

## Course Outline

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| <b>COURSE:</b>        | <b>LAWS 4306 A – Criminal Law Issues (Wrongful Convictions)</b>  |
| <b>TERM:</b>          | <b>Fall 2024</b>   |
| <b>PREREQUISITES:</b> | <b>LAWS 2908, CRCJ 3001 or CRCJ 3002 and LAWS 2301, LAWS 2302 and 4<sup>th</sup> year Honours standing</b>   |
| <b>CLASS:</b>         | <b>Day &amp; Time: Monday 6:05-8:55 p.m.</b><br><b>Room: Please check Carleton Central for current Class Schedule</b><br><b>This course will be held in-person</b> |
| <b>INSTRUCTOR:</b>    | <b>Kelly Lauzon</b>  |
| <b>CONTACT:</b>       | <b>Office Hrs: By Appointment</b><br><b>Email: <a href="mailto:kelly.lauzon@carleton.ca">kelly.lauzon@carleton.ca</a></b>  |
| <b>BRIGHTSPACE:</b>   | <b><a href="https://brightspace.carleton.ca/d2l/home/290280">https://brightspace.carleton.ca/d2l/home/290280</a></b>   |

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### CALENDAR COURSE DESCRIPTION

Selected issues and problems in the area of criminal law. The topics may vary from year to year depending on demand and interest and are announced in advance of registration.

### COURSE DESCRIPTION

In this class, we will rely on Canadian and American research to examine and analyze the factors that have been linked to wrongful conviction cases. We will use this knowledge to study known cases of wrongful conviction within the Canadian justice system to help us consider the implications that a wrongful conviction has for the accused person who is subsequently exonerated. In doing so, 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 do the state and the justice system respond when people complain that they have been wrongfully convicted? What role do police, crown attorneys, judiciary and other justice officials play in wrongful conviction cases? What impact do wrongful convictions have on the lives of the wrongfully convicted and their families? Finally, can anything be done to reduce the frequency with which people are wrongfully convicted by the criminal justice system in the future?

## **LEARNING OUTCOMES**

Upon successful completion of the course, student should be able to:

- Identify the various sociological, legal and psychological factors that contribute to wrongful convictions.
- Appreciate the role played by justice officials in wrongful conviction cases.
- Understand the impact that wrongful conviction cases have on the lives of innocent people as well as their families and the families of the original victim.
- Identify avenues of redress for the wrongfully convicted.
- Identify mechanisms that can be introduced to reduce or prevent wrongful convictions in the future.

## **REQUIRED TEXTS**

All journal articles will be available on Brightspace.

## **EVALUATION**

Standing in a course is determined by the course instructor, subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

**(All components must be successfully completed in order to get a passing grade) – this includes the attendance and participation components.** If you do not receive a passing grade (50%) on *each of* the attendance and participation components, you will not receive a passing grade for this course.

### 1. Attendance and Contribution to Discussion – 25%

- This class will focus strongly on discussion. You are expected to come to class prepared to discuss the readings and the course material. I ask that you come to the sessions willing to participate in the group discussions and to ask questions that will help advance your grasp of the material as well as the knowledge base of your peers.
- Class attendance will only account for 10% of your grade. You need to be prepared to contribute to the class discussions to earn the additional 15%.
- Attendance will be taken at the beginning of each class. Attendance grades will not be given retroactively.
- In accordance with the [Student Rights and Responsibilities Policy](#), discrimination and harassment will not be tolerated.

### 2. Personal Reflection – 15%

- Due **by 4pm on October 11** to the appropriate dropbox on Brightspace.
- In 5-7 pages (double spaced), critically engage with one of the topics discussed in class.

- You are asked to reflect on what you have learned so far, how your thinking about one of the topics discussed in class has changed since the beginning of class.
  - How has this new knowledge affected what you thought you knew? How has this challenged your assumptions of the workings of the criminal justice system?
- No secondary material is to be used for this assignment. This is a reflection upon what you have learned and how this has shaped your outlooks.

