts knowledge about areas of psychology that have been debunked have advanced or have been refined by the scientific community Covers issues in psychological forensics namely Profiling Psychological Defenses Mitigation Eyewitness Testimony Identification Child Testimony Repressed Memories False Confessions and Moral Panic Trains prosecuting attorneys about the present state of the forensic psychology to avoid relying only on legal precedent and will not present flawed science to the court Provides defense attorneys the knowledge necessary to competently defend where forensic psychology plays a part in a prosecution Arms innocence projects and appellate attorneys with the latest information to challenge convictions Uses case studies to simplify issues in forensic psychology for the legal professional

**Wrongful Conviction in Sexual Assault** Matthew Barry Johnson,2021 Despite the increasing public and academic interest in exonerations Wrongful Conviction in Sexual Assault is the first book to examine the preponderance of sexual assault cases among US wrongful convictions The book presents compelling coverage of high profile wrongful conviction cases and also lesser known cases that reveal disturbing patterns and demand attention

Reasons to Doubt Carolyn Hoyle,Mai Sato,2019-01-10 This book reveals what happens to applications for post conviction review when those in England Wales and Northern Ireland who believe they are wrongfully convicted apply to the Criminal Cases Review Commission the only body that can refer a case back to the Court of Appeal once appellants opportunities for direct appeal are exhausted While the Court is obliged to hear all such referrals the Commission can only refer a case where it believes there is a real possibility that the Court will quash the conviction The first empirical study of all stages of decision making within the Commission this book starts from the premise that the test applied by the Commission the real possibility test is not inflexible Though created by statute and refined through case law it must be determined on a case by case basis drawing too on cultural and structural variables alongside fresh evidence gathered by the Commission Through in depth analysis of case files and interviews Hoyle and Sato scrutinize the Commissions operational practices its working rules and assumptions considering how these influence its understanding of the real possibility test Situating their rich empirical data within a framework of the Commissions social organizational and legal contexts this book demonstrates that in its open ended investigations there is considerable scope for discretion for thorough exploration of all possible avenues or for choosing a more superficial consideration of a case It emerges that while structured internal guidance drawing heavily on Court jurisprudence shapes decision making creating consistency in approach there remains some variability across cases over time that can be accounted for by the different professional backgrounds and personalities of Commission staff

**Taming the Presumption of Innocence** Richard L. Lippke,2016-02-01 The notion that an individual accused of a crime is presumed innocent until proven guilty is one of the cornerstones of the American criminal justice system However the presumption of

innocence creates a number of practical and theoretical issues particularly regarding pre trial and post trial processes In *Taming the Presumption of Innocence* Richard L Lippke argues that the presumption of innocence should be contained to the criminal trial Beyond the realm of the trial legal professionals investigators and the general public should carry out their respective roles in the criminal justice process without making any presumptions about guilt or innocence whatsoever Rather than eschewing the significance of the presumption of innocence the book defends its role within its proper context the criminal trial According to Lippke other aspects of the criminal justice system such as investigation lawmaking and treatment of ex offenders should be conducted in such a way that reflects the fallibility and unpredictability of the system without involving the issue of presumed guilt or innocence Lippke dispels the idea that the presumption of innocence can be used to remedy some of the current issues in the practice of criminal justice and instead proposes engaging in deeper more substantive reforms of the American criminal justice system The first monograph dedicated exclusively to the presumption of innocence *Taming the Presumption of Innocence* will be an ideal text for students and scholars of criminology criminal justice and legal theory

*Miscarriages of Justice* Brent E. Turvey, Craig M Cooley, 2014-05-19 Miscarriages of justice are a regular occurrence in the criminal justice system which is characterized by government agencies that are understaffed underfunded and undertrained across the board We know this because every week DNA testing and innocence projects across the United States help to identify and eventually overturn wrongful convictions As a result the exonerated go free and the stage is set for addressing criminal and civil liability Criminal justice students and professionals therefore have a need to be made aware of the miscarriage problem as a threshold issue They need to know what a miscarriage of justice looks like how to recognize it s many forms and what their duty of care might be in terms of prevention They also need to appreciate that identifying miscarriages and ensuring legal remedy is an important function of the system that must be honored by all criminal justice professionals The purpose of this textbook is to move beyond the law review casebook and true crime publications that comprise the majority of miscarriage literature While informative they are not designed for teaching students in a classroom setting This text is written for use at the undergraduate level in journalism sociology criminology and criminal justice programs to introduce college students to the miscarriage phenomenon in a structured fashion The language is more broadly accessible than can be found in legal texts and the coverage is multidisciplinary *Miscarriages of Justice Actual Innocence Forensic Evidence and the Law* focuses on the variety of miscarriages issues in the United States legal system Written by leaders in the field it is particularly valuable to forensic scientists and attorneys evaluating evidence or preparing for trial or appeal in cases where faulty evidence features prominently It is also of value to those interested in developing arguments for miscarriage in post conviction review of criminal cases Chapters focus specifically on issues of law enforcement bias and corruption false confessions ineffective counsel and prosecutorial misconduct forensic fraud and more The book closes by examining innocence projects and commissions and civil remedies for the wrongfully convicted This text ultimately presents

