

Dr. Leona Deborah Jochnowitz, JD/PhD, Assistant Professor of Criminal Justice  
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### Bio-Sketch

Leona D. Jochnowitz, J.D./Ph.D. is an Assistant Professor of Criminal Justice by special appointment at Curry College in Milton, Massachusetts. She teaches courses which include Restorative Justice, the Death Penalty and Wrongful Convictions. Dr. Jochnowitz' research involves the death penalty, capital juror decision making, mental health and intellectual disability defenses, and the structural causes of wrongful convictions. She examines capital juror decision-making and on wrongful conviction errors, as these relate to the biases of human reasoning and to premature cognitive shortcuts. She focuses on the receptivity of capital jurors to mitigating factors of mental illness, intellectual disability, and addiction; mental health defenses by female defendants, defining intellectual disability, and extra-legal considerations such as race and gender. Her recent articles include: WHETHER THE BRIGHT-LINE CUT-OFF RULE AND THE ADVERSARIAL EXPERT EXPLANATION OF ADAPTIVE FUNCTIONING EXACERBATES CAPITAL JUROR COMPREHENSION OF THE INTELLECTUAL DISABILITY, in 34 Touro Law Review 377 (July 2018). She earned her M.A and Ph.D. from the School of Criminal Justice at the University at Albany, and holds a J.D. from St. John's University School of Law. She is a member of the New York State and Federal Bars, and is the book review editor and contributor to the Criminal Law Bulletin. She designed a qualitative methods course in wrongful convictions, using original data from the Innocence project and encourage student partnership in research projects. ). Her article Analyzing Wrongful Convictions Beyond the Traditional Canonical List of Errors, for Enduring Structural and Sociological Attributes, (Juveniles, Racism, Adversary System, Policing Policies) with student co-authors has been accepted and is pending publication.

### Professional and Criminal Justice Experience:

Special Appointment, Assistant Professor of Criminal Justice, Curry College, 1071 Blue Hill Ave., Milton, Massachusetts, 02186; beginning August, 2018.

Assistant Professor of Criminal Justice; Johnson State College-Vermont State College; August, 2017-August, 2018.

Courses: Restorative Justice; Qualitative Research and Wrongful Convictions; Criminology; Juvenile Justice and the Legal Rights of Children; Death Penalty and Life Without Parole; Punishment and Corrections; Criminal Law and Procedure, American Courts; and Policing in a Democracy.

Assistant Visiting Professor of Criminal Justice, Hartwick College, Oneonta, NY, August, 2015 to August, 2017

Recent Publications: Leona D. Jochnowitz, Whether the Bright-Line Cut-Off Rule and the Adversarial Expert Explanation of Adaptive Functioning Exacerbates Capital Juror Comprehension of the Intellectual Disability, 34-2 Touro L. Rev. 377 (2018)

Analyzing Wrongful Convictions Beyond the Traditional Canonical List of Errors, for Enduring Structural and Sociological Attributes, (Juveniles, Racism, Adversary System, Policing Policies), Publication pending, Albany Law Review (2018)

Book Review and Contributing Editor: Thomson Reuters Criminal Law Bulletin 8/21/13 to current.

Book Review; 54 No. 2 Crim. Law Bulletin ART 6, Spring 2018; *Health Care: Practice, Administration, and Law*. (Fred Cohen, Ed. 2017). Civic Research Institute. ISBN: 978-1-939083-07-4

Book Review: 53 No. 6 Crim. Law Bulletin ART 8, Winter 2017; Lawlemmas; In Search of Principled Choices in Law, Justice, and Life. Acker, James R. 2016. Carolina Academic Press: ISBN: 978-1-61163-731-1,

Book Review expected: December 2018 Criminal Law Bulletin; *Exonerated: A History of the Innocence Movement*. Norris, Robert J., 2017. New York University Press. New York, 289 ISBN: 978-1-4798-8627-2

