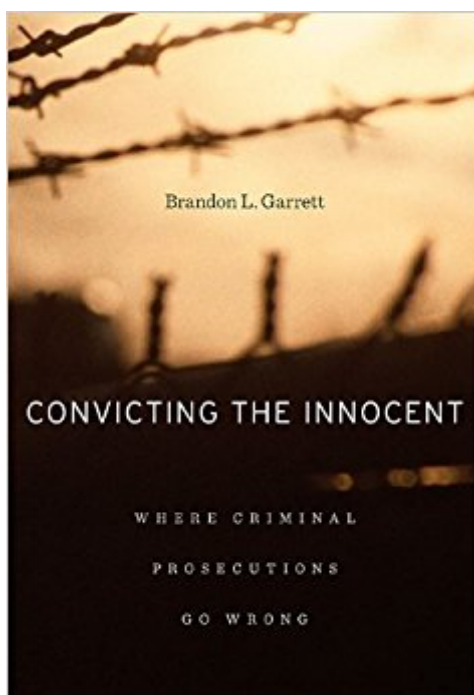


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# Convicting The Innocent: Where Criminal Prosecutions Go Wrong



## Synopsis

On January 20, 1984, Earl Washington was defended for all of forty minutes by a lawyer who had never tried a death penalty case and 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.

## Book Information

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## Customer Reviews

For six years now I have worked diligently within the innocence movement, and I often hear the

question: 'How do wrongful convictions happen?' Convicting the Innocent gives all the answers. It is a fascinating study of what goes wrong, and it clearly shows that virtually all wrongful convictions could have been avoided. (John Grisham)DNA testing is revolutionizing our system of criminal justice: this book shows why. By digging deep into the case files of exonerees, Brandon Garrett uncovers what went wrong in those cases and probably in many more we simply can't know about. Garrett makes a powerful case for how to improve criminal justice so that we dramatically reduce the number of wrongly convicted. (Barry Scheck and Peter Neufeld, The Innocence Project)This is an invaluable book, a comprehensive, highly readable but well-researched work examining the hows and whys of the law's ultimate nightmare--convicting the innocent. (Scott Turow, author of Innocent)How can we stop sending innocent people to our prisons? As you turn the pages of this important and startling book, you will come to realize that wrongful convictions are not accidents. They are the tragic result of a criminal justice system in deep need of reform. (Sister Helen Prejean, author of Dead Man Walking)It's common to say that DNA exonerations of innocent defendants provide a unique window on the weaknesses in our system of criminal investigation and trial. But what exactly do we see when we look through that window? Until now the answer has been pretty sketchy. Brandon Garrett has produced a far more detailed and complete picture of the lessons of DNA exonerations than anything else to date. This is an indispensable book for anyone wanting to understand or improve American criminal justice. (Samuel R. Gross, Thomas and Mabel Long Professor of Law, University of Michigan)Garrett's book is a gripping contribution to the literature of injustice, along with a galvanizing call for reform...It's the stories in his book that stick in the memory. One can only hope that they will mobilize a broad range of citizens, liberal and conservative, to demand legislative and judicial reforms ensuring that the innocent go free whether or not the constable has blundered. (Jeffrey Rosen New York Times Book Review 2011-05-29)Looking at the 250 people exonerated through DNA as of February 2010, Garrett aimed to determine how often...malignant factors had warped the criminal justice process at the expense of an innocent person (and to the benefit of an actual criminal who went unpursued). Garrett tracked down court transcripts and dug into case files. He then sliced, diced, sifted and collated the data. Some law professors would take a pass on this kind of grunt work. Garrett did not, and our justice system can be the better for it. (Kevin Doyle America 2011-08-15)While false convictions are a recognized phenomenon, Garrett focuses much needed attention on potential solutions, offering concrete suggestions for reform. (Publishers Weekly 2011-08-15)This book details some of the worst miscarriages of justice in U.S. history and describes how DNA evidence helped to right those wrongs...The book, what must be the most thorough treatment yet of wrongful convictions, is a

first-rate examination of the human foibles and conflicts of interest hampering the pursuit of justice. (A. C. Mobley Choice 2011-12-01)A uniquely valuable part of Garrett's book is a statistical appendix that provides a quantitative overview of the false convictions, their consequences, and the factors that contributed to them....It is hard to imagine seven pages more damaging to the claims of our system of criminal justice. (Richard C. Lewontin New York Review of Books 2012-02-23)

Brandon L. Garrett is Roy L. and Rosamond Woodruff Morgan Professor of Law at the University of Virginia School of Law.

