



EMORY  
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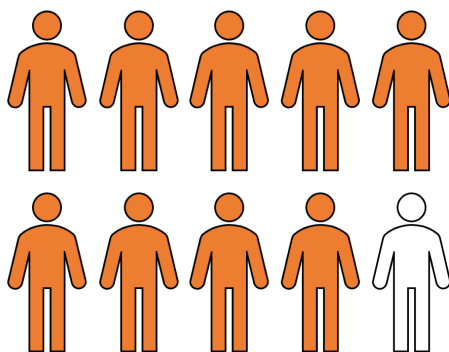
EMORY PUBLIC INTEREST COMMITTEE PRESENTS

# MISCARRIAGE OF JUSTICE:

EXAMINING FACTORS THAT  
LEAD TO WRONGFUL CONVICTIONS

# Emory Public Interest Committee's 2018 CLE Conference

## Miscarriage of Justice: Examining Factors That Lead to Wrongful Convictions



“Better that ten guilty persons escape than one innocent suffer”  
- Sir William Blackstone

### Presenters and Panelists:

**Stephen Bright** – Southern Center for Human Rights  
**Yusef Salaam** – Central Park Five Exoneree  
**Paul Howard, Jr.** – Fulton County District Attorney  
**Georgia Innocence Project**



Emory School of Law Tull Auditorium  
Saturday, October 6, 2018  
8:30 am to 4 pm



# What is Wrongful Conviction?

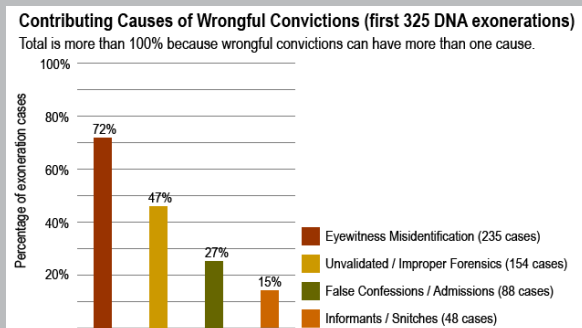
According to a recent Washington Post study, wrongful convictions have stolen over 20,000 years from innocent defendants. Another study, led by University of Michigan professor and expert Sam Gross, found that it is likely that more than 4% of inmates on death row are actually innocent.

It is impossible to prove exactly how many

people have been wrongly convicted — both because many of these people are still in prison and because there are inconsistencies in the process of exonerations that make it difficult to track. The Georgia Innocence Project estimates there are currently between 2,400 and 4,800 wrongfully convicted individuals in Georgia and Alabama. While the issues discussed today can affect anyone, they disproportionately affect minorities, especially people of color, and those from low-income backgrounds.

Although wrongful convictions have recently been highlighted by the media, many innocent men and women remain incarcerated. It is imperative that we not only understand the factors that lead to false convictions so we are able to aide in prevention of future harms, but also that we understand the effects wrongful convictions have on the innocent individuals themselves and society as a whole.

Every time a person is wrongfully convicted, the actual perpetrator remains free. While the public is becoming more informed of the existence of false convictions, there is a long way to go in the development of successful exoneration and reentry policies. This conference aims to examine both the causes and consequences of wrongful convictions.



*Contributing causes confirmed through Innocence Project research. Actual numbers may be higher, and other contributing factors to wrongful convictions include government misconduct and bad lawyering.*

# Schedule of Events

8:30am - 9:00am

## Breakfast

9:00 am - 9:30am

## Opening Remarks

Rita A. Sheffey - *Assistant Dean for Public Service*  
Lukas Alfen\* 19L - *EPIC Student Initiatives Chair*  
Fernanda Benavides 20L - *EPIC Conference Co-Chair*  
Parisa Sarfarazi 20L - *EPIC Conference Co-Chair*

9:30am - 10:15am

## Stephen Bright

**Introduction:** Savita Sivakumar 20L - *EPIC Vice President*

10:15am - 11:00am

## Yusef Salaam

**Introduction:** Brandon Scheck\* 19L - *EPIC President*

11:00am - 11:10am

## Break

11:10am - 12:20pm

## Misconduct that Leads to Wrongful Convictions

**Moderator:** Sergio Glajar 20L

### Panelists:

Russell Covey  
Foss Hodges  
Paul Howard Jr. 76L  
Yusef Salaam  
Lisa Wolff 11L

