

## VALENA ELIZABETH BEETY

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### EDUCATION

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**University of Chicago Law School, J.D.** 2006

Staff Member, UNIVERSITY OF CHICAGO LAW REVIEW  
Fellow, *University of Chicago Law School Stonewall Fellowship*  
Fellow, *The Alfred B. Teton Civil and Human Rights Scholarship*

**University of Chicago, the College, B.A., Anthropology, with Honors** 2002

Richter Grant for Undergraduate Research, *Chicago Legal Aid for Incarcerated Mothers*  
Metcalf Fellow, *Governor's Commission on the Status of Women in Illinois*  
Fulbright Scholar, *Lycee Darchicourt, Henin-Beaumont, France*

### ACADEMIC EXPERIENCE

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**University of Kentucky College of Law** *Visiting Professor* Fall 2018

*Courses:* Criminal Law, Criminal Law & Procedure Issues

**West Virginia University** *Professor of Law (tenured)* 2017 – present  
*Adjunct Professor of Forensic & Investigative Sciences* 2017 – 2020  
*Associate Professor of Law* 2012 – 2017

Founding Director of the West Virginia Innocence Project 2012 – present  
Deputy Director of the Clinical Law Program 2012 – 2017

Founder and Co-Director Appalachian Justice Initiative 2016 – present  
Founder and Co-Director LL.M. in Forensic Justice Online 2013 – 2016  
Founder University of Chicago-WVU Franklin Cleckley Fellowship 2013 – present

*Courses:* Criminal Law, Criminal Procedure I, Post-Conviction Remedies, Forensic Justice  
Seminar, Forensic Justice Online, Innocence Clinic

**University of Colorado Law School** *Visiting Scholar* Spring 2015

**University of Texas School of Law** *Big XII Faculty Fellow* October 2013

**University of Mississippi School of Law** *Senior Staff Attorney, Innocence Project* 2009 – 2012  
*Adjunct Professor of Law* 2010 – 2012

*Courses:* Identity and Criminality, Civil Rights and Prisons, Innocence Clinic

### CLERKSHIPS

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**The Honorable Martha Craig Daughtrey, U.S. Court of Appeals for the Sixth Circuit** 2007 – 2008

**The Honorable Chief Judge James G. Carr, Northern District of Ohio** 2006 – 2007

## SELECTED SCHOLARSHIP

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### BOOKS

*The Wrongful Convictions Reader*, CAROLINA ACADEMIC PRESS (forthcoming 2018) (with Russell Covey).

### ARTICLES AND ESSAYS

*Evidence on Fire*, 97 NORTH CAROLINA L. REV. \_\_\_\_ (forthcoming 2018) (with Jennifer Oliva).

*The Overdose Homicide Epidemic*, \_\_\_\_ GA. STATE U. L. REV. \_\_\_\_ (2018) (invited symposium contribution).

*Discovering Forensic Fraud*, 112 NORTHWESTERN U. L. REV. 124 (2017) (with Jennifer Oliva).

*Changing the Culture of Disclosure and Forensics*, 73 WASH. & LEE L. REV. ONLINE 580 (2017).

*Voices on Innocence*, 68 FLA. L. REV. 1569 (2017) (with Lucian Dervan, Richard Leo, Meghan Ryan, Gregory Gilchrist, and William Berry).

*Introduction to the West Virginia Law Review Flawed Forensics and Innocence Symposium*, 119 W. VA. L. REV. 101 (2016) (symposium organizer).

*Cops in Lab Coats, Forensics in the Courtroom*, 13 OHIO ST. J. OF CRIM. L. 543 (2016) (peer-reviewed journal).

*Contemporary Perspectives on Wrongful Conviction: An Introduction to the 2016 Innocence Network Conference, San Antonio*, 45 HOFSTRA L. REV. 2 (2016) (symposium organizer) (with Aliza Kaplan, Keith Findley, and Gwen Jordan).

*Identifying the Culprit in Wrongful Convictions*, 82 TENN. L. REV. 975 (2015).

