



Convicting The Innocent

SIXTY - FIVE ACTUAL
ERRORS OF CRIMINAL
JUSTICE

EDWIN M.
BORCHARD

Convicting The Innocent Convicting The Innocent

C. Ronald Huff, Martin Killias



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Convicting the Innocent Brandon L. Garrett, 2012-09-03 On January 20 1984 Earl Washington defended for all of forty minutes by a lawyer who had never tried a death penalty case was found guilty of rape and murder in the state of Virginia and sentenced to death After nine years on death row DNA testing cast doubt on his conviction and saved his life However he spent another eight years in prison before more sophisticated DNA technology proved his innocence and convicted the guilty man DNA exonerations have shattered confidence in the criminal justice system by exposing how often we have convicted the innocent and let the guilty walk free In this unsettling in depth analysis Brandon Garrett examines what went wrong in the cases of the first 250 wrongfully convicted people to be exonerated by DNA testing Based on trial transcripts Garrett s investigation into the causes of wrongful convictions reveals larger patterns of incompetence abuse and error Evidence corrupted by suggestive eyewitness procedures coercive interrogations unsound and unreliable forensics shoddy investigative practices cognitive bias and poor lawyering illustrates the weaknesses built into our current criminal justice system Garrett proposes practical reforms that rely more on documented recorded and audited evidence and less on fallible human memory Very few crimes committed in the United States involve biological evidence that can be tested using DNA How many unjust convictions are there that we will never discover **Convicting the Innocent** makes a powerful case for systemic reforms to improve the accuracy of all criminal cases

Convicting the innocent Edwin Montefiore

Borchard, 1961 *The Legal Essays of Michael Bayles* W.L. Robison, 2002-06-30 The legal essays by Michael Bayles in this collection display his commitment to utilitarianism both as a moral theory and an analytical device A utilitarian must choose between the best of all possible alternatives and so must lay out the alternatives and thus their consequences carefully and completely As it happens there is no better way of understanding why something is as it is in the law and no better way to lay the foundations for criticism and improvement than to lay out what the alternatives are carefully distinguishing them their justifications and their implications for changing other areas of the law and for changing our relation to the law Bayles was a master at such work and each essay thus repays careful study for anyone concerned about the law The essays cover a wide variety of topics from contract law to the criminal law from torts to theory and form a natural set Laying out the alternatives in one area makes it much clearer how and why alternatives in other areas are acceptable or required Interconnections within the legal system as a whole not readily visible when studying one area of the law become obvious when several are laid out side by side using the analytical skill required by a good utilitarian *Wrongful Conviction* C. Ronald Huff, Martin Killias, 2010-01-15 Imperfections in the criminal justice system have long intrigued the general public and worried scholars and legal practitioners In *Wrongful Conviction* criminologists C Ronald Huff and Martin Killias present an important collection of essays that analyzes cases of injustice across an array of legal systems with contributors from North America Europe and Israel This collection includes a number of well developed public policy recommendations intended to reduce the

instances of courts punishing innocents It also offers suggestions for compensating more fairly those who are wrongfully convicted

False Justice Jim Petro, Nancy Petro, 2014-07-11 Compelling and engagingly written this book by former Attorney General of Ohio Jim Petro and his wife writer Nancy Petro takes the reader inside actual cases summarizes extensive research on the causes and consequences of wrongful conviction and exposes eight common myths that inspire false confidence in the justice system and undermine reform Now published in paperback with an extensive list of web links to wrongful conviction sources internationally False Justice is ideal for use in a wide array of criminal justice and criminology courses Myth 1 Everyone in prison claims innocence Myth 2 Our system almost never convicts an innocent person Myth 3 Only the guilty confess Myth 4 Wrongful conviction is the result of innocent human error Myth 5 An eyewitness is the best testimony Myth 6 Conviction errors get corrected on appeal Myth 7 It dishonors the victim to question a conviction Myth 8 If the justice system has problems the pros will fix them

Human Rights and Human Well-Being W. J. Talbott, 2010-11 Explaining the development of human rights as a process of moral improvement in ground level moral and legal practices the author considers the process by which moral and legal practices are improved There is focus on moral improvement and how to apply the model of moral improvement to improvements in the law

Convicting the Innocent Edwin M. Borchard, 2010-05-14 My major interests lie in an aspect of the law somewhat remote from criminal law I have nevertheless long urged that the State or community assume the risks of official wrongdoing and error instead of permitting the losses resulting from such fault or mistake to be borne by the injured individual alone Among the most shocking of such injuries and most glaring of injustices are erroneous criminal convictions of innocent people The State must necessarily prosecute persons legitimately suspected of crime but when it is discovered after conviction that the wrong man was condemned the least the State can do to right this essentially irreparable injury is to reimburse the innocent victim by an appropriate indemnity for the loss and damage suffered European countries have long recognized that such indemnity is a public obligation Federal and state governments in the United States ought to adopt the same policy instead of merely releasing the innocent prisoner from custody by pardoning him for a crime he never committed and without any admission of error or public vindication of his character A district attorney in Worcester County Massachusetts a few years ago is reported to have said Innocent men are never convicted Don't worry about it it never happens in the world It is a physical impossibility The present collection of sixty five cases which have been selected from a much larger number is a refutation of this supposition Inasmuch as the conditions described are of interest primarily to the American public American cases mainly from the twentieth century have for the most part 1 been chosen for publication Fifty cases by reason of their importance or some striking characteristic have been used as principal cases the other fifteen more concisely reported follow thereafter Together they present an interesting cross section of American life

Principles of Law M.E. Bayles, 2012-12-06 During the last half of the twentieth century legal philosophy or legal theory or jurisprudence has grown significantly It is no longer the do main of

a few isolated scholars in law and philosophy Hundreds of scholars from diverse fields attend international meetings on the subject In some universities large lecture courses of five hundred students or more study it The primary aim of the Law and Philosophy Library is to present some of the best original work on legal philosophy from both the Anglo American and European traditions Not only does it help make some of the best work available to an international audience but it also encourages increased awareness of and interaction between the two major traditions The primary focus is on full length scholarly monographs although some edited volumes of original papers are also included The Library editors are assisted by an Editorial Advisory Board of internationally renowned scholars

Convicting the Innocent; Sixty-Five Actual Errors of Criminal Justice Edwin Montefiore Borchard, 2012-01 Collection of sixty five cases of erroneous criminal convictions of innocent people the causes of error being due in the main to mistaken identification circumstantial evidence or perjury or some combination of these Includes an analysis of the statutes of European countries providing indemnity for wrongfully convicted and arrested persons to be used as a basis for American legislation An Affair of State Richard A.

Posner, 2009-07-01 Posner presents a balanced and scholarly understanding of President Clinton's year of crisis which began when his affair with Monica Lewinsky was revealed in January 1998 clarifying the issues involved assessing the conduct of Independent Counsel Kenneth Starr and examining the pros and cons of impeachment

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