

### Course Instructor:

The instructor of this course is Professor Matt Woodham, Assistant Professor of Law and Interim Director of Advocacy Programs.

My office hours are Fridays from 11:00 a.m. to 12:00 p.m. Students are also free to come by my office any time the “please knock” sign is showing next to my door. If students expect to need a lengthy meeting, please reach out to be by email at [mwoodham@samford.edu](mailto:mwoodham@samford.edu) to schedule an appointment.

### Course Description:

This course will prepare students to advocate for both the Defense and the State in an Alabama criminal case. Students will advocate for each side, beginning with the initial arrest of the Defendant and will continue through all phases of a criminal case up to and including probation violations. Advocacy will be conducted as it is in practice: in writing through motions exercises and orally through mock courtroom exercises.

### Required Course Materials:

**Required:** Alabama Rules of Evidence, Alabama Rules of Criminal Procedure, Alabama Criminal Pattern Jury Instructions, Alabama Sentencing Guidelines and Manual, and mock case files. All materials will be provided to students electronically.

### Student Learning Objectives:

This course will arm students with a fundamental understanding of some of the most common criminal offenses charged in Alabama as well as the advocacy objectives in every non-trial stage of criminal litigation. Our class will begin at the arrest of a criminal defendant and will proceed through each subsequent phase, including bond advocacy, preliminary hearings, competency litigation, sentencing, and probation violations. The course will be experiential. In other words, students’ knowledge of the following will not be simply analytical or theoretical—students will put these lessons into practice, as you will have to upon graduating. Skills we will cover in this course include but are not limited to:

- Analyzing charging instruments. Identifying defects and how (and whether) they can be fixed.
- Recognizing applicable ranges of punishment and the procedure for invoking one versus another.

- Counseling clients for defense attorneys and victim coordination for prosecutors. Applying the information obtained in these communications in negotiation exercises.
- Understanding the framework for Alabama’s bond schedule and utilizing those principles in advocating for or against bond reductions.
- Understanding the differences in procedure between preliminary hearings, probation revocation hearings, and trial. Applying those principles in mock hearings.
- Understanding the different types of mental evaluations that can be requested and by whom. Advocating for each party in competency hearings.
- Understanding principles of Alabama’s sentencing scheme and utilizing those principles in mock sentencing hearings.
- Analyzing ethical responsibilities specific to defense attorneys and to prosecutors.
- Advocating for the granting or denial of youthful offender status, probation, or community corrections sentences. For prosecutors, recognizing when non-opposition may serve the ends of justice.

**Instructional Method and Learning Strategies:**

This course is organized into topical modules. In each module, students will be engaged in active learning including problem-based learning.

Students should complete the assigned reading and online module activities before the class meeting except as noted otherwise.

**Course Outline/Schedule:**

Date/Week	Topics	Learning Activities	Module Learning Objectives
<p><b>Week 1</b> <b>Class 1</b></p>	<p><b>Module 1:</b> Introduction to Alabama Criminal Procedure: A 1000-foot view of the process as a whole. And what are your first steps?</p>	<ul style="list-style-type: none"> <li>• Log on to Canvas and review Syllabus and Introduction</li> <li>• NOTE: “Learning activities” are assignments or readings that must be completed prior to class. Some learning activities require the writing and submission of motions or other exercises. These written assignments are considered “late” if not submitted prior to the class to which the “Learning Activity” is tied. For example, preliminary hearing and bond</li> </ul>	<p>Upon completion of this module the learner will be able to understand:</p> <ul style="list-style-type: none"> <li>• Issues with the charging instrument. How to fix issues if there are any. Rules 2 and 3.</li> <li>• How the criminal process begins and what to expect after arrest.</li> </ul>

		<p>motions must be submitted prior to the beginning of Class 4. The late policy is further detailed below in the “Assignment” section.</p> <ul style="list-style-type: none"> <li>• Read all materials provided in Module 1 on Canvas prior to the first class.</li> </ul>	
<p><b>Week 1 Class 2</b></p>	<p><b>Module 2:</b> Felony Practice in District Court: Overview with focus on preliminary hearings</p>	<ul style="list-style-type: none"> <li>• Read provided Rules and case re: discovery in preliminary hearings in Canvas.</li> </ul>	<p>Upon completion of this module the learner will be able to:</p> <ul style="list-style-type: none"> <li>• Understand the jurisdiction of a District Court with respect to felonies.</li> <li>• Understand how prelims are conducted and the goals of each party. <ul style="list-style-type: none"> <li>○ Burden of proof. Consequences of no PC or PC finding. Rules 5.3 and 5.4.</li> <li>○ Objections to beyond the scope of probable cause.</li> </ul> </li> </ul>
<p><b>Week 2 Class 3</b></p>	<p><b>Module 2 cont.:</b> Bond Principles and Advocacy</p>	<ul style="list-style-type: none"> <li>• Read cases re: bond on Canvas.</li> <li>• Read provided casefiles and be prepared to discuss. Conduct all necessary research to determine what must (or must not) be proven at the preliminary hearing.</li> </ul>	<p>Upon completion of this module the learner will be able to:</p> <ul style="list-style-type: none"> <li>• Articulate how and whether a bond can be changed.</li> <li>• Understand the various types of pre-trial release conditions.</li> </ul>

