WRONGFUL CONVICTIONS
PAT FURMAN
FALL, 2004 SYLLABUS

Class meets from 6:00 p.m. to 7:40 p.m. on Wednesday in room 294. Class attendance is mandatory. See me if you must miss a class. The text is Wrongly Convicted: Perspectives on Failed Justice, (WC) edited by Westervelt and Humphrey. Additional material will be posted on the TWEN page for this course. The password for the TWEN page, which should not be shared with anyone outside the Wrongful Convictions Clinic, is HPFurman. If you want to do some completely voluntary additional reading, come by my office and borrow a copy of Actual Innocence, by Scheff, Neufeld and Dwyer; it has some excellent case histories of wrongful convictions. In addition to the reading and class work, each student will be responsible for one or more cases that are being handled by the Colorado Innocence Project or by the Wrongful Convictions Clinic, and/or for other projects dealing with wrongful convictions such as legislation or public education.

Wednesday, August 25
An overview: An introduction to wrongful convictions, the Wrongful Convictions Clinic and the Colorado Innocence Project. Cases and projects will be discussed.
A personal view: Beth Krulewitch, a former Public Defender who is now in private practice in Denver, will talk about the case of People v. Medina, in which she freed a Colorado prison inmate wrongfully convicted of murder.
Assignment: WRONGFUL CONVICTIONS AND THE ACCURACY OF THE CRIMINAL JUSTICE SYSTEM, in the Overview section of the TWEN page; and WC, Foreword, Introduction and Chapter 1.

Wednesday, September 1
Case reviews: The teams that received cases will report to the class. The report should consist of a clear and concise description of the overall factual and procedural status of the case, suggestions about how best to proceed, and any questions about the next steps.
Assignment: WC, Chapters 7, 8 and 9.

Wednesday, September 8
Prosecutorial Conduct: Brian Quiram, a Chief Deputy District Attorney in Boulder, will discuss the institutional protections that help guard against prosecutorial misconduct, and the causes of and remedies for such misconduct.
Assignment: WC, Chapter 4; and INSTITUTIONAL PROTECTIONS and PROSECUTORIAL MISCONDUCT in the Prosecution Conduct section of the TWEN page.

Wednesday, September 15
State court remedies: Pam Dayton, an attorney in the Appellate Division of the Colorado Public Defender, will discuss post-conviction remedies in Colorado state court available to persons who are claiming they were wrongfully convicted.
Assignment: READ STATE COURT REMEDIES in State Appellate Remedies on the TWEN page.
**Wednesday, September 22**
Federal Court remedies: Madeline Cohen, an appellate specialist with the Federal Public Defender, and member of the Colorado Innocence Project Review Committee, will discuss post-conviction remedies in federal court available to state and federal prisoners who are claiming they were wrongfully convicted.
Assignment: Read **Federal Appellate Remedies** on the TWEN page.

**Wednesday, September 29**
No Class. Early start on Fall Break.

**Wednesday, October 6**
Case reports: Students will report on the status of their cases or other projects.
DNA and Innocence: Steve Jacobson, a DNA expert in the Office of Public Defender, will discuss DNA science and admissibility.
Assignment: WC, Chapter 12; and *People v. Shreck*, 22 P.3d 68 (Colo. 2001)

**Wednesday, October 13**
Discovery issues: Doug Wilson, head of the Pueblo regional office of the Public Defender, and a capital crimes specialist, will discuss how to uncover and litigate discovery issues generally and in the context of post-conviction proceedings.

**Wednesday, October 20**
Cooperating Witnesses: Sharlene Reynolds, a capital crimes specialist in the Office of Public Defender, will discuss how to obtain and use information about snitches.
Assignment: WC, Chapters 3 and 10, and *Snitches*, on the TWEN Page.

**Wednesday, October 27**
Mistaken identification: Lisa Wayne, a former public defender who is now in private practice, will discuss the problems with eyewitness identifications, particularly cross-racial identifications, the methods for attacking lineups and identifications, the use of expert witnesses, and some ways to improve the process.
Assignment: Chapter 6.

**Wednesday, November 3**
Case reports: Students will report on the status of their cases or other projects.
The death row picture: Michael Radelet, a C.U. Sociology Professor and a leading expert on capital punishment, will give us an overview and some insights into the residents of death row in America and the factors that lead to wrongful death sentences.
Assignment: WC, Chapters 5 and 14.

**Wednesday, November 10**
Legislative Remedies: Senator Ken Gordon, former chair of the Senate Judiciary Committee, and Maureen Cain, lobbyist for the Colorado Criminal Defense Bar, will discuss the legislative process as it relates to passing legislation that affects the criminal justice system, and the students working on our legislative proposal will report on the process they used to create the legislation and prepare it for presentation to the legislature.
Assignment: WC, Chapter 13.

**Wednesday, November 17**
Ineffective assistance of counsel: Jeff Pagliuca, a Denver lawyer in private practice who deals with claims of ineffective assistance of counsel in various capacities (as an expert witness, a lawyer pursuing claims of ineffective assistance, and as a lawyer representing lawyers charged with ethical violations or malpractice relating to ineffective assistance), will discuss how bad defense lawyers create bad results, and what we can do about it.
Assignment: WC, Chapter 11.

**Wednesday, November 24**
False confessions: We will discuss how police procedures and human nature can lead to false confessions and the dramatic impact such confessions can have on the resolution of criminal cases.
Assignment: WC, Chapter 2.

**Wednesday, December 1**
Wrap-up: faculty and course evaluation forms. Discussion of how to improve the course.