Index

ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases, 237–8
Abernathy, Christopher, 47, 215
Abhin-Hertz, Keren, 354
abolition of the death penalty, 20, 145, 155–6, 167
See also specific states
abuse cases. See rape cases; Shaken Baby Syndrome cases
Abusive Head Trauma cases, 187, 189–90, 192
See also Shaken Baby Syndrome cases
accuracy
DNA technology and, 78, 85, 97
informant testimony and, 87–8, 92–4
plea bargaining and, 86–7, 89–92 See also evidentiary inaccuracies
ACLU, 241
acquittals, perception of, 28
Actual Innocence (Scheck, Neufeld, and Dwyer), 58, 117, 120
actual innocence vs. “not guilty” verdict, 62, 80
See also innocence
Adams, James, 152
Adelman, Lynn, 27
administrative rule reform, 118, 130–1
AEDPA. See Antiterrorism and Effective Death Penalty Act (1996)
Aeschylus, 380
Africa, 367–8
See also South Africa
African Americans. See racial discrimination
AHT. See Abusive Head Trauma cases
Air Quality Project, 125
Alabama, 230–1, 310
Aleman v. Village of Hanover Park, 104–5
Alexander, Richard, 55
Alford plea, 269, 289
Allen, Ronald J., 149, 265–6
Alschuler, Albert, 97
Altegeld, Peter, 154
Alvarez, Anita, 107–10
Ambrosius, Christel, 363–4
American Academy of Pediatrics (AAP), 195
American Association of Law Schools Committee on the Future of the In-House Clinic, 123
American Bar Association (ABA), 123, 224, 226, 232, 237–8, 242
American Board of Forensic Odontology, 211
American Board of Forensic Pathology, 321
American Civil Liberties Union (ACLU), 241
Amici, 109
Amnesty International, 145
Amsterdam, Anthony, 135, 239, 297
Anderson, James, 129–9
Angola, 301, 308
animal control codes, 136
Animal Rights Rattling the Cage (Posner), 339
animals. See nonhuman beings
Antiterrorism and Effective Death Penalty Act (1996), 26–7, 253–6
appeals and appellate court procedures, 9, 18, 51–2, 252–3
See also habeas corpus relief; trials; specific type of appeals
Argentina, 351–2, 357
Argosy Magazine, 140
Arkansas, 310–11
Armstrong, Ken, 228
Armstrong, Patrick, 357–8
Arridy, Joe, 143, 294
an arson cases, 8, 187, 189–90, 199–201, 231
See also Willingham, Cameron Todd
Ashley’s Laws, 43
Asia, 364–7
See also specific countries
Aske, Reuben, 17
Association in Defence of the Wrongfully
Convicted (ADWVC), 360
Atkins v. Virginia, 172–3
Australia, 360
Avery, William, 47
Aymond, Lucille, 500
Bailey, Rene, 108–9
Baker, Lena, 143, 294–5
Baliles, Gerald L., 139
Baltrip, Henry, 216, 224
Barak, Aharon, 389
bargaining. See plea bargaining
Barr, Bob, 179
Barry, Margaret Martin, 123, 125
Bator, Paul, 26
Baumgartner, Frank, 160
Beamter, Margaret, 21–2
Bedau, Hugo Adam
archives of, 157
The Death Penalty in America, 57
DPIC Innocence List and, 140–2
early work on wrongful convictions, 152
on exoneration vs. innocence, 62–3
Stanford Law Review 1087, article, 57–8, 140–2, 149
Bekoff, Marc, 339
Benett, Mark W., 237–8
Bern, Gregory, 339
Berner, Eta, 192
Bernhard, Adele, 226–40
Best, Joel, 69
Bibas, Stephanos, 90
Bigelow, Jerry, 153
Biggers, Archie, 21–2
Birmingham Six case, 357–8, 388–9
bite mark evidence, 49, 168–9, 211
See also forensic evidence
Bivens, Phillip, 44
Black, Charles L., Jr., 18
Black Americans. See racial discrimination
Blacksburn, Harry, 16, 52, 219
Blakstone, William, 70, 268
Blair, Michael, 43
Blakely v. Washington, 234
Bloodsworth, Kirk, 294
blood type evidence, 49
See also forensic evidence
Bolding, James, 321
Bonilla, Ralph A., III, 341
Borchard, Edwin, 18, 30, 57–8
Bordenkircher v. Hayes, 218–19
Borrero, Elba, 18–19
Boston Medical Center, 195
Bower, Lester, 160
Bowen v. Norfolk S. Corp., 191–3
Bradford, Ted, 51, 128–9
Brady v. Maryland, 8–9, 23–5, 52, 208
Brady v. United States, 89–90
brain injury cases. See Abusive Head Trauma
cases; Shaken Baby Syndrome cases
Brecht v. Abrahamson, 27
Brenman, William J., Jr., 21–2, 26, 308
Breyer, Stephen G.
on death penalty, 7, 153, 161, 169–71
on punishment phase and proof of
innocence, 162–3
Brookings Institute, 242
Brooks, Justin, 123
Brown, James, 300
Brown, Jesse, 153
Brown, Leon, 51–3, 163–4
Brown, Michael, 108
Brown v. Allen, 16, 26
burden of proof, 28–9, 62
Burger Court on habeas corpus, 26
Burnham, Margaret, 291–304
Burns, Ken, 42
Burns, Sarah, 42
Bush, George W., 390
Cal, Cedric, 107–9
California Innocence Project, 123, 361–2
California Western School of Law, 360–2
Callaghan, Hugh, 348
Cambridge Declaration on Consciousness, 338–9
Camm, David, 51–2
Canada, 302–3, 360
capital cases. See specific case names
capital punishment. See death penalty
Capital Punishment, The Inevitability of
Caprice and Mistake (Black), 18
Cardiff Law School Innocence Project
(Wales), 360–1
<table>
<thead>
<tr>
<th>Index</th>
<th>403</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cardozo School of Law, 117, 152, 359</td>
<td>Coles, Sylvester “Redd,” 160</td>
</tr>
<tr>
<td>See also Innocence Project (New York City)</td>
<td>Columbia (country), 361–2</td>
</tr>
<tr>
<td>Carpenter, Anna E., 125</td>
<td>Combatant Status Review Tribunals (CSRT), 391</td>
</tr>
<tr>
<td>Carrera, Fernando, 362</td>
<td>Committee on Child Abuse and Neglect, 195</td>
</tr>
<tr>
<td>Cassell, Paul</td>
<td>Comparative Bullet Lead Analysis (CBLA), 187, 202</td>
</tr>
<tr>
<td>chapter by, 264–81</td>
<td>compensation for wrongful convictions, 42, 121, 128</td>
</tr>
<tr>
<td>cost-benefit analysis of death penalty by, 149, 151</td>
<td>composite bullet lead analysis, 316–17</td>
</tr>
<tr>
<td>on exoneration vs. innocence, 62–3</td>
<td>confessions</td>
</tr>
<tr>
<td>causation, 190</td>
<td>prevalence of, 276</td>
</tr>
<tr>
<td>See also differential etiology</td>
<td>in SBS cases, 194–5 See also false confessions; Miranda rights; police interrogation</td>
</tr>
<tr>
<td>Center on Actual Innocence, 214</td>
<td>Conlon, Gerry, 357–8</td>
</tr>
<tr>
<td>Center on Wrongful Convictions, 87</td>
<td>Connecticut, 219</td>
</tr>
<tr>
<td>Central Park Five, 41–3, 295</td>
<td>Conrad, Peter, 69</td>
</tr>
<tr>
<td>Centurion Ministries, 140, 184, 359</td>
<td>conservatism on death penalty, 147–8, 170</td>
</tr>
<tr>
<td>certainty, scientific, 187–8</td>
<td>constitutionality of death penalty</td>
</tr>
<tr>
<td>certiorari requests, 51–2, 308</td>
<td>conception of innocence and, 161</td>
</tr>
<tr>
<td>Chaparro, Anthony, 52</td>
<td>conviction vs. penalty, 164–3</td>
</tr>
<tr>
<td>Chen Long-Qi, 365–6</td>
<td>relevance of residual doubt, 163–9</td>
</tr>
<tr>
<td>Chicago Tribune, 106, 228</td>
<td>Supreme Court justices on, 153, 161, 169, 173</td>
</tr>
<tr>
<td>Child and Youth Advocacy Clinic (IPNW), 127</td>
<td>See also death penalty, Eighth Amendment</td>
</tr>
<tr>
<td>child rape, 177–2</td>
<td>Convicting the Innocent (Borchard), 30, 57</td>
</tr>
<tr>
<td>Chile, 366–2, 387</td>
<td>Convicting the Innocent. Where Criminal Prosecutions Go Wrong (Garrett), 5, 43, 58, 76</td>
</tr>
<tr>
<td>chimpanzees. See nonhuman beings</td>
<td>Conviction Integrity Units, xviii, 47, 253</td>
</tr>
<tr>
<td>China, 303, 366–7, 369</td>
<td>Cooley Law Review, 141</td>
</tr>
<tr>
<td>Christie, Chris, 220</td>
<td>corporate exonerations, 335, 346</td>
</tr>
<tr>
<td>civil damage vs. exclusionary rule, 10</td>
<td>Council on Legal Education for Professional Responsibility, 123</td>
</tr>
<tr>
<td>Civil War, U.S., 581–2</td>
<td>The Court of Last Resort (Gardner), 57–8, 140</td>
</tr>
<tr>
<td>class and wrongful convictions, 30–1</td>
<td>credibility of witness testimony, 216, 331</td>
</tr>
<tr>
<td>See also defense lawyering</td>
<td>See also informant testimony; witness misidentifications</td>
</tr>
<tr>
<td>client representation. See defense lawyering</td>
<td>crimes</td>
</tr>
<tr>
<td>client representation innocence clinics, 117</td>
<td>cost of, 268</td>
</tr>
<tr>
<td>clinical legal education</td>
<td>recidivism, 268–9</td>
</tr>
<tr>
<td>checklists used in, 239–40</td>
<td>See also specific type of crimes</td>
</tr>
<tr>
<td>establishment of, 123</td>
<td>crime victim vs. wrongful conviction victim, 265–70</td>
</tr>
<tr>
<td>Innocence Movement and, 6–7, 123–6</td>
<td>Criminal Appeal Act (1995, UK), 358–9</td>
</tr>
<tr>
<td>structure of, 123, 125</td>
<td>Criminal Cases Review Commission (CCRC), 355–61, 363</td>
</tr>
<tr>
<td>summary of, 117–18, 123</td>
<td></td>
</tr>
</tbody>
</table>
criminal deal. See plea bargaining
criminal justice system irregularities
access to counsel after investigating, 325–7, 322
in drug testing, 317
duty to notify and logistics involved in, 322–5
individual investigations on, 314, 317
mass investigations on, 214–16
notification process after discovery of, 318–22
procedural barriers after discovery of, 315–16
systemic response to, 327–8, 333
types of, 316–18
criminal justice system reforms
on administrative rule, 118, 130–1
on defense lawyering, 10–11, 226–7
implications of, 266–70
innocence clinics and, 6–7, 117–18
Innocence Movement and, 118, 120–2
macro-level, xviii–xix, 96
micro-level, xviii–xix, 77, 220
plea bargaining and, 96–8, 218–19
to pretrial procedures, 70
summary of procedural reform, 9–12, 150
summary of trade-offs in, 264, 280–1
systemic analysis due to DNA exonerations, 23, 29–30, 60–1, 78, 184–5
See also legislation; National Office for the Rights of the Indigent (NORI); post-conviction reforms; specific processes
Crowell, Catheleen, 106
Croy, Patrick, 153
Cruel and Unusual Punishment clause. See Eighth Amendment
Cuba. See Guantánamo Bay detention
Cunningham, Arron, 380
Czech Republic, 362, 364
Davis, Al, 176
Davis, Angela, 217
Davis, Donya, 51
Davis, Larry, 128–9
Davis, Troy Anthony, 160, 173
Deadly Dilemmas (Allen and Laudan), 265–6
Dead Man Walking (Prejean), 146
death penalty
1965 moratorium on, 26
ABA Guidelines for the Appointment and
Performance of Defense Counsel in Death Penalty Cases, 237–8
abolition of, 20, 145, 155–6, 167
conservatism on, 147–8, 170
cost-benefit analysis of, 149–50
costs of, 7
declining support for, 144–5
declining U.S. rate of, 145–7, 169–70
deterrence and, 146, 140–50, 156
DNA exonerations and support for, 7, 138–9
DPIC on, 78
fiscal austerity of, 147
innocence and support of, 148–51, 306
insanity and, 165
LDF on, 20
list of famous wrongful executions, 159–60
LWOP and, 145–6
as murder victim-service program, 148
posthumous exonerations and, 10–11, 142–4
pre-DNA exoneration research, 140
racial discrimination and, 7, 150
for rape cases in Louisiana, 298–300
religious community on, 146–7
retributive benefit of, 171
support from direct effects, 148–9
support from indirect effects, 150–1
Supreme Court justices on (See specific justices)
See also constitutionality of death penalty
The Death Penalty in America (Bedau), 57
Death Penalty Information Center (DPIC), 59
2014 statistics by, 145
on capital punishment, 78
criteria for list, 141
on definition of exoneration, 63–4
Edwards and, 63
exonerees posted on website, 79
Innocence List, 63–4, 140–2
See also death penalty
defense lawyering
ABA survey on, 226
application process in New York, 243
best practices and assessment of, 238–41, 244
client representation innocence clinics, 117
exculpatory evidence examination by, 214
importance of actual innocence claims to, 277–80
increased resources for indigent cases, 273–4
Innocence Movement and, 119–20
IPNW and, 126–7
prosecution-defense balance and reforms, 23–5
reforms in, 10–11, 226–7
studies on, 228–9