<p><b>Week 2</b> <b>Class 4</b></p>	<p><b>Module 2</b> <b>cont.:</b> Mock Preliminary &amp; Bond Hearings</p>	<ul style="list-style-type: none"> <li>• Draft and submit motions for preliminary hearings (defense only) and motions for bond reductions (defense) or in opposition (State).</li> <li>• Prepare for mock preliminary hearing and motion on bond reduction.</li> </ul>	<p>Upon completion of this module the learner will be able to:</p> <ul style="list-style-type: none"> <li>• Conduct a preliminary hearing.</li> <li>• Appropriately examine witnesses.</li> <li>• Make proper objection(s).</li> <li>• Recognize and articulate legal issues with respect to probable cause.</li> </ul>
<p><b>Week 3</b> <b>Class 5</b></p>	<p><b>Module 3:</b> Misdemeanor Practice in District Court</p>	<ul style="list-style-type: none"> <li>• Read all materials in Module 3 on Canvas.</li> </ul>	<p>Upon completion of this module the learner will be able to:</p> <ul style="list-style-type: none"> <li>• Analyze the elements of commonly charged misdemeanor offenses.</li> <li>• Understanding collateral consequences of convictions for some offenses.</li> </ul>
<p><b>Week 3</b> <b>Class 6</b></p>	<p><b>Module 3</b> <b>cont.:</b> District Court Bench Trials</p>	<ul style="list-style-type: none"> <li>• Be prepared to discuss legal and factual issues in misdemeanor casefiles.</li> <li>• Conduct any research necessary for suppression issues.</li> </ul>	<p>Upon completion of this module the learner will be able to:</p> <ul style="list-style-type: none"> <li>• Prepare for and advocate in a bench trial.</li> <li>• Present and argue a motion to suppress in a bench trial.</li> <li>• Prepare for and present sentencing arguments.</li> </ul>

<b>Week 4 Class 7</b>	<b>Module 3 cont.</b>  Mock Bench Trials	<ul style="list-style-type: none"> <li>• Prepare for bench trial.</li> <li>• File any necessary motions.</li> </ul>	<p>Upon completion of this exercise, the learner will be able to:</p> <ul style="list-style-type: none"> <li>• Apply lessons from last class in practice.</li> </ul>
<b>Week 4 Class 8</b>	<b>Module 4:</b> Circuit Court Pre-Trial Practice: Sentencing Guidelines Overview	<ul style="list-style-type: none"> <li>• Read provided materials on Alabama Sentencing Guidelines.</li> </ul>	<p>Upon completion of this module the learner will be able to:</p> <ul style="list-style-type: none"> <li>• Understand arraignment.</li> <li>• Recognize the necessary form of an indictment.</li> <li>• Understand the principles of the Alabama Sentencing Guidelines.</li> </ul>
<b>Week 5 Class 9</b>	<b>Module 4 cont.</b>  Presumptive Sentencing Guidelines	<ul style="list-style-type: none"> <li>• Read Presumptive Sentencing Guidelines Manual pp. 14-40</li> <li>• Bring a laptop to class. If you do not have a laptop, tell Prof. Woodham prior to class, and he will supply you with an iPad.</li> </ul>	<ul style="list-style-type: none"> <li>• Diagnose whether an offense is governed by the guidelines.</li> <li>• Determine what the range of punishment is under the guidelines.</li> </ul>
<b>Week 5 Class 10</b>	<b>Module 4 cont.:</b>  Voluntary Sentencing Guidelines	<ul style="list-style-type: none"> <li>• Review Guidelines manual pp. 14-40.</li> <li>• Bring a laptop to class. If you do not have a laptop, tell Prof. Woodham prior to class, and he will supply you with an iPad.</li> </ul>	<p>Upon completion of this module the learner will be able to:</p> <ul style="list-style-type: none"> <li>• Apply the same principles to the VSG's.</li> </ul>

