47: 202: 425 Miscarriages of Justice

Course DAYS: TUESDAY & THURSDAY
COURSE TIME: 10-11:20am
COURSE LOCATION: Conklin 346

I. Course Information

Instructor Information:

Instructor: Shelton L. McCall Jr., Esq.
Email: Shelton.mccall@gmail.com
Office Hours: Office hours may be by appointment only

Course Overview:

47:202:425 This course provides a critical and interdisciplinary examination of the current functioning of the American criminal justice system, focusing specifically on the procedures used by various criminal justice actors that can lead to errors in case processing and unjust outcomes. Students that take this course will examine policies and practices of the United States’ criminal justice system (e.g., police procedure, prosecution, jury selection, scientific evidence, appellate court procedures, etc.) that unintentionally contribute to the wrongful apprehension, prosecution, conviction, incarceration, and even execution of the innocent. Moreover, we explore the collateral consequences of punishing “false positives,” including implications for undermining the legitimacy of the criminal justice system and allowing impunity for culpable offenders who remain at-large.

Student Learning Objectives:

1. Educate the students on various causes the miscarriages of justice in the U.S. criminal justice system.
2. Explore procedures used by various criminal justice parties to assess their potential for producing
errors in justice and why.
3. Understand the implications of balancing the rights of the accuse and the rights of the victims and society at large.
4. Understanding the emotional impact that wrongful incarceration has of the accused.
5. Review current procedural methods used to reduce the errors in justice.
6. Understand the philosophical and ethical decisions that result in a “tolerable” level of miscarriages of justice, if such a thing exist.

Required Readings:


3. Blackboard: The remaining readings/reference materials can be found on the “Blackboard” course site. Students are required to view Blackboard every week. Reading assignments may change! [BB]

4. TBD: No reading assignments to date.

Course Structure:
The course will be delivered by way of lectures and PowerPoint presentations [ 70%], discussions, movies, in class exercises, and/or guest speakers. [30%]. Lecturer will endeavor to deliver the course by stating errors, citing the laws and procedures, identifying how these laws and procedures contribute to injustice, and stating the current efforts to address these errors. Please note, the U.S. and New Jersey criminal laws and procedures will be the primary focus of the course, whenever possible, when examining the issues of miscarriages of justice.

Course Schedule

<table>
<thead>
<tr>
<th>Date</th>
<th>Class Topic</th>
<th>Readings &amp; Assignments Due</th>
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</thead>
<tbody>
<tr>
<td>Week 1</td>
<td>• Introduction to course&lt;br&gt;• The Adversarial System&lt;br&gt;• The Concept of “Justice and Miscarriages of Justice</td>
<td>[W] 1-30&lt;br&gt;[BB] Glencoe, Criminal Justice Process&lt;br&gt;[V]</td>
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<tr>
<td>Week 2</td>
<td>• Lineups Police, mug shots&lt;br&gt;[Old vs. New procedures]&lt;br&gt;• Cross Racial Identification</td>
<td>[W] 36-56&lt;br&gt;[V]20</td>
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<td>9/12-14</td>
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<td>Week 3</td>
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<td>9/19-21</td>
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| Week 4 9/26-28 | **Interrogations:**  
• What is it?  
• False confessions  
• Juveniles vs. Adults | [V]20-29  
[BB] |
| --- | --- | --- |
| Week 5 10/3-5 | • Recanting/confessing Witnesses  
• Snitches / Informants | [V]Ochoa  
| Week 6 10/10-12 | • Film:  
Interrogation of Michael Crow | TBD |
| Week 7 10/17-19 | • Exam Review/EXAM 1  
[10/19/17] | TBD |
| Week 8 10/24-26 | • Expert testimony | [BB]Rider hearings  
[drug cases vs. Baby Rapes] |
| Week 9 10/30-11/2 | • Prosecutor Misconduct:  
Berger v. US | [V] 50, 413  
[BB] 
Wright, How Prosecutor Elections Fail Us  
[BB]Brady v. Maryland [evidence] |
| Week 10 11/7-9 | • Prosecutor Misconduct cont.:  
• Jury Selection  
The choices of the jurors | [BB]State v. Gilmore |
| Week 11 11/14-16 | • Defense Attorney Misconduct | [W]220-240  
[BB]U.S. vs. Strickland |
| Week 12 11/21 | • DNA/ Recess | [W]241-252 |
| Week 13 11/28-30 | • Exoneration & Compensation  
• Review of New Innovations & Funk Science  
| Week 14 12/5-7 | • Guest Speaker:  
John McMahon, Chief Trial Deputy Public Defender, Essex [12/7] | TBD |
| Week 15 12/14 | • Course Review & Summary | Term papers due [12/14]  
Final Exam Tentatively 12/21 at 8:30-11:30 |
II. Course Assessment and Grading

The final grade will be assessed based upon your performance on the following:

<table>
<thead>
<tr>
<th>Assignment Description</th>
<th>Linked to SLO</th>
<th>% of Course Grade</th>
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<tbody>
<tr>
<td>Midterm exam</td>
<td>SLO #1-2,4</td>
<td>25%</td>
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<tr>
<td>Final exam</td>
<td>SLO #1-2, 5</td>
<td>35%</td>
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<tr>
<td>Class participation</td>
<td>SLO #1-6</td>
<td>15%</td>
</tr>
<tr>
<td>Paper/case profile</td>
<td>SLO #1-6</td>
<td>25%</td>
</tr>
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**MID-TERM EXAMINATION (25 %):** The mid-term exam will be graded on a 100-point scale. This assignment is worth 25% of the final grade. Examinations are designed to measure your understanding of the major concepts presented in class. There are NO MAKEUPS without formal documentation of exigent circumstances.