### 3. My Conclusion – 20%

- Due at the beginning of class (**6pm**) on **December 2**.
- In 5-7 pages (double spaced), discuss how wrongful convictions can be prevented.
- What have you learned that may help us to avoid issues of wrongful conviction in the future?
- What practices do you think we could implement to prevent wrongful convictions?
- **No secondary material** is to be used for this assignment. This is a reflection upon what you have learned and how this could be used to prevent miscarriages of justice from happening.

### 4. Take Home Exam – 40%

- Instructions and information will be provided during our last scheduled class (**December 6**).
  - This information will also be posted on Brightspace the following day.
- Responses are due by **4pm on December 21** to the appropriate dropbox on Brightspace.
  - Submissions after this time will require a deferral arrangement through the Registrar's Office.

### LATE PENALTIES AND REQUESTS FOR EXTENSIONS

All assignments are due by via the appropriate dropbox on Brightspace. The submission deadline (date and time) is stipulated via the dropbox and on the class schedule below. Do not submit your assignment via email. Unless you have been granted an extension, **one letter grade will be deducted for each calendar day (including weekends and holidays) that your submission is late**. Assignments will not be accepted any later than seven days past their due date without prior instructor approval for an official extension.

The granting of extensions is determined by the instructor, who will confirm whether an extension is granted and the length of the extension. For requests for short-term extensions, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/academic-consideration-coursework-form/>.

Final exam deferrals must be applied for at the Registrar's Office. Please view the following link for more information and how to apply for a deferral: <https://carleton.ca/registrar/deferral/>

For more information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student's control), please visit the following link: <https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation>

## **SCHEDULE**

| <b>Week</b> | <b>Date</b>    | <b>Material</b>  |
|-------------|----------------|--|
| <b>1</b>    | <b>Sept 9</b>  | <b>Introduction to the Course</b> <ul style="list-style-type: none"> <li>• Review Syllabus</li> <li>• Briefly discuss wrongful convictions and what they say about our justice system</li> </ul>   |
| <b>2</b>    | <b>Sept 16</b> | <b>The History of Wrongful Conviction</b> <ul style="list-style-type: none"> <li>• Kent Roach, "Wrongful Conviction in Canada" (2012) 80 University of Cincinnati Law Review pp. 1465.</li> <li>• Jon B. Gould &amp; Richard A. Leo, "One Hundred Years Later: Wrongful Convictions after a Century of Research" (2010) 100 The Journal of Criminal Law &amp; Criminology pp. 825-838. <b>(excerpt only)</b></li> <li>• Brandon Garrett, "Wrongful Convictions" (2020) 3 Annual Rev of Criminology 245.</li> </ul>   |
| <b>3</b>    | <b>Sept 23</b> | <b>Systemic Factors: Tunnel Vision &amp; Public Pressure</b> <ul style="list-style-type: none"> <li>• Dianne L. Martin, "Lessons about Justice from the "Laboratory" of Wrongful Convictions: Tunnel Vision, the Construction of Guilt and Informer Evidence" (2002) 70 UMKC 847.</li> <li>• Brian Reichart, "Tunnel Vision: Causes, Effect, and Mitigation Strategies" (2016) Hofstra Law Review 477.</li> <li>• Eitan Eladd, "Tunnel Vision and Confirmation Bias Among Police Investigators and Laypeople in Hypothetical Criminal Contexts" (2022) SAGE Open 1.</li> </ul>   |
| <b>4</b>    | <b>Sept 30</b> | <b>Systemic Factors: Eyewitness Identification</b> <ul style="list-style-type: none"> <li>• Sandra Guerra Thompson, "Beyond a Reasonable Doubt? Reconsidering Uncorroborated Eyewitness Identification Testimony" (2008) 41 UC Davis Law Review pp. 1506-1528. <b>(Excerpt only)</b></li> <li>• Gary L. Wells, "Applied Eyewitness-Testimony Research: System variables and Estimator Variables" (1978) 36 Journal of Personality and Social Psychology 1546.</li> <li>• John T. Wixted &amp; Gary L. Wells, "The Relationship Between Eyewitness Confidence and Identification Accuracy: A New Synthesis" (2017) 18 Psychological Science in the Public Interest pp.10-20 <b>(Excerpt only)</b>.</li> </ul> |

