

2024 FEDERAL CRIMINAL DEFENSE PRACTICE SPRING SEMINAR
EASTERN DISTRICT OF NORTH CAROLINA
McKimmon Center – Raleigh NC

Friday, May 17, 2024

8:00-8:30 **REGISTRATION – SIGN IN**

8:15-8:30 **WELCOME, PANEL UPDATES AND ANNOUNCEMENTS**

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

8:30-9:30 **RAISE THE AGE EXPUNGEMENTS: SHAVE MONTHS AND EVEN YEARS OFF YOUR CLIENT’S SENTENCE**

David Wicclair, *Assistant Federal Public Defender, Office of the Federal Public Defender for the Eastern District of North Carolina, Raleigh, NC*
Meghan Martie, *Restorative Justice Project Director, North Carolina Pro Bono Resource Center, Raleigh, NC*

Many of our clients have adult convictions from when they were 16 or 17 years old that can be used to raise their criminal history category, or worse, subject them to draconian sentencing enhancements. But did you know that some of these convictions can be expunged and that our clients can be spared serving extra months or even years? For the past two years, the Pro Bono Recourse Center (PBRC) has assisted FPD clients with expunging eligible convictions with stellar results including reduced guidelines for more than two dozen clients and at least one client escaping the Armed Career Criminal Act enhancement.

Effective immediately, the PBRC is happy to assist with expungements for **both** FPD and CJA panel clients. This presentation will begin by providing an overview of the expungement law and what offenses qualify and are excluded. We will then discuss how to identify clients who will benefit from expungement early in the federal case. We will end the presentation by showing you how to go about requesting assistance from the PBRC and providing information about the expungement timeline.
(1.0 General Credit Hour)

9:30-10:30 **4CCA/SUPREME COURT UPDATES**

Jeremy Thompson, *Assistant Federal Public Defender, Office of the Federal Public Defender for the District of South Carolina*

Kimberly Albro, *Assistant Federal Public Defender, Office of the Federal Public Defender for the District of South Carolina*

The 4th Circuit and Supreme Court update highlights relevant appellate criminal law decisions published between October 2023 and May 2024, with guidance to practitioners as to how these decisions may be used to benefit clients.
(1.0 General Credit Hour)

10:30-10:45 BREAK

10:45-11:45 **U.S. SENTENCING GUIDELINES UPDATES**

Jessica C. Collins, *Senior Attorney - Training, Office of Education and Sentencing Practice, United States Sentencing Commission, Washington, DC*

A representative of the U.S. Sentencing Commission will provide an overview of Commission; discuss the Commission’s 2024 policy priorities, including newly

promulgated guidelines amendments; and review resources available on the Commission's website, as well as national and district sentencing data.
(1.0 General Credit Hour)

11:45-1:00 **LUNCH BREAK – ON YOUR OWN**
Please SIGN IN for afternoon session

1:00-2:30 **IDENTIFYING AND LITIGATING FOURTH AMENDMENT ISSUES IN THE DISTRICT COURT**

Ann Hester, Assistant Federal Public Defender, Office of the Federal Public Defender for the Western District of North Carolina

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

This presentation will focus on issue-spotting Fourth Amendment issues in the district court and preserving them for appeal to the Fourth Circuit. We will discuss law-enforcement shenanigans that lawyers should be on the lookout for when reviewing discovery, favorable Fourth Circuit precedent that you can use to your advantage when litigating Fourth Amendment issues in the district court, why raising these issues can work to your benefit in client management and plea negotiations, and how to preserve your arguments for appellate review in the event that you lose in the district court.
(1.5 General Credit Hour)

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

2:45-3:45 **ARTIFICIAL INTELLIGENCE AND CRIMINAL DEFENSE PRACTICE IN 2024**

Kelly Dagger, Trial and Appellate Attorney, Ellis & Winters, Raleigh, NC

This presentation will focus on an emerging aspect of information technology—artificial intelligence (AI), including generative AI—and how criminal defense lawyers can adapt to, understand, use, and defend against the misuse of AI in their cases. We will start by understanding and analyzing legal definitions of AI, and exploring how generative AI differs from traditional AI. We will discuss some of the basic benefits and pitfalls of using AI to facilitate the practice of law, including how criminal defense lawyers can use AI tools to improve the quality of their representation and what lawyers must do to avoid ethical and practical issues associated with substituting machine intelligence for their own professional judgment. We will cover the key provisions of President Biden's 2023 executive order on AI and recent developments in the Department of Justice suggesting that AI will become increasingly relevant to criminal prosecutions. Finally, we will review some of the concerns that law enforcement and prosecutorial use of AI may raise in criminal defense practice and discuss how criminal defense lawyers might consider raising and preserving issues related to the improper use of AI.
(1.0 Technology Credit Hour)

3:45-4:00 **PANEL UPDATES AND CLOSURE**

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

6.0 General CLE hours INCLUDING 1.0 Technology CLE hour*