*Judicial Dismissal in the Interest of Justice*, 80 MISSOURI L. REV. 629 (2015) (lead article); *see also* <http://missourilawreview.blogspot.com/2015/04/motions-to-dismiss-in-interest-of.html> (successful motions).

*Contemporary Perspectives on Wrongful Conviction: An Introduction to the 2015 Innocence Network Conference, Orlando, Florida*, 3 TEX. A&M L. REV. 179 (2015) (symposium organizer) (with Aliza Kaplan and Robert Schehr).

*Emergence from Civil Death: The Evolution of Expungement in West Virginia*, 117 W. VA. L. REV. ONLINE 63 (2015) (with the Honorable John Michael Aloï, U.S. Magistrate Judge, N.D.W.Va. and Evan Johns).

*Protecting West Virginia's Innocent*, THE WEST VIRGINIA LAWYER (Dec. 2013) (with Ifeoma Ike).

*The Case of Trayvon Martin and the Need for Eyewitness Identification Reform*, 90 DENVER U. L. REV. 331 (2013).

*Risk and Execution: The Local Impact of Capital Cases on Mississippi Counties*, 82 MISS. L. J. 133 (2013).

*Ethics and Economics: The Death Penalty in Mississippi*, 81 MISS. L. J. 1437 (2012).

*Mississippi Initiative 26: Personhood and the Criminalization of Intentional and Unintentional Acts by Pregnant Women*, 81 MISS. L. J. SUPRA 55 (2011), <http://mslj.law.olemiss.edu/supra/index.html> (online symposium organizer).

*Reframing Asylum Standards for Mutilated Women*, 11 J. GENDER RACE & JUST. 239 (2008).

### OTHER PUBLICATIONS

*Will the Federal Government Enforce the Fourteenth Amendment?*, ABA INSIGHTS ON LAW & SOCIETY

MAGAZINE (Spring 2017), <https://www.americanbar.org/publications/insights-on-law-and-society/2017/winter2017/perspectives.html>

*Race to Death: A Critical Look at the Death Penalty as Arkansas Executes Eight*, JURIST (March 29, 2017), <http://www.jurist.org/forum/2017/03/Valena-Beety-death-penalty.php>

*Justice Antonin Scalia's Rebuke of Innocence*, OXFORD HUMAN RIGHTS HUB (March 8, 2016), <http://ohrh.law.ox.ac.uk/justice-antonin-scalias-rebuke-of-innocence/>

*Flawed Forensics and Innocence*, CHARLESTON GAZETTE-MAIL (March 6, 2016)

*New Books in Forensics: Cops in Lab Coats, Reviewed by Valena Beety*, FORENSICS FORUM (November 5, 2015), <https://forensicsforum.net/2015/11/05/new-books-in-forensics-cops-in-lab-coats-reviewed-by-valena-beety/>

*After Ferguson: What Can We Do?*, CHARLESTON GAZETTE-MAIL (Nov. 30, 2014)

*Buffey Case Shows W.Va. Must Record Police Interrogations*, CHARLESTON GAZETTE-MAIL (Dec. 20, 2012), <http://www.wvinnocenceproject.law.wvu.edu/r/download/152604>

*The Cost of Death*, JACKSON FREE PRESS (July 14, 2010), [http://www.jacksonfreepress.com/index.php/site/comments/beety\\_the\\_cost\\_of\\_death\\_071410/](http://www.jacksonfreepress.com/index.php/site/comments/beety_the_cost_of_death_071410/)

*Georgia Rape Case Dismissed Because of Victim's Sexual History?*, FEMINISTING (May 15, 2008), [http://feministing.com/2008/05/15/georgia\\_rape\\_case\\_dismissed\\_be/](http://feministing.com/2008/05/15/georgia_rape_case_dismissed_be/)

## **AWARDS AND APPOINTMENTS**

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Executive Board Member, *Innocence Network* (2014-2017; 2017-2020).

