

2025 FEDERAL CRIMINAL DEFENSE PRACTICE SEMINAR
EASTERN DISTRICT OF NORTH CAROLINA
Beaufort, NC

AGENDA

Thursday, October 23, 2025

8:00-9:00 **REGISTRATION/PROGRAM CHECK IN (SIGN IN)**

8:45-9:00 **WELCOME AND FPD REMARKS AND UPDATES**

Alan DuBois, Federal Public Defender, Office of the Federal Public Defender for the Eastern District of North Carolina, Raleigh, NC
(.25 General CLE)

9:00-10:00 **EVOUCHER UPDATE**

Emily Meyers Munn, Esquire, CJA Case Budgeting Attorney, US Courts of the Fourth Circuit, Richmond VA

An overview of the current budget outlook; obtaining service providers for criminal cases, case budgeting for capital and non-capital cases, effective billing practices for federal court.
(1.0 General Credit Hour)

10:00-10:15 **BREAK**

10:15-11:15 **HOW CAN WE HELP?**

Alicia Penn, Consultant, National Litigation Support, Defender Services, Training Division, Charleston, SC

Reviewing discovery is no longer as simple as reading printed pages. Discovery now comes in all shapes, sizes and formats. The challenge begins with knowing how to access all of the data and continues with learning the tools necessary for organization and review. The National Litigation Support Team (NLST) is a national resource whose mission is to support CJA panel attorneys and Federal Defender Organizations in all aspects of eDiscovery management. This session will provide an overview of how we can help you with your appointed case. From direct assistance to leveraging nation contracts for hosted review platforms to Coordinating Discovery Attorneys, the NLST is here for you.
(1.0 Technology Credit Hour)

11:15-12:15 **IMMIGRATION ENFORCEMENT & DEFENSE:
REPRESENTING FOREIGN-BORN CITIZENS**

Sebastian Kielmanovich, Managing Attorney, Triangle Immigration & Criminal Defense, Raleigh, NC

Over the past years, immigration law and criminal law have increasingly merged. On the one hand, federal prosecutions for immigration offenses continue to substantially increase. On the other hand, criminal convictions (either state or federal for non-immigration offenses) can have devastating effects on a client's immigration status. Ultimately, the convergence becomes evident with the historical expansion of deportable crimes and hyperactive multi-agency immigration enforcement collaboration. Criminal defense attorneys must have an understanding of immigration law when representing foreign-born citizens. This session will provide an overview of how to identify significant immigration issues in different contexts.

(1.0 General Credit Hour)

12:15-1:45 ***LUNCH BREAK – ON YOUR OWN***

1:45-2:45 **CHALLENGING DRUG PREDICATES: ARMED CAREER CRIMINAL ACT, SECTION 851 ENHANCEMENTS, CAREER OFFENDER, AND MORE**

Pareesh Patel, Appellate Chief at the Office of the Federal Public Defender for the District of Maryland

Our clients' prior drug convictions often expose them to draconian federal sentencing enhancements under the ACCA, Section 851, and Career Offender provisions. This session will focus on the most effective ways of preventing these drug priors from becoming predicates under these recidivist sentencing enhancements.

(1.0 General Credit Hour)

2:45-3:00 ***BREAK***

3:00-5:00 **ARE YOU OK? EDNC SPECIFIC ETHICAL ISSUES AND HOW TO GET THROUGH THEM**

Ed Gray, Assistant Federal Public Defender, Office of the Federal Public Defender for the Eastern District of North Carolina, Raleigh, NC

The criminal practice within the EDNC is a stressful one but does not have to be a perilous one. This lesson will cover common ethics issues we deal with in the EDNC courts. It will also focus on what you can do to make sure the stress doesn't take you out. Get ready for

two hours of gallows humor and learning as we prepare our selves for an ethical and effective practice of law in the EDNC.
(2.0 Ethics Credit Hours)

Friday, October 24, 2025

8:00-9:00 **PROGRAM CHECK IN/SIGN IN FOR DAY TWO SESSION**

9:00-9:15 **PANEL ISSUES AND PANEL UPDATES**

Kelly Dagger, CJA Panel Representative, Ellis and Winters, Raleigh, NC

(.25 General Credit Hour)

9:15-10:15 **HOW TO WIN A SELECTIVE ENFORCEMENT CLAIM: A CASE EXAMPLE FROM VIRGINIA**

Laura Koenig, Assistant Federal Public Defender, Eastern District of Virginia

In selective enforcement cases, the party challenging prosecution carries a heavy burden. They must show discriminatory effect and discriminatory intent in order to prove that the police targeted a person because of their race, ethnicity, or other impermissible factor. So how do you prove a selective enforcement claim based on the police selectively stopping black drivers, for example? This session will discuss how to investigate, develop, and present a winning selective enforcement claim, including use of experts to prove discriminatory effect and discriminatory purpose.