Book Review expected: The (uncertain) "withering away" of the death penalty due to decreasing popularity and super-regulatory costs. August 2019 Criminal Law Bulletin

*Courting Death, The Supreme Court and Capital Punishment*. Carol S. Steiker and Jordan M. Steiker, 2016. Belknap Press of Harvard University Press. Cambridge, Massachusetts, 390 pp, hardcover, ISBN: 9780674737426, \$29.95

*Deadly Justice, A Statistical Portrait of the Death Penalty*. Frank R. Baumgartner, Marty Davidson, Kaneesha R. Johnson, Arvind Krisnamurthy and Colin P. Wilson, 2018. Oxford University Press. New York, 396 pp, paper, ISBN: 9780190841539, \$22

*Routledge Handbook on Capital Punishment*. Robert M. Bohm and Gavin Lee (Ed.), 2018. Routledge. New York, 685 pp, hardcover, ISBN: 978-1-138-65157-9, \$200

*End of Its Rope, How Killing the Death Penalty Can Revive Criminal Justice*. Brandon L. Garrett, 2017. Harvard University Press. Cambridge, Massachusetts, 331 pp, hardcover, ISBN 9780674970991, \$29.95.

*Slavery and the Death Penalty*, Bharat Malkani, Routledge 2018.

February 14, 2011- July 11, 2012, 1.5 yrs.: Instructor, Criminal Justice at Associate Degree level, Bryant and Stratton College; 1250 Central Ave. Albany NY 12205. Courses: Criminal Procedure; Criminal Law; Criminal Courts; Corrections; Juvenile Justice; Intro to Criminal Justice.

1999-2004:

Assigned Counsel in Criminal Appeals for Indigents; NYS Appellate Division, Third Judicial Department. Completed four criminal appeals with a mandatory drug sentence reversal and County Court post-conviction 440 motions.

Private practice: Consumer Bankruptcy; Chapter 11 Small Business Reorganization; Education loan litigation; Real Property Tax Assessment litigation; Bankruptcy Litigation

1997-1999

New York State Office of Attorney General  
Assistant Attorney General, Environmental Protection and Civil Rights Bureaus. Public Advocacy Litigation, Enforcement, and Defense litigation in Environmental and Human Rights matters

1985-1997

New York State Department of Transportation; Senior Attorney; Counsel's Office; Transportation, Environmental cases; Contractor Bankruptcies; Delaware and Hudson Railway Reorganization and purchase by Canadian Pacific Rail

1982-1984

Confidential Law clerk to Honorable Edward D. Hayes, U.S. Bankruptcy Court, WDNY, Rochester

Academic Education

PhD; Criminal Justice, December, 2014; MA (2003); University at Albany, School of Criminal Justice; Dissertation Title: *Receptivity of Capital Jurors to Mitigating Factors of Mental Illness, Intellectual Disability, and Situational Impairments in Death Penalty Decisions: The Capital Trial Analyzed as a Mitigating "Weight and Counterweight" to Premature Decisions and Pro-Death Bias*;  
[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2568455](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2568455)

JD; St. John's University School of Law 1981; rank: 92/313 (29%); Jessup International Moot Court; Moot Court Senior Bar; Deans List 1978-1979, 1980-1981.

MA; University of Pennsylvania 1977 (Slavic Languages and Literature)

BA; SUNY Stony Brook 1969 (Russian Language and Area Studies)

Professional Associations

Admitted NYS Bar and various Federal Bars, since 1982; registration # 1770387  
Member, NYS Defenders Association, since 2002  
Member, American Society of Criminology (ASC), since 2004; Academy of Criminal Justice Sciences (ACJS), Pending  
Capital District Bankruptcy Bar Association; Transportation Research Board

Other Publications

Does Mental-Health Mitigating Evidence of Personality Disorders Make a Difference to Jurors in Capital-Sentencing Decisions? Criminal Law Bulletin, in Criminal Law Bulletin Volume Number: 50 no 2.

