Criminal Trial Practice

LAW 902-01

SPRING 2018

Prof. Lydia D. Johnson

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The Professor

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**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:

**Community Service 5%**

**Assignments 15%**

**Writ 50%**

**Reflection Paper 20%**

**(5 page minimum)**

**Mindfulness Journal 10%**

**TOTAL PERCENTAGE: 100%**

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



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** | | | | |
| **January 9, 2018**  **(Tuesday)** | | **WELCOME**  Nuts and Bolts of Criminal Defense Law in Harris County  Review Code Book  Personal Time Management online assessment  Mindfulness discussion  **Assignment**: R**eview DWI information** for boot camp-***Quiz over material on Thursday, February 11, 2018*** | | | | |
| **STUDENT LEARNING OUTCOMES** | | **TASK ANALYSIS** | | **ASSESSMENT** |
| Process to File charges, charging instrument in misdemeanor court, enhancement paragraphs and overview of criminal procedure | | Review charging instrument | | Counts and paragraph assignment  ***DUE on Thursday, January 11, 2018*** |
| **January 11, 2018 (Thursday)** | | Quiz over DWI packet  **Assignment**: Read Ch. 14 (Arrest without a Warrant) and Ch. 15 (Arrest Under Warrant) in Code Book for ***Tuesday, January 16, 2018*** | | | | |
| **STUDENT LEARNING OUTCOMES** | | **TASK ANALYSIS** | | **ASSESSMENT** |
| Determine the criteria for standard field sobriety test (SFST) | | Review material and practice SFST | | Quiz |
| **January 13th, 14th, and 15th,  2018**  **Boot Camp**  **(Saturday-Monday)** | | **STUDENT LEARNING OUTCOMES** | | **TASK ANALYSIS** | | **ASSESSMENT** |
| 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 |
| **January 16, 2018**  **(Tuesday)** | | Lecture on Arrest Under Warrant and Without a Warrant  **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.**  **Bar Questions Set 1: Arrests**  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 | | | | |
| **STUDENT LEARNING OUTCOMES** | | **TASK ANALYSIS** | | **ASSESSMENT** |
| 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 |
| **January 18, 2018 (Thursday)** | | **CH. 14 Arrest Without a Warrant & Ch. 15 Under Warrant BAR QUESTIONS DUE BY 4:00 PM TO MS. EPPS IN THE CLINIC** | | | | |
| **January 23, 2018 (Tuesday)** | | Review Ch. 14Arrest Without a Warrant & Ch. 15 Under Warrant Bar questions in class | | | | |
| **January 25, 2018 (Thursday)** | | **How to prepare a petition for non-disclosure and expunction** | | | | |
| **STUDENT LEARNING OUTCOMES** | | **TASK ANALYSIS** | | **ASSESSMENT** |
| 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 |
| **January 30, 2018 (Tuesday)** | | **Prepare a Petition for Nondisclosure and Expunction** | | | | |
| **February 1, 2018 (Thursday)** | | **Counts and Paragraph Assignment DUE** | | | | |
| **STUDENT LEARNING OUTCOMES** | | **TASK ANALYSIS** | | **ASSESSMENT** |
| 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)** | | **WRIT OF HABEAS CORPUS Training** | | | | |
| **STUDENT LEARNING OUTCOMES** | | **TASK ANALYSIS** | | **ASSESSMENT** |
| 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  (**Final Draft TBA)** |
| **DATE** | **ASSIGNMENT** | | | | | |
| **February 20 & 22, 2018 (Tuesday & Thursday)** | **STUDENT LEARNING OUTCOMES** | | **TASK ANALYSIS** | | **ASSESSMENT** | |
| 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 | | * What is the punishment range for a Class A? * What can enhance a Class A, B, or C? * Thoroughly review offense report.   Listen to 911-tape. | | PRETRIAL DIVERSON 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)** | **Expunction Clinic Community Service Project**  **This is in lieu of class on March 8, 2018.** | | | | | |
| **March 8, 2018** | No Class because of participation in Expunction Clinic Community Service Project | | | | | |
| **March 13 & 15, 2018** | **NO CLASSES-SPRING BREAK** | | | | | |
| **March 20 & 22, 2018**  **(Tuesday & Thursday)** | **STUDENT LEARNING OUTCOMES** | | **TASK ANALYSIS** | | **ASSESSMENT** | |
| Occupational License | | * Determine whether or not client is eligible. * Review offense report. * Determine specific by court assigned to hear occupational license. * Prepare a sample occupational license. * Call court to schedule. * Obtain insurance | | **OCCUPATIONAL LICENSE PACKET DUE ON March 29, 2018**. | |
| **March 27 & 29, 2018**  **(Tuesday & Thursday)** | CRAWFORD ANALYSIS | | | | | |
| **April 3, 5, & 10 2018** | MOTION TO REVOKE PROBATION | | | | | |
|  | **STUDENT LEARNING OUTCOMES** | | **TASK ANALYSIS** | | **ASSESSMENT** | |
| **April 10 & 12, 2018** | Misdemeanor Offenses & Assault Case Offense Report | | * What is the punishment range for a Class A? * What can enhance a Class A, B, or C? Thoroughly review offense report. * Listen to 911-tape. | | *Crawford* Analysis on 911-tape | |
| **April 17, 19, 25, & 26, 2018** | **Voir Dire Training and Simulations** | | | | | |