wrongful conviction accountability of, 290
See also ineffective assistance of defense counsel (IAC)
defenses in animal control laws, 336
De Los Santos, George, 140
Del Prete, Jennifer, 199
Del Prete v. Thompson, 199
DeLuna, Carlos, 160
denaturation of. See under DNA
Department of Justice (DOJ)
on flawed evidence, 144, 168–9
on habeas relief, 34
mass investigations agreement by, 314–15
Descartes, Rene, 338
deterrence and death penalty, 146, 149–50, 156
Dieter, Richard, 141
differential diagnosis process, 190–1
differential etiology, 191–3
direct appeal cases, 16–17
disabilities, people with
death penalty regulation for, 146, 172–3
definition of, 130
false confessions by, 47, 139, 143, 215, 255, 294
disclosure of evidence, 23–5
Dixon, Bobby Ray, 44
DNA databases, 55
See also Death Penalty Information Center (DPIC); Innocence Project; National Registry of Exonerations (NRE)
DNA exonerations
of Abernathy, 215
of Brown and McCollum, 163–4
Central Park Five, 41–3
criminal justice system analysis due to, 23,
29–30, 60–1, 75, 184–5
definition, 2–3
of Dotson, 2–3, 106, 111, 139
false confession statistics and, 45–7
flawed forensic evidence statistics in, 48–50
of Gonzalez, 40–1
guilty pleas and, 87
of Haynesworth, 43
of House, 164
IAC claims in, 228
informant testimony statistics in, 31
Innocence Project list, 62, 73
Innocence Project statistics on, 59
as launch for Innocence Movement, xvii–xviii, 185
list of cases, 55, 114
vs. non-DNA exonerations, 85–6, 185–6
origin of term, 59, 61
plea bargaining and, 92
vs. pretrial testings, 8, 12–13
racial discrimination and, 44–5
recantations and, 106, 112
statistics on, 43–4, 48–50, 59, 106
summary on, 53–4
trials and, 44, 49
types of crime in, 44–5
types of evidence and, 45–6
of Vasquez, 2–3, 111, 139
of Youngblood, 52
See also exonerations, habeas corpus relief
DNA technology
accuracy and, 78, 85, 97, 315–19, 322
animals and, 337–8
denial of, 211–12
first two cases using, 2–3
initial use in Innocence Movement, xvii–xviii, 185
limitations of, 15, 53, 143–4
summary of, 2, 12–14, 73–4
Supreme Court challenges and, xvii–xviii
technological innovations and changes in,
31, 131
See also forensic evidence
dogs. See nonhuman beings
Dogs Are People, Too (Bern), 339
dog-scent lineups, 316–17
domain expansion, 3
of Abernathy, 146
of Brown and McCollum, 163–4
of Gonzalez, 40–1
of House, 164
of Haynesworth, 43
of House, 164
IAC claims in, 228
informant testimony statistics in, 31
Innocence Project list, 62, 73
Innocence Project statistics on, 59
as launch for Innocence Movement, xvii–xviii, 185
list of cases, 55, 114
vs. non-DNA exonerations, 85–6, 185–6
Index

