



TEXAS SOUTHERN UNIVERSITY  
THURGOOD MARSHALL SCHOOL *of* LAW

# CRIMINAL TRIAL PRACTICE

LAW 902-01

FALL 2019

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



## TEXAS SOUTHERN UNIVERSITY THURGOOD MARSHALL SCHOOL OF LAW ACADEMIC CALENDAR 2019–2020

### FALL SEMESTER ACCELERATED (TURBO) COURSE

First Day of Accelerated Summer	Monday	August 5, 2019
Last Day to Add/Drop Classes	Monday	August 5, 2019
Last Day of Classes	Friday	August 16, 2019

### FALL SEMESTER 2019 (SEVENTY-ONE DAYS OF CLASSES)

Orientation	Monday–Friday	August 12–16, 2019
<b>First Day of Class</b>	<b>Monday</b>	<b>August 19, 2019</b>
Last Day to ADD/DROP	Wednesday	August 21, 2019
<b>Labor Day (NO CLASSES)</b>	<b>Monday</b>	<b>September 2, 2019</b>
<i>Purge of all unpaid course selections</i>	Wednesday	September 18, 2019
<b>Mid Term Examinations</b>	<b>Monday–Friday</b>	<b>October 14–18, 2019</b>
Last Day to Drop a Class	Friday	November 8, 2019
Last Day of Classes	Tuesday	November 26, 2019
First Year Professors' Grades due	Tuesday	November 26, 2019
<b>Reading Period (NO CLASS)</b>	<b>Wednesday</b>	<b>November 27, 2019</b>
<b>Thanksgiving Holiday</b>	<b>Thursday–Friday</b>	<b>November 28–29, 2019</b>
<b>Reading Period (NO CLASS)</b>	<b>Saturday–Sunday</b>	<b>November 30–December 1, 2019</b>
Final Examinations	Monday–Friday	December 2–December 13, 2019
Commencement Exercises	Saturday	December 14, 2019

### SPRING SEMESTER 2020 (SEVENTY DAYS OF CLASSES)

School Opens	Thursday	January 2, 2020
First Day of Class	Monday	January 13, 2020
Last Day to ADD/DROP	Wednesday	January 15, 2020
<b>M L K Holiday (NO CLASSES)</b>	<b>Monday</b>	<b>January 20, 2020</b>
<i>Purge of all unpaid course selections</i>	Friday	February 7, 2020
Mid Term Examinations	Monday–Friday	March 9–13, 2020
Spring Break	Monday–Friday	March 16–20, 2020
<b>Spring Break (University Closed)</b>	<b>Wednesday–Friday</b>	<b>March 18–20, 2020</b>
Last Day to Drop a Class	Thursday	April 9, 2020
<b>Good Friday (NO CLASSES)</b>	<b>Friday</b>	<b>April 10, 2020</b>
Last Day of Classes	Tuesday	April 28, 2020
First Year Professors' Grades due	Tuesday	April 28, 2020
<b>Reading Period (NO CLASSES)</b>	<b>Wednesday–Thursday</b>	<b>April 29–April 30, 2020</b>
Simulated Bar Exam*	Friday	May 1, 2020 ( <i>tentative</i> )
<b>Reading Period (NO CLASSES)</b>	<b>Saturday–Sunday</b>	<b>May 2–May 3, 2020</b>
Final Examinations	Monday–Friday	May 4–May 15, 2020
Hooding Ceremony	Friday	May 15, 2020
Commencement Exercises	Saturday	May 16, 2020

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

Updated August 6, 2019

## **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		
August 19, 2019 (Monday)	<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:</b> Review DWI information for boot camp- <i>Quiz over material on Monday, August 26th</i>		
	<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><i>DUE on Monday, August 26th</i></b>
	Quiz over DWI packet <b>Assignment:</b> Read Ch. 14 (Arrest without a Warrant) and Ch. 15 (Arrest Under Warrant) in Code Book for <b><i>Tuesday, January 16, 2018</i></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
August 26, 2019  Boot Camp  (Monday)	<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:</b> Bar Questions Set 1 Due on <b><i>Monday, September 9th</i></b> by 4 p.m. turn in hard copy to Ms. Epps in clinic. <b>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>September 9, 2019 (Monday)</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>			
	Review Ch. 14 Arrest Without a Warrant & Ch. 15 Under Warrant Bar questions in class			
<b>September 16, 2019 (Monday)</b>	<b>How to prepare a petition for non-disclosure and expunction Prepare a Petition for Nondisclosure 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>September 23, 2019 (Monday)</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
	<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>		
<b>September 30, 2019 (Monday)</b>	<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.
	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
<b>October 7, 2019 (Monday)</b>	Bar Readiness: Application of Criminal Clinic Skills to Criminal Procedure and Evidence Bar Questions  <b>Expunction Clinic Community Service Project</b>		
<b>October 14, 2019 (Monday)</b>	No Class because of participation in Expunction Clinic Community Service Project		
	<b>STUDENT LEARNING OUTCOMES</b>	<b>TASK ANALYSIS</b>	<b>ASSESSMENT</b>

<b>October 21, 2019 (Monday)</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 October 28, 2019</b>
<b>October 28, 2019</b>	CRAWFORD ANALYSIS		
<b>November 4, 11, (Monday)</b>	MOTION TO REVOKE PROBATION		
	<b>STUDENT LEARNING OUTCOMES</b>	<b>TASK ANALYSIS</b>	<b>ASSESSMENT</b>
<b>November 18, 2019 (Monday)</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>December 2, 2019 (Monday)</b>	Voir Dire Training and Simulations		