

**INNOCENCE INVESTIGATIONS (COURSE 6213 / SECTION 16452)
FALL 2024 SYLLABUS**

Professor Cassandra Jeu

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and by appointment

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Clinic instructors are always available by email or phone; emails and voice messages and will be returned as soon as possible. Students can schedule phone calls, Zoom meetings, and/or in-person meetings at a mutually amenable day/time. With respect to in-person meetings, unless students have scheduled a specific appointment, clinic instructors reserve the right to be out of the office at any time. Scheduled in-person meetings will follow UH's Covid-19 Guidelines and Protocols.

CLASS MEETINGS / ATTENDANCE, MODE OF INSTRUCTION, AND STUDENT WORKSPACE

Innocence Investigations is a face-to-face class held on Mondays from 4:00pm – 6:00pm in a room TBA. Pursuant to UHLC policy, students must attend at least 80% of all classes (*ie.* – students may miss three classes without penalty). Attendance will be kept by a weekly sign-in sheet. Nonadherence to UHLC's attendance policy will be reported to the Office of Student Affairs and may result in a lowering of a student's final grade, an incomplete in the class, or a failing grade. Any necessary make-up classes will be scheduled in accordance with UHLC policy.

The Texas Innocence Network (TIN) office is located at the John O'Quinn Law Building Clinic space on the first floor. Students may work in the Clinics space and use the phone/copier/scanner/fax machine/materials located in the Clinics space at their convenience.

COURSE INFORMATION

Innocence Investigations explores the substantive law, appellate procedure, investigative techniques, and post-conviction appellate remedies applicable in criminal cases. Lectures will cover topics such as: Texas criminal statutes, state/federal habeas law and procedure, clemency proceedings, investigative techniques, mitigation evidence, and trial strategy. In addition to attending lectures, students work on actual cases involving non-death penalty inmates. Students assess the viability of inmates' claims of actual innocence, investigate the claims by locating new, exculpatory evidence, and assist in providing post-conviction relief once innocence claims are verified.

ASSIGNED BOOKS AND/OR SUPPLEMENTAL MATERIALS

This course does not have a required casebook. Rather, class and case materials will be made available in class or online via email and/or Dropbox. Any original case documents *must* be returned by the end of the semester. Students are strictly forbidden from marking on anything found in the case file in any way (*e.g.* – writing, highlighting, etc.). Students may make copies of any original documents found in the case file and mark on the copies, as long as the copies are returned to TIN at the end of the end of the semester, along with the original case file(s).

CLASS PREREQUISITE

Completion of two semesters of law school plus completion of or current enrollment in Criminal Law.

LEARNING OBJECTIVES AND COURSE OUTCOMES

Through and as a result of this course, students will: (1) demonstrate knowledge and understanding of substantive and procedural law regulating lawyers' conduct in criminal trials and appeals; (2) analyze the fact-based investigations that led to criminal convictions and perform fact-based investigations pertaining to inmates' claims of actual innocence; (3) develop skills in legal analysis and reasoning, legal research, problem-solving, and written and oral communication related to post-conviction claims of actual innocence; (4) understand the proper professional and ethical responsibilities to clients and the legal system by all stakeholders in the criminal justice system; (5) reflect upon conceptions of professionalism and the lawyer's role in the criminal justice system and society; (6) recognize trends that will influence the future of criminal lawyers' work and the delivery of legal services; and (7) increase professional self-development.

RECORDING OF CLASSES

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

WEBCAMS

In the unlikely event that a remote option is permitted at any point during the semester, access to a webcam is required for students participating remotely in this course. Webcams must be turned on at all times to ensure that the student is participating in the class and, more important, that nobody else can listen to the case meetings, in order to protect confidentiality.

GRADING AND ASSESSMENT

Innocence Investigations is entirely graded; there is no pass/fail option available. Grading is non-anonymous. There is not a single assessment to evaluate overall performance at the end of the semester; rather, the student work performed throughout the semester provides a summative, cumulative assessment. A student's grade may be raised or lowered by one-third of a letter grade on the basis of class participation. A downward adjustment may be in order if a student is consistently unprepared for class or disrespectful to others during class lectures/presentations.

Grades in Innocence Investigations will be based on the quality of student casework performed during the semester. The quality of a student's investigation presentations, screener memos, investigation memos, and investigation assignments combine in order to determine a student's overall grade.

