

**Carleton University**  
**Department of Sociology & Anthropology**  
**SOCI 4702 A**  
*Special Topics in Criminal Justice and Social Policy*  
*'Wrongful Convictions'*  
**Summer 2010**

**Instructor: Darryl T. Davies**  
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**Class meets: Monday & Wednesdays 2:30-5:30 pm in A715 Loeb**

**Prerequisites: 4<sup>th</sup> year honours standing or permission of the Department.**

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**COURSE DESCRIPTION**

In this class, the factors that have been linked to wrongful conviction cases will be examined and analyzed. We will look at Canadian and American cases to see how often wrongful convictions occur and the implications they have for accused persons who are subsequently exonerated. We will attempt to answer a variety of questions such as: What impact do wrongful conviction cases have on the credibility of the criminal justice system? How does the state and the justice system respond when people complain that they have been wrongfully convicted? What role do police, crown attorneys, judiciary and the corrections system play in wrongful conviction cases? What impact do wrongful convictions have on the lives of the wrongfully convicted? Finally, what can be done to reduce the frequency with which people are wrongfully convicted by the criminal justice system in the future?

**Required Texts:**

Maidment, MaDonna, 'When Justice Is a Game: Unravelling Wrongful Convictions in Canada,' Fernwood Publishing, 2009.

Anderson, Barry, Anderson, Dawn: 'Manufacturing Guilt: Wrongful Convictions in Canada,' Fernwood Publishing, 2009.

## GENERAL OBJECTIVES

- To identify the various sociological, legal and psychological factors that contribute to the wrongful conviction of innocent people.
- To examine the role played by the police, crown, courts, forensic experts and parole and corrections system in wrongful conviction cases.
- To try to understand the impact that wrongful conviction cases have on the lives of innocent people as well as their families.
- To identify avenues of redress for the wrongfully convicted as well as mechanisms that can be introduced in the justice system in order to reduce wrongful convictions in the future.

### Grading of Papers and Examinations (Dates to be announced)

Mid-Term Assignment: 50 %

Final Examination: 50 %

**NB- All coursework and exams must be submitted in order to obtain a grade in this course.**

**Mid-Term assignment:** Students will be asked to write a 10-12 page paper examining one or more cases of wrongful conviction discussed in class. The focus of the paper will be to analyze the role played by police, prosecutors, forensic experts and correctional officials in wrongful conviction cases. The challenge will be to identify the factor(s) related to wrongful conviction.

**Papers must be submitted in hard copy as e-mail copies will not be accepted.** Papers must be dropped through the departmental drop slot (outside of B742LA) or handed in during class on the due date. **Late papers without adequate documentation will be subject to a 5% penalty per day.** Students must retain a hard copy of all work submitted. **Essay due in class on June 9, 2010.** Please note that students who have questions or concerns relating to a mark received on an essay ‘must’ bring this to the attention of the designated Teaching Assistant/Instructor no later than ten days following the date the essays have been returned to students in class. All extensions must be approved in advance by the Teaching Assistant/Instructor and justified with supporting documents as required.

**Final Examination:** The final exam will be a combination of question types including short answer and short essay. For examination purposes students are responsible for all class lectures, assigned course readings, guest lectures and any documentaries shown in class unless directed otherwise by the Instructor. This exam will be held during the regular examination period-formally-scheduled.

NOTE- “Students who are unable to write a final examination or complete a final paper because of illness or other circumstances beyond their control or whose performance on an examination has been impaired by such circumstances may apply within five working days to the Registrarial Services office for permission to write a deferred examination or to extend a term paper deadline.

Permission can be granted only if the request is fully and specifically supported by a medical certificate or other documents.”

**Deferred examinations are not granted to students who make travel plans that conflict with the examination period.**

**GRADES:** In accordance with the Carleton University Undergraduate Calendar (page 43), the letter grades assigned in this course will have the following percentage equivalents:

A+ =90-100	B+ =77-79	C+ =67-69	D+ =57-59
A = 85-89	B = 73-76	C =63-66	D =53-56
A- = 80-84	B- =70-72	C- =60-62	D- =50-52

### **Examination Dates:**

Final Exam- Registrar Scheduled. Final grades are subject to the Dean’s approval.

Academic Regulations, Accommodations, Plagiarism, Etc.

University rules regarding registration, withdrawal, appealing marks, and most anything else you might need to know can be found on the university’s website, here:

<http://www.carleton.ca/cu0708uc/regulations/acadregsuniv.html>

### **Requests for Academic Accommodations**

#### **For Students with Disabilities:**

Students with disabilities needing academic accommodations are required to contact a coordinator at the Paul Menton Centre to complete the necessary letters of accommodation. The student must then make an appointment to discuss their needs with the instructor at least two weeks prior to the first class or ITV test. This is to ensure sufficient time is available to make the necessary accommodation arrangements.