<p><b>Week 6 Class 11</b></p>	<p><b>Module 5:</b> Non-Guidelines Sentencing Schemes</p>	<ul style="list-style-type: none"> <li>• Read provided materials on HFOA and Alabama Split Sentencing Act.</li> <li>• Read provided sections of the Alabama Sentencing Guidelines Manual</li> <li>• Complete Sentencing Quiz (due 1 hour before next class)</li> </ul>	<p>Upon completion of this module the learner will be able to:</p> <ul style="list-style-type: none"> <li>• Recognize the procedure for “aggravating” or “mitigating” from the guidelines.</li> <li>• Recognize the applicable range of punishment if the Court does so.</li> </ul>
<p><b>Week 6 Class 12</b></p>	<p><b>Module 6:</b> Client Counseling and Negotiation</p>	<ul style="list-style-type: none"> <li>• Read provided materials on client counseling and prosecutors’ statutory obligations to victims and/or victim representatives.</li> </ul>	<p>Upon completion of this module the learner will be able to:</p> <ul style="list-style-type: none"> <li>• Prepare necessary information prior to meeting with a client or victim.</li> <li>• Effectively convey information to a client or victim.</li> <li>• Recognize ethical and practical obligations of a prosecutor to victim.</li> </ul>
<p><b>Week 7 Class 13</b></p>	<p><b>Module 6 cont:</b> Mock Client Counseling</p>	<ul style="list-style-type: none"> <li>• Prepare for client counseling exercise.</li> </ul>	<p>Upon completion of this module the learner will be able to:</p> <ul style="list-style-type: none"> <li>• Apply skills from last class in client counseling exercise.</li> </ul>
<p><b>Week 7 Class 14</b></p>	<p><b>Module 6 cont.:</b> Negotiation</p>	<ul style="list-style-type: none"> <li>• Read provided materials on negotiation.</li> </ul>	<p>Upon completion of this module the learner will be able to:</p>

			<ul style="list-style-type: none"> <li>• Combine information obtained from client (for defense) and victim/supervisor (prosecutors) with knowledge of sentencing schemes to craft proposed settlements.</li> <li>• Recognize leverage in negotiation.</li> </ul>
<p><b>Week 8</b> <b>Class 15</b></p>	<p><b>Module 6</b> <b>cont.:</b> Mock Negotiations</p>	<ul style="list-style-type: none"> <li>• Review the negotiation exercise materials and prepare to negotiate with opposing counsel.</li> </ul>	<p>Upon completion of this module the learner will be able to:</p> <ul style="list-style-type: none"> <li>• Recognize when you may need to re-confer with client/supervisor about more settlement authority.</li> <li>• Justify settlement authority expansion based on outcome of negotiation exercise.</li> </ul>
<p><b>Week 8</b> <b>Class 16</b></p>	<p><b>Module 7:</b> Settlement</p>	<ul style="list-style-type: none"> <li>• Review provided example settlement paperwork.</li> <li>• Bring notes on the settlement that you reached in the negotiation exercise. In class, you will prepare appropriate settlement paperwork, and you will enter a plea.</li> </ul>	<p>Upon completion of this module the learner will be able to:</p> <ul style="list-style-type: none"> <li>• Understand different types of pleas.</li> <li>• Meet obligations when a plea is taken.</li> <li>• Understand procedure after different types of pleas.</li> </ul>

<p><b>Week 9</b> <b>Class 17</b></p>	<p><b>Module 8:</b> Competency and Mental State at the Time of the Offense</p>	<ul style="list-style-type: none"> <li>• Read provided materials re: competency.</li> </ul>	<p>Upon completion of this module the learner will be able to:</p> <ul style="list-style-type: none"> <li>• Distinguish between the two types of mental evaluations that may be requested in criminal cases.</li> <li>• Articulate the appropriate standard.</li> <li>• Advocate for a finding of competency or incompetency.</li> </ul>
<p><b>Week 9</b> <b>Class 18</b></p>	<p><b>Module 8 cont.:</b> Competency Cont.</p>	<ul style="list-style-type: none"> <li>• Complete Competency/NGRI Canvas Quiz</li> </ul>	<p>Upon completion of this module the learner will be able to:</p> <ul style="list-style-type: none"> <li>• Perform a mock competency hearing.</li> <li>• Make appropriate arguments at the conclusion of the hearing.</li> </ul>
<p><b>Week 10</b> <b>Class 19</b></p>	<p><b>Module 9:</b> Sentencing and Post Conviction Motions Practice</p>	<ul style="list-style-type: none"> <li>• Read provided statutes re: sentencing and example sentencing memoranda.</li> <li>• Read provided examples of post-conviction motions.</li> </ul>	<p>Upon completion of this module the learner will be able to:</p> <ul style="list-style-type: none"> <li>• Recognize what motions must be filed post-conviction.</li> <li>• Prepare appropriate documentation for sentencing.</li> <li>• Understand the procedure and policy issues at play in sentencing.</li> </ul>