This course offers formative assessment at any time during the semester upon student request to provide feedback on student performance and competence. In other words, students may ask the instructors for feedback throughout the semester on any assignment. Requested feedback will be given after the assignment has been turned in and graded. For additional information regarding UHLC's official policies with respect to grading in general, please refer to the UHLC student handbook and/or official announcements that may occur throughout the semester.

CLASS PREPARATION / PARTICIPATION

Innocence Investigations students must prepare their case assignments prior to class and be ready to: present their assigned cases in class; discuss and answer questions about their assigned cases; and provide case updates on previously assigned cases. Each week, Professor Jeu will first ask if any student volunteers to present their assigned case(s). If not, Professor Jeu will randomly call on students to present their assigned case(s). Regardless of whether a student volunteers or is called upon, students must be familiar with their case files, so they are prepared to answer questions, in addition to present their cases.

USE OF COMPUTERS AND ELECTRONIC

Out of respect for other students and the class environment, during class sessions, computers/tablets are to be used only for note-taking purposes and for reference during a student's own investigation presentation. This prohibits computer/tablet use for internet surfing, chat rooms, e-mails, or other uses that are not related to class. Students are likewise prohibited from using their electronic devices to prepare for their own investigation presentations during other students' investigation presentations. We reserve the right to treat violations of this policy as either a lack of preparation, a constructive lack of attendance, or, in appropriate circumstances, as a class disruption. As a matter of courtesy, please ensure that all electronics (*e.g.* – watches, cel phones, etc.) are in a silent mode during class.

CONFIDENTIALITY AND ATTORNEY/CLIENT PRIVILEGE

As a reminder, Innocence Investigations students work on actual cases in a clinical setting. Students must remember that although confidentiality applies to their work, TIN instructors generally are not the defendants' attorney-of-record. All communications and work-product made during the intake, screening, and investigation process is akin to initial meetings/notes/work-product between a *potential* attorney and a *potential* client, performed *prior to* the parties entering into an official attorney/client relationship. Unless/until TIN locates/verifies evidence of actual innocence and agrees in writing to represent a defendant for the sole purpose of litigating an innocence claim, TIN and its agents do *not* have an attorney/client relationship with a defendant. This means that under *no circumstances* should students ever refer to inmates whose cases they are working on as "clients." Nor should students ever say that TIN "represents" an inmate. These words (and any derivatives thereof) contain an implication that an attorney/client relationship exists, which is not the case.

Regardless, any communications and work-product made during the intake, screening, and investigation process is covered by confidentiality. *Potential* clients have an expectation of and right to confidentiality during initial meetings with a *potential* attorney. Consequently, students are absolutely forbidden from: talking about cases with anyone who is not associated with the case or who is currently taking the class; posting anything about their work/the cases on social media; allowing people outside the class to view case materials; etc. To ensure confidentiality, students must take whatever action is necessary to ensure that no other individuals are able to overhear discussions regarding individuals' innocence claims or work performed on any cases (*e.g.* – making case-related phone calls in private, so that nobody can overhear the discussion). *If there are any questions regarding confidentiality and/or Attorney/Client Privilege, please contact Professor Jeu immediately.*

CLASS REQUIREMENTS

A total of 100 hours (including class time, meetings, etc.) must be spent on work performed for Innocence Investigations. As part of the required 100 hours, students must attend classes, complete case assignments/work, submit a timesheet in Excel format, and return all case files/materials. "Billing" takes place in .25/hour increments.

At any point in the semester, if a student foresees having difficulty reaching 100 hours, the student must contact Professor Jeu immediately. She will work with the student and UHLC Student Services

on reaching a mutually amenable situation that adheres to university requirements. Failure to complete 100 hours will result in an incomplete or failing grade. In addition to attending class and performing casework, students must adhere to the end-of-semester procedures found in this syllabus. ***Students' timesheets, case files, and all assignments are due by 3:00 pm on Monday, December 16, 2024.***

HONOR CODE

The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

ARTIFICIAL INTELLIGENCE (AI) POLICY

The use of artificial intelligence (AI) is prohibited in this course. Thus, using AI or AI-generated text for formal assessments (such as your midterm or final exams), informal assessments (such as drafting essay answers to hypothetical problems), extra credit assignments, or group or individual exercises and activities is not permitted. This prohibition includes any work product created for this course that is submitted to the instructor, a tutor, or presented in a class session. This prohibition applies whether the material is to be graded or ungraded. This prohibition applies whether the assessment, assignment, exercise, or activity is prepared in or outside of class. Your writings for this course are to be your own work composed without the aid of AI.

