

2023 FEDERAL CRIMINAL DEFENSE PRACTICE SPRING SEMINAR
EASTERN DISTRICT OF NORTH CAROLINA
McKimmon Center – Raleigh NC

AGENDA

Friday, April 28, 2023

8:00-8:30 **REGISTRATION**

8:30-8:45 **WELCOME**

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

8:45-10:45 **PROSECUTORIAL MISCONDUCT AND INEFFECTIVE ASSISTANCE OF COUNSEL - ETHICS**

Megan Hoffman, *Assistant Federal Public Defender, Appellate Division, Office of the Federal Public Defender for the Western District of North Carolina*

Jared P. Martin, *Assistant Federal Public Defender, Appellate Division, Office of the Federal Public Defender for the Western District of North Carolina*

When our clients plead guilty, the terms of the plea agreements waive nearly all appellate rights except for claims of Prosecutorial Misconduct and Ineffective Assistance of Counsel. Why are these two claims the exception? This session will discuss both our ethical responsibilities to be diligent and effective defense counsel, and it will address the prosecutors' responsibilities to perform their duties in an ethical manner. We will provide examples of cases in which prosecutorial misconduct and ineffective assistance of counsel claims were made (and successful).

(2.0 Ethics Credit Hour)

10:45-11:00 BREAK

11:00-12:00 **SENTENCING DATA FOR DEFENDERS**

Tina Woehr, *Attorney, National Sentencing Resource Counsel*

Allison Bruning, *Data Analyst, National Sentencing Resource Counsel*

This session will give participants an overview of USSC sentencing data resources and ways to utilize them to enhance defense advocacy. We will discuss the JSIN and IDA online data tools, as well as the SRC Sentencing Data Excel Worksheet resource, available exclusively to FPD and CJA practitioners. By the end of the session, attendees will be familiar with the capabilities and limitations of these tools, as well as how these tools may affect defense strategies at sentencing (and beyond).

(1.0 General Credit Hour)

12:00-1:15 LUNCH BREAK – ON YOUR OWN

- 1:15-2:15 **YOUR STEPS IN 3 STEPS: GEOFENCE WARRANTS & LOCATION HISTORY**
Spencer McInville, *Digital Forensic Examiner, Envista Forensics, Raleigh, NC*
This presentation will educate the legal professionals on this novel search technique being used more commonly today. The presentation will discuss the shortcomings of the warrant language, underlying technology issues and how to defend against the warrant. We will discuss suppression issues and the details that are omitted from the Magistrate approving the warrant. The presentation will prepare legal professionals to litigate this unprecedented search method.
(1.0 Tech Credit Hour)
- 2:15-2:30 **BREAK**
- 2:30-3:30 **TRAUMA INFORMED PRACTICE SKILLS**
Macon Hollister, *Mitigation Specialist, Office of the Federal Public Defender for the Eastern District of North Carolina*
Kristen Anderson, *Mitigation Specialist, Office of the Federal Public Defender for the Eastern District of North Carolina*
The experience of trauma and adverse childhood experiences (ACEs) among the communities we serve is pervasive. It is crucial as public defenders that we understand how trauma and ACEs have impacted our clients, how these experiences and their impact may surface in the course of our representation, and to practice in a trauma informed way that is responsive to our client's histories and current situations. This presentation will give an introduction to the neuroscience of trauma and its impact, including an overview of diagnosable trauma disorders. It will then offer practical techniques in trauma informed interviewing, de-escalation, and grounding.
(1.0 General Credit Hour)
- 3:30-4:30 **4CCA/SUPREME COURT UPDATES**
Eric Brignac, *Chief Appellate Attorney, Office of the Federal Public Defender for the Eastern District of North Carolina, Raleigh, NC*
Andy DeSimone, *Assistant Federal Public Defender, Office of the Federal Public Defender for the Eastern District of North Carolina, Raleigh, NC*
The Supreme Court update highlights relevant appellate criminal law decisions published between October 2022 and April 2023, with guidance to practitioners as to how these decisions may be used to benefit clients.
(1.0 General Credit Hour)
- 4:30-4:45 **CLOSURE**
Alan DuBois, *Federal Public Defender, Office of the Federal Public Defender for the Eastern District of North Carolina, Raleigh, NC*

3.0 General CLE hours, 2.0 Ethics CLE Hours and 1.0 Technology CLE hour*