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| 5 | Oct 7  | <p><b>Systemic Factors: Jailhouse Informants</b></p> <p><b>Systemic Factors: Bad Science</b></p> <ul style="list-style-type: none"> <li>• Danielle K. DeLoach, et. al., "The role of ulterior motives, inconsistencies, and details in unreliable jailhouse informant testimony" (2020) 26:7 Psychology, Crime &amp; Law 667.</li> <li>• Irina Zakirova, "Forensic Evidence in Wrongful Conviction Cases: From Being a Right-Hand Man to Becoming a Snake in the Grass" (2018) 81 Albany Law Review 877.</li> <li>• Real Life Wrongs Podcast Episode 8 (available on YouTube and Spotify)</li> </ul>  |
|   | Oct 11 | <b>Personal Reflection due to Brightspace Dropbox by 4pm</b>  |
|   | Oct 14 | <b>Thanksgiving - No Class This Week</b>  |
|   | Oct 21 | <b>Fall Break - No Class This Week</b>  |
| 6 | Oct 28 | <p><b>Systemic Factors: Other Systemic Factors that lead to a Wrongful Conviction (ex: False Confessions, Guilty Pleas, Prosecutorial Misconduct, Criminal Record)</b></p> <ul style="list-style-type: none"> <li>• Joan Brockman, "An Offer You Can't Refuse: Pleading Guilty When Innocent" (2010) 56 Crim. L.Q. 116.</li> <li>• Allison D. Redlich, Miko M. Wilford, Melissa DiPano &amp; Nicole Berger, "Commonalities in false guilty plea cases" (2023) Psychology, Crime &amp; Law (available at <a href="https://www-tandfonline-com.proxy.library.carleton.ca/doi/full/10.1080/1068316X.2023.2213381">https://www-tandfonline-com.proxy.library.carleton.ca/doi/full/10.1080/1068316X.2023.2213381</a>).</li> <li>• Real Life Wrongs Podcast Episode 4 (available on YouTube and Spotify)</li> </ul> |
| 7 | Nov 4  | <p><b>Mr. Big Operations</b></p> <ul style="list-style-type: none"> <li>• Kate Puddister &amp; Troy Riddell, "The RCMP's "Mr. Big" sting operation: A case study in police independence, accountability and oversight" (2012) 55 Canadian Public Administration 385.</li> <li>• Timothy E. Moore, Peter Copeland and Regina A. Schuller, Deceit, "Betrayal and the Search for Truth: Legal and Psychological Perspectives on the "Mr. Big" Strategy" (2010) 55 Crim. L.Q. pp. 378-399 (<b>excerpt only</b>).</li> <li>• Christopher Lutes, "Hart Failure: Assessing the Mr. Big Confessions Framework Five Years Later" (2020) 43:4 Man LJ 217-230 + 232-244 (<b>excerpts only</b>)</li> </ul>  |
| 8 | Nov 11 | <p><b>Guest Speakers: Jamie Nelson &amp; Pam Glatt</b></p> <p><b>This class will be held in the Senate Room (608 Pigiarnvik)</b></p> <p><b>Case Study: Jamie Nelson</b></p> <ul style="list-style-type: none"> <li>• <a href="https://www.youtube.com/watch?v=ogw7caNk5xw">https://www.youtube.com/watch?v=ogw7caNk5xw</a></li> <li>• <a href="https://www.youtube.com/watch?v=LW9YHI01P2U">https://www.youtube.com/watch?v=LW9YHI01P2U</a></li> </ul>  |
| 9 | Nov 18 | <p><b>Guest Speaker: Floyd Bledsoe</b></p> <p><b>Case Study: Floyd Bledsoe</b></p>  |

