

University of Florida Levin College of Law
COURSE SYLLABUS
Wrongful Convictions and Factual Innocence:
Conviction Integrity Review
LAW 6942 (19504) - 5 credits
FALL 2025

INSTRUCTORS' CONTACT INFORMATION:

Shelley Thibodeau, Director

Conviction Integrity Review, 4th Judicial Circuit State Attorney's Office
SThibodeau@coj.net

Sarah H. Wolking, Senior Legal Skills Professor

wolking@law.ufl.edu

352-273-0815 ofc.

510-376-7837 cell

126 Bruton-Geer Hall

Office Hours: Thursdays 2-4 p.m. Students are encouraged to contact Professor Wolking at any time to discuss legal issues or ask questions. They are welcome to contact the professor via email, text, or phone.

COURSE DESCRIPTION AND OBJECTIVES:

The main objective of this course is to teach law students about the factors that lead to wrongful convictions and to involve them directly in examining actual innocence claims made by individuals convicted of a felony. Students will learn about the causes of wrongful convictions, review relevant data sources and materials, and take part in efforts to address innocence claims.

This course will teach students about systemic errors in our criminal justice system that lead to the wrongful conviction of innocent people. Students will also explore complex legal remedies for correcting these wrongful convictions and policy reforms to prevent them. During class, actual cases and existing laws will be examined. Specifically, students will learn how to identify, analyze, and develop post-conviction innocence cases. This part of the course will cover common elements in wrongful conviction cases, such as mistaken eyewitness identification, false confessions, misuse of informants, flawed forensic evidence, mistakes and misconduct by law enforcement officials, inadequate defense representation, legal barriers to post-conviction relief, and the use of DNA and non-DNA evidence to achieve justice. We will also discuss the impact of bias, profiling, and tunnel vision in wrongful convictions. Students will have opportunities to hear from police, prosecutors, defenders, exonerees, and other key stakeholders involved in addressing wrongful convictions and improving the accuracy and reliability of our criminal justice system.

The class will be split into two parts:

1. Academic class work, and
2. Out-of-class innocence review (10.5 hours per week for a total of 135 hours over the semester)

Recognizing that prosecutors have an ongoing, post-conviction ethical obligation to seek justice, students will collaborate closely with the Fourth Judicial Circuit State Attorney's Office, specifically with the Director of the Conviction Integrity Review (CIR) Division in Jacksonville. Established in 2018, this unit was the first of its kind created within a State Attorney's Office in Florida. It was designed to review and investigate claims of actual innocence, offering analysis and support to prevent errors that could lead to a miscarriage of justice. The CIR examines and addresses claims of actual innocence stemming from felony convictions in the Fourth Judicial Circuit, especially when supported by credible, factual evidence previously overlooked by the original fact-finder. Plausible claims of actual innocence are deserving of consideration and provide a reasonable and probable likelihood that the petitioner did not participate in or commit the crime.

Students will participate in the investigation and legal review of petitions, which may involve examining agency files, analyzing trial, appellate, and post-conviction briefs and transcripts, interviewing witnesses and obtaining sworn statements, submitting evidence for testing or retesting, and otherwise investigating the petitioner's claims.

STUDENT LEARNING OUTCOMES:

After this course, students should be able to:

- Identify the wide range of factors that lead to wrongful convictions of innocent people, including flawed eyewitness identification procedures; coercive and deceptive police interrogation techniques; mishandling of confidential informants, cooperating witnesses, and jailhouse snitches; unreliable science, disorganized crime labs, and incompetent or corrupt experts; police and prosecutor failures to preserve and disclose exculpatory evidence; and incompetent and underfunded defense attorneys;
- Analyze facts and legal arguments in transcripts;
- Document legal research, review petitions, and conduct investigative efforts in Clio (case management system);
- Orchestrate investigation, including forensic testing and interviews;
- Articulate investigative reforms that could help prevent wrongful convictions;
- Speak professionally with trial counsel or other witnesses;
- Write memoranda for each innocence petition reviewed that thoughtfully outline the facts of the case and the continued investigative steps or denial of the petition;
- Identify policy changes that will help prevent wrongful convictions in the future;
- Present investigative and policy reforms to stakeholders; and
- Develop skills in interviewing and professionalism.

MEETING TIMES AND LOCATIONS:

This course will meet on the following dates and times: Fridays, 9:30 am-1:30 pm. Class dates: 8/22, 9/12, 9/26, 10/10, 10/24, and 11/8

All classes will be held via Zoom, except for the following dates: 10/10 and 11/7, which will be in-person at UF Levin College of Law.