<p><b>Week 10</b> <b>Class 20</b></p>	<p><b>Module 9</b> <b>cont.:</b> Sentencing Hearing Exercise</p>	<ul style="list-style-type: none"> <li>• Prepare for sentencing hearing.</li> </ul>	<p>Upon completion of this module the learner will be able to</p> <ul style="list-style-type: none"> <li>• Articulate appropriate range(s) of punishment and sentencing policy issues that support your party's position.</li> <li>• Advocate for a sentence that your client/boss has instructed you to.</li> </ul>
<p><b>Week 11</b> <b>Class 21</b></p>	<p><b>Module 9</b> <b>cont.:</b> Review</p>	<ul style="list-style-type: none"> <li>•</li> </ul>	
<p><b>Week 11</b> <b>Class 22</b></p>	<p><b>Module 10:</b> Probation Violations</p>	<ul style="list-style-type: none"> <li>• Read provided caselaw re: probation violations.</li> </ul>	<p>Upon completion of this module the learner will be able to:</p> <ul style="list-style-type: none"> <li>• Recognize different types of probation violations and the ranges of punishment for each.</li> <li>• Understand the procedure of a probation revocation hearing.</li> <li>• Recognize evidentiary differences between revocation hearings and trial.</li> </ul>
<p><b>Week 12</b> <b>Class 23</b></p>	<p><b>Module 10</b> <b>cont.:</b> Probation Revocations cont.</p>	<ul style="list-style-type: none"> <li>• See above</li> </ul>	<p>Upon completion of this module the learner will be able to:</p> <ul style="list-style-type: none"> <li>• Advocate in a probation revocation hearing.</li> </ul>
<p><b>Week 12</b> <b>Class 24</b></p>	<p><b>Module 10</b> <b>cont.:</b></p>	<ul style="list-style-type: none"> <li>• Prepare for probation revocation hearing.</li> </ul>	<p>See Class 22.</p>

	Probation Revocation Hearing Exercise		
<b>Week 13</b> <b>Class 25</b>	<b>Module 11:</b> Ethical Issues	<ul style="list-style-type: none"> <li>• Read provided caselaw re: defense counsel obligation to client in trial.</li> <li>• Read provided caselaw re: prosecutor's <u>Brady</u> obligations.</li> </ul>	<p>Upon completion of this module the learner will be able to:</p> <ul style="list-style-type: none"> <li>• Recognize and avoid ethical violations.</li> <li>• Appropriately communicate with client/supervisor/victim to accomplish the same.</li> </ul>
<b>Week 13</b> <b>Class 26</b>	<b>Module 11</b> <b>cont.:</b> Youthful Offender	<ul style="list-style-type: none"> <li>• Complete ethics Canvas Quiz.</li> <li>• Read provided materials from Module 11.</li> </ul>	<p>Upon completion of this module the learner will be able to:</p> <ul style="list-style-type: none"> <li>• Identify defendants who are eligible for youthful offender status.</li> </ul> <p>Recognize and advocate for or against granting youthful offender status.</p>
<b>Week 14</b> <b>Class 27</b>	<b>Module 12:</b> Youthful Offender Application Hearing Exercise	<ul style="list-style-type: none"> <li>• Prepare for YO application hearing.</li> </ul>	<ul style="list-style-type: none"> <li>• See above.</li> </ul>
<b>Week 14</b> <b>Class 28</b>	<b>Module 13:</b> Diversion Programs	<ul style="list-style-type: none"> <li>• Read provided materials on Canvas from Module 13.</li> </ul>	<p>Upon completion of this module the learner will be able to:</p> <ul style="list-style-type: none"> <li>• Recognize benefits and issues posed by diversion programs.</li> </ul>

			<ul style="list-style-type: none"> <li>• Understand and explain the same to clients and victims.</li> <li>• Be familiar with different types of diversion programs.</li> </ul>
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## Course Activities, Assessments, & Interactions

This course consists of a sequence of activities, assessments, and interactions to support you in achieving the Student Learning Objectives for this course. You will engage in readings, periodic activities, group discussions, quizzes, projects, and exams. The primary course artifacts required to achieve the Student Learning Objectives are described below.

### Course Participation

You will be an active participant in this class by analyzing, constructing, and evaluating information presented through readings, videos, class discussion, and class activities and exercises. Students must complete good faith attempts at hypotheticals, group discussions with his/her study group, practice essays, and class exercises and activities to achieve course learning objectives.

### Final Exam

The student will demonstrate mastery of substantive law and competency in legal analysis and reasoning skills on criminal law.

### Grading:

The following chart shows the activities that contribute to a student's grade:

ACTIVITY	PERCENTAGE
<b>Written Exercises</b>	<b>30%</b>
<b>Experiential Exercises</b>	<b>70%</b>
<b>TOTAL</b>	<b>100%</b>