

CRIMINAL PRACTICE AND PLEADINGS- SUMMER 2021

Course 672, Section A

Melanie Regis- Adjunct Instructor

(2 credit hours)

Syllabus and Course Information

Classroom: ONLINE (ZOOM Link: <https://zoom.us/j/8385679616>) Meeting ID: 838 567 9616

Class Times: Thursdays from 1:30 pm to 4:10 pm

Contact Information: mregis@charlestonlaw.edu // 843-737-4616

Office Hours: You can contact me any time via email. I will try to respond within 24 hours of your email. I can also schedule office meetings via Zoom.

Please use this link to check my availability: <https://calendly.com/mregischarlestonlaw>

Course Information: All course materials can be accessed through TWEN. There is a strong likelihood that information for class will also be circulated by email.

Course Overview:

The goal of the course is to encourage students to gain practical experience regarding the steps within the criminal prosecution (“bail to jail”) through oral and written skills-based exercises. As a result, this course will cover fundamental principles under the Fourth, Fifth, Sixth and Eighth Amendments. The course will combine lecture time, more than likely some film/video examples and the skills exercises.

For most of the topics in the course, we will read and discuss the law relevant to that stage of the proceeding prior to conducting a hearing. Students will alternate between arguing as prosecutors or defense attorneys throughout the semester.

There will be a final paper due that will account for a portion of your grade. The topic is still being worked out, but it will likely be an advocacy memorandum. You will not have a midterm assessment or proctored final exam.

The skills exercises for this class will be recorded pursuant to the Charleston School of Law policy via ZOOM. Students should view the recordings as instructional and never to embarrass. I have participated in training courses where exercises were videotaped and found the use of video helpful as I was able to look back and see exactly how I performed. The ZOOM links will be posted after each class exercise. Recorded exercises will only be available to students within the class via TWEN and the “Web Links” tab. Please do not share the link. And please do not use other electronic devices to record or tape your classmates.

Required Materials:

-*Criminal Litigation & Legal Issues in Criminal Procedure*, 4th Ed., Brent Newton*¹²
(ISBN: 978-1601564283)

-Federal Rules of Evidence and Federal Rules of Criminal Procedure³

Helpful but Not Required

-*Point Made. How to Write Like The Nation's Top Advocates*, 2nd Ed., Ross Guberman
(ISBN: 9780199943852)

Course Requirements

1. **Please be “on time” and ready to participate.** As this is a skills-based course, your success will be based on your being present **and** prepared for class. My strong preference is that everyone will have their video cameras up for class as much as possible. There will be a short break towards the middle of the class period.

Roll call will be taken at the very beginning of class; however, a student will be marked absent if the student is late, leaves early or is unprepared. Leaving early means at least fifteen minutes prior to the end of class. A student may be considered late if the class has been in session for at least thirty minutes. The courteous thing to do is to notify me personally that you will either be late or unable to attend class. A student may miss no more than 1 class in this course.

Charleston School of Law requires all students to attend class on a regular and punctual basis. No student may miss more than 15% of class meetings and still get credit for the course. The attendance policy is located at <https://charlestonlaw.edu/academics/academic-policies/attendance-policy/>

2. **Complete all assignments as requested.** Under the Charleston School of Law policy, the amount of work for each credit hour of a course is as follows:

This is a **2**-credit hour course, which means that in addition to attending classes, students should plan to spend at least 6 hours each week (based on a 9-week semester) preparing for class.

¹ * This book is available through the following websites in a variety of formats, including hard copy and digital downloads:

-Amazon ([https://www.amazon.com/Criminal-Litigation-Legal-Issues-](https://www.amazon.com/Criminal-Litigation-Legal-Issues-Procedure/dp/1601564287/ref=sr_1_4?dchild=1&keywords=brent+newton&qid=1617991564&sr=8-4)

[Procedure/dp/1601564287/ref=sr_1_4?dchild=1&keywords=brent+newton&qid=1617991564&sr=8-4](https://www.amazon.com/Criminal-Litigation-Legal-Issues-Procedure/dp/1601564287/ref=sr_1_4?dchild=1&keywords=brent+newton&qid=1617991564&sr=8-4))

- NITA website (<https://www.nita.org/publications/books-dvds/Criminal-Litigation-and-Legal-Issues-in-Criminal-Procedure-Fouth-Edition>)

² This book covers both federal and “state” law but discusses state law in a more generic and general sense. As an attorney licensed in Massachusetts and also New Hampshire, it is very likely that I will pull examples from these states to discuss state law and how it may differ from federal practice. Just an FYI.

