

**The University of Western Ontario
DEPARTMENT OF SOCIOLOGY
SOCIOLOGY 3312/650: WRONGFULLY CONVICTED
Summer 2015 On-line**

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Some Canadian wrongful conviction victims: Donald Marshall Jr., James Driskell, David Milgaard, William Mullins-Johnson, Steven Truscott, Kyle Unger

COURSE DESCRIPTION

The course will critically explore the phenomenon of wrongful convictions with an emphasis on systemic bias and the intersection of race, gender, class, age, and mental disability; the causes of wrongful convictions – eyewitness testimony, informants, expert testimony; forensic evidence; tunnel vision, interrogation techniques; and the biases of the police, the prosecution, and the judiciary, as well as, ineffective defense counsel .

REQUIRED TEXTS

The following books are required and available at the University Bookstore.

- *Manufacturing Guilt* (2nd edition), 2009, Anderson & Anderson, Fernwood Press, **MG**
- *When Justice Is a Game*, 2009, Maidment, Fernwood Press, **JG**

Note: In addition, further required readings have been uploaded to **Readings** on the class' OWL homepage.

LEARNING OUTCOMES

The successful student will be able to:

1. Think critically about the way in which the criminal justice system perpetuates wrongful convictions.
2. Understand the etiology of systemic bias through examining the impact of factors associated with the wrongful convictions of those who are marginalized in this country.
3. Make an argument about the relevance of racial or gender or class bias on the wrongful conviction phenomenon in a particular case.
4. Identify what remedies are available once a finding of systemic bias has been made.
5. Identify and propose areas of reform to address the fallibility of the criminal justice system.

METHOD OF EVALUATION

Wiki Construction Leaders	20%
Graded Discussions	30%
Video Project or Essay	25%
Exam	25%

Prerequisite(s): Sociology 2253 (Administration of Criminal Justice) and Sociology 2266 (Introduction to Criminology).

Unless you have either the requisites or written special permission from your Dean to enroll in it, you will be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees in the event that you are dropped from a course for failing to have the necessary prerequisites.

On-line Class Structure:

This class may be different from any other on-line class in which you as students have participated. Throughout the course, we (students & and professor) are going to become a class of collaborators working together to develop a “Wiki Master Notebook” about the Wrongfully Convicted, from which all participants can study. In each lecture section, one or two students, having done the readings, will in the “edit” mode of the Wiki, input the important, key ideas, concepts, and theories under the headings provided for each section in the Master Wiki. This must be completed by the last day of each section (example: 2a, 2b). I will assess both the quantity and quality of those contributions – a significant 20% of a student’s overall grade. Wiki allows the instructor to monitor the contribution of each Construction Leader in a group. In other words, each member of a group will be assessed individually. If key material is not addressed and entered, I will add it.

To assist students in understanding how to use the “Wiki” and what it should look like, I will enter the key data for Lectures 1–a ,b, and later will add 6 -a. Students can contact

our ITRC support person – Ramon Sanchez if they need assistance at 85513 or rsanchez@uwo.ca.

This Master Wiki notebook will be the basis of the final exam.

Graded Discussions:

This is worth 30% of your final grade in this course. Students will be required to post observations and critical ideas in the week a video is shown and will be required to participate in 6 of 8 graded video discussions for an evaluation worth 30% of the final grade.

Graded discussions of videos will close on the Sunday of each week at midnight given each week begins on a Monday (including the May long weekend).

Video Project:

Students can choose to develop a 15 to 20 minute video examining or analyzing an “Exonoree”, detailing the components / factors which led to the conviction of their Exonoree.

A video can incorporate materials (video clips, transcripts, Internet material) to add to or clarify a case.

Organize your presentation very carefully (introduction, review of relevant issues, conclusion). The video is worth 25%.

Instructions on the technical aspects of creating a video will be made available under the Course Content tab.

The video will be uploaded to the “Assignment” folder by 5pm on the 11th of June.

or

Essay:

Students can choose to write an analysis of an Exonoree, detailing the components / factors which led to the conviction of their Exonoree.

