Contents

Contributors xi
Acknowledgments xv
Foreword xvii
Barry Scheck and Peter Neufeld

INTRODUCTION 1

1 Talking about a Revolution: A Quarter Century of DNA Exonerations 2
   Daniel S. Medwed

2 Innocence before DNA 14
   Michael Meltsner

PART I A LOOK BACK: WHAT HAVE WE LEARNED FROM TWENTY-FIVE YEARS OF DNA EXONERATIONS? 37

The Big Picture 39

3 Convicting the Innocent Redux 40
   Brandon L. Garrett

4 Has the Innocence Movement Become an Exoneration Movement? The Risks and Rewards of Redefining Innocence 57
   Richard A. Leo
   A Closer Look at Specific Lessons 84

5 Negotiating Accuracy: DNA in the Age of Plea Bargaining 85
   Alexandra Natapoff

6 Reacting to Recantations 106
   Rob Warden
## Contents

7  A Tale of Two Innocence Clinics: Client Representation and Legislative Advocacy 117
   Jacqueline McMurtrie

8  How DNA Has Changed Contemporary Death Penalty Debates 138
   Michael L. Radelet

9  What Does Innocence Have to Do with Cruel and Unusual Punishment? 159
   Robert J. Smith, G. Ben Cohen and Zoë Robinson

**PART II A GLANCE AHEAD: WHAT CAN BE DONE TO AVOID WRONGFUL CONVICTIONS IN THE FUTURE?** 181

10 Flawed Science and the New Wave of Innocents 184
   Keith A. Findley

11 Prosecutors: The Thin Last Line Protecting the Innocents 208
   George C. Thomas III

12 Ineffective Assistance of Counsel and the Innocence Revolution: A Standards-Based Approach 226
   Adele Bernhard

13 Post-Conviction Procedure: The Next Frontier in Innocence Reform 247
   Stephanie Roberts Hartung

14 Can We Protect the Innocent without Freeing the Guilty? Thoughts on Innocence Reforms That Avoid Harmful Trade-Offs 264
   Paul G. Cassell

15 Retrospective Justice in the Age of Innocence: The Hard Case of Rape Executions 291
   Margaret Burnham

16 Outbreaks of Injustice: Responding to Systemic Irregularities in the Criminal Justice System 314
   Sandra Guerra Thompson and Robert Wicoff

17 Exonerating the Innocent: Habeas for Nonhuman Animals 334
   Justin F. Marceau and Steven M. Wise
Contents

The International Arena 355
18 The Global Innocence Movement 356
   Mark Godsey
19 Innocence at War 379
   Erik Luna

Index 401