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|    |        | <ul style="list-style-type: none"> <li>• <a href="https://www.youtube.com/watch?v=h5NKifJYoT4">https://www.youtube.com/watch?v=h5NKifJYoT4</a></li> </ul>   |
| 10 | Nov 25 | <p><b>Guest Speaker: Anna Vasquez</b></p> <p><b>Case Study: Anna Vasquez</b></p> <ul style="list-style-type: none"> <li>• Southwest of Salem on Tubi TV</li> </ul>  |
| 11 | Dec 2  | <p><b>My Conclusion due at the beginning of class (by 6:00pm to Brightspace dropbox)</b></p> <p><b>Social Factors: Contributing Factors that reside outside of the CJS</b></p> <ul style="list-style-type: none"> <li>• Kelly Lauzon, "Motherhood and Wrongful Conviction: Making Something out of Nothing" in Mothers and Law: Critical Perspectives on Formal Governance of and by Those Identified as Mothers, eds. Rebecca Bromwich &amp; Alisha Chohan. Cambridge UP. Forthcoming 2025.</li> <li>• Arthur L. Rizer II, "The Race Effect on Wrongful Convictions" (2003) 29:3 Wm Mitchell L Rev 845.</li> </ul>   |
| 12 | Dec 6  | <p><b>Take Home Exam Assigned</b></p> <p><b>How do we Fix Wrongful Convictions?</b></p> <ul style="list-style-type: none"> <li>• Myriam S. Denov &amp; Kathryn M. Campbell, "Criminal Injustice: Understanding the Causes, Effects, and Responses to Wrongful Conviction in Canada" (2005) 21 Journal of Contemporary Criminal Justice 224.</li> <li>• Myles Frederick McLellan, "Innocence Compensation: A Comparative Look at the American and Canadian Approaches" (2013) 49 Crim. L. Bull. 218. Available at: <a href="https://ssrn.com/abstract=2245845">https://ssrn.com/abstract=2245845</a></li> <li>• Robert J. Norris, et. al., "Preventing Wrongful Convictions: An Analysis of State Investigation Reforms" (2019) 30: 4 Criminal Justice Policy Review 597.</li> </ul> |
|    | Dec 21 | <b>TAKE HOME EXAM DUE BY 4PM TO BRIGHTSPACE DROPBOX</b>   |

| <b>Fall 2024 Sessional Dates and University Closures</b>  |   |
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| <i>Please find a full list of important academic dates on the calendar website:<br/><a href="https://calendar.carleton.ca/academicyear/">https://calendar.carleton.ca/academicyear/</a></i> |   |
| <b>September 4, 2024</b>  | Fall term begins.   |
| <b>September 17, 2024</b>   | Last day for registration and course changes (including auditing) for fall, and fall/winter courses.  |
| <b>September 30, 2024</b>   | Last day to withdraw from fall term and fall/winter courses with a full fee adjustment (financial withdrawal).  |
| <b>October 14, 2024</b>   | Statutory holiday. University closed.   |
| <b>October 21-25, 2024</b>  | Fall break. No classes.   |
| <b>November 15, 2024</b>  | Last day for academic withdrawal from fall courses.   |
|   | Last day to request formal exam accommodations for fall, and fall/winter examinations to the Paul Menton Centre for Students with Disabilities.   |
| <b>November 22, 2024</b>  | Last day for summative tests or examinations or formative tests or examinations totaling more than 15% of the final grade in the fall or fall/winter before the official examination period.  |
| <b>December 6, 2024</b>   | Fall term ends.   |
|   | Last day of fall term classes.  |
|   | Classes follow a Monday schedule.   |
|   | Last day for take home examinations to be assigned.   |
| <b>December 7-8, 2024</b>   | No classes or examinations take place.  |
| <b>December 9-21, 2024</b>  | Final examinations in fall term courses and mid-term examinations in fall/winter courses will be held.  |
| <b>December 21, 2024</b>  | All final take-home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar. |
| <b>December 24, 2024 – January 2, 2025</b>  | University closed.  |