12:20pm - 1:20pm

## Lunch (Round Table Discussions)

1:20pm - 2:30pm

## Mistakes that Lead to Wrongful Convictions

**Moderator:** Evvie Walker 19L - *EPIC Secretary*

### Panelists:

Jessica Gabel Cino  
Cyntoria Johnson  
Jamie Schickler\* 13L  
John White

2:30pm - 2:45pm

## Break (Coffee and Refreshments Available)

2:45pm - 3:45pm

## Georgia Innocence Project

**Moderator:** Brandon Scheck\* 19L - *EPIC President*

### Panelists:

Jason Costa 06L  
Clare Gilbert  
Clarence Harrison  
Josh Wade

3:45pm - 4:00pm

## Closing Remarks

\*Justice John Paul Stephens Public Interest Fellow

# Speakers

## KEYNOTE:

**STEPHEN BRIGHT** is a professor of practice at Georgia State University. Prior to this appointment in 2017, he was a fellow and visiting lecturer at Yale Law and has also taught at Harvard University, the University of Chicago, and Emory University. From 1982 to 2005, he directed the Southern Center for Human Rights, and served as its president from 2006 to 2016. Mr. Bright was a major contributor to the passage of the Georgia Indigent Defense Act, which created a public defender system in Georgia. He was awarded the Thurgood Marshall Award in 1998, and has argued four capital cases before the United States Supreme Court. The scope of his practice and writing encompasses capital punishment, prison conditions and practices, and racial biases in the judicial system. Mr. Bright received his J.D. from the University of Kentucky.

## PRESENTATION:

**YUSEF SALAAM** is a father, poet, activist, and inspirational speaker. His work focuses on issues of mass incarceration, police brutality, misconduct, and racial disparities in the U.S. criminal justice system. Mr. Salaam is aptly equipped to talk about such topics, as a member of what is commonly referred to as the “Central Park Five.” In 1987, five teenagers - four Black and one Latino - were wrongfully convicted for the rape of a jogger in Central Park. In 2002, 13 years after being convicted, all of the Central Park Five were exonerated after DNA evidence was linked to the actual perpetrator. Since Mr. Salaam’s release, he has been committed to sharing his story and educating the public, including notable speaking engagements at Harvard University and the United Nations. In 2014, he received an honorary Doctorate from Anointed by God Ministries Alliance & Seminary, and in 2016 was awarded the Lifetime Achievement Award from President Barack Obama.

# Panels

## Misconduct that Leads to Wrongful Convictions

Misconduct related to wrongful convictions includes an array of intentional activities on behalf of government officials that result in injustice, such as police misconduct, which includes false or coerced confessions and witness statements, planting of and tampering with evidence; prosecutorial misconduct, such as withholding exculpatory evidence or testimony; and expert witness misconduct. This panel will discuss such instances and ways to prevent them, as well as the ethical concerns related to police and prosecutorial misconduct. The safeguards that are or are not in place to protect defendants against misconduct and the structure of the criminal justice system itself can lead to the proliferation of wrongful convictions. Although programs like DA Integrity Units have been installed in some locations in recent years to mitigate and patrol misconduct, studies about their effectiveness are inconclusive. These issues erode trust in law enforcement, especially when police and prosecutors are not held accountable.

## Mistakes that Lead to Wrongful Convictions

Mistakes made in the criminal justice system can contribute to wrongful convictions. This panel consists of individuals who have interacted with these mistakes through an array of experiences including psychology, forensic science, and the legal process itself. These mistakes include issues such as eyewitness misidentification, junk science, and a dangerously overloaded public defense system that can eventually lead to ineffective assistance of counsel. This panel will address the leading causes of wrongful convictions and some of the many other mistakes that contribute to putting innocent people behind bars.

