

# JASON KREAG

University of Arizona James E. Rogers College of Law  
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## Academic Appointments

### **University of Arizona James E. Rogers College of Law, Tucson, AZ**

Associate Professor of Law (Fall 2015 – present)

Visiting Assistant Professor of Law (2013 – 2015)

- Courses: Criminal Law; Criminal Procedure; Evidence; Wrongful Convictions
- Director, Program on Criminal Law and Policy (2013 – present)
- Assistant Director, Wrongful Conviction Clinic (2018 – present)

### **Columbia Law School, New York, NY**

Lecturer-in-Law (2011 – 2013)

- Course: Wrongful Convictions

### **Benjamin N. Cardozo School of Law and The Innocence Project, New York, NY**

Adjunct Clinical Professor of Law (2007 – 2012)

Adjunct Professor of Law (2010 – 2012)

- Courses: Wrongful Convictions; The Innocence Project Clinic

### **Harvard University, Economics Department, Cambridge, MA**

- Teaching Fellow (2001 – 2003)

## Education

### **Harvard Law School, Cambridge, MA, J.D., *cum laude* (2003)**

- Criminal Justice Institute

### **Indiana University, Indianapolis, IN, M.A., Philanthropic Studies (1999)**

### **DePauw University, Greencastle, IN, B.A., Economics, *summa cum laude* (1997)**

- Phi Beta Kappa
- Student Commencement Speaker
- Men's Basketball (1993 – 1997)
- Member, Board of Trustees (1997 – 2000)

## Teaching and Research Interests

Criminal Procedure, Criminal Law, Evidence, Wrongful Convictions, Policing, Forensic Science

## Articles

*Disclosing Prosecutorial Misconduct*, 72 VANDERBILT LAW REVIEW \_\_ (forthcoming 2019).

*The Jury's Brady Right*, 98 BOSTON UNIVERSITY LAW REVIEW 345 (2018).

*Prosecutorial Analytics*, 94 WASHINGTON UNIVERSITY LAW REVIEW 771 (2017).

*Going Local: The Fragmentation of Genetic Surveillance*, 95 BOSTON UNIVERSITY LAW REVIEW 1491 (2015).

*Letting Innocence Suffer: The Need for Defense Access to the Law Enforcement DNA Database*, 36 CARDOZO LAW REVIEW 805 (2015).

*The Brady Colloquy*, 67 STANFORD LAW REVIEW ONLINE 47 (2014).

## **Judicial Clerkship**

**Hon. Jon O. Newman, Second Circuit Court of Appeals**, New York, NY (2012 – 2013)

## **Practice Experience**

**The Innocence Project**, New York, NY (2007 – 2012)

Staff Attorney and Adjunct Clinical Professor of Law

- Litigated post-conviction innocence claims in jurisdictions across the country.
- Casework involved issues related to the use of unreliable forensic science evidence, prosecutorial misconduct, false confessions, eyewitness identification procedures, and the use of modern DNA analysis.
- Testified before legislative bodies on issues related to access to post-conviction DNA testing and eyewitness identification procedures.

**Southern Center for Human Rights**, Atlanta, GA (2004 – 2006)

Staff Attorney

- Litigated capital post-conviction cases in Alabama and Georgia involving claims of ineffective assistance of counsel, intellectual disability, juror misconduct, and the impermissible use of race in jury selection.

**King & Spalding**, Atlanta, GA (2003 – 2004)

Litigation Associate

**Capital Defender Office**, New York, NY (Summer 2002)

Intern

**Northwestern University Bluhm Legal Clinic**, Chicago, IL (Summer 2001)

Intern

## **Litigation Highlights**

Brief for The Innocence Project, Wrongful Conviction Clinic at the University of Arizona James E. Rogers College of Law, and Professor Jason Kreag as Amici Curiae Supporting Appellant, *State v. Hunter*, (No. 1 CA-CR 15-0499) (Ariz. Ct. App.)

- Amicus brief addressing the unreliability of cadaver dog evidence and the court's gatekeeping role for the admission of expert testimony pursuant to Arizona Rule of Evidence 702 and *Daubert*.