Board Member, *Research Center on Violence* (2018-present).

Member, *Northern District of West Virginia U.S. District Court Drug Court Team* (2017-present).

*WVU College of Law Significant Scholarship Award* (2016).

*West Virginia Law Review Faculty Member of the Year Award* (2016).

Co-Founder, *Appalachian Justice Initiative* (2016 – present).

Member, *University of Chicago Law School Visiting Committee* (2014-2017).

Member, *University of Chicago Law School Public Interest Advisory Board* (2014-15).

Member, *West Virginia Governor's Indigent Defense Commission* (2014-2019).

*Big XII Faculty Fellow*, University of Texas School of Law (2013).

*BLSA Faculty Member of the Year*, University of Mississippi College of Law (2011-2012).

## **GRANTS**

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*WVU Community Engagement Grant for Re-Entry Initiative* (2017).

*WVU Faculty Senate Travel Grant* to present at AALS Annual Conference (January 2017).

*WVU Faculty Senate Travel Grant* to present book chapter at MAPOC (January 2014).

WVU Faculty Senate Travel Grant to present at “The Taslitz Galaxy” (September 2014).

## **PRACTICE EXPERIENCE**

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**Mississippi Innocence Project, Senior Staff Attorney** 2009 – 2012

- Exonerated clients Leigh Stubbs and Tammy Vance on forensic fraud and *Brady* evidence
- Drafted and led enactment of MS House Bills 992 and 1466 to standardize state pathologists

**U.S. Attorney’s Office for the District of Columbia, Assistant U.S. Attorney** 2008 – 2009

- Represented the United States in criminal matters in the D.C. Superior Court
- First-chaired seventeen jury and bench trials

## **SELECTED CASES, LEGISLATION, AND AMICUS BRIEFS**

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### ***Legislation***

*West Virginia Senate Bill 200*, established best practices police protocols for interviewing eyewitnesses (enacted 2013).

*Mississippi House Bill 922/Senate Bill 2435*, created an apolitical board to oversee the Mississippi State Medical Examiner’s Office, established the State Medical Examiner as a University of Mississippi Medical School Faculty Member (enacted 2011).

*Mississippi House Bill 1466*, required state pathologists to be board certified (enacted 2010).

### ***Sample Appellate Cases***

*Jeremiah Mongold v. Williamson*, 2008-C-123 (Hampshire County Circuit Court 2016) (conviction vacated based on Shaken Baby Syndrome)

*Tasha Mercedes Shelby v. State of Mississippi*, 2000-KA-01763 (Mississippi 2015) (petition for post-conviction relief granted in Shaken Baby Syndrome case)

*State of West Virginia v. Orville Hutton*, 2015 WL 3822814 (decision establishing coram nobis as a remedy for criminal defendants in West Virginia)

*Joseph Lavigne v. Plumley*, 3:13-cv-29691 (S.D.W.V.) (federal pleading after petitioner’s conviction was reversed in a habeas hearing and then reinstated by the WV Supreme Court)

*Joseph Osborne v. State of Mississippi*, 2012 M 01845 (one of six joint pleadings alleging forensic fraud by Dr. Steven Hayne, denied; federal relief granted)

*Willie Pittman v. State of Mississippi*, 2012 M 00780 (evidentiary hearing granted on newly discovered evidence of innocence)

*Leigh Stubbs, Tammy Vance v. State of Mississippi*, 2011 M 00492, 2011 M 00398 (new trial granted in sexual assault case based on Brady violation and fraudulent bite mark evidence)

*Sherrod Davis v. State of Mississippi*, 2010 M 01401 (post-conviction motion for DNA testing granted)

*Christopher Brandon v. State of Mississippi*, 2009 KA 01761 COA (direct appeal petition based on forensic fraud in Shaken Baby Syndrome case denied; post-conviction appeal granted)

### ***Amicus Briefs***

*In Re: Petition of A.N.T. v. State of West Virginia*, No. 16-0147, *Amicus Curaie*, West Virginia Innocence Project (West Virginia 2017).