## Georgia Innocence Project

In 1987, Clarence Harrison was convicted and sentenced to life in prison for the kidnapping, rape, and robbery of a woman in Decatur, Georgia. In 2003, the Georgia Innocence Project, an organization dedicated to providing assistance to individuals who have been convicted of crimes they did not commit, opened its doors. Within one month after the organization opened, Mr. Harrison, who had never stopped maintaining his innocence wrote GIP proclaiming his innocence and requesting its assistance in his case. Jason Costa, then a student at Emory Law, was working as an intern for GIP and helped unearth two slides from the victim's rape kit — evidence that was instrumental in overturning Mr. Harrison's conviction. After serving 17 years in prison for a crime he did not commit, Mr. Harrison was released and exonerated. This panel will discuss the work of the Georgia Innocence Project, including the challenges the organization faces, as well as the success it has had. The panel will also discuss recent national attention given to wrongful conviction cases by the work of members of the media like Josh Wade, an investigative producer, photographer, and editor for WSB-TV.

# Panelists

## Misconduct that Leads to Wrongful Convictions

**Sergio Glajar (Moderator)** is a 3L at Emory Law and interned at both the Augusta and the Paulding County District Attorney's Offices. Mr. Glajar is currently a year-long extern at the United States Attorney's Office for the Northern District of Georgia, where he has been assigned to the Violent Crimes and the Organized Crime units.

**Russell Covey** is an Associate Professor of Law at Georgia State University College of Law, specializing in wrongful convictions. Professor Covey has filed amicus briefs and represented pro bono clients in criminal appeals in the U.S. Court of Appeals for the 9th Circuit and the U.S. Supreme Court. He has authored numerous articles on topics including the death penalty, police interrogation, crime and popular culture, jury selection, and plea bargaining. Professor Covey received his J.D. from Yale Law.

**Foss Hodges** is an Associate at Peters, Rubin & Sheffield and represents people accused of serious crimes throughout Georgia. Wrongly convicted clients have been referred to Peters, Rubin & Sheffield by other former clients, practicing lawyers throughout Georgia, sitting judges, the National Child Abuse Defense and Resource Center, the Georgia Innocence Project, and even by prosecuting attorneys. Mr. Hodges received his J.D. from Mercer Law.

**Paul L. Howard, Jr. 76L** is the first African-American District Attorney elected in Georgia and is currently serving his sixth term as Fulton County District Attorney. Mr. Howard has introduced outreach programs in Fulton County to teach civics to students and engage citizens in the criminal justice system. He is responsible for the restructuring of the Fulton County DA's office, through the streamlining of the felony charging process and the creation of specialized prosecution units. He received his J.D. from Emory Law, where he served as the president of the Black American Law Students' Association and the vice president of the Student Bar Association.

**Yusef Salaam (see page 3)**

**Lisa Wolff 11L** is currently a trial attorney at the Office of the Georgia Capital Defender and also serves as a mock trial coach for Emory Law. Ms. Wolff has previously worked as an attorney for the DeKalb County Public Defender's Office. Ms. Wolff earned her J.D. from Emory Law.

# Mistakes that Lead to Wrongful Convictions

**Evvie Walker (Moderator)** is a 3L at Emory Law and has interned at the Innocence Project of Florida, Southern Center for Human Rights, Fulton County Juvenile Public Defender's Office, and the Public Defender Service for Washington D.C. She is currently a student attorney for the Barton Juvenile Defender Clinic and also serves as the Secretary of EPIC.

**Jessica Gabel Cino** is the Associate Dean for Academic Affairs and a Professor of Law at Georgia State University College of Law. Her expertise includes the topics of forensic evidence, bioethics, and the death penalty. Dean Cino is nationally recognized for her research on fraud and ethics at the intersection of law and science. Her work allowed her to successfully appeal the wrongful conviction and death sentence of a Mississippi man. Dean Cino attended the University of Miami School of Law, where she co-founded and served as the executive director for the Wrongful Convictions Project, which has since become a fully-funded Innocence Clinic.

**Cyntoria Johnson** is a Clinical Assistant Professor in the Department of Criminal Justice and Criminology at Georgia State University, where she teaches a range of criminal justice courses. The focus of both her teaching and her research encompasses critical race theory, eyewitness misidentification, wrongful convictions, and globalizing criminal justice education. She received her J.D. from Florida Coastal School of Law.