The paper must be 8 pages in length, double-spaced, and typewritten. The paper is worth 25%. The papers will be graded on writing quality, clarity of ideas, and evidence of solid comprehension. Lack of proofreading, grammatical, and punctuation errors will result in a **substantially reduced** grade. Please see marking matrix at end of syllabus for requirements. It will also be available under the Course Content tab. Essays must be uploaded to Turnitin in the “Assignment” folder by 5pm on the 11th of June.

Plagiarism

Students must write their assignments in their own words. Whenever students take an idea, or a passage from another author, they must acknowledge their debt both by using quotation marks where appropriate and by proper referencing such as footnotes or citations. Plagiarism is a major academic offence (see Scholastic Offence Policy in the Western Academic Calendar).

Plagiarism Checking

All reaction papers will be uploaded to Turnitin.com on the class web site. These papers will be subject to submission for textual similarity review. All papers submitted will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system.

Exam

The exam may be composed of multiple-choice questions drawn from the Master Wiki. It will be held in the final exam period and will be 2 hours long.

Scantron Exams

Computer-marked multiple-choice tests and/or exams will be subject to submission for similarity review by software that will check for unusual coincidences in answer patterns that may indicate cheating.

Missed Exam and Late Assignments

You should understand that academic accommodation will not be granted automatically on request. If, due to medical illness, you cannot write an exam, or submit an assignment by the due date, it is your responsibility to follow the University's **new** "Policy on Accommodation for Medical Illness". This policy can be accessed at:

http://www.uwo.ca/univsec/pdf/academic_policies/appeals/accommodation_medical.pdf.

Compassionate Grounds

Serious Illness of a Family Member: Inform your instructor as soon as possible and submit a medical certificate from the family member's physician to your home faculty's Academic Counseling office.

In Case of a Death: Inform your instructor as soon as possible and submit a copy of the newspaper notice, death certificate or documentation provided by the funeral director to your home faculty's Academic Counseling office.

Grades and Grading

Grades (except the final year-end mark) will be posted to the OWL site as they become available.

Grade Distributions

The Department of Sociology at the University of Western Ontario has adopted grade distribution guidelines which all instructors are required to follow. For Sociology courses at the 3100 and 3200 level:

- "A"s are not to exceed "B"s and
- Means must be in the range of 70-74%

Policy on Make-Up Exams

The exam date is firm and will not be changed. A make-up exam will be offered only in the most compelling of circumstances, such as serious illness or a death in the family. Be advised that if you miss the exam you run a serious risk of getting a zero on that component of your grade. To be considered for a make-up, you must:

- Notify Professor Luton of your circumstances BEFORE the scheduled exam and
- Obtain clear documentation of your illness and file that documentation with the Academic Counseling office of your faculty.

Once these things have been done, and once Luton has been notified by your Academic Counseling office that the documentation has been examined and found to be legitimate, then a date for a make-up will be set. Sociology department policy is that all make-ups will be scheduled for a Friday, and a failure to take the make-up at the assigned date and time will result in a zero being earned.

Email

Every student has been assigned a UWO email address by the Registrar's office. Every so often Professor Luton will be sending out mass emails to the class and you are responsible for any information (about exams, your grade, missed assignments, etc.) in those emails. Given this is an intense 6 week course, students are expected to check their UWO account daily. If you have your UWO mail forwarded to another account (Hotmail, Yahoo, etc), it is your responsibility to insure that messages do not bounce back because your disk quota is full.

If you have any questions about the course, the quickest way to have them answered is to contact Professor Luton via email. If at all possible, each message will be answered within 2 working days. Please check the syllabus or the course homepage on Sakai before writing to see if the information you want is posted there.

Because an active UWO email account is needed to access Sakai, and because this is an on-line OWL course, **only** questions sent using your uwo account will receive an answer.

HOW TO CONTACT ME

Please feel free to contact me about a meeting if you have any questions regarding the course. If you e-mail me, I will reply to you within 24-48 hours, only if you use your UWO account. However, I cannot always read e-mails on the weekends.