drylabbing, 320, 323, 330
See also forensic evidence
Dubber, Markus, 336
Du Bois, Herman, 363–4
due process clause (Fifth Amendment), 161–3
due process clause (Fourteenth Amendment), 147–5, 161–3
Dukakis, Michael, 142–3
Duke, Steven, 276
Dwyer, Jim, 58, 117, 120

East Timor, 303
Edith Cowan University, 360
Edmunds, Audrey, 197–8
education. See clinical legal education
Edwards, Don, 63

Eighth Amendment
constitutionality of death penalty, 161, 169–73
contemporary standards of decency, 169–70
jurisprudence of, 160–1
penological purpose, 170–1
punishment phase and, 162
systemic risk of wrongful execution and, 171–3
See also constitutionality of death penalty
Ejchart-Dubois, Maria, 364
Emergency Committee to Save Habeas Corpus, 147
England, 333, 343–4
See also Great Britain
erroneous convictions. See wrongful convictions
ethical training for prosecutors, 221
European Innocence Conference, 362–4
European Innocence Movement, 362–4
European justice system, 199, 219–20, 225
See also specific countries
evidence
disclosure of, 23–5
plea bargaining and, 90
preservation bill on, 128

evidentiary inaccuracies
vs. DNA accuracy, 15, 21, 85–6
DOJ and FBI on, 144
forensic evidence errors, 121
trials and, 88–9
See also accuracy; perjury; plea bargaining; witness misidentifications; specific types
exclusionary rule, 10, 15

exculpatory information, 29, 208–9, 234
See also prosecutorial misconduct
execution. See death penalty
executor’s responsibilities, 166
exonerations
advantages to, 71–3
in arson cases, 200–1
of Blair, 43
of Bloodsworth, 204
certainty and innocence-based, 72
cettiorari and, 51–2
for corporations, 335, 346
definition, 2–3, 43, 62, 66–7, 335
vs. definition of factual innocence, 67–71
DNA vs. non-DNA, 85–6, 185–6
domain expansion and, 69–70
DPIC on, 63–4
vs. innocence, 61–3
legal exoneration, 62–4, 80
moral legitimacy of, 70–1
NRE definition of, 65–7, 112
objectivity and judgments on, 68–9
organization of death row exonerations, 148
posthumous exonerations, 10–11, 142–4, 154
599–2, 204–5
reentry challenges post-, 119–20, 148
statistics on, 173, 205–6
support for capital punishment and, 7
trial statistics on, 89
See also DNA exonerations; habeas corpus relief; National Registry of Exonerations (NRE); posthumous exonerations
“Exonerations in the United States, 1989 through 2003” (Gross), 61–2
eyewitness identification. See witness misidentifications

factual innocence
definition of exoneration vs., 67–71
NRE on, 79
post-conviction reforms and, 372–3
wrong man cases, xvii, 57–61 See also innocence
Fagan, Jeffrey, 228
Failed Evidence (Harris), 211
Fairbanks Four case, 13
false accusations, 142
false confessions
DNA exonerations and, 45–7
juveniles and, 47, 250
Miranda rights and, 10, 15, 275–7
Index

by people with disabilities, 47, 139, 143, 215, 285, 294
summary of, 5
term “proven false confession,” 67–8
See also false trial testimony
false convictions
Gross and O’Brien on, 79, 82
NRE on, 65
term “proven false conviction,” 68
See also wrongful convictions
false evidence. See evidentiary inaccuracies
false trial testimony, 6
See also false confessions; informant testimony; recantations; trials; witness misidentifications
Family and Child Advocacy, 105
family law, 342–4
See also juveniles
Farmer v. Brennan, 166
Farrell, Amy, 28
Fay v. Noia, 26
FBI (Federal Bureau of Investigation) on flawed testimony, 144, 168–9
on hair analysis, 251
mass investigations agreement by, 314–15
Federal Legislation Clinic, 135–6
felonies
plea bargaining and, 87
wrongful convictions on, 96
feminism, 292, 300–2
fiber evidence, 49
field test cases, 216–17, 219
Fifth Amendment, Due Process Clause, 161–3
See also constitutionality of death penalty
finality
DNA technology and, xviii
post-conviction reforms and, 10
science-based evidence and, 187–8
Findley, Keith
on challenges to policy reform, 122
chapter by, 184–202
on clinical legal education, 124
on innocence, 57, 66
on objectivity and judgments, 71–2
fingerprint evidence, 49, 210
See also forensic evidence
fire science, 199–201
See also arson cases
fiscal austerity of death penalty, 147, 149–50
flawed testimony, 144
See also informant testimony; witness misidentifications
Florida, 219
Ford Foundation, 17
Ford v. Wainwright, 165
forensic evidence
advancements in, 131, 216–17
bite mark evidence, 49, 168–9, 211
critical analysis on methods in, 168–9, 188, 210–11
drylabbing, 320, 323, 330
errors in, 121, 187–9, 211, 250–1
fingerprint evidence, 49, 210
hair analysis (See hair-microscopy)
mass investigations into errors in, 314–16
preservation bill on, 128
serology or blood typing, 49
shoe print evidence, 49
skepticism of, 188–93
statistics on, 48–50
trials and, 49–50
See also DNA technology; science-dependent cases
Fourteenth Amendment, Due Process Clause, 14–15
See also constitutionality of death penalty
Fourth Amendment, exclusionary rule, 274–5
France, 352, 354, 382
Francione, Gary, 338
Frank, Barbara, 354
Frank, Barbara, 301–4, 57
Frank, Jerome, 301–4, 57, 219
Frankfurt, Harry, 384
Freedman, Eric, 345
Friendly, Henry, 27, 272
Furman v. Georgia, 17, 26, 152, 297
Gagnon, Richard, 52
Gallup Poll on execution vs. LWOP, 145
Gardner, Erle Stanley, 57–8
Garrett, Brandon
chapter by, 40–54
Convicting the Innocent, 5, 43, 58, 76
on ghost of the innocent man, 16
on IAC claims in Innocence Project list, 234
Judging Innocence, 24
study sample of, 305
gay marriage, 346
Geneva Convention, 386–7, 389, 394
George, Dwayne, 360–1
Georgetown University Law Center, 125
Index

on sources of wrongful convictions, 87–8, 295
on total number of wrongful convictions, 144
See also National Registry of Exonerations (NRE)

