

THE PUBLIC DEFENDER SERVICE

for the District of Columbia



CHAMPIONS OF LIBERTY

**2006
PUBLIC DEFENDER SERVICE
FOR THE DISTRICT OF COLUMBIA
CRIMINAL DEFENDER TRAINING PROGRAM
SUMMER SERIES**

**JUNE – JULY 2006
Moot Court Room
(Courtyard Side)
601 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20004
(202) 628-1200**

2006
PUBLIC DEFENDER SERVICE
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COURSE DESCRIPTIONS

REINTERPRETING THE FOURTH AND FIFTH AMENDMENTS: DEFINITIONS, MOTIONS PRACTICE, AND THE ELECTRONIC RECORDING ACT

Presenters: Lee Goebes, Staff Attorney, Appellate Division
Alice Wang, Staff Attorney, Appellate Division
Matthew Mazur, Staff Attorney, Trial Division

[\(Materials Available\)](#)
(Click link to view)

TUESDAY, JUNE 6, 2006
5:30 – 8:30 p.m.

Even before the “War on Terror,” the legal interpretation of the Fourth and Fifth Amendments was always in a state of flux. This session will serve as a reintroduction to the principles of these two amendments and a discussion of recent changes to search and seizure laws. We will begin by discussing the definitions of terms such as seizure, stop, frisk, and arrest, and then talk about the broad list of circumstances in which a police officer may be able to validly claim that he or she had articulable suspicion. Also discussed will be the procedural aspects of Fourth Amendment litigation and how to challenge the introduction at trial of any seized evidence. As a counterpart to the suppression of evidence obtained in violation of the Fourth Amendment, we will touch on the suppression of confessions under the Fifth Amendment. We will also cover the new Electronic Recording Act, its requirement that interrogations and confessions be taped, and what this requirement will mean regarding the admissibility of your client’s statements.

“ON ADVICE OF COUNSEL...I’M TAKING THE FIFTH”

Presenters: Chris McKee, Deputy Chief, Serious Felony Section, Trial Division
Eric Klein, Staff Attorney, Trial Division

[\(Materials Available\)](#)
(Click link to view)

THURSDAY, JUNE 8, 2006
5:30 – 8:30 p.m.

This session will be a review of the basic principles of your client’s assertion of the Fifth Amendment privilege. Special attention will be given to the *Carter* case. The focus will be on the nuts and bolts of evaluating the privilege as well as analyzing the need to waive the privilege and seek witness immunity.

NEW ISSUES IN JUVENILE LAW

**Presenters: Ed Shacklee, Juvenile Section Chief, Trial Division
Hannah McElhinny, Supervising Attorney, Juvenile Section, Trial
Division**

(Materials Available)
(Click link to view)

**TUESDAY, JUNE 13, 2006
5:30 – 8:30 p.m.**

This session will focus on new issues – and new approaches to old issues – in juvenile court. Topics covered will include those relating to the Juvenile Omnibus statute, e.g., victims' rights and the modification and termination of commitments. The panel will also discuss recent challenges made in connection with juvenile speedy trial rights and evidentiary issues in drug cases. Discussion will include new approaches to the shelter house crisis and recent developments in the Juvenile Detention Alternative Initiative (JDAI) process.

ADVOCATING FOR YOUR CLIENT THROUGH THE PRE-SENTENCE REPORT

**Presenters: Brian Roberts, Coordinator, Institutional Services Program
Additional Presenters TBA**

(Materials Available)
(Click link to view)

**THURSDAY, JUNE 15, 2006
5:30 – 8:30 p.m.**

This session is designed to give DC Superior Court attorneys a greater understanding of the policies and procedures of the Federal Bureau of Prisons (BOP) by focusing on the role the Pre-Sentence Report plays in determining the client's BOP placement and designation. Frequently asked questions on topics such as classification of DC Code offenders, BOP treatment of judicial recommendations, BOP computation of sentences for DC Code offenders, and how the information in the Pre-Sentence Report affects a client's future status in the BOP will be addressed. Information on getting your client's PSR right the first time around and getting it corrected once your client has been sentenced will also be provided.