the issue of miscarriages as a systemic and multi disciplinary criminal justice issue It provides perspectives from within the professional CJ community and it serves as warning to future professionals about the dangers and consequences of apathy incompetence and neglect Consequently it can be used by any CJ educator to introduce any group of CJ students to the problem Written by practicing criminal justice professionals in plain language for undergraduate students Covers multiple perspectives across the criminal justice system Informed by experience working for Innocence Projects across the United States to achieve successful exonerations Topical case examples to facilitate teaching and learning Companion website featuring Discussion topics Exam questions and PowerPoint slides <http://textbooks.elsevier.com/web/Manuals.aspx?isbn=9780124115583> **Controversies in Innocence Cases in America** Sarah Lucy Cooper, 2016-05-13 Controversies in Innocence Cases in America brings together leading experts on the investigation litigation and scholarly analysis of innocence cases in America from legal political and ethical perspectives The contributors many of whom work on these cases daily investigate contemporary issues presented by innocence cases and the exoneration movement as a whole These issues include the challenges faced by the movement causes of wrongful convictions problems associated with investigating proving and defining innocence and theories of reform Each issue is placed within a multi disciplinary perspective to provide cogent observations and recommendations for the effective handling of these cases and for what changes should be adopted in order to improve the American criminal justice system when it is faced with its most harrowing sight an innocent defendant

**Research Handbook on Plea Bargaining and Criminal Justice** Máximo Langer, Mike McConville, Luke Marsh, 2024-04-12 Bringing together established and emerging scholars from around the world the Research Handbook on Plea Bargaining and Criminal Justice examines the practice of plea bargaining through which guilty pleas are secured and trials are avoided *Miscarriages of Justice in Canada* Kathryn M. Campbell, *Narratives of Guilt and Innocence* Ralph Grunewald, 2023-07-11 This book puts wrongful convictions into a narrative and comparative context showing that processes of narrativization affect how legal reality is constructed and function as their own kind of evidence the desire to tell a convincing story is universal and can override the regulatory and procedural setup of any given system Professional Issues in Forensic Science Max M. Houck, 2015-04-15 Professional Issues in Forensic Science will introduce students to various topics they will encounter within the field of Forensic Science Legal implications within the field will focus on expert witness testimony and procedural rules defined by both legislative statute and court decisions These decisions affect the collection analysis and court admissibility of scientific evidence such as the Frye and Daubert standards and the Federal Rules of Evidence Existing and pending Forensic Science legislation will be covered including laws governing state and national DNA databases Ethical concerns stemming from the day to day balancing of competing priorities encountered by the forensic student will be discussed Such competing priorities may cause conflicts between good scientific practice and the need to expedite work meet legal requirements and satisfy client s wishes The role of individual morality in Forensic Science



and competing ethical standards between state and defense experts will be addressed Examinations of ethical guidelines issued by various professional forensic organizations will be conducted Students will be presented with examples of ethical dilemmas for comment and resolution The management of crime laboratories will provide discussion on quality assurance quality control practices and the standards required by the accreditation of laboratories and those proposed by Scientific Working Groups in Forensic Science The national Academy of Sciences report on Strengthening Forensic Science will be examined to determine the impact of the field Professional Issues in Forensic Science is a core topic taught in forensic science programs This volume will be an essential advanced text for academics and an excellent reference for the newly practicing forensic scientist It will also fit strategically and cluster well with our other forensic science titles addressing professional issues Introduces readers to various topics they will encounter within the field of Forensic Science Covers legal issues accreditation and certification proper analysis education and training and management issues Includes a section on professional organizations and groups both in the U S and Internationally Incorporates effective pedagogy key terms review questions discussion question and additional reading suggestions

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unit vector in the direction of  $\mathbf{f}$   $\frac{1}{\sqrt{13}}$   $\frac{2}{\sqrt{13}}$   $\frac{1}{\sqrt{13}}$  unit

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