Book Reviews Authored:

*The Birth of American Law: An Italian Philosopher and the American Revolution.* John Bessler; Criminal Law Bulletin; Vol 51-1, Dec 2014

*America's Experiment with Capital Punishment: Reflections on the Past, Present and Future of the Ultimate Penal Sanction,* Third Edition. Edited by James R. Acker, Robert M. Bohm, and Charles S. Lanier. Carolina Academic Press, 2014, Durham, North Carolina. Criminal Law Bulletin; Vol 51-4; June 2015.

*Examining Wrongful Convictions: Stepping Back, Moving Forward.* Edited by: Allison D. Redlich, James R. Acker, Robert J. Norris, Catherine L. Bonventre. Carolina Academic Press, 2014; Vol 52-2; Criminal Law Bulletin, February 2016

James R. Acker, *Questioning Capital Punishment: Law, Policy, and Practice* (Routledge 2014). By the class at Hartwick College, Oneonta, NY, Death Penalty Controversy; J-Term 2016; (SOI-250-01); Leona D. Jochowitz, JD/PhD; Brittany Tait, student editor. Volume 52-4; Criminal Law Bulletin, July 2016. The course instructor is Dr. Leona D. Jochowitz, JD/PhD, Visiting Assistant Professor, Department of Sociology/ Criminal Justice, Hartwick College, who is the CLB Book Review Editor.

Peggy M. Tobolowsky. *Excluding Intellectually Disabled Offenders From Execution. The Continuing Journey to Implement Atkins:* Carolina Academic Press, 2014, Durham, North Carolina. ISBN: 978-1-61163-563-8

Michael Chafetz. *Intellectual Disability. Civil and Criminal Forensic Issues:* Oxford University Press, 2015. ISBN-13: 9780199998111  
Book Review Criminal Law Bulletin 52-6 (2016)

By Leona Jochowitz; *Caught: The Prison State and the Lockdown of American Politics;* Marie Gottschalk (2015); Princeton U. Press; ISBN: 9780691164052

Austin Sarat and Karl Shoemaker, editors, (2011), *Who Deserves to Die: Constructing the Executable Subject,* University of Massachusetts Press. Published on line: August 14, 2012. Sage, in *Criminal Justice Review*; 37-4 December 2012; and on-line first.

Book Review: *Criminal L. Bull.*, volume 45, no. 6 (2009), p. 1156. *The Death of the American Trial.* Robert P. Burns. 2009.

Book Review: *Criminal Law Bulletin*, volume 44, no. 6 (2008). *The Innocence Commission: preventing wrongful convictions and restoring the criminal justice system.* Jon B. Gould. 2008.

Research articles:

Missed or Foregone Mitigation: Analyzing Claimed Error in Missouri Capital Clemency Cases. *Criminal Law Bulletin*, Vol. 46(3), May 2010; also at:

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1651908](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1651908) ; [Comprehensive exam defense; ASC St. Louis 2008]

Public Access to State Clemency Petitions. 44 (2) Criminal Law Bulletin (April-May 2008)

Missed Mitigation: Counsel's Evolving Duty to Assess and Present Mitigation at Death Penalty Sentencing. 43(1) Criminal Law Bulletin 1 (Jan.-Feb. 2007)

The Cost and Benefits of Cash and Services to Kinship Caregivers; Edwina Dorch PhD, Jeryl Mumpower PhD, Leona Jochnowitz, Social Work in Public Health, Volume: 23 Issue: 6, 9/22/2008

Introducing Evidence of Contamination and Offsetting Cost of Remediation in Determining Fair Market Value for Eminent Domain Awards, Transportation Research Record, TRB, May 1996.

Book Reviews 2019 edited Criminal Law Bulletin

Michael Meltsner (2017) With Passion; An Activist Lawyer's Life by Brandon Garrett

Bennett L. Gershman (2017) Prosecution Stories by Ellen C. Yaroshefsky

Reviews Edited: Criminal Law Bulletin.