REQUIRED READING AND VIEWING MATERIALS:

- *Justice Pursued: The Exoneration of Nathan Myers and Clifford Williams* by Bruce Horowitz
- Gideon's Army, documentary on YouTube, [Gideon's Army](#) (1:35:45)
- *America's Public Defense System is in Crisis*, YouTube (12:40)
- *Bone Valley*, a podcast hosted by Gilbert King (9 episodes)
- Saul Kassin, [False Confessions - Vera Institute](#) (9:11)
- The False Confession Capital—60 minutes video [60 Minutes on False Confessions](#) (13:30)
- The Confessions, [PBS Frontline](#) (1:23:26)
- Wrongful Conviction with Jason Flom podcast, False Confessions—Norfolk 4 episode, October 5, 2020
- Summary of the Willie Veasey case:
<https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=5624>
- The Confession Tapes, Netflix, Episode 5, 8th and H
- Catherine Fuller case: <https://www.theguardian.com/us-news/2017/mar/23/catherine-fuller-murder-supreme-court-hidden-evidence>
- Frontline, The Real CSI, Season 2012, Episode 10 (53:00)
- AAFs 2018 Plenary Session Part 2, Itiel Dror, YouTube (YouTube, 42:33)
- He's a Liar, Con-artist, and a Snitch—[ProPublica Paul Skalnik article](#)
- [Convicted Based on Lies](#), ProPublica
- PBS Nova: The Brain, Perception Deception (53:33)
- Jennifer Thompson/Ronald Cotton case—[Eyewitness Testimony part 1](#) (13:00) and [Eyewitness Testimony part 2](#) (13:06)
- Wrongful Conviction with Jason Flom podcast, Junk Science, Nov. 11, 2020, episode on eyewitness misidentification
- *Murder on a Sunday Morning* (1:51:13), YouTube, Tubi, or Prime video
- *The Marked Man*, Tampa Bay Tribune, Spata and Sullivan
<https://www.tampabay.com/news/crime/2024/05/29/florida-tampa-killer-trial-murder-dna-mystery-innocent-prison-released/>

CLASS ATTENDANCE AND MAKEUP POLICY:

Attendance in class is required by both the ABA and the law school. Attendance at each session of this course is mandatory, and missing any session will result in a 5-point deduction from your final grade (on a 100-point scale) for each absence. If you have a valid reason for missing class,

you should contact Professor Wolking either before or shortly after class to have your absence excused. The law school's attendance policy can be found at this link:

<https://www.law.ufl.edu/uf-law-student-handbook-and-academic-policies#>

UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations, can be found at this link: <https://ufl.instructure.com/courses/427635/files?preview=98226140>

ABA OUT-OF-CLASS HOURS REQUIREMENTS:

ABA Standard 310 requires students to spend 120 minutes on out-of-class preparation for each "classroom hour" of in-class instruction. This course has four "classroom hours" of in-class instruction every other week (averaging 2 hours per week), which means at least four hours of preparation outside of class are needed. Assignments will be emailed or posted on Canvas before class begins, and articles on current events and other materials will be added to your assignments periodically throughout the semester.

COURSE EXPECTATIONS, CREDITS, AND GRADING EVALUATION:

For this course, you will earn five (5) total credits. Three (3) of these credits are pass/fail (Satisfactory/Unsatisfactory), and two (2) of these credits are graded.

*****STUDENTS WILL MEET OR SPEAK WEEKLY WITH THE COURSE INSTRUCTORS AND SHOULD EXPECT TO SPEND A MINIMUM OF 10.5 HOURS PER WEEK ON CASEWORK*****

The class will meet six times during the semester. Students must prepare class materials, write reflections, and review innocence claims. It is anticipated that these will involve homicide cases. The course is reading-intensive, as students must thoroughly review a trial transcript and case file in addition to the assigned course materials. Students may also meet or talk with incarcerated individuals and witnesses. They will be expected to conduct legal research and analysis. For each case, the student will prepare a Final Memorandum outlining their findings and reasoning for whether the innocence claim is viable.

In addition to their casework, students will attend class, which involves participating in case rounds addressing issues raised by their petitions, preparing written reflections and questions for our guest speakers, and leading discussions on the required reading/viewing course assignments. The Wrongful Conviction/Innocence Course counts toward the six-credit experiential learning requirement.

Our grading rubric is available on Canvas, and we recommend reviewing it as you start working on your petitions. Grades will be assigned as follows:

- **Class preparation, written reflections, speaker questions, and participation: 40%**
- **Case notes in Clio, Review Checklist, and Final Memoranda: 60%**

Procedure for Innocence Claim Review:

Each student will be assigned at least one petition received by the 4th Judicial Circuit State Attorney's Office Conviction Integrity Review division. To start, the student will review each petition to determine whether it is facially sufficient.

Using a **Review Checklist**, the student will investigate the claim, including:

- Review of the trial transcript and post-conviction motions
- Review depositions and prepare deposition summaries.
- Review of police reports and forensic analyses

The student will determine what information is necessary to support the innocence claim and will devise a plan for investigation, including:

- Possible DNA testing
- Interviewing additional witnesses not called at trial
- Re-interviewing trial witnesses
- Ordering additional forensic testing, which may not have been previously available
- Assessing whether questionable methods were employed to secure a confession or eyewitness identification.