PREFERRED NAME(S) / PRONOUN(S) / PREFIX STATEMENT

Chosen names and preferred pronouns (including non-binary ones such as they/them/their) are respected in our classroom. Please feel free to reach out to Professor Jeu at any time if you want to make us aware of your chosen name, preferred pronoun, and/or a favored prefix; or if you have concerns about how we or your classmates address you. Any lapses made by your instructors should be attributed to failings of memory and/or honest mistake, as your chosen names and preferred pronouns are respected in this class.

TITLE IX/SEXUAL MISCONDUCT

Per the UHS Sexual Misconduct Policy, your instructor is a "responsible employee" for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

UH EMAIL

Please check and use your CougarNet email for communications related to this course. Faculty use the CougarNet email to respond to course-related inquiries such as grade queries or progress reports for reasons of FERPA. To access your CougarNet email, login to your Microsoft 365 account with your CougarNet credentials. Visit University Information Technology (UIT) for instructions on how to connect your CougarNet e-mail on a mobile device.

REASONABLE ACADEMIC ADJUSTMENTS/AUXILIARY AIDS

The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers

to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/> calling (713) 743-5400, or emailing jdcenter@Central.UH.EDU.

SYLLABUS CHANGES

Please note that the instructors may need to make modifications to the course syllabus. Notice of such changes will be announced as quickly as possible through email.

MENTAL HEALTH AND WELLNESS RESOURCES

The University of Houston has a number of resources to support students' mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit uh.edu/caps, call 713-743-5454, or visit a Let's Talk location in-person or virtually. Let's Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed.

The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment.

The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.

Need Support Now? - If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org.

RESOURCES FOR ONLINE LEARNING

The University of Houston is committed to student success, and provides information to optimize the online learning experience through our Power-On website (<https://uh.edu/power-on/learning/>). Please visit this website for a comprehensive set of resources, tools, and tips including: obtaining access to the internet, AccessUH, Blackboard, and Canvas; using your smartphone as a webcam; and downloading Microsoft Office 365 at no cost. For questions or assistance contact UHOnline@uh.edu.

SECURITY ESCORTS AND COUGAR RIDE

UHPD continually works with the University community to make the campus a safe place to learn, work, and live. The security escort service is designed for the community members who have safety concerns and would like to have a Security Officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD Security Officer or Police Officer will escort students, faculty, and staff to locations beginning and ending on campus. If you feel that you need a Security Officer to walk with you for your safety, please call 713-743-3333. Arrangements may be made for special needs.

Parking and Transportation Services also offers a late-night, on-demand shuttle service called "Cougar Ride" that provides rides to and from all on-campus shuttle stops, as well as the MD Anderson Library, Cougar Village/Moody Towers and the UH Technology Bridge. Rides can be requested through the

UH Go app. Days and hours of operation can be found at <https://uh.edu/af-university-services/parking/cougar-ride/>.

CLASS PRESENTATIONS AND ASSIGNMENTS

Under NO CIRCUMSTANCES should a student ever write, highlight, or otherwise mark on any physical case files, transcripts, and/or other materials. Students may make copies (to write/highlight/mark on) in the first floor Law Building Clinic space. However, students turn in all copies at the end of the semester with the original case file. ***Failure to comply with this rule will result in severe grade penalties.***

Unless otherwise instructed:

- Screener memos and files are due by 4pm the week after they are assigned, regardless of whether a student is absent on the due date;
- Investigation presentation memos that are assigned to be emailed to Professor Jeu are due by 4pm the week after they are assigned, regardless of whether a student is absent on the due date;
- In-class investigation presentations are to be given in class the week after they are assigned. If a student is absent on the day they are to give an in-class investigation presentation, they will give the investigation presentation in the next class they attend;
- Specific assignments regarding open investigation files are due by 4pm two weeks after they are assigned, regardless of whether a student is absent on the due date;
- Investigation memos and files regarding terminated investigation case files may be turned in any time after a case has been assigned for termination. The final deadline for all investigation memos and files to be turned in is 3:00pm on Monday, December 16, 2024; and
- Investigation memos and files regarding open investigation case files may be turned in any time after 5:40pm on Monday, November 25, 2024 (*i.e.* – any time after the last class of the semester). The final deadline for all investigation memos and files to be turned in is 3:00pm on Monday, December 16, 2024.

