

# **An Exploratory Study of Wrongful Convictions Caused by Prosecutor Misconduct**

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This exploratory study will classify the most common forms of prosecutorial misconduct and identify the stages of a prosecution at which they most likely occur. In addition, though not an exhaustive quantitative study, the research will attempt to 'get an idea of' the prevalence of such misconduct. The researcher will analyze convictions reversed on appeal that identify prosecutor misconduct as the sole reason or a component of the rationale for reversal. Appellate cases from state appeals courts and federal habeas corpus petitions will form the core data. Prosecutorial misconduct defined: any willful action or inaction on the part of a prosecuting attorney to hinder "the truth" from being revealed. "The truth" remains tied to the entire justice concept. For example, hindering the truth could take an extreme form such as manufacturing evidence or withholding exculpatory evidence. It could also take a more subtle form such as not disclosing to defense counsel that the prosecution's "jailhouse snitch" has cut a deal in exchange for testimony or simply prosecuting a case in the absence of evidence, relying on the jury's emotions to secure a guilty verdict.