Depending on the complexity of the investigation, the student is expected to participate in examining the innocence claims. This investigation may include internet searches, case law research, witness interviews, forensic testing submissions, correspondence with the petitioner, expert witness consultation, and collaboration with the CIR investigator on additional investigative avenues. The student must review the case history and actively investigate the claim of innocence.

For each case, students will prepare a **Final Memorandum** that outlines their findings and reasoning regarding whether or not the innocence claim is plausible. Students will also submit the **Review Checklist**. Clio (the case management system) will provide remote access to case documents.

The director of the State Attorney's Office Conviction Integrity Review Division and the UF Law Senior Legal Skills Faculty member will supervise students.

INSTRUCTIONS FOR COMPLETING WEEKLY TIMESHEETS:

Using a PowerApp developed by UF Law's IT team, you'll complete weekly time sheets that accurately and meaningfully describe work performed. To set up your weekly time recording, simply log in here:

<https://apps.powerapps.com/play/e/a46b10d4-09c2-ebel-bc4b-f301cdbfab0d/a/a73974a6-5c33-4c65-a2b7-009c7953728d?tenantId=0d4da0f8-4a31-4d76-ace6-0a62331e1b84&hint=cad577a3->

[1595-4464-ad08-16b87f066e7e&sourcetime=1707411763848&source=portal](https://timesheet.law.ufl.edu/1595-4464-ad08-16b87f066e7e&sourcetime=1707411763848&source=portal) and follow the prompts.

After consulting with Professor Thibodeau, **Professor Wolking will serve as the timesheet supervisor.** When setting up your timesheet, enter your supervisor's email address (wolking@law.ufl.edu) so your hours can be approved.

Please do not log time with a single, recurring description: "review trial transcript." Instead, if possible, break down the tasks involved.

"Researched law on judicial review — 2 hours"

"Created a timeline for homicide—3 hours"

"Wrote the first section of Final Memorandum - factual summary—2 hours"

Also, think carefully about the words you choose to describe your work. Use persuasive verbs. "Motion to suppress brief" is not compelling; "Researched, wrote, and revised motion to suppress brief" is better. No matter what area of law practice you enter, being able to accurately and persuasively describe your work has tremendous value, and this semester is a great time to hone these skills!

COMMUNICATION COURTESY AND CIVILITY:

Please observe common courtesy in all email messages, threaded discussions, and chats. Do not arrive late to class, leave early, or step out for a break during class without valid reasons. Remember to turn off your cell phone during class. We reserve the right to lower your final grade if you engage in behavior that disrupts the learning environment for your classmates.

INTERNET USE DURING CLASS:

Using the Internet during class is not permitted unless explicitly instructed by the professors. You are not allowed to access social media sites, email (including Clinic or career-related emails), or news websites. Think of the class as an important client meeting and plan your internet activity accordingly. Your internet use, even for a noble purpose, violates the standards of professionalism. If you have concerns about this policy, please speak with us.

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS:

Class 1: 8/22/25 - OVERVIEW OF WRONGFUL CONVICTIONS AND IAC

Overview of the six areas/factors most commonly associated with wrongful convictions:

1. Eyewitness misidentification
2. False Confessions
3. Misapplied Forensic Science
4. Incentivized Informants
5. Government Misconduct

6. Ineffective Assistance of Counsel (IAC)

Class Discussion:

- Case discussion: Clifford Williams and Nathan Myers
- The Role of Defense Attorneys
- Ineffective Assistance of Counsel Claims
- FL Innocence Commission
- The Impact of Underfunded Public Defender Offices

Out-of-Class Assignments:

- Read *Justice Pursued: The Exoneration of Nathan Myers and Clifford Williams* by Bruce Horowitz
- Watch *Gideon's Army*, a documentary on YouTube, [Gideon's Army](#) (1:35:45)
- Watch *America's Public Defense System is in Crisis*, YouTube (12:40)
- Start listening to *Bone Valley*, a podcast hosted by Gilbert King (9 episodes)
- Sign and return the SAO Confidentiality Agreement
- Familiarize yourself with the Review Checklist and Review Guide—provided
- SAO4 CIR Wrongful Conviction case review—to be assigned

Class 2: 9/12/25 - FALSE CONFESSIONS

Class Discussion:

- Student-led discussion on the Norfolk 4
- Saul Kassin, [False Confessions - Vera Institute](#) (9:11)
- The False Confession Capital—60 minutes video [60 Minutes on False Confessions](#) (13:30)
- The case of Thomas Perez
- Interrogation techniques—Reid vs. Cognitive Interviewing