## University and Departmental Policies

### DEPARTMENT POLICIES AND REGULATIONS

#### ACADEMIC INTEGRITY

Carleton University's Academic Integrity Policy (available at <https://carleton.ca/secretariat/wp-content/uploads/Academic-Integrity-Policy-2021.pdf>) governs student academic integrity. The integrity of a student's academic work is critical to enabling student success and ensuring fairness and reliability in the awarding of grades and degrees. Students who violate the principles of academic integrity undermine the quality of their education and the value of a Carleton University degree.

The policy includes such areas as plagiarism, misrepresentation, and improper access to information. Please consider the following as additional considerations for this course.

**1. Permissibility of submitting substantially the same piece of work more than once for academic credit.**

- It is possible that you have previously completed work that is similar to what is required in this course. Although it is not a violation of the Academic Integrity Policy to reuse your previous work, you are strongly discouraged from re-submitting substantially similar work.
  - *Substantially similar work would include any previous work that would eliminate the need for further research to complete the assignment for this course.*
- If you have completed similar work in another course, consult with me before submitting this work again so that we can address the best possible way to proceed with this work.

**2. Permissibility of the use of generative artificial intelligence tools (e.g. ChatGPT).**

- Any use of generative AI tools to produce assessed content is considered a violation of academic integrity standards
- The primary aim of this course is for you to personally engage with the course material and to *be introspective with it. As such the use of AI tools are not permitted in this course.*

#### PLAGIARISM

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This includes reproducing or paraphrasing portions of someone else’s published or unpublished material, regardless of the source, and presenting these as one’s own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may



be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another's data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one's own; and
- failing to acknowledge sources through the use of proper citations when using another's work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course's instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

### **STATEMENT ON STUDENT MENTAL HEALTH**

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

For more information, please consult <https://wellness.carleton.ca/>

Emergency Resources (on and off campus):

- <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

**Off Campus Resources:**

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Empower Me: 1-844-741-6389, [https://studentcare.ca/rte/en/IHaveAPlan\\_CarletonUniversityUndergraduateStudentsCUSA\\_EmpowerMe\\_EmpowerMe](https://studentcare.ca/rte/en/IHaveAPlan_CarletonUniversityUndergraduateStudentsCUSA_EmpowerMe_EmpowerMe)
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

**ACADEMIC ACCOMMODATIONS**

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the Academic Accommodations website ([students.carleton.ca/course-outline](https://students.carleton.ca/course-outline)).

If you require a short-term consideration, you must submit the [Academic Consideration for Coursework form](#) **prior to** the submission deadline.

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows.

**Pregnancy Obligation and Family-Status Related Accommodations**

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

**Religious Obligation**

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>.

**Academic Accommodations for Students with Disabilities**

The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

### **Survivors of Sexual Violence**

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

### **Accommodation for Student Activities**

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.

### **Academic Consideration for Medical and Other Extenuating Circumstances**

Due to medical and other extenuating circumstances, students may occasionally be unable to fulfill the academic requirements of their course(s) in a timely manner. The University supports the academic development of students and aims to provide a fair environment for students to succeed academically. Medical and/or other extenuating circumstances are circumstances that are beyond a student's control, have a significant impact on the student's capacity to meet their academic obligations, and could not have reasonably been prevented.

Students must contact the instructor(s) as soon as possible, and normally no later than 24 hours after the submission deadline for course deliverables. If not satisfied with the instructor's decision, students can conduct an "informal appeal" to the Chair of the department within three (3) working days of an instructor's decision. We have created a webform specifically for appeals to the Chair, which can be found here: <https://carleton.ca/law/application-for-review-of-refusal-to-provide-academic-consideration/>. *Note: This form only applies to LAWS courses and is not the same as a formal appeal of grade.* More information about the academic consideration can be found [here](#).