*State of West Virginia v. Quinton Peterson*, No. 15-1220, *Amicus Curaie*, West Virginia Innocence Project (West Virginia 2016).

*Justin Black v. Plumley*, No. 13-C-486, *Amicus Curaie*, West Virginia Innocence Project (Cabell County Circuit Court 2016)(DNA Testing).

*State of West Virginia v. Byron Blackburn*, No. 13-0270, *Amicus Curaie*, West Virginia Innocence Project and Innocence Project, Inc. (West Virginia 2014).

*Melanie Ross v. Daniel Day*, S08C1295, *Amicus Curaie*, Students Active For Ending Rape (SAFER),

Inc. (Georgia 2008).  
*Rumsfeld v. Forum for Academic and Institutional Rights*, 2004 U.S. Briefs 1152, *Amici Curaie*, Natl. Lesbian and Gay Law Association and Law Student Associations (2004).

## SELECTED MEDIA INTERVIEWS

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*Interview: Wrongful Convictions*, Guest, Comcast Newsmakers (May 3, 2018)

*Interview: Episode 7, Come Home Daddy*, Guest, Sparked Podcast (April 20, 2018)

*Interview: Guilty Until Proven Innocent*, WVU Magazine with Jake Stump (April 13, 2018)  
<https://wvumag.wvu.edu/features/guilty-until-proven-innocent>

*Interview: State v. Ronnie Long, Addendum 1*, Guest, Undisclosed Podcast (March 14, 2018)

*Interview: West Virginia Innocence Project*, Guest, New Activists on the Block Podcast (March 9, 2018)

*Interview: Episode 7, Not Letting Go*, Guest, Mared & Karen: The WVU Coed Murders Podcast (February 6, 2018)

*Interview: Eyewitness Misidentifications*, Guest, Undisclosed Podcast (January 25, 2017)

*Interview: The Growing Population of Women in Prison*, Guest, UMPR News with Kerri Miller (January 10, 2017) <http://www.mprnews.org/story/2017/01/10/rising-rate-of-women-in-prison>

*Interview: Locked Up*, Guest, U92 radio show “Feedback,” (February 11, 2016)

*Interview: False Confessions and Recording Police Interrogations*, Guest, WCHS radio show “Ask the Expert,” (January 30, 2014)  
[http://stationcaster.com/player\\_skinned.php?s=88&c=815&f=2373463](http://stationcaster.com/player_skinned.php?s=88&c=815&f=2373463).

*Interview: False Confessions*, Guest, PBS television show “The Law Works,” (September 27, 2013)

*Interview: Eyewitness Identification Reform*, Guest, PBS television show “The Law Works,” (February 21, 2013)

*Interview: The West Virginia Innocence Project*, Guest, PBS television show “The Law Works,” (December 7, 2012)

## SELECTED PRESENTATIONS

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*Death Penalty*, discussant, **2018 SEALS Annual Conference**, Fort Lauderdale, FL, August 10, 2018.

*Evidence on Fire*, invited faculty colloquium paper presenter at **University of Washington School of Law Shefelman Faculty Workshop**, Seattle, WA, May 17, 2018.

*Drug-Induced Homicide Prosecutions in West Virginia*, key-note speaker, **Federal Criminal Justice Panel** Appreciation Dinner, Gladesprings, WV, May 3, 2018.

*Innocence and Science*, invited panelist, From The Crime Lab to The Courtroom, **Georgia State University Law Review Symposium**, Atlanta, Georgia, April 6, 2018.

*Innocence Scholarship*, panel organizer at **Innocence Network Conference**, Memphis, Tennessee, March 23, 2018.

*Criminal Justice in an Epidemic*, moderator and panel presenter, **West Virginia Law Review 2018 Appalachian Justice Symposium**, West Virginia University College of Law, Morgantown, WV, February 23, 2018.