Out-of-Class Assignments:

- Watch The Confessions, [PBS Frontline](#) (1:23:26)
- Listen to Wrongful Conviction with Jason Flom podcast, False Confessions—Norfolk 4 episode, October 5, 2020
- Read a summary of the Willie Veasey case:
<https://exonerationregistry.org/cases/12714>
- Write a 2-page reflection on the Norfolk 4 and submit three questions for our speaker based on what you've read and watched (**DUE: 9/10**)
- Continue with the *Bone Valley* podcast, to be completed by 10/10

Class 3: 9/26/25 - EYEWITNESS MISIDENTIFICATION

Class discussion:

- Student presentation of CIR-assigned case facts (5-8 minutes each)
- Student-led discussion on the Brenton Butler case
- Motorcycle commercial video
- Innocence Project video on human factors
 - Jennifer Dysart –eyewitness memory
 - Elizabeth Loftus—human memory
- Jennifer Thompson/Ronald Cotton case—[Eyewitness Testimony part 1](#) (13:00) and [Eyewitness Testimony part 2](#)(13:06)
- Guest Speaker: Josh Dubin

Out-of-Class Assignments:

- Listen to Wrongful Conviction with Jason Flom podcast, Junk Science, Nov. 11, 2020, episode on eyewitness misidentification
- Watch *Murder on a Sunday Morning* (1:51:13), YouTube, Tubi, or Prime video.
- Read *He's a Liar, Con-artist, and a Snitch*—[ProPublica Paul Skalnik article](#)
- Write a 2-page reflection and submit three questions for our speaker based on what you have read and watched (**DUE: 9/24**)

Class 4: 10/10/25 at UF Law - GOVERNMENT MISCONDUCT

Class Discussion:

- Government Misconduct and Wrongful Convictions: [Government Misconduct and Convicting the Innocent](#)
- *Brady* violations, Charles Testagrossa article (resigned after *Brady* violation disclosed)
- How confirmation bias and tunnel vision impact an investigation
- Innocence Project videos (Jim Trainum)
- Guest Speakers: Gilbert King, Leo Schofield, and Hon. Scott Cupp

Out-of-Class Assignments:

- Watch *The Confession Tapes*, Netflix, Episode 5, 8th and H; or read The Guardian article on the Catherine Fuller case <https://www.theguardian.com/us-news/2017/mar/23/catherine-fuller-murder-supreme-court-hidden-evidence>
- Read: https://www.nytimes.com/2025/04/09/us/bone-valley-leo-schofield.html?unlocked_article_code=1.cE8.bo3A.nOzWoHt0SAr-&smid=nytcore-ios-share&referringSource=articleShare
- Write a 2-page reflection and submit three questions for our speakers based on Bone Valley (**DUE: 10/8**)

Class 5: 10/24/25 - MISAPPLIED FORENSIC SCIENCE

Class Discussion:

- Student presentations of next steps in CIR assigned cases (5-8 minutes each)
- National Academy of Science: Strengthening Forensic Science in the US (2009 report)
- Watch Innocence Project video—Confirmation Bias, Dr. Sherry Nakhaeizadeh
- Brandon Mayfield--fingerprints
- Lime Street, Jacksonville, FL—arson case
- Guest Speakers: Mike Maloney and Tom Brady

Out-of-Class Assignments:

- Watch *Frontline: The Real CSI*, Season 2012, Episode 10 (53:00)
- Watch AAFs 2018 Plenary Session Part 2, Itiel Dror, YouTube (YouTube, 42:33)
https://youtu.be/n4K5CmA9qRI?si=udMf_8kSebK8pvKk
- Read *The Marked Man*, Tampa Bay Tribune, Spata and Sullivan
<https://www.tampabay.com/news/crime/2024/05/29/florida-tampa-killer-trial-murder-dna-mystery-innocent-prison-released/>
- Write a two-page reflection and submit three questions for our speakers based on what you have read and watched (DUE: 10/22)

Class 6: 11/7/25 at UF Law - INCENTIVIZED INFORMANTS/JAILHOUSE SNITCHES

Class Discussion:

- FL Innocence Commission Report—[Innocence Commission Report 2012](#)
- Systemic problems around the country—TX and CA
- Guest speakers: Benjamine Spencer and Barbara Bradley Hagerty

Out-of-Class Assignments:

- Watch PBS Nova: The Brain, Perception Deception (53:33)
- <https://www.wbur.org/onpoint/2024/08/08/wrongful-conviction-ben-spencer-prison-texas>
- Listen to the Wrongful Conviction podcast, Episode 484:
<https://lavaforgood.com/podcast/484-maggie-freleng-with-ben-spencer/>
- Read [Convicted Based on Lies](#), ProPublica article
- Write a two-page reflection and submit three questions for our speakers based on what you have read and watched (DUE: 11/5)