THE ABC'S OF CROSS-EXAMINING "COOPERATING" WITNESSES

**Presenters: Renee Raymond, Training Director
Shawn Moore, Staff Attorney, Federal Public Defender**

(Materials Available)
(Click link to view)

**TUESDAY, JUNE 20, 2006
5:30 – 8:30 p.m.**

Two experienced trial attorneys will lead this primer on how to cross-examine cooperating witnesses. Snitch testimony is usually uncorroborated, but potentially devastating for your client at trial; therefore, it is pertinent to know how best to unveil the hidden motives of a cooperator. Come learn how to prepare for and cross-examine on both formal and informal agreements between the government and witnesses. We will cover the approaches to be used when dealing with explicit agreements ("A") between the government and witnesses, the benefits ("B") the witness understands he or she may receive as a result of testifying, and the charges ("C") that the witness may have already pled to as part of his or her cooperation agreement.

EVERYTHING YOU ALWAYS WANTED TO KNOW ABOUT SEX, BUT WERE TOO AFRAID TO ASK – CROSS-EXAMINATION IN THE SEXUAL ASSAULT CASE

Presenters: Renee Raymond, Training Director
Additional Presenters TBA

[*\(Materials Available\)*](#)
(Click link to view)

THURSDAY, JUNE 22, 2006
5:30 – 8:30 p.m.

In this session, we will first have an overview of potential defenses and investigative avenues, followed by a discussion of strategies for cross-examining sexual assault nurse examiners (SANE), child complainants, and adult female complainants. The session will also include an examination of the contents of a genuine sex kit and how the kit is used. Model cross-examinations of each type of witness will also be presented.

CIVIL CONSEQUENCES OF CRIMINAL CONVICTIONS IN THE DISTRICT OF COLUMBIA – WHAT CRIMINAL DEFENSE LAWYERS NEED TO KNOW

Moderator: Paula Scott, Chief, Civil Legal Services Division
Presenters: Angela Acree, Staff Attorney, Civil Legal Services Division
Gwendolyn Washington, Staff Attorney, Civil Legal Services Division

[*\(Materials Available\)*](#)
(Click link to view)

TUESDAY, JUNE 27, 2006
5:30 – 8:30 p.m.

This session will survey the expansive world of civil matters that arise from or are related to criminal proceedings. Special attention will be given to how defense lawyers can better protect their clients' rights in both criminal and civil proceedings, and how they can help clients achieve the best outcome in matters such as civil forfeiture, child support, housing evictions, and neglect proceedings. The session will also explore the growing list of sanctions and other civil consequences that clients face as a result of arrest or conviction in the District of Columbia. In addition, the discussion will include guidance on how to counsel clients on the civil consequences of certain categories of crimes, including violent offenses, sex offenses, intrafamily offenses, drug-related convictions, and prostitution convictions.

BRADY TOP FIVE

Presenters: Timothy O'Toole, Chief, Special Litigation Division
Rashida Ogletree, Staff Attorney, Special Litigation Division

[*\(Materials Available\)*](#)
(Click link to view)

THURSDAY, JUNE 29, 2006
5:30 – 8:30 p.m.

This session will include a discussion of the top five *Brady* issues currently arising in DC Superior Court: (1) when exculpatory information should be and is being disclosed, (2) what types of exculpatory information are being withheld, (3) what attempts are being made to blame suppression issues on the defense, (4) who is legally considered part of the prosecution's team, and (5) what sanctions for late and non-disclosure are available and being used. These five issues will be exemplified through a discussion of recent DC Superior Court cases, their discovery violations, and the remedies both warranted and granted.

PAROLE/SUPERVISED RELEASE REVOCATION – EVERYTHING YOU DON'T WANT TO HAVE TO THINK ABOUT...BUT NEED TO KNOW. HOW TO MAKE YOUR CLIENT'S PRE-TRIAL DETENTION COUNT!

Moderator: Rosalyn Overstreet-Gonzalez, Staff Attorney, Parole Division
Presenters: Anna Rodriques, Staff Attorney, Parole Division
Stephen Husk – Chief, Case Operations, United States Parole Commission

(Materials Available)
(Click link to view)

THURSDAY, JULY 6, 2006
5:30 – 8:30 p.m.

Oh, no. Not another headache!!! You just found out your new client is also on parole or supervised release. What release conditions should you request from the judge? When, why, and how do you get the Parole Commission's warrant executed? Which comes first – the trial or the revocation hearing? What do you do if the judge runs your client's sentence consecutive to the Parole Commission's sanction? Will a supervised releasee's time be credited the same as a parolee's? Come and learn what you need to do to ensure that your clients receive all the credit they deserve.