Book Review by: Bennett L. Gershman; "Broken Scales: Reflections on Injustice." Joel Cohen, with Dale J. Degenshein. (2017). Chicago, IL: AM. BAR ASSOC., 261pp, hardcover, ISBN: 978-1-63425-809-8

Book Review by Karen A. Steele; JOHN D. BESSLER, THE DEATH PENALTY AS TORTURE: FROM THE DARK AGES TO ABOLITION, 1-460 (Carolina Academic Press, 2017)

By: Brandon Stroup, PhD; MARTHA CRENSHAW & GARY LAFREE, COUNTERING TERRORISM, (Brookings Institute Press), \$32.00.

By Inese Neiders and Karen Steel; Hegemonic Individualism; Ross Kleinstuber; (2014); 9781472425591

By Gary Kowaluk; Harris, Alexes. ( 2016). A Pound of Flesh: Monetary Sanctions as a Punishment for the Poor. New York: Russell Sage. (American Sociological Association's Rose Monograph Series).

by Inese A. Neiders, Ph.D., J.D; Karen Steele, J.D ; Hegemonic Individualism and Subversive Stories in Capital Mitigation, Ross Kleinstuber ISBN: 9781472425591,

By Dr. Gary Kowaluk, Lincoln University Department of Criminal Justice;  
Harris, Alexes. 2016. "A Pound of Flesh: Monetary Sanctions as a Permanent Punishment for Poor People."

by Inese A. Neiders, Ph.D., J.D. and Karen Steele, J.D. Vol. 52-issue 1; January 2016;  
*Jury Decision Making: The State of the Science*; Dennis J. Devine,

by Anders Walker; *A Wild Justice: The Death and the Resurrection of Capital Punishment in America*. Evan J. Mandery. New York: W.W. Norton, 2013. Vol 50 no 2.

by Barbara Lakeberg, PhD. (April 1 2014); V. 50, Issue 3: April 1, 2014 David Scheffer's *All the Missing Souls: A Personal History of the War Crimes Tribunals* (Princeton and Oxford: Princeton University Press, 2012). Carla Del Ponte; *Madame Prosecutor: Confrontations with Humanity's Worst Criminals and the Culture of Impunity* (New York: Other Press LLC, 2009).

By Professor Jojo Liu JD, Loyola ; V. 50, Issue 5: August 5, 2014 Jamie Fader *Falling Back : Incarceration and Transitions to Adulthood among Urban Youth* Rutgers University Press 2013.

by Steve DeBraccio JD. V. 50, Issue 6: September 26, 2014; *The Supreme Court and the Fourth Amendment's Exclusionary Rule*; Tracey Maclin (BU Law);

by Siyu Liu, PhD. V.51, Issue 2: 2-3-15; *The Politics of Law and Stability in China*. Susan Trevaskes, et al. ed.

by Deborah Johnson; Vol. 51-issue 3; April, 2015; *Rethinking the Reentry Paradigm* by Melinda D. Schlager;

Conference papers and Peer Edited Reviews  
Conference papers ASC and ACJS

Peer Review Edited:

- a. Peer Review: What Happens After Commutation? An Examination of Institutional Misconduct by Previously Death-Sentenced Mentally Retarded Capital Offenders; approved for publication, *Criminal Law Bulletin*, 2015
- b. Peer Review: Manuscript title: *Lethal Injection: Where do we go from here?* Submitted to *Criminal Law Bulletin*, July 10, 2015.
- c. Peer Review: *The Role of Biomedical Information and Childhood History on Sentencing,* BEHAVIORAL SCIENCES AND THE LAW
- d. Peer Review: *The Progression of "Evolving Standards of Decency" in U.S. Supreme Court Decisions*; Matthew C. Matusiak, Michael S. Vaughn, and Rolando V. del Carmen; published *Criminal Justice Review*
- e. Peer Review: Title: *Death Row Confessions and the Last Meal Test of Innocence*; published in *Laws/MDPI*; October 2013; authors: Kevin M. Kniffin, Brian Wansink