**FINAL EXAMINATION (35 %):** The final exam will be graded on a 100-point scale. This assignment is worth 35% of the final grade. Examinations are designed to measure your understanding of the major concepts presented in class. There are NO MAKEUPS without formal documentation of exigent circumstances.

**ATTENDANCE and CLASS PARTICIPATION (15%):** The frequency and quality of your participation in class discussions will be noted, as will your constructive critical feedback and support offered to other classmates throughout the semester. However, a student’s non-attendance will adversely effect his/hers Class, if said student is called to answer a question or participated in a discussion or hypothetical exercise and is not present.

**Wrongful Conviction Case Profile [25%]:** Students will be required to investigate a single case of wrongful conviction in depth, and discuss the facts of the case in conjunction with what we have learned from scholarly research on the causes and consequences of wrongful conviction. Each student will select a different case for investigation for this paper. The profile must be 6-8 pages in length, double-spaced, 12 point Times Roman font, and in APA format. The paper is due 12/14/2017 by 11:59PM. Late submissions will not be accepted. See Assignment Sheet.

The following grading scale will be used for this course:

- A  90–100%
- B+  85-89%
- B   80-84%
- C+  75-79%
- C   70-74%
- D   60-69%
- F   <60%

**Late or Missing Assignment Policy:**
Attendance is very important and will count toward your final grade. You will be more successful if you attend. If an emergency arises and you must miss class, it is your responsibility to notify the instructor about the reason for your absence as early as possible. If you miss class, you are still responsible for anything assigned for the next class or classes, including obtaining any handouts given in the class you missed. It is YOUR RESPONSIBILITY to catch up.

**Examinations:** Examinations are to be taken during their scheduled times. Students who fail to take examinations on the prescribed dates WILL NOT be permitted to take the examinations unless extenuating circumstances exist. Proper documentation for the circumstance MUST be provided before the student is able to take a make-up examination.

**IMPORTANT: Every grade will be posted on Blackboard.** Any issues regarding an assigned grade must be brought to the attention of Mr. McCall before the date of the final examination. Do not wait until the last minute! You will know exactly what your final term grade should be before it is assigned because you will know the grades of every assignment/examination/etc. This syllabus also states the value of each assignment towards your final term grade. Absolutely NO CONSIDERATION FOR GRADE CHANGES will be made on or after the date of the final examination. Grades are assigned objectively. You will get the grade that you earn.

**IV. Course Policies**

**Classroom Rules**

All members of this class are required to conduct themselves in an appropriate and professional manner. Laptops are permitted only if disengaged from the internet and other electronic devices should be stored away unless you specifically seek the instructor’s permission. In this class, we may have discussions that challenge our taken for granted assumptions about crime and justice. Students should be prepared to engage honestly and openly about this material and perhaps even examine their own beliefs about the issues. While I am hopeful that the course materials will spark interesting discussion, personal insults or other types of demeaning, disrespectful, or threatening comments toward other class members about their experiences, backgrounds, or statements will NOT be tolerated.

Attendance is very important and will count toward your final grade. You will be more successful if you attend. If an emergency arises and you must miss class, it is your responsibility to notify the instructor about the reason for your absence as early as possible. If you miss class, you are still responsible for anything assigned for the next class or classes, including obtaining any handouts given in the class you missed. It is YOUR RESPONSIBILITY to catch up.

**Academic Integrity**

As a member of the Rutgers University community you are not to engage in any academic dishonesty. You are responsible for adhering to basic academic standards of honesty and integrity as outlined in the Rutgers University Policy on Academic Integrity for Undergraduate and Graduate Students.
http://studentconduct.rutgers.edu/academic-integrity.

*Your academic work should be the result of your own individual effort, you should not allow other students to use your work, and you are required to recognize and reference any material that is not your own. Violations of the university’s policy will result in appropriate action. This class have been in previous years. *If a student is caught submitting another student’s work in whole or part, the instructor will seek immediate academic disciplinary action.

Academic Resources

Students with Disabilities

Rutgers University is committed to providing equal educational opportunity for persons with disabilities in accordance with the Nondiscrimination Policy of the University and in compliance with § 504 of the Rehabilitation Act of 1973 and with Title II of the Americans with Disabilities Act of 1990. For additional information please visit the website https://ods.rutgers.edu/ or contact the representative for the Newark Campus.

Allen Sheffield
Director of ADA Services and Academic Support
Robeson Campus Center, Suite 352
350 Martin Luther King Jr. Boulevard
Newark, NJ 07102
Phone: 973.353.5300
Fax: 973.353.5666
E-mail: kate.torres@rutgers.edu
Website: https://ods.rutgers.edu/

Psychological and Counseling Services

If you experience psychological or other difficulties as a result of this course, or because of other issues that may interfere with your performance in the course, please contact the university’s psychological and counseling service center (http://www.counseling.newark.rutgers.edu; 973-353-5805), which is located in Blumenthal Hall, room 101. The center offers a variety of free, confidential services to part-time and full-time students who are enrolled at Rutgers.

If you are interested in finding out more about
  • Accelerated Master’s Program (B.S. /M.A.)
  • Criminal Justice National Honor Society (Alpha Phi Sigma)
Please refer to the School of Criminal Justice website http://rscj.newark.rutgers.edu/

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