Grotius, Hugo, 385
Guantanamo Bay detention, 344, 390–3
Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases (ABA), 232, 237–8

Guildford Four case, 357–8, 388
guilt vs. legal guilt, 166, 187

Guizek, Randy Lee, 162

habeas corpus relief
access to counsel and, 325–6
DOJ on, 34
family law and, 342–4

Friendly on, 27
for Guantanamo Bay detainees, 344, 390–3
Habeas Report, 232–5
history of, 352–4
innocence and, 25–8, 272–3
limitations of, 235
reforms and, 10, 12, 253, 257
Rehnquist Court on, 26–7
statistics on, 51–2, 272
Supreme Court on, 285
survey of, 228
Warren Court on, 25–6
See also DNA exonerations; exonerations; nonhuman beings

Habeas Report, 232–5

hair-microscopy
exoneration statistics and use of, 49
FBI review of, 251
mass errors in, 168, 315, 317
new scientific evidence in, 187, 202
See also forensic evidence

Hale, Matthew, 343
Halliday, Paul, 342–3
Halsey, Byron, 44
Hamm, Carolyn Jean, 139
Hand, Billings Learned, 16, 58, 370
Hansen, Matt, 176
Harris, David, 211
Hartung, Stephanie Roberts chapter by, 247–57
references to, 272–3
Hattery, A. J., 305

Georgia, 294–5
Germany, 219, 362, 371, 383
Gershman, Bennett L., 25
Gertner, Nancy, 231

ghost of the innocent man, 16
Gideon v. Wainwright, 24, 226, 241
Gilbert v. California, 22
Ginsburg, Ruth Bader, 161, 307, 311
Givelber, Dan, 28
Gleeson, Harry, 362–3
Glendening, Paris, 143, 294
global innocence movement
in Africa, 367–8
in Asia, 364–7
barriers in, 369–71
in Europe, 362–4
in Latin America, 361–2
origin of, 357–61
summary of, 12, 54, 336–7, 371–2
See also Innocence Movement; specific countries

Glossip, Richard, 153, 173
Glossip v. Gross, 7, 161, 170–1
Godsey, Mark, 376–72
Goldberg, Arthur, 308
Golden, Larry, 122
Gonzalez, Angel, 40–1
Goodall, Jane, 339
Goodman, Bruce, 92
Gould, Jon B., 24, 121–2
Graber, Mark, 192

Great Britain
appeal legislation in, 358–9
criminal justice system in, 219
family law in, 343
slavery in, 343–4
See also England; United Kingdom

Gregg v. Georgia, 167, 247
Griffin, Thomas and Meeks, 143, 295
Griffith University Innocence Project, 360, 362–3

Gross, Sam
on criminal confessions, 276
on exoneration as legal concept, 80
on exoneration rate, 76, 79
as founder of NRE, 59–60
on frequency of wrongful convictions, 271
on investigative trials for innocence claims, 272
on misdemeanor wrongful convictions, 94
publication by, 61–2

© in this web service Cambridge University Press
www.cambridge.org
## Index

<table>
<thead>
<tr>
<th>Page Links</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hayes, Paul, 218–19</td>
<td></td>
</tr>
<tr>
<td>Haymarket affair, 154</td>
<td></td>
</tr>
<tr>
<td>Hayne, Steven, 321</td>
<td></td>
</tr>
<tr>
<td>Haynesworth, Thomas E., 43, 51</td>
<td></td>
</tr>
<tr>
<td>Hebrew University of Jerusalem, 364</td>
<td></td>
</tr>
<tr>
<td>Heblie, James, 231</td>
<td></td>
</tr>
<tr>
<td>Hennings, Timothy, 142, 153</td>
<td></td>
</tr>
<tr>
<td>Hercules (chimpanzee), 344</td>
<td></td>
</tr>
<tr>
<td>Hernandez, Carlos, 160</td>
<td></td>
</tr>
<tr>
<td>Herrera v. Collins, 184</td>
<td></td>
</tr>
<tr>
<td>Hill, Patrick Joseph, 358</td>
<td></td>
</tr>
<tr>
<td>Hill, Paul Michael, 357–8</td>
<td></td>
</tr>
<tr>
<td>Hinton, Anthony Ray, 230–1</td>
<td></td>
</tr>
<tr>
<td>Hinton, Ray, 169</td>
<td></td>
</tr>
<tr>
<td>Hinton v. Alabama, 230–1</td>
<td></td>
</tr>
<tr>
<td>Hispanic Americans. See racial discrimination</td>
<td></td>
</tr>
<tr>
<td>Hoffert, Emily, 18</td>
<td></td>
</tr>
<tr>
<td>Hoffman, Joseph, 26–7, 272</td>
<td></td>
</tr>
<tr>
<td>Hogan, Frank, 19</td>
<td></td>
</tr>
<tr>
<td>Holmes, Warren, 17</td>
<td></td>
</tr>
<tr>
<td>homicide rates, 146</td>
<td></td>
</tr>
<tr>
<td>Honeycutt, Edward, 299</td>
<td></td>
</tr>
<tr>
<td>Horovitz, Anat, 354</td>
<td></td>
</tr>
<tr>
<td>House, Paul, 164</td>
<td></td>
</tr>
<tr>
<td>House v. Bell, 164</td>
<td></td>
</tr>
<tr>
<td>Houston Free Press, 217</td>
<td></td>
</tr>
<tr>
<td>Houston Police Department Crime Laboratory, 316, 312, 312</td>
<td></td>
</tr>
<tr>
<td>See also Texas</td>
<td></td>
</tr>
<tr>
<td>Hsichih Trio case, 364–5</td>
<td></td>
</tr>
<tr>
<td>Huang Chih-Hsien, 365</td>
<td></td>
</tr>
<tr>
<td>Hunter, Gerard, 358</td>
<td></td>
</tr>
<tr>
<td>Hunter, Rene, 214–15</td>
<td></td>
</tr>
<tr>
<td>Hurley, Neil, 359</td>
<td></td>
</tr>
</tbody>
</table>