COURSE TOPICS AND READING SCHEDULE

(Subject to change)

Week One: 1. Introduction to the Course

- Requirements
- Expectations
- Who are WCs? What Do You Know?
 - o Under “Forums” tab on the left, in discussion titled “What Do You Know”, introduce yourself, and tell us what you have heard about the ‘Wrongfully Convicted’.
- “Causes Célébres” -

2. History of Wrongful Convictions and AIDWYC

- The “Numbers”
- The Rule of Law – *“Beyond a Reasonable Doubt”*
- The Blackstone Ratio
- Social Inequality
- Person of Interest → James Lockyer
- Film → AIDWYC (Youtube)

Reading Assignments:

MG – Ch. 1

Wrongful Convictions Preventing Miscarriages of Justice:

Sorochan

Week Two: 1. Pre-Trial Issues (Police)

McFarlane Typology

- Pressure From the Public to Convict
- Unpopular Suspect
- The ‘Game’
- Noble Cause - Tunnel Vision, Interrogation Tactics → Mr. Big

Reading Assignments:

MG – Ch. 5 - Morin

JG – Ch. 2 (p. 28-50) & 4

2. Trial Issues (Court)

- Jailhouse Informants
- Plea Bargaining
- Pressure to Win Case (Prosecutor)
- Role of Defense Counsel
- Bias of Judge
- Person of Interest → George Dangerfield
- Film → Fifth Estate (Dangerfield)

Reading Assignments:

MG – Ch. 8 - Driskell

Week Three: 1. Trial Issues – Eye Witness Testimony and Expert Testimony (Forensic Evidence)

- Circumstantial Evidence
- Falsified Evidence
- Hidden/Withheld Evidence
- Inquiry Into Pediatric Forensic Pathology
- Person of Interest → Dr. Charles Smith
- Films → Fifth Estate (Mullins-Johnson), Dr. Smith
→ MisDiagnosis: Murder (Jeff Smith)
→ The Eye Witness Test
→ The Problem With Eyewitness Testimony

Reading Assignments:

MG – Ch. 9 – Mullins-Johnson

JG – Ch. 3

Expert Testimony Eyewitness Memory Research: Yarmey

2. Trial Issue – False Confession

- How they are Produced and the Bias Effect
- Types of False Confessions
- Third Degree or the “Reid” Technique
- “PEACE” Model
- Case of Interest → Cory Armishaw
- Films → CBC “Truth, Lies & Confessions”

Reading Assignments:

MG – Ch. 6 – Sophonow

Justice Imperiled: Moore & Fitzsimmons
An Offer You Can't Refuse: Brockman

Week Four: 1. Post-Trial Issues (Prison) and Death Penalty

- Filing for Exoneration
- Additional Difficulties Associated With Wrongful Conviction in Prison → Issue of Remorse
- Secondary Victimization
- Death Penalty
- Case of Interest → Steven Truscott
- Film → “Innocent Prisoner Dilemma”

Reading Assignments:

MG – Ch. 4 – Coffin, Ch. 7 - Truscott

Wrongful Convictions and the Criminal Conviction Review
Process: Scullion

Showing Remorse: Weisman

Burden of Innocence: Campbell & Denov

Week Five: 1. Issues of Gender and Age

- Differences Between Female and Male Wrongful Convictions
- Smith Case- 15/ 24 Cases -Convicted Women
- Differences Between Child and Adult Wrongful Convictions
- Case of Interest → Ludmila Iliina
- Films → 5th Estate “A Question of Innocence”
→ Youtube: CWCY

Reading Assignments:

MG – Ch. 3 - Milgaard

JG – P. 57 -61

Wrongful Convictions Among Women: Ruesink & Free

Susceptability of Juveniles to False Confessions and False
Guilty Pleas: Redlich.

2. Issues of Race and Class

- Overrepresentation of African American (US) and Aboriginal (Canada)
- CRE

- Blalock's "Power-Threat" Ho:
- Ghettoization
- Inability to Afford Respectable Lawyer and Forensic Testing
- Case of Interest → John Moore
- Film → Justice & Freedom for John Moore

Reading Assignments:

MG – Ch. 2

JG – p. 50 -57

Examining the Cross-Race Effect in Lineup Identification using Caucasian and First Nations Samples: Jackiw et al.