(1.0 General Credit Hour)

10:15-10:30 **BREAK**

10:30-11:30 **GOVERNMENT BREACHES OF PLEA AGREEMENTS: CASE LAW AND REMEDIES**

Raymond Tarlton, Attorney, Tarlton Law PLLC, Raleigh, NC

The Supreme Court has recognized that federal court involving criminal charges has become a system largely dependent on plea agreements. In order to give a meaningful benefit to the accused to waive their important constitutional rights, including the right to a jury trial, the Government will often enter into stipulations with the defense in its plea agreements on various sentencing Guidelines issues, including offense level enhancements, role in the offense, use in court of partially immunized debriefs (including pre-indictment proffer or “Queen for a Day” letter agreements) of the accused, and

the structure for earning a potential Government motion for a downward departure due to providing substantial assistance to Government investigations. Usually, these stipulations are not binding on the district court, but the Government's recommendations carry enough weight that they can be a meaningful benefit that the defense bargains for. However, through other sentencing submissions, arguments or presentations, the Government can undercut, or sometimes even explicitly repudiate, its own plea agreement stipulations or proffer letter agreements in a way that causes the district court to upend the defense's reasonable sentencing expectations when fashioning the ultimate sentence imposed. This presentation will seek to survey the case law in the Supreme Court, Fourth Circuit, and some other circuits, on theories of explicit and indirect breaches of a plea agreement (or other agreements) by the Government, preservation of those issues, appellate review standards when the issue is not preserved, and remedies such as a specific performance for sentencing before a different judge or the more mysterious remedy of when the accused would be allowed to withdraw from their plea agreement and start from ground zero. (1.0 General Credit Hour)

11:30-1:00 ***LUNCH BREAK (ON YOUR OWN)***

1:00-2:30 **SUPREME COURT UPDATES/4CCA UPDATES**

Jenny Leisten, Assistant Federal Public Defender, Appellate Division, Eastern District of North Carolina, Raleigh, NC

Andy DeSimone, Assistant Federal Public Defender, Appellate Division Eastern District of North Carolina, Raleigh, NC

The Supreme Court and Fourth Circuit update highlights relevant appellate criminal law decisions published between April 2025 and October 2025, with guidance to practitioners as to how these decisions may be used to benefit clients. We will also preview cases of note coming before the Supreme Court in the October 2025 term.

(1.5 General Credit Hour)

2:30-2:45 ***BREAK***

2:45-4:15 **IMPROVING HEALTHSPAN AND LONGEVITY FOR LAWYERS**

Taylor Pope, DPT, and

Caroline Pope, MS, RD, LDN, Owners, Chain Effect Physical Therapy & Performance Enhancement, Raleigh, NC

Long hours, travel, and client demands may drive lawyers to make poor choices for their own health. Lawyers are trained to put their own needs aside to serve their clients. But sacrificing activity, nutritious food, and restful sleep makes us sick. Your own habits can make it harder for you to serve your clients. We are bombarded with health advice every day, but much of it is conflicting and overwhelming. Our presentation will focus on simple, realistic steps lawyers can take to care for themselves and improve their health span and longevity. We will delve into recent findings on how you can actively work to lower your risk of chronic disease and optimize your health. In particular, we will discuss the connection between insulin resistance and chronic disease, and how research suggests that improving insulin sensitivity can improve your overall health—and in turn, your ability to balance your law practice with your own well-being. You will learn about the science behind what makes us sick and how you can use actionable holistic strategies and leverage newly available and inexpensive technology to take better care of yourself. (1.5 Professional Well Being Credit Hour)

4:15 **CLOSING REMARKS AND ADJOURN**

Alan DuBois, Federal Public Defender, Office of the Federal Public Defender for the Eastern District of North Carolina, Raleigh, NC

****8.0 General CLE hours (including Technology), 1.5 Professional Well Being CLE Hours, and 2.0 Ethics CLE Hours****