**IAC.** See ineffective assistance of defense counsel (IAC)

- Illinois, 170, 176–7, 228
- immigration, 91, 332
- impartiality, 29
- in Doubt (Simons), 321
- ineffective assistance of defense counsel (IAC) claims in DNA exonerations, 228
- for exculpatory evidence investigation, 234
- for failure to investigate testimonial, 234–5
- by guilty defendants, 242
- Habeas Report, 232–5
- judges and, 229
- prevalence of, 228
- sentencing and, 236–8
- statistics on, 232–4
- studies on, 228–9
- successes of, 235–6
- summary of, 9, 227
- See also defense lawyering
- informant testimony
- drug cases and, 92
- exonerations and, 52
- IAC claim of failure to investigate, 234–5
- negotiated evidence and, 92–4
- perjury and, 6, 109–10
- as plea bargaining, 87
- regulation and reform of, 98
- statistics on, 51, 100
- video record of, 217–18
- See also witness misidentifications
- innocence
- actual innocence vs. “not guilty” verdict, 80
- burden of proof, 28–9, 277–80
- certainty and exonerations based on, 72
- definition, 3, 5, 8, 13, 59–60
- Eighth Amendment and, 169–73
- evidence disclosure and, 23–5
- vs. exonerations, 61–3
- Findley on complexity of, 57, 66
- as frame of systemic analysis, 293–4
- habeas corpus relief and, 25–8, 272–3
- history of skepticism and, 3, 4, 28, 58
- judgment statistics on, 51–3
- litigation track of, 10, 15
- post-conviction relief and, 25–8
- pre-DNA criminal system and, 15–20, 23–5
- punishment phase and, 162–5
- reform for establishing, 120–1
- trials and, 28–9
- of witches, 166–7
- witness identification and, 21–3
- wrongful conviction and guilty pleas, 18
- See also factual innocence; Innocence Movement; war and innocence; wrongful convictions
- innocence clinics, 6–7, 117–18
- See also clinical legal education
- innocence commissions, 214, 269, 328, 331, 387
- innocence consciousness, 60, 74–5, 77
- Innocence List (DPIC), 63–4, 140–2
- See also Death Penalty Information Center (DPIC)
- Innocence Movement
- on best practices, 121–2
- client representation in, 117, 119–20
- clinical legal education and, 6–7, 123–6

© in this web service Cambridge University Press www.cambridge.org
Index

Innocence Movement (cont.)
criminal justice system reforms and, 118, 120–2
DNA exonerations as launch for, 185
future of, xviii–xix, 66–7, 185–7
IAC and, 9
initial reaction to, xviii
media and, 34, 59, 77, 110
moral legitimacy of exonerations and, 70–1
origins of, xiii–xviii, 30, 47–4, 357–9
post-conviction reforms and, 247–8
on pretrial and trial reforms, 248
science-dependent cases and, 201–2
success of, 29–30, 59
on term DNA exoneration, 59
Zalman on, 129
See also global innocence movement;
specific topics of concern
Innocence Network, 140, 357, 361
Innocence Network United Kingdom (INUUK), 359–60, 373
Innocence Project
caseload of, 130
DNA exoneration list, 64, 73
DNA exoneration list vs. NRE, 74, 106
IAC and list of, 234
list criteria for, 61–2
mass investigations by, 314–15
network of, 140
plea bargaining and, 86
website of, 59, 61–2
See also specific state groups
Innocence Project (New York City)
accepted cases by, 85
establishment of, 117, 140, 152, 359
post-conviction reforms and, 247–8
on wrongful conviction statistics, 4
Innocence Project New Zealand, 360
Innocence Project Northwest (IPNW, University of Washington)
client representation by, 126–7
legislative advocacy by, 117–18, 126–9
summary of, 6–7, 126, 129
Innocence Project South Africa, 367
Innocence Protection Act (2004), 77
The Innocents (Radin), 57
Innocents Database, 79
insanity, 165
Inslee, Jay, 128, 178
In Spite of Innocence (Radelet, Bedau, Putnam), 142
International Criminal Tribunal for the Former Yugoslavia, 386
international humanitarian law (IHL), 585
International Innocence Conference, 361, 363, 362
International Law Commission, 586
International Military Tribunal, 385
interacial laws and rape cases, 268–302, 307–10, 312
See also racial discrimination
In the Name of the Father (film), 358
Invitation to a Lynching (Miller), 17
IPNW. See Innocence Project Northwest (IPNW, University of Washington)
Ireland
DNA testing in, 369
Irish Innocence Project, 360, 362–3
wrongful conviction cases in, 357–8, 388–9
Isola, Frank, 18
Israel, 364, 389
Italy Innocence Project, 362, 364
Jackson, Dwayne, 213
Jackson, John, 144
Jackson, Robert, 26, 385
jailhouse snitch. See informant testimony
Japan, 364
Japanese Americans, 202
See also racial discrimination
Jeffries, John, Jr., 272
Jenkins, Jerry Lee, 213
Jenny, Carole, 195
Jesus Christ, 381
Jesus on Death Row (Osler), 581
Johnson, Willie, 107–9
judgments
objectivity and, 68–9, 71–2
reversal of, 51–3
subjectivity and, 82, 85
judges
backgrounds of, 242
IAC and, 229
plea bargaining and, 218–19
role of, 312
See also trials
Judging Innocence (Garrett), 24
jury and representation, 29, 299
See also trials
Just Mercy (Stevenson), 155
“just war” theory, 385, 396
Index

juveniles
brain disorders of, 195
death penalty regulation for, 146
eyewitness misidentification by, 48
false confessions and, 47, 50, 295
laws related to, 43, 317–18
murder cases of, 302–3
race and exoneration of, 295
tape cases of, 371–2, 215–16
systemic errors affecting, 329
victim testimony by, 215–16
See also Shaken Baby Syndrome cases

Kagonyera, Kenneth, 269–70
Kansas v. Marsh, 159
Kennedy, Anthony, 171–2, 174, 346
Kennedy v. Louisiana, 171–2, 298, 311
Kennelly, Matthew, 199
Kentucky Habitual Offender Act, 218
Kerry, Bob, 154
Kiko (chimpanzee), 341
King, Nancy, 272
Kirby v. Illinois, 22
Kirkman, Albert, 107–9
Kitzhaber, John, 178
Knoops’ Innocence Project, 363–4
Koremathu, Fred, 292
Kuppelberg, James, 114
Langwallner, David, 362
Larkin, Willie, 309
Latin America, 361–2
Lauder, Larry, 265–6, 268
Lauler, William, 29
Laurin, Jennifer, 188, 197, 201–2
law of armed conflict (LOAC), 385
Law & Order (television show), 210
law school and law school clinics. See clinical legal education

Learned Hand, Billings, 16, 58, 370
Lee, Wilbert, 17–18
Legal Defense Fund (LDF), 17, 20
See also National Office for the Rights of the Indigent (NORI)
legal exonerations, 62–4, 80
See also exonerations
legal guilt vs. guilt, 166, 187
legal innocence. See innocence legislation
on evidence preservation, 128
on perjury prosecutions, 110, 112
on police interrogation, 249–50
prevent wrongful convictions, 121–2
on wrongful conviction compensation, 128
on wrongful convictions, 77, 85, 316, 323
See also criminal justice system reforms
Legislative Advocacy Clinic (IPNW), 117–18, 126–9
See also Innocence Project Northwest
(IPNW, University of Washington)
legislative advocacy clinics, 7
legislative lawyer, 135–6
Leo (chimpanzee), 341
Leo, Richard A.
chapter by, 57–75
on prevention of wrongful convictions, 122
on wrongful conviction databases, 312–13
wrongful conviction sources, 121
liberalism on death penalty, 147
Liebman, James S., 228
Life After Death Row (Westervelt and Cook), 148
Life Imprisonment without Parole (LWOP), 145–6
lineup procedural reform, 22–3
Lockett, Clayton, 345
LoFquist, William, 141
loitering, 95
Lo Ping-Cheng, 364
Lord v. Wood, 243
Lo Shi-Hsiang, 305
Louisiana, 298–300, 306, 308–11
Luna, Erik, 379–94
Luparia, Luca, 362, 364

MacCrate Report (ABA), 123, 240
MacKinnon, Catherine A., 301, 311
Maguire Seven case, 388
Makuwa, Johannes Dinka, 367–8
Manson v. Brainwaite, 22
Maphakane, Levi, 368
Marcou, Justin F., 334–46
Marion, William Jackson, 154
Markham, Stephen, 62–3, 149, 153
Marquis, Josh, 265
Marshall, Donald, Jr., 302–3
Marshall, John, 345
Marshall, Thurgood, 236, 238
Maryland, 95, 163
Massachusetts, 252–3, 258, 291–2, 314, 316
Maxwell v. Bishop, 297, 310–11
McCloskey, James, 140
Index