- f. Peer Review: The Death Penalty and Human Dignity: Is an Economic Imperative Sufficient? [Laws] Manuscript ID: laws-122683; April 10, 2016; editor: Robert Johnson, American University; [robert.johnson@american.edu](mailto:robert.johnson@american.edu); <http://www.mdpi.com/journal/laws/>
- g. Peer Review: Identifying the prevalence of courses on mental illness in criminal justice education; Journal of Criminal Justice Education Manuscript; RCJE-2016-0071

#### Additional Experience: 2002-2013

Guest Judge; American Collegiate Moot Court Association (ACMA); at U. Albany School of Criminal Justice; <http://www.acmamootcourt.org/> Class of James Acker: November 2013-2014.

Guest Lecturer: RCRJ 399 Children, Psychology and Law, 2014 for U. Albany School of Criminal Justice; Children's understanding of court proceedings; Effects of court involvement on children; Special accommodations and influence on juror perceptions; Role of Experts in cases involving child witnesses; SKYPE Interactive session with Chuck Mitchell; on Florida Courthouse Therapy Dogs in Tallahassee.

#### Adjunct Professor of Criminal Justice

Sage College, Albany; Introduction to Criminal Justice 2003

Hudson Valley Community College; Criminal Law; Criminal Justice Administration; 2004

#### Miscellaneous Research and Intern Employment

- A. NYS Office of Children and Family Services; Equal Opportunity Office, April-May 2015
- B. NYS Department of Education, Office of Labor Relations; Nov. 2014-April, 2015
- C. NYS Office of Temporary Disabilities (OTDA); Fair Hearings; process appeals from denial of Medicaid and other benefits; research various data bases. July 12, 2012-July 8, 2013
- D. New York State Office of Mental Health, Patient Characteristics Survey (March 5, 2009-September 5, 2009). Duties: Cleaning and Analyzing Survey response data by mental patients in PCS ACCESS Data base.
- E. NYS Department of Health Criminal History Record Check Unit; (2006-2007); using DCJS, DOH, and FBI Criminal History Data Base to evaluate recidivism and eligibility for employment.
- F. New York State Office of Children and Family Services, Bureau of Kinship Care/TANF and Bureau of Adult Services. (2004-2006). Publications: The Cost and Benefits of Cash and Services to Kinship Caregivers; Edwina Dorch PhD, Jeryl Mumpower PhD, Leona Jochowitz, Social Work in Public Health, Volume: 23 Issue: 6, 9/22/2008; Investigating, Enforcing and Trying Criminal Financial Exploitation cases with Elderly victims and Civil Remedies; ASC, presented November, 2007.

G. New York State Division of Criminal Justice Services (May-September 2003).  
Research: Juvenile Delinquency and Maltreatment 2003; Gender, Maltreatment  
and Juvenile Recidivism; Best Practices-Juvenile Programs.

Other Professional Experience

1984-1985; Attorney, New York State Real Property Services; Equalization and  
Assessment

1979-1982; Law Student Intern; NYS Attorney General Office, Environmental Protection

1977-1978; Budget Analyst New York State Office of Drug Abuse Services

References:

Dr. James Acker, JD PhD; School Criminal Justice, U Albany, Draper Hall, 135 Western  
Ave. Albany, NY 12222; 518 442-5214 ([jacke@albany.edu](mailto:jacke@albany.edu)); Chair of Dissertation

Dr. Allison D Redlich; U Albany Assistant Professor Criminal Justice;  
[aredlich@gmu.edu](mailto:aredlich@gmu.edu); Committee member; [703.993.5835](tel:703.993.5835)

Dr. David Plazek; Professor of Political Science, Johnson State College, VT;  
[david.plazek@jsc.edu](mailto:david.plazek@jsc.edu)

Dr. Sharon Twigg; Assistant Dean of Academic Affairs; Johnson State College, VT;  
[sharon.twigg@jsc.edu](mailto:sharon.twigg@jsc.edu); (802) 635-1351