IMMIGRATION CONSEQUENCES OF CRIMINAL PROCEEDINGS

Presenters: Gwen Washington, Staff Attorney, Civil Legal Services Division
Mary Holper, Detention Attorney, Catholic Legal Immigration Network, Inc./Boston College Immigration and Asylum Project
Paromita Shah, Associate Director, National Immigration Project of the National Lawyers Guild

(Materials Available)
(Click link to view)

TUESDAY, JULY 11, 2006
5:30 – 8:30 p.m.

The number of non-citizen clients facing adverse immigration consequences as a direct result of their criminal cases has been increasing at an alarming rate over the past few years. Immigration consequences may include denial of an adjustment of status and/or citizenship, denial of admission at United States ports of entry, and removal from the U.S.; therefore, the representation of non-citizen clients in criminal cases has exponentially increased in complexity. This panel will involve an in-depth discussion of the types of adverse consequences that non-citizen clients may face as a result of a criminal conviction. The panel will provide tips on how to provide effective assistance of counsel to non-citizen clients in their criminal cases and on how to protect non-citizen clients from adverse immigration consequences stemming from their criminal cases. This is a highly informative session that should not be missed by any criminal defense attorney representing non-citizen clients.

GIRLS IN THE JUVENILE SYSTEM

Presenters: Stephanie Harrison, Staff Attorney, Special Litigation Division, and member of the Girls' Justice Initiative Steering Committee (GJI) (The GJI is a national partnership of organizations and individuals dedicated to promoting equity and justice for girls involved in the juvenile justice and related systems.)
Additional Presenters TBA

(Materials Available)
(Click link to view)

THURSDAY, JULY 13, 2006
5:30 – 8:30 p.m.

The Family Court has implemented a new approach to handling cases with female respondents. This session will discuss issues relating to the “girls calendar” and the impact the new calendar system will have on the representation of both girls and boys in delinquency matters. The session will also look at how changes at Court Social Services, including the LOTS program, affect the representation of girls in the system. Practitioners will be provided with updated information on dispositional alternatives and gender-specific programming for girls.

THE FREEDOM OF INFORMATION ACT: A PRIMER

Presenters: Timothy O’Toole, Chief, Special Litigation Division
Parisha Dehghani-Tafti, Staff Attorney, Special Litigation Division
Sara Brin, Law Clerk, Special Litigation Division

(Materials Available)
(Click link to view)

TUESDAY, JULY 18, 2006
5:30 – 8:30 p.m.

Nearly five years after the attacks of September 11th, the names of the prisoners held at Guantanamo Bay have been ordered released. This wouldn’t have happened without the power and effective use of the Freedom of Information Act (FOIA). In this session, you will learn how to use the FOIA to access information relevant to your client’s case. We will teach you how to draft effective FOIA requests, including how to identify which of the nine exemptions may apply to your request. We will also cover how to file an administrative appeal when your request is denied and how best to poise your case for future litigation.

CURRENT SUPREME COURT LITIGATION AFFECTING DC CRIMINAL PRACTICE

Presenters: Sandra Levick, Training Director, Appellate Division
Timothy O’Toole, Chief, Special Litigation Division

(Materials Available)
(Click link to view)

THURSDAY, JULY 20, 2006
5:30 – 8:30 p.m.

Several significant Supreme Court decisions are expected to be released at the end of June. This session will cover those most pertinent to DC criminal practice: *Crawford (Davis v. Washington, Hammon v. Indiana)*; the Fourth

Amendment (*Hudson v. Michigan*); the Vienna Convention (*Sanchez-Llamas v. Oregon, Bustillo v. Johnson*); the insanity defense (*Clark v. Arizona*); *Winfield* (*Holmes v. South Carolina*); and innocence issues (*House v. Bell*). We will review the outcome of each case and discuss how these decisions will affect criminal practice in DC Superior Court.

MAKING THE WINNING ALLOCUTION AT SENTENCING

**Presenters: Santha Sonenberg, Staff Attorney, Trial Division
Heather Pinckney, Staff Attorney, Trial Division
Betsy Biben, Chief, Offender Rehabilitation Division**

(Materials Available)
(Click link to view)

**THURSDAY, JULY 25, 2006
5:30 – 8:30 p.m.**

Effective advocacy at sentencing requires the criminal defense attorney to consider four areas: (1) how your client came to be involved in the events for which he or she will be sentenced, (2) what reasons exist to think there will not be a reoccurrence, (3) what sentence can be imposed to reduce as much as possible the risk of recidivism, and (4) what will be a fair and just sentence for your client when considering his or her life circumstances. We will discuss techniques for preparing and investigating the case in anticipation of sentencing, writing an effective sentencing letter, preparing your client to allocute, and advocating orally at sentencing. Key points covered will include laying the facts out in a way that is favorable to your client, getting the judge to understand your client, and convincing the judge that your proposal is the best sentencing solution.

