

CRIMINAL PROCEDURE- POST-INVESTIGATION

Course 626, Section A

(2 CREDIT HOURS)

Melanie Regis- Adjunct Instructor

Syllabus and Course Information

Classroom: B222// ZOOM Link: [TBD](#)

Class Times: Tuesdays from 3:00 - 4:40 p.m.

Contact Information: mregis@charlestonlaw.edu

Course Information: Please sign up for the TWEN page associated with this class to receive assignments and updates regarding the course throughout the semester.

Course Overview:

The course will examine the adjudicatory phase of criminal procedure (including charging decisions, discovery, effective assistance of counsel, plea bargaining and guilty pleas, joinder and severance and post-conviction issues).

Prerequisites: Criminal Procedure, Criminal Law and satisfactory completion of 27 Credit Hours

Required Materials:

Criminal Procedure: Doctrine, Application and Practice, 1st ed. (Ohlin)

*The course book has a digital version that allows you to highlight, comment and notate. Please register for the course at www.casebookconnect.com with the following code: REGISM704382

Federal Rules of Criminal Procedure:

https://www.uscourts.gov/sites/default/files/federal_rules_of_criminal_procedure_-_december_2020_0.pdf

Suggested Materials:

TBD

Course Requirements:

1. **Please be “on time” and ready to participate.**

The roster for this course will be made available through the TWEN site. Please make sure your attendance is recorded; it is the student’s responsibility to do so.

A student will be marked absent if not in attendance. A student may be considered late if the class has been in session for at least thirty minutes. A student may miss no more than **2** classes 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.** Assignments include in-class exercises and reading of the textbook and/or supplemental materials.

Under *Charleston School of Law policy*, the amount of work for each credit hour of a course must be:

- a. At least 1400 minutes of in-class time (23 hours and 30 minutes)
- b. At least 60 hours of out-of-class work.

This is a **2**-credit hour course, which means that in addition to attending classes, students should plan to spend at least 4 hours each week (based on a 15-week semester) preparing for class.

3. **Act professionally.** Throughout the course, each student will have the opportunity to role play as an attorney. 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.

Course Goals:

During this course, you will follow the defendant, Daniel Simmons, as he progresses through the criminal justice system in the State of Nita. Daniel Simmons was charged with a number of misdemeanor and felony offenses. You will have the opportunity as either prosecutors or defense attorneys to represent the state or Mr. Simmons at key stages of the criminal process through in-class exercises. This course is designed to give you a more realistic view of a criminal case.

The course book, online version of the Federal Rules of Criminal Procedure and Daniel Simmons materials will be the focus of the course.

Grading:

Your grade will be based on the following:

- In-class exercises as prosecutor and/or defense attorney **=10 points**
- Completion of quizzes **=30 points**
 - There will be both graded and non-graded quizzes throughout the semester and graded quizzes will account for 30 points of your final grade
- Final Exam **= 60 points**
 - Anticipated to be a non-proctored, take-home exam
 - It will be multiple choice, short essay and a longer essay question

Important Dates:

Fall Break- Monday and Tuesday, October 11- 12
School Make-Up Days- October 23 and 30, November 6 and 13
Last Day of Class- Tuesday, November 23
Final Exams- December 1-4, 6-11

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 desired.

Tentative Class Schedule:

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

WEEK 1

Introduction to the Class

(Chap. 1) 3- 19 [until "Incorporation"]

WEEK 2

(Chap. 15) Counsel 1019- 1048

1064- 1072

(Chap. 8) Counsel in Interrogations

WEEK 3

Bail TWEN: *Brangan v. Commonwealth*

Walsh v. Commonwealth

(Chap. 11) Pre-trial/Confinement 797- 807

(Chap. 14) Speedy Trial 978- 988

WEEK 4

(Chap. 10) Prosecution and Discretion 739- 743

755- 774

792- 795

TWEN: *In the Matter of a Grand Jury Investigation*

WEEK 5

(Chap. 12) Discovery

853- 880

TWEN: *Commonwealth v. McMillan*

Discovery Compliance Certificates

Mass.R.Crim.P. 11

WEEKS 6

[IN-CLASS EXERCISE ON DISCOVERY]

(Chap. 14) Post-Charging Delay

989- 996

1002- 1006

WEEK 8

(Chap. 13) Negotiated Justice

907- 974

(Chap. 18) Role of Victims

1288- 1294

TWEN: Tender of Plea Form

WEEK 9- 10/12: NO CLASS -[FALL BREAK]**WEEK 10**

[IN-CLASS EXERCISE ON PLEA BARGAINING]

(Chap. 17) Fair Trial Rights

1147- 1172

1200- 1211

WEEK 11

(Chap. 16) The Jury

1091- 1108

TWEN: *Ramos v. Louisiana*

1119- 1138

1142- 1144

WEEK 12

[IN- CLASS EXERCISE ON VOIR DIRE]

(Chap. 19) Double Jeopardy

1299- 1327

1339- 1347

WEEK 13

(Chap. 18) Sentencing

1215- 1229

1237- 1245

1251- 1262

1269- 1274, 1281-1282

1284- 1288

Jones v. Mississippi

Non-Criminal Remedies

Handout*

WEEK 14

[IN-CLASS SENTENCING EXERCISE]

Chapter 20 (Appeals and Habeas)

1351- 1369

Lee Hall v. State of Tennessee

WEEK 15

Wrap-Up/ Q & A Session