

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 Dean for Academic Affairs (2020 – present)

Professor of Law (2019 – present)

Associate Professor of Law (2015 – 2019)

Visiting Assistant Professor of Law (2013 – 2015)

- Courses: Criminal Law, Criminal Procedure, Evidence, Wrongful Convictions
- Director, Program on Criminal Law and Policy (2013 – present)
- McCormick Society, Executive Board Member (2019 – present)
- Assistant Director, Wrongful Conviction Clinic (2018 – 2020)
- Administrator of the Year (2022 – 2023)
- Leslie F. and Patricia Bell Faculty Service Award (2022 – 2023)
- Recognized as one of the Colleges Teachers of the Year (2018 – 2019)

Columbia Law School, New York, NY

Lecturer-in-Law (2011 – 2013)

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)

Harvard University, Economics Department, Cambridge, MA

- Teaching Fellow (2001 – 2003)

Education

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

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)
- Board of Trustees (1997 – 2000)

Teaching and Research Interests

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

Articles and Books

TRIAL EVIDENCE (Aspen, 8th Ed. 2023) & Teacher's Manual (with Thomas A. Mauet & Warren D. Wolfson).

Disclosing Prosecutorial Misconduct, 72 VANDERBILT LAW REVIEW 297 (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)

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

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.

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.

Select Presentations

Moderator, *Arbitrary Death: A Prosecutor's Perspective on the Death Penalty, A Conversation with Author Rick Unklesbay*, University of Arizona James E. Rogers College of Law, Tucson, AZ (Sept. 11, 2019).

Genealogy Databases and the Fourth Amendment, Briefly, The University of Chicago Law Review Online, Podcast, (July 17, 2019).

UA Symposium on Policing, Prosecution & Power: Examining Processes of Law and Inequality, Panelist, University of Arizona, Tucson, AZ (March 22, 2019).

The Implications of Familial DNA Testing, Democratic Attorneys General Association Policy Conference, Panelist, San Diego, CA (March 21, 2019).

Direct-to-Consumer Genetic Testing: Privacy Implications in a Criminal Context, 2018 Allen L. Poucher Lecture, with Prof. Christopher Slobogin and Prof. Sara Katsanis, University of Florida Levin College of Law, Gainesville, FL (Oct. 11, 2018).

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)
- Supervise 5-10 student notes and substantial papers per year.
- Hiring Committee, Chair, Assistant Dean of Academic Affairs and Registrar (2022-23)
- Hiring Committee, co-chair, Director of Bar and Academic Success (2021)
- Hiring Committee, Chair, Faculty Support Manager (2021)
- Hiring Committee, Chair, Assistant Registrar (2020-2021)
- Hiring Committee, Director of Advocacy Position (2015-2016)
- New Safe Return Committee – COVID (2020-2021)
- Assessment and Learning Outcomes Committee (2020-21; 2021-22; 2022-23; 2023-24)
- Online Committee (2021-22; 2022-23)
- Peer Review Committee (2019-2020)
- Appointments Committee (2017-2018)
- By-Laws Committee (2023-24)
- Faculty Advisor, American Constitution Society Chapter (2016-2018)
- Curriculum Committee (2016-2017, chair; 2018-2019, chair; 2020-2021; 2021-2022; 2022-23; 2023-24)

- Advisory Committee on Publications (2016-present)
- Executive Committee (2016-2017)
- Advising & Mentoring Committee, Chair (2015-2016)

University of Arizona

- Graduate College Academic Administrators Council (2020-present)
- Graduate Council (2022-present)
- Arizona Online Faculty Advisory Committee (2020-2021)

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 (2018-2019)

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)