*Death Investigations*, work-in-progress presenter, ClassCrits X: Mobilizing for Resistance, Solidarity and Justice, **Tulane Law School**, New Orleans, LA, November 10, 2017

*The Divide*, panel organizer and moderator, **Mass Incarceration in Appalachia**, Appalachian Justice Initiative, West Virginia University College of Law, Morgantown, WV, November 1, 2017

*Incorporating Developments in Forensic Science and Technology into the Criminal Justice System*, discussion group organizer at **Southeastern Association of Law Schools**, Boca Raton, Florida, August 2, 2018.

*Legal Disclosure and Discovery of Forensic Evidence: Comparing Civil and Criminal Procedure*, **Forensic Science Error Management International Forensics Symposium**, Gaithersburg, Maryland, July 27, 2017.

*Death Investigations*, presentation at CrimFest/AALS Mid-Year Meeting of Criminal Justice Section, **American University Washington College of Law**, June 12, 2017.

*Innocence Scholarship*, panel organizer at **Innocence Network Conference**, San Diego, California, March 24, 2017.

*False Confessions in Context*, presentation at **Association of American Law Schools Annual Conference**, San Francisco, California, January 7, 2017.

*Developing a Cross-Clinical, Interdisciplinary, Holistic Legal Services Initiative Aimed at Eliminating Re-Entry Barriers for West Virginia Ex-Offenders*, presentation at New England Clinical Conference, **Boston University Law School**, Boston, MA, October 21, 2016.

*Innocence Scholarship*, panel organizer at **Innocence Network Conference**, San Antonio, Texas, April 8, 2016.

*Race and Wrongful Convictions*, presentation at **Innocence Network Conference**, San Antonio, Texas, April 8, 2016.

**Flawed Forensics & Innocence Symposium**, symposium organizer and paper presenter, WVU College of Law, Morgantown, WV, March 3-4, 2016.

*Criminal Justice Reform and the Changing Innocence Movement*, panel organizer and paper presenter, The Present and Future of Civil Rights Movements: Race and Reform in 21<sup>st</sup> Century America, **Duke Law School**, Durham, North Carolina, November 20, 2015.

*Criminal Justice Reform and the Clemency Movement*, panel organizer at ClassCrits VIII, **University of Tennessee Law School**, Knoxville, Tennessee, October 23, 2015.

*Innocence Scholarship*, panel organizer at **Innocence Network Conference**, Orlando, Florida, May 2, 2015.

*Could Ferguson/NYC/Cleveland Happen Here?*, invited moderator for open forum, **West Virginia University College of Law**, Morgantown, West Virginia, December 9, 2014.

*Implicit Racial Bias and Policing*, presentation at **WVU Race Symposium: Discussion of the Events in Ferguson, Missouri**, Morgantown, West Virginia, November 18, 2014.

*Andrew Taslitz and the Innocence Revolution*, presentation at The Taslitz Galaxy: A Gathering of Scholars at **Howard University School of Law**, Washington, D.C., September 19, 2014.

*Judicial Clemency*, paper presentation at the **University of Minnesota Robina Institute of**

**Criminal Law & Criminal Justice Workshop**, Minneapolis, Minnesota, April 25, 2014.

*How to Start an Innocence Effort*, invited panel presentation at **Innocence Network Conference**, Portland, Oregon, April 11, 2014.

*Criminal Justice and Prison Reform in West Virginia*, invited presentation at **West Virginia University Conference on Educational Justice and West Virginia Prisons**, Morgantown, West Virginia, April 5, 2014.

*Trayvon Martin, Violence, and Implicit Racial Bias*, paper presented at the Mid-Atlantic People of Color Conference, **University of Baltimore Law School**, Baltimore, Maryland, January 24, 2014.

*Judicial Clemency in West Virginia and Texas*, paper presented at faculty colloquium, **University of Texas Law School**, Austin, Texas, November 7, 2013.

*Judicial Clemency in West Virginia and Texas*, paper presented at faculty colloquium, **West Virginia University College of Law**, Morgantown, West Virginia, October 22, 2013.