McCollum, Henry Lee, 16, 43, 51–3, 163–4
McGautha v. California, 297
McGee, Willie, 304
McIlkenny, Richard, 358
McMahon, ... bargaining
Netherlands, 220, 362–4
Netherlands Forensic Institute, 363–4
Neufeld, Peter

Murder cases, 44–5
See also specific cases
A Murder in the Park (movie), 283
Murphy, Frank, 383, 385–6

NAACP LDF. See Legal Defense Fund (LDF)
Napatoff, Alexandra, 95–98
National Academy of Sciences, 48, 53, 168–9, 188
National Academy of Sciences Report, 251
National Association for Criminal Defense Lawyers (NACDL), 314–15
National Cancer Institute, 190
National Center for State Courts, 228
National District Attorneys’ Association Summit on Prosecution Integrity, 110
National Fire Protection Association (NFPA), 200
National Institute of Justice Guide, 23, 249
National Legal Aid and Defender Association, 239
National Office for the Rights of the Indigent (NORD), 17
See also Legal Defense Fund (LDF)
National Registry of Exonerations (NRE) benefit of data from, 72–3
on Brady violations, 208–9
on causes of wrongful convictions, 282
contestation of listed exonerates, 83
definition of exoneration, 65–7, 112
establishment of, 59–62, 64–5
exoneration and trial statistics, 89
on factual innocence, 79
fluidity of exonerates list, 81
vs. Innocence Project list of DNA exonerations, 74
management of, 59–60, 142
plea bargain statistics on, 86, 101
statistics of, 119, 201
study on prosecutorial misconduct from, 8–9, 212–13, 213–14
summary of, 13
See also exonerations
National Research Council, 168, 210–11
Naughton, Michael, 359
Nazi war crimes, 383, 385
Nebraska, 155–6, 170
negotiations. See plea bargaining
Netherlands, 220, 362–4
Netherlands Forensic Institute, 363–4
Neufeld, Peter
Index

Actual Innocence, 58, 117, 120
foreword by, xvii–xix
as founder of Innocence Project, 59, 61, 117, 140
New Iberia Research Center, 341
New Jersey, 23, 258
New Mexico, 155
New Scientist, 339
New York
abolition of death penalty in, 20, 167
animal control codes in, 336
defense attorney applications in, 243
informant regulation bill in, 98
new evidence procedures in, 261
racial discrimination and misdemeanors, 94–5
The New Yorker, 58
New York Police Department, 94–5
New Zealand, 303, 360
NhRP. See Nonhuman Rights Project (NhRP)
Nightingale, Florence, 393
nonhuman beings
animal control codes, 336
captivity and innocence of, 337–41
DNA and, 337–8
dog-scent lineups, 316–17
emotions and cognitive ability of, 338–40, 350–1
legal status of animals, 336–7, 349, 352–3
Nonhuman Rights Project (NhRP), 335, 340–1, 352–3
practical considerations of habeas relief for, 341–4, 354
as property and rights of, 347–8
summary of habeas relief for, 11–12, 334–5, 349, 344–6
Nonhuman Rights Project (NhRP), 335, 340–1, 352–3
Norris, Robert, 60, 64, 121
North American Primate Sanctuary, 340
North Carolina Innocence Inquiry Commission, 214, 269, 328
Northeastern University School of Law, 4
Northern Ireland, 303, 357–8, 388–9
Northrop, Alan, 128–9
Norway, 362–3
Not Guilty (Frank and Frank), 57
“not guilty” vs. actual innocence verdict, 62, 80
notification of systemic irregularities
access to counsel after, 325–7, 332
false motives of, 331
logistics and duty to, 322–5
process of, 318–22
NRE. See National Registry of Exonerations (NRE)
Nuremberg trial, 383, 385
objectivity and judgments, 68–9, 71–2
O’Brien, Barbara, 82
Ochoa, James, 57
O’Connor, Sandra Day, 184
Ohio Innocence Project, 361
Oklahoma, 342
“online solicitation of a minor” law, 317–18
open file policy, 217, 224
Oracle of Delphi, 15
Oregon, 162, 170, 177, 258
Oregon v. Guzek, 162
Osler, Mark, 381
Palestine, 389
Paul, Rand, 170, 178–9
Pearson, Edmund, 342
Penn Center surveys, 145–6, 151
Philippines, 304
Pieper, Ronald, 363–4
Pierce, Gareth, 357–8
Pinochet, Augusto, 331
Pitcairn, Shalea, 194
Pitts, Freddie, 17–18
Pittsburgh Courier, 309
plea bargaining
accuracy and, 89–92
Alford plea, 260, 289
in drug cases, 91, 219, 224
evidence and accuracy as commodities, 86, 87
faults of, 6
informants and, 87
judges’ involvement in, 218–19
misdemeanors and, 87, 91, 94–6
© in this web service Cambridge University Press
www.cambridge.org
Index

plea bargaining (cont.)
perjury and, 269–70
recantations and, 109
statistics on, 86–7, 101
summary of, 89–92
use of, 15, 278–9
See also evidentiary inaccuracies
Poland, 324, 364
police interrogation
best practices in, 48–9, 53, 77
in China, 366–7
coercion, 41–3
double-blind procedures, 89, 96, 249, 258
lineup reform, 22–3
Miranda rights reforms and, 10, 15, 275–7
reforms to, 10, 249–50
statistics on, 47
videotaping of, 217–18, 250, 276–7
police procedural misconduct
examples of, 213, 216–17
Fourth Amendment exclusionary rule and, 274–5
perjury, 114
Posner, Arthur, 380
Pope Innocent III, 351
Porter, Anthony, 269, 283
Porter, Dennis J., 108–9
Portugal, 225
Posner, Richard, 104–5, 339, 344, 352
post-conviction exoneration. See DNA exonerations; exonerations
post-conviction reforms
AEDPA, 26–7, 253–6
summary of, 10, 247–8, 252, 256–7
See also appeals; criminal justice system reforms; habeas corpus relief; specific processes
posthumous exonerations, 10–11, 142–4, 154, 291–2, 294–5
Potter, Deborah, 69
poverty and wrongful convictions, 30–1
See also defense lawyering
Powell, Lewis F., Jr., 21, 26–7, 218
Power, William, 358
POWs (prisoners of war), 345, 353–4
Prejean, Helen, 146
Presti, Carmen and Christie, 341
Presumed Guilty (film), 362
pretrial testing vs. DNA exonerations, 8, 12–13
Primus, Eve Brensike, 95
prior convictions
plea bargaining and, 91
risk of wrongful conviction and, 268–9
pro bono legal and investigative services. See clinical legal education
propaganda in wartime, 381
prosecutorial misconduct
in Abernathy case, 215
Brady v. Maryland, 5–9, 23–5, 52, 208
Medwed on, 217
open file policy for prevention of, 217, 224
perjury, 209
political pressure and, 219–20, 331
prosecutor training program for prevention of, 220–2
prosecution-defense balance and reforms, 23–5
in Providence case, 214–15
review board for prevention of, 217
rulings on, 222
in Sledge case, 244
statistics on, 52
study of NRE samples on, 212–14
summary of, 8–9, 208–22
Supreme Court on, 209
systemic problems and, 210
in Vasquez case, 215–16
See also trials
prosecutor training program, 220–2
proven false confession, 67–8
proven false conviction, 68
Providence, Dwayne, 214–15
public defense lawyering. See defense lawyering
Puerto Rico, 361–2
Putnam, Constance, 141
Quinn, Pat, 109, 176–7
Raab, Selwyn, 19
racial discrimination
capital punishment and, 7
in death sentencing, 146, 150
DNA exonerations and, 44–5
eyewitness misidentification and, 48
historical record and wrongful murders, 31
in Maryland, 95
misdemeanors and, 94–6
in New York, 94–5
posthumous exonerations and, 10–11, 294–5
statistics on, 295–6