*Texas v. Swearingen*, 2014 WL 440910 (No. AP-77020) (Tex. Crim. App. Feb. 4, 2014) (argued Dec. 4, 2013).

- Argued for Mr. Swearingen's constitutional and statutory rights to obtain post-conviction DNA testing before his execution.

*Hardin v. Commonwealth*, 396 S.W.3d 909 (Ky. 2013) (argued May 16, 2012).

- Secured the reversal of the trial court's denial of post-conviction DNA testing in this murder case.

*Ex parte Wyatt*, 2012 WL 1647004 (No. AP-76797) (Tex. Crim. App. May 9, 2012).

- Lead counsel for Rickey Wyatt, who was exonerated after spending 31 years in prison.
- Exoneration was based on exculpatory DNA results and extensive misconduct uncovered during post-conviction investigation.

*People v. Dewey*, (No. 95CR246, Mesa County Dist. Court, Colorado) (April 30, 2012).

- Co-counsel for Robert Dewey, who was exonerated after spending 17 years in prison.
- Exoneration was based on exculpatory DNA results and post-conviction investigation that identified the actual perpetrator.

*Ex parte Phillips*, 2008 WL 4417288 (Nos. AP-76010, AP-76011, AP-76012, AP-76014) (Tex. Crim. App. Oct. 1, 2008).

- Lead counsel for Steven Phillips, who was exonerated after spending 24 years in prison.
- Exoneration was based on exculpatory DNA results, unreliable eyewitness identification procedures, and misconduct uncovered during post-conviction investigation.

*Ex parte McGowan*, 2008 WL 2390986 (Nos. AP-75934, AP-75935) (Tex. Crim. App. June 11, 2008).

- Lead counsel for Thomas McGowan, who was exonerated after spending 23 years in prison.
- Exoneration was based on exculpatory DNA results and unreliable eyewitness identification procedures.

## **Other Writing**

*Speedier Executions May Risk Ultimate Injustice*, ARIZONA REPUBLIC, Aug. 24, 2013, <http://www.azcentral.com/opinions/articles/20130820kreag-speedier-executions-may-risk-ultimate-injustice.html>.

*Colorado's Wrongful Conviction of Robert Dewey Holds Lessons*, DENVER POST, May 4, 2012, [http://www.denverpost.com/opinion/ci\\_20543814/lessons-from-wrongful-conviction](http://www.denverpost.com/opinion/ci_20543814/lessons-from-wrongful-conviction).

*DNA Testing and Unresolved Questions in Tommy Arthur's Case*, BIRMINGHAM NEWS, Sept. 27, 2009, [http://blog.al.com/birmingham-news-commentary/2009/09/dna\\_testing\\_and\\_unresolved\\_que.html](http://blog.al.com/birmingham-news-commentary/2009/09/dna_testing_and_unresolved_que.html).

## **Select Presentations**

Moderator, *The United States Supreme Court in an Era of Constitutional Dynamism: A Conversation With Adam Liptak*, University of Arizona James E. Rogers College of Law, Tucson, AZ (Feb. 12, 2018).

*Anthony Ray Hinton's Exoneration: The Tip of the Innocence Iceberg*, University of Arizona Honors College SmartTalk Series, Tucson, AZ (Oct. 3, 2017).

*The Jury's Brady Right*, Faculty Workshop, Boston College Law School (April 7, 2017).

Moderator, *Tactical Police: Needs of Law Enforcement to Combat Crime*, Panelists included Radley Balko, Washington Post; Mike Silva, Tucson Police Department; Lt. John Strader, Tucson Police Department, Tucson, AZ (March 21, 2017).

*The Jury's Brady Right*, Faculty Workshop, University of Arizona James E. Rogers College of Law, Tucson, AZ (March 2, 2017).

*Brady and Judicial Efforts to Ensure Compliance*, Ninth Circuit Federal Public Defender Standing Committee and Defenders' Workshop, Tucson, AZ (February 2, 2017).

*Prosecutorial Analytics*, Faculty Workshop, University of Arizona James E. Rogers College of Law, Tucson, AZ (April 27, 2016).

*Prosecutorial Analytics: Using Data to Address Misconduct*, New Models for Prosecutorial Accountability, Cardozo Law School, New York, NY (April 21, 2016).