**Jamie Schickler 13L** is currently an Assistant Public Defender at the DeKalb County Public Defender's Office, where she has worked since 2012. Previously, she interned at the Georgia Innocence Project in the summer of 2011 and was a recipient of the Justice John Paul Stevens Public Interest Fellowship in 2012. Ms. Schickler received her J.D. from Emory Law.

**John White** was exonerated in 2007, after the discovery of preserved DNA evidence proved his innocence in the assault of a 74-year-old woman in 1979. He was arrested based on a police sketch. The victim identified him in a lineup, in which he was the only person in both the photo array and the lineup, which was conducted six weeks after the crime. His case has stood out to psychologists as remarkable because the actual perpetrator was in the live lineup as well.



# Georgia Innocence Project

**Brandon Scheck (Moderator)** is a 3L at Emory Law who came to law school to fight the injustice of wrongful convictions. As an undergraduate student, he worked in a research lab that conducted social science experiments related to leading causes of wrongful convictions. In law school, he has fought for the wrongfully convicted through internships with the Georgia Innocence Project and the Innocence Project of Florida. Mr. Scheck was a recipient of the Justice John Paul Stevens Public Interest Fellowship in 2017 and currently serves as President of EPIC.

**Jason Costa 06L** is currently an attorney at the DeKalb County Public Defender's Office. Mr. Costa's notable involvement with innocence work began while interning at the Georgia Innocence Project, where he aided in discovering DNA evidence that ultimately led to the exoneration of Clarence Harrison — GIP's first exoneree. Mr. Costa received his J.D. from Emory Law, where he served as the president of the Emory Public Interest Committee and founded the EPIC annual conference.

**Clare Gilbert** is the Executive Director of the Georgia Innocence Project. Her work on Joey Watkins' case was featured for seven months in 2016-17 on the popular *Undisclosed* podcast. Prior to joining GIP in April 2015, Gilbert worked for six years as a public defender in Snohomish County, WA. Before that, she worked as a public interest lawyer representing nonprofits with Smith and Lowney, PLLC, and as a policy lawyer at the Government Accountability Project. Ms. Gilbert received her J.D. from University of Washington Law School of Law.

**Clarence Harrison** is the first person exonerated through the work of the Georgia Innocence Project. In 1987, Mr. Harrison was wrongfully convicted for the kidnapping, rape, and robbery of a 25-year-old woman in Decatur, Georgia. Mr. Harrison was identified in a photo lineup shortly after the crime. Although Mr. Harrison pursued DNA testing as early as 1988, it was not until he contacted GIP in 2003 that modern DNA testing proved he was not the perpetrator. After serving over 17 years in Georgia prisons, Mr. Harrison was exonerated in 2004.

**Josh Wade** is an investigative producer, photographer, and editor for WSB-TV. His work related to wrongful convictions includes publishing a 2016 series for the Atlanta Journal-Constitution called *DNA Denial*, focusing on two cases with the Georgia Innocence Project. Mr. Wade has shot stories in Egypt, Lisbon, and all over the U.S. His work in Atlanta has won 12 Emmy awards, 10 Edward R. Murrow Awards, and a duPont-Columbia Award.

# Special Thanks

On behalf of the Emory Public Interest Committee, we would like to thank you for attending the 2018 EPIC Conference: Miscarriage of Justice. We would also like to extend a special thanks to those without whose help, this conference would not have been possible:

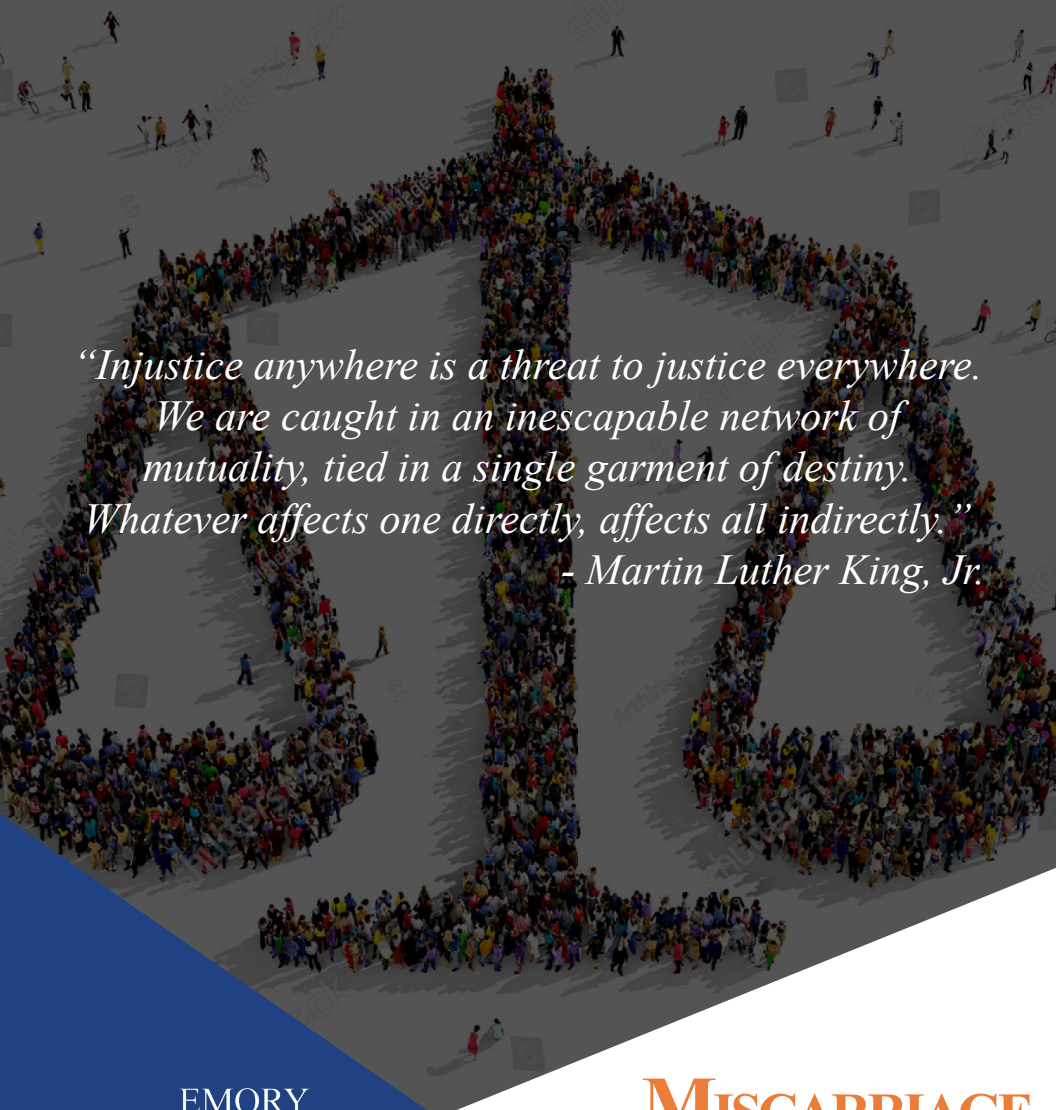
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Foss Hodges  
Matt Holbrook  
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Rita A. Sheffey  
Jamie Schickler 13L  
Cynthia Varkey  
Josh Wade  
John White  
Lisa Wolff 11L

# About EPIC

EPIC was formed in 1989 by students committed to making public interest jobs accessible to Emory students. EPIC has successfully undertaken a major fundraising effort that has provided summer grants for students who accept volunteer positions or clerkships in public interest organizations.

EPIC has the benefit of Emory Law alumni who are dedicated to public service and serve on EPIC's Advisory Board. These attorneys work in legal aid, nonprofits, the public defender's office, and law firms throughout Atlanta.

*Save the Date*  
*23rd Annual*  
*EPIC Inspiration Awards*  
*Ceremony*  
*Tuesday, February 5, 2019*  
*Emory University School of Law*  
*Atlanta, Georgia*



*“Injustice anywhere is a threat to justice everywhere.  
We are caught in an inescapable network of  
mutuality, tied in a single garment of destiny.  
Whatever affects one directly, affects all indirectly.”*  
- Martin Luther King, Jr.

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(EPIC)



EMORY  
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SERVING THE PUBLIC INTEREST SINCE 1989

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