If you are assigned to draft a letter or e-mail, you should draft the correspondence and then e-mail it to Professor Jeu at ccjeu@central.uh.edu. Do not send the drafted correspondence yourself. Professor Jeu will review, edit, and mail out the correspondence, then place an initialed copy of the final correspondence in the case file. Your e-mail provides documentation that you turned in the assignment on time.

If you are assigned to scan/copy/fax any case materials, you may use the scanner/copier/fax machine in the TIN office. If you are assigned to make a phone call, you may do so from the TIN office. You may instead use your home phone/cel phone to make calls. However, unless you are calling courts, law enforcement agencies, or attorneys, we strongly suggest that block your phone number when using your personal phone. You must thoroughly document any calls you make in your investigation memo for that specific case (*ie.* – Who you called, when you called, what number you called, what was said during the call, etc.).

Professor Jeu will answer any case-related question made, up to twenty-four hours before an assignment is due (*ie.* – 4pm on Sunday for an assignment due at 4pm on Monday.) She will neither answer questions asked within the twenty-four hours that a student's assignment (*ie.* - memos/presentations/etc.) is due; nor look at/comment on memo drafts prior to students turning them in. As previously stated in this syllabus, Professor Jeu will provide feedback regarding student work upon request. However, feedback will be provided only after the assignment has been turned in and graded.

To complete Innocence Investigations, students must do the following:

- E-mail Professor Jeu your timesheet in Microsoft Excel format.
- Complete all assignments with respect to screeners and investigations.
- Write and turn in an investigation memo for each assigned investigation.
- Turn in all physical case files (if any) to Professor Jeu. Files may be returned in person to Professor Jeu at Law Building office 121L, located in the first floor Clinic Space. If you leave your files with the Clinics receptionist located in the first floor Clinics lobby, let the receptionist know that the files should be given to Professor Jeu.

If you have any questions regarding this section, please e-mail Professor Jeu ASAP to resolve any issues. **All class assignments and all case files are due by 12:00 pm on December 16, 2024.**

CLASS DISCUSSION AND ASSIGNMENT SCHEDULE

<i>Class Date</i>	<i>Class Discussion *</i>	<i>Assignment Due</i>
August 19, 2024	<ul style="list-style-type: none"> • Class introduction • Case meeting 	<ul style="list-style-type: none"> • n/a
August 26, 2024	<ul style="list-style-type: none"> • AEDPA – Part I • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
September 2, 2024	<ul style="list-style-type: none"> • n/a – Labor Day Holiday 	<ul style="list-style-type: none"> • Case assignments TBA
September 9, 2024	<ul style="list-style-type: none"> • AEDPA – Part II • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
September 16, 2024	<ul style="list-style-type: none"> • Clemency • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
September 23, 2024	<ul style="list-style-type: none"> • DNA & Chapter 64 • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
September 30, 2024	<ul style="list-style-type: none"> • Physical Evidence – Part II • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
October 7, 2024	<ul style="list-style-type: none"> • Physical Evidence – Part III • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
October 14, 2024	<ul style="list-style-type: none"> • Fourth Amendment • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
October 21, 2024	<ul style="list-style-type: none"> • Fifth & Sixth Amendments • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
October 28, 2024	<ul style="list-style-type: none"> • Eighth Amendment: Sentencing • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
November 4, 2024	<ul style="list-style-type: none"> • Eighth Amendment: Death Penalty Law • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
November 11, 2024	<ul style="list-style-type: none"> • Criminal procedure: Arrest to Trial • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
November 18, 2024	<ul style="list-style-type: none"> • Capital and Non-Capital Trials • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
November 25, 2024	<ul style="list-style-type: none"> • End of semester procedures • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA

December 16, 2024 **All Case Assignments and Case Files are due by 12:00pm**

* - Class lectures subject to change