*Prosecutorial Analytics*, QuantLaw 2016, University of Arizona James E. Rogers College of Law, Tucson, AZ (February 13, 2016).

*Simple Solutions to Brady Violations*, Daring Defenses that Work, Oregon Criminal Defense Lawyers Association Annual Conference, Portland, OR (December 4, 2015).

*Going Local: The Fragmentation of Genetic Surveillance*, Faculty Workshop, UNLV School of Law, Las Vegas, NV (September 24, 2015).

*Letting Innocence Suffer: Defense Access to the Law Enforcement DNA Database*, Crim Fest 2014, Rutgers School of Law – Newark, Newark, NJ (July 21, 2014).

*Defense Access to Law Enforcement Fingerprint Databases*, National Forensic College (sponsored by the National Association of Criminal Defense Lawyers and Benjamin N. Cardozo School of Law), New York, NY (June 11, 2014).

*Using DNA and AFIS Databases to Prove Innocence* (with Barry Scheck), Innocence Network Conference, Portland, OR (April 12, 2014).

*Letting Innocence Suffer: Defense Access to the Law Enforcement DNA Database*, Workshop, Sandra Day O'Connor College of Law, Arizona State University, Tempe, AZ (March 15, 2014).

*Letting Innocence Suffer: Defense Access to the Law Enforcement DNA Database*, Faculty Workshop, University of Arizona James E. Rogers College of Law, Tucson, AZ (January 2014).

*Letting Innocence Suffer: Defense Access to the Law Enforcement DNA Database*, Rocky Mountain Junior Scholars Forum, J. Reuben Clark Law School, Brigham Young University, Provo, UT (November 2013).

*Wrongful Convictions: Where Are We Today and What Can We Do to Prevent Them?*, Texas Center for the Judiciary, Winter Regional Conferences, Austin and Corpus Christi, TX (January and February 2013).

*From False Confessions to Freedom: Why the Innocent Confess and How to Overturn Their Convictions*, Panelist, Benjamin N. Cardozo School of Law, New York, NY (January 2013).

*Constructing and De-constructing the Post-Mortem Interval* (with Dr. Harrell Gill-King), NACDL Conference, Examining Forensic Pathology: Distinguishing Medicine from Myth, Kansas City, MO (March 2012).

## **Community Lectures/CLE Events**

*Mass Incarceration: Efficiency Versus Accuracy*, St. Mark's Presbyterian Church Adult Education Series, Tucson, AZ (October 4, 2015).

*In Search of the Fourth Amendment: A Review of Recent Supreme Court Decisions*, CLE Sponsored by the City of Tucson Public Defender (May 7, 2015).

*Our Capacity to Suffer: Innocence Shining Light on the Flaws of the Criminal Justice System*, DePauw University Martin Luther King Day Memorial Lecture, Greencastle, IN (January 2012).

## **Service**

### **College of Law**

- Director, Program in Criminal Law and Policy and Criminal Law Certificate Program (2013 - present)
- Faculty Advisor, *Arizona Law Review* (2017 – present)
- Co-Faculty Advisor, American Constitution Society Chapter (2016 – present)
- Supervise 5-10 student notes and substantial papers per year.
- Appointments Committee (2017-2018)
- Curriculum Committee, Chair (2016-2017)
- Advisory Committee on Publications (2016-present)
- Executive Committee (2016-2017)
- Hiring Committee, Director of Advocacy Position (2015-2016)
- Advising & Mentoring Committee, Chair (2015-2016)

### **External**

- Task Force on the Arizona Rules of Criminal Procedure, Appointed by Chief Justice Scott Bales (2016 – 2017)
- Task Force on Rule 32 of the Arizona Rules of Criminal Procedure, Appointed by Chief Justice Scott Bales (2018-present)

## **Other Work Experience**

**DePauw University Men's Basketball**, Greencastle, IN (2006 – 2007)  
Assistant Coach

**Harvard Business School**, Cambridge, MA (1999 – 2000)  
Research Assistant for Professor James E. Austin

## **Bar Admissions**

Illinois (2003); Georgia (2004); Alabama (2005)