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FACULTY OF LAW



WRONGFUL CONVICTIONS

VOLUME 1

Professor Kent Roach

Winter 2011

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- The Frayed and Tarnished Silver Thread: Stinchcombe and the Role of Crown Counsel in Alberta, by Glen Luther, (2002), 40 Alta. L.Rev. 567
- Improving Prosecutorial Decision Making: Some Lessons of Cognitive Science, by Alafair Burke, (2006), 47 Wm and Mary L.Rev. 1587
- The Relationship between prosecutorial discretion and wrongful convictions: Shaping Remedies for a Broken System, 2006 Wis.L.Rev. 399
- The Zeal Deal: Prosecutorial Resistance to Post-Conviction Claims of Innocence, by Daniel Medwed, (2004), B.U.L. Rev 125
- Zealous Advocacy in a Time of Uncertainty: understanding lawyers' ethics: wrongful convictions: it is time to take prosecution discipline seriously, by Ellen Yaroshefsky (2004), 8 D.C.L. Rev. 275
- The Seven Deadly Prosecutorial Sins, by Robert Frater, 7 Can.Crim.L.R. 209
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Richard Nobles & David Schiff, “The Criminal Cases Review Commission: Establishing a workable relationship with the Court of Appeal” [2005] Criminal Law Review 173431

Graham Zellick, “The Criminal Cases Review Commission and the Court of Appeal: The Commissioner’s perspective” [2005] Criminal Law Review 937.....440

D. US Experiences

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Barry Scheck and Peter Neufeld, “Toward the formation of ‘Innocence Commissions’ in America” (2002) 86 *Judicature* 98453

Online Resources:

Report of the Kaufman Commission on Proceedings Involving Guy Paul Morin
<http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/morin/>

The Inquiry Regarding Thomas Sophonow

<http://www.gov.mb.ca/justice/publications/sophonow/toc.html>

The Report of the Commission of Inquiry into certain aspects of the trial and conviction of James Driskell

http://www.driskellinquiry.ca/pdf/final_report_jan2007.pdf

The Lamer Commission of Inquiry Pertaining to the cases of Ronald Dalton, Gregory Parsons and Randy Druken

<http://www.justice.gov.nl.ca/just/lamer/LamerReport.pdf>

Commission of Inquiry into the Wrongful Conviction of David Milgaard

<http://www.milgaardinquiry.ca/>

(final report due in 2007)

Commission of Inquiry into Forensic Pediatric Pathology

<http://www.goudgeinquiry.ca>

Criminal Cases Review Commission

www.ccrcc.gov.uk
Scottish Criminal Cases Review Commission
<http://www.sccrc.org.uk/home.aspx>

Chapter 10: Addressing Wrongful Convictions: The Role of the Media and Advocacy Groups

A. Media

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M. Stephens & P. Hill. (1999). The role and impact of journalism. In Clive Walker & Keir Starmer (Eds.), *Miscarriages of justice: A review of justice in error*, pp. 263-284. London, UK: Blackstone Press Ltd.475

Rob Warden, "The revolutionary role of journalism in identifying and rectifying wrongful convictions" (2002) 70 UMKC Law Review 803.....486

B. Advocacy Groups

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Ellen Y. Suni, "Ethical issues for innocence projects: An initial primer" (2001) 70 UMKC Law Review 921.....522

Online Resources:

Association in Defense of the Wrongly Convicted

<http://www.aidwyc.org/>

Innocence Project

Affiliated with the Benjamin N. Cardozo School of Law at Yeshiva University

<http://www.innocenceproject.org/>

Centurion Ministries

<http://www.centurionministries.org/>

Innocence Network UK

<http://www.innocencenetwork.org.uk/index.htm>

Additional Readings: Wrongful Conviction Writings from Popular Media

Chaiton, S. and Swinton, T. (2000). *Lazarus and the Hurricane*. Toronto: Penguin Books Canada.

- Finkle, D. (2004). *No claim to mercy: The controversial case for murder against Robert Baltovich*. Toronto: Penguin Group (Canada).
- Karp, C., and Rosner, C. (1991). *When justice fails: The David Milgaard story*. Toronto: McClelland and Stewart Inc.
- Makin, K. (1998). *Redrum the innocent*. Toronto: Penguin Books Canada.
- Sher, J. (2001). *Until you are dead: Steven Truscott's long ride into history*. Toronto: A.A. Knopf Canada
- Vollen, L., & Eggers, D. (2005). *Surviving justice: America's wrongfully convicted and exonerated*. San Francisco: McSweeney's Books.

