

Brady and Rule 16

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Discovery

Discovery

Scientific Evidence

Scientific Evidence

Fourth Amendment

Fourth Amendment

Immigration

Immigration

DNA Transfer Theory

DNA Transfer Theory

Self-Defense

Self-Defense

Firearm Possession

Firearm Possession

2020

Criminal Practice Institute
Spring Training Program
Sessions in March

Deborah T. Creek
Criminal Practice Institute

601 Pennsylvania Avenue, N.W.
Moot Courtroom
Washington, D.C. 20004
(202) 628-1200

Register at www.PDSDC.org
or www.CJADC.org

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Course Descriptions

Tuesday, March 10, 2020

5:30 p.m. to 7:30 p.m.

BEYOND THE ROSSER LETTER: GETTING THE MOST OUT OF OUR DISCOVERY RULES

Presenter:

James King, Staff Attorney, PDS
Trial Division

The discovery process is a constant struggle to obtain information from the government, but in many instances whatever information is received is “too little, too late.” Learn how to level the playing field by taking a more active and creative approach to requesting and receiving discovery from the government. The training will also cover sanctions that may be imposed for the government’s failure to preserve evidence, including a discussion of the recent court of appeals decision, *Ashby, Logan and Watson*, that underscores the need to seek an array of remedies and sanctions when pursuing *Brady* and Rule 16 violations.

Tuesday, March 12, 2020

5:30 p.m. to 7:30 p.m.

FOURTH AMENDMENT LITIGATION STRATEGIES: RECENT DEVELOPMENTS AND HOW TO WIN SUPPRESSION HEARINGS

Presenter:

Dominique Winters, Deputy Chief,
PDS Trial Division

This session will cover new developments in Fourth Amendment law, including two recent decisions from our Court of Appeals, *Posey v. United States* and *Dozier v. United States*, that involved police encounters in the context of high crime areas and unprovoked flight from police, respectively. The training will also cover the intersection of cell phone search information and the Fourth Amendment, another area ripe for litigation. This session will cover many aspects of Fourth Amendment practice, including what constitutes a “search” or “seizure,” and some of the exceptions to the warrant requirement. Join us to learn how to get the most out of your Fourth Amendment suppression hearing.

Tuesday, March 17, 2020

5:30 p.m. to 7:30 p.m.

DNA DISCOVERY: UNDERSTANDING YOUR DNA CASE FILE

Presenters:

Jessica Willis, Special Counsel for
Forensics, PDS Trial Division

Kate Philpott, Forensic Consultant,
PDS Trial Division

So you requested disclosure of the DNA evidence in your client’s case, and in response the government provided you with reports and voluminous underlying data. Now what? This session will explore methods for interpreting the DNA case file including issue-spotting tips for whether or not the data supports the conclusions drawn by the analyst. Additionally, discussion will focus on related evidentiary issues that affect the strength of the DNA evidence, including potential weaknesses in evidence collection, the chain of custody, and adherence to the lab’s own policies and procedures.

All training sessions will take place in the Moot Courtroom at 601 Pennsylvania Ave, N.W.

Thursday, March 19, 2020

5:30 p.m. to 7:30 p.m.

BADO AND BEYOND: A LAWYER'S GUIDE TO EFFECTIVE REPRESENTATION OF YOUR NON-CITIZEN CLIENT

Presenter:

Katie D'Adamo, Immigration Staff Attorney, PDS Trial Division

This session will review the latest immigration developments, including the *en banc* decision, *Bado v. United States*, 186 A.3d 1243 (D.C. 2018) expanding the non-citizen's right to a jury trial based on deportable offenses not exceeding six months. Discussion will also include a review of common DC convictions, and even arrests, that render a non-citizen removable or change immigration status. Recent law enforcement directives that impact how interaction with the local criminal justice system triggers identification for deportation by ICE will also be discussed. This session will provide you with the necessary tools to get the best results for your non-citizen client.

Tuesday, March 24, 2020

5:30 p.m. to 7:30 p.m.

DEFENDING A DNA CASE AT TRIAL: INDIRECT TRANSFER THEORY AND PRACTICE

Presenter:

Jessica Willis, Special Counsel for Forensics, PDS Trial Division

The government's DNA expert is merely interpreting the data developed from testing—she cannot tell the jury how DNA ended up on an object. So what are the ways that DNA can end up on a surface and what factors affect the likelihood of indirect transference? Could your client's DNA be transferred to an item with no direct contact between your client and the object? This session will discuss different forms of indirect DNA transfer that will help you defend against the claim that your client actually touched, moved, or handled the weapon and/or other incriminating evidence. Come learn all about the innocent ways that your client's DNA may be deposited on an item of evidence.

Thursday, March 26, 2020

5:30 p.m. to 7:30 p.m.

YOU HAVE EVIDENCE OF SELF-DEFENSE, BUT THE JUDGE WON'T LET IT IN – NOW WHAT? THE INTRICACIES OF THE LAW OF SELF-DEFENSE

Presenter:

Ronald Resetarits, Staff Attorney, PDS Trial Division

This session will examine the legal and evidentiary differences between complete self-defense and imperfect self-defense, as well as the circumstances in which your client could be denied a self-defense jury instruction. Other aspects of self-defense also will be discussed, including the admissibility of the complainant's or decedent's reputation, and/or prior violent acts. Lastly, a client with a past felony conviction may be reluctant to mount a self-defense case when the weapon is a firearm because of his or her exposure to the serious charge of felon in possession of firearm even if acquitted on the alleged assaultive conduct. Particular attention will be paid to corollary defenses where this circumstance is of concern.

To learn more about this training program, current CJA Panel attorneys may register directly at www.CJADC.org. All others please register at www.PSDDC.org.
Registration closes on March 6, 2020.

All sessions are free. Evening sessions will begin promptly at 5:30 p.m. The doors to the building will close at 6:00 p.m. Participants arriving after that time will not be granted entrance.

All sessions will run for two (2) hours. D.C. Superior Court CLE credit will be authorized accordingly.

Claire T. Roth, Program Chair

Marlene Morris, Program Manager

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