- The deadlines for contacting the Paul Menton Centre regarding accommodation for final exams for the June 2010 exam period is June 11th. The deadline for August 2010 examinations is July 30th.

#### **For Religious Obligations:**

Students requesting academic accommodation on the basis of religious obligation should make a formal, written request to their instructors for alternate dates and/or means of satisfying academic requirements. Such requests should be made during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist, but no later than two weeks before the compulsory event.

Accommodation is to be worked out directly and on an individual basis between the student and the instructor(s) involved. Instructors will make accommodations in a way that avoids academic disadvantage to the student.

Students or instructors who have questions or want to confirm accommodation eligibility of a religious event or practice may refer to the Equity Services website for a list of holy days and

Carleton's Academic Accommodation policies, or may contact an Equity Services Advisor in the Equity Services Department for assistance.

**For Pregnancy:**

Pregnant students requiring academic accommodations are encouraged to contact an Equity Advisor in Equity Services to complete a letter of accommodation. The student must then make an appointment to discuss her needs with the instructor at least two weeks prior to the first academic event in which it is anticipated the accommodation will be required.

**Plagiarism:**

Plagiarism is the passing off of someone else's work as your own and is a serious academic offence. For the details of what constitutes plagiarism, the potential penalties and the procedures refer to the section on Instructional Offences in the Undergraduate Calendar.

What are the Penalties for Plagiarism?

A student found to have plagiarized an assignment may be subject to one of several penalties including: expulsion; suspension from all studies at Carleton; suspension from full-time studies; and/or a reprimand; a refusal of permission to continue or to register in a specific degree program; academic probation; award of an FNS, Fail, or an ABS.

What are the Procedures?

All allegations of plagiarism are reported to the faculty of Dean of FASS and Management.

Documentation is prepared by instructors and/or departmental chairs.

The Dean writes to the student and the University Ombudsperson about the alleged plagiarism.

The Dean reviews the allegation. If it is not resolved at this level then it is referred to a tribunal appointed by the Senate.

Plagiarism and cheating at the graduate level are viewed as being particularly serious and the sanctions imposed are accordingly severe. Students are expected to familiarize themselves with and follow the Carleton University Student Academic Integrity Policy (See <http://www2.carleton.ca/graduate-studies/policies-and-guidelines>). The Policy is strictly enforced and is binding on all students. Plagiarism and cheating – presenting another's ideas, arguments, words or images as your own, using unauthorized material, misrepresentation, fabricating or misrepresenting research data, unauthorized co-operation or collaboration or completing work for another student – weaken the quality of the graduate degree. Academic dishonesty in any form will not be tolerated. Students who infringe the Policy may be subject to one of several penalties including: expulsion; suspension from all studies at Carleton; suspension from full-time studies; a refusal of permission to continue or to register in a specific degree program; academic probation; or a grade of Failure in the course.

**Assistance for Students:**

Student Academic Success Centre (SASC): [www.carleton.ca/sasc](http://www.carleton.ca/sasc)

Writing Tutorial Services: [www.carleton.ca/wts](http://www.carleton.ca/wts)

Peer Assisted Study Sessions (PASS): [www.carleton.ca/sasc/pass\\_home/index.html](http://www.carleton.ca/sasc/pass_home/index.html)

Important Information:

- Students must always retain a hard copy of all work that is submitted.
- All final grades are subject to the Dean's approval.

- Please note that you will be able to link your CONNECT (MyCarleton) account to other non-CONNECT accounts and receive emails from us. However, for us to respond to your emails, we need to see your full name, CU ID, and the email must be written from your valid CONNECT address. Therefore, it would be easier to respond to your inquiries if you would send all email from your connect account. If you do not have or have yet to activate this account, you may wish to do so by visiting <https://portal.carleton.ca/>

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### **Guest Speakers:**

During the course, guest speakers may be invited to make classroom presentations. Dates and times of such presentations will be announced in class.

### **Video Presentations:**

As a supplement to lectures, videos/documentaries specifically related to wrongful conviction may be shown in class.

### **WEB CT:**

Lecture notes will 'not' be posted on WEB CT. Students are expected to attend lectures and take notes. It is the student's responsibility to obtain lecture notes from another student for missed classes.