© in this web service Cambridge University Press  www.cambridge.org
summary of rape cases and, 291–2, 296–7, 304–5
Supreme Court on, 297–8
trials and, 102
Whitmore case, 18–20
See also National Office for the Rights of the
Indigent (NORI); slavery
Racial Justice Act (2014), 43
Radelet, Michael
chapter by, 138–51
on death penalty and innocence, 304
DPIC Innocence List and, 57–8, 140–2
on exoneration vs. innocence, 62–3
Stanford Law Review 1987 article,
57–8, 149
Radin, Edward, 57
The Raffi Horror Show (film), 362
railroad tort case, 191–3
Rakoff, Jed, 86–7, 167
Rampart mass exonerations, 91
Rand Corporation Study, 228–9
rape cases
Central Park Five, 41–3, 295
of children, 171–2, 215–16
conviction errors in, 295–6
DNA evidence and, 186, 295–6
feminism and, 300–2
in Louisiana, 298–300, 306, 308–9
reforms and, 300–2
summary of race and, 291–2, 296–7,
304–5
Supreme Court on race and, 298
See also sex crimes
reasonable doubt. See residual doubt
Recalibrating Constitutional Innocence Protection (Smith), 171
recantations
DNA exonerations and, 106, 112
Dotson and, 6, 106
of informants, 97
perjury and, 6, 109–10, 115–16
plea bargaining and, 109
skepticism of, 106–7, 111
in Whitmore case, 19
See also false trial testimony
recidivism, 268–9
Red Inocente, 361
reentry challenges post-exoneration, 119–20, 148
Registry. See National Registry of Exonerations (NRE)

Rehnquist Court
on habeas corpus, 26–7
procedural reforms by, 26–7
See also United States Supreme Court
Reid interrogation method, 250
Reinhardt, Stephen, 235
religious community on death penalty, 146–7
residual doubt, 163–9
retributive benefit of death penalty, 171
Rêveilhac, Gérard, 382
reversal judgments, 53–5
Reyes, Mathis, 42
Richardson, Carole, 357–8
Richardson, Gerard, 211
right to counsel. See Sixth Amendment
Risinger, D. Michael, 266–7
Ritter, Bill, 216
Rivera, Jacques, 309, 319
Ross
Rudolf
Sacco, Bartolomeo, 16, 142–3, 291–2
Salvador, Jonathan, 323, 330
same-sex marriage, 346
Sawyer v. Whitley, 25
SBS. See Shaken Baby Syndrome cases
Scalia, Antonin
on conviction success rate, 16, 76
on death penalty, 163–4, 172–4
on punishment phase and proof of innocence, 162–3
on unreliability of death penalty, 161
on wrongful convictions, 58
Scheck, Barry
Actual Innocence, 58, 117, 120
establishing Innocence Project, 117, 140
foreword by, xvi–xix
as founder of Innocence Project, 59, 61, 117, 140
Schiff, Gordon, 192
Schlup v. Delo, 28, 256
science-dependent cases
circulatory reasoning in, 194
definition of innocence in, 8
differential etiology in, 194–5
ers and future of innocence in, 187–8
Innocence Movement and, 209–2
skepticism and, 349
See also DNA technology; forensic evidence
Scientific American, 338
Scott, Winfield, 381–2
Scottsboro Boys, 16, 304
Sege, Bob, 195
Sellenger Centre Criminal Review Project, 360
sentencing reforms, 20
serology, 49
See also forensic evidence
sex crimes
Ashley’s Laws and, 43
Central Park Five, 41–3, 205
DNA exoneration statistics and, 44–5
See also rape cases
sex laws, 42, 298–302
sexual assault. See rape cases
Shaken Baby Syndrome cases
cases using new scientific evidence, 198–9
circulatory reasoning in, 194
condition mimics of, 195
confessions in, 194–5
Edmunds case, 197–8
expert medical opinion in, 8, 192
flawed science in, 8, 187, 189–90
judicial response to changing science in,
197–9
scientific research on, 193–7
See also Abusive Head Trauma cases
Shavell, Amy, 149
Shaw, Stuart, 360–1
Sheppard, Samuel, 16
Sherman, William Tecumseh, 379–80, 393
Sherr, Hans, 79
Shevin, Robert, 17
She Xianglin, 366–7
shoe print evidence, 49
See also forensic evidence
Shulman, Tara, 123
Sierra Leone, 386–7
Simon, Alstory, 283
Simons, Dan, 212
Singapore, 384, 376
Siu, Joseph, 341
Sixth Amendment, 132, 232
See also ineffective assistance of defense
counsel (IAC)
Sixty Minutes, 108
skepticism
in history of criminal innocence, 3–4, 28, 58
of recantations, 166–7, 111
See also DNA technology; forensic evidence
Slobozhin, Chris, 267–8
Smith, Earl, 305
Smith, Larry Dean, 153
Smith, Robert J., 159–73
snitches. See informant testimony
Snowden, John, 143, 294
Somerset, James, 343–4
Sotomayor, Sonia, 153
Stout, David, 139, 164
South Africa, 303, 367, 369, 387
South Carolina, 205
South Korea, 305, 313
Spain, 362
Spencer, Timothy, 139
Stanford Law Review, 57–8, 149
state prisoners’ rights reform, 26
State v. Henderson, 23
State v. Michel, 300
statutory procedural reform, 20
Stevens, John Paul, 22
Stevenson, Bryan, 155, 230, 243
Stewart, Potter, 150, 158, 237, 384
Stiers, Donald, 224
Stiglitz, Jan, 349
Stinchcomb, Samuel, 16
Stinney, George, 143, 154, 292
Stony Brook University, 341
Stowell v. Denno, 22
Strickland v. Washington, 9, 227, 235
Streib, Neil, 365
Stuntz, William, 90, 272, 274, 286
supremacy and judgments, 82, 85
Supreme Court. See United States Supreme
Court
Sweden, 199
Taiwan, 364–6
Taiwan Association for Innocence (TAI),
364–6
416 Index

© in this web service Cambridge University Press
www.cambridge.org
Index

Tatel, David, 392
Ten Principles of a Public Defense Delivery (ABA), 242
terrorism, 12, 344, 388–93
Texas
access to counsel and systemic errors in, 326–7
contahband cases in, 216–17
Forensic Science Commission, 322, 331
Houston Police Department Crime Laboratory, 316, 321, 332
legislation on death penalty, 98
legislative reform on wrongful convictions, 316, 323
mass investigations of systemic errors, 332–3
Office of Capital and Forensic Writs, 327
perjury case in, 115–16
posthumous exonerations in, 295
statistics on new appeals in, 333
statute on new scientific evidence, 201
systemic irregularities in, 317–22, 330
The Constitution Project (TCP), 147
Thibodeaux, Damon, 49
Thomas, Arthur Allan, 303
Thomas, George C., III
chapter by, 208–22
references to, 277
Thompson, James R., 112
Thompson, Kenneth, xviii
Thompson, Sandra Guerra, 314–28
Thurman, Joe, 224
Tommy (chimpanzee), 340–1
trespassing convictions, 49–5