SETTING IT UP: HOW TO TIE YOUR OPENING AND THEORY OF THE CASE TOGETHER TO PRESENT THE BEST POSSIBLE DEFENSE FOR YOUR CLIENT

Presenters: Janet Mitchell, Supervising Attorney, Trial Division

(Materials not available yet)

**THURSDAY, JULY 27, 2006
5:30 – 8:30 p.m.**

This session will cover techniques for making your opening and defense theory as cohesive and clear as possible. By focusing on themes, content, and organization, this session will help you craft openings that will keep the jury interested, engaged, and focused on your theory of defense. It will also help you to develop a defense theory even when there appears to be no defense to the government’s case. The session will address what evidence you must challenge, and what evidence you may leave alone. By beginning with a discussion of the tools you can use to win over your jury with your opening and then talking about effective defense theories, this session will help provide you with a framework for the best possible defense for your client.

Seminar	Date	Time	Attendance (check below)

REINTERPRETING THE FOURTH AND FIFTH AMENDMENTS: DEFINITIONS, MOTIONS PRACTICE, AND THE ELECTRONIC RECORDING ACT	6/6/2006	5:30 to 8:30	
“ON ADVICE OF COUNSEL...I’M TAKING THE FIFTH”	6/8/2006	5:30 to 8:30	
NEW ISSUES IN JUVENILE LAW	6/13/2006	5:30 to 8:30	
ADVOCATING FOR YOUR CLIENT THROUGH THE PRE-SENTENCE REPORT	6/15/2006	5:30 to 8:30	
THE ABC’S OF CROSS-EXAMINING “COOPERATING” WITNESSES	6/20/2006	5:30 to 8:30	
EVERYTHING YOU ALWAYS WANTED TO KNOW ABOUT SEX, BUT WERE TOO AFRAID TO ASK – CROSS-EXAMINATION IN THE SEXUAL ASSAULT CASE	6/22/2006	5:30 to 8:30	
CIVIL CONSEQUENCES OF CRIMINAL CONVICTIONS IN THE DISTRICT OF COLUMBIA – WHAT CRIMINAL DEFENSE LAWYERS NEED TO KNOW	6/27/2006	5:30 to 8:30	
BRADY TOP FIVE	6/29/2006	5:30 to 8:30	
PAROLE/SUPERVISED RELEASE REVOCATION – EVERYTHING YOU DON’T WANT TO HAVE TO THINK ABOUT...BUT NEED TO KNOW. HOW TO MAKE YOUR CLIENT’S PRE-TRIAL DETENTION COUNT!	7/6/2006	5:30 to 8:30	
IMMIGRATION CONSEQUENCES OF CRIMINAL PROCEEDINGS	7/11/2006	5:30 to 8:30	
GIRLS IN THE JUVENILE SYSTEM	7/13/2006	5:30 to 8:30	
THE FREEDOM OF INFORMATION ACT: A PRIMER	7/18/2006	5:30 to 8:30	
CURRENT SUPREME COURT LITIGATION AFFECTING DC CRIMINAL PRACTICE	7/20/2006	5:30 to 8:30	
MAKING THE WINNING ALLOCUTION AT SENTENCING	7/25/2006	5:30 to 8:30	
SETTING IT UP: HOW TO TIE YOUR OPENING AND THEORY OF THE CASE TOGETHER TO PRESENT THE BEST POSSIBLE DEFENSE FOR YOUR CLIENT	7/27/2006	5:30 to 8:30	

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Registration Form

MAIL TO: PUBLIC DEFENDER SERVICE
c/o CRIMINAL DEFENDER TRAINING SUMMER SERIES
633 Indiana Avenue, NW
Suite 248
Washington, DC 20004

OR EMAIL TO: ccontact@pdsdc.org

Name: _____

Bar Number: _____

Title: _____

Organization: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Fax: _____

Email: _____

Registrations are due by May 26, 2006, for June sessions and by June 26, 2006, for July sessions. **Space is limited**, so please register early to guarantee seating. Late registrations will be accepted on a space-available basis. **Course materials will not be given out at the sessions**, but will be available before each session on the web at www.pdsdc.org.

All sessions are free.

CLE credits are available.