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Adele Bernhard, “Justice still fails: A review of recent efforts to compensate individuals who have been unjustly convicted and later exonerated” (2004) 52 Drake Law Review 703.....556

Shawn Armbrust, “When money isn’t enough: The case for holistic compensation of the wrongfully convicted” (2004) 41 Am. Crim. L. Rev. 157.....570

E. Innocence Hearings

Driskell Inquiry, pp. 138-145.....583

List of websites and resources

GENERAL

**Wrongful Conviction and Innocence Resources on the Internet:

<http://www.llrx.com/features/wrongfulconviction.htm>

**Wrongful Conviction Reading Room:

http://www.law-forensic.com/wrongful_conviction_reading_room.htm

**Actual Innocence Awareness Database:

http://web.austin.utexas.edu/law_library/innocence/

**Gary Wells – Eyewitness ID:

<http://www.psychology.iastate.edu/FACULTY/gwells/homepage.htm>

**Innocence Blog:

<http://www.wrongfulconvictions.blogspot.com/>

Bluhm Blog on False Confessions:

http://blog.law.northwestern.edu/bluhm/false_confessions/index.html

Eyewitness Identification Reform Blog:

<http://eyeid.blogspot.com/>

**The Truth About False Confessions: <http://www.truthaboutfalseconfessions.com/>

Convicting the Innocent – A triple failure of justice:

<http://canadiancriminallaw.com/articles/articles%20pdf/Convicting%20the%20Innocent%20Revised%202006.pdf>

Bearing False Witness Blog:

<http://bearingfalsewitness.blogspot.com/>

Wrongful Convictions Blog:

<http://wrongful-convictions.blogspot.com/index.html>

Strange Justice Blog:

<http://stju.blogspot.com/>

Truth in Justice:

<http://www.truthinjustice.org/index.htm>

REPORTS

The Inquiry Regarding Thomas Sophonow:

<http://www.gov.mb.ca/justice/publications/sophonow/intro/index.html>

Report of the Working Group on the Prevention of Miscarriages of Justice:

<http://canada.justice.gc.ca/en/dept/pub/hop/>

Lamer Inquiry Report:

<http://www.justice.gov.nl.ca/just/lamer/>

Commission of Inquiry into Certain Aspects of the Trial and Conviction of James Driskell:

<http://www.driskellinquiry.ca/terms.html>

New Jersey Death Penalty Commission:

http://www.njleg.state.nj.us/committees/njdeath_penalty.asp

CURRENT INQUIRIES

Commission of Inquiry into the Wrongful Conviction of David Milgaard:

<http://www.milgaardinquiry.ca/>

The Inquiry into Pediatric Forensic Pathology in Ontario:

<http://goudgeinquiry.ca/index.html>

ADVOCACY GROUPS

AIDWYC (Association in Defence of the Wrongfully Convicted):

<http://www.aidwyc.org/>

**The Innocence Project:

<http://www.innocenceproject.org/>

**Center on Wrongful Convictions:

<http://www.law.northwestern.edu/wrongfulconvictions/>

The Osgoode Hall Law School Innocence Project:

<http://www.innocenceproject.ca/>

**New York State Defenders Association:

http://www.nysda.org/NYSDA_Resources/Innocence_Wrongful_Convictions/innocence_wrongful_convictions.html#CurrentDevelopments

Life After Exoneration Program:

<http://www.exonerated.org/about.php>

Injustice Quebec:

<http://injusticequebec.ca/index.html>

Justice Denied: The Magazine for the Wrongfully Convicted:

<http://www.justicedenied.org/>

Death Penalty Information Center:

<http://www.deathpenaltyinfo.org/newsanddev.php?scid=6>

Dr. Edmund Higgins:

<http://www.dredmundhiggins.com/>

Truth in Justice:

<http://www.truthinjustice.org/index.htm>

INNOCENT!

<http://www.aboutinnocent.org/purpose.htm>

Miscarriages of Justice Organization (MOJO):

<http://www.mojo.freehosting.net/index.html>

The Innocence Network:

<http://www.innocencenetwork.org/>

Innocence Institute of Point Park University:

<http://www.innocencenetwork.org/>

Witness to Innocence:

<http://www.witnesstoinnocence.org/index.htm>

The Faces of Wrongful Conviction:

<http://www.facesofwrongfulconviction.org/>

REVIEW BODIES

Criminal Conviction Review Group (Canada):

<http://canada.justice.gc.ca/en/ps/ccr/index.html>

Criminal Cases Review Commission (UK):

<http://www.ccrc.gov.uk/>

Connecticut Advisory Committee on Wrongful Convictions:

<http://www.jud.ct.gov/Committees/wrongfulconviction/#Members>

California Commission on the Fair Administration of Justice:
<http://www.ccfaj.org/>

INDIVIDUAL CASES

Pierre Gill:
<http://pierregill.tripod.com/cgi-bin/accueil.html>

The Darryl Hunt Project for Freedom and Justice:
<http://www.darrylhuntproject.org/about.html>