Trials

trial manual for the defense of criminal cases (Amsterdam), 239
conviction phase, 161–3
DNA exoneration statistics and, 44, 49
evidentiary accuracy and, 88–9
exoneration and multiple, 18, 51–3
exoneration statistics and, 89
false trial testimony, 6
flawed forensic evidence and, 49–50
Fourth Amendment exclusionary rule and, 274–5
function of, 88, 100
jury and representation in, 29, 299
legal innocence and, 28–9
open file policy, 217, 224
post-conviction and requests for new, 252–3
procedural reforms for pre-trial and, 248
punishment phase of, 162–5
racial discrimination and, 102
wartime, 12, 381–4, 386–7
See also judges; jury; prosecutorial misconduct

Tribé, Laurence H., 347, 349
Trotter, Gary, 388
Truth and Reconciliation Commission, 387
United Kingdom, 12, 54, 357–8, 369, 388–9
See also England; Great Britain; Northern Ireland
United States
declining death penalty rate in, 145–7
FBI and DOJ on evidentiary inaccuracies, 144
Guantanamo Bay detention by, 344, 390–3
homicide rates, 146
state death penalty laws, 176
See also United States Supreme Court; specific agencies; specific states

United States Constitution. See specific amendments

United States Supreme Court
on accuracy of pleas, 89–90
on Bordenkircher v. Hayes, 218
on constitutionality of death penalty, 153, 161, 173
on constitutionality of DNA databases, 85
on death sentences for disabled persons, 146
on detentions and habeas relief, 344, 351
DNA technology and, xvii–xviii
on expert opinion in medical cases, 192
on function of trial, 88
on gay marriage, 246
on habeas relief, 342
on Hinton v. Alabama, 230–3
on IAC, 227
on juvenile death sentences, 146
on new evidence, 285, 320–1
on prosecutor’s duty, 209
on punishment phase and proof of innocence, 162–3
on race and rape cases, 297–8
on right to counsel, 241

© in this web service Cambridge University Press

www.cambridge.org
Index

418

United States Supreme Court (cont.)
  on wartime and innocence, 384–5
  on Yamashita tribunal, 383
  See also specific cases; specific constitutional amendments; specific justices
  United States v. Agurs, 25
  United States v. Bagley, 25
  United States v. Booker, 234
  United States v. Helhke, 231, 240
  United States v. Quinones, 109
  United States v. Wade, 22
  University of Cincinnati Law Review, 361, 363
  University of Michigan Law School, 59–60, 142
  See also National Registry of Exonerations (NRE)
  University of Washington School of Law, 6–7
  See also Innocence Project Northwest (IPNW, University of Washington)
  University of Witwatersrand, 367
vacated judgment statistics, 51
van den Haag, Ernest, 140, 157
Vanek, Daniel, 364
Vanzetti, Nicola, 16, 142–3, 291–2
Vasquez, David, 2–3, 111, 139
Vasquez, Mario, 215–16
Versailles Peace Conference (1919), 396
victims of crime vs. victims of wrongful convictions, 265–70
video record of testimony, 217–18, 250, 276–7
Viets, Wilco, 363–4
Virginia, 305, 323
Voboril, Jan, 364
Wales, 360
Walker, John, 358
Walzer, Michael, 393
war and innocence
belligerent killings, 381
detention and, 386, 390–2
“just war” theory, 385, 396
laws of war, 385, 394
military tribunals, 381–2
philosophy on basic human rights and, 385–6
POWs, 345, 353–4
presumption of regularity, 392
summary of, 379–80, 393–4
Supreme Court on, 383–5
suspension of truth during wartime, 380–1
terrorism, 12, 388–93
theological interpretation on, 393
war crimes and military tribunals, 12, 384–4
386–7
Warden, Rob
chapter by, 106–40
as founder of NRE, 59–60
on media and Innocence Movement, 29
on recantations, 280
See also National Registry of Exonerations (NRE)
Warren Court
on evidence disclosure, 23–5
on habeas corpus, 25–6
innocence and, 15–20
post-conviction relief in, 25–8
See also United States Supreme Court
Washington, 170, 178, 234
Washington Post, 176–7, 198, 210–11, 315
Webb, Cathleen Crowell, 106
Weed, Douglas, 364–5
West, Valerie, 228
Westlaw database, 208
Whitmore, George, Jr., 18–20
“Why Innocent People Plead Guilty” (Rakoff), 86–7
Wicoff, Robert
chapter by, 344–28
references to, 331–2
Wiggins, Kevin, 232, 237
Wiggins v. Smith, 232, 237
Wikileaks, 302
Wilcoxon, Robert, 269–70
Will, George, 147, 178
Williams, Johnny, 47
Willingham, Cameron Todd, 93, 144, 159–60, 168, 200
See also anon cases
Wills, Ernest Ray, 200–1
Wilson, Harold, 177
Wisconsin Innocence Project, 124
Wise, Steven M., 334–46
witches, 166–7, 202
witness misidentifications of Abernathy, 215
of Beamer, 21–2
circumstances for, 22
DNA exoneration statistics and, 45
innocence and, 21–3
lineup reliability and reform, 22
as main cause of wrongful conviction, 23, 380
prevalence of, 212
prevention training for, 221
procedural reforms on, 10, 23, 249, 267–8
of Provience, 214–15
racial discrimination and, 310
statistics on, 49, 249
in Vasquez case, 215–16
See also evidentiary inaccuracies; informant testimony; police interrogation
Witness to Innocence, 148
Wits Justice Project, 367–8
Wolf, Tom, 177
Wolfgang, Marvin, 291, 297, 307
Woods, Cathy, 51
Woodson v. North Carolina, 164–5
World War I, 382
World War II, 382–4
writ of habeas corpus. See habeas corpus relief
wrongful convictions
Bedau on, 132
Borchard on, 30
compensation for, 42, 121, 128
crime victim vs. victims of, 265–70
death penalty support and, 148–51
definition, 3, 5, 13
factors in capital cases, 173
famous historical cases of, 16
Garrett on, 5, 24
ghost of the innocent man, 16
Gould on, 24
Guantánamo Bay detainees, 344–590–3
history of scholarship on, 57–8, 60, 117, 139–40
individual investigations of, 314
informant recantation in, 93
informant testimony and, 87, 92–4
legislation on, 77, 85, 310, 323
list of sources of, 87–8, 121, 228, 314
mass investigations of, 314–15
misdemeanor pleas and, 87, 91, 94–6
paid settlement for, 42
poverty and, 30–1
priors and risk of, 268–9
procedural barriers after discovery of, 315–16
recommendation for more research on, 271, 283
recent challenges post-exoneration, 119–20
Scalia on, 16, 58, 76
societal cost of, 268
societal effects of, 119
statistics on, 4
term “proven false conviction,” 68
war crimes and, 12
See also criminal justice system irregularities; criminal justice system reforms; death penalty; DNA exonerations; exonerations; innocence; Innocence Movement; specific cases and criminals; specific causes
wrong man cases, xvii, 57–61
See also factual innocence; innocence
Wylie, Janice, 18
Yackle, Larry, 26
Yamashita Tomoyuki, 382–4
Yarris, Nicholas, 177
Youngblood, Larry, 52
Zalman, Marvin
on Allen and Laudan risk ratios, 266
on DPIC’s interpretation, 78
on exoneration as term, 62
on innocence consciousness, 60, 77
on Innocence Movement, 129
on Innocents Database, 79
Zarowsky, Lara, 127
Zhang Zaiyu, 366–7
Zmiring, Franklin, 148
Zhutiga, Toño, 362
Zuziashvilli, Yitzhak, 364