### **Schedule of Lectures and Readings**

**Lecture 1-** Marginalization and Wrongful Convictions- Readings Pgs 7-14 (Manufacturing Guilt) and Pgs 15-24 (When Justice is a Game)

**Lecture 2-** Wrongful Conviction Cases- Readings: Pgs 26-40 (Manufacturing Guilt);

**Lecture 3-** Wrongful Conviction Cases- Readings: Pgs 45-54 (Manufacturing Guilt);

**Lecture 4-** Wrongful Conviction Cases- Readings: Pgs 65-80 (Manufacturing Guilt);

**Lecture 5-** Wrongful Conviction Cases- Readings: Pgs 83-88 (Manufacturing Guilt);

**Lecture 6-** Wrongful Conviction Cases- Readings: Pgs 101-109 (Manufacturing Guilt);

**Lecture 7-** Wrongful Conviction Cases- Readings: Pgs 114-134 (Manufacturing Guilt);

**Lecture 8-** Wrongful Conviction Cases- Readings: Pgs 137-152 (Manufacturing Guilt);

**Lecture 9-** The Unofficial Story behind Wrongful Convictions- Readings: Pgs 29-50 (When Justice is a Game);

**Lecture 10-** Case Study of Mr. Big- Readings: Pgs 85-105 (When Justice is a Game);

**Lecture 11-** Ending Wrongful Convictions- Readings: Pgs 158-170 (Manufacturing Guilt);

**Lecture 12-** Class Review

**Note: Please note that the lecture scheduled on May 17<sup>th</sup> 2010 will be held in Room A700 Loeb for this date only.**

**Note: May 24, 2010 is a Statutory holiday and the University is closed.**

**SOCIOLOGY 4702 A**  
**‘WRONGFUL CONVICTIONS’**  
**ESSAY TOPICS**

The challenge for this assignment is to write a 10-12-page paper that focuses on ‘one’ of the cases of wrongful conviction discussed in class. The purpose of the 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. You may also focus on a case where an individual was ‘wrongfully charged’ by the police. Many of the factors that lead to wrongful conviction initially commence with false charges being laid.

Students will select ‘one’ of the following wrongful conviction cases as the focus of their essay:

**David Milgaard**

**Thomas Sophonow**

**Donald Marshall**

**Steven Truscott**

**Guy Paul Morin**

**William Mullins-Johnson**

**James Driskell**

If you wish to write your essay on another case of wrongful conviction not listed above you must obtain the permission of the Instructor. 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 (Alain Olivier)**

**Prosecution and defence 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: The Evaluation Grid 'MUST' be stapled to the back of the essay when it is submitted for marking purposes.

**Please note that your paper is due in class 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 in class.**

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## ESSAY EVALUATION CRITERIA – SOCIOLOGY 4702 A

Requirement	Weight	Score
<b>Proper Style and Format of essay presentation</b> <ul style="list-style-type: none"> <li>The paper includes a title page and page numbers</li> <li>The paper is produced in an academic tone</li> <li>Proper use of paragraphs and headings (if used)</li> <li>Clarity of expression, eloquence and creativity of writing, mechanics of word choice</li> <li>Grammar and spelling</li> </ul>	<b>10</b>	
<b>Structure and Organization of the essay</b> <ul style="list-style-type: none"> <li>Statement of the problem or question (thesis statement) – clarity, sharpness of focus</li> <li>Several appropriate subtopics are presented</li> <li>Logical development of the discussion from one idea to the next</li> <li>Introduction – provides a context for the essay, summarizes the arguments, is of adequate length (about 1 page)</li> <li>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)</li> </ul>	<b>10</b>	
<b>Proper Use and Relevance of Research</b> <ul style="list-style-type: none"> <li>Located appropriate academic literature</li> <li>The essay relies on contemporary and insightful research</li> <li>Draws out major arguments</li> <li>All arguments have appropriate literature to support them</li> <li>Enough sources are used in each paragraph or section to support the arguments</li> </ul>	<b>10</b>	
<b>Level of Analysis and Substantive Adequacy</b> <ul style="list-style-type: none"> <li>The student displays a strong grasp of the topic</li> <li>Arguments are relevant to the thesis statement</li> <li>The arguments present adequate depth</li> <li>The essay reflects careful analysis (theoretical/topic-related)</li> <li>Overall substantive adequacy of the interpretation or argument presented</li> </ul>	<b>10</b>	
<b>Referencing/Bibliography</b> <ul style="list-style-type: none"> <li>In-text citations are correct and consistent</li> <li>Bibliographic citations are structured correctly and consistently according to the APA or Chicago 14thB reference formats</li> </ul>	<b>10</b>	
<b>Total mark for this assignment</b>	<b>50</b>	

Student\_\_\_\_\_ Essay Marked by\_\_\_\_\_