*Clemency and Criminal Justice*, paper presented at the Criminal Justice Roundtable, **University of Virginia Law School**, Charlottesville, Virginia, June 3, 2013.

*NAS Report and the Path Forward: Four Years Later*, invited panel presentation at **Innocence Network Conference**, Charlotte, North Carolina, April 20, 2013.

*The Trayvon Martin Case: A Discussion*, invited speaker, **University of Mississippi School of Law**, Oxford, Mississippi, April 10, 2012.

*Eyewitness Identification: Enhancing Law Enforcement's Ability to Ensure Accurate Convictions*, Panel Moderator and Organizer, **Mississippi Association of Chiefs of Police Winter Conference**, Oxford, Mississippi, Dec. 15, 2011.

*Challenging Forensic Evidence and Experts*, lecture presented to **Mississippi Public Defenders Conference**, Choctaw, Mississippi, October 26, 2011.

*Fatism and Criminal Justice: Examining Bias Against Defendants*, paper presented at the **Law & Society Annual Meeting**, San Francisco, California, June 3, 2011.

*Sexual Violence & the International Criminal Tribunal for Rwanda*, Guest Lecturer, **University of Mississippi Honors College**, International Conflict Course (Prof. Megan Shannon, instructor), University, Mississippi, April 25, 2011.

*Forum on Mississippi's Current Medical Examiner Office*, Forum Organizer, **University of Mississippi Medical Center**, Jackson, Mississippi, November 4, 2010.

*Sexual Violence and Human Rights Law*, Guest Presenter, **Citizens for Global Solutions Mid-South Annual Meeting**, Oxford, Mississippi, April 29, 2010.

*The International Criminal Tribunal for Rwanda: Shaping International Law*, Guest Lecturer, **University of Mississippi Honors College**, Introduction to International Law Course (Prof. Megan Shannon, instructor) University, Mississippi, April 28, 2010.

*Stopping Dating Violence: Strategies on Campus and in Courts*, Invited Campus Speaker, **Slippery Rock University**, Slippery Rock, Pennsylvania, November 19, 2009.

*Addressing Dating Violence on Campus*, Facilitator of Faculty Discussion, **Slippery Rock University**, Slippery Rock, Pennsylvania, November 18, 2009.

*The Moratorium on the Death Penalty in Illinois*, Facilitator for event with speaker Governor George Ryan, **University of Chicago Law School**, Chicago, Illinois, November 25, 2004.

## **SERVICE**

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Executive Board Member, Innocence Network, 2014 – 2017, 2017 – 2020.  
Innocence Network Scholarship Committee, 2014 – present.  
Founding Officer, AALS Section on Technology, Law and Legal Education, 2016 – present.  
Co-Founder, Appalachian Justice Initiative, 2016 – present.  
Legal Education and Outreach Volunteer for Veteran Prisoners, Federal Correctional Center-Hazelton, Hazelton, WV, 2016 – present.  
Chair, University of Chicago-WVU Franklin D. Cleckley Fellowship, 2012 – present.  
Member, Merit Review Committee, 2017-2018.  
Member, Admissions Committee, 2017-2018.  
Member, Faculty Development Committee, 2016-2017.  
Co-Director, Forensic Justice LL.M. Program, 2013 – 2016.  
Member, Academic Planning Committee, 2013 – 2016.  
Member, Organizing Committee for 2015 Mid-Atlantic People of Color Conference, 2014 – 2015.  
Chair, Subcommittee on Creation of Forensic Justice LL.M, 2013 – 2014.  
Member, Faculty Development Committee, 2013 – 2014.  
Invited Reviewer, BEHAVIORAL SCIENCES & THE LAW, October 2013.

## **PROFESSIONAL AFFILIATIONS**

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Bar Admissions: Northern District of West Virginia (2015), Southern District of West Virginia (2013), West Virginia (2012), Mississippi (2010), Washington D.C. (2009), Illinois (2008), New York (2007).