³ Digital versions are available here: (<https://www.uscourts.gov/rules-policies/current-rules-practice-procedure>)

3. **Act professionally.** Throughout the course, each student will have the opportunity to play different roles for the in-class exercises. Please stay “in role” as this will help not only you but your fellow classmates. It is not only important to carry yourself in a manner that is professional, but to extend the same courtesy to your classmates. You should take your role as an advocate and litigator in this class seriously. You will be critiqued on your exercises but will also critique and provide feedback to your fellow classmates. Be honest; but be respectful and appropriate.
4. **CALI Exercises.** In addition to the course readings, and in-class skills exercises, there will also be CALI (www.cali.org) exercises assigned throughout the semester. These will be used to complement what you have read. Please make sure that you have signed up and created a CALI account through the law school by the beginning of the course. Student code: CHARSLstu312

Course Goals: By the end of the semester, you should be able to do the following:

1. Understand the steps within a criminal prosecution from “bail to jail.”
2. Analyze and evaluate the substantive aspects of criminal procedure as it pertains to each stage of the process.
3. Prepare clear, concise and compelling written pre-trial motions at various stages of the criminal prosecution.
4. Deliver compelling oral arguments at a pre-trial motion hearing or at sentencing.
5. Advocate for your position whether you are on the prosecution or defense side.

Grading:

Grading for this course is **LETTER GRADE**. Your grade will be based on your in-class performance of the skills exercises in addition to written exercises. There is no formal final examination for this course.

- (1) **Oral and written motion hearing exercises** will comprise 48 points out of 100 for your final grade.
- (2) The **final written advocacy memorandum** will comprise 40 points out of the 100 for your final grade.
- (3) The **CALI exercises** are not being assessed for your score; however, they will count towards class participation at 12 points of your grade.

A rubric detailing what you will be graded on for each skills exercise will be provided to you.

This course syllabus includes more than three skills exercises. For each in-class skills exercise assigned, each student will be provided individualized, oral feedback. Students will have no less than three (3) class exercises involving one or more legal skills. Please note that feedback will be provided through oral comments and the grading rubric. An opportunity to incorporate the feedback and be re-graded will be provided, if the student chooses this option.

Attire:

Dress/court clothes are not required for this course.

Important Dates:

TBD

Americans with Disabilities Act:

Students with disabilities should contact the Associate Dean for Academic Affairs as soon as possible to request reasonable accommodations should those accommodations be necessary.

Tentative Class Schedule:

~This syllabus is only a guide at the outset of class and may be revised as the semester progresses.~

Week 1: June 3

- Introduction to the course—big picture overview, materials, syllabus
- Student introduction/ ice breaker exercise
- Litigation Teams
- REVIEW: *Newton* “Stages of the Criminal Prosecution”
- Homework: Prep In-Class Exercise: Preliminary Hearings and Bail Hearings
Readings/Cases: (Newton) Section 4.1
Case Law:

Week 2: June 10

- Skills Exercises on Preliminary Hearings and Bail Hearings
- REVIEW: Pre-trial Motions Readings
- Homework: Prep In-Class Exercise: Pre-trial Motions (Dismiss)
Readings/Cases: (Newton) Sections 5.1, 5.2, 6.1

Week 3: June 17

- Skills Exercises: Skills Exercises on Pre-trial Motions (Dismiss)
- REVIEW: Suppression Law
- Homework: Readings/Cases: Case Law:

Week 4: June 24

- REVIEW: Suppression Case Law; Daniel Simmons example
- Homework: Prep In-Class Exercise: Suppression Motions/ LEO for Hearing
Readings/Cases: Joinder
(Newton) “Class Eight”

Week 5: July 1

-Skills Exercises on Suppression Motions

-REVIEW: Joinder and Legal Objections

-**Homework:** Prep In-Class Exercise: Joinder and Legal Objections
Readings/Cases: (Newton) Section 7.1 -7.3

Week 6: July 8

-Skills Exercises on Joinder and Legal Objections

-REVIEW: Voir Dire

-**Homework:** Prep In-Class Exercise: Voir Dire
Readings/Cases: (Newton) Sections 12.1- 12.2

Week 7: July 15

-Skills Exercises on Voir Dire

-REVIEW: Sentencing

-**Homework:** Prep In-Class Exercise: Sentencing

Week 8: July 22

-Skills Exercises on Sentencing

-Video Examples

-Critique of other Writing Examples

Week 9: July 29

-Final Written Exercise Discussion

PLEASE COMPLETE THE FOLLOWING CALI EXERCISES BY THE END OF THE SEMESTER:

(1) Fourth Amendment

(2) *Miranda* I and II

(3) Probable Cause to Search and Seize

Argument Schedule- Tentative

- (1) Preliminary Hearings/Bail: Federal and State
- (2) Motion to Dismiss: Probable Cause, Federal and State
- (3) Suppression Motions: 4th, 5th

P Mikaela
P Jacob
P Amanda
P Alexandra
P Eric
P Kayla

D Nelson
D Talida
D Rebekah
D Skylar
D Carlie
D Jill

- (4) Joinder: Defendants and Charges / Legal Objections at Trial
- (5) Voir Dire/ Jury issues: *Batson* challenges, ACVD, misconduct
- (6) Sentencing: Capital and Non-capital

P Nelson
P Talida
P Rebekah
P Skylar
P Carlie
P Jill

D Mikaela
D Jacob
D Amanda
D Alexandra
D Eric
D Kayla