I read Brandon Garrett's book "Convicting The Innocent" in the Carlow University Master's of Science in Fraud and Forensics course on Forensic Research and Analysis. If you click on the link you can explore our program. [...]Prior to reading Garrett's book I only really thought about innocent being convicted on the criminal shows I watched. I knew it was occurring but not to the extent that Garrett goes into. I learned many new insights and valuable information. I realized how important valid and reliable evidence is as well as correct testimony's free from bias's and alterer motives. One particular exonoree case really caught my attention. Gary Dotson was prosecuted on a rape case using unreliable forensic methods. Because of the forensic analysts false testimony of inconclusive scientific evidence, Dotson was convicted of rape. The victim later admitted it was all a lie. Can you imagine being Gary Dotson? I know I can't even imagine. The actual case shocked me but also the fact how long drawn out of a process it is to exonerate someone. Garrett says, "An innocent person who is convicted does not face an easy road to freedom. Judges do not encourage convicts to assert their factual innocence on appeal or post conviction"(210). Not only is it timely and expensive but also as time goes on memories and witnesses fade. I now have such a different outlook and realize how big of an issue false and misleading evidence is. People's lives depend on it!The only weakness the book had was all of the percentages and data. I know it was need to support his case, but at times it was difficult to navigate through the percentages. It helped me understand how big of a problem prosecutions going wrong were, but the numbers were hard to put together and read.As I prepare to become a fraud investigator. I realized how important it is to ensure the evidence we uncover is both reliable and valid as it is for forensic analysts investigating evidence at crime scenes. I am committed to base my observations on valid and reliable evidence so I can eliminate wrongful convictions. Although most of the book was based on vicious crimes. I still took away many valuable aspects as I start my career in fraud.This book is a must read to better understand the issue in our society! You will not be disappointed!

I recently had the opportunity to read this book as part of my graduate studies as a student in the Carlow University Master's of Science in Fraud and Forensics program while enrolled in the course "Forensic Research and Analysis.[...]This book exposes the need to continuously revise and evaluate the methods used to conduct scientific examinations of criminal evidence in violent crimes. The author highlights how various levels of law enforcement personnel failed to comply and even engaged in official misconduct while investigating and testifying in criminal investigations. I was happy to see that the judicial system was able to provide individuals who were wrongfully convicted the opportunity to prove that they were innocent through the use of DNA testing. The events addressed in this book have driven me to go that extra step while conducting investigations, as a detective, to ensure that my evidence supports the individual or individuals that committed a criminal act. I understand that his book was written to highlight the use of DNA testing and scientific examination to exonerate individuals who were wrongfully convicted, but I also felt that the author tried to draw attention to how law enforcement personnel failed to do their job. I felt this was a weakness of the book because the view should have been on the methods used during the investigations; not the individuals conducting or involved in the investigation. There are individuals in every industry that fail to do their job with integrity and honor, but the public must not judge all police officers on the actions of a few. This book expressed the need for continuous training for all law enforcement personnel in the techniques of investigations, interviewing, evidence collection and examination, and court room testimony. This book supports the need for this training, which must be conducted throughout an officer's career from the first year officer all the way up the chain of command to the chief of the department.

When I was a child, I was taught that one of the hallmarks of our system of criminal justice was the notion that it was better to let five guilty people go free, than to incarcerate one innocent person. It made me proud. This book made me ashamed, as it becomes clear that far too often, the operating principle is just the opposite: better to incarcerate innocent persons, and countless numbers of them, than to let one guilty person go free. The book makes it clear that there's plenty of blame to go around: incompetent or corrupt crime lab investigators, clueless judges, many of whom seem to believe that the system is incapable of error, overzealous or dishonest police and prosecutors, and, sad to say, us. Us, if we don't start paying attention to this horrible problem and demand better. Happily, the author does share many examples of improvement and corrections that have been made. If we stay diligent, there will be more. An excellent, and very important book.

"The criminal justice system has been imperfect, is imperfect, and will remain imperfect. The reason being is the individuals managing the criminal justice system can and will make mistakes. The book, *Convicting the Innocent*, written by a Brandon Garrett, a professor at the University of Virginia law school, explores these errors within the criminal justice system by observing numerous examples. In general, he writes about the mistakes of the court in regards to properly utilizing scientific evidence and improper investigations that lead to false convictions. Furthermore, he categorizes the most common flaws that occurs during a false conviction, and concludes with a solution to these problems. While the author's solutions are possibly idealized and prone to mistakes, Garrett's discussion is written in a meticulous and convincing manner." - Joseph Lim

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