Week Six: 1. Structure vs. Agency

- Effect of Pre-Trial Publicity of Case
- "Normal Crime" Frameworks
- Retrospective Rationalization
- Systemic Inequality
- The "Wedge of Injustice"

Reading Assignments:

MG – Ch. 10

JG – Ch. 5

2. Life After Exoneration - Commissions of Inquiry

- Stigma
- Retribution
- What Missed While in Prison – Reintegration

Reading Assignments:

Psychological Consequences of Wrongful Conviction and Imprisonment: Grounds

SOCIOLOGY 3312 A - 'WRONGFUL CONVICTIONS' ESSAY TOPICS

Students will write an individual paper about an "Exonoree" of their choice. The purpose of the 8 page paper is to identify and analyze the various factor(s) that contributed to the wrongful conviction. A list is provided below, but this is only a guide as some of these factors may or may not apply to the case that you are examining in your paper.

"Exonorees" cannot be one from the Andersons' text.

Possibilities:

**Anthony Hanemaayer
Simon Marshall
Kyle Unger
Erin Walsh
Ludmila Ilina*
John Moore*
Romeo Phillion
Michel Dumont
Deveryn Ross
Tammy Marquardt
Robert Baltovich
Ivan Henry**

*Under review

Please note that all essays must be double-spaced with an appropriate bibliography identifying the various research sources that were used when preparing your paper.

Some factors students should consider when writing their paper include the following:

**Target practices of the police
Suppression/falsification of evidence
Falsified forensic evidence
Judicial malpractice
Police bullying/intimidation of witnesses
Police tactics- e.g. Mr. Big
Prosecution and defense misconduct
Judicial error or misapplication of the law
Media bias or prejudice in reporting
Eyewitness Testimony
The significance of being granted/not being granted bail
Financial status of the accused
Confessions obtained in the absence of a lawyer
The role of plea-bargaining
Community pressure for a conviction
Age of the victim**

Possession of a criminal record
Race

NB- This is not an exhaustive list so please do not hesitate to include any other factor(s) that come to your attention with respect to the wrongful conviction case that you are using as the basis of your paper.

Note:

Please note that your paper is due to be uploaded to the Assignment folder on the designated date as set out in the course outline. Late essays submitted after the due date without adequate documentation (medical certificate) or other justification will be subject to a 5% penalty each day following the date the essay is due to be uploaded to the Assignment folder tab on the left side of the OWL Home Page.

ESSAY EVALUATION CRITERIA – SOCIOLOGY 3312A

Requirement	Value	Score
<p>Proper Style and Format of essay presentation</p> <ul style="list-style-type: none"> • The paper includes a title page and page numbers • The paper is produced in an academic tone • Proper use of paragraphs and headings (if used) • Clarity of expression, eloquence and creativity of writing, mechanics of word choice • Grammar and spelling 	10	
<p>Structure and Organization of the essay</p> <ul style="list-style-type: none"> • Statement of the problem or question (thesis statement) – clarity, sharpness of focus • Several appropriate subtopics are presented • Logical development of the discussion from one idea to the next • Introduction – provides a context for the essay, summarizes the arguments, is of adequate length (about 1 page) • Conclusion – summarizes the arguments presented in the body, and negotiates the perspectives in the essay so that the reader is left with a clear impression of what is accomplished in the essay (about 1 page) 	10	
<p>Proper Use and Relevance of Research</p> <ul style="list-style-type: none"> • Located appropriate academic literature • The essay relies on contemporary and insightful research • Draws out major arguments • All arguments have appropriate literature to support them • Enough sources are used in each paragraph or section to support the arguments 	10	

<p>Level of Analysis and Substantive Adequacy</p> <ul style="list-style-type: none"> • The student displays a strong grasp of the topic • Arguments are relevant to the thesis statement • The arguments present adequate depth • The essay reflects careful analysis (theoretical/topic-related) • Overall substantive adequacy of the interpretation or argument presented 	10	
<p>Referencing/Bibliography</p> <ul style="list-style-type: none"> • In-text citations are correct and consistent • Bibliographic citations are structured correctly and consistently according to the APA reference format 	10	
Total mark	50	

Student:
Student Number: