



TEXAS SOUTHERN UNIVERSITY  
THURGOOD MARSHALL SCHOOL *of* LAW

# CRIMINAL TRIAL PRACTICE

LAW 902-01

SPRING 2018

PROF. LYDIA D. JOHNSON

## TABLE OF CONTENTS

The Professor .....	3
Course Books & Material .....	4
Course Description & Objective.....	5
Student Learning Outcomes.....	6
Grading .....	7
Accommodations .....	8
Participation, Attendance & Professionalism .....	9
Academic Calendar .....	<b>Error! Bookmark not defined.</b>
Policies & Procedures .....	11
Reading Assignments.....	12

## **THE PROFESSOR**

**NAME:** Prof. Lydia D. Johnson

**TELEPHONE OFFICE:** (713) 313-7004      **Clinic:** (713) 313-7275

**EMAIL:** lydjohnson@tmslaw.tsu.edu

**LOCATION:** 100H (TMSL Clinic)

**OFFICE HOURS:**

Monday:	Noon – 3 pm
Tuesday:	Noon – 3 pm
Thursday:	Noon – 3 pm
Friday:	Noon – 3 pm

(All other times by appointment only)

**NOTE FROM THE PROFESSOR:**

**This syllabus is not a contract and is subject to change.**

## **COURSE BOOKS & MATERIAL**

*Annotated Criminal Laws of Texas* (2017-2019)

By: Diane Burch Beckham, Editor

Purchase from: <https://www.tdcaa.com/publications/annotated-criminal-laws-texas-2017-2019>

## **COURSE DESCRIPTION & LEARNING OBJECTIVES**

### **DESCRIPTION:**

The Criminal Law Clinic is operated as an in-house live-client clinic, which falls into conjunction with the Clinical Legal Studies Program. A full-time clinical instructor/staff attorney will supervise students participating in this clinic. Prior to registering for this clinic, students must submit an application, be interviewed by the clinical instructor and receive an approval by the Director.

In order to apply for the Criminal Law Clinic, students must have taken and passed: Evidence, Criminal Law, Criminal Procedure, and Constitutional Law.

### **OBJECTIVE:**

The Criminal Law Clinic is dedicated to giving its students an experiential learning experience. The objective of this program is to train students for real practice in the field of Criminal Law.

## STUDENT LEARNING OUTCOMES

This criminal law clinic presents students with an opportunity to acquire valuable and practical experience in the area of criminal and juvenile law. The course assists in developing skills in the areas of client interviewing, investigative techniques, drafting of criminal law pleadings, pre-trial motion practice, plea negotiations, courtroom presentation, and trial and oral advocacy skills. Students may be presented with the opportunity of a trial in the criminal law clinic as well. Students completing this course must demonstrate competency in handling misdemeanor criminal and juvenile law related cases from the initial client interview through court proceedings. Student will learn:

- How to prepare an expunction and petition for non-disclosure.
- Learn how to obtain a discovery through subpoenas and PIA.
- How to prepare a Pre Trial Diversion packet.
- How to get a charge with no probable cause.
- How to prepare a Grand Jury letter.
- How to defend a Motion to Revoke Probation and a Motion to Adjudicate Hearing.
- Prepare an occupational license.
- Interviewing techniques.

## GRADING

The grading plan for the class is calculated as follows:

<b>Community Service</b>	<b>5%</b>
<b>Assignments</b>	<b>15%</b>
<b>Writ</b>	<b>50%</b>
<b>Reflection Paper (5 page minimum)</b>	<b>20%</b>
<b>Mindfulness Journal</b>	<b>10%</b>
<b>TOTAL PERCENTAGE:</b>	<b>100%</b>

## ACCOMMODATIONS

If you require special accommodations, please fill out the necessary forms with the Dean's office. Your application and documentation will remain confidential. Your prompt attention will allow the law school to accommodate you, as soon as it has been made aware of your situation.

Please check the school website. [www.tsulaw.edu](http://www.tsulaw.edu)



## **PARTICIPATION, ATTENDANCE & PROFESSIONALISM**

### **CLASS ROOM MEETING TIMES & DAYS**

Each student will be assigned to complete 2 “clinic hours” per week at the TMSL Legal Clinic.

Attendance is mandatory. If you are not able to attend Clinic, you must contact your supervising attorney or the Office Manager.

### **COURT ASSIGNMENTS**

Each student will be assigned to a specific Harris County Court of Law. Students must arrive to their required court assignments on time and dressed business professional.

# ACADEMIC CALENDAR



## THURGOOD MARSHALL SCHOOL OF LAW

TEXAS SOUTHERN UNIVERSITY  
ACADEMIC CALENDAR 2017 – 2018

### FALL SEMESTER 2017 (SEVENTY DAYS OF CLASSES)

Orientation	Monday-Friday	August 14-18, 2017
<b>First Day of Class</b>	<b>Monday</b>	<b>August 21, 2017</b>
Last Day to ADD/DROP	Friday	August 25, 2017
<b>Labor Day (NO CLASSES)</b>	<b>Monday</b>	<b>September 4, 2017</b>
<i>Purge of all unpaid course selections</i>	Wednesday	September 27, 2017
<b>Mid Term Examinations</b>	<b>Mon – Fri</b>	<b>October 23-27, 2017</b>
<b>Thanksgiving Holiday</b>	<b>Thurs – Fri</b>	<b>November 23-24, 2017</b>
Last Day of Classes	Thursday	November 30, 2017
Last Day to Drop a Class	Thursday	November 30, 2017
First Year Professors' Grades due	Thursday	November 30, 2017
<b>*Legislative Tuesday</b>	<b>Friday</b>	<b>December 1, 2017</b>
<b>*Legislative Wednesday</b>	<b>Saturday</b>	<b>December 2, 2017</b>
<b>*Legislative Thursday</b>	<b>Monday</b>	<b>December 4, 2017</b>
<b>*Legislative Friday</b>	<b>Tuesday</b>	<b>December 5, 2017</b>
Reading Day (NO CLASS)	Wednesday	December 6, 2017
Final Examinations	Thursday- Friday	December 7 -Dec. 15, 2017
Commencement	Saturday	December 16, 2017
<b>*Legislative Days are make-up days from Hurricane Harvey August 28 – September 1, 2017</b>		

### SPRING SEMESTER 2018 (SEVENTY DAYS OF CLASSES)

School Opens	Tuesday	January 2, 2018
First Day of Class	Monday	January 8, 2018
<b>Last Day to ADD/DROP</b>	<b>Wednesday</b>	<b>January 10, 2018</b>
<b>M L K Holiday (No Classes)</b>	<b>Monday</b>	<b>January 15, 2018</b>
<i>Purge of all unpaid course selections</i>	Wednesday	February 7, 2018
Mid Term Examinations	Mon – Fri	March 5– 9, 2018
Spring Break	Mon – Fri	March 12 – 16, 2018
<b>Spring Break (University Closed)</b>	<b>Mon-Wed</b>	<b>March 12- 14, 2018</b>
<b>Good Friday (No Classes)</b>	<b>Friday</b>	<b>March 30, 2018</b>
Last Day of Classes	Wednesday	April 25, 2018
Last Day to Drop a Class	Wednesday	April 25, 2018
First Year Professors' Grades due	Wednesday	April 25, 2018
Reading Period (No Classes)	Thur. – Sun	April 26 - 29, 2018
Final Examinations	Mon- Fri	April 30 – May 11, 2018
Hooding Ceremony	Friday	May 11, 2018
Commencement	Saturday	May 12, 2018

Please note that the calendar events and /or dates are subject to change.

Approved 5/31/2017 \* Updated 11/14 /2017

## **POLICIES & PROCEDURES**

Every student is required to meet with Prof. Johnson once a week to discuss casework, questions, and the overall clinic class.

Furthermore, every student will be assigned “court hours” and must complete a total of 252 hours of clinic work. This includes the mandatory 6 “clinic hours” at the TMSL Legal Clinic.

Students must be concurrently enrolled in the Criminal Law Class (LAW 960).

Finally, every student is required to meet with Prof. Johnson for an exit interview, which will serve as his or her final evaluation in the clinic.

Failure to comply with the policies above will result in dismissal from the Criminal Law Clinic Program and a drop from this course.

## CLASS SCHEDULE AND ASSIGNMENT LIST

DATE	ASSIGNMENT		
<b>January 9, 2018</b> <b>(Tuesday)</b>	<b>WELCOME</b>		
	Nuts and Bolts of Criminal Defense Law in Harris County Review Code Book Personal Time Management online assessment Mindfulness discussion <b>Assignment: Review DWI information for boot camp-Quiz over material on Thursday, February 11, 2018</b>		
	<b>STUDENT LEARNING OUTCOMES</b>	<b>TASK ANALYSIS</b>	<b>ASSESSMENT</b>
	Process to File charges, charging instrument in misdemeanor court, enhancement paragraphs and overview of criminal procedure	Review charging instrument	Counts and paragraph assignment  <b>DUE on Thursday, January 11, 2018</b>
<b>January 11, 2018</b> <b>(Thursday)</b>	Quiz over DWI packet <b>Assignment: Read Ch. 14 (Arrest without a Warrant) and Ch. 15 (Arrest Under Warrant) in Code Book for Tuesday, January 16, 2018</b>		
	<b>STUDENT LEARNING OUTCOMES</b>	<b>TASK ANALYSIS</b>	<b>ASSESSMENT</b>
	Determine the criteria for standard field sobriety test (SFST)	Review material and practice SFST	Quiz
<b>January 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup>, 2018</b>  <b>Boot Camp</b>  <b>(Saturday-Monday)</b>	<b>STUDENT LEARNING OUTCOMES</b>	<b>TASK ANALYSIS</b>	<b>ASSESSMENT</b>
	Know how to read charging instrument, complete plea paperwork, interview a client, negotiate with the prosecutor, understand the language of the court, courtroom procedures,	Review paperwork, practice how to do a plea, review standard field sobriety test requirement, learn how to conduct an interview, learn how to evaluate a DWI case, learn how to cross-examine a DWI officer	Analyze 911 tape for hearsay objection  Evaluate a DWI video for trial  Live Client interviewing skills
	Lecture on Arrest Under Warrant and Without a Warrant  <b>Assignment: Bar Questions Set 1 Due on Thursday, January 18, 2018 by 4 p.m. turn in hard copy to Ms. Epps in clinic. ANSWER ALL QUESTIONS IN A COMPLETE SENTENCE AND INCLUDE THE CHAPTER AND CODE NUMBER FROM CODE BOOK.</b>  <b><u>Bar Questions Set 1: Arrests</u></b>  July 2008            Question 3  July 2009            Question 1  July 2010            Question 3  February 2011      Question 1		

	February 2011 Question 2		
	February 2012 Question 1		
	July 2013 Question 1		
	July 2013 Question 2		
	July 2014 Question 1		
	July 2014 Question 2		
	February 2016 Question 1		
	July 2016 Question 2		
	<b>STUDENT LEARNING OUTCOMES</b>	<b>TASK ANALYSIS</b>	<b>ASSESSMENT</b>
	Know the difference in requirements for each for arrest without a warrant and arrest under warrant	Chapter 14 and 15 of Code of Criminal Procedure	Completion of Procedure and Evidence short answer questions
<b>January 18, 2018 (Thursday)</b>	<b>CH. 14 Arrest Without a Warrant &amp; Ch. 15 Under Warrant BAR QUESTIONS DUE BY 4:00 PM TO MS. EPPS IN THE CLINIC</b>		
<b>January 23, 2018 (Tuesday)</b>	Review Ch. 14 Arrest Without a Warrant & Ch. 15 Under Warrant Bar questions in class		
<b>January 25, 2018 (Thursday)</b>	<b>How to prepare a petition for non-disclosure and expunction</b>		
	<b>STUDENT LEARNING OUTCOMES</b>	<b>TASK ANALYSIS</b>	<b>ASSESSMENT</b>
	Students will know criteria for an expunction and a petition for non-disclosure; process to file petitions; and how to prep client for a hearing	Review documents of the disposition of client's case; acquire certified copy of the document; and prepare a petition	Assess whether understanding is mastered by providing different scenarios where you must determine if the client qualifies
<b>January 30, 2018 (Tuesday)</b>	<b>Prepare a Petition for Nondisclosure and Expunction</b>		
<b>February 1, 2018 (Thursday)</b>	<b>Counts and Paragraph Assignment DUE</b>		
	<b>STUDENT LEARNING OUTCOMES</b>	<b>TASK ANALYSIS</b>	<b>ASSESSMENT</b>

	Distinguish between counts and paragraph  Identify each count and paragraph in a charging instrument	Know that a count charges an offense and a paragraph provides the method in which the offense was committed	Review Indictments for accuracy
February 6, 8, 13, & 15, 2018  (This will take 4 classes to cover)	<b>WRIT OF HABEAS CORPUS Training</b>		
	<b>STUDENT LEARNING OUTCOMES</b>	<b>TASK ANALYSIS</b>	<b>ASSESSMENT</b>
	Know what is a WRIT When to file a WRIT Process to file a WRIT Different types of WRITs: Misdemeanor and Felony WRITs	Read the Code of Criminal Procedure	Complete a WRIT OF HABEAS CORPUS <b>(Final Draft TBA)</b>
<b>DATE</b>	<b>ASSIGNMENT</b>		
February 20 & 22, 2018 (Tuesday & Thursday)	<b>STUDENT LEARNING OUTCOMES</b>	<b>TASK ANALYSIS</b>	<b>ASSESSMENT</b>
	Pre Trial Diversion Packets	Compile all information necessary to prepare a PTD packet.	Prepare a Pre Trial Diversion Packet.
February 27, 2018 (Tuesday)	COUNTS AND PARAGRAPHS REVIEW  Misdemeanor Offenses &  Assault Case Offense Report	<ul style="list-style-type: none"> <li>• What is the punishment range for a Class A?</li> <li>• What can enhance a Class A, B, or C?</li> <li>• Thoroughly review offense report.</li> </ul> Listen to 911-tape.	PRETRIAL DIVERSION PACKETS DUE  Punishment Range Exam & Crawford Analysis on 911-tape
March 1 & 6, 2018	Bar Readiness: Application of Criminal Clinic Skills to Criminal Procedure and Evidence Bar Questions		
March 3, 2018 (Saturday)	<b>Expunction Clinic Community Service Project</b> <b>This is in lieu of class on March 8, 2018.</b>		
March 8, 2018	No Class because of participation in Expunction Clinic Community Service Project		
March 13 & 15, 2018	<b>NO CLASSES-SPRING BREAK</b>		

<b>March 20 &amp; 22, 2018</b>  (Tuesday & Thursday)	<b>STUDENT LEARNING OUTCOMES</b>	<b>TASK ANALYSIS</b>	<b>ASSESSMENT</b>
	Occupational License	<ul style="list-style-type: none"> <li>• Determine whether or not client is eligible.</li> <li>• Review offense report.</li> <li>• Determine specific by court assigned to hear occupational license.</li> <li>• Prepare a sample occupational license.</li> <li>• Call court to schedule.</li> <li>• Obtain insurance</li> </ul>	<b>OCCUPATIONAL LICENSE PACKET DUE ON March 29, 2018.</b>
<b>March 27 &amp; 29, 2018</b>  (Tuesday & Thursday)	CRAWFORD ANALYSIS		
<b>April 3, 5, &amp; 10 2018</b>	MOTION TO REVOKE PROBATION		
	<b>STUDENT LEARNING OUTCOMES</b>	<b>TASK ANALYSIS</b>	<b>ASSESSMENT</b>
<b>April 10 &amp; 12, 2018</b>	Misdemeanor Offenses & Assault Case Offense Report	<ul style="list-style-type: none"> <li>• What is the punishment range for a Class A?</li> <li>• What can enhance a Class A, B, or C? Thoroughly review offense report.</li> <li>• Listen to 911-tape.</li> </ul>	<i>Crawford</i> Analysis on 911-tape
<b>April 17, 19, 25, &amp; 26, 2018</b>	<b>Voir Dire Training and Simulations</b>		